



MISSISSIPPI Department of ARCHIVES & HISTORY

Title 16: History, Humanities and Arts

Part 1: Administration

Part 1 Chapter 1: Policy for Public Access and Use of the William F. Winter Archives and History Building

(Adopted by the Board of Trustees 2003; Amended 2004, October 16, 2009)

Rule 1.1 Hours of Operation. Public access to the William F. Winter Archives and History Building (Winter Building) will be provided at the first floor North Street entrance during the following hours:

8:00 a.m. – 5:00 p.m., Monday-Friday
8:00 a.m. – 1:00 p.m., Saturday

Advance notice of periodic closures will be posted onsite and on the Department website.

Source: *Miss. Code* § 25-59-1 (1972, as amended).

Rule 1.2 Meeting Facilities and Use.

A. Primary Use

The Winter Building is operated as an archival storage and access facility and also houses the administrative offices for the Mississippi Department of Archives and History (MDAH).

B. Organizational Use

The Orientation Room and Lobby have been designated as areas for use by educational, historical, and other non-profit organizations. These areas are available to such organizations only during regular week-day hours of operation. The Winter Building meeting facilities will not be available to private individuals or corporate entities acting on their own. No use of the building may be made by political candidates or political parties in support of a candidate or slate of candidates.

All reservations, proposed meeting plans, and arrangements for an event must be submitted on the Facility Use Application form and must be approved by the Winter Building Director of Operations, Office of Business Services. MDAH may request that an

organization supply proof of non-profit status and its by-laws and/or constitution before approving an application. Following approval of the application, a Facility Use Contract must be signed.

C. Department Co-sponsorship

Organizations or events whose purpose complements or enhances the goals of MDAH may request the Department to co-sponsor an event. Requests for co-sponsorship of an event should be submitted in writing to the Department Director. The decision of the Department Director will be final. If co-sponsorship is approved, it may be shared equally or borne by either the User or the appropriate division of MDAH as determined by prior agreement. Any publicity generated by the User will recognize MDAH as a co-sponsor.

D. Fire Regulations

The Winter Building is a smoke-free facility. **Smoking is prohibited in all areas of the building.** Open flames including, but not limited to, candles, torches, and oil lamps may not be used in the building.

E. Event Arrangements

Reservations, proposed plans and arrangements for an event must be submitted on the Facility Use Application and must be approved by the Winter Building Director of Operations, who is responsible for ensuring that all policies and conditions have been fulfilled. The Director of Operations will make staff arrangements for non-MDAH events; for MDAH events, the sponsoring division is responsible for staff arrangements. Following approval of the Application, a Facility Use Contract must be signed. Only after the contract has been signed may the Winter Building be publicized as the site for an event.

Any additional use of the building, such as set-up prior to the designated meeting time, must be cleared and approved through the Winter Building Director of Operations.

Basic clean-up is the responsibility of the User and involves removal of all organizational materials, decorations, and any trash generated as a result of the event. Failure to properly clean the facilities could result in a cleaning fee assessment.

Any equipment, material, or decorations brought into the Building must be approved by the Winter Building Director of Operations. This includes, but is not limited to, signage, decorations, banners, cameras, etc. **No materials of any kind may be attached to the walls of the building.**

The installation and removal of approved decorations is the responsibility of the User and should be accomplished on the same day as the scheduled event. Some exceptions may be approved. Flowers and plants, live or dried, and similar natural decorations may not be used. Decorations must not be placed in such a manner as to impede the flow of traffic or to obstruct access to stairs or fire exits.

No alterations, such as moving, opening, or closing, may be made to furnishings (blinds, curtains, furniture, chairs) without approval from the Winter Building Director of Operations. If approved, alterations will be handled by the Department staff only.

F. Security

Security is provided by the Office of Capitol Police, Department of Finance and Administration. Special requirements concerning security will be handled through the Winter Building Director of Operations. Please note that the inability of law enforcement to provide adequate security may require the cancellation of the scheduled event.

