

**By submitting photo(s) to the Black Play Photography project, you are agreeing to the following:**

- **You are granting permission for The Strong to add the photo(s) to the museum’s collection.**
- **The act of submitting these photo(s) serves as acceptance of the terms of the Deed of Gift.**
- **The Strong does not guarantee that the photo(s) will be accepted into and added to the museum’s collection.**

## **Deed of Gift**

### **I. General Representations Regarding Property Given**

1. As of the date of this submission, I represent and warrant to The Strong that I am the sole owner of all right, title, and interest in and to the materials, or am authorized by the sole owner, and have full power and authority to give the materials to The Strong, except as specifically described below.
2. I represent and warrant that, to the best of my knowledge, all customs laws, tax laws, laws of inheritance, export or import laws, and any other laws or regulations applicable to the materials have been complied with.
3. I represent and warrant that, to the best of my knowledge, there are no claims, judgments, liens, or other encumbrances of any kind whatsoever against the materials or that would prohibit me from making this gift.
4. I acknowledge that upon receipt of the materials and execution of this Deed of Gift, the donated materials will irrevocably become the property of The Strong. As such, the materials will be exhibited, stored, maintained, photographed, digitized, included in online resources, made available for research, or disposed of in compliance with The Strong’s Collection Policy. I acknowledge that The Strong has not promised, and is in no way obligated, to exhibit or retain the materials.

### **II. Transfer of Property**

I (the “Donor”) hereby unconditionally and irrevocably give the objects or materials submitted to The Strong (the “Strong”), its successors, and assigns.

### **III. Research Access**

The Strong accepts donations of historical materials in order to preserve their significant content and to provide opportunities for qualified researchers to access that content.

The Donor provides permission for **all** materials in this donation to be made available for research consistent with the collections-use policies of The Strong, **without restriction**. At any time after delivery, the Donor will be permitted freely to examine any of the materials during the regular work hours of The Strong.

#### **IV. Acknowledgement**

I hereby acknowledge that, prior to this gift, The Strong has informed me of the provisions of Section 233-aa of the New York Education Law and, accordingly, has provided me with a written copy of its mission statement and its collections policies related to acquisitions and access, deaccessioning and disposal, and conservation and collections care.

### **Donor Information**

#### **Mission**

An educational institution, The Strong explores play in order to encourage learning, creativity, and discovery and to illuminate the American experience in particular and human experience in general.

The Strong accomplishes this through exhibitions, programs, publications, and other activities that engage, entertain, and enlighten diverse audiences, especially families, children, educators, and scholars.

To support these activities, The Strong collects, preserves, and researches historic objects, manuscripts, and other materials that reflect and document the importance of play in American cultural history in particular.

#### **Acquisition Policy**

The Strong furthers its mission, as adopted by the Board of Trustees, by adding, in a judicious manner, objects appropriate to the institution's interpretive goals. The Museum acquires collections through donation, bequest, or purchase. Acquisition policies are consistent with guidelines established by the New York State Association of Museums.

#### **Authority**

The Acquisitions team is a staff team chaired by the vice president for collections and includes the vice president for collections, curators, the researcher for Black play and culture, the director of digital preservation, the collections manager, the senior director of libraries, the archivist, the conservator, the senior vice president for exhibits and interpretive resources, the assistant vice president for interpretation, and the president and CEO. The Acquisitions team is responsible for reviewing and accepting all museum acquisitions. Only curators, the director of digital preservation, the researcher for Black play and culture, the archivist, and the senior director of libraries may bring items before the Acquisitions team. The team functions on a consensus basis. As items are

considered, the team weighs their importance to the collection and applies the conditions defined in this policy. In disputed cases, the vice president for collections, the president, and the responsible curator will make the final decision. In all cases, the president, as the Board of Trustees' representative, has the authority to veto or override a decision of the team.

