

Official SWAIA Artist Policies

Statement on Artist Policies:

These Official SWAIA Artist Policies (“Artist Policies”) are applicable to all artists who apply to and/or participate at the Santa Fe Indian Market (“Indian Market” or “Market”). Participation in Indian Market is a privilege, not a right. These policies have been implemented in order to protect both the artists and the organization. These policies will also be published on the SWAIA website. Please read them carefully and print them out for your records.

Section 100 Application Policies

100a. Applications

To be considered as an exhibitor at Indian Market, you must have completed the Indian Market Application and submitted all images and required documents and paid any and all applicable fees by the deadline stated on the application which is available from the SWAIA website. Any applications received after the late deadline for any reason, will NOT be considered for the summer Indian Market. Artists who submit a hard copy application by mail should include signature confirmation or send via certified mail to ensure that SWAIA receives the application. SWAIA is not responsible for lost or misdirected mail.

100b. Eligibility

Applicants to Indian Market must be enrolled members of a United States or Canadian federally-recognized tribe or Alaskan Corporation, and must submit proof of enrollment in the form of a copy of the applicant’s enrollment card, a Certificate of Indian Blood/Certificate of Degree of Indian Blood (CIB/CDIB), or a Secured Certificate of Indian Status Card (CIS/SCIS). The enrollment number must also be included on the application form.

100c. Tribal Certification.

Artists who do not have a CIB/CDIB, but are able to provide a tribal certification from a federally recognized tribe will be considered for admission on a case-by-case basis. However, the applicant must supply an official letter from the tribal membership office or tribal census authority signed by a tribal officer proving tribal descendance by blood. Admission pursuant to such a tribal certification will be at the sole discretion of SWAIA.

100d. Jurying Process

SWAIA selects three (3) jurors who are experts and/or have much experience with the classification they are jurying. These jurors review the images artists submit with their application and each juror assigns a total of 100 points each, in 4 criteria areas. The totals are then calculated for a maximum possible score of 300 points. The four criteria are: Technical execution, Concept/design/creativity, Aesthetics, and Indian Market Standards.

Each classification will typically have 3 jurors per classification except in the following classifications where the sheer number of applicants, and the diversity of the forms from the majority of applicants warrants a different jurying pool of judges.

Jewelry: Jewelers that work primarily in stones and shells in Division B and Division D, will be JURIED separately from the rest of Jewelry.

Sculpture: Sculptors who work primarily in fetishes/miniature sculptures as found in Division C will be SCORED separately from the rest of sculpture.

100e. Juror Selection

Jurors for the application process are selected from individuals who have long time expertise or knowledge in each classification. These individuals traditionally include accomplished and long-time artists, museum curators, experienced collectors, and art educators.

Jurors with potential conflicts of interest are avoided; for example a gallery owner that deals in Native Sculpture would not be selected as a juror for sculpture. Jurors may generally change every year, or a juror may not jury the same classification two years in a row, but may jury another classification in which they are an expert.

100f. Admission, Waitlist, and Unacceptance

Admission into Indian Market is based solely on the weight of the artist's work as submitted in their application images. Scores are tabulated and then organized based on highest scores to lowest. Artists are assigned admission and a booth with the highest scores in each classification being assigned first, with the number assigned at each given time based on the *NUMBER OF APPLICANTS*.

For example: The first 20% in each classification are assigned in the initial assignments of booths because we know we won't run out of space for that number of artists. Each class has a set number of assigned artists based on the number of applicants that will vary as each classification has varying numbers of applicants. If 400 jewelers apply, 80 artists (20% of 400) will be initially assigned booths whereas in Textiles, a class in which typically only 65 artists apply, 13 artists (20% of 65) will be assigned.

This is applied across all classifications and is the fairest way of admitting artists into market, based on total applications in each classification.

SWAIA then assigns another 15% across all classes, another 15%, then 10%, etc., until there are no longer any available booth spaces. This is the cutoff between accepted artists and waitlisted artists.

Waitlisted artists: Waitlisted artists are artists whose work is acceptable, but for whom there is no space initially. Approximately 80 to 120 artists each year drop

out before Indian Market each year. . SWAIA then moves to the waitlist to fill those spots. The waitlist is ranked in the same manner as accepted artists, based on score and based on the percentage of applicants in that classification. Waitlisted artists are contacted according to their scores and must be ready to pay their booth fee. If an accepted artist misses their payment deadline, they will be removed from the accepted artist list and moved to the end of the waitlist. If a waitlisted artist is unable to pay their fee at the time of contact by SWAIA, they will not be removed from the waitlist, simply moved to the end.

100g. Artist Inquiries

Due to the volume of artist applications, the complicated process of booth assignments, and the level of attention we would like to offer all of our artists, Waitlisted and Unaccepted artists will not be able to schedule conversations or meetings regarding the jurying process and/or their individual scores until after May 1st. There are answers to questions regarding the jurying process, how jurors are selected, and the criteria for jurying in these policies as well as our Frequently Asked Question sections of our website. Artists may start there and if there are further questions, then artists may make inquiries and set up appointments after May 1st.

