5.1 Policy

Public displays of art by Institutions of Higher Education should aspire to enlighten and enrich the lives of students, faculty and staff, alumni, guests and all visitors alike. To that end, the University aims to enhance the campus environment through the acquisition and display of public art that reflects UTEP’s core values and role as an emerging global leader in Higher Education. By actively expanding the collection and display of public art throughout the campus, the University endeavors to create a physical and aesthetic environment that captures UTEP’s rich heritage, diversity and enduring pursuit of knowledge.

5.2 Purpose

By creating a University Public Art Committee (UPAC) and describing the processes involved in the selection, acquisition, presentation, maintenance, preservation and removal of public art displayed by the University, the purpose of this Chapter is to facilitate the public display of works of art which: (1) are appropriate as to scale, aesthetic, theme and materials, (2) balance values of artistic expression and originality with the value to the greater community, and (3) celebrate the diversity of The University of Texas at El Paso campus and its visitors.

5.3 University Public Art Committee

The University Public Art Committee (UPAC) shall be the entity responsible for oversight, consultation and approvals regarding the University’s displays of public art. Selection of the UPAC is subject to the approval of the Office of the President, or its designee. On an ad hoc basis, the Chairperson of the UPAC may designate other individuals as consultants to the committee, provided that such consultants have expertise in the type of artwork under consideration. Membership of the UPAC shall consist of the following individuals:

A. Chairperson (appointed by the Office of the President, or its designee)
B. Director of the Rubin Center for the Visual Arts
C. Tenured Studio Art Faculty Member (recommended by the Art Department Chair)
D. AVP of Facilities Management
E. Design Manager, Planning and Construction
F. SGA President or designee
G. Ad Hoc Member (per designation of the Chairperson)
5.4 Definitions

Art or Artwork: shall refer to two or three-dimensional works of art. Art included in temporary exhibits or University-designated exhibition venues are not subject to this policy.

Deaccession: permanent removal of a work of art from the University’s collection

Public Spaces: shall refer to all exterior and interior spaces, enclosed or not, with the exception of personal office space. These include but are not limited to spaces such as sidewalks, plazas, green spaces, corridors and building walls as well as interior spaces including hallways, lobbies, stairways, parking garages, sports and recreational facilities.

Site: shall refer to the location of the artwork.

University or UTEP: shall refer to The University of Texas at El Paso.

5.5 Criteria for Selection of Public Art

5.5.1 Aesthetic Criteria
A. The aesthetic or artistry behind an individual work of art.
B. The significance of the artist.
C. The uniqueness of the work of art, including its originality and authenticity.
D. Provenance of the work of art.
E. The artwork’s contribution to the University’s overall collection of public art.

5.5.2 Physical Criteria
A. The artwork’s appropriateness to the site and surrounding areas, including an outdoor site’s relation to adjacent architecture, hardscaping and landscaping.
B. The ability of the University to assume long-term conservation and maintenance.
C. The safety of public interaction with the artwork.

5.6 Acquisition and Funding of Public Art

5.6.1 Acquisition of Public Art
A. The three avenues for acquisition of works of art are through commission, purchase and donation.
B. Prior to acquisition of a work of art, all related costs (maintenance, restoration, insurance, preservation and other) must be evaluated by the UPAC. Based on its evaluation, the UPAC may recommend acceptance and acquisition of the artwork, or where necessary, that acceptance and acquisition be contingent upon the donation or allocation of additional funds to cover such costs as installation, storage, maintenance or preservation related to management of the artwork.

5.6.2 Funding of Public Art
A. Funding for artwork may come from multiple sources, including but not limited to institutional funds, public grants, bequests, direct gifts of money or art from individuals, corporations or foundations earmarked building projects funds of 1% to 2% cost of new construction or major renovations of teaching and research facilities, and administrative or general purpose building on the Main Campus allocated to the acquisition of artwork through purchase or commission.
B. The UPAC shall have the discretion to recommend that the donor or project proponent establish an endowment fund to cover related costs as a condition of acceptance of the artwork.

