Works of Art in Public Spaces: **GUIDELINES – DRAFT 3-9-15**

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I. STATEMENT AND PURPOSE

These guidelines set forth procedures for the management, funding, selection, procurement, placement, maintenance, and deaccession of Works of Art in Public Spaces for the University of Hawai‘i at Mānoa and shall be in accordance with the UHM Works of Art in Public Spaces: POLICY # M10.XXX upon approval; include link.

II. DEFINITIONS (either delete or ensure definitions below are the same as draft policy)

AAC GUIDELINES:  
Guidelines for Art Advisory Committee by the Hawai‘i State Foundation on Culture and the Arts, Art in Public Places Program (HSFCA)

CAC:  
The UHM Campus Art Collection. All works of art accepted into the CAC must be legally owned by UHM through gift, purchase, commission, or approved temporary installation. Information and website: (attach link)

CAAC:  
Campus Art Advisory Committee. An advisory group to OPF comprised of various experts and campus representatives with knowledge of the management and function of the WAPS collection. The CAAC works closely with OPF and UHF, reviews proposals/requests, and makes recommendations regarding acceptability, location, duration, selection, commission, donation, de-accession, restoration, maintenance and other issues concerning the WAPS.

CAAC PROJECT TEAM:  
Campus Art Advisory Committee Project Team. A team assembled for the purpose of acquiring work(s) of art for a designated UHM project site. This team is comprised of the CAAC standing committee plus ad hoc members representing the end user campus unit and the architectural design team. (Jonathan Johnson to add language defining ad hoc members)

Donor:  
An individual, university department, or community group interested in donating or providing a work of art to UH Mānoa.

HSFCA:  
The Hawai‘i State Foundation on Culture and the Arts (HSFCA) was established by the Hawai‘i State Legislature in 1965 to promote, perpetuate, preserve, and encourage culture and the arts, history and the humanities as central to the quality of life of the people of Hawai‘i. This program made the state eligible for federal grants from the National Endowment for the Arts (NEA).

Funding for the Art in Public Places Program (APP) was established in 1967 with the enactment of the Art in State Buildings Law which designated one percent of the construction costs of new buildings for the acquisition of works of art, either by commission or purchase. In 1989, the Works of Art Special Fund expanded upon the earlier law to include works of art available for all state public places. Added to the source of revenues was one percent of the renovation costs to state capital improvement projects. The statutory authority for the Works of Art Special fund is found in Chapter 103-8.5, Hawai‘i Revised Statutes:

http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0103/HRS_0103-0008_0005.htm
LOCAL ARTISTS: For the purpose of commissions for works of art, artists are considered “Local” if:
- they were born in Hawai‘i and were educated in Hawai‘i’s elementary and secondary schools, regardless of where they currently reside; or
- if they obtained a major part of their artistic training and development in Hawai‘i; or
- if they are Hawai‘i residents.

OPF: Office of Planning & Facilities. OPF is designated by the Chancellor, with the consent of the Vice Chancellor for Administration, Finance & Operations, to oversee the Works of Art in Public Spaces collection (WAPS) at UHM.

UH FOUNDATION: A private, non-profit entity which serves as the central fundraising organization for the UH System responsible for managing gift accounts for the benefit of the University and its students. http://www.uhfoundation.org/

VARA: Visual Artists Rights Act 1990, 17 U.S. Code Section 106A. VARA is a U.S. law providing rights of attribution and integrity to the author of a work of visual art, which includes the right to claim authorship for a work of art as well as to prevent the attribution of an artist to any work they did not create. This Code provides the artist the right to prevent intentional distortion, mutilation, modification, or destruction of a work of recognized stature. For more information, see http://www.law.cornell.edu/uscode/text/17/106A

WAPS: The UHM Works of Art in Public Spaces Collection. The WAPS is a collection managed and maintained by the UHM Office of Planning and Facilities (OPF) and is comprised of art on display from the UHM Campus Art Collection (CAC) and the Hawaii State Foundation on Culture and the Arts - Art in Public Places Program (HSFCA) at the University of Hawaii at Manoa.

WORKS OF ART: Original creative work including, but not limited to, sculptures, murals, ceramics, graphics, paintings, drawings, decorative arts, photographs, design objects, memorial art, cultural artifacts, and mixed media (any combination of materials and forms). This may also include elements of the designed environment such as seating, pathways, walls, berms, planter boxes, and enclosures that are designated as a work of art by the UHM CAAC.

- Commissioned Work of Art: The hiring and payment for the creation of a piece with criteria decided by the requestor who takes possession upon completion.
- Non-commissioned Work of Art: Pieces produced independently by the artist who retains possession of the art piece until sold or donated.

III. RESPONSIBILITIES

A. THE OFFICE OF PLANNING & FACILITIES (OPF)

1. The head of the Office of Planning & Facilities (OPF) is designated by the Chancellor to be the responsible authority for actions regarding WAPS at UHM and is advised by the Campus Art Advisory Committee (CAAC) who helps to evaluate and make recommendations on all issues regarding the acceptability, location, duration, selection, commission, donation, deaccession, restoration and maintenance of artwork at UHM.
2. An Art Manager and/or OPF personnel shall be responsible for developing and managing the WAPS, shall carry out actions recommended by the CAAC, and shall implement and manage the **UHM Campus Art Plan**. This Art Manager or Project Manager(s) shall be responsible for executing decisions regarding the procurement of each work(s) of art added to the WAPS collection. Responsibilities may include all aspects required to manage the work(s) of art, including commissioning, contracts, funding, communications, maintenance, relocation, deaccession, etc.