G. Emergency Evacuation

In the case of a severe weather emergency, such as a tornado warning, visitors will be directed to a secure area of the Winter Building by Department staff. Department staff and visitors are instructed to remain in the secure area until the conclusion of the severe weather alert. Although visitors have the right to exit the Winter Building upon initial advisory of the warning, they must make this choice immediately, may not retrieve personal items from the lockers, and may not re-enter the building during the severe weather event, as these actions pose a risk to Department staff and other visitors.

In the case of a fire or a bomb threat, visitors will be directed to exit the Winter Building by a visible and audible alarm system, exit signage, and Department staff. Department staff will further direct visitors to a secure area outside the building. Department staff and visitors are instructed to remain in the secure area until an accounting of all staff and visitors has been completed. Visitors must evacuate the building immediately, may not retrieve personal items from the lockers, and may not re-enter the building until the Director of Operations has declared the building safe, as these actions pose a risk to the Department staff and other visitors.

H. Fund Raising

There shall be no solicitation of funds inside or on the grounds of the Winter Building by any organization other than the Department. Materials for free distribution may be set up in the lobby if directly related to an approved event.

I. Parking

Limited parking for visitors is located in the Winter Building parking lot on North Street. Handicapped parking is available on the southern end of this lot.

J. Equipment and Services at the Winter Building

The following equipment is available: floor lectern, television monitor and DVD/video-cassette player, and projection screen. The User is responsible for any damage occurring to the equipment during the event.

The Orientation Room may be arranged for auditorium seating with a maximum capacity of fifty for classroom seating.

Trash receptacles are available on request for use inside the building only.

Any equipment needs not available at the Winter Building must be rented at the User's expense, and set up, by the User or by specified professional vendors with prior approval of the Winter Building Director of Operations. Delivery and pick-up times of additional equipment must be cleared through the Director of Operations.

The request for supplemental electrical equipment, including, but not limited to, additional microphones, speakers, lighting, sound equipment, etc., must be approved in advance by the Winter Building Director of Operations. All utilization of electrical or mechanical systems must be supervised by qualified Department personnel.

Staff telephones or paging service will not be available.

All office equipment such as copiers, computers, printers, etc., is the property of the state of Mississippi and is NOT available for use by user organizations.

Staff services are provided by the Winter Building Director of Operations and other designated staff who assist in making arrangements and in managing events. Any Department equipment requested by User will be set up, operated by (if applicable), and taken down by Department staff only.

K. Refreshments

Food and/or beverages may be allowed in designated areas of the Winter Building during public events sponsored or co-sponsored by MDAH. Food and drink is limited to the Orientation Room and Lobby. The User must supply all necessary tablecloths, utensils, dinnerware, glassware, table decorations, service equipment, food and beverage(s). At the conclusion of an event at which food and/or drink of any type are served, all trash receptacles must be emptied and the trash removed from the building.

L. Videotaping/Filming/Photography

Videotaping, filming, and/or photography are allowed in the Orientation Room and the Lobby as long as normal traffic flow is not impeded. Department staff may restrict the use of secondary or auxiliary lights, flash, or equipment.

Any commercial or professional videotaping, filming, and/or photography requires approval and the execution of the Department's Commercial Filming Agreement, which could require a negotiated fee.

Negotiation of fees involves the following issues:

1. intended use of the resulting product,
2. commercial or non-profit status of producer,
3. direct benefit to MDAH and its mission, or

4. demonstrated benefit to the public.

A complimentary copy of footage, video, or print must be supplied to MDAH. All approved televising, videotaping, and photography must contain the approved credit line.

M. Credit Line

Any publicity or printed material should include the following credit line: "(name of group) gratefully acknowledges the use of the William F. Winter Building Archives and History Building." In the case of co-sponsorship of an event, MDAH shall be named as co-sponsor.

Source: *Miss. Code* § 25-59-1 (1972, as amended).

Rule 1.3 Facility Tours. During normal operating business hours, tours of the non-restricted archival areas of the Winter Building may be arranged through the MDAH Office of Public Information. Security concerns limit the size of the tour group to twelve.

Source: *Miss. Code* § 25-59-1 (1972, as amended).

Rule 1.4 General Access.

