

**Johns Hopkins Archaeological Museum**  
**Organizational Guidelines and Policies**

**September 2011**

The Johns Hopkins Archaeological Museum (JHUAM) is the repository for antiquities acquired by the Johns Hopkins University. The Museum was founded in the nineteenth century, as the JHU Archaeological Collection through the interest of the University's first President, Daniel Coit Gilman. His vision of learning through research still guides the University. Ever since, the collection has directly supported the teaching of courses by providing antiquities as a primary resource for study and research.

As a result of the tradition President Gilman established, the University is endowed with a learning collection of international distinction. Its collections include both Old and New World artifacts representing the ancient Near East, Egypt, the east Mediterranean, Greece, and Italy with objects dating from pre-dynastic Egypt into the Byzantine and Islamic periods. Objects from the Ancient Americas are pre-Columbian and derive from Mexico and other parts of Latin America.

### **I. Organization of the Museum**

The JHU Archaeological Museum is part of the Krieger School of Arts and Sciences, and as such, is under the oversight of the Dean of Arts and Sciences. The Museum is overseen by a Faculty Advisory Committee from the Departments whose faculty have expertise in the ancient Collections represented: Near Eastern Studies, Classics, History of Art, and Museums and Society. One member of the committee is Director of the Museum and convenes meetings to consider policy, loans and acquisitions, exhibition plans, and other procedural issues. A Curator is responsible for day to day running of the Museum and the care and preservation of its holdings and may have other staff and student workers assisting her or him. The Curator reports to the Faculty Advisory Committee through the Director of the Museum. The Curator attends the Committee's meetings *ex officio*. The aim of the organizational structure is to ensure faculty direction for the Museum that supports research and instruction at a high academic level. The Curator together with faculty are responsible to schedule courses that are held in the Museum ensuring that a broad group of classes can be offered each year. Faculty members whose students mount exhibitions during courses coordinate access to objects with the Curator and other staff.

Members of the Faculty Advisory Committee and staff who participate in the acquisition and management of the collections should be knowledgeable concerning the legal compliance requirements and ethical standards that pertain to antiquities and archaeological materials, as well as the collecting policies and disclosure practices of the Museum.

## II. Policy and Procedures

The JHU Museum deplores the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites, the destruction or defacing of ancient monuments, and the theft of works of art from individuals, museums, or other repositories.

### A. Acquisition

**1. Procedures.** The Faculty Advisory Committee will consider the acquisition of objects in accordance with the guidelines below and in communication with the Curator of Cultural Properties, the Dean of the Krieger School of Arts and Sciences, and the Office of External Affairs. Recommendations of the Faculty Advisory Committee will be placed before the Cultural Properties Committee, the Gift Policy and Acceptance Committee, and the Dean. The Cultural Properties Office prepares the deed of gift.

The JHU Archaeological Museum adopts the **Standards regarding Archaeological Material and Ancient Art**, approved July 2008 by the Association of Art Museum Directors and the **Guidelines** from the **Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2008)**. As a consequence of the adoption of these standards, the Museum will require and do due diligence to research the history and provenance of any antiquities offered to the Museum.

The Museum will

- rigorously research the provenance of an object prior to acquisition
- make a concerted effort to obtain accurate written documentation with respect to the history of the object, including export and import documents
- require sellers, donors, and their representatives to provide all available information and documentation.
- seek to authenticate and assess objects and, when the circumstances require, will seek an outside evaluation before acquisition. The donor would be financially responsible for this assessment, but the Museum must contact the evaluator(s).

**2. Compliance.** The Museum must comply with all applicable U.S. law, including treaties and international conventions of which the U.S. is a party, governing ownership and title, import and other issues critical to acquisitions decisions.<sup>1</sup>

Beyond the requirements of U.S. law, the Museum should not acquire any object that, to the knowledge of the museum, has been illegally exported from its country of modern discovery or the country where it was last legally owned.

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<sup>1</sup> See the treaty at <http://exchanges.state.gov/heritage/index.html>.

In addition, the Museum requires documentation that the object was out of its probable country of modern discovery by November 17, 1970, the date on which the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property was signed.

For objects exported from their country of modern discovery after November 17, 1970, the Museums requires documentation that the object has been or will be legally exported from its country of modern discovery, and legally imported into the United States. The Museum should abide by the preceding paragraphs regardless of any applicable statutes of limitation and notwithstanding the fact that the U.S. did not ratify the Convention until 1983.