B. **THE CAMPUS ART ADVISORY COMMITTEE (CAAC)**

1. The **Campus Art Advisory Committee (CAAC)** is a 10-member (minimum) standing committee of various experts and campus representatives to advise the OPF on decisions regarding additions and changes to the Campus Art Collection.
2. The CAAC shall review and recommend actions on requests regarding WAPS at UHM.
3. The CAAC shall advise OPF staff as they catalogue works of art in public spaces. This catalogue shall include an analysis of existing works of art to inform the development of a UHM Campus Art Plan for action on maintenance, restoration, relocation, or other action as recommended.
4. The CAAC shall advise OPF with the development of a **UHM Campus Art Plan** within the context of other governing campus master planning documents. The CAAC shall provide guidance on the implementation of the UHM Campus Art Plan, including the management of funding, procurement, selection, location, maintenance, restoration, and deaccession of art works to meet immediate, mid-term, and long term objectives, as feasible.
5. **Other Works of Art at UHM**
   a. **Existing works of art** not included in the UHM Campus Art Collection or the HSFCA collection will be reviewed for acceptability, location, duration, and other action, as deemed appropriate. The CAAC will recommend action by OPF which could range from recruiting the work(s) of art into the WAPS Collection, relocation, refurbishment, to non-action or removal.
   b. **Temporary works of art.** The CAAC may approve temporary exhibits of artworks not included in the WAPS for special shows, displays, student exhibitions, banners, signage, and celebrations of current events, speakers, or activities.
   c. **HSFCA works of art.** Requests involving the relocation, maintenance, cultural objection, or any other action not previously described regarding work of art owned by the HSFCA must be submitted to the OPF via a completed **Works of Art in Public Spaces REQUEST FORM.** The proposed action must be reviewed and approved by both the HSFCA and the OPF (as advised by the CAAC) before proceeding.

IV. **PROCEDURES FOR ACTION RE: WORKS OF ART IN PUBLIC SPACES AT UHM**

A. **REQUESTS FOR ACTION**
   1. Action regarding any art at UHM shall be proposed to the OPF via a completed **Works of Art in Public Spaces REQUEST FORM.**
   2. Donors shall complete **UHM Works of Art in Public Spaces Request Form** and submit to the Office of Planning & Facilities (OPF).
3. Requests will be reviewed by the Campus Art Advisory Committee (CAAC) whose recommendations are submitted to OPF for decision and follow up.

B. PROCEDURES FOR THE ACQUISITION OF WORKS OF ART FOR UHM

Works of art shall be especially created or acquired in finished form to fit a selected permanent location either as an integral part of the landscape/structure, attached to the landscape/structure, or detached within or outside of the landscape/structure. Works of art can be acquired in the following ways:

1. By request of the Hawai’i State Foundation on Culture and the Arts, Arts in Public Places Program (HSFCA)
   - Requests are made by submitting a completed **UHM Works of Art in Public Spaces Request Form** to the Office of Planning & Facilities (OPF).
   - If approved, OPF will convene a CAAC Project Team for the purpose of managing the acquisition or commission. Instructions on the process of commissioning art from HSFCA are outlined in **Hawai’i State Foundation on Culture and the Arts, Art in Public Places Program Guidelines for Art Advisory Committee.** (Attach link)

2. By donation to the UHM Campus Art Collection
   - Requests are made by submitting a completed **UHM Works of Art in Public Spaces Request Form** to the Office of Planning & Facilities (OPF).
   - **Coordination.** All donations will be coordinated with the UHF in accordance with existing policies and procedures.
   - **Quality.** To assure the uniform quality of the Campus Art Collection, gifts shall be reviewed by the CAAC based upon the selection criteria.
   - **Acceptance.** The CAAC may consider and recommend acceptance of unconditional gifts of works of art after the OPF staff has assessed the value of the donation within the context of the collection.
   - **Consideration.** Upon receipt of the request form, OPF and UHF shall work with donors to complete the following steps for gift offers:
     a. Submit a written offer stating detailed information on the work(s) of art, including: artist, title, medium, completion year and dimensions;
     b. Submit a completed DEED OF GIFT form provided by the OPF;
     c. Submit all information and documentation on provenance to provide a history of each proposed gift, including all known ownership, display and restoration;
     d. Submit a written appraisal for fair market value by a professional personal property appraiser for each gift; and
     e. Submit photographic prints or digital images of each proposed gift.
   - **Qualified Appraiser.** To identify whether an individual is considered a qualified appraiser, donors should refer to Internal Revenue Service Publication 561, “Determining the Value of Donated Property.”

3. By UHM Purchase or Commission
   - **Project Site.** Each permanent location shall be defined as a Project Site, which can be:
     a. a particular interior space or series of defined spaces,
     b. a particular building,
     c. a group of buildings which are geographically, administratively and functionally related,
     d. a particular courtyard or exterior space.
• **Art Manager/Project Manager.** OPF shall assign an Art Manager or Project Manager(s) to be responsible for executing decisions made regarding works of art designated for the Project Site. Responsibilities may include all aspects required to manage the work(s) of art, including commissioning, contracts, funding, communications, maintenance, relocation, deaccession, etc.

