

V. Collections Use and Access

The Academy's collections are used for research, exhibition, and programming. Use of and access to the Academy's collection is integral to its mission, but must be balanced with the institution's stewardship responsibilities. Collections & Archives Department staff will seek ways to enable broad access to the collections while safeguarding these valuable materials.

A. Access to Collections Facilities

Access to collections stored at the collections facilities is offered by appointment for research and study. Access may also be provided in the form of group tours. Requests for tours will be considered on a case-by-case basis and are dependent on the availability of Collections staff.

B. Sensitive Content

The Academy's collection is old, with specimens and original documentation dating to the 1830s. Inherent in historic materials are remnants of historic practices, ideas, and terms of which staff, volunteers, and others should be aware. Anyone using the collections should have sufficient warning of the potential for sensitive content, such as historic concepts, explicit content, and sensitive terms and names.

The presence of these artifacts is a good reminder that the study of natural history is not removed from social prejudices throughout history. This also presents the opportunity for discussions, held in context and when people are prepared to have those discussions. The Academy is committed to working with staff, communities, and peer institutions to assess and update descriptions that are harmful and to establish standards and policies to prevent future harmful language in Academy-generated content.

C. Collections Data Licensing

Raw data pertaining to objects in the collection are largely of a factual nature, which are not copyrightable, including taxonomy or nomenclature, collecting/creation locality and date information, sex, preparation methods, and collector or creator. As such, factual data should be published under a Creative Commons Zero (CC0) license to facilitate broad use whenever feasible.

Collections data should be managed following the *F.A.I.R.* principles of findability, accessibility, interoperability, and reusability. Data should be standardized so as to be readily incorporated into research. It should be as complete, discoverable, and accessible as possible. In an effort to protect sensitive species, excavation and heritage sites, or to protect the privacy of individuals, the Academy reserves the right to keep confidential some types of information held in its records.

D. Denial of Access

The Collections & Archives Department has the right to deny access to parties who are found using or planning to use the collection in a manner that does not conform to Academy policies. Such reasons include but are not limited to:

- excessive costs to the Academy in terms of staff involvement;
- compromised security of the collections and/or facilities;

- unauthorized destructive sampling of specimens;
- a history of mishandling or misusing specimens at the Academy or other museums and cultural institutions; and/or
- falsification of credentials, criminal activity, or disruptive conduct.

E. Loans

Materials from the collection may be loaned for the purpose of research, education, and/or exhibition. The loans will be designated as “outgoing” when objects from the collection are being loaned to other departments or outside entities and “incoming” when objects are borrowed from other institutions or organizations for the purpose of museum activities. Loan requests may originate “in-house” from other departments or be “external” from other museums, universities, and/or public institutions.

Required for all loans:

- A record of all loans shall be permanently maintained by the Collections & Archives Department.
- Insurance on loans will be handled according to the standards of the discipline represented.
- Loans of rare specimens or endangered or threatened species, such as those identified by the Illinois Department of Natural Resources, IUCN Red List, CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), or other agencies, are made only in accordance with the relevant legislation and at the discretion of Collections staff.
- “Type” specimens, original papers, and photographic materials are not available for loan but may be accessed through on-site visits or digital reproductions.
- It is the policy of the Academy not to make or accept permanent loans, i.e., loans with no specific end date.

1. Outgoing Loans

All outgoing loans are subject to the following terms:

- Requests for collections objects from other departments must be made in writing and submitted with enough advance notice for Collections staff to assess and process the loan request before the requested start date.
- Collections staff will evaluate each loan request to ascertain the availability, suitability, and condition of the requested materials as well as the intended display and security of the materials while on loan.
- The loan period must not exceed one year from the date of transfer. Loans can be extended or renewed beyond the initial year deadline, but requests must be made in writing to the Collections & Archives Department, updated loan forms must be signed, and the condition of loaned materials reviewed.
- The object may not be altered in any way, even temporarily, without the approval of Collections staff. This includes but is not limited to: re-framing, removal of specimens or artifacts from original mounts or bases; removal of specimen tags; destructive analysis; cleaning, retouching, repairs, or conservation.

