

UNIVERSITY OF ABERDEEN

REPATRIATION AND DEACCESSIONING FROM THE UNIVERSITY COLLECTIONS

Introduction

The University's museum collections come from many parts of the world and are of many ages. For generations, the University has been collecting, organising and displaying these collections, and the institution is itself part of the history of the North-East and the wider world. As a place where people are encouraged to encounter the variety of human experiences with respect and understanding, the University is an appropriate home for the items in its collections. The University holds its collections in trust for past and future generations, with ongoing responsibilities associated with the items themselves and the express and implied wishes of the many collectors and donors. It has a duty to care for the collections and to encourage access and understanding to as many people as possible.

The University also recognises that people from whom items were collected and their descendents also 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 these interests as contributing to knowledge and understanding of the collections and to ensuring that they are curated to the highest ethical standards. The University aims to respond with sensitivity and respect to requests for rights over items in the collection, while at the same time maintaining its responsibility to safeguard the long-term public interest in the collections. 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.

While the agreement to return items in the collection will be exceptional, the University commits itself to follow this procedure when responding to any reasonable request for the return of items from its museums/collections. Account will also be taken of the *Code of Ethics for Museums* issued by the Museums Association in 2015, the Collections Trust's guidance on restitution and repatriation, and *Guidance for the Care of Human Remains in Scottish Museums* issued by Museums Galleries Scotland in 2008. With the exception of a number of clearly recorded loans or 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 Museum Collection Development Policy and establish a framework to assist the University Court to respond to requests for the return of items in the University's museum collections, aiming to ensure that the request is dealt with fairly, openly and promptly. It is a normal expectation that the costs, apart from staff time, associated with repatriation will be borne by the claimant. This will include costs relating to packaging and transport, as well as the costs incurred by the claimant when visiting the University.

Procedure

A request for the return of an item in the University's collections should follow a standard procedure. At all times, the principle of full disclosure should apply, subject to legal restrictions (such as the Anatomy Acts 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 enquiries concerning repatriation should be made to the Head of Museums and Special Collections. 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. While the case is being considered, claimant and University should agree to a joint approach to publicity and should involve outside parties only after discussion with each other.

Formal request

A formal request for repatriation should be made in writing to the Head of Museums and Special Collections, who will report this to the Convenor of the Advisory Group on Collections Deaccessioning and Repatriation. The standing members of the Advisory Group (comprising the Vice-Principal – International Partnerships as Convenor, the Head of Museums and Special Collections, the Director of Digital and Information Services, a Lay Member of the University Court and a Professor with relevant research interests) will consider the request, determining whether it requires full consideration. They

may reject the claim 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 also appoint up to six additional members to consider the case. These will include another relevant member of academic staff, a representative of another museum in Scotland and a nominee proposed by the claimant.

Investigation and discussion

The written request and a written response from the Head of Museums and Special Collections will be considered by the Advisory Group, who may also invite written and oral submissions. The request will be judged on its 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 at all stages of the procedure, which may include documents, photographs, oral testimony or other evidence considered appropriate by either party. The criteria are:

Identity of the item

Evidence relating to the identification of the item concerned to demonstrate that it is that requested by the claimant.

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.

Connection between the item and the claimant

Evidence to demonstrate the connection between the claimant and the item. This may include evidence of the continuity of practices or group identity between the original possessors and those making the request. If the claimant 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.

Significance of the item to the claimant and to the University

Evidence to demonstrate the significance of the item to both the claimant and the University. This may include issues such as the religious, cultural, historical or scientific importance of the item.

Consequences of return to the claimant or retention by the University

Evidence about the likely future treatments and uses of the item if it is returned or if it is retained by the University. This may include information about aspects such as possible display, research, 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. Suggestions about issues such as the creation of a replica, additions to the University's collections, the use of images and research opportunities can also be discussed.

The Advisory Group will recommend how information gained during discussions and in written submissions will be used, taking into account 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 Management Group, including its recommendations. These may also include proposals for further collaboration between the University and the people making the request (such as the addition of other items to the collection, exhibitions, or research drawing on the resources of both parties), 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 claimant who may, if they wish, present a separate written case to the University Management Group. The recommendation of the University Management Group (and any statement by the claimant) 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 Management Group and University Court. The Advisory Group on Collections Deaccessioning and Repatriation will receive papers relating to the request and a written response by museum staff, and may invite written and oral submissions.

Composition

The Advisory Group will consist of a standing membership, augmented by additional appointments to bring expertise relating to specific cases. The standing membership will consist of:

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| Convener | Professor Richard Wells | Vice Principal International Partnerships |
| Members | Professor Alison Brown | Professor of Social Anthropology |
| | Brian Henderson | Director of Digital & Information Services |
| | Neil Curtis | Head of Museums and Special Collection |
| | Jenny Shirreffs | Lay Member of University Court |

The standing members will co-opt additional members to consider specific requests. Up to six additional members may be appointed, including a member of the University's academic staff with relevant specialist knowledge and a museum professional from elsewhere in Scotland. The claimant is also entitled to nominate a member of the Panel.