EXHIBIT B
Nerman Museum of Contemporary Art
Johnson County Community College

JCCC and JCCC Foundation Accession Statement
I. CATEGORIES OF COLLECTIONS

All artworks belonging to Johnson County Community College (the “College”) and Johnson County Community College Foundation (the “Foundation”) are part of the Permanent Collection at the Nerman Museum of Contemporary Art (Nerman MoCA). These objects have been acquired by Nerman MoCA for the purpose of study, research and exhibition in fulfillment of it’s stated mission. They are provided with the best possible collections care and are thoroughly documented.

The Permanent Collection is comprised of more than 1,700 works of art that were largely acquired with private funding and donations. From 1980-2017, the College contributed $10,000-25,000 annually from its auxiliary fund for art acquisitions. This funding was discontinued in fiscal year 2017.

The Permanent Collection documents are kept by the Museum Registrar’s office in both hard copy files and in MuseumPlus, a collection’s database. Additionally, the Museum Registrar’s office notifies the College and Foundation of artworks for their inventory purposes.

Foundation Collection
The Foundation Collection consists of donated and purchased artwork. It contains the Barton P. and Mary Davidson Cohen Collection, part of the Oppenheimer Collection, as well as gifts from numerous private donors.

College Collection
The College Collection consists of purchased artworks through a former annual acquisitions budget and part of the Oppenheimer Collection.

Oppenheimer Collection
The Oppenheimer Collection of the Nerman MoCA was founded in 1992 by philanthropists Marti and Tony Oppenheimer and the Jules and Doris Stein Foundation. It includes monumental sculptures sited across the grounds, as well as major paintings, photographs, works on paper and ceramics.

Barton P. and Mary Davidson Cohen Collection
In 2009 the college accepted a gift of $1,000,000 to establish the Barton P. and Mary D. Cohen Art Acquisition Endowment at the JCCC Foundation. Additionally, the Cohen Collection also contains numerous works by Kansas artists collected by Barton and Mary Cohen and was gifted by Mary Cohen to the JCCC Foundation.

Student Collection
The JCCC Student Permanent Collection consists of artwork by current and/or former JCCC students. Faculty from the Department of Fine Art, Photo & Film nominate, select and purchase high quality examples of student artwork with budgeted college funds. The Nerman MoCA serves as a steward of this collection and receives the transferred artworks (along with artist/artwork information, financial documentation, etc.).
II. ACQUISITIONS

Criteria for Acquisitions
The Nerman MoCA collections grow as a result of gift, bequest, purchase and exchange. The Nerman MoCA has a continuing program of donor cultivation that seeks the acquisition of exceptional works through gifts and planned giving from the community at large. Through allocation of funds and development efforts, the Nerman MoCA leadership purchases artworks on behalf of the College and the Foundation in alignment with communicated goals/projects. The following criteria should be met for artwork to be considered for acquisition and accession by Nerman MoCA leadership:

- Each work will be scrutinized in terms of authenticity, aesthetic merit, historical or cultural significance, either in terms of the artist's career or the history of art, and appropriateness to the collection. Care will be taken to avoid duplication of artworks (applicable to editioned works) already in the collection.
- The work is relevant and consistent with the Nerman MoCA's mission and collecting goals at present or in the foreseeable future.
- Each work should be of exceptional quality and in good condition (i.e. appropriate to exhibit). Consideration will be given to works in need of some conservation if their artistic significance is determined to warrant their acquisition and preservation by the Nerman MoCA staff.
- When considering a work for accession, the Nerman MoCA will assess its ability to provide proper storage and care for the object. At the time of acquisition, every effort must be made to determine and predict the physical needs of the object and its lifecycle including the transitory intentions (perishable materials) of the artist. Museum staff must be knowledgeable or educate themselves about any organic matter, potentially hazardous, volatile or reactive substances that may have been used in the production of the object or in conservation treatments prior to the object entering the collection (i.e. objects made from organic materials, controlled substances like formaldehyde, daguerreotypes, color photographs, mercury, cadmium, nitrate and acetate negatives, objects that off-gas flammable fumes, objects that become highly reactive with humidity, arsenic, pesticide contamination, objects that may ferment and explode, etc.). Works that cannot be cared for properly or that jeopardize the safety of staff and visitors will not be taken into the collection.
- The donor or seller must certify true, rightful and legal ownership of works being conveyed to the Nerman MoCA collections. The work must have an established provenance. In keeping with standard professional museum practices, the Nerman MoCA will not knowingly acquire or recommend for acquisition any work that has a problematic ownership history.
- The Nerman MoCA will not accept gifts that are unreasonably encumbered with conditions set by the donor regarding ownership, use, display, labeling or future
disposition. Title and all rights to acquisitions should be granted free and clear, with the exception of promised gifts, which are described herein.

- The Nerman MoCA will not accession a work with the express purpose of subsequent sale to increase or upgrade collections.
- The work is intended to remain permanently in the collection as long as it retains its physical integrity and authenticity and as long as it remains useful for the Nerman MoCA’s purposes.