• **CAAC Project Team.** For decisions regarding each Project Site, additional ad hoc members shall be added to the standing CAAC for the duration of a particular project, representing the architectural design team and the end-user campus unit. Each of these ad hoc members will have a vote.
  a. **Quorum.** For the CAAC Project Team, six (6) voting members in attendance will constitute a quorum.
  b. **The CAAC Project Team:**
     o shall advise and assist the OPF by lending it and the selected artists their deeper and more direct knowledge and understanding of the attitudes, needs, and aspirations of the people working or traveling through the building or landscaped spaces within the Project Site by visiting them, passing near them, or participating in their particular campus neighborhoods and communities,
     o shall actively participate in every phase of the discussion and development of the work of art,
     o shall make recommendations pertinent to the development and design of the work of art concerning the WAPS including: the location, medium, and character of the work; the selection of the artist; the nature of the installation; duration, acceptability, de-accession, restoration, and maintenance.
     o may choose to appoint artists or other experts to serve as technical and artistic advisors to help support their mission as needed.

• **Development of Project**
  a. **Location of Work of Art.** The work of art must be integral to the Project Site: attached directly to the facility, or detached within or outside of the facility so as to be perceived as integral to it.
  b. The CAAC Project Team shall employ all available tools and personnel to determine the best sites for the work of art. Various sites shall be examined as to their public accessibility, their relationship to other buildings, to building elements, to associated landscapes, to future construction activities, and to their visual and practical feasibility for the installation of works of art at such locations. They shall consult available architectural documents and if the progress of construction and the conditions of the building permit, they shall familiarize themselves with the building or landscape by walking through and around it for confirmation of their decisions.
  c. **Type of Work of Art.** Influenced by the nature of the selected site, the CAAC Project Team shall recommend whether the work of art should be flat or three-dimensional, integrated into architectural elements, attached or free-standing, suspended, projecting, or rising from the ground, floor, or pedestal.
  d. **Character of Work of Art.** The CAAC Project Team shall prepare and submit a statement of their views and feelings on the desired symbolic meaning of the work of art, its size, materials, finishes, and the aesthetic and/or social purpose of the work of art. These discussions will assist in focusing on the artistic characteristics of the
sought-for artists and will facilitate the team's selection based on past accomplishments of the artist(s). The CAAC shall advise OPF on the prospectus language, “Call for Proposals”, and the criteria for each specific Project Site artwork.

• **Methods of Commission**
  a. **Direct Commission.** The CAAC Project Team is responsible for reviewing artist submissions, and recommending and prioritizing three. The CAAC Project Team may notify, direct, or invite artists to submit applications via [www.callforentry.org](http://www.callforentry.org). The CAAC Project Team shall contact the recommended artist in prioritized order, to determine if they are willing and able to undertake the commission.
  b. **Limited Competition.** The CAAC Project Team is responsible for reviewing artist submissions and recommending a limited number of artists. The CAAC Project Team will invite a short list, consisting of no fewer than three artists, to present a detailed written proposal accompanied by sketches, plans, and/or model for the Project Site. An honorarium may be paid to each artist that is invited to enter. Upon reaching a decision, a contract will be negotiated with the selected artist(s). If none of the designs are selected, the committee can repeat the selection process until a satisfactory outcome is achieved.
  c. **Other forms of Competitions.** Other circumstances or special projects may suggest other selection methods.

• **Call for Entry.** Press releases will notify and direct artists to [www.callforentry.org](http://www.callforentry.org) for information on how to apply.

• **Application by Artist(s).**
  OPF will post press releases to notify and direct artists to [www.callforentry.org](http://www.callforentry.org).
  For information on how to apply.

  a. Artists shall submit applications as directed by [www.callforentry.org](http://www.callforentry.org) postings.

• **Selection of the Artist(s).**
  a. The CAAC Project Team shall make their selection for recommended artists based on their experiential knowledge of art and awareness of community values in concert with their understanding of requirements best suited to the context of the proposed Project Site.
  b. **Qualifications for Selections.** To be considered for commissions of permanently located works of art, artists must be deemed capable of operating under contractual stricures and conditions, and possess or otherwise provide structural and technical skills required to protect the works of art, their environment, and the public from harm and damage.
  c. **Recommendations for Selections.** Based on their acquaintance with works of art by certain artists or on the viewing of images and records of accomplishments, the CAAC Project Team shall weigh the availability of the artists to execute the work, and shall review their past performance records, their technical, financial, and administrative competence, the number of previous or current commissions received from the state, and the probability of reaching expected artistic goals, to arrive at a recommendation of not more than three artists of their choice, in priority of their preferences, to OPF.
  d. **Contact of artist.** In order of preference, the artist(s) shall be contacted by a member of the CAAC Project Team or OPF Project Manager to determine if they are willing and
able to undertake the commission. If a successful agreement cannot be negotiated with the first three artists of choice, the process shall recommence to arrive at three new choices until an appropriate artist can be secured.

• **Reconsideration Process**
  a. When the CAAC Project Team would like to reconsider the selection of a chosen artist, they must first discuss the project with the selected artist(s). If an agreement cannot be reached, the following methods may be implemented:
    o A joint meeting with the artist, quorum of the CAAC Project Team, OPF Project Manager, the head of OPF/Chancellor’s designee to work out a solution.
    o Request the artist to resubmit alternative examples or designs for the project
    o Place the project into another round of selections.
    o Employ another procedure for selection.

