



Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 101: OVERVIEW

Part 101 Chapter 1: Description and General Operations

- A. Authorization. The Mississippi Library Commission, hereinafter referred to as the “Library Commission,” is established and operates in accordance with §39-3-101 to §39-3-111 of the Mississippi Code of 1972, Annotated, as amended and/or supplemented thereafter.
- B. Purpose. The director of the Library Commission, hereinafter referred to as the “Executive Director,” is charged with “organizing new libraries and directing library development in the State, so as to give and furnish every citizen and resident of the State free library service of the highest quality consistent with modern methods and as may be justified by financial and economic conditions.” (§39-3-105)
1. Vision - The vision of the Mississippi Library Commission is that all Mississippians have access to quality library services in order to: achieve their greatest potential, participate in a global society, and enrich their daily lives.
 2. Mission - The Library Commission is committed — through leadership, advocacy, and service — to strengthening and enhancing libraries and information resources for all Mississippians.
 3. Goals - The goals of the Library Commission are as follows:
 - a. All Mississippians understand, support, and use libraries.
 - b. All Mississippians have access to well-managed library services through qualified staff and modern facilities.
 - c. All Mississippians have access to current technology resources through libraries.
 - d. All Mississippians have access to quality library resources.
 - e. The Library Commission achieves the highest quality standards for effective and efficient internal management and fiscal integrity.

- C. Services. State law provides that the Library Commission may provide advice to help establish and strengthen libraries; may circulate library materials; may use funds other than its own appropriation to establish or improve library services in the State; may publish information it deems necessary; may conduct library continuing education; may adopt rules and regulations relative to the allocation of State aid funds to public library systems; shall annually prepare a report on the status of all libraries in the State; and shall annually report to the Legislature on the work of the Commission, as prescribed by §39-3-107.

The Library Commission may provide assistance to all schools, public and other libraries. However, because the Mississippi Department of Education and the Institutions of Higher Learning have authority over school and academic libraries and because all State grant funds are appropriated for public library services, the Library Commission focuses activities on public libraries, while engaging in cooperative activities with other types of libraries.

An agency of state government, the Library Commission serves:

1. Library community - directly, through a specialized collection and services.
2. State government, including members of the Legislature, state officials, state agencies, and state employees - directly, through a specialized collection and services.
3. Mississippi residents with visual or physical impairments which prevent the reading of standard print - directly, through a specialized collection and services.
4. Intellectual property researchers - directly, through a specialized collection and resources.
5. General public - directly, through a specialized collection; and indirectly, through the state's libraries.

- D. Governance. The Board of Commissioners, hereinafter referred to as "the Board", is the governing body of the Library Commission. The Board adopts policies as are deemed necessary for the operation of programs and services provided by the Library Commission as prescribed in §39-3-103.

The Board elects an Executive Director, who shall have a master's degree in library science from a school accredited by the American Library Association and experience as a library administrator. The term of office of the Executive Director is for four-year periods, unless, for good cause shown, the Board removes the Executive Director. The Executive Director is responsible for all general administrative duties incident to carrying on the work of the Library Commission.

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Part 110: BOARD OF COMMISSIONERS

Part 110 Chapter 1: Bylaws of the Board

Rule 110.1.1 Membership. Appointments to the Board are made by the governor in accordance with §39-3-101. Membership consists of two members at large, one librarian with a master's degree in library science from a school accredited by the American Library Association, one public library trustee, and one representative, the president or her designee from the Mississippi Federation of Women's Clubs.

- A. Terms of Office. Members shall be appointed for five-year, staggered terms. Each member will hold office until his or her successor is appointed or the member's death or resignation.
- B. Compensation. Board members receive no compensation other than actual traveling expenses incurred while on business for the Library Commission as required by §39-3-105.
- C. Vacancies. Vacancies shall be filled by gubernatorial appointment for the unexpired term.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 110.1.2 Officers and Duties. Nomination and Election of Officers - The Board shall annually elect officers, Chairperson, Vice-Chairperson, and Secretary, nominated by a committee appointed by the Chairperson. No member shall serve more than one (1) consecutive year as chairperson.

- A. Chairperson. The Chairperson presides at all Board meetings; executes all documents authorized by the Board; calls special meetings or reschedules a regular meeting; appoints ad-hoc committees; represents the Library Commission and the Board as required; exercises and performs such other powers and duties as necessary to carry out Board responsibilities; and, in general, performs all duties incident to office of Chairperson.
- B. Vice Chairperson. The vice chairperson serves in the absence of a Chairperson, performing all duties of Chairperson; perform such other duties as may be prescribed by the Chairperson or the Board.
- C. Secretary. The secretary shall keep a true and accurate record of Board meetings and may be assisted by the Executive Director or a designated staff member of the Library Commission. Minutes shall be kept in accordance with §25-41-11.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 110.1.3 Meetings.

- A. Open Meetings. All meetings of the Board shall be conducted in compliance with the Mississippi Open Meetings Act, codified in §25-41-1 to §25-41-17. Any member of the public may attend Board meetings.
- B. Persons with Disabilities. The Board shall hold all meetings in buildings accessible to persons with disabilities. Persons with disabilities wishing to participate who require auxiliary aids and services such as interpreters, note takers, readers, Braille materials or large print materials shall contact the Library Commission at least five (5) working days prior to the meeting.
- C. Regular Meetings. The Board shall meet at least six (6) times per year, or upon call by the Chairperson. Regular meetings of the Board shall take place on the fourth Tuesday of the month, at the Library Commission building unless otherwise predetermined by the Board.
- D. Notice. Notice of all meetings shall be consistent with the Open Meetings Law and other applicable statutes.
- E. Order of Business. The Executive Director and the chairperson of the Board shall set the order of business for regular meetings of the Board. Board members may decide that a point of business is necessary and place that point of business on the agenda without prior notice.
- F. Special Called Meetings. The Board Chairperson or a majority of Board members have the authority to call a special meeting of the Board.
 - 1. Notice - Notice and conduct of said meetings shall be consistent with the Open Meetings Law and other applicable statutes.
 - 2. Order of Business - No business shall be transacted at a called special meeting except that mentioned in the notice of the meeting.
- G. Teleconference or Video Meetings. The Chairperson shall decide, at least seven (7) days prior to the proposed meeting date, on conduct of a Board meeting via teleconference or video.
- H. Notice and conduct of said meeting shall be consistent with the Open Meetings Law and other applicable statutes.
- I. Executive Sessions. Executive sessions shall be called as prescribed in §25-41-7. The reasons for entering executive session shall conform to those given in §25-41-7.
- J. Quorum. A majority of the Board members, three (3), or more constitutes a quorum at all meetings of the Board and shall be necessary for the purposes of voting or

taking action. Where no vote is needed and no action is required, those members present may receive information and discuss matters of business.

- K. Board Actions. An act on the part of the majority at which a quorum is present shall be the act of the Board unless statute requires action by a greater number. The method of voting shall be by voice vote unless any one (1) member of the Board requests a roll call vote. In the event of a Board meeting conducted via teleconference/video means shall be recorded by name in roll-call fashion and recorded in the minutes.
- L. Parliamentary Authority. *Robert's Rules of Order*, latest revised edition, shall govern the parliamentary procedure of the meetings. Rules may be relaxed by the Chairperson with no objection from Board members.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 110.1.4 Conduct of Persons Attending Meetings.