- Loan requests for purposes of public display will only be made if the materials will be displayed in enclosed case or vitrine. Possible exceptions will be considered on a case-by-case basis.
- Objects on loan shall be given special care at all times to insure against loss, theft, damage, or deterioration. The Borrower shall exercise reasonable efforts to protect objects on loan from fire, smoke, or water damage; extreme temperature and humidity or excessive light; pests, dirt, food, or other pollutants. Objects must be handled only by experienced personnel and be secured from physical damage and theft. If damage or a condition change occurs to an object while on loan, Collections staff are to be notified immediately.
- Loaned materials are to be returned in their original shipping containers. Shipping methods are to be approved by Collections staff. Shipping costs are the responsibility of the Borrower.
- Institutional credit for collections utilized in publications or exhibitions should be cited as "From the Chicago Academy of Sciences' collection". Credit should also include relevant identifiers, such as catalog numbers, titles, names, etc., as appropriate.

In-House Loans: In-house ("internal") loans are subject to these additional terms:

- Collections staff will oversee the transport of collections materials, and installation and deinstallation of collections objects for approved requests.
- Objects on display or loaned in a program may be temporarily removed for research purposes, to address condition changes, or to respond to other immediate hazards affecting the object. Collections staff will notify the appropriate staff as needed.

External Loans: External loans are subject to these additional terms:

- All loans will be accepted for, at most, one year at a time. Loan renewals must be proposed in writing to the Borrowing institution at least one month ahead of time.
- It is the policy of the Academy not to loan materials to individuals without affiliation with a recognized institution. Possible exceptions to this policy may be considered on a case-by-case basis.
- Loaned objects are not transferable to another party or institution without prior written approval by the Collections & Archives Department.
- The Borrower assumes liability for loss, theft, or damage that occurs to the specimen during the period of the loan except under the following circumstances: damage caused by normal wear and tear, gradual deterioration, or inherent qualities; repairs approved by the Academy or carried out in the event of an emergency situation; confiscation by order of government; or natural disasters.
- Loans to institutions typically do not incur a borrowing fee. However, the Academy reserves the right to charge the Borrower for fees incurred for objects that are oversized or require unusual packaging, for specialized processing, as well as requests made with short notice.
- Commercial loans will be charged an appropriate service fee.
- Additional fees will be assessed based on the nature of the request. Shipping, packaging, couriers, and other expenses will incur additional costs. Payments are due at the time of the loan and are non-refundable.

- Any research that utilizes objects from the Academy's collections that is subsequently published must be provided to the Collections & Archives Department in the form of: two (2) physical copies or one (1) digital copy of each published paper, or one physical copy of each book or exhibition catalog.

2. Incoming Loans

All incoming loans are subject to the following terms:

- All incoming loans will be accepted for, at most, one year at a time. Loan renewals must be proposed in writing to the Borrowing institution at least one month ahead of time.
- Incoming loans for the purpose of scientific study must be coordinated with the Collections & Archives Department. The Collections & Archives Department will provide oversight for the processing of loan materials, their storage while at the Academy's facilities, and their subsequent return. All documents supporting an incoming loan transaction will be maintained in the collections records by the Collections & Archives Department.
- Incoming loans for exhibition purposes will be handled by Exhibits staff and, depending on the nature of the loan, Collections staff. The Exhibits team coordinates and manages loans for exhibitions at the Academy's museum building. The Collections & Archives Department will provide support if needed. Copies of loan documents will be maintained by the Exhibits team.
- The Academy will exercise the same care with respect to loaned objects as it does with comparable property of its own. In no event shall the Academy be liable for damage to loaned objects caused by normal wear and tear, gradual deterioration, or inherent qualities; repairs approved by the Lender or carried out in the event of an emergency situation; confiscation by order of government; or natural disasters.
- To safeguard the Academy's own collection, objects will be inspected upon entry into Academy facilities and throughout the course of the loan period. If at any time during the loan period an object is damaged or deemed immediately hazardous to other collection materials, staff, or the public, the Lender will be notified immediately of the situation. The Academy has the right under the Illinois State Museum Disposition of Property Act (see Appendices, Section B) to immediately address the problem, including removing affected objects from exhibit and other appropriate museum protocols.
- If any object is labeled for display or publication, it will be credited as directed by the Lender. The Academy may display, reproduce, and distribute the credit line in all media forms for purposes of the exhibition. To the extent such rights are held by the Lender, the Lender grants to the Academy for museum purposes:
 - the right to display the objects,
 - the right to reproduce the object's image (including in all media now known or later developed, digital or otherwise, and including the Internet and The World Wide Web),
 - the right to reproduce the object's image in catalog and in other educational publications, and
 - the right to display and distribute reproductions of the object's image. These rights shall be royalty-free, unrestricted, non-exclusive, and permanent. The objects may be photographed by the public while on exhibition.