• **Contract Agreements**
  a. Qualified staff from OPF shall prepare contract agreements for all commissioned works of art projects authorized by the head of OPF upon recommendation by the CAAC and officially recorded, including:
    o The general and detailed description of the art project;
    o The time when work on the project shall commence and be completed;
    o The amount to be paid for the completed work of art;
    o The conditions under which payments on account of the cost of the project will be made;
    o The general conditions, applicable for all commissioned art projects; and
    o The special conditions which describe:
      ▪ the formation and role of the CAAC Project Team for permanently located commissions;
      ▪ the artist’s obligation to obtain information and viewpoints from the CAAC Project Team;
      ▪ phases of work and submission deadlines -- when the artist(s) will submit their works-in-progress to the CAAC Project Team for review, discussion and recommendations, and then for approval;
      ▪ conditions for completion and acceptance of the work;
      ▪ the role of the artist in the dedication ceremony;
      ▪ other conditions, as appropriate.
  b. Contracts required to commence work on the commission include:
    o *Works of Art in Public Spaces CONTRACT*
    o *Works of Art in Public Spaces DEED OF GIFT FORM.*

• **Process and Approvals**
  a. The CAAC, at their regularly scheduled meeting or on an as-needed basis, shall review submittals by artists of their works-in-progress and approve them upon consideration of the recommendations thereon by the CAAC Project Team and OPF at the following phases:
    o **Conceptual Phase.** The artist(s) shall prepare a written description of the work of art, as envisioned by them, having given careful consideration to the desires and views of the CAAC Project Team. This description shall be accompanied by site plans drawn to scale, noting the proposed location of the works of art and site
conditions which may affect them, in a submittal to the CAAC Project Team for review and discussion.

If the CAAC Project Team votes to recommend approval of the project for the next phase of work, the artist can proceed to the Design Phase with consideration to any comments accompanying the approval.

Any differences between the views of the CAAC Project Team and the concept of the artist(s) shall be reconciled with the assistance of OPF. If they remain irreconcilable, the Chancellor and/or OPF may accept or deny the submittal.

- **Design Phase.** In this phase, the artist shall prepare Preliminary Design studies in the form of drawings or three-dimensional presentations showing the intended form, recommended materials and colors, and a site plan, indicating the location of the site and existing or proposed environmental factors which may affect the work of art, and present them to the CAAC Project Team for review and discussion.

After acceptance of the submitted Preliminary Design studies, the artist(s) shall prepare Final Design presentations composed of scale drawings and/or models, installation plans and outline specifications of the works of art, showing their location(s), foundation(s), or other means of support(s), size(s), form(s), structure, materials(s), color(s), and finish(es).

If there are substantial differences between the previously approved Conceptual Phase presentations and Preliminary Design presentations, the artist(s) shall explain to the CAAC Project Team the changes they have made, the reasons therefore, and obtain their favorable recommendation for approval.

- **Contract Drawings and Specifications Phase.** After approval of the Final Design presentation, the artist shall develop contract drawings and specifications which describe the installation of the works of art, utilizing the services of any special consultants (architects, engineers, cost estimators, etc.) necessary to ensure that installation of the work(s) of art will be firm and secure, permanent, resistant to mechanical, climatic and organic damage, safe to the public, compatible with established or reasonably expectable master plan features and customary maintenance activities, and that the project can be completed within the budgeted cost.

Any revisions to scope, size, technique, materials or finishes approved during the Design Phase during development of the contract drawings, specifications, or cost estimate must be accompanied by detailed explanations for approval by the CAAC Project Team. The artist shall provide and pay for services of professional consultants to assist in the preparation and documentation of the studies.

- **Mobilization Phase.** After acceptance of contract drawings and specifications and the cost estimates, the artist(s) shall prepare and present memoranda describing the construction or fabrication processes and time schedules of the work phases.
The description of the construction or fabrication processes shall identify the materials to be used and their suppliers, whether and which subcontractors or other collaborators will participate, whether and which structural or technical processes will be utilized, into what phases the work will be divided, and where they will be performed.

The time schedule shall estimate when the various phases of the construction or fabrication will be commenced and concluded. If requested by the CAAC Project Team, the artist shall further provide shop drawings and subcontractor documentation.

- Installation, Monitoring, Inspection, Acceptance Phase. Qualified OPF staff shall be responsible to provide general supervision throughout the progress of this phase in order to:
  - Establish that the work progresses as intended and as described in the contract documents;
  - Determine whether and when payments shall be due;
  - Request that the artist shall obtain technical consultation services if justified by circumstances;
  - Subject the art project to final inspection, require remedial action where warranted, and prepare a certification of inspection and recommendation for acceptance of the completed work;
  - Assist the artist and the CAAC Project Team in the preparations for the dedication ceremony for the work of art.

- Dedication of Project. Dedications can be undertaken in ceremonious manner, consisting usually of the following:
  a. Opening Ceremony. The Master/Mistress of Ceremony shall greet the participants, recognize special guests, make opening remarks and introduce the dedication functionaries.
  b. Blessing of the Work of Art. A religious or other personality of spiritual, moral and intellectual reputation speaks on the significance of the work of art to the community and the communities’ relationship to it.
  c. Unveiling of Work. If the work of art is concealed by a shroud or the shroud is symbolized, such as by a lei strung across or around the work, an actual unveiling, or the loosening of the lei’s ribbons will take place. Representatives taking part in the unveiling may include the Chancellor, the Chancellor’s designee (head of OPF), the artist(s), the CAAC Project Team members, representatives of the sponsoring department, and project site building user(s).

Entertainment by choral singers, bands, or other performances often precede, intersperse, and follow the ceremonies, but is at the discretion of and cost to the department receiving the work of art, the gifting donor, or other appropriate entity as authorized by OPF.

d. Artist’s Role. The artist(s) have the opportunity to recognize the assistance they obtained from the CAAC Project Team, collaborators and from others, and convey to the audience the meaning the work of art has to them.
C. SELECTION OF WORKS OF ART

1. Selection Authority
   a. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for a particular project site shall be the responsibility of the Chancellor's designee (head of OPF) as advised by the designated CAAC Project Team for that project.
   c. The head of OPF and the CAAC Project Team shall be assisted by an Art or Project Manager and any associated staff assigned from the Office of Planning & Facilities (OPF) for the purpose of executing tasks necessary to select and procure the desired work(s) of art.