- A. Any person attending a meeting of the Board shall act in a courteous, professional manner. The authority of the chairperson of the Board shall be observed.
- B. Public Participation in Board Meetings.
 - 1. Requests to Place Business on the Agenda - Persons may request to place specific business on the agenda by making a written request to the Executive Director. The request shall be specific about the issue or topic of business. The request and any relevant data shall be received at least ten (10) working days prior to a scheduled Board meeting so that Board members have adequate time to receive and evaluate the material.
 - 2. Public Comments - Persons wishing to make brief comments at a Board meeting shall register on a Public Comments sheet which is available prior to the start of each Board meeting and state the topic to be addressed; be acknowledged by the Chairperson; and limit remarks to two (2) minutes.
 - 3. Presentations to the Board - Persons wishing to make formal presentations before the Board shall submit a written request to the Executive Director not less than ten (10) days prior to a scheduled Board meeting. Presentations shall be allowed at the discretion of the chairperson. The chairperson may impose limits on the length of time each person may speak. Members of the public attending a Board meeting shall have no standing in the conduct of the business of the Board.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 110.1.5 Committees.

- A. Standing Committees. The Chairperson may appoint Board members to ad hoc committees to support various Board activities and responsibilities. Responsibilities and powers of such committees may be established, changed, or disposed of at any time by an affirmative vote of the Board.

- B. Other Committees. Other committees to undertake special projects may be established by the Board. Committee members may be appointed and removed by the chairperson. Staff members may be appointed to assist other committees of the Board.

- C. Committee Authority. Committees shall have only advisory power.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

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Part 120: ORGANIZATION AND OPERATIONS OF AGENCY

Part 120 Chapter 1: Overview

The Library Commission is organized into units that support programs and services of the agency, including administrative, networking, library, consulting, and grants services.

- A. Contact Information. The public may obtain information or make submissions or requests by mail, phone, fax, email, or personal visit to the Library Commission's Jackson offices.

The mailing address is: Mississippi Library Commission, 3881 Eastwood Drive, Jackson, Mississippi 39211.

The agency's phone number is (601) 432-4111 and fax number is (601) 432-4480. The agency wide area telephone service (tollfree) line number is (800) 647-7542 or 1-800-MISSLIB.

The agency email address is: mslib@mlc.lib.ms.us

The agency website address is: www.mlc.lib.ms.us

- B. Physical Location. Location and Office Hours. The Library Commission is located in Jackson, Mississippi, at 3881 Eastwood Drive. The offices are open Monday through Friday from 8:00 a.m. to 5:00 p.m., except legal state holidays.
- C. Accessibility. The Library Commission facility is physically accessible to persons with disabilities.

Part 120 Chapter 2: Public Meeting Facilities

Rule 120.2.1 Use of Public Meeting Facilities.

- A. The Library Commission's public meeting facilities are primarily intended for functions sponsored by the Library Commission. When not needed for Library Commission functions, the public meeting areas may, at the discretion of the Library Commission, be used by other state agencies.
- B. Reservations. Reservations shall be made by completing and submitting an application to the Executive Director's Office or a designee of the Executive Director no more than three (3) months in advance of the meeting. The Library Commission has the right to determine if the request for space shall be honored and, if so, to determine the meeting area that shall be reserved for the requesting agency. In the event of an emergency, the Library Commission may cancel a reservation giving the requesting agency as much notice as possible.

- C. Accessibility. The Library Commission facility is physically accessible to persons with disabilities. Other accommodations needed for persons with disabilities shall be the responsibility of the agency scheduled to use the facility.
- D. Smoking and Other Tobacco Products. The use of tobacco products is not permitted inside the Library Commission facility. A specific area outside the building shall be designated as a smoking area.
- E. Special Arrangements. The Library Commission has limited equipment that may be used for meetings. The scheduled group may request the use of and reserve this equipment when making reservations for a meeting area. Any other special arrangements should be requested and arranged for when reserving the meeting area.
- F. The scheduled group must adhere to usage guidelines and must allow the Library Commission to present, at the beginning of the meeting, a brief (five [5] to ten [10] minutes) welcome and overview of library services available to attendees.
- G. The scheduled group is responsible for cleaning up after the meeting; failure to return the meeting room to the former condition may prevent the group from using Library Commission meeting rooms in the future.
- H. Liability. The scheduled group shall assume responsibility for any theft and/or damage to meeting area or contents.
- I. Disclaimers. Use of Library Commission meeting facilities does not constitute an endorsement of the beliefs of the group, or the actions of the group by the Board or the Library Commission. The Library Commission shall not be responsible for any equipment, supplies, materials, clothing, or other items brought by any agency or individual attending a meeting in the Library Commission. The Library Commission assumes no liability for agencies or individuals attending a meeting at the Library Commission.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 120.2.2 Displays and Informational Materials in Public Areas.

- A. The Library Commission may, at its own discretion, provide exhibits to be viewed by the general public. The Library Commission may make space available in the building for the display of brochures, informational material, and other materials of general interest provided by other state agencies.

- B. Requests to display materials must be made to the Executive Director's Office or a designee of the Executive Director. No poster, pamphlet, brochure, leaflet, or booklet, shall be exhibited, displayed, or placed in the Library Commission without prior permission.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

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Part 130: PUBLIC PARTICIPATION

Part 130 Chapter 1: Proceedings

Rule 130.1.1 Formal Proceedings.

- A. Board Meetings. All regular and called special meetings of the Board are considered formal proceedings. Administrative rulings of the Board are final and binding unless overturned by a court of competent jurisdiction. Persons wishing to place specific business on the agenda of a Board meeting, to make public comments at a Board meeting, or make a formal presentation before the Board shall comply with the rules set forth in Bylaws of the Board.
- B. Reconsideration Hearings. Reconsideration hearings are formal proceedings conducted by the Executive Director or a designee of the Executive Director at the request of an individual to reconsider certain actions which have been taken by the Library Commission. Requests for reconsideration must be made no later than thirty (30) calendar days after the agency action in question has been taken.
1. Form of Request - Requests for a reconsideration hearing shall be submitted in written form to the Executive Director by certified mail. The request and any envelope shall clearly state that it is a request for a reconsideration hearing. The request shall be dated and include the original signature, mailing address, and telephone number of the individual(s) making the request.
 2. Content of Request - The request must include: a clear identification of the decision to be reconsidered; a full, complete, and accurate statement of all facts relevant to reconsideration of the decision; any relevant written documents; a statement as to whether the individual intends to conduct an on-the-record hearing; and the name of the spokesman appointed, if the request involves more than one individual.
 3. Procedure After Request Is Received - A reconsideration hearing shall be held during regular business hours of the Library Commission within thirty (30) calendar days of the date of receipt of the request. The Executive Director shall provide reasonable notice to the requesting individual as to the day, hour, and location of the hearing; shall inform the requesting individual of the right to be represented by counsel; and shall inform the requesting individual of the right to an on-the-record hearing at the expense of the individual.
 4. Conduct of Hearing - The hearing shall be held before the Executive Director or such member or members of a review panel as the Executive Director designates. During the hearing the Executive Director or designee(s) shall direct questions only to the spokesperson. No indication of decision may be given at the time of the hearing.

5. Notice of Decision - The Library Commission shall notify the requesting individual in writing of the decision rendered by the Executive Director or designee within ten (10) working days of the hearing.
6. Appeals - If the decision rendered by the Executive Director as a result of the reconsideration hearing is not satisfactory to the requesting individual, the individual may submit a written appeal of the decision to the Executive Director for consideration by the Board. The appeal must be made within ten (10) working days of receipt of the reconsideration hearing decision.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 130.1.2 Informal Proceedings. The Library Commission provides the public with opportunities to participate and provide input into its operations through various and sundry informal proceedings, including constituent meetings, advisory groups, public hearings, and requests for public comment. Informal proceedings are of an advisory or informational nature only and are not binding on the Library Commission or the Board.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

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Part 140: RULE MAKING

Part 140 Chapter 1: Introduction – Declaratory Opinions

The Board adopts and incorporates by reference the procedures for adoption and effectiveness of rules as found in §25-43-3-101 to §25-43-3-114 of the *Mississippi Code of 1972, Annotated*.

