

## **Title 16: History, Humanities and Arts**

### **Part 5: Museum Division**

#### **Part 5 Chapter 2: Archaeology Collections Policy**

##### **Section 1 Introduction**

###### **1.A Purpose of Archaeology Collections Policy:**

The purpose of the archaeology collections policy is to provide guidelines for the Museum Division's archaeology collections-related activities insuring that these activities meet high professional and ethical standards. The policy is a public statement of the Museum Division's commitment to caring for and managing its collections properly.

###### **1.B Statement of Purpose/Mission of the Museum Division:**

The Museum Division is a division of the Mississippi Department of Archives and History (MDAH), a state agency established in 1902. MDAH is governed by a nine member Board of Trustees. Members of the Board are elected by the Board, subject to confirmation by the Mississippi State Senate, for a six-year term, and may succeed themselves. The Director of the Department of Archives and History, who serves as Secretary to the Board of Trustees, is also elected for a six-year term and may succeed themselves. The Mission Statement of MDAH, as approved by the Board on July 20, 2018, is: *By preserving Mississippi's diverse historic resources, and sharing them with people around the world, MDAH inspires discovery of stories that connect our lives and shape our future.*

The Museum Division supports this mission by maintaining historic sites, creating interpretive and educational exhibits and programming, and preserving collections held in public trust for the current and future citizens of Mississippi. As of September 2018, the Archaeology Collection of MDAH, previously managed by the Historic Preservation Division, was placed under the supervision and management of the Museum Division. The Archaeology Collection remains separate from the Historic Objects Collection of the Museum Division to better facilitate the collection's particular needs regarding cataloging and access.

###### **1.C Scope of Collection:**

The Archaeology Collection consists of all material holdings of the Museum Division that have been obtained through excavation or recovered from archaeological context. These objects, with their associated provenience data, enhance understanding of the prehistoric and historic Southeast through research, education, and exhibition. Objects accessioned into the Archaeology Collection are cataloged, documented, preserved, and managed according to prescribed procedures meeting current professional museum and archaeological standards and in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA). The Archaeology Collection is maintained by the director of archaeology collections.

The Museum Division's archaeological holdings include repository collections held in trust for indigenous groups. While these objects are not accessioned into the collection, they are maintained by the director of archaeology collections according to the same professional museum and archaeological standards as the Archaeology Collection. Artifacts generated through Section 106 action and other federal collections held by MDAH remain under the purview of the Historic Preservation Division, separate from the Archaeology Collection.

### **1.D Delegation of Responsibility for Implementation of the Collections Policy:**

The Museum Division director is responsible for supervising the proper implementation of the archaeology collections policy. The Museum Division director has delegated the day-to-day care and management of the collection to the director of archaeology collections. Comprehensive collections care and management procedures (accessioning, cataloging, deaccessioning, documentation, access, loans, handling, etc.) for archaeological objects are outlined in a single archaeology collections management manual maintained by the director of archaeology collections. Specific emergency collections care and management procedures for objects on and off-site are outlined in a *Disaster Preparedness Manual* maintained by the director of curatorial services.

### **1.E Provision for Review and Revision of Collections Policy:**

The archaeology collections policy will be reviewed by the Museum Division director, director of archaeology collections, and other staff as appointed at least every three years, and when necessary, appropriate revisions will be presented to the MDAH Board of Trustees for the Board's review and approval. The policy will be filed with the Secretary of State's office.

The archaeology collections policy and any subsequent revisions will be reviewed by an attorney to ensure the policy is in compliance with federal, state, and local regulations.

### **1.F Glossary:**

1. Accession:  
The formal process of accepting and recording an object or group of objects for the Archaeology Collection acquired from the same source at the same time for which the Museum Division has legal title.
2. Care and Trust Agreement:  
A document outlining the terms upon which a repository collection is held and preserved by the Museum Division.
3. Catalog number:  
A four-part number (e.g. 2020.1.1.1) assigned an individual object or object type during accessioning to identify the object and its provenience.
4. Cataloging:  
The formal process of classifying and fully documenting objects.
5. Deaccession:  
The formal process of removing an object or group of objects from accessioned status in the collection.
6. Human remains:  
Any physical remains of a human body.
7. NAGPRA:  
The Native American Grave Protection and Repatriation Act. Enacted in 1990, this federal legislation describes the rights of Native American lineal descendants, Indian Tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains and cultural items.
8. Repository Collection:  
An object or group of objects acquired by the Museum Division to be preserved for a specified period of time but not accessioned into the Archaeology Collection.
9. THPO:  
Tribal Historic Preservation Office

Source: Miss. Code §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended).

