



Found in Collections Policy

Policy Statement:

AHSGR is committed to maintaining an active and healthy collection. Part of the commitment are routine inventories, surveys, and shelf reads. Occasionally objects or collections are found that lack documentation and whose ownership cannot be determined. This Found in Collection (FIC) Policy and its appendices have been created to help AHSGR deal with undocumented objects in a reasonable and fair manner.

When an undocumented object or collection is found, the first step is to consider if the item fits AHSGR's mission. Next, research should be done to determine if the object or collection had previously been accessioned into the AHSGR Collection. The Found in Collection Worksheet should be used to document what is discovered and what research was completed. The Found in Collection Decision Map will help guide the curator through the various steps and decisions to be made. The result is to determine if the item will be kept in the collection or deaccessioned, and if the Nebraska Museum Property Act is appropriate.

Responsibilities:

Librarian, Archivist and Curator: The staff will be responsible for identifying FIC objects and collections. They will research and document the provenance and history of the materials to the best of their abilities. They should follow the steps outlined on the Found in Collection Worksheet, checking various resources such as, but not limited to, various databases, donor files, and loan records. The object or collection should be checked for an accession or catalog number as well as the area around the object or collection for loose tags or documentation. Staff should also ask key AHSGR board and staff, present and past when possible, for any additional information. They should document findings using the Found in Collection Worksheet and make a recommendation based on the information discovered. The Found in Collection Decision Tree can help in making these determinations and recommendations. Staff will then submit their recommendations to the Collections Committee. Once the Collections Committee decides on whether to accept, deaccession, or follow the Nebraska Museum Property Act, the staff will complete the appropriate paperwork and process the collection accordingly. If the object or collection is disposed of or deaccessioned, the curator will complete the Deposition Worksheet.

Collections Committee: The AHSGR Collections Committee is responsible for determining if the object or collection meets the collections criteria. Decisions are guided by Collection Committee Consideration questions and curator recommendations.

Director: The Director is responsible for compiling and submitting the deaccession list to the Board of Trustees.

Board of Trustees: The Board of Trustees will consider and approve or disapprove of all deaccession recommendations.

Definitions:

Old Loans: Old loans are unclaimed property lent to AHSGR at one time by known or unknown persons, for known or indefinite periods of time, from persons who can no longer be contacted or who have been out of contact for 7-10 years.

Undocumented Property: Undocumented property is objects or collections that have no locatable records or documentation. They often have no number, no tag, and no indication of source in its packaging that might connect it to documentation or records. Objects or Collections may have come from a variety of sources for a variety of reasons and museum staff cannot identify the original depositor. Undocumented property may include abandoned property for which there is no record of the original unannounced shipment; as a result, its status as “abandoned property” cannot be confirmed.

Found in Collection: Found in Collections items are objects or collections that are unsupported by any documentation and lack sufficient evidence to prove ownership after all attempts to reconcile them to existing records of permanent collection and loan objects fail.

Abandoned Property: Abandoned property are doorstep donations or unannounced donations with no contact information. The owner intentionally and knowingly relinquished all rights to the property by abandoning it to AHSGR.

Considerations:

When determining the status of an object or collection, curators should consider the following questions.

To what extent is documentation missing? Documentation varied greatly in the past as collections standards have evolved and changed over time. Today we use a Deed of Gift to legally transfer ownership from the donor to AHSGR, however, in the past, the Deed of Gift was not always standard.

While gathering documentation, keep in mind proof of donor intent. Include letters or emails from the donor that show their intent to donate the collection to AHSGR. Also, document all good faith efforts to contact the donor in regards to the donation and attempts to receive a signed Deed of Gift

Where was the object or collection found? Often where and how an item or collection is found can give clues as to provenance and its place within the larger scope of the collection. For example, if an object is found in a collection’s area with an accession number, no standard Deed of Gift, but there is some evidence of the donor, this item would be considered accessioned but lacking proper documentation. The AHSGR Found in Collection Decision Map can offer guidance on how to proceed with this and other

scenarios. Where and how the object is found should be documented on the Found in Collection Worksheet.

