



DRAFT MANUAL

CAMPUS ART AND ARTIFACTS COLLECTION

CAMPUS ARCHIVES COLLECTION

Prepared by Facilities Management-Planning and  
Museum & Collector Resource, LLC

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# PROCEDURES

## 1. MANUAL PURPOSE

The purpose of this manual is to provide procedural instructions, guidelines, and resources to administer the University Art, Artifacts, and Archives Program. This manual should be used in tandem with the University of Massachusetts Lowell Collections Management Policy.

*Neither the Collections Management Policy (“the Policy”) nor this manual control those objects or art works that are not accessioned into the University Collections. Until a formal Collections policy is accepted, no collection exists as a University administrative entity.*

This Manual contains a set of procedures, checklists and forms. The procedures are covered in the first part of this Manual. The checklists and forms can be found in the second portion of the Manual. Be sure to read the procedures section before completing any of the forms.

## 2. ACQUISITIONS

### 2.1 Proposals for Acquisitions by Gift

This section includes guidelines governing acceptance of gifts made to UMass Lowell for the benefit of any of its operations, programs or services including gifts of real property in the form of art, artifacts or archives. The Proposals for Acquisitions Form should be completed and the items in the checklist completed in order for the University to accept a gift. If the gift is accepted, please refer to the Gift Checklist (form 2.3) for next steps.

### 2.2 Tax Deductions for Gifts to the Collections

Gifts to the University are tax deductible to the extent allowable by law. The University is tax-exempt under Section 115 of the Internal Revenue Code. The University’s federal tax identification number is 04-3167352. The University of Massachusetts Lowell is one of the five campuses of the University of Massachusetts, which is served by the University of Massachusetts Foundation, Inc., a private not-for-profit corporation having a 501(c)(3) identification number of 04-6013152.

### 2.3 Donor and Gift Confidentiality

Information concerning prospective donors or donation materials obtained in the course of considering gifts - including names, beneficiaries, gift amounts, personal assets, or other financial and estate information is coordinated with University Advancement and shall be kept strictly confidential by staff during the processing of the gift.

### 2.4 IRS Charitable Giving Requirements

A contribution is the irrevocable transfer of property or money to a qualified organization and has no donor-imposed conditions, or control. It must be voluntary, and made without getting, or expecting to get, anything of equal value (IRS Publication 526). A donation occurs at the time that legal title to the real property is transferred. This transference occurs when the donor signs a deed of gift (Form 2.4) and that deed is countersigned by the Chancellor or her assigns.

### 2.5 Tax Benefits for Donations to Collections

Items reviewed for acquisition by the Collections Committee may receive tax credit issued by the IRS for the independently appraised value of the gift. The University may not be held responsible for the IRS's refusal to provide any tax credits as this determination is not under the control of the University.

Donors may wish to give real property to the University with the intention that the items be sold and the proceeds used by the University in a directed or undirected manner towards a collection. This practice should not be encouraged as the University does not have sufficient resources to secure fair market value for donated objects outside of its scope of collecting. It is suggested that donors complete such sales themselves, and donate the proceeds to the University Art, Artifacts and Archives Program to further the University's collecting goals.

## **2.6 Deeds of Gift**

A signed Deed of Gift will act as the University's receipt for the real property donated. The IRS has published guidelines about receipts [IRS regulation 170(f)(8)]. Receipts are only required by the IRS for gifts of \$250 or more, per individual item (not cumulative). Note that a Deed of Gift is required regardless of value.

The following elements are needed for a Deed of Gift to serve as the donation receipt for IRS purposes:

- Name of donor
- Address and contact information of donor
- Signature and printed name of donor
- Date of title transfer
- Signature and printed name and title of the accepting official
- Detailed description of the art, artifacts or archival documents
- Statement indicating no goods or services were provided in exchange for the donation
- Note that no valuation for art, artifacts or archives may be provided on the receipt/Deed of Gift

The Deed of Gift (Form 2.4) is filled out by the department head, or their designee, in coordination with University Advancement once the appropriate Collections Committee has reviewed the gift. The unsigned Deed of Gift is forwarded to the Collections Manager who will make 2 originals of the Deed of Gift and send both to the Donor to obtain the Donor's signature and any supporting information needed to complete the gift. Once the Donor has signed the Deed and it is returned to the Collections Manager, the Collections Manager will obtain the necessary University signature through University Advancement. The Collections Manager will then send an original completed Deed back to the Donor and the second original will be retained in the object files for this gift. Two copies of the completed Deed will be made by the Collections Manager. One copy will be sent to the Department and the other to the Vice Chancellor for University of Advancement. Per University policy, the latter will send a letter to the Donor thanking them for the gift.

## **2.7 Appraisals**

Donations to the University are tax deductible to the extent allowed by law. Appraisals of items for donation may not be made by UMass Lowell staff, personnel, or Collection Committee members. Such valuations are prohibited by the IRS according to IRS Publication 561. All gifts of real property that have a donor claimed valued of \$5,000 or more MUST be accompanied by an appraisal from an independent, qualified appraiser. The cost of obtaining a qualified appraisal must be paid for by the donor.

IRS Publication 561 specifically states that there are several categories of individuals who are excluded from doing appraisals for donation purposes. Excluded are:

- The donor, or the taxpayer claiming the deduction
- The donee (i.e., the receiving institution)
- The party who sold the property to the donor (unless the sale was within the past two months and the appraised value does not exceed the sales price)
- Any persons employed by the above (i.e. any UMASS Lowell employee)
- Any person related to any of the above or married to a person related to any of the above

Donors wishing to obtain a tax deduction for gifts to the Collections must obtain their own appraisal and complete the relevant IRS forms prior to the donation. At the request of the donor, the UMASS Lowell Finance Office will fill out IRS Form 8283 Part IV for gifts of real property made to the University. This form indicates the receipt of the donation, but does not assign a value to the donation. The University may opt to acquire its own appraisal if the Donor does not use the appraisal for a tax deduction.

## 2.8 Acknowledgement of Gifts to the Collections

The Office of University Advancement at UMass Lowell will furnish the donor of an in-kind or non-cash contribution with an acknowledgement letter which states that the items were donated without consideration; that we have made no determination as to the item's value, and which contains a complete description of the contributed item(s). No dollar amount will be indicated in the letter.

UMass Lowell acknowledges all gifts regardless of size with a written letter from the Vice Chancellor for University Advancement within 48 hours of being received. To facilitate this policy, the Collections Committee will direct a copy of the signed Deed of Gift to the University Advancement Office once the signed Deed is returned by the Donor. The original Deed of Gift will be maintained in the Collection Object Files.

## 2.9 Conveyance

The University may acquire art, artifacts or archival materials in a number of ways. This is known as the means of conveyance. When describing a gift for the purposes of considering it as a donation please keep in mind the definitions of the various means of conveyance as follows:

**Unrestricted Gift/Donation:** A gift with no conditions of retention, display or deaccession. The University strives for all gifts or donations to come to the University unencumbered by restrictions. Unrestricted gifts may be made by individuals, associations, corporations, non-profits or governments.

**Gift/Donation with Restrictions:** A gift or donation that has conditions to its acceptance, display, access, or other encumbrances. Gifts or donations with restrictions are discouraged, but may be negotiated through University Advancement.

**Partial Gift/Fractional Gift:** When only a partial interest in an artifact, artwork or manuscript is given. In some cases, for example, art or literary works may be given without copyright. Such gifts are to be discouraged as they are very difficult to administer over time. All partial gifts must be accepted by the Chancellor or her assigns.

**Bequest:** The promise of a gift of personal property through a will. It is not incumbent on the University to accept a bequest if it does not fit within the guidelines of its Collections policies or an existing Scope of Collection at the University. All bequests must be submitted and reviewed by the UMass Foundation in addition to being reviewed by the appropriate Departments at UMass Lowell. Often such items will come to the University through the Executor/Executrix of an Estate.

It is not incumbent on the University to accept a bequest if it does not fit within the guidelines of its Collecting Policy or the Collections Management Policy. Bequests are treated as unrestricted gifts. The Executor signs the Deed of Gift (Form 2.4) and provides an executed copy of the relevant portion of the will.

**Purchase:** Objects purchased for a collection by the University or Department. Such items become the property of the University but may be administered by a particular Department. Items purchased are evaluated the same as items offered for donation, i.e. it must be germane to the Scope of Collection, without restrictions, and been evaluated for ongoing maintenance needs.

**Faculty or Staff Created:** Any work that is Faculty or Staff created may only be conveyed through one of the means of conveyance listed above. Works created by these members of the University community may only be offered for gift by the individual creator or their heirs. Works by faculty are not considered as works for hire under this policy.

**Student Created:** Any work that is student created may only be conveyed through one of the means of conveyance listed above. Works created by these members of the University community may only be offered for gift by the individual creator or their heirs. Works created by students are not considered works for hire under this policy.

**Work for Hire:** A work created by an employee in the normal course of their work for the University. Work for hire may be considered similar to a purchase by the University (See the definition of "Purchase" above).

**Found in Collections:** Items that have an unknown provenance and which are already on campus, but which fit into the University's Collecting Policy. Items described as "having been around here forever" are the kinds of things that often fall into this category. Every attempt should be made to ascertain the provenance of such an object before it is formally considered part of the collection. If the provenance of an object is discoverable it is not a Found in Collection object. Documentation of the object and care for the object usually define the conveyance of this type of artifact/archive. Once the object is "discovered" it should be formally documented as becoming part of a collection in a department through the regular process of accession.

**Transfer:** An item transferred to UMASS Lowell from another University or a non-profit entity. Objects transferred are treated as unrestricted gifts. Offers of transfers go through the same process as objects offered as gifts. Deeds of gifts are issued to and signed by a fiduciary representative of the donating institution.

**Field Collected:** Objects collected as part of University-sanctioned field work. This may include archaeological research where it has been agreed with the landowner that the University will take title to the finds of the excavation, or the salvaging of an historic structure that the University owns.

**Trade/Exchange:** An artifact/manuscript obtained through an exchange of property with another university or non-profit organization. The University should not trade collection items with private individuals due to the appearance of a conflict of interest in such circumstances.

The following instances are not conveyance:

**Loans:** An object that comes to the University for a limited time period and for which the University does not pay a fee and does not obtain title.

**Rentals:** The borrowing of an object or group of objects for a fee, but where the University does not acquire title and where the object(s) are only on site for a limited amount of time. Rented exhibitions are instances where artifacts/art are rented for a short period for display. While funds are paid for the use of the objects, the University does not obtain title.



### **3. ACCESSIONS**

#### **3.1 Accession Documentation**

Proper documentation is required for a work of art, artifact, or archival material to be accessioned into the Collections. Complete the steps included in the Accession Documentation Checklist (Form 3.1) to fully document the accession, including detailed information about the object and its condition. The Department completes the Accession Record (Form 3.2). The Object Data Record (Form 3.3) and Condition Report (Form 3.4) will generally be completed by the Collections Manager and copies provided to the Department. The Collections Manager will also enter the information from all three forms into the collections database.

### **4. DEACCESSIONS**

#### **4.1 Deaccession Process**

In order to maintain a sustainable collection, to properly care for items of value, and to keep the collections relevant to its mission, the University may, from time to time, determine that it will remove art, artifacts or archives from University Collections. This process is called deaccessioning. Departments, the Collections Committee, the Collections Manager, Collections Chair and the Chancellor or her assigns may propose deaccessions.

When proceeds from a deaccession are realized they will be held by the Department in a fund designated for the acquisition of objects for the Collections, or for the care and maintenance of existing collections

#### **4.2 Deaccession Records**

Records on deaccessions are kept in perpetuity. The record will contain the contents of the Object File, reasons for deaccessioning, votes and meeting minutes from Collections Committee and Department meetings when decisions about the deaccession were made, images of the objects at the time of deaccession recommendation, and information on the method of final disposal.