Rule 140.1.1 Requests for Declaratory Opinions.

- A. **Scope of Rules.** These sections set forth the Library Commission’s rules governing the form and content of requests for declaratory opinions, and the Library Commissions procedures regarding the requests, as required by §25-43-2.103 of the *Mississippi Code of 1972, Annotated*.
- B. **Requestors.** Any person with a substantial interest in the subject matter may make a written request for a declaratory opinion by following the specified procedures. “Substantial interest in the subject matter” means that the interest must be direct, immediate, and not remote in consequence. A “substantial interest” is one which surpasses the common interest of all citizens.
- C. **Matters Addressed.** A declaratory opinion is intended to clarify a statute or rule or interpret how the statute or rule would apply in a particular situation. The Board may issue declaratory opinions regarding subject matters which are within the primary jurisdiction of the Library Commission. Subject matters within the primary jurisdiction of the Library Commission include the applicability of specified facts to a statute administered or enforced by the Library Commission or a rule promulgated by the Library Commission.
- D. **Matters Not Addressed: Circumstances in Which Declaratory Opinions Will Not Be Issued.** The Board may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
1. Matter is outside primary jurisdiction of Library Commission.
 2. Lack of clarity concerning question presented.
 3. Pending or anticipated litigation, administrative action, or other adjudication before an agency, administrative tribunal, or court which may either answer question presented or otherwise make answer unnecessary.
 4. Statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer question presented.
 5. Facts presented in request are not sufficient to answer question presented.
 6. Request fails to contain information required by rules or requestor failed to follow procedure set forth in rules.

7. Request seeks to resolve issues which have become moot, or are abstract or hypothetical such that requestor is not substantially affected by rule, statute or order on which declaratory opinion is sought.
8. No controversy exists concerning issue as requestor is not faced with existing facts or those certain to raise question concerning application of statute, rule, or order.
9. Question presented by request concerns legal validity of statute, rule, or order.
10. Requestor has not suffered injury or threatened injury fairly traceable to application of statute, rule, or order.
11. No clear answer is determinable.
12. Question presented involves application of criminal statute or facts which may constitute crime.
13. Answer to question presented would require disclosure of information which is privileged or otherwise protected by law from disclosure.
14. Question presented is subject of pending or issued Attorney General's opinion request.
15. Such opinion would constitute unauthorized practice of law.
16. Such opinion may adversely affect interests of State, Library Commission, or officers or employees in any litigation which pending or may reasonably be expected to arise.

E. Circumstances for Referral of Declaratory Opinions. Where a request for a declaratory opinion involves a question of law, the Library Commission may refer the matter to the Office of the Attorney General.

F. Form of the Request.

1. Written Requests Required. Requests for a declaratory opinion shall be submitted in written form to the Executive Director by certified mail. The written request and the envelope must be plainly marked "Request for Declaratory Opinion." The request shall be dated and include the original signatures, mailing addresses, and telephone numbers of the individual(s) making the request.
2. Content of Request. The request must be limited to a single transaction or occurrence and shall contain the following:
 - a. Clear identification of statute, rule, or order at issue;
 - b. Concise statement of issue or question presented for declaratory opinion;
 - c. Full, complete, and accurate statement of all facts relevant to resolution of question presented;
 - d. Statement sufficient to show that person seeking relief is substantially affected by rule.

G. Procedure for Receipt of Request for Declaratory Opinion. Requests for a declaratory opinion shall be considered by the Board at the next regularly scheduled meeting, provided that the request is received not less than fifteen (15) working days prior to the meeting. Notification shall be provided to the requesting individual concerning the date, time, and place for consideration of the request for declaratory opinion. In the event a request is not received at least fifteen (15) working days prior to a regularly scheduled Board meeting, the Board shall hold a special meeting within forty-five (45) days of the receipt of the request, at which meeting the Board shall either: issue an opinion; decline to issue an opinion; or agree to issue an opinion no later than ninety (90) calendar days after receipt of the request, as required in §25-43-2.103(3). If the Board, in its sole discretion, deems it necessary or helpful in determining any issue concerning a request for declaratory opinion, the Board may, with reasonable notice, provide requestors an opportunity to present testimony at the Board meeting. The mailing of notices ten (10) days prior to the meeting shall constitute reasonable notice.

H. Public Access to Requests and Declaratory Opinions. Declaratory opinions of the Board shall be announced in writing with a copy mailed promptly to each requestor. Declaratory opinions and requests for declaratory opinions of the Board shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information that is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 150: PUBLIC ACCESS TO INFORMATION

Part 150 Chapter 1: Patron Confidentiality

Rule 150.1.1: User Records. In accordance with §39-3-365, records maintained by the Library Commission which contain information related to the identity of a library user, relative to the user's use of books and other materials in the agency's library are confidential and shall only be released with the express consent of the user or as a result of a court order.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 150 Chapter 2: Public Records

Rule 150.2.1 Mississippi Public Records Act of 1983. Found in §25-61-1 to §25-61-17, is hereby adopted and incorporated by reference. Unless exempted by §25-61-9, §25-61-11, §39-3-365, or in this section, all public records held by the Library Commission are hereby declared to be public property, and any person shall have the right to inspect, copy, or mechanically reproduce or obtain a reproduction of any such record in accordance with the procedures outlined below.

Records furnished to the Library Commission by a third party, unless declared exempt in this section, shall also be released in accordance with these rules. A third party shall be notified of public records requests impacting the records of the third party.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.2 Exemptions to Public Records Act of 1983. The availability of all records in the possession of the Library Commission shall be subject to the following limitations:

- A. Personnel records and applications for employment and letters of recommendation for employment in the possession of the Library Commission, except those which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act. (§25-1-100).
- B. Test questions or answers which are used in employment examinations and in the possession of the Library Commission except that which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act. (§25-1-100)
- C. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Library Commission and

which are related to litigation made by or against the Library Commission, or in anticipation of prospective litigation, including all communications between such attorney made in the courses of an attorney-client relationship shall be exempt from the provisions of the Act. (§25-1-102)

- D. Records in the possession of the Library Commission which would disclose information about a person's individual tax payment or status shall be exempt from the provisions of the Act. (§27-3-77)
- E. Appraisal information in the possession of the Library Commission which concerns the sale or purchase of real or personal property for public purposes prior to public announcement of the purchase or sale, where the release of such records could possibly have a detrimental effect on such sales or purchases shall be exempt from the provisions of the Act. (§31-1-27)
- F. Test questions and answers in the possession of the Library Commission which are to be used in future academic examinations and letters of recommendations respecting admission to any educational agency or institution, shall be exempt from the provisions of the Act. (§37-11-51)
- G. Records in the possession of the Library Commission which contain information about the location of any specific archaeological site and which in the opinion of such agency possessing such records, 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 the private property rights, shall be exempt from the provisions of the Act. (§39-7-41)
- H. Records in the possession of the Library Commission which are not otherwise protected by law, that (1) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (2) would reveal the identity of informants; (3) would prematurely release information that would impede the Library Commission's enforcement, investigation or detection efforts in such proceedings (4) would disclose investigatory techniques; (5) would deprive a person of a right to a fair trial or impartial adjudication; (6) would endanger the life or safety of any Library Commission personnel; (7) are matters pertaining to quality control or PEER review activities, shall be exempt from the provisions of the Act. (§45-29-1)

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.3 Procedures for Requesting Access to Records. Public access to Library Commission non-exempt records shall be governed by the following procedures:

- A. Individuals desiring to obtain access to public records information held by the Library Commission should make a written request, signed by the individual or duly

authorized agent, either by mail to the Executive Director or in person at the Library Commission offices during normal working hours.