## **Section 2 *Ethics***

### **2.A The Museum Division Code of Ethics**

The Board of Trustees of the Mississippi Department of Archives and History approved a Code of Ethics on January 28, 2005. All Museum Division staff members will adhere to this Code of Ethics. Board members and staff members must refrain from any private or public activity which might be in conflict with, or appear to be in conflict with, the mission and interests of MDAH or the Museum Division.

### **2.B Personal Collecting**

1. Staff will not use their position to obtain, for personal use and benefit, objects falling within the collecting realm of the Museum Division.
2. No individual will be involved in buying or selling historical objects for profit as a dealer, or on behalf of a dealer, or retain any interest in a dealership.
3. Staff will not compete with the Museum Division in any personal collecting activity. If an object purchased by a staff member falls within the collecting areas of the Museum Division, the object must be offered to the Museum Division within sixty (60) days of the purchase at the actual cost of the artifact.
4. Staff will notify the Museum Division director in writing of all personal collecting and, if asked, will supply an inventory of objects in their collection.
5. Staff involved in accepting artifacts and/or the daily activities of the collections office or an MDAH site will not acquire personal collections of the same nature as the Museum Division's collection. This policy excludes readily available books and materials relating to Mississippi history.
6. If a staff member elects to sell an object from their personal collection, they are required to first offer the object to the Museum Division at a fair market price.
7. Collections acquired by staff through gifts, through inheritance, or prior to employment, as well as those not within the mission of the Museum Division, are exempt from articles 1-5 of this policy.

### **2.C Appraisals**

Due to a possible conflict of interest with the Internal Revenue Service, staff members will not, in their official or unofficial capacities, provide monetary appraisals of objects for donors, potential donors, staff, members of the MDAH Board of Trustees, or the general public. The Museum Division may provide names of appraisers, but will not provide an endorsement. The Museum Division may provide identification and authentication assistance for professional and/or educational purposes only.

Appraisals of objects owned by the Museum Division can be made for internal use such as insurance coverage. The Museum Division will contract with objective and qualified appraisers as needed.

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

## **Section 3 *Acquisition***

### **3.A Policy:**

The Museum Division may acquire objects for the Archaeology Collection by donation, by bequest,

by purchase, or by transfer. Objects may also be acquired for the archaeology collection through excavation undertaken or approved by Historic Preservation Division archaeology staff. Authority for the acquisition of objects for the Archaeology Collection is held by the director of archaeology collections, the Museum Division director, or the Department director upon approval of the Archaeology Collections Committee (consisting of the Museum Division director, director of archaeology collections, and other collections staff as appointed), in consultation with the MDAH chief archaeologist, at its monthly meeting.

Objects or groups of objects may also be acquired, but not accessioned into the collection, by the request of federally recognized Tribes. In these cases, the transfer of objects must be approved by the Archaeology Collections Committee and a *Care and Trust Agreement* prepared and signed by the director of archaeology collections and the collection owner(s). Repository collections are maintained to the same standards as accessioned objects, except where guidelines agreed upon in advance of object transfer by both MDAH and the collection owner(s)—as outlined in a *Care and Trust Agreement*—take precedence.

### **3.B Criteria for Acquisition:**

The following criteria have been established for the acquisition of objects:

1. Objects must be relevant to, and consistent with, MDAH's mission as well as the Museum Division's purposes and activities:
  - a. research,
  - b. preservation,
  - c. exhibition, and/or
  - d. interpretation.
2. The Museum Division must be able to provide proper care and storage for objects in keeping with professionally accepted federal standards.
3. The Museum Division and its staff will be in full compliance with state, federal, and international laws and regulations governing the acquisition, sale, and transfer of cultural properties.
4. Title to all objects acquired for the archaeology collection will be obtained by the Museum Division free and clear without restrictions to use or future disposition, except where NAGPRA regulations or repository guidelines take precedence.
5. The present owner will have a clear and verifiable title of ownership to the object and will have obtained the object legally and ethically, except where NAGPRA regulations or repository guidelines take precedence. If the person or group in possession of the object is unable to verify title of ownership or that the object was obtained legally and ethically, the director of archaeology collections may provide guidance on the ethical maintenance and treatment of the object, potentially including consultation with government and/or federally recognized Tribes.
6. The Museum Division will be provided with (or allowed to copy) all documents and information in the present owner's possession that pertain to the historical significance, provenience, and provenance of the object.
7. Acceptance of the object will not result in major expense in conservation disproportionate to its usefulness.
8. Funding for the purchase of an object will be at a fair market value affordable to the Museum Division and procedures for purchasing artifacts will be followed.