#### **4.3 Deaccession Disposals**

The processes for disposal for deaccessioned Collections items include:

- Exchange – with another not-for-profit organization or institution for materials relevant to the content of the collection and the mission of the University.
- Transfer– to a not-for-profit organization with a more relevant collection or better facilities to properly care for the object.
- Sale – preferably at public auction.
- Removal from the Collections - via permanent disposal or destruction
- Retention by the University as an item of real property, but not considered as part of the Collections.

### **5. LOANS**

Loans allow the University to bring objects and exhibits onto campus which enhance the educational experience as well as enhance its own collections. Loans of Collections items also expand the reach and influence of the University. The

following sections discuss in-loans – those of objects or archival materials loaned to the University, and out-loans – loans of items in the Collections to organizations outside of the University.

### **5.1 Incoming Loans**

All loans of artifacts or archives that come into the University must be processed through the Collections Committee prior to arrival on campus. An Incoming Loan Form (Form 5.2) is completed and submitted to the Collections Committee for approval. This allows the Collections Committee to review logistics, conditions of display or insurance that may be required by the lender, and to coordinate loans that may be occurring simultaneously across campus. The Committee will also ensure that sufficient University resources are available to handle and process loans. Documentation of loans are entered into the Collections Database before items arrive on campus. Include images of loaned items, the intended location of items, duration and purpose of the loan.

### **5.2 Outgoing Loans**

All loans of artifacts or archives that leave the University temporarily for loan purposes are processed through the Collections Committee prior to leaving campus. An Outgoing Loan Form (Form 5.2) is completed and submitted to the Collections Committee for approval. This allows the Collections Committee to review conditions of display or insurance that may be required by the University to safeguard its property while on loan. Documentation of outgoing loans is entered into the Collections Database before items leave campus. This documentation should include the intended location of items, duration and purpose of the loan, insurance and transport details, as well as contact information for the borrowing institution. University property is generally not loaned to private individuals.

### **5.3 Insurance for Loans**

*VERIFY FOLLOWING INFORMATION SINCE UML SELF-INSURES: Departments who have Collection Committee reviewed in-loans for exhibits on campus may apply to the Collections Committee for insurance. Loan objects may be insured based on fair market value as provided by the lender on an Incoming Loan Agreement. It is the responsibility of the lender to inform the University, through the Collections Manager, if the stated value of the object changes during the period of the loan. A certificate of insurance can be furnished to the lender as evidence that their property is insured for the duration of the loan.*

The University requires insurance for all outgoing loans from the Collections based on the fair market value of an object. Insurance is typically carried by the borrower and a Certificate of Insurance supplied to the Collections Manager. *VERIFY: Alternatively, the University may maintain its own insurance at the borrower's expense.* The University reserves the right to require that the borrower provide written evidence of their ability to pay any deductible limits of coverage. Damage to or loss of objects must be reported to the Collections Manager by the borrowing institution as soon as it is discovered. The Collections Manager will maintain all related records and coordinate conservation treatment with outside vendors and Department staff should a loss occur.

### **5.4 Temporary Deposit, Temporary Custody**

Occasionally, there may be a need for an object to come to the University for a temporary purpose which is not necessarily a loan for exhibition. While not encouraged, objects are sometimes brought physically to the University for consideration as gifts that require evaluation, research, or analysis before the object can be considered for accession. In such cases, an object is in the temporary custody of the University. Objects in temporary custody accompanied by:

- Proof of insurance obtained and maintained by the owner to protect the University's interests while the object is in the University's care.
- A signed agreement indicating how long the object will remain in temporary custody, why the object is on deposit, and the University's and Owner's respective obligations in terms of preservation and care.
- Department application to the Committee using an Application for Temporary Deposit (Form 5.6) for permission to obtain items for temporary custody at least 30 days prior to the object's delivery. The Application for Temporary Deposit includes a description of the item as well as receiving, processing, storage and display locations to be used.
- If the Application for Temporary Custody is accepted, the Collections Manager will complete a Temporary Custody Form (Form 5.7) to be sent to the owner for their signature. The Collections Manager may help the Department coordinate the delivery of the object.

Occasionally, a potential donor or other individual may insist on leaving an object with University personnel. If this occurs, use the Temporary Custody Form (Form 5.6) as a receipt. The person in contact with the owner should sign the form and have the owner sign the form. Make 2 copies, give the Owner one copy, retain the original with the object and immediately send the second copy to the Collections Manager.

## **6. INTELLECTUAL PROPERTY**

### **6.1 Permissions to Reproduce or Publish Collections Images**

Permission by outside researchers, institutions, or corporations to reproduce or publish items or images from University Collections when UMass Lowell owns the copyright, will be processed through the Department responsible for the item, viewed by the Collections Committee, and documented by the Collections Manager. Further use of the same material is subject to the same process of request as permissions provided by the University are for one-time use only. The University of Massachusetts Lowell requires clear credit for materials in any and all publications.

### **6.2 University Guidelines on Intellectual Property Issues**

Guidelines on intellectual property for students, faculty and staff is located in Section 15 (Appendices) of this manual, and contains the University policy governing University community members use of intellectual property owned by the University.

## **7. COLLECTIONS CARE**

### **7.1 University Responsibilities**

By accessioning objects into its permanent collection, the University is taking on the responsibility of properly caring for and preserving these objects. The University's responsibilities include preservation, security, proper storage and handling of art, artifacts, and archives, and the maintenance of facilities for these purposes.

### **7.2 Department Responsibilities**

While it is impractical to retrofit all Departments with museum-quality climate-controlled storage/display space, there are nominal standards Departments should aim to meet if they are intent on holding and storing collections. Art, artifacts,

and archives in the Collections span a wide range of ages and mediums, have differing environmental requirements and need to be stored in temperature/humidity controlled spaces suited for the composition of those specific objects. Departments holding collections should identify spaces which are or can be retrofitted to provide proper storage conditions. The assistance of the Facilities Management Department should be sought if special storage or exhibit space climate controls are required. Ideally, storage and display environments have a temperature of approximately sixty-five degrees Fahrenheit with fifty percent humidity, resulting in a relative temperature and humidity ratio of 54%. At the least, measures should be taken to ensure that artifacts are stored in an area where extremes of temperature and humidity are avoided. Drastic changes in these conditions significantly increase the deterioration of objects.

Storage areas should also be equipped with adequate flood and fire prevention systems, and security systems. See the Risk Management section for more information on this topic. The following website provides basic information on caring for collections:

[http://www.si.edu/mci/english/learn\\_more/taking\\_care/index.html](http://www.si.edu/mci/english/learn_more/taking_care/index.html)

In addition to proper storage, Departments are responsible for proper handling of all artifacts their collections. Researchers and others handling sensitive artifacts will be required to wear gloves in order to prevent corrosion of objects from the natural acids/oils on the skin, unless wearing gloves may endanger the object. Further, vulnerable objects should only be handled by those trained to work with fragile artifacts. The Collections Manager will offer regularly scheduled training to departments holding collections. Specific individuals who have been trained in each department will be identified as those allowed to provide access to sensitive portions of departmental collections.

Each Department will be in physical control of their respective collections, know the location and condition of all objects under their care, and provide up to date information to the Collections Database. Departments are responsible for the periodic evaluation of Collections conditions and regular general maintenance.

## **8. COLLECTIONS ACCESS**

### **8.1 General Access**

Access to exhibits should be made widely available to the University community and to the public at large. Access may, however, have to be controlled based on security needs or risks to the objects in some circumstances. Departments should contact the Collections Manager for guidance on providing or restricting access to exhibit areas.

Departments have primary responsibility for safeguarding their collections and therefore may regulate access. The following three criteria are primarily used in making or denying access:

- Access will not present a danger to the physical security and integrity of the art, artifact or document.
- Scholarly or study purposes shall receive the highest priority for collections access.
- Access policies will be managed in a manner that supports the University's mission.

Direct physical access to collections on display or in storage is granted to a limited number of people through permission from the Director of the Library, Department Chair, the Collections Manager, or the Facilities Management staff assigned to assist collections programs. Individuals accessing the collections are required to complete the Visitor Log (Form 8.3) and researchers must complete a Collections Access Request (Form 8.2) in order to make an appointment to use or

directly view collections. All visitors to the collection are escorted except when the collections are part of a publicly viewable exhibit.

Physical work in collection display or storage areas is arranged in advance with the Collections Manager. This will allow the Collections Manager to supervise the area in case objects need to be removed in advance or during the course of work.

If work is required in Collections storage or exhibit areas by non-University personnel, contact the Collections Manager so that objects can be safeguarded during the work. Contractors working in spaces where Collections material is exhibited or stored are required to carry insurance and name UMASS Lowell as an additional insured.

Access Controls will be provided by departments holding Collections. These controls vary depending on the value of the material to be accessed, the fragility of the material, staff availability, and whether photographs may be taken, and the use of those images.

A simple Visitor's Log may be used to account for exhibit visitations or collections use, and maintenance or moving of displayed material should be logged in the Collections Database by the Collections Manager. This form can be used to log research access by students, or the public visiting an exhibit. The Visitor Log is also a security tool which provides documentation should collection items go missing.

## **8.2 Researcher Access**

Access by researchers from the University community or external to the University are handled by Departments. Departments should use the Collections Access Request (Form 8.2) to track use of Collections material. This form will also assist Departments in tabulating usage statistics on their collections for the Annual Report on Collections (Form 8.4). Researchers also complete the Visitor Log (Form 8.3) on arrival for their appointment

Access to objects in storage should always be escorted. Researchers make an appointment in advance for Collections access, and objects should only be handled during access sessions by departmental personnel who have received training from the Collections Manager in object handling. When appropriate, inform researchers that photographs taken during research visits are for personal reference use only and may not be published in print or on the internet unless specific copyright or reproduction rights have been assigned to the researcher.

## **8.3 Annual Report on Collections**

Departments holding collections are requested to provide an "Annual Report on Collections" to the Collections Committee. A sample report is contained in this Manual (Form 8.4). Reports include annual statistics on the number of permissions requested for collections access and the number of permissions granted. Additional information on visitation, use of their collections, conservation, collections moves, acquisitions and deaccessions should also be provided in the report.

# **9. ETHICS**

## **9.1 Collecting by Individuals Controlling Collections**

It may be necessary to occasionally restrict the collecting activities of individuals who have direct control of University Collections to avoid real or perceived conflicts of interest. It is recommended that individuals having direct control of

collections inform the Collections Committee if their personal collecting activities may intersect with those of the University Collections they control.

For example, if a person who is in control of a University Collection of contemporary art that contains works by the artist Frank Stella, and the individual also actively collects Frank Stella's work, then the Collections Committee should be informed. It may then be necessary to designate a different individual in the department to administer the collection in question in order to avoid the appearance of a conflict of interest.

## **10. RISK MANAGEMENT**

### **10.1 Risk Management Program**

Collections typically carry out programs of risk management and mitigation. A risk mitigation program includes preventative measures to protect their material and staff, such as storing and exhibiting objects in areas equipped with fire detection and suppression systems in order to prevent risks to the artifacts from a fire. The spaces where the Collections are stored and exhibited may be assessed by the Collections Manager for risks and hazards in consultation with the appropriate University safety and facilities departments. The Collections Manager may make recommendations to Departments for remediation of risks. A consultant may also be utilized in assessing risks and recommendations for the management of risks.

### **10.2 Disaster Preparedness and Recovery**

A Collections Disaster Plan allows the University to assess vulnerabilities, develop strategies for evacuating people in exhibit spaces, and moving collections should the need arise. A Disaster Plan also allows the administrators of collections to respond and recover, so that operations are returned to normal in as short a time as possible and that valuable University assets are preserved.