A. Access to Public Areas

Public access to the William F. Winter Archives and History Building (Winter Building) will be provided at the first floor North Street entrance during the following hours:

8:00 a.m. – 5:00 p.m., Monday-Friday 8:00 a.m. – 1:00 p.m., Saturday

Advance notice of periodic closures will be posted onsite and on the Department website.

The Winter Building is handicapped accessible with some limitations. No animals are allowed at any time, except those trained as service animals.

Vendors requiring the use of an elevator for deliveries must check in at the loading dock.

B. Access to Restricted Areas

Certain areas of the Winter Building have public and staff access restrictions. An employee may not allow anyone to use his access card or keys for any reason.

Access to restricted areas is granted by the Archives and Records Services Division director, subject to approval by the Department Director, to employees who, in their normal work routine, have a consistent, recurring need for access.

Access for non-employees to restricted areas is granted by the Archives and Records Services Division director, subject to approval by the Department Director. Each non-

employee must be accompanied by the Winter Building Director of Operations or other authorized employee at all times and must register with the Director of Operations prior to entry in restricted areas. The accompanying employee must also register with the Winter Building Director of Operations as the authorized escort.

Access to the two third floor terrace areas is restricted to Department-sponsored functions as approved by the Board of Trustees.

C. Reading Rooms

Access to the Reading Rooms for the public and MDAH staff, other than Archives and Records Services Division staff, is through the lobby entrance. A Reading Room Identification Card is required for entrance.

A Reading Room Identification Card application must be completed prior to the issuance of the card.

D. Parking

A free parking lot for visitors is located on North Street. Handicapped parking is available on the southern end of this lot.

E. Food and Drink

Food and drink of any kind is allowed only in designated areas of the building.

1. First Floor:

a. Lobby:

Food and drink are allowed in the lobby. The Department Director must approve the use of catered food and drink.

b. Vending Room:

Coin-operated drink and snack machines are available in the vending room as a courtesy to the public. The Department does not own or operate these machines; therefore, we do not provide refunds or address operational problems. Contact numbers for refunds or other problems are posted on the machines.

c. Lobby Buffet:

The lobby buffet is available for refreshment and light meal service for meetings held in the Winter Building.

d. Computer Class Room:

Food and drink are not allowed in this room.

e. Orientation Room:

If archival materials are present in the room, no food or drink is allowed in the room.

f. Lobby Conference Room:

If archival materials are present in the room, no food or drink is allowed in the room.

2. Third Floor:

The use of food and drink in the Board Room is approved for meetings of the Board of Trustees. All other uses of food and drink must be approved by the Department Director. The refrigeration and cooking equipment in the kitchenette is only to be used in connection with approved meetings. If a caterer is used, arrangements should be made with the Winter Building Director of Operations for the appropriate delivery and disposal of food and drink. The Winter Building custodial staff are responsible for disposing of all trash from the board room kitchenette at the conclusion of a food and drink event.

a. Third Floor Terraces:

The third-floor terraces were designed for maintenance access to the roof of the Winter Building, not for routine staff or public use.

Source: *Miss. Code* § 25-59-1 (1972, as amended).

Part 1 Chapter 2: Mississippi Hall of Fame Rules for Elections

(Adopted by the Board of Trustees on October 6, 1958; Amended December 10, 1976, July 18, 1986, October 16, 2009, and October 16, 2015)

Rule 2.1 Hall of Fame Rules for Elections.

- A. The members of the Board of Trustees of the Department of Archives and History shall be the electors of the Mississippi Hall of Fame.
- B. Only Mississippians, native or adopted, who have been deceased for at least five years, shall be considered for election to the Hall of Fame. Governors are not eligible as they are included in the Hall of Governors.
- C. Elections to the Hall of Fame shall be held only once in each five- year period.
- D. The election for the Hall of Fame shall be held at a special meeting of the Board of Trustees scheduled for that purpose. The date for the special meeting and election shall be set by the Board of Trustees at the Board's regular quarterly meeting in July of the election year. The date of the election will be publicized, and the public will be invited to submit nominations.
- E. Nominations for election to the Hall of Fame are accepted January 1 to September 30 of the election year and must be submitted via official online nomination form. Nominations are only valid for that election cycle.