### **3.C Procedures:**

All offers of excavated objects to the Museum Division whether by donation, by bequest, by purchase, or by transfer should be referred to the director of archaeology collections, the director of archaeology collections' designee, the Museum Division director, or the Department director. The potential donation is then reviewed by the Archaeology Collections committee. If the object(s) offered to the Museum Division requires temporary deposit in the Museum Division's custody before a decision regarding the acquisition of the object can be made, then a *Temporary Custody Receipt* should be signed by the object's owner and the Museum Division staff person receiving the object (archaeology collections staff, the Museum Division director, or the Department director). This receipt outlines the terms of temporary custody, the length of which cannot exceed ninety days. After study and review of the object, the Archaeology Collections Committee will determine whether or not to acquire the object.

If the decision is made to not acquire the object, then the director of archaeology collections will be responsible for returning the object to the owner, according to the terms of agreement outlined in the *Temporary Custody Receipt*, and documenting the return. If the decision is made to acquire the object, then the director of archaeology collections will initiate and complete the acquisition of the object in the following manner:

1. If the object is to be donated, a *Deed of Gift* should be signed by the donor and the director of archaeology collections, the Museum Division director, or the Department director. The *Deed of Gift* formally transfers the complete ownership and physical possession of the object to the Museum and is legally binding when signed and dated by both parties. A copy of the *Deed of Gift* will be provided to the donor, and the original will be kept on file by the director of archaeology collections.
2. If the object is to be bequeathed, a copy of the pertinent section of the will should be provided by the attorney or executor and will be kept on file by the director of archaeology collections.
3. If the object is to be purchased, the Museum Division Archaeology Collections Committee will review all items available at the monthly committee meeting and consult with federally recognized Tribes. Criteria for determining purchases are as follows:
  - a. Purchase of the artifact does not contradict NAGPRA regulations.
  - b. The artifact is one-of-a-kind and a comparable artifact is not available.
  - c. The artifact is relevant to Mississippi's history and will help interpret the exhibits at MDAH sites.
  - d. The price of the artifact is fair market value.
  - e. The artifact is in good condition and immediate conservation/stabilization is not necessary.
  - f. Funds are readily available.

All criteria must be met when determining purchases.

Purchases of artifacts must be approved by the Museum Division director. Purchases over \$2000 will receive approval of the Board of Trustees after the purchase. When an artifact is purchased, a copy of the invoice as approved and authorized by the Museum Division director should be provided and will be kept on file by the Museum Division director of archaeology collections.

4. If the object is to be transferred from another division or section of the Department of Archives and History, an *Archaeology Collection Transfer Form* will be completed and kept on file by the director of archaeology collections.

5. A duplicate copy of records documenting the Museum Division's legal ownership of objects is maintained in the William F. Winter Archives and History Building for security. Records are updated annually by archaeology collections staff.
6. The acquisition of the object(s) will include all excavation materials available at the time of acquisition, including but not limited to: original survey forms, maps, excavation records, field notes, photographs, archaeological samples, botanical and geological specimens, laboratory treatment reports, project reports, analysis records, project correspondence, and publications.

Conditions for the donation of a gift to the Museum Division are printed on the *Deed of Gift* as follows:

I (we), being the lawful owner(s) thereof, hereby give to the Museum Division absolute and unconditional ownership of the above-listed object(s), together with all copyright and associated rights which I (we) have, to be used in any manner that is deemed to be in the best interest of the Museum Division. I (we) waive all present and future rights in, to, or over said object(s), its (their) use, or disposition.

### **3.D Recordkeeping:**

All objects acquired for the Archaeology Collection are accessioned, cataloged, and entered into collections management software according to professionally accepted standards. Photographs may be taken during cataloging, but photography of human remains will not be undertaken without consultation with the appropriate Tribal authorities. Accession and catalog records on the Archaeology Collection are maintained in the collections storage area by the director of archaeology collections and archaeology collections staff.

### **3.E Exclusions:**

The Museum Division abstains from purchasing and accepting donations of antiquities exported from their countries of origin in contravention to the terms of the UNESCO Draft Convention for the Protection of the Cultural and Natural World Heritage, 1972. The Museum Division also strives to comply with regulations imposed by Native American Graves Protection and Repatriation Act. The Museum Division will abide by all local, state, federal, and international laws.