100h. Booth Assignments

Booth assignments are at the complete discretion and of SWAIA. SWAIA will try to accommodate booth requests to stay in the same place or move to a new location, but booth assignments and requests are based on jurying score. Booths are assigned based on score, from highest scores to lower scores until there are no available booths. Please be aware that SWAIA goes to great lengths to ensure accuracy in the official Booth Guide as well as the mobile phone app, but artists must also assume some personal accountability to inform their clients of any change to their booth location.

100i. Payment and Refund Policy

Application and Booth payments must be paid by the deadline as outlined in the application and artist packets. No exceptions will be made for any reason, unless the error lies with SWAIA. The burden of proving that it is SWAIA's error lies with the artist. Artists must retain proof of submission of their payment either through copies of receipts, mailed payments, photos, etc. If it is SWAIA's error SWAIA will do their best to make the error right. Please be aware of the deadlines under the booth refund policy. The amount refunded reduces as the Indian Market gets closer. There is absolutely no refund for the artist application fee.

Section 101 General Release/Exhibitor Declaration and Legal Policies

101a. General Release/Exhibitor Declaration

Any Native American artist wishing to participate at the Santa Fe Indian Market must complete and submit a hardcopy or online, the official SWAIA application, required documents, and applicable fees, by the deadlines noted in the application. The application must also be signed and dated by the exhibitor applicant, who agrees to the following, as outlined in the Exhibitor Declaration:

I have read this statement and attest that I am the artist and that all artwork submitted by me is a true and accurate representation of my work to be sold at the 2018 Santa Fe Indian Market, and that I am an enrolled member of a United States or Canadian federally recognized Tribe/Band/Corporation, or I have submitted a tribal certification acceptable by SWAIA in accordance with SWAIA Artist Policies. I understand by signing this application, I agree to abide by SWAIA's Indian Market Standards and Rules, including but not limited to all work being made by me, or in the case of a collaborative work, by my collaborator and me. I agree to all SWAIA Artist Policies, SWAIA Standards, and I also agree to abide by the rules set by my City of Santa Fe Special Event Business License and State of New Mexico Tax and Revenue Department regarding any and all fees and taxes. I agree that my submitted images can be used by SWAIA for any and all promotional material or other usage deemed necessary by SWAIA. I also agree to all SWAIA decisions and procedures regarding the application process, participation, and booth assignment at Indian Market. My signature further indicates that my application is true and complete.

An application must be signed by the potential artist/exhibitor, with signature or electronic signature or the application will be considered incomplete and not move forward to the jurying process. Artists should retain photocopies of their application for their records.

Section 102 Negative Interactions with SWAIA Staff and Board

102a. SWAIA has a zero-tolerance policy for negative interactions with staff. Interactions include via telephone, in-person, email, social media, or written correspondence. Negative interactions are defined as verbal or physical abuse, threats of violence, aggressive behavior, behavior meant to intimidate, harass, berate, or ridicule.

102b. If an artist has participated in Indian Market, or has applied for inclusion for this year's Indian Market, they will jeopardize their acceptance if they abuse, defame, slander, or otherwise denigrate SWAIA, the Santa Fe Indian Market, and/or other Indian Market artists.

102c. Violations

If an artist is found to have violated the above policy, the artist will be notified verbally and/or in writing and will forfeit their participation at Indian Market for a period of time determined to be appropriate by the Director or the SWAIA Board. An artist found to have violated this policy may appeal the decision to the SWAIA Board, in writing, within 30 days after the notification of violation and forfeiture was received.

Section 103 SWAIA Standards and Violations

103a. Jurying Process

During the jurying process, jurors may find violations of the official SWAIA standards manual in the images submitted with the artist application. Artists are

responsible for knowing the standards applicable to every classification for which the artist applies. Ignorance of the standards is not a defense.

A violation of the standards during the jurying process will result in a deduction for that image only determined by the jurors of that classification. Deductions may be slight, if the violation is only a small part of the overall piece, or the deduction may be a total disqualification if the total piece is a violation. Jurors will still award a score on the other two images submitted. Violations will be noted in the notes section of each juror's scorecard.

103b. Prohibited Activities

Selling only in juried categories: Artists who sell at Indian Market may only sell pieces in categories for which they have been juried into the Market. For example an artist who applies for and is juried in for jewelry may not also sell pottery. If an artist wishes to sell both jewelry and pottery, said artist must apply for both categories and be successfully juried in for both categories.

Only selling an artist's own work: Artists must only sell their own work at their booth, unless the artist is sharing a booth with another artist who has also been juried into Market. This includes the work of other family members. For example, an artist who has been successfully juried into Indian Market in the category of pottery, may only sell his or her pottery and not that of other family members.

Judging work only in approved categories: Just as an artist may only sell work in the categories for which the artist has been juried into Indian Market, artists may only submit for judging work in the categories for which they have been accepted. For example, an artist who has been juried into Indian Market in the category of jewelry may only submit jewelry for judging, and not pottery, textiles or baskets.