In order to plan for the protection of the Collections in the event of a disaster or emergency, the University will develop and maintain a Disaster and Recovery Plan for the Collections. The Collections Manager will be responsible for the development of the plan in consultation with each Department. Outside consultants may also be used for plan development. The Disaster Plan will be reviewed and updated as necessary annually, or when Collections experience significant changes in scope. A Disaster Plan assists in recovering collections from events ranging from a minor emergency to a major disaster. However, in an emergency, human safety is always the highest priority.

## **11. DOCUMENTATION**

### **11.1 Documentation Standards**

In order to document the artifacts and manuscripts it receives, the University will endeavor to record standard details on each item it acquires for collections. In many cases documentation will begin when the object/collection is offered to the University, and should be complete when an object has been conveyed to the University. Typical documentation includes the following:

- Donor
- Date of manufacture or use

- Artist or manufacturer
- Provenance
- Associated individuals
- Subjects
- Measurements
- Condition
- Medium/materials/formats
- Location
- Description

Recording this data using standard terminology, controlled vocabularies, and nomenclatures will facilitate sharing data electronically. Individuals documenting collection items will refer to the following standards for data collection when categorizing and describing collection items:

- Getty Art and Architecture Thesaurus (GAAT)
- Cataloguing Cultural Objects, Visual Resources Association (CCO)
- Graphic Materials: Rules for Describing Original Materials in Historical Collections (GIHC)

Other standards for data collection may be adopted as necessary. Discipline-specific vocabularies may also be utilized, such as those for classifying natural history specimens.

## **12. DISPLAY**

One of the primary methods for using artifacts, art and manuscripts for education purposes is to display these objects. The Appendix contains a list of campus locations that are areas that can accommodate displays. The following policies provide guidelines for developing displays and exhibiting collections.

### **12.1 Exhibit Development:**

Departments are encouraged to exhibit the items they hold and to do so in a manner that educates the University community and the public, while providing intellectual access to these important teaching tools. Developing an exhibit plan will help to guide object selection and desired educational outcomes for exhibits. An Exhibit Plan will typically include a physical plan or design of the exhibit developed in coordination with Facilities Management, a schedule, security plan, budget, and identification of an exhibit manager, as well as approvals from University Departments or programs affected by the installation.

### **12.2 Display Criteria:**

The following criteria should govern the exhibition of art, artifacts and manuscripts placed on display:

- Objects shall be protected from harm.
- Objects shall be protected from excessive artificial light, direct sunlight, fluctuating climate conditions, and soiling if those conditions will harm the object.
- The Collections Manager will be consulted for guidelines on exhibiting items that may be fragile or subject to deterioration through exhibition.
- Items should only be touching surfaces that will not off-gas or harm the object.

- A security plan will be developed for the exhibit. This may include stanchions, locked exhibit cases, guards in galleries, temporary camera systems, alarmed doors and windows, and other means to protect valuable assets.
- Mounting may be needed to safely exhibit some items. The Collections Manager should be consulted if mounting or framing are required as part of the exhibit plan.
- Departments will work through the Communications Office to advertise the exhibition.

### **13. MANUAL REVIEW AND REVISION**

This Manual is to be used as a tool to manage and preserve the Collections, and is derived from the policies in the UMASS Lowell Collections Management Policy. Changes in University policies, or changes made to Collections, may necessitate modifications to the policy and subsequently this manual.

All guidelines, procedures and forms contained in this document are reviewed annually by the Collections Committee and the Collections Manager. Recommended changes will be presented to the Collections Chair for review and acceptance. The Collections Chair may also charge the Collections Manager with drafting changes to the Manual, or appoint/hire a consultant to do so. The Chancellor or her assigns will have the final approval of changes, updates or modifications to the Collections Manual.



## CHECKLISTS AND FORMS

## **2. ACQUISITIONS**

### **Acquisition Checklist (Form 2.1)**

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> Department Assigns person responsible for managing this acquisition	_____	_____
<input type="checkbox"/> Communicate University Gift Policies and IRS regulations to Donor	_____	_____
<input type="checkbox"/> Determine how proposed acquisition fits into departmental holdings	_____	_____
<input type="checkbox"/> Determine how gift may be used (display, research, other)	_____	_____
<input type="checkbox"/> Collect data on gift and the donor	_____	_____
<input type="checkbox"/> Complete the Proposed Acquisition Form	_____	_____
<input type="checkbox"/> Forward Proposed Acquisition Form to the Collections Manager	_____	_____
<input type="checkbox"/> Attend meeting of the appropriate Collections Committee if requested	_____	_____
<input type="checkbox"/> Collections Committee determines if gift will be accepted or declined	_____	_____
<input type="checkbox"/> Collections Manager informs department of Collections Committee decision	_____	_____
<input type="checkbox"/> Communicate decision to accept or decline the gift to Donor	_____	_____

**Proposed Acquisition Form (Form 2.2)**

---

- Form completed     All info collected and attached     Donor contacted regarding process  
 To Committee     Department Informed after Committee Decision     Donor informed of decision

Date: \_\_\_\_\_

Name of Person completing form: \_\_\_\_\_

Department Proposing the Acquisition: \_\_\_\_\_

University Employee Responsible for handling communication with the prospective Donor (Name, Title, Extension)

---

Collections Committee Designation

- Art and Artifacts     Archives     Both

Source:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Other: \_\_\_\_\_

Additional Donor information (gifts given previously to the University, association with the University, etc.)

Description of proposed acquisition: (Please include object names, quantities. Use additional pages, photos or attachments as necessary).

Proposed Department use of acquisition:

Means of conveyance (see Manual section 4.9 for definitions)

Date of Collections Committee Meeting: \_\_\_\_\_

Collections Committee Determination:

- Accepted for acquisition     Not accepted for acquisition     Other

Notes on determination:

**Gift Checklist - To be completed after the gift has been accepted (Form 2.3)**

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> Complete University Collections Deed of Gift	_____	_____
<input type="checkbox"/> Forward completed, but unsigned Deed of Gift to the Collections Manager	_____	_____
<input type="checkbox"/> Donor Returns Deed of Gift to Collections Manager	_____	_____
<input type="checkbox"/> Collections Manager Obtains University Official Signature	_____	_____
<input type="checkbox"/> Copy of the Deed of Gift received from Collections Manager	_____	_____
<input type="checkbox"/> University Advancement sends Thank You Letter (copy to Dept.)	_____	_____
<input type="checkbox"/> Collections Manager arranges for delivery of gift	_____	_____
<input type="checkbox"/> Department physically receives gift	_____	_____



University Collections  
DEED OF GIFT  
(Form 2.4)

Name of Donor:

Address:

Phone:

E-Mail:

\_\_\_\_\_ acknowledges that they are the owner in full of the following and give, grant, and convey the items listed below to the Chancellor of the University of Massachusetts, Lowell as the Chief Executive Officer of UMASS Lowell. The donor also conveys all rights in the object or document, including the copyright, when the donor possesses such rights. The Donor also acknowledges that no goods or services were provided in exchange for this donation:

(Description of Gift)

These items become the property of UMASS Lowell and shall be recorded as an unrestricted gift. UMASS Lowell reserves the right to manage this property in accordance with its Collections Management Policy. Due to limited exhibition space and the University's policy of rotating exhibits, display of any object or archival record cannot be assured. Gifts to UMASS Lowell are deductible from taxable income in accordance with the provisions of the Federal Income Tax laws. It is the responsibility of the donor to establish the value of the gift.

Acceptance of your material by UMASS Lowell means that it is a valuable addition to the University's collections. Items accepted by the University become the sole property of UASS Lowell and are not returnable.

The greater part of the University's collections are not on public view at any given moment. The University utilizes its collections in the following ways: permanent exhibition; rotating exhibition; loans to other museums and institutions for exhibition and research; educational programs and projects; scientific and historical research; maintaining type and study collections for research and teaching. Thus, unseen collections enable the University to carry out a wide variety of programs.

Copies of the University's mission statement and Collections Management Policy are available upon request.

Donor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name: \_\_\_\_\_

Gratefully Received by \_\_\_\_\_ Date \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

*For University Use Only:*

*Acc #:*

*Date From Returned*

*Initials*

### 3. ACCESSIONS

#### Accession Documentation Checklist (Form 3.1)

Action Item	Initials	Date Completed
<input type="checkbox"/> Completed, signed and counter signed Deed of Gift – Form 2.4, OR	_____	_____
<input type="checkbox"/> Bill of sale, provenance record or other proof of ownership obtained	_____	_____
<input type="checkbox"/> Completed Accession Record – Form 3.2 (Department)	_____	_____
<input type="checkbox"/> Completed Object or Archive Data Record – Form 3.3 (Collections Manager)	_____	_____
<input type="checkbox"/> Completed Condition Report - Form 3.4 (Collections Manager)	_____	_____
<input type="checkbox"/> Entry into the Collections database (Collections Manager)	_____	_____
<input type="checkbox"/> Labeling and photographing of the item (Collections Manager)	_____	_____
<input type="checkbox"/> Proper storage (Department with input from Collections Manager)	_____	_____

**Accession Record (Form 3.2)**

---

To be completed by the Department

Today's Date: \_\_\_\_\_

Person completing form: \_\_\_\_\_

Department Accessioning Object/Archives: \_\_\_\_\_

University Employee Responsible for handling this accession: \_\_\_\_\_

Accession Number(s) Assigned by Collections Manager \_\_\_\_\_

Date of Approval by Collections Committee: \_\_\_\_\_

Source:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Other: \_\_\_\_\_

Description of the Accession:

(Please include object names, quantities. Use additional pages, photos or attachments as necessary).



**Object Data Record (Form 3.3)**

Today's Date: \_\_\_\_\_ Initials: \_\_\_\_\_

- Tagged                     
  Photo                     
  Entered                     
  Paperwork                     
  Put away

Object Name:	Object ID Number:
Category:	Date:
Source:	Provenance/Associated Objects:
Location: Home Location: _____ Container: _____	
Description of Object:	
People, Classification, Subjects, Search Terms:	
Materials:	
Makers Mark:	
Measurements:      Height _____      Length _____      Width _____ Diam. _____      Depth _____	
Condition:              Excellent _____      Good _____ Fair _____      Poor _____      Unstable _____	
Condition Notes:	
Notes:	



CONDITION REPORT

Object #: \_\_\_\_\_ Other #: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Reason for report: \_\_\_\_\_

Name of examiner: \_\_\_\_\_

Composition of object:

Dimensions:

Height \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Depth \_\_\_\_\_ Diameter \_\_\_\_\_ (inches)

Damage:

Abrasions _____	Hole(s) _____
Mold _____	Discoloration _____
Bent _____	Mildew _____
Broken _____	Missing parts _____
Cracked _____	Loose parts _____
Dirt _____	Insect damage _____
Grease _____	Stains _____
Dust _____	Chips _____
Fading _____	Tarnish _____

Other:

Details of damage (if any):



Recommended treatment:

Conservation record:

Date	Conservator	Treatment

Additional comments:

Sketch or photo of damaged area(s):

## 4. DEACCESSIONS

### Deaccession Process Checklist (Form 4.1)

Action Item	Initials	Date Completed
<input type="checkbox"/> Deaccession Recommendation – Form 4.2 - is completed	_____	_____
<input type="checkbox"/> Form forwarded to the Collections Manager	_____	_____
<input type="checkbox"/> Collections Manager gathers the documentation available on the objects/archives	_____	_____
<input type="checkbox"/> Collections Committee meets	_____	_____
Decision Made ___Deaccession ___Keep___Other	_____	_____
<input type="checkbox"/> Collections Committee recommends method of disposal	_____	_____
<input type="checkbox"/> Collections Committee forwards determination to the recommending party	_____	_____
<input type="checkbox"/> Committee instructs Collections Manager	_____	_____
<input type="checkbox"/> The Collections Manager deaccessions the item	_____	_____
<input type="checkbox"/> Collections Manager deposits proceeds (if any) for department	_____	_____

**Deaccession Recommendation (Form 4.2)**

---

- Form completed     All info collected and attached     To Committee
- Department Informed after Committee Decision     Collections Manager Informed on deaccession
- Deaccession completed

Date: \_\_\_\_\_

Name of Person completing form: \_\_\_\_\_

Department/Committee Proposing Deaccession: \_\_\_\_\_

Collections Committee Designation

- Art and Artifacts                       Archives                       Both

Source:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Other: \_\_\_\_\_

Additional Donor information (other gifts to the University, association with the University, etc.)