MDAH unequivocally condemns the illegal collection of archaeological objects. However, the Museum Division recognizes that objects or collections that have been illicitly collected may be offered to the Archaeology Collection when no other ethical disposition can be determined. Under these circumstances, with the approval of the Archaeology Collections Committee, the Archaeology Collection may act as a repository for illicitly collected specimens or objects that may be reasonably sourced to Mississippi. The Museum Division will assume the ethical and legal responsibilities for these objects, including facilitating identification and repatriation of objects and remains under NAGPRA regulations, if appropriate. In the case of the Museum Division being offered or made aware of illicitly collected human remains, the Museum Division will immediately work directly with federally recognized Tribes to secure and repatriate the remains and their associated cultural items. For objects known to have been collected out of state, the Museum Division will refer the object(s) or specimen(s) to the appropriate government or Tribal authority.

Source: *Miss. Code* §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended).

## **Section 4 Deaccession**

#### **4.A Policy**

The Museum Division has a continuing obligation to review and evaluate the strengths and weaknesses of its existing collection, and in light of such evaluation, to reformulate and restate in writing its overall collections policy utilizing professionally accepted standards. Deaccessioning is the formal process used to legally and permanently remove an object from collections. When undertaking the deaccession and disposition of items, the Museum Division proceeds with the knowledge that it holds its collections as a public trust.

The Museum Division has the right, carefully and judiciously, to deaccession and dispose of objects from its collection in a manner consistent with professionally accepted standards.

A written deaccession request listing the reason(s) for deaccession and recommended means of disposal must be signed by the director of archaeology collections, the Museum Division director, and the Department director before submission to the Board of Trustees.

Only if the deaccession request is approved by the Board of Trustees and the *Deaccession Request* form is signed by all parties, is the Museum Division authorized to proceed with the deaccession and disposal.

#### **4.B Criteria for Deaccession:**

An object recommended for deaccession must meet at least one of the following criteria:

1. The object is subject to legal and ethical standards such as the Native American Graves Protection and Repatriation Act or has been claimed by a federally recognized Tribe.
2. The object has ceased to have relevance and consistency with the Museum Division's purposes and activities.
3. The object has deteriorated beyond usefulness.
4. The object is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other objects and/or the health and safety of the Museum Division's staff and/or visitors.
5. The Museum Division is unable to continue to provide care and storage for the object in keeping with professionally accepted standards.
6. The object's care and storage are far more expensive than the value of the object as it relates to the Museum Division's purposes and activities.
7. The object lacks authenticity or is so lacking in documentation as to render it valueless for purposes of scholarship or public education.
8. The object has been lost or stolen and remains so for ten years or more.
9. The object was donated under false pretenses.

#### **4.C Procedures**

The director of archaeology collections may recommend the deaccession of an object if, in their opinion, and based upon the criteria set forth in the deaccession policy, the deaccessioning of the object is beneficial to proper collections management. A *Deaccession Request Form* identifying the object, its condition, the reason(s) for deaccessioning, recommended means of disposal, and any other pertinent information necessary for evaluation of the object must be completed by the director of archaeology collections and submitted to the Archaeology Collections Committee for approval. If approval is received, additional approval is needed from the Department director before being submitted to the Board of Trustees for their review and approval. No object is to be deaccessioned unless the Museum Division has clear and unrestricted legal title to the object, and if

there are any questions regarding the title, the Museum Division's legal counsel will be consulted.

Complete records will be maintained on all deaccessioned objects and their subsequent disposition.

#### **4.D Methods of Disposal**

A deaccessioned object may be disposed of in one of the following methods:

1. Repatriation to the federally recognized Tribe which has established a legal claim to ownership of the object in accordance with the Native American Graves Protection and Repatriation Act.
2. Transfer to another, more appropriate, MDAH division.
3. Placement in the Museum Division Prop Collection, if appropriate.
4. Donation to an appropriate non-profit museum or a scholarly or cultural institution or organization, preferably within the state of Mississippi, especially if the object is from the state.
5. Return to legal owner only if the object was donated under false pretenses and the claimant presents to the Museum Division both
  - a. A clear explanation why the claimant believes they hold title, with supporting evidence and
  - b. A notarized statement that the claimant is the sole party at interest or they are authorized to represent all parties at interest and supporting proof thereof.

In compliance with Federal guidelines and professionally accepted ethical standards for archaeological objects, deaccessioned objects will not be destroyed or sold. If one of the above methods of disposal cannot be met for an object under consideration for deaccession, the object will remain in the Archaeology Collection.

#### **4.E Recordkeeping**

All records of deaccessioned objects will be clearly marked "Deaccessioned" and a "Deaccessioned Objects" file containing a complete record of deaccessioned objects and their subsequent disposition will be maintained by the director of archaeology collections.