2. Selection criteria:
   a. The proposed work of art should enhance the WAPS.
   b. Quality: Of highest priority, the work of art should embody a high level of aesthetic quality.
   c. The work of art should engage UHM students, faculty, administration and visitors. The people who frequently come in contact with the work of art should feel some connections to it. This can take many forms. In all cases, the majority of people should have a reaction that the artwork is an appropriate component of the environment.
   d. The work of art should reflect on a sense of place. Place can be understood as physical, social, temporal, communal, natural, cultural, political, geo-political and/or spiritual.
   e. The work of art and landscape. The work of art cannot be considered in isolation. The historic integrity of the work in situ must be considered and it must fit in with its surroundings beyond the point of installation so that it retains an appropriate relationship as the context changes (eg: buildings are constructed, trees grow, the landscape is altered). The art should be appropriate in scale, material, form, and content for both its immediate environment and for the general environment in which it is placed.
   f. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
   g. Durability: The quality and integrity of artwork materials must be durable. Artwork materials must be durable in the marine environment of Hawai‘i to ensure the work of art can be sustained with reasonable maintenance. Weather elements, such as intense solar radiation, heavy rainfall, and atmospheric pollutants (e.g. “vog”) must be considered in the selection and design process. The potential for damage by both intentional and unintentional sources (e.g. landscape maintenance, graffiti, skateboarders, etc.) are also important considerations in the placement and design of campus artwork.
   h. All phases of the selection process are to be open and transparent. The entire process of commissioning a work of art will be part of the public record. Each step in the selection process should meet the highest ethical standards for the appropriate use of public funds. Minutes that record considerations discussed will be made part of the public record.
   i. The work of art should complement the body of work in the WAPS and must be appropriate in relation to the surrounding environment. The proposed work of art should enhance the WAPS when considering the following factors:
      i. Contextual and cultural relevance.
      ii. Relationship with nearby built components and landscape.
      iii. How the work of art relates to campus planning initiatives such as the Long Range Development Plan (LRDP) and Landscape Master Plan (LMP).
iv. Staging.
v. Visibility and comprehension.
vi. Safety - the artwork must be safe and of no risk to public health both during installation and for the duration of its display as a part of the UHM Campus Art Collection.
j. Media: All visual art forms may be considered.
k. Diversity: within the context of the overall Campus Art Collection, the University will strive to attain reasonable diversity in style, scale, media, and materials represented.

3. Selection Consultants
   a. The University shall utilize the volunteer services of artistic, technical, and/or evaluative consultants to serve on the Campus Art Advisory Committee and its Project Teams for commissioned works of art projects.

D. RELOCATION

1. Relocatable Works of Art. Smaller, portable works of art may be relocated to place them in a more suitable location or by request of the current department.

2. Permanent Installations. Many works in the WAPS are site specific commissions to enhance the adjacent architecture. The original location should be retained whenever feasible. Adverse public opinion does not justify the relocation or removal of permanently installed artwork. However, if leaving the artwork in its current location is detrimental to the condition of the artwork, or endangers life, relocation may be considered. If a suitable new location for artwork cannot be found, the artwork may be removed and placed in storage until an appropriate location is found. Changing circumstances over time can allow for the relocation of artwork as indicated in the following examples:
   • property disposal – the building is scheduled for demolition and the artwork would be destroyed;
   • function of building has changed – circulation patterns have changed or space has been redesigned in order to meet the Americans with Disabilities Act (ADA) or other compliance requirements which may adversely impact the artwork;
   • fragility of materials – the current environment could harm the artwork, including climatic deterioration;

3. Relocation Procedures. All requests for relocation must be submitted to OPF with a completed Works of Art in Public Spaces REQUEST FORM to the OPF for approval. Requests should include the reason for relocating the work of art and a proposed schedule.
   • The OPF or the CAAC may recommend that a portable artwork be relocated to a more public area or a location which provides better protection for the work of art;
   • A department with a portable work of art installed may request that OPF find another location for display if the work of art is no longer desired.
   • For permanent installations, every effort must be made to contact the artist or donor and inform him or her of the situation. If possible, OPF will get the artist’s or donor’s written approval of a new location.
   • A professional conservator should be consulted to insure the safety and protection of permanently installed artwork during relocation.
   • Relocation and conservation of a work of art resulting from a specific construction or renovation project should be funded through the project.
E. DEACCESSIONING AND DISPOSAL
Consideration for deaccessioning a work of art shall involve the same degree of careful review as a decision to commission or purchase a work of art, informed by professional judgment and the interests of the campus to maintain the confidence of the public trust.

1. Criteria for De-accession – The criteria listed below may be used to evaluate the need for de-accession. This is not a comprehensive list but provides a basis for consideration.
   • The work of art is irreparably damaged (by weather, use over time, etc.) and cannot be restored.
   • The work of art is deemed outside the scope of the collection, not collection quality, or does not meet the goals and mission of the collection.
   • The work of art is found not to be authentic.
   • The cost of maintenance or security of the work of art is beyond the financial capabilities of the university.
   • The ownership of the work of art is in question or was exported/imported in violation of existing law.