Description of proposed deaccession: (Please include object names, quantities. Use additional pages, photos or attachments as necessary. Attach the collections database Records).

Reasons for proposed deaccession:

Recommendation for deaccession disposal:

Date of Collections Committee Meeting: \_\_\_\_\_

Collections Committee Determination:

- Recommended for deaccession                       Not recommended for deaccession     Other

Notes on determination:

Date of disposal:

## 5. LOANS

### Incoming Loan Process Checklist (Form 5.1)

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> Incoming Loan Form – Form 5.2 - is completed by the Department	_____	_____
<input type="checkbox"/> Form 5.2 is forwarded to the Collections Committee (60 days before exhibit)	_____	_____
<input type="checkbox"/> Collections Manager reviews loan forms for completeness	_____	_____
<input type="checkbox"/> Collections Committee reviews loan	_____	_____
<input type="checkbox"/> Collections Manager informs Department of decision	_____	_____
<input type="checkbox"/> If recommended, Collections Manager works with the department to coordinate loan	_____	_____



UMass Lowell  
Incoming Loan Form  
(Form 5.2)

Item:

Lending Institution/Institution Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Term of Loan:

Purpose of Loan:

Object Condition (Attach Object Condition Report Form when necessary)

Restrictions/Special Care Instructions:

Transportation Method:

UMass Lowell works to the best of its ability to ensure the safety and well-being of all objects loaned to the University. However, it is the sole responsibility of the lending institution to insure any and all loaned artifacts as well as provide documentation of insurance to the University upon receipt of the object. Further, by signing this agreement, the lending institution holds harmless the University for any and all responsibility, both financial and otherwise, for damage, loss or other issues concerning loaned artifacts while it is in the custody of our institution.

Lender's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

UMass Lowell: \_\_\_\_\_ Date: \_\_\_\_\_



**Outgoing Loan Checklist Form 5.3)**

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> An Outgoing Loan Form - Form 5.4 - is completed by the Department	_____	_____
<input type="checkbox"/> Form 5.2 is forwarded to the Collections Committee (30 days before exhibit)	_____	_____
<input type="checkbox"/> Collections Manager reviews loan forms for completeness	_____	_____
<input type="checkbox"/> Collections Committee reviews loan	_____	_____
<input type="checkbox"/> Collections Manager informs Department of decision	_____	_____
<input type="checkbox"/> Proof of Insurance covering loan obtained from borrower	_____	_____
<input type="checkbox"/> If recommended, Collections Manager works with the department to coordinate loan	_____	_____



UMass Lowell  
Outgoing Loan Form  
(Form 5.4)

Item:

Borrowing Institution Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Delivery Address (if different) \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Term of Loan:

Purpose of Loan:

Object Condition (Attach Object Condition Report Form when necessary):

Restrictions/Special Care Instructions:

Transportation Method:

UMass Lowell assumes responsibility for its permanent collection both on and off the property of the University. We require that any institution receiving our artifacts on loan provide documentation of insurance that covers those artifacts wall to wall and while in the care of the borrower. Further, loans from the University's collection are made with the knowledge that by signing this agreement the receiving institution will care for and protect any and all artifacts to the best of their ability and adhere to any special conditions listed in this document. Objects in the care of the borrowing institution may be photographed for condition and identification purposes only. For all other imaging, a separate agreement shall be completed.

Borrowing Institution: \_\_\_\_\_

Borrower Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

UMass Lowell Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**Temporary Custody Process Checklist (Form 5.5)**

Action Item	Initials	Date Completed
<input type="checkbox"/> Application for Temporary Deposit (Form 5.6) is completed by the Department	_____	_____
<input type="checkbox"/> Form 5.6 is forwarded to the Collections Committee (30 before arrival)	_____	_____
<input type="checkbox"/> Collections Manager reviews the application for completeness	_____	_____
<input type="checkbox"/> Collections Committee reviews temporary deposit	_____	_____
<input type="checkbox"/> Collections Manager informs Department of decision	_____	_____
<input type="checkbox"/> If recommended, Collections Manager completes Temporary Custody Form – Form 5.7	_____	_____
<input type="checkbox"/> Collections Manager sends Temporary Custody Form to owner for signature	_____	_____
<input type="checkbox"/> Temporary Custody Form is returned to Collections Manager by owner	_____	_____
<input type="checkbox"/> Proof of Insurance obtained from owner	_____	_____
<input type="checkbox"/> If recommended, Collections Manager works with the department to coordinate	_____	_____

Application for  
Temporary Deposit

(Form 5.6)

Complete this form if your department expects to receive an item(s) for temporary deposit. This practice is not encouraged as items to be considered for acquisition should not physically come to the University until after they have been accepted as gifts. This form may be completed if an unsolicited gift is left with the department and the department is in the process of seeking assistance on next steps from the Collections Committee. No item should be in the department's custody without a signed Temporary Custody Form, Loan Form or Deed of Gift. Please complete this form and forward to the Collections Committee 30 days prior to the object's arrival at the Department, or as soon as possible after the object is dropped off.

Item(s) - Include a description:

Depositor's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Contact Name (if different): \_\_\_\_\_

Phone #1: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone #2: \_\_\_\_\_

Dates of temporary custody: from \_\_\_\_\_ to \_\_\_\_\_

Purpose of temporary custody:

Proof of insurance obtained from depositor: Yes \_\_\_\_ No: \_\_\_\_ (attach certificate of insurance)

Object Condition (Attach Object Condition Report - Form 3.4 - when necessary):

Restrictions:

Care Instructions:

Where will the object be received and stored?

Will the object be on display while in temporary custody?

Department receiving object: \_\_\_\_\_ Date item received: \_\_\_\_\_

Department representative receiving object: \_\_\_\_\_

E-mail: \_\_\_\_\_

---

For Collections Committee Use:

Date Form received: \_\_\_\_\_

\_\_\_\_ Recommended \_\_\_\_ Not Recommended \_\_\_\_ Department Contacted \_\_\_\_ Collections Manager Assigned

Temporary Number



UMass Lowell  
Temporary Custody Form  
(From 5.7)

Item(s) - Include Temporary Deposit numbers:

Depositor's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Contact Name (if different): \_\_\_\_\_

Phone

#1: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone

#2: \_\_\_\_\_

Dates of temporary custody: from \_\_\_\_\_ to \_\_\_\_\_

Purpose of temporary custody:

Proof of insurance obtained from depositor: Yes \_\_\_\_\_ No: \_\_\_\_\_ (attach certificate of insurance) Object Condition (Attach Object Condition Report - Form 3.4 - when necessary)

Restrictions:

Care Instructions:

Department receiving object: \_\_\_\_\_

Date item received: \_\_\_\_\_

Department representative receiving object:

\_\_\_\_\_

UMass Lowell works to the best of its ability to ensure the safety and well-being of all objects loaned to or on deposit with the University. However, it is the sole responsibility of the depositor to provide insurance for all loaned artifacts or archival items. The depositor will also provide documentation of insurance to the University upon receipt of the object. Further, by signing this agreement, the depositor holds harmless the University for any and all responsibility, both financial and otherwise, for damage, loss or other issues concerning deposited artifacts while in the custody of our institution.

Depositor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

UMass Lowell Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## 6. INTELLECTUAL PROPERTY

### Publication Request Checklist (Form 6.1)

Action Item	Initials	Date Completed
<input type="checkbox"/> Request received to use an item/document/image from the collections	_____	_____
<input type="checkbox"/> Department sends requester Permission to Publish or Reproduce Form – Form 6.2	_____	_____
<input type="checkbox"/> Requester completes Permission to Publish or Reproduce Form	_____	_____
<input type="checkbox"/> Form 6.2 returned to the Department	_____	_____
<input type="checkbox"/> Department completes their section of the Form 6.2	_____	_____
<input type="checkbox"/> Form 6.2 is forwarded to the appropriate Collections Committee	_____	_____
<input type="checkbox"/> Request is reviewed by the Collections Committee	_____	_____
<input type="checkbox"/> If not recommended, Collections Manager will notify the Department	_____	_____
<input type="checkbox"/> If recommended, Collections Manager will return completed form to the Department	_____	_____
<input type="checkbox"/> Department will send a copy of the approval to the requester	_____	_____
<input type="checkbox"/> Department will determine best acquisition process for item/image	_____	_____
<input type="checkbox"/> Department will make arrangements with the requester for delivery	_____	_____

Requests should be submitted to the Collections Committee 30 days before the image/file/document needs to be provided to the requester for publication.

Note: If the requester wishes to create the image themselves, they will also need to complete the Collections Access Request (Form 8.2) in order to receive permission to access the collection item directly. This request must also be reviewed by the Collections Committee.





**Permission to Publish or Reproduce  
(Form 6.2)**

The following information refers to photographic orders and conditions governing permission to reproduce (an) image(s) from the Collections of UMASS Lowell.

Please complete this form as completely as possible then return it to the contact listed at the bottom of the form. Please fill out one form for each object or image for which permission to publish is sought.

All orders for photographic images and applications to reproduce images must be in writing. The UMASS Lowell Permission to Publish form must be signed by the applicant and countersigned by a UMASS Lowell official, and all applicable fees must be paid, before the permission to reproduce becomes effective. Forms should be directed to the department who holds the collection. The form may be submitted electronically without the applicant's signature, but must be followed by a signed paper copy before the order will be fulfilled.

Once granted, permission to reproduce may not be sold or transferred and is for one-time-use only, unless specified. Reprints, subsequent editions, or additional uses of any kind must be preceded by a new application and are not covered by the original permission and fees.

The image of the work must be reproduced in its entirety unless identified as a "detail." Superimposing type or other imagery upon the photograph, cropping the image, bleeding the image off the page, or printing the image on colored stock paper is prohibited without prior written permission from UMASS Lowell.

The full credit line as provided by UMASS Lowell must appear in the immediate proximity to the reproduction, or in the section of the publication devoted to acknowledgments or credits.

Unless otherwise agreed to by the University, the applicant shall promptly send to the department ONE copy, free-of-charge, of the publication or item in/on which the reproduction(s) appear(s).

All applicable charges, in accordance with the UMASS Lowell's current schedule of fees, will apply. Fees must be paid before photos are supplied. Fees are non-refundable.

In the case of applications where the intended use of a photographic image is of a commercial nature, additional reproduction fees may apply.

Any applicant purchasing an image for study purposes only, who later decides to reproduce or publish it, must first secure written permission from UMASS Lowell, and it will be necessary to file a new application form.

**[Insert Department mailing address and e-mail for return of completed form]**

Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Delivery Address (if different) \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Title/Name of object \_\_\_\_\_ Object ID # \_\_\_\_\_

Artist (if Applicable) \_\_\_\_\_

Medium \_\_\_\_\_

Specific view (if applicable) \_\_\_\_\_

Desired Resolution: \_\_\_\_\_ (All images are supplied in digital format)

ALL ORDERS MUST BE PREPAID

Amount enclosed \_\_\_\_\_

Intended use of image(s) (check one): \_\_\_\_\_ Reproduction (see below) \_\_\_\_\_ Study

Reproduction Information: (check & fill out all applicable media)

\_\_\_\_\_ Print media

Title of publication/article \_\_\_\_\_

Author's name \_\_\_\_\_

Date of scheduled publication \_\_\_\_\_

Publisher \_\_\_\_\_

Name of bulletin, periodical, or series (if applicable) \_\_\_\_\_

\_\_\_\_\_ Film/Video

Title \_\_\_\_\_

Date of scheduled completion/release \_\_\_\_\_

Producer (Organization or Person) \_\_\_\_\_

\_\_\_\_\_ Web

Web Site Address \_\_\_\_\_

Will the image be watermarked? \_\_\_\_\_

Resolution of the posted image \_\_\_\_\_

\_\_\_\_\_ Other use (i.e. note card, poster, brochure, merchandise, etc.)