Source: *Miss. Code* §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended)

### **Section 5 Incoming Loans**

#### **5.A Policy**

Authority for incoming loans is shared by the Museum Division director and the director of archaeology collections. The Museum Division may borrow objects from institutions and individuals for specific purposes such as exhibition and research. The Museum Division acknowledges and supports the American Alliance of Museums Guidelines on Exhibiting Borrowed Objects. Loans of objects from individuals are preferably limited to a time period of two years or less with an option for renewal if agreeable to both parties, but may, under special circumstances, be loaned for a specified time period of over two years at the recommendation of the Museum Division director. Loans of objects from institutions are usually limited to a time period of five years or less, but may, under special circumstances, be loaned for a specified time period of over five years at the recommendation of the Museum Division director and with the approval of the Board of Trustees. To receive such approval, the Museum Division director will provide the Board with written justification for the loan request that considers the following criteria:



1. The object is of unique quality and relevant to a specific exhibition or research purpose of the Museum Division.
2. Care and custody of the object will not exceed the Museum Division's resources.
3. The extended loan of the object may lead to donation of the object to the Museum Division Archaeology or Historic Objects Collection.

Complete records for all incoming loans are maintained by the director of archaeology collections.

A loan may be terminated before the agreed upon end date by either party, provided that written notice of termination is received thirty days in advance of the proposed early termination date.

According to prior policy and in accordance with Mississippi's Museum Unclaimed Property Act (Mississippi Code 1972 Annotated, Section 39-19), the Museum Division will not under any circumstances accept so-called "indefinite" or "permanent" loans.

Objects on loan are to be provided with the same professional level of care afforded objects owned by the Museum Division. The Museum Division will not knowingly accept an object on loan if the physical condition is such that the object will not be able to withstand travel to and from the Museum Division, research, or exhibition. Lenders to the Museum Division must have obtained the object legally and ethically and have a clear and verifiable title of ownership to the object.

### **5.B Procedures**

For objects on loan from individuals or institutions for a period of five years or less, an *Incoming Loan Agreement* must be signed by the Lender and an authorized Museum Division staff (the Museum Division director, the director of archaeology collections, or their designee). For objects on loan from institutions for over five years, an *Incoming Loan Agreement* must be signed by the Lender and the Museum Division director with prior approval of the MDAH Board of Trustees.

The *Incoming Loan Agreement* outlines the terms of the loan specifying the loan purpose, time period, insurance coverage, and the responsibilities of both the borrower and the Lender. Copies of the *Incoming Loan Agreement* and Mississippi's Museum Unclaimed Property Act will be provided to the Lender and will be kept on file by the director of archaeology collections. A condition report on the borrowed object(s)—including photographs unless otherwise instructed by the Lender in writing—will be prepared by archaeology collections staff upon, or shortly after, receipt. A copy of the condition report will be provided to the Lender if requested.

Unless waived by the Lender, the Museum Division will insure borrowed objects for fair market value. The Lender is responsible for the cost of any object appraisal(s) if needed for insurance purposes. If the Lender chooses to maintain their own insurance, the Museum Division must be supplied with a *Certificate of Insurance* naming the Museum Division as an additional insured party.

Museum Division staff will be responsible for packing, shipping, and transportation for borrowed objects. They will monitor all incoming loans, document the safe return of borrowed objects to lenders, and maintain complete, up-to-date records on incoming loans filed by calendar year in which the loan was accepted.

The Museum Division will make all reasonable efforts to return borrowed objects to the Lender in accordance with the terms outlined in the *Incoming Loan Agreement* and Mississippi's Museum Unclaimed Property Act. The Lender must notify the Museum Division of any change of the object's

ownership or of the lender's address while the object is in the custody of the Museum Division. If the object(s) is to be returned by mail or other carrier, the object(s) will be shipped to the owner's address on record at the Museum Division's expense by restricted certified mail or other means requiring a delivery receipt.

If the Lender fails to collect the object(s) or if delivery cannot be affected after the removal date, the Museum Division will mail an official "notice to remove" to the Lender's address on record. The Museum Division assumes no responsibility to search for a depositor or owner not located at that address. If the Museum Division is unable to return the object(s) within sixty days of the loan termination, then the Museum Division will have the right to place the object(s) in storage.

If after five years such property has not been reclaimed nor has the Museum Division received written communication from the Lender, the Lender's successor, or persons authorized to represent the Lender, the Museum Division will terminate the loan following the provisions of Mississippi's Museum Unclaimed Property Act. Once the provisions of Mississippi's Museum Unclaimed Property Act have been fulfilled, title to the unclaimed loan passes to the Museum Division and the object(s) becomes property of the Museum Division.