- F. Election to the Hall of Fame shall require an affirmative unanimous vote by the members of the Board present at the time of voting, who shall vote by secret ballot.
- G. No more than five Mississippians shall be elected to the Hall of Fame at any quinquennial election.

Source: *Miss. Code* §§ 25-59-1, 39-5-1 (1972, as amended).

Part 1 Chapter 3: MDAH Guest Wireless Policy
(Adopted by the Board of Trustees on January 18, 2013)

Rule 3.1. Internet Access using Personal Devices.

- A. Purpose of the MDAH wireless network:** to provide free internet access to patrons, staff, and service providers in public areas where wiring is invasive or impractical without endangering the integrity and security of the internal MDAH network.
- B. Purpose of the MDAH Guest Wireless Policy:** to establish the requirements and standards for using the MDAH wireless network.
- C. Locations:** public areas of buildings, such as auditoriums, classrooms, meeting rooms, search rooms, and conference rooms, on the MDAH main campus in Jackson, MS.
- D. Hours:** the wireless network is available during the normal operating hours of the buildings on the MDAH Jackson campus. It is also available in these buildings during approved after hour events.
- E. Equipment:** personal mobile devices, such as laptop computers, tablets, or smart phones, with wireless capability.
- F. Conditions for Use:** This service is meant to provide users with access to information that supports MDAH mission-related activities. Users may not use the Department's wireless network to download or view pornographic or other inappropriate material. The user should expect no right to privacy and access may be monitored. Parents or legal guardians of children under 18 years of age are responsible for their child's use of the wireless network.
 MDAH will develop guidelines and procedures that users must agree to before being given access to the wireless network.
 Wireless connections are not secure, and the Department assumes no responsibility for the safety of the user's equipment or data while using the wireless network.
 The user will need to configure their own devices. MDAH staff cannot accept liability for handling non-MDAH equipment and will not provide technical assistance.
 The user must use headphones unless the audio is part of a presentation.

The wireless network is provided for the productivity of patrons, staff, and service providers. It is a privilege that can be revoked at the discretion of MDAH staff if any user violates this policy or compromises the integrity and security of the MDAH network.

Source: *Miss. Code* §§ 25-59-1, 39-5-1 (1972, as amended).

Part 1 Chapter 4: Commercial Filming/Photography Policy

(Adopted by the Board of Trustees on January 15, 2010; Amended January 18, 2013, April 20, 2018)

Rule 4.1. Commercial Filming/Photography Fees on Mississippi Department of Archives and History (MDAH) Property.

- A. All commercial filming/photography requires the execution of a commercial filming/photography contract with MDAH.
- B. Filming/photography is defined as the capturing or recording of moving images, still images, or sounds by digital or mechanical means. Commercial use is defined as a use from which income is derived. Such use may include but is not limited to a documentary, television or feature film, advertisement, promotion, or similar product/publication. Commercial use does not include news coverage or visitor personal use, which are permitted.
- C. Certain images, films, and other materials housed or displayed at MDAH are copyrighted, and the permitting of any filming/photography that would capture such materials is at the discretion of MDAH.
- D. Location fees for commercial filming/photography shall be set as follows: If an individual or production company is paying location fees for other locations at a higher rate than those in the schedule below, then the Department shall request the same fee; otherwise, the following fee rates shall be charged:

Up to one hour:	\$250
One to four hours:	\$750
Five to eight hours:	\$1,500
After eight hours:	\$350 per each additional hour

- E. Fees are based on an 8:00 a.m. to 5:00 p.m. time period and include time spent setting up and taking down equipment and sets. All location fees shall be paid in advance of production set-up as stated in the Commercial Filming/Photography Contract.

Source: *Miss. Code* §§ 25-59-1, 39-5-1 (1972, as amended).

Part 1 Chapter 5: Policy for Image Duplication and Use

(Adopted by the Board of Trustees on January 18, 2013; Amended July 31, 2015)

Rule 5.1.

