

PUBLIC ART POLICY

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PREAMBLE

Concordia University's (the "University") Public Art Collection (as defined below) and programming exist to support the goals of the University and are aligned with its current and future vision of pedagogy and values of equity, decolonization, diversity, inclusiveness, accessibility, creativity, and sustainability.

The University is committed to making resources available for the conservation and acquisition of Public Art (as defined below) and views the development of its Public Art Collection as a complement to the activities of teaching and research that constitute the University's mission.

The University is committed to supporting artists and contemporary art developments within its publicly accessible spaces. This is accomplished by commissioning original artworks by contemporary artists, showcasing and bringing the permanent collection of Public Art as well as Temporary Public Art (as defined below) to life through outreach, programming activities and cultural mediation that engage our communities, enhance teaching and create opportunities for research and experiential learning for members of the University community.

The University's temporary installations and collections of Public Art provide opportunities for critical thought and engagement with subjects such as identity, history, place and belonging, technology, and the natural world amongst others. Such installations and collections include artworks by Indigenous artists that contribute to Indigenous visibility and address colonial legacies, as well as local and international emerging artist's projects, creating opportunities for underrepresented artists and voices including Indigenous, racialized, disabled, 2SLGBTQIA+, and women artists, and activates public spaces and buildings aesthetically and culturally in order to contribute to community identity.

SCOPE

This Policy sets out the principles and processes through which works of Public Art are acquired, located and installed, maintained, managed and programmed or deaccessioned from

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the University's Public Art Collection, and applies to all Public Art under the stewardship of the University.

This Policy does not apply to the whole of the collection of artworks belonging to the University and specifically excludes artworks that:

- a. are owned by the University art galleries, academic or other departments or are located in the Grey Nuns Reading Room;
- b. are installed in non-public areas such as private conference rooms, departmental waiting rooms, offices, faculty-specific areas, storage areas; and
- c. that have no relevance to the historical, contextual, or topological context of Concordia.

PURPOSE

This Policy governs the development of the Public Art Collection and programming, in compliance with the applicable rules of professional and ethical conservation, and provincial, federal, and international laws pertaining to cultural property.

The Policy also frames the orientation of the content of the Public Art Collection and programming initiatives. It provides the basis and direction for the effective development, management, maintenance, conservation, and stewardship of the Public Art Collection and ensures that the Acquisition (as defined below) and Deaccession (as defined below) processes respect current professional ethics.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

“Acquisition” means obtaining ownership of an artwork and all rights whatsoever related thereto by purchase, commission or gift.

“Commission(s)” means the act of requesting the creation of a new artwork for a fee.

“Deaccession” means the removal of an artwork from a collection.

“Donation” means an agreement whereby a donor effectively and irrevocably divests

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themselves of the ownership of an object by giving it to the donee, who accepts the Donation.

“Exchange” means a contract whereby the parties thereto transfer ownership of a certain property other than a sum of money to each other.

“Gift” means a voluntary transfer of money or physical property carrying with it no rights, privileges, benefits, or advantages for the donor nor any obligation for the transfer of results. A Gift is for the benefit of the University. It may also be designated to a unit of the University normally with a view of carrying out a particular program or project. This definition is aligned with the *Policy Concerning Gift Acceptance and Receipting* ([VPA-1](#)) and any inconsistency must be interpreted in favour of the definitions in the *Policy Concerning Gift Acceptance and Receipting* ([VPA-1](#)).

“Maintenance Plan” means a plan to assess a public artwork and issue conservation and maintenance recommendations along with a maintenance assessment report and maintenance duty schedules.

“Prefabrication Conservation Review(s)” means a review that provides information on the artist’s intent, material choices, technology updates and replacement, fabrication techniques and installation methods. It also establishes a clearly written long-term Maintenance Plan, including the artist’s and the commissioning agent’s discussion of expected longevity. The reviews can also be used to clarify the definitions of permanent versus temporary and prepare maintenance budgets.