### **5.C Transfer of Loaned Artifact Ownership**

If during the course of a loan, artifact ownership is transferred to a second lender, a *Notification of Transfer of Ownership* form is to be completed by the original owner, new owner, and the Museum Division. The completed forms with all three signatures are then dispersed to each lender and the Museum Division. If the artifact will remain on loan, a new *Incoming Loan Agreement* will be completed, ending the previous loan agreement.

If the object will not remain on loan, the object(s) will be returned based on the guidelines set forth in section 5.B of this document.

Source: *Miss. Code* §§ 39-19-1, 25-59-1, 39-5-1, 39-7-1 (1972, as amended)

## **Section 6 *Objects in Temporary Custody***

### **6.A Policy**

The Museum Division distinguishes between objects loaned for exhibition and/or research and objects deposited in the temporary custody of the Museum Division. Objects may be held in temporary custody by the Museum Division for purposes such as identification, examination, proposed acquisition, or to facilitate NAGPRA proceedings. If such temporary custody of an object is needed, a *Temporary Custody Receipt* will be signed and dated by the object's owner and the director of archaeology collections or their designee.

The *Temporary Custody Receipt* will list the objects being transferred into Museum Division custody, the purpose of the deposit, the specified time period of the deposit, the method of return, and the terms of the custody. The time period for temporary objects to remain in Museum Division care will not exceed ninety days without the prior approval of the Museum Division director. The Museum Division will make all reasonable efforts to return borrowed objects to the Depositor in accordance with the terms outlined in the *Temporary Custody Receipt* and in accordance with Mississippi's Museum Unclaimed Property Act.

## **Section 7 *Outgoing Loans***

### **7.A Policy**

The Museum Division may lend archaeology objects to qualified museums, federally recognized Tribes, and registered professional archaeologists (RPAs) for specific purposes, such as exhibition and/or research, for a specified time period if such museums, Tribes, and RPAs meet professional standards of collections care and management. The Museum Division will not under any circumstances lend objects to individuals without clear proof of current professional standing and demonstrated research experience. Outgoing loans to qualified borrowers will be permitted for a period of two years or less with an option for renewal if agreeable to both parties. No object will be lent if its physical condition is such that the object will not be able to withstand travel, research, and/or exhibition.

The Museum Division will not lend objects which are needed for in-house exhibition or research purposes. No object protected under NAGPRA regulations will be loaned against the wishes of the associated THPO or Tribal NAGPRA liaison. Authority for outgoing loans is shared by the Museum Division director and the director of archaeology collections, subject to the approval of the MDAH Board of Trustees.

A loan may be terminated before the agreed upon end date by either party, provided that written notice of termination is received thirty days in advance of the proposed early termination date. If the care and management of the loan no longer meets MDAH standards, potentially leading to object damage or endangerment, the loan may be terminated with immediate effect.

Complete records on all outgoing loans are maintained by the director of archaeology collections.

## **7.B Procedure**

Museums, federally recognized Tribes, or RPAs seeking to borrow an object(s) must make a written request to the director of archaeology collections containing the following:

1. A list of specific object(s) requested,
2. A description of the purpose of the proposed loan,
3. The time period of the proposed loan, and
4. A statement guaranteeing payment of all costs associated with the loan, including packing, shipping, and/or transportation, and insurance.

The Archaeology Collections Committee will review the written loan request to determine if the proposed borrower meets professional standards regarding the ability to care for the loaned object(s). If professional standards are not met by the proposed borrower, the director or the director of archaeology collections will notify the proposed borrower.

If professional standards are met by the proposed borrower and if the loan of the object(s) will not endanger its physical condition, interfere with the Museum Division's own exhibition and/or research needs, or violate NAGPRA regulations, the Museum Division director may make a written recommendation to the MDAH Board of Trustees to approve the loan. Upon approval by the MDAH Board of Trustees, the Museum Division is authorized to proceed with the outgoing loan.

An *Outgoing Loan Agreement* must be prepared in full and signed by the authorized representative of the borrowing museum and either the Museum Division director, the director of archaeology collections or their designee in advance of object transfer. The *Outgoing Loan Agreement* outlines the terms of the loan specifying the loan purpose, time period, insurance coverage, required credit line, photography restrictions, stipulations against any repair or alteration of the object without written permission of the Museum Division, and other terms agreed upon by both parties. A

borrowing institution's *Incoming Loan Agreement* may be used in lieu of the *Outgoing Loan Agreement*, if all requirements are met on the borrowing institution's form.

The *Outgoing Loan Agreement* (or its comparable) will be kept on file by archaeology collections staff, and a copy of the *Outgoing Loan Agreement* will be provided to the borrower. The borrower will provide a certificate of insurance as evidence that the object(s) is adequately insured.