Please specify: \_\_\_\_\_

Signature of applicant/requestor \_\_\_\_\_ Date \_\_\_\_\_

**For Collection Committee/Department Use**

Date application/order received by Department: \_\_\_\_\_ Date Received by Collections Committee \_\_\_\_\_

Departmental Contact Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature of Collections Committee Rep \_\_\_\_\_

Date Recommended by Committee \_\_\_\_\_

Credit Line to Appear with the image:

\_\_\_\_\_

## 7. COLLECTIONS CARE

### Storage/Display Evaluation Checklist (Form 7.1)

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> Obtain object handling training for Department personnel	_____	_____
<input type="checkbox"/> Contact Collections Manager regarding ideal storage and display conditions	_____	_____
<input type="checkbox"/> Determine what collection items will be displayed or stored	_____	_____
<input type="checkbox"/> Determine how long the items will be displayed or stored	_____	_____
<input type="checkbox"/> Determine light levels in space	_____	_____
<input type="checkbox"/> Determine present climate conditions in space	_____	_____
<input type="checkbox"/> Determine security needs for the space	_____	_____
<input type="checkbox"/> Determine if space needs retrofitting	_____	_____
<input type="checkbox"/> Contact Facilities Management Department	_____	_____
<input type="checkbox"/> Develop budgets for display/storage space	_____	_____
<input type="checkbox"/> Work with Collections Manager to implement Departmental plans	_____	_____

*Departmental Application for Conservation*

*(Form 7.2)*

*Date:* \_\_\_\_\_

*Department:* \_\_\_\_\_

*Individual Making Request:* \_\_\_\_\_

*Contact Information:* \_\_\_\_\_

*Reason for Conservation:*

*Date of Condition Report (please attach completed form):* \_\_\_\_\_

*Is the object:*     *Broken*         *Needed for an upcoming exhibit*         *On display presently*  
 *Off display presently*         *In a place where the damage will not continue to occur*

*Type of conservator needed?*

*Conservation estimates obtained? (Please attach)*

*Treatment Proposal Obtained? (Please attach)*

*Estimated cost of conservation:*

*Estimated time period for conservation work:*

## 8. COLLECTIONS ACCESS

### Collections Access Checklist (Form 8.1)

<u>Action Item</u>	<u>Initials</u>	<u>Date Completed</u>
<input type="checkbox"/> Request for access received by Department	_____	_____
<input type="checkbox"/> Department determines nature of request	_____	_____
<input type="checkbox"/> If request is for research, send Collections Access Request (Form 8.2)	_____	_____
<input type="checkbox"/> If request is for work in Collection spaces, contact Collections Manager	_____	_____
<input type="checkbox"/> Researcher returns completed form 8.2	_____	_____
<input type="checkbox"/> Department identifies trained personnel to assist researcher	_____	_____
<input type="checkbox"/> Department determines date and time for research appointment	_____	_____
<input type="checkbox"/> Researcher completes Visitor Log (Form 8.3) upon arrival	_____	_____
<input type="checkbox"/> Researcher is reminded of permission to publish policy before access	_____	_____
<input type="checkbox"/> Completed Collections Access Request (Form 8.2) is filed	_____	_____



Collections Access Request  
(Form 8.2)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

What collection(s) are you requesting access to?  
\_\_\_\_\_

Nature of Request/research objectives:

Will you be taking photographs?

Approximate Timeline for Research:

How did you hear about the collection?

Signature of Researcher \_\_\_\_\_

*UMass Lowell responds to research requests as soon as possible. We seek to accommodate all research visits in a timely manner. However, researchers must be cognizant of the limitations of staff time in both responding to requests and supervising research visits to the collection. Images taken are for personal use only. A separate application is necessary for permission to publish images from the collection or images taken of collection items.*

For Department Use: Form Rec. By \_\_\_\_\_ Date: \_\_\_\_\_

Researcher Escort: \_\_\_\_\_



(Insert Collection or Exhibit Name)

## Visitor Log

(Form 8.3)

Date	Visitor Name	Collection Accessing	University Affiliation Student, Faculty, General Public?

## Annual Report on Collections (Form 8.4) **Sample Report**

---

Date: 6/12/16

Department: UML Libraries

Collection: Jack Kerouac Artifact Collection

Name and title of person completing form: Mehmed Ali, Program and Project Coordinator

Department Chair: George Hart, Director UML Libraries

Report to       Art and Artifacts Committee       Archives Committee       Both

In 2015 the Library Division acquired the Jack Kerouac artifact collection. The collection was acquired through the efforts of the English Department in 2014, but was transferred for care and administration to the Library in 2015. The Library dedicated a secure space to collections storage in the O'Leary Library and hired a consultant to inventory the collection and assist the Collections Manager in entering the collection into the collections database. In addition, the Library and the English Department organized an exhibition of selected items in the Adams House which will be displayed for 1 year (Jan 2016, to Jan 2017). The exhibit opening had an attendance of 250 people. It is estimated that another 500 people have seen the exhibit. The exhibit also received nation-wide press and generated 13 phone and e-mail inquiries.

Three items in the collection were sent for conservation in 2015 prior to exhibition. The objects involved were 2014.1.1234, 1014.1.2345, and 2014.1.4565a and b. Conservation was coordinated with the Collections Manager and the conservation reports were forwarded to the Collections Manager.

Two faculty members in the English Department have used items from the collection in the classroom in 2015.

It is anticipated that the donor of this collection will offer additional items from Mr. Kerouac's home in Florida to the University in the next year or so.

Department Chair Signature: George Hart

Date: 6/12/2016



## **9. ETHICS**

This section has no forms

## **10. RISK MANAGEMENT**

This section has no forms

## **11. DOCUMENTATION**

This section has no forms

## **12. DISPLAY**

This section has no forms

## **13. MANUAL REVIEW AND REVISION**

This section has no forms

## APPENDICIES

## Appendix A.

### University of Massachusetts Intellectual Property Policy

UMASS LOWELL

DOC. T96-040      Passed by the Board of Trustees      6/5/96 (UML)

The prompt and open dissemination of the results of research and creative work among scholars and, eventually, to the public at large is essential to the University's mission of education and research. The commercial development and distribution of the results of research and creative work to benefit the inventor or creator and the economy is part of the University's mission of public service. This Policy is intended to facilitate the commercial development of intellectual property arising at the University and to provide an incentive to University inventors or creators to participate in such development while acknowledging the University's primary goal of the discovery and dissemination of knowledge.

#### I. DEFINITIONS

As used in this Policy, the following words shall have the following meanings:

A. Confidential Information - Information that is received by a Covered Individual from a third party under an express or implied obligation of confidence.

B. Covered Individuals - All staff, faculty members, students, adjunct professors in residence, and any other individuals associated with the University.

C. Copyrightable Work - A creative work that is protectable under the copyright laws of the United States or other countries. Copyright protection is available for most literary, musical, dramatic, and other types of creative works, including, for example, computer software, teaching materials, multimedia works, proposals, and research reports.

D. CVIP - The University Office of Commercial Ventures and Intellectual Property, which has primary responsibility for administering the development and commercialization of Intellectual Property through licensing or other arrangements.

E. Director - The Executive Director of the CVIP.

F. Evaluation Committee or Committee - One of several University committees, each with a particular area of technical expertise, that advises the CVIP and Vice Chancellor for Research in evaluating Inventions, Tangible Research Materials, and Copyrightable Works.

G. Exempted Scholarly Work - A Scholarly Work that falls within certain categories of Copyrightable Works that have been formally recognized by the University as being Scholarly Works. The University currently recognizes the following categories of Exempted Scholarly Works: textbooks, class notes, research articles, research monographs, student theses and dissertations, paintings, drawings, sculpture, musical compositions, poetry, and popular fiction and nonfiction. The President may adopt additional categories of Exempted Scholarly Works. As described below, under most circumstances Exempted Scholarly Works need not be disclosed to the University and the University automatically waives any ownership interest in such works.

H. Intellectual Property - Inventions, Copyrightable Works, and Tangible Research Materials.

I. Invention - A discovery or development that is protectable under the patent laws of the United States or other countries.

J. Outside Researcher - An individual who performs or directs research for an organization other than the University.

K. President - The President of the University or his or her designee.

L. Public Disclosure or Publicly Disclosed - Any written or oral disclosure of an Invention or Copyrightable Work to any person not under a contractual or fiduciary obligation of confidentiality to the University.

M. Scholarly Work - A Copyrightable Work that has the primary goal of disseminating academic or scholarly knowledge, or is a work of art or literature. As described below, whether a Copyrightable Work is a Scholarly Work will be determined by the Director and Vice Chancellor for Research on a case-by-case basis (except that Exempted Scholarly Works are automatically considered Scholarly Works), and under most circumstances the University waives all ownership interests in Scholarly Works.

N. Tangible Research Materials or Materials - Tangible biological, chemical, and physical materials or equipment. Examples include cell lines, antibodies, DNA or RNA, chemical samples, plasmids, and prototypes.

O. Vice Chancellor for Research - The Vice Chancellor for Research at each campus, or where no such person exists, the Provost (or their designees).

## II. SCOPE

### A. Persons Subject to the Policy

All Covered Individuals are subject to this Policy.

### B. Types of Intellectual Property Covered by the Policy

This Policy addresses the three categories of Intellectual Property (Inventions, Copyrightable Works, and Tangible Research Materials) as well as Confidential Information. The President shall have authority to designate additional types of Intellectual Property under this Policy.

## III. POLICY

### A. Participation Agreement

The University has adopted a Participation Agreement, attached as Exhibit A, that confirms acceptance of this Policy by Covered Individuals and assigns to the University all rights in any Intellectual Property in which the University asserts ownership (as described below).

1. Students - Students must sign the Participation Agreement prior to employment by the University in any research-related position. Such employment would include, for example, an arrangement whereby a student is funded as a research assistant under a government research grant or an industry-sponsored research agreement with the University. Students may also be required to sign the Participation Agreement under other appropriate circumstances, as determined by the Vice Chancellor for Research.

2. Individuals Other Than Students - All Covered Individuals other than students must sign the Participation Agreement. The University will confirm that a valid Participation Agreement is on file before a Covered Individual receives any University-administered funds under a sponsored research grant or agreement.

## B. Ownership of Intellectual Property

Any Covered Individual who invents, creates, or discovers any Intellectual Property will own all rights to such Intellectual Property except as follows:

1. Use of University Resources - The University will own any Intellectual Property (other than Exempted Scholarly Works) that is made, discovered, or created by any Covered Individual who makes significant use of University resources (including University administered funds or University-funded time, facilities, or equipment) in connection with the development of such Intellectual Property. If the Individual uses only library facilities and occasional use of office equipment to create the Intellectual Property, such use will not ordinarily be considered "significant use" of University resources.

If a Covered Individual makes, creates or discovers Intellectual Property (other than Exempted Scholarly Works) that is the same as, directly related to, or substantially similar to a research project in which that faculty member is engaged at the University, then "significant use" of University resources will be presumed. As described below, the Covered Individual may rebut this presumption of University ownership through submission of documentary evidence which clearly establishes that the Intellectual Property was developed without significant use of University resources.

2. University-Commissioned Works - The University will own any Intellectual Property (including Exempted Scholarly Works) that is made, discovered, or created by a Covered Individual who is specifically hired or commissioned by the University for that purpose, unless otherwise provided by written agreement between such individual and the University.