2. A deaccession worksheet must be prepared for each work of art considered for deaccessioning.

3. The Chancellor or designee's approval must be obtained to deaccession artwork from the WAPS.

4. Disposal of state property must adhere to procedures provided by the UHM Property and Fund Management Office, in compliance with existing policies and procedures (update to APM A8.518 Disposal or Transfer and Hawaii Administrative Rules, Title 3 Department of Accounting and General Services, Subtitle 11 Procurement Policy Board, Chapter 130 – Inventory Management).

5. If a work of art recommended for deaccession is by a living artist or from a donor, a certified notification letter must be mailed; the OPF shall wait ninety (90) days before the work of art is disposed.

6. If a work of art is deaccessioned from the WAPS, a copy of all documentation must be maintained in the appropriate OPF file and collections management database.

7. In the event a donated work of art is deaccessioned, the OPF will coordinate with the UHF.

F. INVENTORY CONTROL
Accountability for the documentation and inventory of the WAPS is managed by the OPF following Department of Accounting and General Services Inventory Management Branch Guidelines [does UHM follow these or have their own?].

1. Each work of art is examined upon receipt and confirmed to be in sound condition prior to adding it to the inventory.

2. A unique identification number and corresponding registration file shall be created for each work of art in the WAPS. Minimum documentation shall include:
   • Acquisition source (donated by; transferred, purchased or commissioned from)
   • Date acquired
   • Name of artist(s)
   • Title of work
• Completion year
• Medium
• Dimensions
• Condition
• Photograph(s) of the object
• Acquisition price or appraised value

3. Works of art must be identified with an interpretive plaque or label.
4. Portable works of art shall be marked with the unique identification number and labeled as belonging to the CAC or HSFC.

5. Works accessioned into the WAPS shall be maintained in a collections management database with identifying photograph(s). The database shall be backed up, with a copy maintained off-site.
6. Works of art in the WAPS should be inspected for condition and inventoried on an annual basis.
7. If a work of art is missing or damaged beyond repair it should be considered for deaccessioning to reconcile the inventory.

G. PRESERVATION
The principal causes of environmentally induced damage are light, temperature, relative humidity, air pollutants, and pests. To protect the WAPS from these and other forms of damage, the following standards should be applied whenever possible.

1. **Light** is a form of energy. When an art object is exposed to light, it absorbs energy that can induce chemical change. For art displayed indoors, UV filters should be used on lights and windows to slow fading and solar heat radiation.

2. **Temperature** changes will cause many materials to expand and contract; higher temperatures accelerate chemical reactions. Temperature affects relative humidity, which significantly affects the dimensional stability of organic materials. For controlled environments, temperature should be maintained between 68-72F.

3. **Relative-Humidity (RH)** is based upon the percentage of water vapor in the air, compared to what the air can hold at 100% (full saturation) at a given temperature. A decrease in temperature causes an increase in RH. For controlled environments, humidity should be in the range of 45-60%, to prevent drying at the lower end and mold at the higher end.

4. **Air Pollution.** Particulate and gaseous pollutants are extremely difficult to control within a normal office environment. Regular vacuuming best controls indoor generated dust from fibrous materials such as carpeting and clothing; restricting or filtering outdoor air can minimize dust from outdoors. Works of art should not be placed in the proximity of kitchen smoke or air-conditioning ductwork.

5. **Integrated Pest Management** includes monitoring for activity that could be damaging to works of art; closing off points of access typically used by pests to infiltrate a building. If fumigation or extermination is required, a conservator should be consulted to insure that the extermination method itself will not damage the work of art.

6. **Buildings and Grounds Maintenance.** The Campus Art Manager or OPF staff should work with managers to ensure that regular maintenance such as tree trimming, mowing, floor polishing, dusting, window washing, or routine painting will not damage works of art in the CAC.
7. **Construction and Renovation.** Paintings, murals, sculpture, and textiles shall be covered and protected or temporarily removed and stored under the direction of a professional conservator, professionally trained art handler, or OPF staff for the duration of work. The appropriate OPF staff must be notified of any artwork location changes, to respond to public inquiries, and to update the WAPS database.

8. **Materials.** Storage supplies, frames, pedestals and cases may be required to enhance aesthetic effectiveness, protect, and preserve works of art. Display materials must be easy to maintain and resistant to damages. All frames and mounts must be reversible and must not harm works of art. All works on paper should be framed for preservation using archival materials. If feasible, UV filtered acrylic sheet is used as a glazing material to prevent breakage. Due to static present in acrylic sheet, UV filtered glass must be used to glaze works of art containing friable materials such as unfixed charcoal and pastel.

9. **Art Handling and Transportation.** Damage to artwork is often the result of improper handling. To minimize risks, only professionally trained OPF staff and art handlers should be permitted to handle the works of art in the WAPS. Transporting and installing commissioned works of art projects is the responsibility of the artist, as covered in each contract. Art handling and transportation for portable works of art must be accomplished by trained OPF staff or by a reputable art handling company.

H. MAINTENANCE

Routine maintenance and conservation are essential to responsible stewardship of the WAPS.

1. **Integrity of Space.** Protecting the integrity of public spaces is an important consideration for the CAAC and OPF. This is especially true for works of art that are commissioned to integrate with the architecture.
   - Once artwork is installed in a specific location, the respective building manager should make every effort to protect the integrity of the surrounding space. The design of artwork may include the surrounding walls, flooring, landscaping, or plaza. In such cases, the continuous integration of the artwork with the surrounding spaces is necessary for a successful project. Colors and materials of surrounding walls or flooring should be coordinated with the artist and OPF staff if changing from original. In addition, the space surrounding any artwork should be kept free of any other artwork, signage, objects, or seating that intrudes upon the artwork.
   - If barriers are required by the ADA to be placed in front of a work of art, they should be designed in consultation with the artist, OPF, and the CAAC.