“Public Art” means original artwork that is owned, commissioned by, or loaned to the University and is located in a public space, is accessible to the public, has aesthetic qualities and can represent public interest. Public Art engages the public and includes artworks of different typologies, durations and media, from the temporary and ephemeral to semi-permanent and permanent installations, object or non-object based, such as sculpture, media art, sound or light art, performances, socially engaged art projects and art that uses digital technologies, is interactive, accessible online, or other forms yet to be identified. It engages with the contemporary artistic period when it is produced. Typically, the creation of Public Art takes into consideration site and context as part of its process.

“Public Art Advisory Committee” or “Advisory Committee” means the committee that provides expert advice and contributes to the development and implementation of the Policy and Public Art Strategy (as defined below). The members of the Advisory Committee

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participate in relationship-building, consultation and collaboration with organizations and groups on campus and in the wider community. The membership, mandate and functioning of the Advisory Committee is provided for in its Terms of Reference.

“Public Art Collection” means Public Art that is installed in spaces that are open, free of charge, and easily accessible to the University community and to the wider public, including indoors on main floors and atria of buildings, tunnels, libraries, and outdoors on the exterior of buildings or on University property. Public Art at Concordia also includes artworks that are part of the [*Politique d’intégration des arts à l’architecture et à l’environnement des bâtiments et des sites gouvernementaux et publics*](#).

“Public Art Curatorial Sub-Committee” or “Curatorial Sub-Committee” means the sub-committee that provides expert advice on and contributes to the implementation of the Public Art Strategy. The membership, mandate and functioning of the Curatorial Sub-Committee is provided for in its Terms of Reference.

“Public Art Lead” means the person responsible at the University to lead the Public Art Strategy and related processes.

“Public Art Strategy” means the implementation plan for the Public Art Policy, the strategy is created by the Public Art Lead with the input of the University community, the Advisory Committee and the Curatorial Sub-Committee.

“Purchase” means the Acquisition of a work in exchange for a sum of money.

“Temporary Public Art” is a work of Public Art that is created and displayed for a limited period of time. The duration of its display is set during the Acquisition process.

“Transfer” means the instrument pursuant to which a person or institution transfers a right, obligation or responsibility to another person or institution.

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POLICY

Public Art at Concordia

1. Public Art in the Public Art Collection is on permanent or temporary display and accessible to all, in person or online, free of charge, year-round, inside or outside various buildings in public areas on both University campuses and is identified as such.
2. Public Art, either permanent or temporary, is exhibited in accordance with the Procedures. The Procedures rely on open and transparent processes to ensure equitable and respectful practices.
3. The Public Art Lead with the Advisory Committee and Curatorial Sub-Committee are the only professionals with the requisite skills and authority to develop, manage and care for the works in the Public Art Collection.

Ongoing Review

4. In accordance with the principles of equity, diversity and inclusion, a review of the Public Art Collection is undertaken 5 years after the effective date of this Policy and in 5-year increments thereafter. Based on the findings of these reviews, the Acquisition criteria may be adjusted to ensure the Public Art Collection is aligned with these principles.

Collection and Programming Priorities

5. Collecting priorities are determined by the Advisory Committee in consultation with the University community.
6. The Public Art Lead initiates proposals for Public Art programming, for discussion with the Advisory Committee.

Documentation

7. All Public Art shall be documented according to professional standards and procedures upon Acquisition and installation. The University makes information about the artworks available to the public.

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Maintenance, Conservation and Restoration

8. The permanent Public Art Collection receives regular assessment, documentation and conservation as laid out in the Maintenance Plan, created in consultation with a professional conservator.
9. New Public Art integrations receive a Prefabrication Conservation Review by a professional conservator and a long-term Maintenance Plan, which specifies expected longevity.
10. All Public Art shall be conserved and restored by a professional conservator and maintained on a yearly basis to ensure the preservation of the collection.
11. Public Art is kept in the same location on a permanent basis but, in exceptional circumstances, may be relocated when justified. Such justifications include, but are not limited to, Public Art that is located in an area that is prone to vandalism, construction, or threatens the security of the public, a change in the immediate surroundings of the Public Art, a change in the vocation of the building that incorporates the Public Art or in the vocation of the buildings that surround the Public Art, or that it becomes necessary to provide another context for the work.
12. Any maintenance, conservation or restoration measure that is taken proceeds in accordance with the University's obligations under the [Cultural Heritage Act, CQLR, chapter P-9.002](#), any applicable municipal regulation or by-law, and any other applicable provincial or federal law.