- B. Requests for public records shall be received and the request acted upon during the regular business hours.
- C. The written request and the envelope must be plainly marked "Request for Public Records." Failure to so mark the request may delay the Library Commission's response.
- D. The written request shall describe in reasonable detail the records sought. The request should include, if possible, a description of the type of records, dates, title of a publication, and other information which may aid in locating the records.
- E. The written request shall:
 - 1. Specify whether requestor proposes to access record by inspection or copying.
 - 2. State date and time for proposed activity.
 - 3. State number of persons scheduled to participate.
 - 4. Provide name, address, and home and office telephone number of requestor.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.4 Production of Records or Denial of Access. The Executive Director shall determine whether records sought are exempt and shall either produce records or access to records or deny access to or production of records sought within seven (7) working days of receipt of request.

If Executive Director determines that records requested are exempt or privileged under law, the Executive Director shall deny request and send requesting individual a statement of specific reasons for denial. Where possible, nonexempt material shall be separated from exempt material and only exempt material shall be withheld. (§25-61-9) Such denials shall be kept on file for period of three (3) years and be made available for inspection and/or copying during regular working hours by any person upon written request. (§25-61-5)

Individuals provided access to records may do so within normal working hours, in Library Commission offices, and under supervision of agency staff member. Records which an individual wishes to have copied shall be marked by the individual, and the staff member shall attend to reproduction of documents. No records, only reproductions, shall leave building.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.5 Appeal of a Denial. In the event a public records request is denied, the requesting individual may appeal the decision using the following procedures:

- A. A requesting individual has thirty (30) calendar days from receipt of the Library Commission's response to appeal the denial.
- B. The appeal shall be submitted in writing to the Executive Director for consideration by the Board for a final administrative determination.
- C. The appeal should contain a copy of the original request, the denial, and the justification for reconsideration.
- D. The appeal and the envelope shall be plainly marked "Public Records Appeal." Failure to so mark the appeal may delay the response from the Board.
- E. The Board shall issue a written decision granting or denying the appeal within sixty (60) working days after receipt of the appeal unless, after showing good cause, the Board extends the sixty (60) day period. If the appeal is granted, the procedures outlined in "Procedures for Requesting Access to Public Records" shall be initiated. If the appeal is denied, in whole or part, the decision shall set forth reasons for the denial.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.6 Reference Requests as Public Records Requests. As a resource library with a large bibliographic collection, the Library Commission routinely receives reference requests for information. On occasion, a request submitted as a reference request is actually a public records request. In such cases, the following procedure shall be initiated:

- A. The reference request in question shall be referred to the Executive Director for review and validation of the public records issue.
- B. Upon validation that the reference question is actually a public records request, the reference question shall be returned to the requestor with instructions as to how to resubmit the question as a public records request.
- C. The individual resubmitting the reference request as a public records request shall be required to follow the procedures outlined in "Procedures for Requesting Access to Public Records."

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 150.2.7 Costs Reimbursement. The Library Commission hereby establishes a schedule of costs reimbursement to cover the agency's costs associated with searching, reviewing, overseeing, duplicating and if applicable, mailing copies of public records. Fees shown herein are subject to change. (§25-61-7)

A. Reimbursement schedule:

1. No charges, except for packing/handling fees, shall be applied for searching, reviewing and/or duplicating public records if query requires one (1) hour or less or if number of copies required is thirty (30) pages or less.
2. If query requires more than one (1) hour, \$10.00 per hour per person may be charged for searching, reviewing, and/or duplicating public records. Any part of an hour spent in such activities shall be charged at full hourly rate.
3. If query requires more than one hundred (100) pages of copies, \$0.15 per page shall be charged for each copy. Copies of pages printed on both front and back shall be considered as two pages for copy charge purposes.
4. \$5.00 packing/handling fee shall be charged on all requests for copies of public records to be shipped or mailed.
5. Costs shall be calculated at applicable rate for each such mailing. If request involves notice to be given to third party, cost of mailing such notice via certified mail return receipt requested shall be charged to person requesting records.
6. Prior to complying with request for public records, Library Commission shall estimate anticipated time and associated charges that may be required and notify the requestor. The requesting individual shall pay the Library Commission estimated charges, according to reimbursement schedule. If actual costs exceed estimated costs, the individual shall remit difference prior to Library Commission releasing public records. Cost reimbursements shall apply even if search is unproductive.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 160: LIBRARY SERVICES

Part 160 Chapter 1: Collections – Scope

Primary Resource Collection - The Library Commission's Primary Resource Collection includes monographs and serials, as well as certain specialized resources. The objective of this collection is to serve as the primary backup for Mississippi libraries and to serve the information needs of Mississippi state government. The Primary Resource Collection includes a wide variety of subjects to support the reference referral needs of public libraries and state government. Current materials on library management and procedures are maintained as a resource for student and practicing librarians. Fictional works by Mississippians and non-fiction works about Mississippi are also maintained. The Primary Resource Collection specializes in supporting the preparatory research needed for applying for a patent or trademark.

The Library Commission is the state depository for publications issued by Mississippi State agencies for public distribution as mandated by the *Mississippi Code of 1972, Annotated*, §25-51-1 to §25-51-7. The Library Commission is designated as an official Patent and Trademark Depository Library by the U.S. Department of Commerce, Patent and Trademark Office.

Blind and Physically Handicapped Collection - The Library Commission is designated as the Mississippi Regional Library by the Library of Congress, National Library Service for the Blind and Physically Handicapped. Public Law 89-522 provides authority to the Librarian of Congress to administer a national program of free library service to eligible persons who are visually impaired or physically disabled.

The Blind and Physically Handicapped Collection is designed to meet the needs of individuals who are visually impaired, physically disabled, or have a reading disability of organic origin. Institutions, including schools, libraries, veterans homes, hospitals, nursing homes, daycare facilities, and like facilities, which serve individuals meeting these federal eligibility requirements may also register for service. The collection includes materials in Braille, large print, analog audio cassette, digital books, descriptive videos, playback equipment and accessories, and Mississippiana materials provided through the local recording program.

Rule 160.1.1 Collection Development Policy.

A. Intellectual Freedom. The library is historically understood to be an unbiased repository for the recorded expression of human thought. It must, therefore, accept responsibility for providing access by the public to all points-of-view contained therein. The addition of an item to the collection does not represent an endorsement by the Library Commission of any theory, idea, or policy contained in the item. The

Library Commission collection strives to represent differing sides of controversial issues to the extent that budget constraints, space limitations, and availability of materials allow. The race, religion, gender, nationality, or political views of an author, individual, or group in the community shall not result in items being automatically included in or excluded from the collection. The Library Commission subscribes to the principles of the American Library Association's "Library Bill of Rights" and "The Freedom to Read" and "Freedom to View" statements.

B. Acquisition of Materials.

1. Primary Resource Collection - The Library Commission acquires library materials through purchases and gifts. The Board is authorized by §39-3-111 to accept in the name of the State gifts of books, periodicals, or other property for the purpose of promoting the work of the Library Commission. Selections of library materials are made by professional staff designated by the Executive Director. Selection of library materials is based on scope, need, format, purchase price, storage cost, efficiency and effectiveness in imparting information, and suitability for use by staff and eligible users. Selectors take into consideration critical evaluations in review media, journals, and standard bibliographies, as well as the selector's knowledge of the collection of the Library Commission and other libraries, communities served, and existing library and information resources.