These terms may be evaluated on a case-by-case basis as needed.

- It is the responsibility of the Lender or their agent to notify the Academy promptly in writing if there is any change in ownership of the objects or if there is a change in the identity or address of the Lender. If the legal ownership of the objects should change during the period of the loan, prior to the return of the objects, the owner will be required to establish their legal right to receive the object by proof satisfactory to the Academy. If the return address changes during the duration of the loan, the Lender (or new owner) will be required to pay any difference in the charges for the delivery of the objects or for storage, customs, packing and/or shipping charges incurred in connection with or caused by the sale or change in address.
- If the Academy is unable to return the loaned objects to the Lender within one month following the close of the loan period, after making reasonable efforts and through no fault of its own, then the loaned objects will be placed in storage at the Lender's risk and expense.

3. Destructive Sampling

The Academy's legal, professional, and moral obligation to maintain its collections for the public good extends even to destructive analysis. Specialized uses of museum materials for destructive analysis include genetic and geochemical analyses, and anatomical and histological studies. When destructive analysis is appropriate, every effort should be made to limit destruction to less than the entire specimen. Any remains should be returned so that they will continue to be available for research and education, as well as serve as a voucher of the specimen sampled.

All destructive sampling requests are subject to the following terms:

- Requests for tissue samples from specimens for the purposes of destructive analysis are approved at the discretion of the Academy for use in scientific studies only. It is the policy of the Academy not to grant destructive analysis requests to individuals without an affiliation with a recognized institution. Both the institution and the individual working with the samples are charged with adherence to terms set by the Academy. Violation of these terms may result in the permanent loss of borrowing privileges.
- Requests must be submitted in writing and are reviewed and require approval by the head of the Collections & Archives Department and the appropriate scientific Curator. Requests must include a "Description of Research" that includes a summary of the research project and reasons as to why physical samples of museum specimens for destructive analysis are needed. The request must include the preferred method by which a sample is obtained. Collections staff will collect samples unless other arrangements have been approved.
- Samples may not be given, transferred, or lent to a third party, including other researchers, without prior written approval of the head of the Collections & Archives Department and the appropriate scientific Curator.
- Samples will be used only for the purposes stated in the "Description of Research." The description may not be amended nor may the material be used for other purposes without the express written consent of the head of the Collections & Archives Department and the appropriate scientific Curator.

- No commercial use will be made of, nor license or patent applied for on the samples or any information or data derived from them without written consent from the Academy. In many cases, commercial or restrictive use of the samples would violate terms of the permits under which they were collected.
- Specimens in the Academy's collection are held in the public trust. Data resulting from the use of these specimens should be contributed to a publicly accessible genetics database, such as GenBank. Relevant identification numbers must be reported to the Collections & Archives Department. This data will be amended to the original specimen's permanent data record.
- Any research that utilizes objects from the Academy's collections that is subsequently published must be provided to the Collections & Archives Department in the form of: two (2) physical copies or one (1) digital copy of each published paper, or one physical copy of each book or exhibition catalog.
- Institutional credit for collections utilized in publications or exhibitions will be required as "From the Chicago Academy of Sciences' collection". Credit should also include identifiers such as catalog numbers, titles, names, etc., as appropriate.
- Samples will be packaged and shipping methods approved by Collections staff. Unused portions of samples are to be returned to the Academy in similar packaging. All shipping costs are the responsibility of the Borrower.
- Loans to institutions typically do not incur a borrowing fee. However, the Academy reserves the right to charge the Borrower for fees incurred for objects that are oversized or require unusual packaging, for specialized processing, as well as requests made with short notice.
- Shipping, packaging, couriers, and other expenses will incur additional cost. Payments are due at the time of the loan and are non-refundable.