Acquisition

13. The Acquisition process shall be conducted according to the Terms of Reference of the Advisory Committee and Curatorial Sub-Committee.
14. Proposals for Acquisitions are reviewed by the Public Art Lead, who is mandated to assess the admissibility of the proposals and to determine which ones should be considered for Acquisition by the Advisory Committee and the Curatorial Sub-Committee. Proposals are submitted for approval by the Chair of the Advisory Committee, in accordance with the *Policy on Contract Review, Signing and Required Approvals* ([BD-1](#)) and the *Procurement Policy* ([CFO-20](#)).

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15. The Public Art Lead develops proposals for Acquisitions, Commissions, Purchases and Transfers together with Facilities Management and a conservator through a jointly developed protocol described in the Public Art Strategy.
16. There are six modes of Acquisition for adding public artwork to the Public Art Collection:
 - a. Commission of Public Art;
 - b. Commission of a resident artist;
 - c. Commission for an event or festival;
 - d. Purchase;
 - e. Gift; and
 - f. Public Art that is part of the [*Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics*](#).
17. Regardless of the mode of Acquisition, all Acquisitions are considered based on the same criteria and with the same thoroughness.

Commission of an artwork, or resident artist, artistic event, or festival

18. The Public Art Lead is involved in the process of commissioning a permanent or temporary artwork, group of artists or artistic event/festival, consistent with the Public Art Collection's scope and mandate.
19. An artist can be commissioned to create a permanent or temporary work of Public Art for a particular site, either in association with a building project, or on its own, or can be invited to work with a group or member of the University to achieve a permanent or Temporary Public Art of relevance to the group involved.
20. Approved Commissions and Public Art that are part of the [*Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics*](#), are administered by the Public Art Lead with the support of Facilities Management.
21. A contract between an artist and the University is required prior to the artist commencing work on a Commission of Public Art.

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22. The University provides artists compensation that is reflective of fees that are provided for similar public art projects whether they result in Acquisition or not. The University aims to provide this remuneration for the creation of the artwork, the Acquisition of any copyright and any other service provided by the artist. To establish compensation, the University considers collective agreements between artists and producers as well as proposed fee schedules published by artist associations such as Canadian Artists Representation/Le front des artistes canadiens (CARFAC).

Gifts

23. Gifts of Public Art may be accepted into the Public Art Collection. The Public Art Lead ensures that Gifts are consistent with the Public Art Collection's scope and mandate and remain in compliance with other University policies, including the *Policy Concerning Gift Acceptance and Receipting* ([VPA-1](#)).
24. The Public Art Lead in consultation with the Advisory Committee identifies potential collection scope criteria and Acquisition interests and works with University Advancement through a jointly developed protocol to identify donors and the steps to be taken when accepting Gifts.
25. Once approved by the Advisory Committee, Gifts are administered by University Advancement in accordance with the *Policy Concerning Gift Acceptance and Receipting* ([VPA-1](#)).
26. Advancement shall issue an official charitable tax receipt in compliance with the [Income Tax Act, R.S.C., 1985, c. 1 \(5th Supp.\)](#) upon the Public Art Lead's written confirmation of the Acquisition of Public Art by way of a Gift and in accordance with the *Policy Concerning Gift Acceptance and Receipting* ([VPA-1](#)).
27. A financial contribution for conservation and maintenance is obtained from the donor, as applicable.

Purchases

28. The Public Art Lead ensures Purchases are consistent with the scope and mandate of the Public Art Collection. Once approved by the Advisory Committee, a Purchase shall be made in accordance with the budget allocated to Acquisitions.

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29. All Purchases must be made in compliance with the applicable University policies, including the *Policy on Contract Review, Signing and Required Approvals* ([BD-1](#)) and the *Procurement Policy* ([CFO-20](#)).
30. Transfer of ownership by way of Commission, Gift or Purchase must be formalized in a written document.

Unsolicited Commissions and Gifts

31. Unsolicited Commissions and Gifts may be considered, but only in as much as they correspond to the Public Art Collection's scope, and they respect the Acquisition criteria.