A condition report on the object(s) to be lent will be prepared by collections staff. A copy of the condition report will be provided to the borrower if requested. The object will be photographed prior to its loan unless prohibited by the associated THPO or Tribal NAGPRA liaisons. Archaeology collections staff will be responsible for packing, shipping, and/or transportation and insurance coverage for loaned objects. Archaeology collections staff will monitor all outgoing loans, document the safe return of loaned objects to the Museum Division, and maintain complete, up-to-date records on outgoing loans filed by the calendar year in which the loan was made.

Source: Miss. Code §§ 39-19-1, 25-59-1, 39-5-1, 39-7-1 (1972, as amended)

## **Section 8 *Documentation of Collections***

### **8.A Policy**

The Museum Division will maintain adequate documentation both on the objects it owns and the objects that are placed in its custody. This responsibility is shared by the director of archaeology collections and archaeology collections staff.

Such documentation will include, but not be limited to the following:

- Accession files containing the *Deed of Gift* and other documentation of the Museum Division's legal title to the object and other information pertinent to its excavation, provenience, and acquisition.
- Re:Discovery Proficio collections management database entries
- *Temporary Custody Receipt* file.
- *Transfer Agreement* file.
- *Care and Trust Agreement* file.
- *Incoming Loan Agreement* file.
- *Outgoing Loan Agreement* file.
- *Sampling Request* form.
- deaccession file.
- accession register or lot log.
- catalog forms.
- inventory file.
- condition reports.
- conservation treatment records, and
- photographs (unless prohibited by the associated THPO or Tribal NAGPRA liaisons).

NAGPRA documentation will include, but not be limited to the following:

- *Care and Trust Agreement* file.
- Official Summary file.
- inventory file.
- national NAGPRA templates.
- Notice of Inventory Completion file.

- Notice of Inventory Completion Correction file,
- official claim letters file,
- invitations to consult file,
- condition reports,
- photographs (unless prohibited by the associated THPO or Tribal NAGPRA liaisons), and
- conservation proposals and treatment reports.

All documentation stored digitally or within the collections management software is backed up daily on the state server by MDAH Information Systems staff.

All physical records pertaining to the archaeology collection will be properly maintained and securely housed using acid-free folders and other archival materials.

On an annual basis, duplicate physical or digital copies of the following records are made and transferred to the William F. Winter Archives and History Building for security:

- Documentation of the Museum Division's legal ownership of objects (e.g. copies of *Deeds of Gift, Transfer Agreements*)
- Accession register
- Catalog records
- Active loan records

### **8.B Procedures**

Specific procedures to be followed for the documentation of archaeology collections are outlined in the various sections of this policy and further described in the *Archaeology Collection Management Manual* maintained by the director of archaeology collections.

### **8.C Objects Found in Collections**

Objects designated as "Found in Collections" (that is, objects which lack significant documentation as to how they are in the custody of the Museum Division) are subject to the same treatment and care as documented objects in the archaeology collection. Objects Found in Collection will receive a number with a county code of "00" and a site number of "000" (e.g. 2008.00.000.24.01) to document the artifact until further research is conducted. If accessioned, the artifact will follow the guidelines set forth in "Acquisition" section of this document. Objects Found in Collections are subject to deaccessioning if they meet at least one of the deaccession criteria stated in the collections policy. Any deaccessioning and disposition of Objects Found in Collections will follow the deaccession and disposal procedures listed in the collections policy.

If the Museum Division is contacted by a person or group claiming to own an Object Found in Collections, the Museum Division will maintain custody of Objects Found in Collections until a claimant:

1. Presents to the Museum Division a clear explanation why the claimant believes they hold title, with supporting evidence, and
2. Presents a notarized statement that they are either the sole party at interest or they are authorized to represent all parties at interest and present supporting proof.

The Museum Division will not immediately relinquish custody of the object(s) to the claimant who appears to have the right to make the demand. The Museum Division will exercise its right to review the documents carefully to see if the Museum Division has evidence that may counter the claimant's demand.

The Museum Division will defend its custody of the object(s) claimed if any of the following apply:

1. Evidence that the claimant knew, or should have known, that the Museum Division thought it owned the object(s) and that the claimant delayed in bringing their action to the detriment of the Museum Division.
2. Evidence that the claimant "slept on their rights," that is they failed to use due diligence in seeking out their property.
3. Evidence that the Museum Division has publicly displayed the object as its own or otherwise publicized it as such.