3. Intellectual Property Subject to Contractual Obligations - Ownership of any Intellectual Property (including Exempted Scholarly Works) that is made, discovered, or created in the course of research funded by a sponsor pursuant to a grant or research agreement, or which is subject to a materials transfer agreement, confidential disclosure agreement or other legal obligation affecting ownership, will be governed by the terms of such grant or agreement, accepted by the University, although the University will ordinarily claim ownership.

### 4. Student Works

a. Generally - As with other Covered Individuals, students shall own any Intellectual Property that they make, discover, or create in the course of research (e.g., thesis or dissertation research) unless (i) the student received financial support from the University in the form of wages, salary, stipend, or grant funds for the research, (ii) the student made significant use of University resources (including University-administered funds or University-funded time, facilities, or equipment) in connection with the research, or (iii) the research was funded by a sponsor pursuant to a grant or sponsored research agreement or is subject to a materials transfer agreement, confidential disclosure agreement, or other legal obligation that restricts ownership of Intellectual Property.

b. Theses and Dissertations - All student theses and dissertations are considered Exempted Scholarly Works; therefore, the student will own copyright to the Scholarly Work (unless Sections III.B.2. or III.B.3. apply), subject to a royalty free license to the University to reproduce and publish the Scholarly Work. As described below, students are allowed to publish their theses and dissertations unless they have agreed in writing to restrictions that preclude or delay publication.

Under certain circumstances, as described in Section III.C.3. below, the University will relinquish its rights in Intellectual Property to the inventor or creator of that Intellectual Property at his or her request.

## C. Administrative Procedures - Inventions and Copyrightable Works

A primary goal of the University is the discovery and free dissemination of knowledge for the benefit of the public. The University recognizes, however, that in certain instances the public will only benefit from knowledge that is protected under the patent or copyright laws, which provide an incentive for economic development of that knowledge. The University therefore requests that all Covered Individuals disclose Inventions and Copyrightable Works (other than Exempted Scholarly Works) promptly, in order to allow the University an opportunity to evaluate their commercial potential, and to preserve or enhance their value by filing a patent application or obtaining a copyright registration. The University has established the following procedures in order to accomplish the dual objectives of disseminating knowledge and maximizing the economic value of that knowledge.

1. Disclosure to the University - Disclosure forms should be submitted to the CVIP or the Vice Chancellor for Research. The Vice Chancellor for Research and the CVIP will exchange copies of all disclosure forms that each receives. The Vice Chancellor for Research will also make available to the campus Office of Grants and Contracts appropriate information to permit required disclosures to research sponsors (e.g., federal agencies). The CVIP will make available appropriate disclosure forms. The treatment of different categories of Intellectual Property is set forth below.

a. Intellectual Property Developed with University Resources - All Covered Individuals are encouraged to disclose promptly all Inventions and Copyrightable Works (except Exempted Scholarly Works) that (i) are developed with significant use of University resources or (ii) are the same as, directly related to, or substantially similar to a research project in which that faculty member is engaged at the University (see Section III.B.1. above). Although the disclosure of such Inventions and Copyrightable Works is generally voluntary, if the Covered Individual intends to commercialize such Intellectual Property, disclosure is required reasonably before the Covered Individual takes any action to commercialize such Intellectual Property. Examples of commercial actions include, without limitation, seeking patent or copyright protection, commencing discussions with potential investors or licensees, or transferring the Intellectual Property to a third party.

If a Copyrightable Work is an Exempted Scholarly Work, no disclosure is required under any circumstances. In other cases in which a Covered Individual desires treatment of a Copyrightable Work as a Scholarly Work, the Covered Individual should submit to the CVIP or Vice Chancellor for Research, in addition to the disclosure form, a request for treatment of the work as a Scholarly Work and a brief explanation of why the work should be a Scholarly Work.

In the case of an Invention or Copyrightable Work that the Covered Individual claims is not subject to University ownership because the Intellectual Property was developed without significant use of University resources, the Covered Individual should submit to the CVIP or Vice Chancellor for Research, in addition to the disclosure form, a request for confirmation of individual ownership together with documentary evidence which clearly establishes that fact.

b. University-Commissioned Works - In the case of Inventions and Copyrightable Works (including Exempted Scholarly Works) that a Covered Individual is specifically hired or commissioned by the University to develop (see Section III.B.2. above), disclosure of the Intellectual Property is required unless otherwise provided by written agreement between such individual and the University.

c. Intellectual Property Subject to Contractual Obligations (e.g., Sponsored Research Agreements) - In the case of Inventions and Copyrightable Works (including Exempted Scholarly Works) developed in the course of research funded by a sponsor pursuant to a grant or research agreement, or which is subject to a materials transfer agreement, confidential disclosure agreement or other legal obligation requiring disclosure, the disclosure of such Intellectual Property will be governed by the terms of such grant or agreement, as approved by the University, if such terms differ from this Policy.

2. Evaluation and Disposition of Disclosures - The Director and the Vice Chancellor for Research will review, evaluate, and make a disposition of all disclosure forms, and will promptly notify the Covered Individual of their disposition. The evaluation and disposition of a disclosure will be completed as soon as possible, but for Inventions ordinarily no later than ninety (90) days, and for Copyrightable Works ordinarily no later than thirty (30) days after the CVIP or the Vice Chancellor for Research receives a complete and accurate disclosure form and any other information that the CVIP or the Vice Chancellor for Research requests in order to make an informed evaluation of an Invention or Copyrightable Work. Disclosure forms will be evaluated for one or more of the following dispositions, subject to the appeals process described in Section III.C.4. below:

a. Scholarly Work - In the case of a Copyrightable Work that is claimed as a Scholarly Work (but is not an Exempted Scholarly Work), the Director and the Vice Chancellor for Research will decide whether that work is in fact a Scholarly Work.

b. No Use of University Resources - In the case of an Invention or Copyrightable Work that the Covered Individual claims is not subject to University ownership because the Intellectual Property was developed without significant use of University resources, the Director and the Vice Chancellor for Research will decide whether there was in fact significant use of University resources.

c. Evaluation of Commercial Potential: The Evaluation Committees - In the case of an Invention or Copyrightable Work that the Covered Individual discloses for possible commercialization by the University, the Director and the Vice Chancellor for Research will determine its commercial potential. To assist in this determination, the Director and the Vice Chancellor for Research may consult with patent or copyright counsel and outside experts in particular fields.

In addition to these resources, the Director and the Vice Chancellor for Research may seek the advice of various Evaluation Committees with expertise in various fields of research, which Committees the President shall have authority to establish at his or her discretion. Each Committee will be composed of faculty members with relevant expertise, appointed by the Chancellors in consultation with the Director and the Vice Chancellors for Research; a representative from the CVIP other than the Director; and a Committee Chair, selected by vote of the whole Committee. The Director may invite to any Committee meeting one or more individuals from outside the University with relevant industry experience to advise the Committee.

In the case of Inventions or Copyrightable Works (including Exempted Scholarly Works) that arise in the course of research funded by a sponsor under a grant or research agreement, or which are subject to a materials transfer agreement, confidential disclosure agreement, or other legal obligation affecting evaluation of disclosures, the evaluation process will be governed by the terms of such grant or agreement, as approved by the University, if such terms differ from this Policy.

In the unlikely event that the Director and the Vice Chancellor for Research disagree on the disposition of a disclosed Invention or Copyrightable Work, a final decision shall be made by the President.

3. Request for Relinquishment of Rights - Under certain circumstances, as described below, the University may relinquish its ownership rights in an Invention or Copyrightable Work to the inventor or creator of the Intellectual Property at his or her request.

a. Intellectual Property Developed With University Resources - The University automatically waives its rights in Exempted Scholarly Works. In all other cases, the University will ordinarily waive its ownership rights in favor of the inventor or creator of an Invention or Copyrightable Work if the Covered Individual has made complete and accurate disclosure of

such Intellectual Property in accordance with this Policy and the Director and Vice Chancellor for Research have determined that the Intellectual Property comes under one or more of the following categories (as described in detail above):

- ° Copyrightable Work that is a Scholarly Work
- ° Intellectual Property developed without significant use of University resources
- ° Intellectual Property that the University has decided not to commercialize

b. University-Commissioned Works - The University will not ordinarily waive its ownership rights in any Intellectual Property (including Exempted Scholarly Works) that is developed by a Covered Individual who is specifically hired or commissioned by the University for that purpose, unless otherwise provided by written agreement between such individual and the University.

c. Intellectual Property Subject to Contractual Obligations - In the case of Intellectual Property (including Exempted Scholarly Works) that is developed in the course of research funded by a sponsor pursuant to a grant or research agreement, or which is subject to a materials transfer agreement, confidential disclosure agreement, or other legal obligation affecting ownership, the relinquishment of any University rights in the Intellectual Property will be governed by the terms of the relevant grant or agreement, as approved by the University, if such terms differ from this Policy. A Covered Individual may need a separate waiver or assignment of rights from the other party in order to acquire complete rights to the Intellectual Property.

If certain Intellectual Property is available for relinquishment by the University (as set forth above), the inventor or creator of the Intellectual Property may request in writing that the Director grant a release or assignment of rights. The Director in consultation with the Vice Chancellor for Research will promptly respond to this request. The University will retain a royalty-free, non-exclusive license to use any such Inventions or Copyrightable Works for academic research and teaching.

4. Appeals - If a Covered Individual disagrees with a decision of the Director and the Vice Chancellor for Research under Section III.C.2., such individual may ask for reconsideration by the appropriate Evaluation Committee. The Committee shall review the matter and make its recommendation to the Director and the Vice Chancellor for Research who shall reconsider the matter. That decision may be appealed to the President, who shall review the written records and make a decision which shall be final.

#### D. Administrative Procedures - Tangible Research Materials

While potential commercial value should not inhibit the free exchange of University-owned Tangible Research Materials for research purposes, the University nonetheless recognizes that such Materials may have significant commercial value. In addition, Tangible Research Materials received by Covered Individuals may be subject to contractual restrictions that severely limit the use and transfer of such Materials, to the detriment of University researchers. The University has therefore established the following procedures to allow the free exchange of Tangible Research Materials, while at the same time respecting the ownership rights of the University, protecting the rights of its researchers, and limiting the liability of the University and its researchers.

1. Transfer to Outside Researcher for Basic Research - If a Covered Individual desires to transfer Materials to an Outside Researcher for use in internal basic research, and not for the development or sale of commercial products, the Covered Individual must use the appropriate University form of Materials Transfer Agreement ("MTA"), which will be provided by



the CVIP together with instructions for the use of each form. The various forms of MTA will establish rights and responsibilities regarding the Materials among the University and the Outside Researcher and his or her employer and will minimize future confusion and controversy regarding the use and transfer of the Materials and ownership of Inventions or Materials based on the supplied Materials. Faculty members (but not other Covered Individuals) are authorized to sign MTAs on behalf of the University provided that (i) the University-form MTA is not altered or revised in any manner and (ii) a signed original of the MTA is sent to the CVIP when the Materials are sent to the Outside Researcher. Alternatively, CVIP representatives are authorized to approve and sign MTAs, even with revisions.

If Materials are developed by a Covered Individual in the course of sponsored research, or are otherwise subject to contractual restrictions (e.g., a materials transfer agreement or confidential disclosure agreement), the transfer of such Materials to an Outside Researcher will be governed by the terms of the relevant agreement, if such terms differ from this Policy.

These procedures also apply to students who leave the University and desire to bring with them Materials that they developed or discovered in the course of their work at the University.

2. Transfer for Commercial Use - Materials may not be transferred to any Outside Researcher for any use other than internal basic research unless the Outside Researcher has obtained a license from the University through the CVIP under the procedures set forth in this Policy. Materials with commercial uses should be disclosed to the CVIP or Vice Chancellor for Research in the same manner as Inventions and will be treated in the same manner as Inventions.

