

## ARTICLE 3. ARTIFACTS

### Rule 1. Evaluation of Proposals to Sell, Exchange, or Accept Gifts or Otherwise Acquire Artifacts

#### 313 IAC 3-1-1 Purpose and objective

Authority: IC 4-37-4-3

Affected: IC 4-37-4

Sec. 1. (a) This article establishes procedures for evaluating the merits of proposals to sell, exchange, or accept gifts of artifacts under IC 4-37-4-2.

(b) The corporation seeks, by implementation of these procedures, to collect, preserve, and interpret artifacts and materials reflecting the cultural and natural history of Indiana. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-1; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

#### 313 IAC 3-1-2 General priorities for artifact accession

Authority: IC 4-37-4-3

Affected: IC 4-37-4-4

Sec. 2. Artifacts are accessioned by the corporation with consideration for collecting priorities as follows:

(1) The highest priority is accorded to documented artifacts that provide information from which to reconstruct:

- (A) Indiana history;
- (B) regional history; or
- (C) natural history.

Geographic coverage must consider significance on a national or international level for interpretation of particular areas, for example, popular culture. The artifact becomes a permanent voucher for that information.

(2) A second priority is accorded to undocumented artifacts that have comparative value for identification as those described in subdivision (1), or that serve as reference specimens, where documented artifacts are not included in the permanent collection.

(3) A third priority is accorded to artifacts that do not meet the standards set forth in subdivision (1) or (2), but may be integrated by the corporation into educational programming.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-2; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

#### 313 IAC 3-1-3 Considerations affecting priorities

Authority: IC 4-37-4-3

Affected: IC 4-37-4

Sec. 3. Considerations that affect the collecting priorities described in section 2 of this rule include the following:

(1) Whether the artifacts are relevant to the powers and duties of the section of museums as set forth in IC 4-37-4.

(2) Whether the corporation can:

- (A) interpret and disseminate information provided by a study of the artifacts; or
- (B) make those artifacts available for scholarly study.

(3) Whether the corporation is able to provide for the storage, protection, and preservation of the artifacts.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-3; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

#### 313 IAC 3-1-4 Action by the corporation chief executive officer for the accession of artifacts; exception; administrative review by board of trustees

Authority: IC 4-37-4-3

Affected: IC 4-37-4-4

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Sec. 4. (a) Except as provided under subsection (b), the corporation chief executive officer shall determine whether to accept or reject an artifact for accession.

(b) No artifact may be rejected based upon the consideration set forth under section 3(3) of this rule unless the board determines that the corporation is unable to provide for the storage, protection, and preservation of the artifact.

(c) The board may accept restricted title to an artifact.

(d) A determination under this section is subject to administrative review by the board if the review is requested within thirty (30) days of notice of the determination. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-4; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

### **313 IAC 3-1-5 Accession of artifacts; authority of grantor or donor to act**

Authority: IC 4-37-4-3

Affected: IC 4-37-4-4

Sec. 5. The following standards shall be satisfied for the accession of artifacts, whether the resulting accession is by purchase, exchange, or gift:

(1) The person providing the artifact must establish to the satisfaction of the corporation that the person is the owner of that artifact.

(2) The corporation must receive unrestricted title to the artifact, except as otherwise provided by section 4 of this rule.

(3) To the extent practicable, an artifact will be delivered to the corporation with full literary rights, copyrights, patents, and trademarks.

(4) To the extent practicable, an artifact will be free from physically hazardous attributes.

(5) An artifact may be appraised only at the initiative and expense of the person seeking the appraisal. No employee of the corporation may provide an appraisal of any kind except for use exclusively by the corporation.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-5; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

### **313 IAC 3-1-6 Deaccession of artifacts; general criteria**

Authority: IC 4-37-4-3

Affected: IC 4-37-4

Sec. 6. Deaccession shall be performed by the corporation in a manner that is cautious, deliberate, and scrupulous and is in keeping with section 1 of this rule. An artifact to be considered for deaccession must meet at least one (1) of the following criteria:

(1) The artifact is not included within the duties of the corporation under IC 4-37-4-2 and its accession priorities under section 2 of this rule.