State documents shall be deposited with the Library Commission in accordance with §25-51-1 to 25-51-7, which designates the Library Commission as the State depository for the publications issued by any State government agency for public distribution and requires all agencies of State government to furnish copies of public documents to the Library Commission. Acquisition of Patent and Trademark Depository items shall follow the requirements established by the U.S. Patent and Trademark Office.

Materials donated to the Library Commission shall be added to the collection only in accordance with the general collection policy.

2. Blind and Physically Handicapped Collection - The Library Commission acquires materials, at no charge, through the Library of Congress, National Library Service (NLS) for the Blind and Physically Handicapped program. Other formats not provided by NLS or acquired through purchases and gifts follow the Library Commission acquisition guidelines established for the Primary Resource Collection in Section II.A.2.b.1.

- C. Disposal of Materials. Disposal of library materials shall be undertaken by the Library Commission only as a means of strengthening and benefiting the mission of the Library Commission. The materials to be disposed of and the method for disposition of the deaccessioned materials, including donation, recycling, destruction, or transfer to another State agency, shall be determined by a staff member designated by the Executive Director. Library materials which are no longer needed to meet

Library Commission program objectives shall be removed from the collection. When such materials are appropriate to the needs of other publicly-funded libraries in the State such materials shall be transferred to such libraries.

Materials on deposit with the Library Commission shall be disposed of in accordance with the rules of the depositing authority.

The Library Commission assumes unconditional ownership of donated materials and may, at its own discretion, dispose of both donated materials and materials purchased with donated funds.

- D. Requests for Reconsideration of a Selection. Individuals desiring reconsideration pertaining to a specific selection may submit a Library Commission “Request for Review of Library Materials Form” by mail to the Library Commission. The Executive Director shall review the reconsideration request and notify the requesting party of the decision within thirty (30) working days of the receipt of the request. If the decision rendered by the Executive Director is not satisfactory to the requesting party, an appeal may be submitted to the Executive Director for consideration by the Board for a final administrative determination.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 160 Chapter 2: Users

Rule 160.2.1 Targeted Clientele. The collection of the Library Commission is developed to meet the needs of targeted clientele — the library community; State government; individuals with visual impairments and physical disabilities; and individuals researching intellectual property.

- A. Library Community. Other Mississippi libraries, library science students, and library organizations are targeted users of the Library Commission collection. A wide range of resources is maintained to assist the practicing librarian and to support library development. In accordance with §39-3-359 the Library Commission, “shall be the primary resource library for Mississippi public libraries; shall develop its collection accordingly; and shall provide services to libraries within the funds available and in keeping with the goal of efficient use of library resources in the State.”
- B. State Government. Employees and officials of Mississippi state government are targeted users of the Library Commission collections for job-related purposes.
- C. Individuals with Visual or Physical Impairments - The Blind and Physically Handicapped Collection serves as the state’s public library for people with certain visual impairments and physical disabilities which prevent the reading of standard printed material. Individuals who have been certified as eligible by meeting one of the federal requirements for service have direct access to the Blind and Physically Handicapped resources and services of the Library Commission. Certifying

authorities must meet guidelines established by the Library of Congress, National Library Service for the Blind and Physically Handicapped.

- D. Intellectual Property Researchers - Inventors, attorneys, researchers, and other individuals seeking patent and trademark information are targeted users. Specialized print and online resources are available to support the research needed in preparation for applying for a patent or trademark. Specialists are available to provide users with an orientation to the research process and to the necessary resources.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.2.2 General Public. Members of the general public who are Mississippi residents access library services primarily through the state's network of libraries. The Library Commission is a state agency with specialized collections designed to serve the library community, state government, eligible individuals with visually impairments and physical disabilities, and intellectual property researchers. Although not targeted users of the Library Commission, members of the general public may access the collections of the Library Commission directly in person, or indirectly through interlibrary loan at libraries statewide.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 160 Chapter 3. Usage Policies

Rule 160.3.1 User Registration and Access to Collection.

- A. Library Community. All libraries, including public, academic, institutional, school, and special libraries, are eligible for service. Staff of libraries checking out Library Commission materials in person on behalf of a local library must present a local library card in the name of the borrowing library. At the request of a library director, the Library Commission shall issue a Library Commission card in the name of the borrowing library. Libraries new to the services of the Library Commission must submit an application for a Library Commission card. An individual possessing signatory authority for the library must sign the application, accepting responsibility for materials borrowed.
- B. State Government. Employees and officials of Mississippi State government are issued Library Commission cards to access the specialized services of the Library Commission which are provided to State government. Individuals must complete an application to the Library Commission to obtain a Library Commission card. Library Commission staff may confirm employment with the State agency prior to issuing or renewing a Library Commission card. State employees are required to notify the Library Commission in the event of a change of employers or departure from State service. The Library Commission provides specialized services to state employees.

C. Individuals with Visual or Physical Impairments.

1. Access to Blind and Physically Handicapped Collection - Access to the Library Commission's Blind and Physically Handicapped Collection is limited to: those individuals, regardless of age, who have completed the federal registration form certifying that the individual meets at least one of the requirements set forth by NLS; and institutions which have completed the federal registration form certifying that the institution serves individuals, regardless of age, who meet at least one of the requirements set forth by NLS.

Persons desiring in-person access to materials shall present a valid photo identification to allow Library Commission staff to verify prior registration.

2. Access to Large Print Direct Mail and Descriptive Video Service - Registered Blind and Physically Handicapped Collection users may access the descriptive video and large print direct mail service of the Primary Resource Collection by completing an application. A Library Commission card will not be issued unless requested by the user. Users desiring in-person access to large print materials and descriptive videos shall present a valid photo identification to allow Library Commission staff to verify that the individual is a registered user. Non-large print materials borrowed by users of the Large Print Direct Mail Service will not be mailed by the Library Commission and must be returned to the Library Commission at the borrower's expense.

D. Intellectual Property Researchers. Intellectual property researchers may utilize the resources of the Patent and Trademark collections on the Library Commission premises without obtaining a Library Commission card. Researchers wishing to check out patent related materials must obtain a Library Commission card following the same requirements as set forth for the general public. Children ages sixteen (16) and under must be accompanied by an adult unless special arrangements have been made in advance.

Patent and trademark research library staff offer a thorough orientation to the research process but are strictly prohibited from interpreting intellectual property law, offering legal advice, or performing patentability searches or trademark registration searches for users.

E. General Public. Members of the general public must obtain a Library Commission card to check out materials.

1. Adults - Individuals age seventeen (17) and over who are registered borrowers in good standing from any Mississippi public library system may obtain a Library Commission card. A valid local library card from a Mississippi public library, issued in the same name, and another form of photo identification must be presented at the time application is made for a Library Commission card. The Library Commission reserves the right to contact the issuing public library to verify standing.

2. Children - Children age sixteen (16) and under must be accompanied by an adult when using the resources of the Library Commission unless special arrangements have been made in advance. Children, with the exception of children who are eligible users of the Blind and Physically Handicapped Collection, are not allowed to check out materials.

F. Remote Access to Select MAGNOLIA Databases. The Mississippi Alliance for Gaining New Opportunities through Library Information Access (MAGNOLIA) is a statewide consortium funded by the Mississippi State Legislature which provides online databases for Mississippi's publicly-funded K-12 schools, public libraries, community college libraries, and university libraries. Individuals may search the databases in libraries across the State or at the Library Commission. Select databases are available from home or office computers using a password. Passwords may be obtained at a local library. A registered user of the Library Commission may obtain a password from the Library Commission.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.2 Loans from Collections and Restrictions. In the interest of equitable access to materials/formats, the Library Commission reserves the right to limit the maximum number of materials loaned to a user and the types of materials to be loaned.