Acquisition Criteria

32. The Public Art Lead, the Curatorial Sub-Committee and the Advisory Committee assess all Acquisitions with consideration given to the following criteria:
 - a. recognition of the artist pursuant to the [Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts, CQLR, chapter S-32.1](#);
 - b. the artist's portfolio and prior accomplishment, notably in public art;
 - c. support for the artistic community with priority given to artists from Quebec and Canada and those with a connection to the University;
 - d. potential to enhance the University's public space aesthetically, culturally, and to contribute to community identity;
 - e. relevance to and potential to reflect or critique the location in which it will be installed;
 - f. current relevance to the Public Art Collection and programming; such as equity, physical and intellectual accessibility, decolonization, diversity, inclusivity, sustainability; and ability to address colonial legacies;

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- g. its promotion of Indigenous visibility and visibility of artists from underrepresented groups;
- h. cultural significance of the work;
- i. ability to foster dialogue around public art and relevance to contemporary artworld developments and practices;
- j. the physical state and conservation requirements of Public Art;
- k. conditions relating to its Acquisition; and
- l. potential use of the Acquisition for pedagogy and programming objectives.

Deaccession

- 33. For Public Art that is acquired for the Public Art Collection on a permanent basis, a long-term loan to another institution is always favoured over Deaccession.
- 34. Deaccession is an exceptional measure that must be taken in compliance with the relevant rules of ethics, professional standards and relevant legislation and the University shall be allowed to proceed with the Deaccession only following recommendation by the Advisory Committee.
- 35. Decisions regarding the Deaccession of Public Art must be transparent and documented. Even if an artwork is deaccessioned, the University keeps the documentation pertaining to the work in its records in accordance with the *Policy on Records Management and Archives* ([SG-10](#)).
- 36. Deaccession can take place by way of returning to the original owner, exchanging with another institution, donating to a third party, sale, or destruction. The decision to move forward with a Deaccession and the subsequent physical disposition of the work shall respect the rights of the artist. In the case of a sale, a sale to a public institution is preferred. If no public institution wants to acquire the work, a public sale is preferred over a private sale.

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37. The deaccessioning of Public Art by way of Gift or Exchange is conditional upon identification of a new location for the Public Art concerned. The new location must be suitable for the conservation and installation of the Public Art in question.
38. Deaccessioning may be considered only in one or more of the following cases:
- a. the work of art is destroyed or the state of conservation of the Public Art is so deteriorated that it is irretrievable or unusable;
 - b. the artwork has been stolen and it is not relevant to keep the work in the Public Art Collection;
 - c. the University can no longer guarantee conservation of the Public Art or the continued costs of maintenance and/or restoration of the Public Art make it unreasonable to maintain the Public Art in the collection;
 - d. the artwork poses a threat to the security of the public or to the environment;
 - e. there is duplication of the Public Art;
 - f. the values associated with the artwork, or the acts perpetrated by the artist, are antithetical to the values of the University and its community to the extent that maintaining the Public Art in the Public Art Collection is no longer justifiable. In such instances, the University favours solutions such as recontextualization and relocation over Deaccession;
 - g. there is doubt regarding the authenticity and ownership of the Public Art;
 - h. the artwork is in violation of a criminal or penal law, or it infringes on the copyright or other rights of third parties; or
 - i. the University divests itself of the building to which the Public Art is inextricably attached.
39. If necessary, the University sends any required notice and obtains any approval necessary pursuant to the [*Cultural Heritage Act, CQLR, chapter P-9.002*](#) as part of the Deaccession.

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40. The Deaccession of Public Art must be made with full knowledge of the value of the Public Art concerned. In addition, when deaccessioning gifted Public Art, the Public Art Lead and the Advisory Committee must consider the legal as well as public perception consequences of such a decision given its role as an institution that houses a Public Art Collection.
41. For greater certainty, Temporary Public Art is cared for by the University like any Public Art in its collection. However, Temporary Public Art does not enter the Public Art Collection given its temporary nature and there is no need to Deaccession the work before disposition. The period of time that Temporary Public Art is displayed at the University and the condition of its disposition is negotiated on a case-by-case basis with the artist depending on the nature of the Public Art.

Policy Responsibility and Review

42. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Provost and Vice-President, Academic.