## **Conditions**

Objects are not accepted or otherwise acquired for the Museum's collections unless the following conditions are met:

- The objects further the interpretive mission of the Museum.
- The Museum can store, protect, and preserve objects under conditions that ensure their availability for Museum purposes and are in keeping with professionally accepted standards.
- Title to all objects acquired for the collections is obtained free and clear, without restrictions as to use or future disposition, except in extraordinary circumstances. Exceptions to this policy require the unanimous approval of the Acquisitions team, the president, and the Collections Committee of the Board of Trustees. The vendor or donor must disclose any encumbrance by an intellectual property right. If objects are accepted with limitations, the conditions will be stated clearly in an instrument of conveyance, will be made part of the accession records for the objects, and will be strictly observed by the Museum.
- The acquisition complies with all export/import, environmental and sacred object laws, and professional standards and practices. The Museum's mission precludes it from acquiring sensitive cultural artifacts such as human remains or sacred funerary objects. All acquisition activities endeavor to ensure the protection and preservation of natural and cultural resources and to discourage illicit trade in such materials.
- The Museum acquires objects with a good faith intention to accession. With rare exceptions, collections are not accepted for resale purposes. Exceptions to this rule require appropriate discussion with the donor and arrangement for the resale or disposition of unwanted collections.

## **Terms of Acceptance**

The objects shall have permanency in the collections as long as they remain useful for the mission and interpretive goals of the Museum, and as long as they retain their physical integrity, their identity, and their authenticity.

A deed of gift, a legal instrument of conveyance setting forth an adequate description of the objects involved and the precise conditions of transfer, shall accompany all gifts. This document must be signed by the donor and by an authorized Museum representative.

## **Reporting**

Acquisitions will be reported to the Collections Committee of the Board of Trustees at its regularly scheduled meetings. The chairperson of the Collections Committee, the president, or the vice president for collections will report activities to the full board.

## **Records**

The Collections Team generates and maintains all records associated with registration functions, such as records documenting legal status, care of objects, and movement of objects within the Museum or through loan to other institutions. The collections manager will also maintain auxiliary “jacket files” for additional information related to an artifact, such as letters, receipts, and donors’ comments. Staff will use appropriate and reasonably efficient methods to create back-up files for off-site storage.

## **Appraisals**

Museum staff members do not appraise material acquired by donation.

## **Conservation Policy**

### **General Statement**

The Strong recognizes that its collections are a public trust, to be preserved for the benefit of the public. The Museum accepts the responsibility inherent in this trust and works to arrest deterioration and maintain objects in a condition as near original as possible.

### **Authority**

The conservators, working with the vice president for collections, other curators, and the collections manager, are responsible for protecting the objects at all times, whether in storage or on exhibition, and for providing reasonable safeguards for objects in transit and on loan.

### **Methods**

Treatments will be carried out only as necessary and must respect the historic and artistic integrity of an object. If any significant original materials are removed, they will be preserved.

The vice president for collections, in consultation with conservation staff, may commission outside professional conservators to perform treatments that cannot be performed in-house. Such treatments will be in accordance with the ethical standards established by the American Institute for the Conservation of Historic and Artistic Works (AIC).

Adequate storage facilities and protective systems in both storage and exhibition areas are provided to ensure the collections are maintained in an appropriate and reasonably risk-free environment.

### **Records**

All treatments, whether performed in-house or out-of-house, will be fully documented, and the records of such work will be maintained by the conservators and noted in the Museum’s collection management system.

### **Reporting**

On a yearly basis, conservation staff will report on the condition of the Museum's collections to the vice president for collections.

## **Policy for Access to the Collections**

### **General Statement**

The Strong recognizes its responsibility to provide public access to its collections and to information about them through exhibitions and online resources. It strives to meet this responsibility without compromising its standards for care of the collections.

### **Public Access**

The Strong displays thousands of objects throughout the museum building. The exhibitions are open to the public during regular Museum hours. Various means of providing additional information on objects, including but not limited to web-based image and information databases, will be provided when feasible with available internal resources.

The collections of the Museum's Brian Sutton-Smith Library and Archives of Play are available to the public on a regular basis. The Library also provides limited reference service to researchers by mail, telephone, email, and fax.

### **Restricted Access**

The Museum grants research access to researchers, collectors, and interested members of the public who can demonstrate a serious and legitimate purpose. The responsible curator and, in the case of extremely fragile collections, a conservator, must approve such access. The vice president for collections must be informed of such visits.