F. Collections Media Licensing

Collections media includes digital and physical images, publications, video, and audio files. Digital files will be created, stored, and made available in widely accepted, open digital files types (e.g., PDF, JPEG, TIFF) and will include appropriate metadata. Media licenses will be determined on a case-by-case basis depending on the original copyright.

To facilitate broad visual access to the collection, the Collections & Archives Department may provide derivative use files of some content through online portals with a Creative Commons license. Creative Commons licensing provides a mechanism to broadly share content for which the Academy holds copyright or is in the public domain. The most common Creative Commons licenses used for the Academy's collections media are:

CC-BY-NC (BY=attribution, credit given; NC=only non-commercial works permitted)

CC-BY-NC-SA (BY=attribution, credit given; NC=NonCommercial, only non-commercial works permitted; SA=Share Alike, derivatives are shared under comparable license)

Requests for use of media from the collections will be submitted to and processed by the Collections & Archives Department. Applicable fees will be charged based on size, format, labor, and intended use. Exclusive and serial rights are not granted. The Academy does not supply

photographs, transparencies or other media of the collections to individuals or companies operating a rental and/or sales service.

1. Copyright Law

Many parts of the Academy's holdings are protected by Copyright, that is, a form of protection provided by the laws of the United States (17 U.S.C.), to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works.

Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive rights to the following:

- the right of reproduction;
- the right of adaptation;
- the right of distribution;
- the right of performance, if the work is of such nature; and
- the right of display, if the work is of such nature.

2. Establishing Copyright

Before the Academy is able to grant permission to reproduce an image of an object, or other media where copyright would be in question, staff must be able to prove that the Academy owns the copyright or has the authority to grant such rights from the copyright holder or 3rd-party representative.

- Collections Managers must be trained on identifying whether the Academy owns the copyright on collections, as well as how to obtain copyright.
- The copyright of images and video of Academy collections taken by Academy staff and volunteers for the purpose of documentation and accessibility of the collections shall remain with the Academy, unless a contract states otherwise.
- Questions regarding copyright of collections and data associated with such material should be directed to the Collections & Archives Department.
- The Academy will make all best efforts to determine the existence of copyright ownership prior to granting reproduction permissions with the understanding that copyright ownership may not be able to be determined. The Academy will use its best judgment in these matters.

3. Granting Rights for Reproduction

Use of images for research, exhibition, publication, programming, and publicity purposes is a common practice, and when used appropriately, such images serve to share the Academy's collections more widely.

- Requests for the right to reproduce images of the Academy's collections will be directed to the Collections & Archives Department.
- Collections staff will be responsible for identifying the copyright issues relevant to the request.
- Individuals or organizations requesting use will follow the policies and procedures established by the Collections & Archives Department regarding applications and conditions of use, including payment of fees if applicable.

4. Fair Use

“Fair Use” refers to the legal right of individuals to use copyrighted materials for certain purposes without infringing on the copyright protections associated with those items. Section 107 of the U.S. Copyright Act outlines four factors that must be considered when determining whether or not a specific use of a work is protected under Fair Use. Below is the actual text of Section 107 that lists these factors:

"In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

The nature of historical archival collections such as those at the Academy means that copyright or other information about restrictions may be difficult or even impossible to determine. The Academy welcomes communication from any copyright owners who are not properly identified so that appropriate information may be provided in the future.