- A. Loan periods for library materials from the Primary Resource Collection of the Library Commission shall be determined based on material type, format, and user class.
- B. Loan periods and other parameters for materials from the Blind and Physically Handicapped Collection shall follow the procedures and guidelines for service set forth by National Library Service (NLS). Loan periods for Blind and Physically Handicapped Collection materials not provided by NLS shall be determined based on material type and format.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.3 User Responsibilities.

- A. Presentation of Library Card or Identification. Individuals wishing to borrow Library Commission materials in person must present a valid Library Commission card. Presentation of a valid local library card or other photo identification may also be required for specialized services. Users desiring to borrow materials from the Blind and Physically Handicapped Collection, in person, must show valid photo identification in order to verify registration or certification of eligibility.
- B. Timely Return of Materials. Library Commission users are responsible for the timely return of materials borrowed. The Library Commission may establish a schedule of daily fines and a maximum total fine for overdue materials loaned to state government users, intellectual property researchers, and the general public. Such

fines may vary by material type. The Library Commission reserves the right to reduce or waive charge under special circumstances, including an “act of nature” such as a fire, flood, or tornado. Individuals with overdue materials may not borrow additional material until overdue materials are returned and fines have been paid in full.

In accordance with NLS guidelines, no fines are levied for Blind and Physically Handicapped overdue materials. Users accept responsibility for returning materials according to established loan policies. Users of Blind and Physically Handicapped materials may not lend NLS or network-produced books, magazines, and equipment to non-eligible persons.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.4 Proper Care of Materials. Users are responsible for the proper care and use of materials borrowed from the Library Commission and shall be charged repair or replacement costs in the event of damage to or loss of materials due to negligence. Individuals owing for lost or damaged materials may not borrow additional materials until such charges have been paid in full. Borrowing libraries are expected to pay for lost or damaged materials without regard to the library’s ability to collect from their customer. The Library Commission reserves the right to reduce or waive charges for materials damaged or lost due to special circumstances, including an “act of nature,” such as a fire, flood, or tornado. Documentation of the act of nature may be required before an exemption is granted. The Library Commission cannot refund payments for materials later found and returned.

Eligible users of the Blind and Physically Handicapped Collection who borrow NLS materials accept responsibility for using materials and equipment with reasonable care. In accordance with NLS guidelines, no charges may be levied for the loss or damage of NLS-produced books and equipment. Eligible users who lose or damage materials which were purchased with donated or State funds shall be assessed fees based on the current cost of repairing or replacing the item.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.5 Unauthorized Removal or Mutilation of Materials. Removal of library materials from the library without authorization is prohibited and is subject to legal action. Willful mutilation of library materials is prohibited and is subject to legal action. (§39-3-303 to 39-3-313)

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.6 Reimbursement for Operational Expenses. Users may access the Library Commission photocopy equipment or printers attached to public computers. Charges

may be assessed for photocopying or computer printing in order to cover operational expenses.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.7 Proper Use of Internet.

- A. Permitted Activities. Individuals may utilize Library Commission public access computers for the purpose of meeting research and information needs.
- B. Unauthorized Activities.
 - 1. Prohibited Uses - No email service shall be provided. Library Commission users may not use the public access computers to display, store, or send, by email or any other form of electronic communication such as bulletin boards, chat rooms, or Usenet groups, material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful.
 - 2. Frivolous Use - Users of Library Commission computers have a duty to recognize that computer resources of the Library Commission have finite limits. Users shall not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others.
- C. Consequences for Misuse. Users who engage in unauthorized Internet activities may be asked to vacate computers and may be barred from future use of resources. Any individual barred from future use may request a reconsideration of the action taken by the Library Commission in accordance with the procedures outlined under “Reconsideration Hearings.”
- D. Liability. The Library Commission is not responsible for damages, direct or indirect, or for any liability that may arise from any user’s use of the Internet.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.8 Proper Conduct.

- A. General Rules of Conduct.
 - 1. All library users are entitled to a clean and safe facility; courteous assistance for knowledgeable staff; reasonable access to library resources; and a quiet research environment.
 - 2. All library users have an obligation to interact courteously with other users and staff; maintain accessibility to library materials by checking out and returning materials properly; maintaining a quiet research environment while in the facility; and abide by the Library Commission Code of Use and Conduct.

3. Library users shall conduct themselves in a manner which enables other users, staff, and themselves to accomplish intended tasks in a safe, pleasant, and orderly atmosphere. Users shall respect the rights of others and to treat the facility and resources with due care.
 4. Supervision, behavior, use of resources, and safety of children in the Library Commission is the responsibility of the child's parent, guardian, or caregiver. Rules of conduct shall be enforced.
 5. Agency staff will listen to, and respond when appropriate, to complaints voiced. Staff will take appropriate action when user behavior causes disruption or unreasonable interference in the delivery or receipt of services.
- B. Consequences for Failure to Comply. Failure to comply may result in one or more of the following actions:
1. Individual(s) may be instructed to leave the Library Commission premises.
 2. Individual(s) may be immediately suspended from use of the Library Commission resources.
 3. Individual(s) may be subject to enforcement by security personnel and/or the police department.
 4. Repeated violations of the rules of conduct may result in suspension of services and/or denial of access to the Library Commission.
 5. If any person employed by the Library Commission or any person charged with the supervision thereof with reason to believe that any person has committed or has attempted to remove library materials without authorization or to willfully mutilate library materials or if any person is believed to have concealed upon his person or within his belongings any library material, such person may be detained and questioned in a reasonable manner for the purpose of ascertaining whether or not such offense has been committed. (§39-3-313)

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.3.9 Suspension of Access. In the event a user violates Library Commission policy, access may be suspended by the Library Commission for a period of time, not to exceed six (6) months, after receiving written warning and an opportunity to reply. If, after such a suspension, policies continue to be violated, service may again be suspended. Any suspended individual may request a reconsideration of the action taken by the Library Commission in accordance with Reconsideration Hearings procedures.”

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 160 Chapter 4 Services

Rule 160.4.1 Reference Services. The Library Commission's Primary Resource Collection is specialized and designed to meet the needs of targeted user groups. Reference services are offered based on the specialized resources available. Reference librarians shall be available to assist individuals in using the collections. Reference librarians shall respond to questions which are received in person or by mail, telephone, fax, email, and messaging from State employees and officials, other libraries, and the general public. Staff shall provide in-depth assistance to libraries and State government for job-related inquiries. Staff shall also offer assistance to the general public by providing information in the form of short answers to specific questions or guidance in locating materials. In response to telephone, fax, mail and email inquiries, staff may mail brief printouts or photocopies to the user. The Library Commission will not mail circulating materials directly to the general public. Circulating materials may be checked out in person to eligible users or requested through the interlibrary loan services of a local library.

Reference staff for the Blind and Physically Handicapped Collection shall provide routine, ready reference for registered users and respond to inquiries from libraries, institutions, and interested parties. Ready access to an in-depth print collection, concentrating on the areas of visual impairments and physical disabilities, shall be maintained. When appropriate, questions that cannot be answered by staff shall be referred to another entity.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 160.4.2 Interlibrary Loan Services.