The collections of the Library and Archives are in closed storage. The library staff brings materials to the reading room for researchers, students, collectors, and interested members of the public who demonstrate a serious and legitimate purpose in their request for viewing and handling the materials.

The safety of the collections is of prime concern. Individual access is therefore subject to the Museum's regulations and is dependent upon whether staff members are available to accompany researchers. Staff will also provide access to information about the collections but will not reveal such information as donor identification (unless permission has been given by the donor), appraisal value, and other information that may be deemed privileged.

## **Deaccession and Disposal Policy**

The Strong may deaccession material from its collections from time to time. The Museum's deaccession and disposal policies are consistent with the laws of the State of New York and the guidelines established by the Museum Association of New York and apply to all objects in the collections owned by the Museum, whether or

not those objects have been accessioned.

### **Authority**

Objects in the collections are deaccessioned only upon the written recommendations of the appropriate curator or the library director. These recommendations must be approved by the staff Deaccession Team, the vice president for collections, and the president. After review by the Collections Committee of the Board of Trustees, all recommendations must be approved by the full Board of Trustees.

### **Conditions**

Deaccessioning of objects may be contemplated only when the following conditions prevail:

- The object is not relevant to and consistent with the Museum's mission and Framework for Interpreting Play as approved by the Board of Trustees.
- The object no longer retains its physical integrity, its identity, or its authenticity.
- The object is an unnecessary duplicate of others in the collection.
- The object cannot be adequately cared for in a professionally accepted manner.

### **Title**

Objects that are in the collections without records or accession numbers will be handled in the same manner as accessioned objects. The Museum will attempt to determine ownership of these objects prior to taking action on their disposal. Should ownership be in question, the Museum will act in a propitious and legal manner.

### **Restrictions**

Before disposing of any objects from the collections, reasonable efforts are made to ascertain that the Museum is free to do so. When restrictions on use or disposition of the objects under question exist, the Museum will:

- Observe mandatory restrictions strictly unless a court of competent jurisdiction authorizes deviation from the terms.
- Not dispose of objects to which precatory restrictions apply until reasonable efforts are made to comply with the restricting conditions.
- Seek the advice of legal counsel if there is any question as to the intent or force of restrictions.

### **Disposition**

In determining the disposition of deaccessioned objects, the Museum is concerned that:

- The manner of disposition is in the best interests of the Museum, the public it serves, the public trust it represents in owning the collections, and the scholarly or cultural communities that it represents.
- Preference is given to retaining in New York State and in the United States material that is part of our particular historical, cultural, or scientific heritage.
- The deaccession complies with all export/import, environmental or sacred object laws, or professional standards and practices. The Strong's mission precludes it from possessing sensitive cultural artifacts such as human remains or funerary and sacred objects. All disposal activities endeavor to ensure the protection and preservation of natural and cultural resources and to discourage illicit trade in such materials.

- The best method of disposal appropriate to the deaccessioned object and the interests, objectives, and legal status of the Museum is sought. Every effort will be made to ensure disposal happens in a public, open, and fair manner. Consideration is given whenever possible to placing the objects, through gift, exchange, or sale, in another tax-exempt public institution where they may continue to serve the purpose for which they were initially acquired by the Museum. Whenever a deaccessioned object is disposed of in a manner other than public auction, the Museum will have secured an appropriate number of independent estimates of the object's fair market value.
- If a deaccessioned object is deemed by collections and conservation staff to present physical hazard to either personnel or to other objects in the collection, or if it is in such a severe state of deterioration that it has no meaningful value for study, programming, or interactive exhibit use, and the expense of disposal far exceeds the fair market value, the object may be destroyed by Museum staff.
- Objects may not be given or sold to Museum employees, volunteers, officers, members of the Board of Trustees, community members of Board committees, or to their representatives.

## **Records**

An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of will be made and retained by the collections manager as part of the Museum's collection records.

## **Income**

Income derived from the sale of deaccessioned objects will not be used to defray ongoing operating expenses, but is instead restricted to use for collections acquisitions or to enhance the care, preservation, and protection of the collections.