A. Introduction:

The Mississippi Department of Archives and History (MDAH) is a comprehensive historical agency. MDAH collects, preserves, and provides access to the archival resources of the state; administers museums and historic sites; and oversees statewide programs for historic preservation, government records management, and publications. The purpose of this document is to define MDAH policies regarding duplication, and the broadcast, publication, exhibition, Internet use, and other distribution, of images of items from MDAH holdings for which use is not restricted by Federal or Mississippi State law. All division guidelines and procedures will conform to this policy.

B. Items in the Public Domain:

Permission to use images of items in the public domain (including, but not limited to, government records and most images taken by MDAH) may be granted for one-time use in multiple formats. Although state government records do not fall into the category of public domain automatically as do Federal records; as a courtesy to the public, MDAH considers most state government records in its custody to be in the public domain for purposes of duplication and use. No other edition, duplication, alteration, or transfer to other persons or institutions is permitted without prior written consent from MDAH. Such authorization is non-exclusive, and MDAH does not surrender its own right to publish or to grant others permission to publish.

C. Items Not in the Public Domain:

Some items in the MDAH collections are protected by U.S. Copyright Law (Title 17, U.S.C., in accordance with the Berne Convention for the Protection of Literary and Artistic Works) and the Digital Millennium Copyright Act. Additionally, the duplication and/or use of some items may be restricted by gift agreements with donors, privacy and publicity rights, and licensing and trademarks.

It is the responsibility of the user to obtain duplication and/or use permission from the copyright owner and to supply that permission to MDAH in writing before duplication. MDAH will provide copyright information when known. Permission to use images of items that are not in the public domain may be granted for one-time use for a limited period with the permission of the copyright owner.

No other edition, duplication, alteration, or transfer to other persons or institutions is permitted without prior written consent from the copyright holder and MDAH. Such authorization is non-exclusive, and MDAH does not surrender its own right to publish or to grant others permission to publish.

D. Duplication Services:

After the MDAH order form is completed, staff will perform all duplication services when possible. Orders are processed in the order received. A specific delivery date cannot be guaranteed.

MDAH may delay the duplication of a fragile item until appropriate conservation measures can be completed. Such measures are implemented by MDAH as scheduling and funds allow. The user may choose to expedite this process by paying all costs of the

conservation measures necessary to preserve and safely duplicate an item as determined by MDAH.

MDAH reserves the right to deny any duplication request, in order to ensure the preservation of the item, the implementation of donor restrictions, and other applicable legal restrictions, including copyright, privacy and publicity rights, and licensing and trademarks.

If MDAH cannot produce the requested image, a commercial vendor approved by MDAH may be used at the user's expense. MDAH will not be responsible for the quality of work performed by a vendor.

If MDAH or an approved vendor cannot provide the desired format, the user may request permission to use personal equipment to produce the copy. Such requests must be made in writing in advance, and be approved by the division director or his designee. If approval is granted, the user must follow the duplication procedures established by the division.

E. Use Permission:

An MDAH use permission form must be completed and approved by the appropriate staff before broadcast, publication, exhibition, Internet use, or other distribution of images of items from the MDAH holdings.

The copyright owner, if appropriate, and MDAH must approve the superimposition of text, cropping, bleeding, addition of color, or other alterations at the time the use permission form is submitted.

MDAH reserves the right to withhold permission for any use it considers to be contrary to the mission of MDAH.

F. Charges, Fees, and Payment:

The MDAH Board of Trustees adopts rules and regulations related to charges and fees. A current schedule of charges and fees will be maintained at MDAH and will be publicly available. Charges and fees are subject to change without notice.

Legal residents of Mississippi; not-for-profit organizations chartered in Mississippi; state, county, and municipal agencies in Mississippi; and federal agencies will not be charged use fees in accordance with the current schedule; unless the intended use is a product that will be distributed for a price.

For-profit entities, and non-Mississippi individuals and organizations will be charged use fees.

Profit/Not-for-profit status is determined by the status of the entity requesting the use, not by the status of the entity funding the project. Proof of Internal Revenue Service filing

category or a valid student identification card, in the case of scholastic use, is required to qualify for the not-for-profit fee rate.

Payment in advance is required for all products, services rendered, and use fees. Charges and fees are not refundable. Assessment of the use fee is based on the projected use at the time the use agreement is signed and cannot be prorated for lack of use thereafter. Any reduction of charges and fees will be determined by the division director or his designee according to division procedures.