**Cautions, Restrictions and Safeguards**

All works acquired must be accompanied by assurance of legal ownership, either by means of a bill of sale (in the case of purchases) or through a Deed of Gift or clear letter of donation (in the case of gifts).

The Nerman MoCA will not knowingly acquire objects that are unethically collected or removed from their society of origin as described by the United Nations Educational, Scientific and Cultural Organization’s *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970).

The Nerman MoCA will not acquire any object that was obtained illegally or that does not have proper documentation. The Nerman MoCA will not acquire Native American Graves and Repatriation Act of 1990 (NAGRPA) eligible materials.

Ownership of copyright shall be established during the accessioning process. If the Nerman MoCA does not have copyright, any restrictions shall be clearly stated on all appropriate accession records and shall be monitored by the Nerman MoCA Executive Director/Curator and Museum Registrar’s Office.

**Accessioning Procedures**

The Museum Registrar’s office is responsible for accessioning works into the Permanent Collection and maintaining object records. The Registrar’s Office assigns a unique accession number and creates an accession record for each object that is accepted into the Permanent Collection. The following records shall be completed by the Registrar’s Office for all acquisitions:

- Incoming receipt
- Copies of Invoice, Requisition and Purchase Order (if applicable)
- Deed of Gift (if applicable)
- Copy of Donation Letter (if applicable)
- Accession form
- Electronic Record in Collections Management Database - MuseumPlus
- Any other relevant research, conservation information, provenance, etc. is kept in the object records as well.
Collections Management Policy

Data on each object is entered into the Collections Management Database, MuseumPlus, according to museum standards established by the American Alliance of Museums (AAM). Only limited staff members may enter or alter data in MuseumPlus in order to maintain data consistency and security.

Every effort is made to ensure that a donor of an object or funds for purchase is correctly recognized in the object’s records and on any didactic and publicity materials relating to the object. Wording of credit lines is determined on the Deed of Gift form according to the donor’s request with the Executive Director/Curator or Registrar’s approval.

Gifts
Any in-kind donation of accessioned art by an individual or organization is categorized as a gift. To make a valid gift, there must be clear intention on the part of the donor to transfer title and possession of the property. It is essential to the validity of such a gift that the transfer of both possession and title shall be absolute and shall go into immediate effect. The donor must intend not only to turn the work itself over to the Nerman MoCA, but also to relinquish the right of dominion. After a work is accepted by the Nerman MoCA, the donor is required to sign and return a Deed of Gift that commits the donor to the above criteria. This documentation is kept in the object’s accession file as evidence of the Nerman MoCA’s legal title to the artwork.

The proposed work must be reviewed by the Nerman MoCA Executive Director/Curator. If the Nerman MoCA elects to pursue the gift, the Executive Director/Curator can accept the gift on behalf of the Nerman MoCA.

The Nerman MoCA and the Foundation advise donors to seek counsel on current federal tax regulations for non-cash gifts. When an object is offered as a gift and accepted by the Nerman MoCA, it is the responsibility of the donor to arrange and pay for any necessary appraisals. The Nerman MoCA staff cannot make or arrange for appraisals of objects to be accessioned.

Unsolicited Gifts
Unsolicited gifts are works offered to the museum by donors and artists periodically. These works will be reviewed by Nerman MoCA leadership to determine whether they meet the criteria set forth in this statement.

Promised Gift
For the purpose of this policy, a promised gift is a legal commitment by a donor to give a work at some point in the future to the Nerman MoCA. Promised gifts must be reviewed by the Nerman MoCA Executive Director/Curator and the Foundation Executive Director. If the work is accepted, the donor is required to sign a Promised Gift Agreement. Legally, the donor may either retain the work until the gift is complete or allow the Nerman MoCA to retain the work in its custody from the time the Promised Gift Agreement is signed. The Promised Gift Agreement must be signed by the donor, the Nerman MoCA Executive Director/Curator and the Foundation Executive Director.
Purchases
Works categorized as purchases are those works bought with purchase funds donated to support acquisitions for the Nerman MoCA through the Foundation.

The Nerman MoCA purchases artworks from established dealers, auction firms, or directly from artists. Purchases are permitted from private individuals under the same criteria as for other acquisitions. Purchase documents are kept in the object’s accession files as evidence of the Nerman MoCA’s legal title to the artwork.

Unless extenuating circumstances dictate otherwise, the Nerman MoCA will pay for purchases only after the object is in the museum’s physical possession or control in order to ensure that: the work is complete (i.e. any and all components have been received) and its authenticity has been confirmed and the work is in acceptable condition.

Exchanges
Works of art may be acquired in exchange for framing/pedestal costs related to exhibitions. This may take the form of trading with a living artist, the artist’s estate, the artist’s gallery or other sources. All records should indicate the circumstances of the exchange and must be approved by the Nerman MoCA Executive Director/Curator and the Foundation Executive Director for Foundation exchanges or the College AVP, Institutional Advancement & Governmental Affairs for College exchanges.