- A. **Lending Services.** Most materials in the Library Commission's Primary Resource Collection are available for interlibrary loan to public, university, community or junior college, school, and special libraries. Photocopied materials, including periodical articles and copies from reference materials, are limited to thirty (30) pages from any one source, within copyright restrictions. Such copied material is provided free-of-charge and becomes the property of the requesting library. Libraries which borrow materials from the Library Commission shall bear the cost of return postage and insurance for materials mailed to the Library Commission.
- B. **Borrowing Services.** The Library Commission shall initiate interlibrary loans as needed for state employees and officials. State employees and officials may request interlibrary loan directly from the Library Commission or through the state agency library of the employee or official. Such materials may be picked up at the Library Commission or mailed to a state government work address. Individuals are required to return materials to the Library Commission by the due date and to pay any fines/fees for late, lost, or damaged material assessed by the owning library. If the request is initiated by the state government library, the state government library is responsible for any fines/fees assessed regardless of ability to obtain payment from

the requesting employee or official. Failure to comply may result in loss of interlibrary loan privileges.

Interlibrary loan from the Blind and Physically Handicapped Collection provides users with visual impairments and physical disabilities with access to additional titles and copies of materials from other sources. No interlibrary loan charges are assessed for blind and physically handicapped materials and resources.

C. Training.

1. Electronic Resources - Search suggestions and brief orientations may be offered to available electronic resources. In-depth Internet and database training is not provided to the general public.
2. Intellectual Property - In-depth orientation to the specialized patent and trademarks databases and search techniques needed to research intellectual property is offered. First-time intellectual property researchers must make an appointment with the patent librarian to schedule an orientation. In accordance with guidelines set forth by the U. S. Patents and Trademarks Office, Library Commission staff cannot perform individual patent or trademark searches.

D. Other.

1. Additional limited training services may be offered to targeted users or the general public.
2. Public Computer Resources - Designated Library Commission public access computers may be used to access the agency's on-line catalogs, the Internet, and other databases in order to conduct research. A Library Commission card may be required to access public access computers. Users may be required to schedule usage and adhere to time limits established by Library Commission staff. Users shall adhere to the Library Commission's Internet usage policies.

The Library Commission may make a limited number of laptop computers, with wireless access to the Internet, available for check-out for use only within the Library Commission premises. To check out a laptop computer, an individual must present a valid Library Commission card, must sign a laptop computer borrower agreement, and must present a state-issued photo identification. The borrower agreement acknowledges that the user shall: accept full responsibility for the equipment while on loan, not permanently load any software or save work on the laptop, adhere to the Library Commission's Internet usage policies stated in section II.D.5, allow library staff to check the condition of the equipment prior to check-in, return the laptop by the due time or upon request of the library staff, agree to pay any fines imposed for late return, and agree to pay for repair or replacement of any equipment that is damaged through neglect or loss while on loan to the user.

E. Liability. The Library Commission is not responsible for damages, direct or indirect, or for any liability that may arise from any user's use of the agency's library resources.

Source: Mississippi Code of 1972, Annotated §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 170: LIBRARY EXTENSION AND DEVELOPMENT

Part 170 Chapter 1: Consulting Services and Continuing Education

The Library Commission provides services to strengthen and enhance libraries, encourage the statewide sharing of library resources, and carry out statutory directive to give advice to libraries and to the communities “as to the best means of establishing and maintaining such libraries, the selection of books, cataloging and other details of library management.” (§39-3-107)

Rule 170.1.1 Consulting Services. Advice and assistance on matters pertaining to library operations and management may be provided, upon request by a public library system director, library trustee, public official, or library organization. Libraries obtaining extensive consulting services from the Library Commission may be required to enter into a statement of work with the Library Commission outlining the responsibilities of each party.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.1.2 Continuing Education. Training opportunities for the public library community are provided.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.1.3 Continuing Education Unit (CEU) and Contact Hour Credit. Credit may be given for planned learning experiences designed to bring about changes in knowledge, skills, or attitudes which contribute directly to the delivery of quality library services and the competent practice of librarianship.

- A. Presenting Entities. In order to offer CEUs or contact hours to participants, the entity presenting the training/workshop must obtain prior approval from the Library Commission. The entity must complete and submit a CEU Credit Form to the Library Commission for review and approval by the Executive Director or his/her designee.
- B. Participants. To receive CEU or contact hour credits for attending a training workshop, participants must request credits from an approved presenting entity for having satisfactorily completed said training/workshop.

The Library Commission website contains a list of scheduled courses, registration information, and complete information on CEUs and contact hours, including guidelines, instructions, and the CEU Credit Form.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 170 Chapter 2: MissIN Network

Adhering to the most current ISO standards for organizational security and uses proven network management and security practices, the Library Commission offers Mississippi public libraries access to a wide area network and services called MissIN. The network provides Mississippi public libraries with access to the Internet, standardization of technology platforms, support on technical issues, and flexibility for new technology.

Rule 170.2.1 Services. MissIN services include, but are not limited to, internet access, help desk support, vendor liaison services, technical consulting, technical assessments, web site hosting, internet protocol addresses, email accounts, web email, email anti-virus and spam filtering, technical blogs/wikis, and an SMS alert network.

MissIN Network Standards and Operational Policies are on the agency website and are applicable to all customers, contractors, temporaries, and other workers and users of the Library Commission's MissIN network.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.2.2 Participation. Participation by libraries in MissIN is voluntary. Public libraries opting to not participate in MissIN shall notify the Library Commission in writing.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.2.3 Violations. A MissIN customer violating any MissIN rule that a violation has occurred, discuss the violation or violations with the customer, and seek resolution will be notified. In the event of repeated violations or a critical violation, the Library Commission may suspend or revoke a MissIN customer's network privileges. Any MissIN customer whose network privileges have been suspended or revoked by the Library Commission may request reconsideration in accordance with the procedures outlined under Reconsideration Hearings.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.2.4 Emergency Response. The agency's internal *Network Services Security and Emergency Response Plan*, is followed in case of a network outage, security breach, or increase to internet threat levels.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 170 Chapter 3. Public Library Statistics. The Library Commission gathers and reports information on the status of libraries in the State in an Annual Report of Mississippi Library Statistics.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.3.1 Annual Submission of Information. All public libraries shall submit the above described information annually to the Library Commission in a format and at a time prescribed by the Library Commission.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 170 Chapter 4. Cooperative Programs

Rule 170.4.1 Local and Regional Cooperatives. The Library Commission may provide guidance in the development of local and regional multi-library and multi-type library cooperatives under mutually agreed upon terms.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.4.2 Statewide Virtual Union Catalog. The statewide virtual union catalog and interlibrary loan system are library cooperative efforts. Participation requires library systems to adhere to technical standards, agree to loan as well as borrow library materials, and to abide by protocols. Expansion of the system to non-public libraries shall be dependent upon available funds.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.4.3 Interstate Cooperatives. The Library Commission may enter into cooperative programs with other states as allowed by §39-3-201 through 39-3-211 of the *Mississippi Code of 1972, Annotated*.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 170.4.4 Other. The Library Commission may establish agreements with libraries, government agencies, or bodies organized for library purposes, to provide needed services. Such arrangements may include, but are not limited to: use of space to conduct programs; use of staff specialists to conduct training programs or act as special consultants; development of local resources such as compilation of regional holdings of library materials; extension of library support services such as acquisition, cataloging and processing of library materials; implementation of special services; and planning and implementation of regionally based library services.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 180: LIBRARY FINANCIAL ASSISTANCE PROGRAMS

Part 180 Chapter 1: Requirements Applicable To All Grant Programs

Rule 180.1.1 Improvement of Library Services. The Library Commission receives federal, State, and other funds which are used to improve library services in the State through services, statewide programs, and grants.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 180 Chapter 2 Compliance and Monitoring Requirements for All Grants

Rule 180.2.1 Requirements Applicable to All Grants. All recipients of grants from the Library Commission, from any source of funds, are required to:

- A. Keep adequate financial records which meet the requirements for grant administration as prescribed by the Library Commission.
- B. Submit, within six (6) months following the end of the most recently completed fiscal year, an appropriate audit.
- C. Submit periodic project-related documentation at such times as are required by and in a form identified by the Library Commission.
- D. Submit supporting documentation for all requests for funds as required by and in the form identified by the Library Commission.
- E. Retain all records for five (5) years.
- F. Be subject to possible on-site monitoring by Library Commission personnel to verify compliance with State and federal requirements on the grant agreement.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Part 180 Chapter 3: Federal Programs

The Board is authorized by §39-3-111, *Mississippi Code of 1972, Annotated*, to accept and administer any funds which might be provided by the federal government for library purposes.

