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## Deed of Gift

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### ACCESSION NUMBER

I/We \_\_\_\_\_ as owner, author, administrator, or heirs, do hereby give and transfer to the South Texas Archives, James C. Jernigan Library, Texas A&M University – Kingsville, the following described materials as an unrestricted gift (except whereas noted below). I/We release and transfer all legal title and copyright (unless otherwise stated) to the materials described below in order that said Archives may make them available for study, publication, exhibit, or other disposition. It is distinctly understood by me that it is my purpose and intention to vest all the incidents of absolute ownership of the property, including copyright, in the South Texas Archives, James C. Jernigan Library, and Texas A&M University–Kingsville.

**Affirmation of Title:** I affirm that a) I am the exclusive owner of the Material; and b) I have good and complete right, title, and interest in and to the Material; and c) I have full authority to give, transfer and assign my right, title and interest in and to the Materials; and d) the subject of this gift is free and clear of all encumbrances and restrictions; and e) to the best of my knowledge the Material has not been imported or exported into or from any country contrary to its laws. This *Deed of Gift* shall be governed by the laws of the State of Texas.

**Any part of the property that is not retained by the South Texas Archives should be:**

- Returned to the Donor.  
 Disposed of by the South Texas Archives.  
 Other (explain):

**Access to the Collection Materials:**

I/We understand that researcher access to the materials is governed by departmental policies and procedures, including:

- materials held by Special Collections and Archives are held in secure storage and are only used in the supervised reading room or via department-approved digital platforms
- materials will be open for research use and may be used in physical and digital exhibits, and may be reproduced, digitized, and reformatted for preservation and access
- materials may be reproduced, in limited quantities, and provided to researchers for future reference
- sensitive materials I/we identify at the time of donation, or that are discovered by Special Collections and Archives Staff during processing, may be restricted to protect my/our privacy or others for a limited and clearly stated period of time.

**Exceptions or limitations noted here:**

**Description of Materials:**

Donor's Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

### Explanation of Deed of Gift

The purpose of the Deed of Gift is to assist Texas A&M University-Kingsville Special Collections and Archives Department staff in determining your decisions as a donor and establishes legal ownership of the material.

Completing each section of the Deed of Gift form provides us with the following information:

**1.) Name and contact information**

**2.) A brief description of the material that you have deposited.** This portion of the Deed of Gift form is usually filled out in consultation with Texas A&M University-Kingsville's Special Collections and Archives staff. Please do not rearrange or edit paper or digital files without discussing such changes with us. It is preferable for the original organization of materials to be maintained. If there are sensitive personal or financial details in the materials, please address this in section 4 (Access to the Collections).

**3.) Your decision regarding the assignment of copyright to South Texas Archives Special Collections and Archives Department.** Under law, any items that you or your ancestors have written are your literary property. If a researcher uses materials held by the Special Collections and Archives Department and wishes to include a quote or image, etc., from your collection in a publication, he/she must first ask your permission if you are the holder of copyright. For many researchers, this procedure is a time-consuming one. As time goes on, a particular problem arises in determining the current heirs holding the copyright to materials donated years before. In order to facilitate the process of research, we ask that donors assign the copyright to Texas A&M University-Kingsville's Special Collections and Archives Department to save donors the time and effort of responding to future individual requests to quote from items in your collection, and to make the materials in your collection as available as possible. If you wish to retain copyright of your material, please consider conveying the following rights to TAMUK: permission for researchers to use reproductions for publications or other works governed by Fair Use guidelines, and permission for Texas A&M University-Kingsville's Special Collections and Archives Department use of materials to promote programs and services.

**4.) Your decisions regarding access.** We strive to make all of our collections open and available for research use. At the same time, we recognize that it might be appropriate that some items be closed to research use for a specified period of time. We ask that you make known your decisions in this regard. Special Collections and Archives Department Staff will be glad to advise you about the types of restrictions we can administer. By signing the Deed of Gift form agreement, we also ask that you permit us to make reproductions of the materials that are open for research use.

**5.) Your decision regarding unwanted material.** Not every item in a collection is of sufficient historical value to warrant the cost of permanent retention. Because of our limited space and the increasing size of historical collections, Special Collections and Archives Department staff must review the contents of each collection to determine what material is of a truly substantive nature and what items are routine and duplicative. We may also make reformatting decisions to reproduce information stored on a deteriorating medium, and discard the original (this is most often the case when acidic newspaper articles are copied onto acid-free paper, though this may also occur when audio visual materials are digitized and the original recording format can no longer be played). Such redundant or unusable material is then separated from the material being retained. Through the Deed of Gift form agreement, we ask that you guide us in what we may do with the material we choose to separate from your collection. Additionally, if collection priorities should change in the future, Texas A&M University-Kingsville's Special Collections and Archives Department will make every effort to locate a suitable archival repository to accept your collection; should that not be possible, we will be guided in the disposition of your collection by your wishes documented in this section.