3. Receiving Materials from Outside Researchers - If a Covered Individual receives Materials from an Outside Researcher at another organization (non-profit or commercial), the other organization or researcher may impose serious use and transfer restrictions on the Materials and may claim an ownership interest in Inventions, Copyrightable Works, or Materials that arise in the course of research performed with such Materials. For this reason, only CVIP representatives are authorized to approve and sign agreements governing receipt of Materials from other organizations. Covered Individuals are encouraged to consult with the CVIP regarding the restrictions applicable to a particular Material from an Outside Researcher before planning to use that Material in their research. Covered Individuals should be aware that, in some instances, these restrictions may be so onerous that the CVIP will ordinarily not approve the agreement. The CVIP will make available a University-form MTA for receipt of Materials, although the organization supplying the Materials will usually require use of its own MTA.

If Materials are received by a Covered Individual in the course of sponsored research, the transfer of such Materials will be governed by the terms of the applicable sponsored research agreement, if such terms differ from this Policy.

If any MTA restrictions would apply to research performed by students, the affected students must agree to such restrictions in writing.

#### E. Administrative Procedures - Confidential Treatment of Information

While the academic tradition of free dissemination of knowledge for the public benefit is recognized by the University to be of paramount importance, it may be necessary or desirable, under some circumstances, to restrict disclosure of Confidential Information received from a sponsor company or to delay Public Disclosure of an Invention. The University has developed the following procedures to balance these competing interests. The University will ordinarily not agree to maintain University-generated research results as trade secrets.

1. Guidelines Regarding Public Disclosure of Inventions - Internal disclosure of an Invention to the CVIP or Vice Chancellor for Research will not interfere with the ability to patent the Invention. However, Public Disclosure of an Invention prior to

filing for a patent application (even one day before) will preclude the availability of patent protection in most countries. This rule applies to any non-confidential written or oral disclosure that describes the Invention (e.g., at a scientific meeting, in a journal, or even in an informal discussion with colleagues).

Accordingly, the University strongly encourages Covered Individuals to disclose Inventions to the CVIP as soon as possible, and to delay Public Disclosure of the Invention until the evaluation process is completed and a patent application is filed. The CVIP and Vice Chancellor for Research will attempt to minimize delays in publication, but a delay of up to ninety days is often necessary for evaluation. The CVIP and Vice Chancellor for Research will make every effort to expedite the evaluation process when a Covered Individual indicates that there is a compelling need for rapid publication.

During this interim period, an Invention may be safely disclosed outside of the University under the protection of a Confidential Disclosure Agreement ("CDA"), because disclosures made under an appropriate CDA are not considered Public Disclosures. The University therefore recommends that all Covered Individuals use the University-form CDA whenever they disclose information relating to an Invention while the Invention is under evaluation by the University, and the University strongly recommends use of the University-form CDA and consultation with the CVIP if a Covered Individual wishes to disclose an Invention to an Outside Researcher associated with a company or other for-profit organization, or directly to such an organization. The CVIP will make available appropriate forms of CDA. Faculty members have authority to sign the University-form CDA on behalf of the University when they will disclose information (but will not receive information), provided they send a fully signed original of the CDA to the CVIP as soon as possible. Alternatively, CVIP representatives are authorized to approve and sign CDAs on behalf of the University.

Covered Individuals should be aware that Public Disclosure of an Invention prior to completion of the evaluation process and filing of a patent application will adversely affect the commercial value of the Invention and therefore may decrease the likelihood that the University will proceed with commercialization of that Invention.

In the case of an Invention or Copyrightable Work that arises in the course of sponsored research or a grant, or which is subject to a materials transfer agreement (MTA), confidential disclosure agreement, or other contractual restriction affecting Public Disclosure, any restrictions on Public Disclosure will be governed by the terms of the grant or agreement with the other party, as approved by the University. If such restrictions would prevent or delay the publication of a student thesis or dissertation, then he or she must agree to such restrictions in writing.

2. Receiving Confidential Information from Outside Researchers - If a Covered Individual receives Confidential Information from an Outside Researcher or organization (non-profit or commercial) in relation to research performed by the Covered Individual at the University, the other organization or researcher may impose serious non-disclosure and non-use obligations on the Confidential Information and may claim an ownership interest in Inventions, Copyrightable Works, or Materials that arise in the course of research performed with such Confidential Information. For this reason, only CVIP representatives are authorized to approve and sign CDAs from other researchers or organizations on behalf of the University. The CVIP will make available a University form CDA for receipt of Confidential Information, although the organization disclosing the Confidential Information will usually require use of its own form of CDA.

When Confidential Information is received by a Covered Individual in the course of sponsored research, the treatment of such Confidential Information will be governed by the terms of the applicable sponsored research agreement, if such terms differ from this Policy.

If any CDA restrictions would apply to research performed by students, the affected students must agree to such restrictions in writing.

## F. Administrative Procedures - Sponsored Research with Commercial Organizations

The Vice Chancellor for Research in consultation with the CVIP shall have responsibility for negotiating, executing, and administering funded research agreements between the University and commercial organizations, in accordance with the University policies on sponsored research. The Vice Chancellor for Research may delegate all or some of these responsibilities to the CVIP. CVIP approval is required for any terms of such agreements that affect rights to Intellectual Property (e.g., option rights, license rights, or assignment of ownership). If any restrictions in a funded research agreement (such as publication delays) would apply to research performed by students, the affected students must agree to such restrictions in writing.

## G. Commercialization of University-Owned Intellectual Property

The CVIP in consultation with the Vice Chancellor for Research shall have responsibility for commercial development and administration of all University-owned Intellectual Property. This commercial development will ordinarily occur through licensing of Inventions, Copyrightable Works, or Materials to a company. If the CVIP is successful in its Commercialization efforts, the inventor or creator will share in the economic rewards, as will the department and campus.

1. Distribution of Non-Equity Revenue Derived from Commercialization - Royalty income and other non-equity revenue derived from the licensing of University-owned Intellectual Property will be distributed at the end of each accounting period as follows:

a. The University will be reimbursed for any out-of-pocket expenses incurred in obtaining and maintaining patent or copyright protection for a specific item of Intellectual Property, and in evaluating and marketing such Intellectual Property.

b. The remaining net income will be distributed as follows:

° Fifteen percent (15%) to the CVIP to fund patents, CVIP operations, and research grants     ° Thirty percent (30%) to the inventor or creator     ° Fifteen percent (15%) to the department or program of the inventor or creator     ° Forty percent (40%) to the campus of the inventor or creator

In the case of multiple inventors or creators of commercialized Intellectual Property, their shares will be distributed as they unanimously agree or, in the absence of agreement, in equal portions. If multiple departments or programs are involved, their shares will be distributed in the same manner as the distributions to the inventors or creators within such departments or programs.

2. Acceptance of Equity - The University may accept an equity interest in a corporation, provided that before the CVIP agrees to accept equity, it must receive the approval of the Vice Chancellor for Research, the Vice President for Economic Development, and the University Treasurer. If the University receives equity in connection with the commercialization of Intellectual Property, such equity will be held on behalf of the University by the University of Massachusetts Foundation, Inc., and will be treated as follows:

a. Fifteen percent (15%) of the total equity will be held for the account of the CVIP until liquidation.

b. Forty-five percent (45%) of the total equity will be held for the account of the department or program of the inventor or creator, or such other account as may be designated by the Chancellor of the campus, until liquidation.

c. Forty percent (40%) will be held for the account of the campus until liquidation.

This Policy does not provide for distribution of equity to the inventor or creator of the Intellectual Property because the University will not receive or hold equity on behalf of individuals. The inventor or creator, however, may receive equity directly from a commercial organization, subject to any restrictions contained in the University's Policy on Conflict of Interest Relating to Intellectual Property and Commercial Ventures.

H. Enforcement

-106.41-(UML)

## Appendix B

### University of Massachusetts Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures

#### UNIVERSITY OF MASSACHUSETTS POLICY ON CONFLICTS OF INTEREST RELATING TO INTELLECTUAL PROPERTY AND COMMERCIAL VENTURES

#### LOWELL

Doc. T96-039, as amended Passed by the BoT 6/5/96 (UML) Revised 4/6/12

Under most circumstances, conflicts of interest involving individuals associated with the University are addressed by Chapter 268A of the Massachusetts General Laws, which governs the conduct of public officials and employees. However, pursuant to Massachusetts General Laws Ch. 75 §14A, in the area of intellectual property and technology transfer this policy is controlling. In matters not addressed by this policy, the provisions of Chapter 268A apply.

#### I. DEFINITIONS

As used in this Policy, the following words shall have the following meanings:

A. Chair - The Chairperson of the Conflicts Committee, as described in detail below.

B. Clinical Research - Research involving human subjects.

C. Company - Any corporation, partnership, association, or other legal entity, excluding entities controlled by the United States government, the Commonwealth of Massachusetts, and the University. A Company shall include all affiliates and other associated entities.

D. Conflict of Interest - (i) An actual or potential conflict between the personal interests of a Covered Individual and the interests of the University or the public or (ii) the reasonable appearance of such a conflict to the public.

E. Conflicts Committee - Shall have the meaning set forth in Article III.

F. Covered Individual - Any individual associated with the University, including without limitation faculty, staff, and students.

G. CVIP - The University Office of Commercial Ventures and Intellectual Property.

H. Director - The Executive Director of the CVIP.

I. Equity - All ownership interests in a Company and all rights to obtain ownership interests in a Company, including without limitation common or preferred stock, warrants, options, and partnership units, and also including compensation arrangements based on equity performance (e.g., phantom stock). "Equity" does not include ownership interests that are held through publicly traded mutual funds.

J. Non-Equity Compensation - All compensation other than Equity that is provided by a Company or contractually promised by a Company, including without limitation salary, gifts, royalties, consulting fees, honoraria, goods, services, and travel expenses. "NonEquity Compensation" does not include compensation that is provided by the University pursuant to (i) its Intellectual Property Policy or by another educational or research institution pursuant to a similar policy or (ii) University-approved research funding.

K. Financial Interest - With respect to any Company, (i) any Equity in such Company that is directly owned by, or is under the control of, a Covered Individual or a member of his or her immediate family and (ii) Non-Equity Compensation from

such Company in an aggregate amount greater than \$1,000 within the prior twelve-month period that is directly or indirectly received by or contractually promised to a Covered Individual or a member of his or her immediate family.

L. Substantial Interest - Has either of the following meanings.

1. Clinical Research - In relation to Clinical Research that is performed or directed by a Covered Individual, "Substantial Interest" has the same meaning as "Financial Interest."

2. Non-Clinical Research - In relation to research other than Clinical Research that is performed or directed by a Covered Individual, "Substantial Interest" means either (i) Equity that represents more than five percent (5%) of the total equity in a Company or has a total current value of more than \$100,000 that is directly owned by, or is under the control of, such Covered Individual or a member of his or her immediate family or (ii) Non-Equity Compensation in an aggregate amount greater than the Threshold Amount within the prior twelve-month period that is received by such Covered Individual or a member of his or her immediate family.

M. Threshold Amount - An amount of compensation that the Conflicts Committee has determined to be substantial, which amount will be established annually by the Conflicts Committee.

N. Vice Chancellor for Research - The Vice Chancellor for Research at each campus, or where no such position exists, the Provost (or their designees).

## II. ADMINISTRATION OF POLICY

### A. Philosophy and Authority of Conflicts Committee

The University assumes that its faculty and staff act with the highest level of personal responsibility, integrity and commitment to the University. Nevertheless, complex situations can arise involving Conflicts of Interest that require specialized knowledge and a multi-disciplinary, problem-solving approach. Therefore, the Committee will have the authority on behalf of the University to review conflicts disclosures and to dispose of conflicts involving Financial Interests in a fair and objective manner, utilizing the knowledge and judgment of Committee members and other resources the Committee desires to access. The Committee will have broad discretion in resolving Conflicts of Interest. Over time, decisions made by the Committee may become precedents that will be used for guidance by the Committee to assure continued principled decision making. Some decisions may periodically be communicated (in a non-identified fashion) to faculty and staff in the form of advisories or guidelines. It is anticipated, for example, that promptly after its formation the Committee will establish and distribute advisories regarding typical Conflict of Interest situations with their appropriate resolution.