In some cases, donor information can be inferred by circumstances such as where it was found, if it was found with similar items, or if a known donor contributed similar material. Here are a few examples of how an object or collection might be found and should be documented on the Found in Collections Worksheet:

- Found in a collections area with accession/catalog number but no standard Deed of Gift, but some evidence of donor
- Found in collections area with accession/catalog number but no loan agreement, but some evidence of lender
- Found in collections area with accession/catalog number but no other information
- Found in collections area with no accession/catalog number and does not have information about donor or lender but seems to be part of a donation or loan because:
 - Grouped with like objects
 - Similar in use/history of other objects
 - Located or stored in particular part of collection storage
 - There is a note with it
- Found in collections area and is missing all documentation
- Found in non-collections area but is similar to objects in the Collection
- Found in non-collection area and is not similar to objects in the Collection

Deaccessioning and Deposition:

What should be done when a Found in Collection object or collection does not fit the AHSGR Collection Criteria and we wish to remove it from our collection? Maintaining undocumented objects and collections can be unnecessary and expensive. There are no current standard national guidelines that aid in the disposition or deaccession of FIC items. If documentation can be found for an object or collection, the item can be removed from the AHSGR collection via deaccessioning. However, if the object or collection lacks documentation, the best course of action may be to follow the Nebraska Museum Property Act (Statutes 51-702 through 51-712).

Removing an item that lacks clear title from the Collection could have legal ramifications for AHSGR if the rightful owner returns to claim the object. Therefore, when thinking about removing FIC items, one must assess the risk, consider the time/money that might be devoted to FIC reconciliation, and choose the best course of action. Conversely, in Marie Malara's *A Legal Primer on Managing Museum Collections*, she states that "continued undisturbed possession [of undocumented objects] by the museum usually supports a presumption of a valid transfer of ownership" with the burden of proof falling on the party disputing this presumption.

Deaccessioning: The AHSGR Collection Policy defines deaccessioning as "the process of removing permanently accessioned material from the collections of AHSGR." It also states that the process should be done cautiously, deliberately, and ethically. Found objects or collections that do not fit the collection criteria of AHSGR should be considered for deaccessioning. The AHSGR Deaccession Criteria can be found in the AHSGR Collection Policy.

As part of the deaccessioning process, a reasonable effort must be made to determine whether AHSGR has the legal authority to remove the object from its collection. This can be particularly difficult in the case of found objects or collections. These objects often have little or no documentation regarding their provenance or donor. In some cases, donor information can be inferred by a variety of methods such as where it was found, if it was found with similar items, or if a known donor donated similar material. However, when no evidence or inference can be found or made, the Nebraska Museum Property Act can offer guidance as to what to do with undocumented objects or collections. Use the Found in Collection Worksheet to thoroughly document FIC disposition and deaccessioning. Be up front and honest about your decisions.

Nebraska Museum Property Act: If an object or collection lacks documentation and no donor or history can be determined through research, the Nebraska Museum Property act outlines procedures necessary for a museum or historical society to claim title to unclaimed loans or undocumented items in their collections. This act includes written notices and publications schedules in area newspapers as well as guidelines for documentation retention. The Nebraska Attorney General rendered an opinion ([#96018](#)) in 1996 that Museums are exempt from the Unclaimed Property act and fall under the Museum Property Act.

The Nebraska Museum Property Act can be quite costly and time consuming. Parts of the law require the museum to publish notice at least once a week for three consecutive weeks in both the county where the museum is located and the county of the lender's address, if known. In March 2022, the cost to publish an advertisement in the Lincoln Journal Star was \$6.50 for the first 25 words and \$0.30 for each additional word. AHSGR hopes to work with the Nebraska Museums Association to update and modernize the Nebraska Museum Property Act soon.