

January 28, 2009

**TOWN OF BROOKLINE
POLICY ON DISPLAYS AND EXHIBITS AT TOWN-OWNED PROPERTIES**

I. Mission/Purpose

The Town of Brookline (“Town”) values the role of art in enhancing the quality of life in the community, strengthening civic identity and cultural heritage, creating an attractive environment, and bringing enjoyment to residents. The Town also recognizes the interest by Town departments, Boards, Commissions, appointed entities, residents and community groups in displaying art, objects of historical significance, and other items in or on Town-owned property and welcomes such forms of civic participation. The Board of Selectmen (“Board”) adopts this Policy on Displays and Exhibits at Town-Owned Properties (“Policy”) for application at town-owned properties, with the exception of town-owned properties outside of the Board’s jurisdiction (school property under the jurisdiction of the School Committee and individual school principals, and library property under the jurisdiction of the Library Trustees) and with the exception of areas of Town Hall that are used by the School Committee and School Department.

For purposes of this Policy, “art” means works or objects owned by the Town, or works or objects owned by others but displayed in or on Town-owned properties on a temporary or permanent basis, including, but not limited to, two- and three-dimensional works of art such as paintings, drawings, photographs, graphics, fabric art, collages, ceramics, and sculptures and objects of historic significance. For purposes of this Policy, “curatorial responsibility” means tasks related to the selection and exhibition of art, and other matters relating to the display of art, including responsibility for designating spaces for the display of art, designating days and times for public viewing of such displays, and determining whether or not to make such spaces available for an exhibition.

This Policy does not address the Town’s acquisition, through gift or purchase, of works of art or of other objects, or its de-accessioning of such. In the event questions or issues arise concerning such matters, they should be directed to the Board of Selectmen, who may consult, as appropriate, the Commission for the Arts, the Commissioner of Public Works, the Parks and Recreation Commission, the Preservation Commission, Historical Society and the Town Counsel’s Office, and other Town entities and officials.

It is the Town’s intention that all areas on or in Town-owned buildings or spaces and designated pursuant to this Policy for display or exhibits be deemed limited public forums.

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II. Policy

A. Selection Criteria and Procedures

Town spaces designated for displays and exhibits include rooms intended primarily to be the site of public functions, such as public hearings and meetings, internal Town staff meetings, and meetings of or with community organizations. While some displays and exhibits may also provide the opportunity for viewing, for example, works of art in a setting similar to a gallery or museum, at other times the display or exhibit will inevitably be seen in the context of the primary public functions of the room and therefore must take account of them.

In making decisions on whether or not to approve a display or exhibit, the Town shall not discriminate on the basis of message or viewpoint but may discriminate on the basis of perceived aesthetic or historical value or other criteria unrelated to any viewpoint. To be eligible for selection, items must be in stable condition and suitable for hanging or for display otherwise, shall not require extraordinary procedures or equipment for maintenance or display, and shall not have the potential to create unsafe conditions as determined by the Building Commissioner and/or Commissioner of Public Works, as appropriate.

In light of laws applicable to public buildings, the following types of items shall not be selected or approved for display: (a) items that i) promote political fundraising within the meaning of Mass. Gen. Laws. ch. 55, or that ii) promote or oppose a matter placed, or to be placed, before voters at the polls or that otherwise promote a political campaign purpose within the meaning of Mass. Gen. Laws ch. 55; and (b) items that endorse religion or any particular religion, or opposition to religion or to any particular religion.

In addition, items selected or approved for display shall be appropriate for a general audience of all ages. Accordingly, the delegated entity shall not select for display items that a reasonably prudent person applying contemporary community standards would find offensive, including the following: (a) items that contain material that, taken as a whole, appeals to prurient interests or depicts or describes nudity or sexual conduct in an offensive or prurient manner; (b) items that contain material depicting graphic violence, including, but not limited to, (i) the depiction of human or animal bodies or body parts in states of mutilation, dismemberment, decomposition, or disfigurement, and (ii) the depiction of weapons or other implements or devices being used in an act or acts of violence or harm on a person or animal.

Entities identified in Section II(B) as having responsibilities under this Policy are encouraged to adopt written procedures pertaining to their responsibilities that are consistent with this Policy.

Recourse by a person aggrieved by a decision regarding the selection or approval of any item for display or exhibition shall be to a court of competent jurisdiction.

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B. Responsibilities for Displays and Exhibits

The Board designates the following areas of the town-owned properties identified in this Section immediately below as areas available for displays and exhibits. The Board delegates responsibility for displays and exhibits to the following entities, who shall exercise their responsibilities in conformity with this Policy:

<i>Town-owned Property:</i>	<i>Entity Responsible:</i>
Town Hall (Ground Floor Lobby Bulletin Boards; Display Areas of Conference Rooms; Selectmen's Hearing Room)	Brookline Commission for the Arts (617) 730-2135
Brookline Senior Center	Council on Aging (617) 730-2777
Brookline Parks and Open Spaces	Brookline Parks and Open Space Division (617) 730-2087
Brookline Police Department Community Room	Brookline Police Department (617) 730-2249
Municipal Service Center Community Room	Public Works Department (617) 730-2158

The Board reserves the right to change such designations on a temporary or permanent basis.

C. Installation / Removal

Installation and removal of items for display or exhibition shall be conducted by, or under the direct supervision of, the responsible entity specified in Section II(B) above, with the consultation of the Building Commissioner or Commissioner of Public Works, as appropriate. The person(s) whose items are accepted for display by the Town shall be ultimately responsible for safe installation and removal of works or objects.

D. Waiver and Indemnification

The Town shall not be responsible for loss or damage to items displayed or exhibited in or on a Town-owned property pursuant to this Policy. The Town shall not be responsible for injuries or losses caused by the work or object. Prior to the Town's acceptance of an object for display, the owner of such work or object shall sign a Wavier, Release and Indemnification Agreement in a form that has been approved by the Town Counsel's Office, holding the Town harmless from liability for lost or damaged work and for any harm or losses caused by the work or object.