**3. Existing Collections.** In order to advance further research, public trust, and accountability the Museum should make available the known ownership history of archaeological material and ancient art in its collections, and make serious efforts to allocate time and funding to conduct research on objects where provenance is incomplete or uncertain. The Museum may continue to respect requests for anonymity by donors.

**4. Claims.** The Museum and the University should respectfully and diligently address ownership claims to antiquities and archaeological material. Each claim, whether based on ethical or legal considerations, should be considered on its own merits.

When appropriate and reasonably practical, the Museum and the University should seek to resolve claims through voluntary discussions directly with a claimant or facilitated by a third party.

## **B. Loans**

**1. Procedures.** The Faculty Advisory Committee will consider the borrowing of objects in accordance with the guidelines below and in communication with appropriate offices of the University, such as the Office of Cultural Properties and the General Counsel's Office.

The Museum is committed to the principle that all borrowing be done according to the highest standards of ethical and professional practice. The Museum recognizes the need for transparency in the loan process and due diligence in researching proposed loans.

The Museum supports the open exchange of information among researchers and institutions as they collaborate on loans, exhibitions and other scholarly projects. Through this process, the most complete, accurate and useful information about works of art becomes available to a broad public.

In the course of considering possible loans of archaeological material and ancient art, the Museum should inquire into their provenance history, seeking to obtain all relevant information from the lender, and an appropriate warranty of their legal ownership of the work. In some cases, the Museum may decide that it is responsible and prudent to make further inquiries from other possible sources of information and/or databases. As is already standard practice, the information sought should include:

- the ownership history of the work of art;
- the countries in which the work of art has been located and when;
- the exhibition history of the work of art, if any;
- the publication history of the work of art, if any;
- whether any claims to ownership of the work of art have been made; and
- whether the work of art appears in relevant databases of stolen works.

#### Incomplete Information on Relevant Ownership / Provenance History

Even after rigorous research, it may not be possible to obtain complete and/or independently verifiable information on the relevant provenance history of a proposed loan. The Museum recognizes that the exhibition of such a work may best serve the interests of research and instruction. In cases of potential loans with incomplete relevant provenance histories, the Museum should use its professional judgment in determining whether to proceed with the loan, taking into account relevant legal and ethical considerations. Potential long-term loans (i.e. loans not part of visiting exhibitions) with incomplete relevant provenance histories should be evaluated under criteria comparable to those for acquisitions.

**2. Compliance.** In their role as temporary custodians of borrowed archaeological material and ancient art, the Museum should be aware of its responsibility to consider the legal and ethical status of such works. Compliance with U.S. law, which may have significant implications for the borrowing institution and the lender, is a fundamental requirement for all loans<sup>1</sup>. Furthermore, the status of a work under the foreign law of its country of origin (i.e. country of modern discovery)<sup>2</sup> may affect its status under U.S. law.

If the museum gains information that reasonably suggests a violation of U.S. law with respect to a proposed or existing loan of archaeological material or ancient art, the museum should seek specialized legal advice on the appropriate course of action. This advice may include notifying the lender and/or law enforcement authorities. The Museum should not proceed with a prospective loan or take action with regard to an existing loan unless and until any legal issues that come to light are clarified to the satisfaction of the Museum and its legal counsel. During the evaluation of a possible loan, the Museum should where appropriate advise the lender that third party claims could result in a delay to, or prohibit, the return of the object.

<sup>1</sup> Throughout this document, all references to U.S. law mean federal and applicable local law; for AAMD members outside of the U.S., it means the laws of their country and applicable local law.

<sup>2</sup> ‘Country of origin’ can have other legal meanings: e.g. for U.S. customs purposes it can mean the country of creation in antiquity.

In recognition of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted in November 1970, the Museum should not borrow any archaeological material or works of ancient art known to have been “stolen from a museum, or a religious, or secular public monument or similar institution” (Convention, Article 7b) after November 1970. In addition, the Museum should not borrow any

archaeological material or works of ancient art known to have been part of an official archaeological excavation and to have been removed after November 1970 in contravention of the laws of the country of origin.

The Museum should abide by the preceding paragraph regardless of any applicable statutes of limitation and notwithstanding the fact that the U.S. did not ratify the Convention until 1983.

Adopted after **Report of the AAMD Subcommittee on Incoming Loans of Archaeological Material and Ancient Art** Copyright ©AAM February 27, 2006 and the **Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2008)**.