Bequests
For the purpose of this statement, a bequest is considered to be an object left or given in a will. When the Nerman MoCA is first notified that it is a beneficiary, the Executive Director/Curator must determine the exact nature of the bequest. A copy of the will, or pertinent portion thereof, should be obtained from the estate. Photographs of the work(s) should also be requested if possible.

Bequests do not have to be accepted. The Nerman MoCA Executive Director/Curator and the Foundation Executive Director may recommend that all, some or no objects be accepted for the collection. The estate is then notified as to which works, if any, have been accepted.

Transfers
Annually, the College’s Department of Fine Art, Photo & Film nominates, selects and purchases high quality examples of student artwork created by students for the JCCC Student Permanent Collection. The Nerman MoCA serves as a steward of this collection and receives the transferred artworks. All provenance information, financial documentation and research material related to the objects will be transferred to the Nerman MoCA. These documents will be kept in the object’s accession files as evidence of the Nerman MoCA’s legal title to the artwork.
DEED OF GIFT

Nerman Museum of Contemporary Art
Johnson County Community College
12345 College Blvd
Overland Park KS 66210
913-469-8500 or 913-469-3000

Donor Name: ______________________ Telephone: ______________________
Address: ______________________ Email: ______________________
City/State/Zip: ______________________
Other contact: ______________________ Telephone: ______________________

DONATION INFORMATION

Artist: ______________________
Title: ______________________
Date: ______________________ Medium: ______________________
Condition: ______________________

Appraised value if known or estimated value for insurance purposes: ______________________

The above is hereby granted by me as an unrestricted gift and I hereby represent that I have full right and legal title thereto and authority to dispose thereof.

Signature of donor ______________________ Date ______________________

Please indicate who the copyright holder is or provide a history of ownership of the object if known.

Name of copyright holder/ownership history ______________________

Donor Recognition / Credit line ______________________

Accepted for the Museum by ______________________

Registrar, Nerman Museum of Contemporary Art

Received at NMOCA on ______________________

The Johnson County Community College Foundation accepts gifts of cash and property on behalf of Nerman Museum of Contemporary Art, at Johnson County Community College, and will provide separate written acknowledgment and tax receipt information for all contributions. The Johnson County Community College Foundation is a 501(c)(3) non-profit corporation and qualifies as a charitable organization. As such, donations are tax-deductible to the extent allowable by law. Please consult your tax advisor regarding tax deductibility of this donation.

Unless otherwise specified in writing, all objects donated to the collection of the NERMAN MUSEUM OF CONTEMPORARY ART at Johnson County Community College are considered outright and unconditional gifts to and under the sole direction and control of the Museum and JCCC Foundation. Donations are to be used at the discretion of said museum and, because of limited exhibition space, the Museum does not guarantee the exhibition of any object. The Museum is not responsible for determining the values of gifts and cannot provide appraisals of such values for tax purposes.

2/1/2016
Promised Gift Form

Donor
Name(s):
Address:
Telephone (Business):  (Home)
Fax:
Email:

Object
Artist:
Title:
Date:
Medium and Support:
Dimensions (without mat, frame or base):
Dimensions (with mat, frame, or base):
Total Value:

This is to confirm that I, __________________________, have agreed to donate to the Johnson County Community College Foundation/Nerman Museum of Contemporary Art ("JCCC Foundation/Nerman MoCA") the work(s) of art listed above, along with all copyrights and associated rights I may have therein by December 1, ______. I understand and acknowledge that the JCCC Foundation/Nerman MoCA will publicize this promised gift and use it to solicit gifts from other donors. The work(s) is currently located at __________________________.

To the best of my belief, 1) the work(s) of art subject to this agreement is free and clear of all encumbrances and restrictions, 2) I hold sole title to the work(s), and 3) I have the full power and authority to give the work(s) to the JCCC Foundation/Nerman MoCA.

I may, in my discretion, give this work(s) of art to the JCCC Foundation/Nerman MoCA at any time prior to December 1, ______. Should this gift not be made during my lifetime for whatever reason, my agreement to donate to the JCCC Foundation/Nerman MoCA the said work(s) of art, along with all copyrights and associated rights I may have therein, shall be binding on my executors, administrators, trustees, heirs and assigns. If I fail to include such a specific bequest in my will or other estate planning documents, such failure shall not release my executors, administrators, trustees, heirs and assigns from complying with this agreement and transferring to the JCCC Foundation/Nerman MoCA the said work(s) of art, along with all copyrights and associated rights I may have therein. I understand and acknowledge that my agreement to donate to the JCCC Foundation/Nerman MoCA the said work(s) of art, along with all copyrights and associated rights I may have therein, is unconditional and irrevocable.

Prior to this gift being made, I wish that the following credit line be used for the promised gift:

______________________________

Donor Date

Nerman MoCA Director Date

JCCC Foundation Date