Rule 180.3.1 Applicability of Rules. All rules and regulations promulgated as a part of any federal program of which the Library Commission is the recipient of funds shall be applicable to Library Commission programs which are funded wholly, or in part, from federal sources.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 183: LIBRARY SERVICES AND TECHNOLOGY ACT

Part 183 Chapter 1: Overview

LSTA is included in the Museum and Library Services Act of 2010. As the state library administrative agency of the State of Mississippi, the Library Commission is authorized to receive federal funding through the LSTA program as enacted or as may be amended or replaced.

Rule 183.1.1 Purpose. LSTA provides funding to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages. The Library Commission administers and uses LSTA funds to enhance the quality of library services in Mississippi, in accordance with the purposes set forth in the federal legislation.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 183.1.2 Eligibility. Eligibility of applicants shall be determined by the Library Commission's five-year plan for use of Library Services and Technology Act funds.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 183.1.3 Process. The Library Commission administers and uses LSTA funds, in any proportion, directly or through competitive and/or non-competitive grants or cooperative agreements in accordance with the principles set forth in the basic guidelines of the agency's five-year plan for use of Library Services and Technology Act funds.

- A. When LSTA grants are offered, the Board approves the categories for the grant call.
- B. Upon Board approval, the Library Commission publishes and distributes to entities deemed eligible a program manual, (included year's grant calendar, eligible applicants, targeted project activities, funds availability, application submission requirements and deadlines, and evaluation criteria, etc.).
- C. Grant applications are subject to review.
- D. The Executive Director makes sub-grant recommendations to the Board based on the review process results, stated funding priorities and limits, and overall goals of the LSTA program.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 183.1.4 Requests for Reconsideration. Requests for reconsideration of an award decision shall be made on procedural grounds only. Such grounds include alleged conflicts of interest, unfair or preferential treatment of applications, or procedures not uniformly applied to all applicants. Any applicant affected by an award decision on said grounds may request a reconsideration of the action taken by the Library Commission in accordance with the procedures outlined in Reconsideration Hearings.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 185: STATE AID PROGRAMS

Part 185 Chapter 1: Personnel Incentive Grants Program (PIGP)

- A. Authority. Pursuant to §39-3-107, *Mississippi Code*, the Library Commission is authorized to adopt “rules and regulations relative to the allocation of state aid funds to public library systems.”
- B. Purpose. The Legislature provides an annual appropriation to the Library Commission which includes state funding for support of public library systems through the Personnel Incentive Grants Program.

Rule 185.1.1 Uses. Personnel Incentive Grants may be used by accredited public library systems for personnel costs only.

- A. Personnel costs are defined as base salary and benefits, including federal and State withholding taxes, social security, retirement, worker’s compensation, and unemployment insurance.
- B. Life insurance and health insurance premiums are ineligible personnel costs for reimbursement under the Personnel Incentive Grants Program.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 185.1.2 Eligibility. To participate in the Personnel Incentive Grants Program, a public library system must be accredited, meeting at least Level A requirements under the *Mississippi Public Library System Accreditation Program*. In addition, the accredited public library system must annually:

- A. Maintain effort for local income, total local operating income shall not fall more than 2% below that received in the second preceding year.
- B. Maintain compliance with accreditation service measures in eight (8) areas of public library management and operations affecting the delivery of quality library services (Governance, Administration, Funding, Staffing, Collections, Services, Patrons & Community, and Access). The level of achievement of service measures shall be attested to, in writing, by the chairperson of the public library system administrative board of trustees and the director of the public library system as part of a report filed with the Mississippi Library Commission annually.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 185.1.3 Process. The Library Commission shall determine a total amount of State funding available for the Personnel Incentive Grants Program and the eligibility of each library system making application for funds. The Board-established formula shall be applied to the available funding to determine the grant amount for each eligible library system.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 185.1.4 Waivers. A library system may submit a written request to the Executive Director for consideration of a waiver by the Board of Commissioners in the event the library system is deemed ineligible due to failure to comply with one or more of the maintenance of effort (MOE) requirements. MOE waivers are only granted by the Board of Commissioners under extraordinary circumstances. The decision of the Board regarding a waiver is final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or not supported by substantial evidence.

A. Educational Requirement.

1. Interim Director - The Board may grant a one (1) year waiver to enable a library system administrative board of trustees to employ an interim (temporary) director with at least a bachelor's degree or five (5) years of library experience. Concurrently, the library system board of trustees shall undertake, in accordance with a written action plan, an active search for a qualified permanent director or a provisional director. At its discretion and only under extraordinary circumstances, the Board may allow a six (6) month extension of the waiver. Compliance with all reporting requirements for the duration of the waiver is mandatory.

For an extension to be considered, library system trustees must make a request in writing and provide supporting documentation of a good-faith, but unsuccessful active search.

2. Provisional Director - The Board may grant a three (3) year waiver to a library system administrative board of trustees when an uncredentialed provisional director is hired provided the individual agrees to, immediately pursue and actively obtain a master's degree in library science from a school accredited by the American Library Association within the three (3) year waiver period. The provisional director must maintain a 3.0 GPA and successfully complete nine (9) hours of applicable credit each year. Compliance with all reporting requirements for the duration of the waiver is mandatory.

B. Financial Maintenance of Effort Requirement. The Board of Commissioners may grant a waiver if the library system is able to show just cause for having failed to maintain the required level of local income. The Board will not grant a waiver of the maintenance of effort requirement in any case if the library system has not submitted to the Library Commission a copy of an appropriate audit of financial status for the most recently completed fiscal year.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988)

Part 185 Chapter 2 Life and Health Insurance Grant Program

- A. Authority. *Mississippi Code*, §25-15-15, stipulates the State shall provide annually, through the Library Commission appropriation, funds to pay one hundred percent (100%) of the cost of health insurance and fifty percent (50%) of the cost of life insurance for employees of public libraries in Mississippi.
- B. Purpose. The Library Commission receives an annual General Fund appropriation from the Mississippi State Legislature which contains funding for the purpose of providing group life and health insurance for active public library employees through the “State Employees Insurance Fund.” The program is administered by the Library Commission on behalf of public library employees eligible to receive insurance coverage.

Rule 185.2.1 Eligibility. All active public library employees working 20 hours or more a week are eligible for life and health insurance coverage. Participating public libraries shall adhere to the policies and procedures concerning life and health insurance coverage as established by the Department of Finance and Administration.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Rule 185.2.2 Process. The Library Commission shall reimburse public libraries for one-hundred percent (100%) of the cost of health insurance and fifty percent (50%) of the cost of life insurance for eligible public library employees, upon submission of a reimbursement request and appropriate documentation.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

Title 16: History, Humanities and Arts - Mississippi Library Commission

Part 187: OTHER GRANT PROGRAMS

Part 187 Chapter 1: Other Funds

Rule 187.1.1 The Library Commission may receive other funds which may be used to improve library services statewide.

Source: *Mississippi Code of 1972, Annotated* §39-3-107 (Rev. 1988).

