

## MINUTES OF THE DECEMBER 10, 2014, EXECUTIVE COMMITTEE MEETING

The Executive Committee (“the Committee”) of the Board of Regents of the Smithsonian Institution held a teleconference meeting on December 10, 2014. Participating were Executive Committee and Board Chair John W. McCarter, Jr.\*, Board Vice Chair Shirley Ann Jackson\*, and Committee member David Rubenstein.

Also present by invitation of the committee were Counselor to the Chief Justice Jeffrey Minear\*; Secretary G. Wayne Clough; Chief of Staff to the Secretary Patricia Bartlett; Associate General Counsel Craig Blackwell; Office of the Regents Senior Writer-Editor Barbara Feininger (recorder); Under Secretary for Finance and Administration and Chief Financial Officer Al Horvath; General Counsel Judith Leonard; Deputy Under Secretary for Collections and Interdisciplinary Support Scott Miller; Deputy Chief of Staff to the Regents Rachel Parker; and Director of the National Collections Program Bill Tompkins.

### CALL TO ORDER

Executive Committee and Board Chair John McCarter called the meeting to order at 11:05 a.m.

### APPROVAL OF MINUTES

Upon motion duly made and seconded, the draft minutes of the November 19, 2014, Committee meeting were approved without modification.

### APPROVAL OF AN AMENDMENT TO THE BOARD MEETING MINUTES

The Committee was asked to approve, on behalf of the Board, an amendment to the minutes of the April 7, 2014, Board meeting to reflect Dr. France Córdova’s resignation from the Board because of her appointment as director of the National Science Foundation. Upon motion duly made and seconded, the following motion was approved:

**VOTED** that the Executive Committee, on behalf of the Board of Regents pursuant to Bylaw 3.01, approves the amended minutes of the April 7, 2014, Board of Regents’ meeting. A proposed amendment to the April 7, 2014, Board meeting minutes was presented. The amendment reflects was presented Upon motion duly made and seconded, the draft minutes of the November 19, 2014, Committee meeting were approved without modification.

### ACQUISITION POLICY

Led by General Counsel Judith Leonard, Associate General Counsel Craig Blackwell, Deputy Under Secretary for Collections and Interdisciplinary Support Scott Miller, and Director of the National Collections Program Bill Tompkins discussed the Smithsonian’s acquisition policy.

\* *participated by telephone*

The Smithsonian Institution Policy on Museum Acquisitions was adopted by the Regents on May 9, 1973, and remains the only stand-alone collections management policy established and maintained by the Board. It was developed in response to the 1970 adoption by the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (the UNESCO Convention). At the time of its adoption, the Regents' policy established the Smithsonian's leadership in the movement towards ethical standards for museum acquisitions to protect art, antiquities, or other specimens from destructive exploitation.

The Smithsonian adopted a collections management policy in 1980, the current version of which, Smithsonian Directive 600 (SD 600), was adopted in 2001. In 2008, after several high-profile incidents involving (non-Smithsonian) museums' acquisitions of allegedly illegally exported antiquities, the Association of Art Museum Directors and the American Alliance of Museums issued guidelines incorporating the 1970 UNESCO Convention threshold for the acquisition of "archaeological material and ancient art." Although the Smithsonian has been informally applying 1970 as the threshold year for its acquisition policy, its official policy — the 1973 Smithsonian Institution Policy on Museum Acquisitions — is out of sync with current professional best practices.

Senior management recommends that the Regents direct Smithsonian management to update the 1973 policy with a revised acquisition policy consistent with current best practices and incorporate the revised policy into SD 600. The current policy and proposed changes will be reviewed by the Governance and Nominating Committee on December 15, 2014.

## **EXECUTIVE SESSION**

The Committee adjourned at 11:25 a.m. for an executive session, during which Under Secretary for Finance and Administration and Chief Financial Officer Albert Horvath provided an update on the fiscal year 2015 budget.

## **ADJOURNMENT**

The meeting was adjourned at 11:44 a.m.

Respectfully submitted,

John W. McCarter, Jr.  
Chair