### B. The Conflicts Committee

This Policy will be administered by a thirteen-member, University-wide Committee consisting of one member of the faculty at each campus appointed under procedures established by the campus; the Vice Chancellor for Research or his or her designee at each campus; the President or his or her designee; and two non-voting members appointed by the President from outside the University. The President shall annually select the Chair of the Committee from among the voting members. The faculty members of the Committee shall serve three-year terms and may not serve more than two consecutive terms.

The Committee shall meet on a regular basis. The Vice Chancellor for Research shall collect disclosures on each campus, and the Chair shall be responsible for collecting disclosure forms from the Vice Chancellors of Research, distributing forms in advance of meetings, scheduling meetings, and setting the agenda. Members may participate in meetings using voice or video-conferencing technology, provided that all members shall receive advance notice of all meetings. Decisions of the Committee will be made by a majority of the Committee's voting members in as expeditious a manner as possible and will be recorded in written minutes.

The Director or his or her designee and the General Counsel or his or her designee may attend all meetings of the Committee. The Director and the General Counsel shall be informed of the date, time and place of all meetings in the same fashion as Committee members and shall be furnished with all information provided to Committee members.

### III. POLICY

#### A. Disclosure of Financial Interests

All Covered Individuals must disclose a Financial Interest to the Vice Chancellor for Research or his or her designee in situations in which the Financial Interest may present a Conflict of Interest involving the use of students, technology transfer activities or the outcome of research that is performed or directed by that Covered Individual with significant use of University funds, facilities or equipment. In addition, some federal agencies and non-profit organizations may require disclosure of a Financial Interest under certain circumstances. The CVIP will prepare appropriate disclosure forms and make them available on campus.

The following situations require disclosure at the time noted in each paragraph:

1. Company-Sponsored Research Proposals - If a Covered Individual intends to perform or direct Company-sponsored research at the University, and if the Covered Individual has a Financial Interest in that Company, or has received a Financial Interest from that Company, then the Financial Interest should be disclosed to the Vice Chancellor for Research and approved in accordance with this Policy before the Covered Individual submits to the University a proposal relating to such research.

2. Company-Sponsored Research - If a Covered Individual performs or directs Company-sponsored research at the University, and if the Covered Individual intends to receive or actually receives a Financial Interest in that Company or from that Company at any time (i) during the conduct of the research or (ii) within one year after cessation of the research, then the Financial Interest must be disclosed to the Vice Chancellor for Research and approved in accordance with this Policy before it is received, if possible, or immediately after it is received, if prior disclosure is impossible.

3. Government and Non-Profit Institution Grant Applications - In general, if a Covered Individual intends to submit an application for research funding from a U.S. Government agency or a non-profit institution, then the Covered Individual must comply with any disclosure and approval procedures required by the agency or institution in connection with such application. For example, in order to comply with Public Health Service and National Science Foundation requirements, the University requires that a Covered Individual first disclose to the Vice Chancellor for Research and obtain approval of (i) certain of his or her Financial Interests that would reasonably appear to be affected by the proposed research and (ii) certain of his or her Financial Interests in any Company whose financial interests would reasonably appear to be affected by the proposed research.

4. Government and Non-Profit Institution-Funded Research - If a Covered Individual performs or directs research that is funded directly or indirectly by a U.S. Government agency or a non-profit institution, the Covered Individual must comply with any disclosure and approval procedures required by the agency or institution in connection with such funding. For example, in order to comply with Public Health Service and National Science Foundation requirements, the University requires that if a Covered Individual intends to receive or actually receives (i) a Financial Interest that would reasonably appear to be affected by the proposed research or (ii) a Financial Interest in any Company whose financial interests would reasonably appear to be affected by the proposed research, then the Financial Interest must be disclosed to the Vice Chancellor for Research and approved in accordance with this Policy before it is received, if possible, or immediately after it is received, if prior disclosure is impossible.

5. Licensing to Certain Companies - If a Company intends to obtain a license to University-owned intellectual property, directly or indirectly, and if the Covered Individual who developed, discovered, or created that intellectual property or who is involved in negotiating the license (i) becomes aware of such intention and (ii) has a Financial Interest in that Company, the Financial Interest must be immediately disclosed to the Vice Chancellor for Research, who shall notify the

CVIP. If the Director or a member of the CVIP staff or the Vice Chancellor for Research has such a Financial Interest, it must be disclosed to the President or his or her designee.

6. Involvement of Students - Although involvement of students in the outside professional activities of faculty under certain circumstances may enrich the students' educational experience, such activities have the potential to create a Conflict of Interest when the faculty member has a role in supervising the student's research, classes, or graduate teaching work. Therefore, involvement of a student in the outside professional activities of a faculty member who has any role with respect to the academic progress of the student may only be undertaken after disclosure to and approval of the Department Chair. In addition, if a faculty member intends to receive or actually receives a Financial Interest in a Company, and if the Covered Individual supervises or otherwise has control over students who will be involved in work for the Company, then the Covered Individual must disclose the Financial Interest and planned student involvement to the Vice Chancellor for Research and receive approval in accordance with this Policy before the assistance of students in such work commences, even if approved by the Department Chair.

7. Changes to a Financial Interest - All Covered Individuals must disclose significant changes in previously disclosed Financial Interests. A Financial Interest that becomes a Substantial Interest is always considered a significant change.

#### B. Management of Conflicts

Covered Individuals are generally prohibited from having a Conflict of Interest involving a Financial Interest, unless the University has reviewed and approved both the activity and the Financial Interest that give rise to the Conflict. There are two different procedures for review and approval of these Conflicts of Interest, as set forth below. If a Conflict of Interest involves a Substantial Interest, it necessitates rigorous review that may result in prohibition or approval accompanied by conditions. On the other hand, if a Conflict of Interest involves a Financial Interest not constituting a Substantial Interest, then the Conflict of Interest ordinarily requires a less rigorous review process and ordinarily will be approved.

1. Expedited Review and Approval of Conflicts - If a Conflict of Interest does not involve a Substantial Interest, then the Conflict of Interest will ordinarily receive expedited review and approval. Under this expedited procedure, the Vice Chancellor for Research member of the Committee will review the disclosures submitted by Covered Individuals at his or her campus and either grant preliminary approval or recommend review by the full Committee. All Conflicts of Interest that are granted preliminary approval will be placed on a list that is provided to the full Committee. The Chair of the Committee may select disclosures on the list for review by the full Committee on the regular agenda; all disclosures not selected will be finally approved at the conclusion of the meeting. The Committee may establish conditions to manage certain categories of these Conflicts of Interest under special or unusual circumstances.

2. Full Review and Approval of Conflicts - If a Conflict of Interest involves a Substantial Interest, the Vice Chancellor for Research member of the Committee will forward the disclosure to the Chair for inclusion on a Committee meeting agenda. The Chair will also include on the meeting agenda any other disclosures that have been selected by the Vice Chancellor for Research as appropriate for full review. The Conflicts Committee will regularly review and dispose of all such Conflicts of Interest as described in detail below, as expeditiously as possible.

a. Interim Measures - The Conflicts Committee or its Chair, in consultation with the Vice Chancellor for Research of the campus, may impose any measures that it finds necessary or desirable to preserve the existing situation until a formal review is completed. Such measures may allow a Conflict of Interest to exist, with or without conditions, while a formal review is pending.

b. Review of Conflicts - The Conflicts Committee will formally review all conflicts disclosures that (i) involve a Substantial Interest, (ii) are recommended for full review by the Vice Chancellor for Research, or (iii) are selected by the Chair from the list of other disclosures for expedited review. In the case of a Conflict of Interest involving a Substantial Interest, the Conflicts Committee will ordinarily permit such a Conflict of Interest to exist only under certain conditions, which are intended to minimize any harm that could result from the Conflict of Interest.



c. Disposition of Conflicts - After completing the formal review, the Conflicts Committee may decide upon one or more of the following dispositions:

(1) postpone consideration of the matter pending further information or investigation;

(2) approve a Conflict of Interest because the circumstances require no action;

(3) approve a Conflict of Interest with conditions, such as

- public disclosure of the Financial Interest in publications describing the research results;
- independent monitoring of the research;
- modification of the research plan;
- imposition of a holding period on the stock or other security in the case of a Financial Interest consisting of Equity, which will minimize the appearance of influence on the outcome of the research; or

(4) prohibit a Conflict of Interest with compliance steps to remove the conflict, such as

- divestiture of the Financial Interest;
- disqualification of the Covered Individual from the research.

In addition to the above, the Committee may refer the matter to the appropriate University official or committee for disciplinary action or other appropriate action.

#### IV. PUBLIC STATEMENTS

A number of problems may be posed when statements are made by scientists about research before the research has been publicized in scholarly journals or symposia, when the scientist has a Financial Interest in a Company that stands to benefit from the research. In order to avoid any such occurrences at the University, all Covered Individuals who perform or direct research for a Company in which they have a Financial Interest must refrain from making public statements about the results of any research relating to that disclosure prior to (i) publication of the results in a recognized scholarly journal or (ii) presentation of the results at a recognized scholarly meeting. The Vice Chancellor for Research may make exceptions to this rule in appropriate cases. This restriction applies whether or not the University allows an activity that presents a Conflict of Interest to continue after review.

#### V. APPEALS

A Covered Individual may appeal an initial decision of the Committee by requesting a rehearing of the matter. At the rehearing, the Covered Individual may personally appear before the Committee and shall have the right to be accompanied by counsel or a union representative. The Committee shall establish written procedures for the conduct of re-hearings. A Covered Individual may appeal an initial decision of the Committee or a decision made by the Committee after a rehearing, in each case by requesting a review of the decision by the President or his or her designee. At the President's discretion, such appeal may be a review of the documentary record of the decision or may include a meeting with the Covered Individual and member(s) of the Committee. The decision of the President shall be final.

#### VI. PERIODIC REVIEW OF POLICY

At least every three years following adoption of this Policy, the Conflicts Committee will conduct an evaluation of this Policy and, if necessary, formulate amendments for consideration

## APPENDIX C

### MASSACHUSETTS GOVERNMENT OFFICIALS AND EMPLOYEES

#### LAW ON CONFLICTS OF INTEREST

Chapter 268A of the General Laws governs your conduct as a public official or employee. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. Many aspects of the law are complicated and there are often exemptions to the general rules. We encourage you to seek legal advice from the Commission or your agency's legal counsel regarding how the law would apply to you in a particular situation.

#### In general:

- You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- You may *not* ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of prohibited "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered:* you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer", provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- You may *not* hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- You may *not* take any type of official action that will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in a licensing or inspection process involving a family member's business.
- You may *not* take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization (that is substantially engaged in business activities), you may not take any official action which would impact that organization, or its competitors.

- Unless you qualify for an exemption, you may *not* have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, you may *not* have a financial interest in a contract with your public employer. For example, if you are a full time town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- You may *not* represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- You may not *ever* disclose confidential information, data or material which you gained or learned as a public employee.
- Unless you make a proper, public disclosure in writing -- including all the relevant facts -- you may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.
- You may *not* use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- You may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

## Appendix D

### Potential Display Areas, UMASS Lowell Campus

The following is a listing of the areas around campus that may be suitable for displaying art and artifacts. These areas have been assessed by the Department of Facilities Management and found to be suitable for displays of certain types of materials. If a Department wishes to create a display and the space for the display is not on this list, please contact the Senior Planner in the Facilities Management Department for assistance.

## Appendix E

### Listing of the University Collections Database

The following is a listing of the art, artifacts and archival materials in the University Collections Management Database. As this information is constantly being added to and updated, any printed listing attached here will be somewhat outdated. For a current listing of the database contents, please contact the Collections Manager.

