

REPATRIATION AND DEACCESSIONING FROM THE UNIVERSITY COLLECTIONS

Introduction

The University's collections come from many parts of the world and are of many ages, reflecting the many histories of acquisition, research, and engagement. The University has a duty of care towards them, and also recognises that people from whom items were collected and their descendants have reasonable interests in items in the collections, and that questions may be raised about the moral, and sometimes the legal, basis of their acquisition. The University welcomes and respects these interests and aims to respond with sensitivity and openness to proposals about rights in items in the collection, while at the same time maintaining its responsibility to safeguard the collections in its care for the benefit of society. The University recognises that items in the collection may also be considered as ancestral remains and sacred items: the use of the term 'item' in this policy does not diminish the importance of other terms.

The University will follow the procedure described in this document when responding to a proposal for the return of items from the collections in its care. Account will also be taken of the Museums Association's *Code of Ethics for Museums*, and *Guidance for the Care of Human Remains in Scottish Museums* issued by Museums Galleries Scotland. Except for some clearly recorded loans, conditional gifts, and donations under the Anatomy Acts and Human Tissue (Scotland) Act 2006, the University Court is the only body able to agree to the transfer of title of items in its collections. The following procedure and criteria are part of the Collection Development Policy and establish a framework to assist the University Court to respond to proposals for the return of items in the University's collections, aiming to ensure that the request is dealt with fairly, openly, and promptly.

Procedure

Consideration of a proposal for the return of an item in the University's collections will follow a standard procedure. At all times, the principle of full disclosure should apply, subject to legal restrictions (such as the Human Tissue (Scotland) Act 2006 and the Data Protection Act 2018). Ideally, the approach will be consensual, but cases for and against return can be presented for consideration at all stages of the procedure.

Informal discussion

Initial discussions concerning repatriation should be with the Head of Museums and Special Collections. While the case is being considered, there should be a joint approach to publicity by the University and proposed recipient and should involve outside parties only after discussion and agreement with each other. Where appropriate, arrangements for the loan of the item for a renewable period of up to five years, rather than legal transfer, can be made by the Head of Museums and Special Collections, acting on conservation and security advice.

Formal proposal for return

A formal proposal for return will be considered by the standing members of the Advisory Group on Collections Deaccessioning and Repatriation to determine whether it requires full consideration. They may reject the proposal if they determine that it does not relate to an item in the collection or is vexatious. If they decide that it merits consideration, they will appoint additional relevant members of the Advisory Group to consider the proposal.

Investigation and discussion

A written proposal will be considered by the full Advisory Group, who may also invite written and oral submissions. The request will be judged on its individual merits and will be assessed according to five criteria. There is no weighting of the criteria, and their importance will vary from case to case. Evidence should therefore be presented under each criterion, which may include documents, photographs and oral testimony. The criteria are:

1. *Identity of the item*

Evidence relating to the identification of the item concerned to demonstrate that it is the item identified by the proposed recipient.

2. *History of possession and/or ownership of the item*

Evidence about the provenance of the item prior to its acquisition by the University and evidence relating to the University's title in the item and/or rights of possession. The use and treatment of the item since its acquisition by the University should also be described.

3. *Connection between the item and the proposed recipient*

Evidence to demonstrate the connection between the proposed recipient and the item. This may include evidence of the continuity of practices or group identity between the original possessors and the proposed recipient. If an intermediary is acting on behalf of another person or group, evidence must also be presented to demonstrate that they have the right to be a representative.

4. *Significance of the item to the proposed recipient and to the University*

Evidence to demonstrate the significance of the item to the proposed recipient and to the University. This may include issues such as the religious, cultural, historical, or scientific importance of the item, or its use in teaching, research and public engagement.

5. *Consequences of return to the proposed recipient or retention by the University*

Evidence about the proposed future of the item if it is returned or if it is retained by the University. This may include information about aspects such as display, research, teaching, destruction, alteration, or restrictions on access. Evidence relating to the broader implications of a decision to return or a decision not to return the item should also be presented. Issues such as the responsibility for costs relating to the return, creation of a replica, additions to the University's collections, the use of images, research, publication and communications can also be discussed.

The Advisory Group will recommend how information gained during discussions and in written submissions will be used, considering both a desire for openness and the sharing of information while recognising the sensitivity of some information.

Decision

The Advisory Group will submit a report to the University Senior Management Team, including its recommendations. These may also include proposals for further collaboration between the University and the proposed recipient, recommended conditions for the return (such as indemnification of the University) or arrangements for the transfer. A copy of this report will be provided to the proposed recipient who may, if they wish, present an independent statement which will be considered alongside the report by the Advisory Group. The recommendation of the University Senior Management Team (and any additional statement by the proposed recipient) will be passed to the University Court for decision. The decision of the University Court is final.

Remit and membership of the Advisory Group on Collections Deaccessioning and Repatriation

Remit

To consider proposals for the repatriation and other deaccessioning from the University's Museums and Special Collections, making recommendations to the University Senior Management Team and University Court. The Advisory Group on Collections Deaccessioning and Repatriation will receive papers relating to the proposal and may invite other written and oral submissions.

Composition

The Advisory Group will consist of a standing membership, with individuals appointed by the University Secretary. The standing membership will consist of:

Convener

Vice-Principal – Regional Engagement

Members

A Professor with relevant research expertise

Director of Digital & Information Services

Head of Museums and Special Collection

Independent Member of University Court

The standing members will co-opt additional members to consider specific proposals. Up to six additional members may be appointed, including a member of the University's academic staff with relevant specialist knowledge, a museum professional from elsewhere in Scotland, and a member nominated by the proposed recipient.