G. Product Copies:

The user will provide MDAH a complimentary copy of, or internet link for, any product containing images from MDAH.

H. Questions:

Questions about this policy should be submitted in writing to the appropriate division director or his designee.

Source: *Miss. Code* §§ 25-59-1, 25-61-7 (1972, as amended).

Part 1 Chapter 6: Public Records Act of 1982 Regulations
(Adopted by the Board of Trustees on April 24, 1987)

Rule 6.1. This policy is adopted by the authority of §25-61-1 et seq., MCA 1972, and applies to all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproduction thereof, and other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of the Department of Archives and History.

A. Request Submission:

A request for records shall be submitted in writing to the director, Department of Archives and History, P. O. Box 571, Jackson, Mississippi 39205.

B. Records Not Covered:

Access to records accessioned in the official archives of the state or in the private record archives are not affected by these regulations. Access to those records is provided through procedures established for the Department reading rooms.

C. Identification of Requested Records:

The request for information shall be marked "Request for Public Records" and shall describe in reasonable detail the records sought. The request should include, if possible, a description of the type of records, names, dates and other information that may aid in locating records.

D. Exempt Records:

The director shall determine whether the records sought are exempt from production under the Mississippi Public Records Act and shall either cause to be produced or deny production of the records sought within seven (7) working days of the receipt of the request. If the director determines that the records requested are exempt or not subject to public disclosure under the law, he shall deny the request and shall send the person making the request a statement of the specific exemption relied upon for the denial. Such denials shall be kept on file for inspection by any person for three (3) years.

Where possible, non-exempt records will be separated from exempt records, and only the exempt records will be withheld. If exempt records cannot be withheld, the exempt information will be reacted by the Department prior to providing access to the non-exempt information. The Department will charge a reasonable fee for the redaction of any exempted information, not to exceed the agency's actual cost.

Information gained from third parties containing trade secrets or confidential commercial or financial information will not be released until a reasonable time after notice has been sent to the third parties, unless the material is protected by a court order.

Records in the possession of the Department of Archives and History that contain information about the location of any specific archaeological site and that in the opinion of the Department would, upon the disclosure thereof, create a substantial risk of damage or destruction to the historical value of such archaeological site or create a substantial risk of damage or destruction to private property rights, are exempt from the provisions of the Mississippi Public Records Act of 1983.

E. Fees:

The request for information should be accompanied by sufficient funds to defray the actual costs of searching, reviewing, copying and, if applicable, mailing the records. Fees charged for the records will not exceed the actual costs, and any overpayment will be refunded. Fees shall be collected prior to compliance with the request. Fees currently authorized by the board of trustees are posted on the department's website

The director shall cause the person making the request to be promptly notified of the estimated fees if the estimate exceeds the funds accompanying the request. The schedule of fees will apply even if the search is unproductive.

Fees are subject to revision by the Board of Trustees.

Source: *Miss. Code* § 25-61-1 (1972, as amended).

Foundation for Mississippi History Bylaws Amendment. REPEALED. Effective 10/16/2009.

William F. Winter Archives and History Building Artwork Policy. REPEALED. Effective 10/16/2009.

Certified Public Manager Program Participation Policy. REPEALED. Effective 10/16/2009.

Plan for allowing one administrator to handle Department's cafeteria plan and group insurance. REPEALED. Effective 10/16/2009.

Department Policy regarding reimbursement of meal expenses for traveling staff, only for overnight stays. REPEALED. Effective 10/16/2009.

40% discount on Department-published publications for Board and staff. REPEALED. Effective 10/16/2009.

Board of Trustees Election Procedures. REPEALED. Effective 10/16/2009.

Department Guidelines on Leave, Travel, Reimbursement and Comp. Time. REPEALED. Effective 10/16/2009.

Department Purchasing Rules and Regulations. REPEALED. Effective 10/16/2009.

State Historical Commission abolished by House Bill No. 634, and its functions transferred to the Department. REPEALED. Effective 10/16/2009.

Policy Prohibiting use of Department name in connection with purely commercial enterprises or publications (includes employees). REPEALED. 10/16/2009.