

1. Provenance Guidelines for USC Collections Acquisitions

Issued: 05/03/2022

Edited: 05/03/2022

2. Purpose

The USC Acquisitions Policy Guidelines for Provenance exists to ensure that all special collections acquisitions or gifts-in-kind to the University are transferred to University ownership according to all applicable laws, regulations, University standards, museum artifact and works-of-art, and library and archives professional organization best practices.

3. Scope and Application

These guidelines apply to all University collections acquisitions or gifts-in-kind accepted through University or departmental advancement functions or museum and library acquisitions departments.

4. Guidelines

Provenance: Antiquities and Ancient Art

The following will provide guidelines for evaluating antiquities and ancient art during the acquisitions process:

- The item to be acquired must have free and clear title.
- USC will require sellers, donors, lenders, and their representatives to provide all available information and documentation, as well as appropriate warranties regarding the origins and provenance of objects offered for acquisition.
- The acquisition of antiquities and nationalized cultural property is to be guided by the policies of the 1970 UNESCO Convention and the Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art, 2004, as these may be amended from time to time.
- USC will not acquire, by donation or purchase, nor will it take on loan, an item lacking documentation clearly establishing that it has not been “stolen from a museum, or a religious, or secular public monument or similar institution” (Article 7b of the Convention) or lacking documentation establishing that it has not been part of an official archaeological excavation and improperly removed or that it has not been otherwise removed in contravention of the laws of the country of origin.
- USC will make a concerted effort to obtain accurate written documentation with respect to the history of the object, including import and export documents from all parties involved in the transaction. USC should always obtain the requisite import documentation when the object is being imported into the United States in connection with its acquisition by USC.
- USC will only acquire, or borrow for exhibition or study, antiquities and ancient art objects that have been rigorously researched. Such research will include, but will not necessarily be limited to, determining:
 - the ownership history of the object;
 - the countries in which the object has been located and when, including export and import documentation;
 - the exhibition history of the object, if any;
 - the publication history of the object, if any;
 - whether any claims of ownership of the object have been made;
 - whether the object appears in relevant databases of stolen works, foreign governmental

- databases or those of international organizations;
- the circumstances under which the object is being offered to the University; and
- for items of cultural property, documentation that shows that the object was exported from its country of origin before 1970.
- Object/s complies with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): – protects endangered species of plants and animals by regulating imports and exports – was ratified by the United States in 1974, and by 150 other nations by 2000 – allows for certificates of exemption for the import or export of items acquired before CITES, and for non-commercial exchange between institutions – enforced by the U.S. Fish and Wildlife Service – includes three appendices that protect materials of varying degrees of scarcity:
 - Appendix I. Species are in danger of extinction and there is no commercial trade in them. Any international transport of these materials requires permits from both the exporting and importing nations.
 - Appendix II. Species require strict regulation to prevent the danger of extinction and/or look like Appendix I species. Permits for international transport are issued by the exporting nation and are allowed for any purpose not detrimental to the species.
 - Appendix III. Species are protected only within their native countries. They require permits for export even if they are plentiful elsewhere.

Should any of the research cited above demonstrate that the object is known or suspected to have been “stolen from a museum, or a religious, or secular public monument or similar institution” (Article 7b of the Convention) or from an individual or family collection, or “known to have been part of an official archaeological excavation” or other repositories either within or without the United States “and removed in contravention of the laws of the country of origin,” USC will not acquire the object and, where appropriate, will report that object to the respective authorities.

Provenance: Nazi-era Provenance

The ethics and guidelines outlined above are equally applicable to objects with Nazi-era provenance (generally recognized as objects with a gap in provenance during the WWII years, 1933-1945). However, the principles guiding the acquisition of objects falling into this category are here treated separately in order to ensure that USC shall take all reasonable steps to resolve the Nazi-era provenance status of objects before borrowing for exhibition or acquiring them into its collection whether by gift, bequest, purchase, or exchange.

- Standard research on objects being considered should include a requirement that the sellers, donors, or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance of a proposed acquisition is incomplete or uncertain, USC shall consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research shall involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects. Where appropriate, outside provenance researchers should be consulted or engaged to assure that all provenance gaps are resolved prior to acquisition.
- In the absence of any evidence of unlawful appropriation without subsequent restitution, USC

may proceed with the acquisition. Currently available object and provenance information about any covered object shall be made public by publication as soon as practicable after the acquisition.

If credible or ambiguous evidence of unlawful appropriation without subsequent restitution is discovered, USC shall notify the donor, estate executor, or seller of the nature of the evidence and shall not proceed with acquisition of the object until such parties take further action to fully resolve these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of USC's findings.

Provenance: USC Collections

The following will provide guidelines for evaluating USC Collections materials during the acquisitions process:

- USC will make rigorous efforts to learn all significant information about the history of bibliographic and archival materials prior to acquisition.
- USC must ensure that best efforts are made to determine the provenance of bibliographic and archival materials considered for acquisition. USC must not knowingly acquire, or allow to be recommended for acquisition, any bibliographic or archival materials that have been stolen without resolution of such theft, illegally exported from its country of origin or the country where it was last legally owned, or illegally imported into the jurisdiction in which USC is located.
- If USC, as a result of its continuing research, gains information that may establish another party's rights to ownership of a work, USC will act according to all ethical and legal standards as set forth in this policy. In the event that a third party brings to the attention of USC information supporting the party's claim to a work, USC shall respond promptly and responsibly and take whatever steps are necessary to address this claim. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of USC's findings.

5. Definitions

Defines the terms specific to these guidelines (these may overlap with the policy).

Term	Definition
Acquisition	Acquisition is the process of acquiring an object(s) or collection for The Collection. Object(s) or collections are acquired through donation, purchase, transfer from or exchange with another institution, or bequest. Certain state, federal, and international statutes and laws are in existence that may affect the acquisition of certain objects. In all cases, USC acts in accordance with those statutes and laws. Additionally, USC bases its acquisition and accession policy statements and procedures on the highest ethical standards.
Provenance	Provenance refers to the history of ownership, particularly of an artwork or artifact. The objective of provenance research is to trace the ownership history and location of an object, ideally from its creation to the present. In addition to providing insight into the history of collecting, it can serve as a way to authenticate an object. Increasingly provenance information is necessary to determine the legal status of an object.

6. Relevant Forms and Tools

Links to and describes any forms or tools needed to support these guidelines.

USC Deed of Gift Form

USC Acquisitions Policy

USC Acquisition Form

[1970 UNESCO Convention](#)

[AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art, 2004](#)

[CITIES Appendices](#)

7. Contacts

Includes the contacts for the guidelines here, including responsible office or position, phone number, and email.

OFFICE	PHONE	EMAIL
Office of General Counsel USC Museums USC Libraries		