2. **Inspection.** Each work of art in the WAPS should be inspected annually for condition during the physical inventory. Professional conservator services may be contracted to survey and inspect art in the WAPS when justified. A condition report shall be made to note any changes in condition and maintained with the art record.

3. **Assessment.** Changes in the condition of each work of art shall be recorded in the database. A priority rating should be assigned following surveys or condition reports for each work of art:
   - Health and Safety Hazard
   - Advanced Deterioration
   - Intermediate Deterioration
4. **Prioritization.** Inspection data is organized by the severity of condition, the historical and artistic value, and significance, in order to develop annual conservation priorities and long term maintenance plans.

5. **Conservation Treatment.** The OPF may contract for the services of professional fine arts conservators. The conservation of artwork is performed in two phases. The first phase entails the development of a professional condition assessment and proposal for treatment. Once these treatment recommendations have been completed, they may be developed into a contract to perform the conservation and treatment of the artwork.

6. **Treatment Proposals and Reports.** A proposal for treatment contains a detailed analysis of the artwork and procedures, supplies, time estimates, cost estimates, and may include documentary photographs. A final treatment report contains a detailed description of treatment, future cyclic maintenance instructions (as required), and documentary photographs taken before, during, and after treatment. This report must be maintained in the appropriate file in the OPF. Treatment information should be entered into the WAPS database.

7. **Qualifications for Fine Arts Conservators.** Fine arts conservators in a specific area of expertise must have a master’s degree or graduate certificate from an accredited arts school, college, university, or program in conservation, and have a minimum of 5 years specialized experience in the field of art conservation. Additionally, the conservator should be a Professional Associate or Fellow of the American Institute for the Conservation of Historic and Artistic Works (AIC).

8. **Cyclic Maintenance.** Cyclic maintenance is the periodic and routine maintenance of cultural property to insure its preservation. The implementation of cyclic maintenance will eventually reduce conservation costs.
   - For commissioned works of art projects, artists are required to submit cyclic maintenance instructions before contract completion. Maintenance instructions for specific works of art should be developed by a professional fine arts conservator in consultation with OPF staff or HSFC staff (depending on ownership) and the artist, or by the conservator at the completion of conservation treatment. Using the expertise of a fine arts conservator will insure that maintenance instructions are appropriate and consistent with currently accepted practice.
   - A copy of the cyclic maintenance instructions must be maintained in the appropriate OPF file and entered into the WAPS database.
   - Routine cleaning and maintenance of permanently sited works of art can be completed by trained maintenance technicians. Technicians should be selected on the basis of the quality of their work, experience in the specific media of the artwork, and level of training. Occasionally, artists may be contracted to consult or perform repair and maintenance on their works.
   - Professional trades people in the areas of fumigation and pest control, electrical engineering, fountain and pool service, stone, painting, and welding may be contracted to provide repair and maintenance. In some cases, contractors involved during the original installation of artwork may be involved, such as fabricators of Plexiglas and metals. Large-scale projects may involve architects, mechanical engineers, or structural engineers.
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- Under certain circumstances, it may be advantageous to provide maintenance guidelines to on-site personnel. The guiding principles to be followed by all maintenance personnel should be in agreement with the AIC Code of Ethics and Guidelines for Practice.

9. **Damage.** The funding of repair for damage or vandalism inflicted upon artwork by departments, contractors, or other personnel shall be borne by the responsible party. All damage or vandalism must be reported to the OPF and thoroughly documented.
- OPF staff will prioritize projects and recommend professional personnel for repair treatments after funding has been confirmed.
- Damaged artwork shall be repaired to display quality whenever feasible. If artwork is damaged beyond repair, it may be recommended for deaccession.

I. **RIGHTS AND REPRODUCTIONS**

Owning a copyright is separate from owning a physical work of art. It is important to know the date a work of art was created, since copyright law applies differently to works created at different points in time. All works of art created after 1978 are automatically copyrighted by the artist; a copyright owner may exercise, license, or transfer any one or more of its exclusive rights. Copyright provides a “bundle of rights” to protect “original works of authorship fixed in any tangible medium of expression.”

1. **Copyright.** Commission contracts place the responsibility on the artist to transfer their copyright to the CAC or HSFCA (owner) and submit copyright registration with the required fee and deposit materials.

2. **VARA.** The OPF requires commissioned artists to waive their right under the Visual Artists Rights Act (VARA) to prevent the willful destruction of their work. A work of art commissioned for the WAPS is presumed permanent; however, the duration of protection for artwork under the VARA may be too long considering the life expectancy of State buildings.

3. **Non-Exclusive License.** It is neither practical nor feasible to gain the copyright for all works of art in the WAPS. Acquisitions may include images that are produced in multiples such as limited edition prints and photographs. In such cases, OPF shall request a non-exclusive license from the artist for each acquisition. A license to reproduce gives authority to make copies of images in all forms specified in the license or release. Reproduction can include the right to display publicly, make documentary photographs of artwork, and include artwork in publications.

4. **Privacy.** A release should be obtained from the photographer whenever the OPF acquires a documentary photograph or photographic portrait. If OPF staff takes photographs of individuals, the intended use of the photographs must fall under the fair use doctrine. An example would be documentary photographs of people at a dedication ceremony for use in publicity.

