

Guidelines for State Arts Agencies, Museums, University Galleries and Performance Spaces

NCAC encourages arts institutions to develop written selection policies that will guide them in showing or sponsoring art that may spark controversy in a particular community. These policies should contain procedures for responding to challenges initiated by the board, administrators, organizations and individuals in the community. Public policy research has found that art controversies erupt into public scandal much more frequently in cases where regular procedure is not followed.

As the existence of a formalized selection procedure is so important in defending decisions, response policies work best when backed by a selection policy. Such policies exist in schools and in public libraries, but are often missing from arts institutions. While we respect the individual choice of an organization in deciding whether or not to adopt written procedures, we believe that by specifying the criteria for selection or sponsorship of artwork, art institutions demonstrate to the community their high professionalism as well as their responsibility to a set of clearly stated criteria. Written procedures alleviate concerns that the decisions of arts institutions are arbitrary and make it harder for funding bodies to try to take money away from a work or artist they dislike. A selection policy that takes a firm position on First Amendment rights can be extremely valuable in defending a work in a fashion that is community-friendly and also manages to give the arts institution sufficient autonomy to make it possible to showcase art that does not simply reiterate one dominating worldview.

Possible criteria for evaluating arts funding applications or exhibition proposals:

- **Artistic/ creative excellence**
 - imaginative quality/ originality/ complexity/ unity of idea
 - technical proficiency/ challenging use of materials/ experimentation
- **Cultural significance**
 - social relevance
 - insight into social conditions/ depth of analysis
 - diversity of viewpoints represented
- **Intellectual richness**
- The **professional background** of the artist.
- Administrative and spacial **capacity**.

- Adequacy of **purpose** to primary goal of the institution, should that be audience development, providing a venue for the exhibition of local artists, or, meeting specific educational needs.
- **Additional considerations:**
 - Prioritizing diverse programming reaching **traditionally underserved groups**.
 - Prioritizing programs that address **social issues** (AIDS, youth issues such as gangs and drugs, education, and the unhoused population).
 - Prioritizing the interests of the expected or targeted **audience**.

Selection Procedures:

Specify who makes the selection: gallery director, faculty members, peer panel (specify composition of the panel, for instance: artists, curators and other arts professionals, arts patrons, etc. together with how its members are selected).

Specify procedures and deadlines from initial stage (application forms/ submission of proposals) to final decision. (For example: peer panels discuss the applications in open meetings and, using the guidelines for selection, rank the applications and make recommendations for awarding grants to applicants. Peer panel chairpersons, staff members, and the applicants then present the applications to the decision making body in an open meeting for discussion and final recommendations.)

Free expression issues:

Policies concerning issues of free expression are an essential part of the guidelines. They could also be drafted and adopted as a separate document.

Besides containing a **statement of commitment to freedom of expression**, we suggest that these policies declare:

- The obligation to remain viewpoint-neutral when selecting work – i.e. the fact that a work, which answers selection criteria, could be interpreted to express potentially unpopular or controversial ideas cannot be a reason for its exclusion.
- The understanding that the gallery/ arts organization is not necessarily endorsing the ideas to be found in a particular piece. This permits the exhibition of a work containing a wide diversity of ideas, some of which might contradict each other.
- That the criterion “inappropriate for children” is extremely vague and subjective, and that the art institution cannot act in *loco parentis* to determine what may be suitable or unsuitable for all audiences. A firm boundary would then be established between what is obscene, and thus constitutionally unprotected, and what somebody subjectively decides is inappropriate. (Simple nudity, for instance, presents constitutionally protected expression, besides being in no way associated with actual harm to children.)
- The impossibility of establishing criteria for judging works of art as objectionable, because such criteria are prejudicial and impossible to implement in every case.

NCAC advocates against the placing of written warnings or disclaimers as these serve only to prejudice the audience. On the other hand, producing educational materials explaining the works in a show could be very helpful in both educating parents about what their children are about to see and preparing them to explain the meaning of the works.

Responding to Challenges

Free expression policies should also specify what the response would be to an outside individual or organization objecting to a display. Here is a sample of reconsideration procedures detailing the process of handling a challenge to a work or whole exhibition. To start the reconsideration procedure organizations can request a submission form for challenging work that is felt to be offensive or inappropriate:

Complaint Form fields

Name and organization represented (if any)
The work being objected to – type of work, artist, title.
What brought it to your attention?
Have you examined it in its entirety?
Have you read the Exhibition Selection Policy?
What are your concerns regarding the work?
What action do you suggest be undertaken?

Procedures

1. What will be done with the work while it is being reconsidered? Our recommendation: that it is left in place.
2. Complaint to be brought to the attention to the director or a particular person in charge of the exhibit.
3. Director or other responsible person will inform the artist.
4. Director will respond to objecting person by explaining intentions of work, context and overall purpose of the exhibit.
5. If the complainant is not satisfied, a complaint form is to be filled out and submitted to the director.
6. Complaint is to be considered by a committee (specify constituency of committee) in view of exhibition selection policy.
7. Complainant is to be given a written response. Artist will also be informed of the decision and course of action proposed.
8. Complainant may further appeal to [specify institutions] that can rule only on the basis of whether the previously specified selection policies have been followed. In case a decision is taken against the retention of the work, the artist can appeal to the same sources.
9. The appeals will be answered in writing and a course of action will be specified.

These procedures should be followed meticulously in every instance to ensure their efficiency.