103c. Enforcement of Artist Policies, Violations during Summer/Winter Indian Market

Enforcement of these policies will be conducted by SWAIA staff and volunteers who will do spot-checks at booths during Indian Market. If SWAIA learns, or it is brought to our attention, that an artist is in violation of any of the Artist Policies as set forth herein, SWAIA may do any or all of the following, at the discretion of SWAIA: (1) give the artist a verbal warning, (2) give the artist a written warning of the violation, (3) require that the artist take immediate corrective action, (4) immediately expel the artist from Market, and/or (5) limit or prohibit future participation in Indian Markets. These decisions are made at the discretion of SWAIA based on the seriousness of the violation. Any artist found to be in violation of the Artist Policies must immediately correct the violation by altering the piece if possible (for example, removing a pendant from a necklace that has machine-made beads and selling only the pendant). If the piece cannot be corrected then the artist must immediately withdraw the piece(s) from their sales table/booth. Another example would be if a potter were found to be selling the

work of his or her daughter who has not been juried into Indian Market, those pieces must be removed from the booth and not offered for sale. Follow-up spot checks will be made to ensure continued compliance.

Even if the artist feels that the violation is in error, he or she must still abide by the SWAIA staff/representative's decision to withdraw the piece(s). Failure to abide by this decision may result in immediate expulsion from Indian Market and potential banishment from future Indian Markets.

Documentation: If possible, the violation will be noted on the official SWAIA form and photographs taken.

103d. Appeals process:

If an artist feels that the violation/withdrawal decision was made in error, please document the pieces through photographs, written descriptions, witness testimony etc. Artists may then initiate the appeals process AFTER Indian Market by writing an appeals letter to the Director of SWAIA and/or the SWAIA Board Artist Committee. Please include a description (Documented as much as possible) of the pieces and why you, the artist, feel that the violation was in error. The Director and/or the SWAIA Board will then advise you, in writing, of their decision and the next step(s), if necessary.

Section 104 Exhibitors Threatening and/or Engaging in Lawsuits/ Legal Actions

104a. Artists and/or potential exhibitors are within their rights to engage in the legal process in accordance with applicable law. SWAIA reserves the right to suspend the artist's/potential exhibitor's participation at Indian Market until the legal dispute is resolved to the satisfaction of SWAIA.

104b. SWAIA Response and Legal Policy

SWAIA reserves the right to vigorously defend itself against any and all claims, in the forum of SWAIA's choosing. SWAIA will seek compensatory damages for claims brought with the intent of harming or otherwise disparaging the SWAIA brand, organization, Board of Directors, Staff or other artists participating at Indian Market.

104c. Participation at Indian Market

Participation at Indian Market is a privilege, not a right. Fundamental fairness in the jurying process, booth assignments, PR/Marketing, and Awards program is a guiding principal of SWAIA; regardless of tribe, age, gender, art form, and/or duration of time participating at Indian Market.

104d. Agreement to Abide by all SWAIA Policies and Decisions

By completing and signing the SWAIA Application, artists and vendors agree to abide by all SWAIA policies and decisions in regards to the selection/jurying process, booth assignments, and general participation requirements and logistics of Indian Market.

Section 105 Food Vendors/ Non-profit Participant Policies

Food Vendors and non-profit participant policies are generally bound by the same policies as artist vendor participants, as applicable. The application process, selections, booth assignments and locations, and fees are all at the discretion of SWAIA. Participants under these categories agree to abide by all decisions of the SWAIA staff and Board.

Section 106 Art Donation Policies

106a. All donations of art, whether by the original artist or the owner of said piece, become the sole property of SWAIA to be used in any manner that SWAIA deems fit. The donor, in making the donation, guarantees that the donated art piece is the property of the donor or artist and is free from any liens, claims, encumbrances, does not infringe on any copyright, and is given without any expectation of performance or compensation by SWAIA Board or staff.

106b. Donor/artist further agrees to grant SWAIA an unlimited release of any images of the donated piece to be used by SWAIA for PR/Marketing and promotional purposes, in perpetuity.

Section 107 Artist Awards Program Policy

107a. Non-cumulative. The SWAIA awards program recognizes and rewards artistic excellence and technical expertise in the many classifications of Indian Market. Artists are awarded ribbons and cash awards in the Classifications, Divisions, and Categories as outlined in the Standards Manual. The cash awards are NON-CUMULATIVE; meaning that an artist is awarded only the highest monetary amount that they won. For example: The Best of Show winner wins the Best of Show award ribbons and monetary amount, and not the lesser-included monetary amounts for Best of Class, Best of Division, and First Place in their Category. They will however receive ALL the awarded ribbons for the piece.

107b. Award Amounts. The award amounts may vary at the discretion of SWAIA and are namely contingent upon the funds raised and available for the SWAIA Awards Program in any given year.

107c. Administrative Costs. During the fundraising for the Awards Program, all sponsored amounts are subject to a 25% administrative fee to assist in the cost of the ribbons and expenses associated with receiving, judging, and exercising the awards program. All donors and sponsors must be informed of this cost as the rest of the funds are subject to the terms guiding restricted funds.