(2) The artifact lacks physical integrity.

(3) The artifact fails to retain its identity or authenticity.

(4) The artifact is misplaced for at least two (2) years or is stolen.

(5) The artifact is duplicated by another artifact in the permanent collection of the corporation.

(6) Preservation of the artifact by the corporation is impracticable.

(7) The artifact is deteriorated beyond usefulness.

(8) The artifact has a doubtful potential for utilization in the foreseeable future.

(9) An absence of documentation, or inadequate documentation, critically reduces the value of the artifact.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-6; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

### **313 IAC 3-1-7 Procedure for deaccession and disposition of artifacts**

Authority: IC 4-37-4-3

Affected: IC 4-37-4

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Sec. 7. (a) The corporation chief executive officer may, individually or on the initiative of the curatorial office, propose an artifact for deaccession and disposition. The proposal shall be delivered in writing to the board and must include the following information:

- (1) The source of the artifact, if known.
- (2) A criterion for deaccession as provided under section 6 of this rule.
- (3) The estimated market value of the artifact.
- (4) The means of transfer or disposal of the artifact, including whether the artifact should be sold to, donated to, or exchanged with another public or nonprofit museum or historical society.

(b) The board shall consider a proposal by the corporation chief executive officer under subsection (a) and may order deaccession of an artifact under terms and conditions found appropriate by the board. The board shall not act upon the proposal except during a public meeting of the board. An opportunity shall be provided to any interested person to comment in writing or during the public meeting on the proposal. No employee of the corporation may be disciplined or otherwise sanctioned by the corporation because the employee exercises the opportunity to comment provided under this subsection.

(c) The board may order any of the following:

- (1) The destruction of an artifact that is deteriorated beyond usefulness.
- (2) The removal from itemization with the permanent collection of the corporation of an artifact that is misplaced for at least two (2) years or is stolen.
- (3) The sale, donation, or exchange of an artifact with another public or nonprofit museum or historical society. However, the board may donate an artifact to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.
- (4) The sale or exchange of any other artifact under IC 4-37-4-2.

*(Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-7; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA)*

### **313 IAC 3-1-8 Compliance with precatory restrictions**

Authority: IC 4-37-4-3

Affected: IC 4-37-4

Sec. 8. An artifact that is subject to a precatory restriction shall not be considered by the board under section 7(c) of this rule until the corporation makes a good faith effort to:

- (1) comply with the restriction; and
- (2) notify the individual, if living, from whom the artifact was accessioned.

If the individual is not living and the artifact was accessioned within the last twenty (20) years, the corporation shall make a good faith effort to notify the heirs or assigns of the decedent. If the heirs or assigns cannot be identified or located, the corporation shall give notice by publication in the newspaper having the greatest circulation in the county where the individual last resided, and in Marion County if the place of last known residence is outside Indiana. *(Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-8; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA)*

### **313 IAC 3-1-9 Prohibition on transfer of artifacts to corporation staff, boards, and families**

Authority: IC 4-37-4-3

Affected: IC 4-37-4-4

Sec. 9. No artifact from the permanent collection of the corporation shall be given, sold, or otherwise transferred to:

- (1) an employee of the corporation;
- (2) a board member of the corporation; or
- (3) immediate families or representatives of a corporation employee or board member.

*(Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-9; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA)*

**313 IAC 3-1-10 Curatorial offices**

Authority: IC 4-37-4-3

Affected: IC 4-37-4-2

Sec. 10. (a) This rule is implemented through the corporation's curatorial offices.

(b) Collecting strategies are established for each curatorial office, providing for areas of coverage and standards of documentation, in the latest publication of the board entitled "Collection Management Policy". (*Indiana State Museum and Historic Sites Corporation; 313 IAC 3-1-10; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA; readopted filed Nov 29, 2018, 4:05 p.m.: 20181226-IR-313180420RFA*)

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