5. **Documentation.** Photographers hired to document works of art and events for the WAPS must waive their right to copyright the images. Custody and control of all photographs is the responsibility of the OPF. Only duplicate photographic materials may be loaned; original photographs, negatives or transparencies are not loaned for reproduction by third parties.
6. **Photograph Requests.** Many offices are very sensitive regarding the use of cameras. Arrangements to photograph a work of art should be made in advance with OPF and with the primary building contact. When photographs of works of art are used, the name of the artist, the title, the date, and the location should be included. All photographs should credit the photographer and be captioned: University of Hawaii at Manoa, Works of Art in Public Spaces Collection (or UHM Campus Art Collection or Hawaii State Foundation on Culture and the Arts, Art in Public Places Program according to Ownership?)

7. **Photograph Permissions.** The OPF can grant permission to reproduce works of art in its collection only to the extent of its ownership of the rights relating to the request. Approvals may be granted if reproducing the artwork is considered educational and beneficial to the artist or the WAPS. Written permission must be obtained from the OPF prior to reproduction or publication of a work of art in the WAPS.
   - The OPF may use photographs of works of art in the WAPS for publicity, educational use or other campus publications.
   - Requests to reproduce works of art for inclusion in art related books, articles, newsletters, presentations, etc. may be granted utilizing the *Works of Art in Public Spaces PHOTOGRAPHIC MATERIALS REQUEST FORM*. The stated purpose of the request must fall under fair use of a copyrighted work. Fair use includes criticism, comment, news reporting, teaching, scholarship, or research.
   - Permission will be denied for requests that the OPF staff determines detrimental to the WAPS or the artist.
   - Written requests to reproduce works of art in the WAPS are subject to the terms and conditions listed on the *Works of Art in Public Spaces PHOTOGRAPHIC MATERIALS REQUEST FORM*. The OPF may provide digitized photographic materials for one-time use, as approved.
   - The OPF does not own the copyright or license for many of the works of art in the WAPS and will not grant reproduction permission for commercial purposes by third parties (such as calendars, note cards, posters, and book covers), unless authorized in writing by the artist or other copyright holder.

J. **LOANS**

Most of the works of art in the WAPS are permanently installed. On rare occasions, however, loan requests from non-profit museums may be considered by OPF upon recommendation by the CAAC for portable works in the WAPS. An example of appropriate use would be a major retrospective exhibition of a well-known Hawaii artist at a local museum.

1. **Loans** must be exhibit ready, able to withstand transportation and handling, unless the borrower will underwrite conservation by a professional conservator. Loans should be displayed in an appropriate setting with proper security, environmental controls, and trained art installers.

K. **VALUATION**
The Internal Revenue Service considers non-profit collections to be “interested parties,” disqualified from offering valuations. In addition, OPF staff and CAAC members do not meet IRS requirements to be considered a professional appraiser. In response to inquiries into the value of specific works of art in the WAPS only acquisition prices may be given; purchases made with state funds are public information. The OPF and UHF may refer donors and the public to, but not recommend, qualified appraisers.

1. **Insurance.** The State of Hawai‘i is self-insured and works of art in the CAC is covered as State property. Information regarding coverage and claims may be obtained from the DAGS Risk Management Branch. [Does UHM have their own risk management process?] What is update to: APM A8.400 Risk Management Guidelines and Procedures [http://www.hawaii.edu/svpa/apm/riskmgmt/a8400.pdf]?

2. **Appraisals.** Maintaining a current appraisal cost on each artifact is not possible due to frequent changes in the art market. However, a current monetary appraisal for a work of art may be necessary in some circumstances:
   - Establish insurance value for lending; to inform the borrower of the approximate current market value. The replacement value of the work of art must appear on the loan form.
   - Justification of conservation services; to ensure that conservation costs do not greatly exceed the value of the work of art.

**L. EMERGENCY PLANNING**

The UH Manoa Office of Public Safety is responsible for maintaining an overall emergency response plan for the campus. The University of Hawai‘i’s Emergency Management Plan is available online at [http://www.hawaii.edu/svpa/emergmgtplan.pdf](http://www.hawaii.edu/svpa/emergmgtplan.pdf). The OPF is responsible for preparing for and responding to emergencies involving the WAPS.

1. A written plan gathers essential information into one reference, such as phone contacts, preparation steps, and salvage of works of art. The WAPS disaster plan should be reviewed annually to insure that plans are current and identified personnel are still available.
   - The WAPS database should include a current inventory, backed up frequently with a copy retained off-site.
   - Phone and email contacts should be maintained for staff and contractors that may be involved in response and recovery efforts.
   - The plan should prioritize collections for recovery.
   - The plan should list the action steps in response to disasters.

**V. REFERENCES**

A. Works of Art in Public Spaces: POLICY (Draft)
B. Works of Art in Public Spaces: REQUEST FORM  
C. Works of Art in Public Spaces: CONTRACT FOR THE ACQUISITION OF ART  
D. Works of Art in Public Spaces: DEED OF GIFT FORM  
E. Works of Art in Public Spaces: TRANSFER OF PROPERTY AGREEMENT  
F. Works of Art in Public Spaces: TEMPORARY CUSTODY RECEIPT  
G. Works of Art in Public Spaces: DEACCESSION AUTHORIZATION FORM  
H. Works of Art in Public Spaces: PHOTOGRAPHIC MATERIALS REQUEST FORM  
I. AAC Guidelines (HSFCA)  
J. HRS Section 103.8.5 – Works of Art Special Fund  

*Thank you to the 2013-15 Campus Art Advisory Committee for helping to craft this guiding document for use by the University of Hawai‘i at Mānoa Office of Planning and Facilities.*

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