5.6.3 Gifts of Art Unconditional
A. To the extent possible, gifts of art to the University should be without restrictions.
B. For specific guidance regarding gifts of outdoor works of art, see Sec. 5.9.3 below.
C. The University does not guarantee the permanent display or retention of donated artwork.

5.7 Deaccession and Sale of Public Art

5.7.1 Right of Sale of Public Art. With advice from the UPAC, The University shall retain the right to sell works of public art in its collection in accordance with The University of Texas System Board of Regents’ Rules and Regulations.

5.7.2 Deaccession or Removal of Public Art. Public works of art may be removed at the discretion of the University or by recommendation of the UPAC in the following circumstances:
A. The artwork is incompatible with the collection.
B. The artwork has an erroneous attribution or is found to be inauthentic. Inauthentic art shall be marked indelibly as such and will not be returned to the market.
C. The artwork is inferior to or a near duplication of other artwork in the collection or work being considered for the collection.
D. The artwork is rarely or never exhibited. (This does not apply to textiles, works on paper, or other works seldom exhibited due to their sensitivity to light exposure.)
E. The artwork is in poor condition and restoration is impractical or impossible.
F. The artwork endangers public safety.
G. The artwork requires excessive maintenance or is determined to be defective.
H. For site-specific artwork, the site has been altered and the art cannot be re-sited.
I. The artwork has been legally requested for repatriation (Native American Graves Protection and Repatriation Act of November 16, 1990).
J. A third party has demonstrated the artwork to be stolen property, cultural or otherwise.
K. Any other circumstance deemed appropriate by the University or UPAC.

5.7.3 Notice and Consent Required. Once a public work of art is sited on campus, it may not be moved or removed without notifying and securing consent from the UPAC.

5.8 Installation Requirements

To ensure public safety and the protection of artwork acquired by the University, all installations must be approved, coordinated and supervised by UTEP Facilities Management.
5.9 Proposal and Approval Process for Public Art

5.9.1 Initial Proposals for Public Artwork. The UPAC shall welcome proposals related to public art displays from students, faculty, staff and University units. Proposals from individuals or organizations outside of the University must be made in collaboration with a University partner.

5.9.2 Review and Approval Process. All proposals for the acquisition of new pieces of public art should be made through the Chair of the UPAC, allowing adequate time for review by the Chair and Committee.

A. The Chair of the UPAC will conduct a preliminary review of the request to determine whether it is ready to be submitted to the full Committee for review.

B. Following the criteria presented in Section 5.5, the UPAC shall submit a written report of its findings to the Office of the President, or other designee. There are three potential determinations following review by the UPAC:

1. The UPAC recommends the University’s acceptance of the artwork.
2. The UPAC recommends that the artwork be declined.
3. The UPAC determines the proposal is not ready for recommendation and returns it to the requesting unit for further information or revision (e.g., changes in design, concept, or proposed site). The requesting unit is responsible for supplementing, revising and re-submitting as necessary.

C. Following the President’s (or designee’s) review and determination regarding the UPAC’s recommendation, the Chair shall convey the determination to the requesting individual or unit.

5.9.3 Gifts of Outdoor Works of Art. Approval by The UT System Board of Regents is required prior to acceptance of gifts of outdoor works of art. Considerations include appropriateness with regard to the University’s Campus Master Plan, and expenses related to installation and continuing maintenance. (See Regents’ Rule 60101)

5.10 Management of Commissioned Works of Art

All commissioned works of art must be managed in accordance with the underlying contract agreement with the artist.

5.11 Conservation and Oversight of Public Art

5.11.1 Conservation of Artwork. Concerns about the condition of any public artwork should be referred to the UPAC. Expertise related to preservation or conservation may be available through the Stanlee and Gerald Rubin Center for the Visual Arts Museum curator on staff.

5.11.2 Costs and Oversight. General oversight and costs associated with the installation, maintenance, preservation or removal of public works of art shall remain the responsibility of the Facilities Services Department.