

Frequently Asked Questions about Deaccessioning, Museum Ethics and New York State Regents Rule 3.27

What is Deaccessioning?

Deaccessioning is an action taken by a museum's Board of Trustees that officially removes an object from the museum's collection. This action is followed by disposal – the method by which the object is physically removed from the museum's site.

Is Deaccessioning the same as disposal?

No. Deaccessioning is an action taken by the board indicating their wish that the object no longer be considered a part of the museum's collection. Disposal is the action of physically removing the object from the museum's care. Disposal can take place by many methods. Objects can be: sold to or donated to another museum, transferred to another collection within the same museum (a teaching or hands-on collection, for example), destroyed (in the case of objects hazardous to staff such as poison or live ammunition), or sold at auction.

Recently, I heard about the New York State Board of Regents allowing museums to sell collections items to pay operating costs. Is this true?

No. The NYS Board of Regents implemented a Temporary Emergency Rule in December 2008. The rule lapsed when the Regents decided not to make the rule permanent in October 2010. This rule provided stricter regulation of deaccessioning, disposal and use of proceeds from deaccessions sold at auction. It also prohibited museums for accessioning structures as part of collections. While this rule was allowed to lapse, the original version of Regents Rule 3.27 remains in place. The following is the section of Regents Rule 3.27 that deals with deaccession and disposal.

Deaccession. The criteria and process (including levels of permission) used for determining what items are to be removed from the collections, and a statement limiting the use of any funds derived therefrom in accordance with subparagraph (vii) below;

(iv) ensure that collections or any individual part thereof and the proceeds derived therefrom shall not be used as collateral for a loan;

(v) ensure that collections shall not be capitalized; and

(vi) ensure that proceeds derived from the deaccessioning of any property from the institution's collection be restricted in a separate fund to be used only for the acquisition, preservation, protection or care of collections. In no event shall proceeds derived from the deaccessioning of any property from the collection be used for operating expenses or for any purposes other than the acquisition, preservation, protection or care of collections.

Is it OK for my museum or historical society to sell collections objects to pay for operating costs?

No. Museum collections are held in the public trust and are not considered assets on a museum's balance sheet. They may not be used as collateral for loans, nor sold to pay for operating costs (water bill, staff salaries, or capital improvements). Proceeds from the sale of museum collections may be used to 1) acquire new objects for the collection or for 2) direct care of the existing collection (conservation, purchase of acid free materials, etc).

Where can I find more information about the ethical issues related to selling collections objects?

The American Association of Museums Code of Ethics and the American Association of State and Local History Code of Ethics provide guidelines of the highest standard in dealing with museum collections. They are both available online.

AAM Code of Ethics: <http://www.aam-us.org/museumresources/ethics/coe.cfm>

AASLH Code of Ethics: <http://www.aaslh.org/ethics.htm>

I still have questions. Where can I get more information?

Museumwise: <http://www.museumwise.org>

Museum Association of New York: <http://www.manyonline.org>

New York State Chartering Office: <http://www.nysm.nysed.gov/charter/>