Source: *Miss. Code* §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended)

## **Section 9 Access to and Use of Collections and Collections Records**

### **9.A Policy**

The Museum Division will strive to make its archaeology collections and collections records available for study and examination by individuals for scholarly research and other legitimate purposes.

The Museum Division will allow access to and use of its collections and collections records in a controlled, professional manner that protects the physical and intellectual integrity of the collections and collections records. Access to the collections and collections records will not be unreasonably denied. However, acknowledging its responsibility to safeguard the collections, collections records, and archaeological site information, the Museum Division reserves the right to control access to prevent the following:

1. Deterioration, mutilation, loss, or dislocation of objects and/or collections records.
2. Disclosure of sensitive information regarding cultural objects against the wishes of the associated THPO or Tribal NAGPRA liaisons.
3. Disclosure of sensitive information regarding the location of archaeological sites.
4. Undue interference with the administrative, professional, and technical operations of the Museum Division, and
5. Undue impact on the furnishing of services to other MDAH users.

Authority for permitting and monitoring access to and use of the collections and collections records is shared by the Archaeology Collections Committee with consultation from the associated THPO and/or Tribal NAGPRA liaisons where applicable. Should particular questions arise regarding proper, legitimate access to and use of the collections and collections records, the department's legal counsel will be consulted.

### **9.B Procedure:**

A written request specifying the objects and records to be examined, the purpose and proposed date of the examination, and the researcher's contact information and professional credentials (if necessary) should be submitted to the director of archaeology collections.

If the request meets with the established access policy of the Museum Division, the director of archaeology collections will schedule an appointment with the researcher to provide supervised access to the specified objects and records. Access to the collections and the collections records may be limited by NAGPRA regulations, the availability of staff time to provide adequate supervision, or by the potential damage to particularly fragile objects from movement and handling during

examination. Any copying and photography costs are the responsibility of the researcher. The researcher will give the Museum Division copies of any photographs, papers, or publications, or other media which result from their study of the Museum Division's collections.

Normally, examination of collections and collections records by a researcher will take place in the artifact viewing room under the supervision of archaeology collections staff. If the size and/or fragility of the object to be examined does not permit the object to be easily and safely removed from the archaeology collections storage, then the director of archaeology collections may allow no more than two researchers strictly supervised access to the storage room to examine the specific object. MDAH will not allow an object or collection to be examined in the presence of NAGPRA-related collections, unless permission is granted through consultation with the associated THPO and/or Tribal NAGPRA liaisons.

If more than 5 people are in a group to examine an object in storage, the following conditions must be met:

1. All requests must be approved by the director of archaeology collections.
2. If more than 10 visitors are present, 2 or more archaeology collections staff members should be present.
3. No bags, purses, or oversized jackets may be brought into the archaeology collections storage area.

Unsupervised access to collections storage rooms by persons other than collections staff is not permitted.

### **9.C Reproduction of Artifacts from Collection:**

The Museum Division reserves all rights for the reproduction of objects in the archaeology collection, except where reproductions are prohibited by NAGPRA regulations or the associated THPO or Tribal NAGPRA liaisons. If permission to reproduce an artifact is granted to an individual or entity, that permission is for a one-time reproduction with the reproduction to be used only for educational or research purposes. No commercial reproduction (or imaging for purposes of commercial reproduction) is permitted without a written agreement approved by the Museum Division director, Department director, and the Board of Trustees. The Museum Division reserves the right to license vendors, collect royalties, initiate fees, or otherwise control the use of its collections as may be deemed appropriate and lawful.

All requests to reproduce an artifact must be made in writing to the Museum Division director or the director of archaeology collections. A *Permission to Reproduce* form must be completed agreeing to the guidelines for reproducing artifacts stipulated by the Museum Division and printed on back of the form. The Collections Committee will review the request and allow or deny permission.

No information about the artifact with the exception of photographs may be released until the request to reproduce has been approved. The requestor is responsible for any costs associated with photographing the artifact and the use fee.

A record of reproduced artifacts (including a photograph of the reproduction, maker information, owner information, and reproduction materials) will be maintained by the director of collections. All reproductions should be altered from the original artifact.

### **9.D Photography of Collections:**

1. Public photography of Archaeology Collections objects:
  - a. Non-flash photography of archaeology objects for personal or research use is permitted, except where prohibited by copyright, loan agreement, NAGPRA regulations, or consultation with the associated THPO or Tribal NAGPRA liaisons. If thus prohibited, clear signage will be posted and/or verbal instruction will be given to that effect.
  - b. Publication or commercial use of photographs of archaeology objects is not permitted without the written approval of the Museum Division director via a *Permission to Publish* form.
  - c. Flash units, strobe lights, or other potentially damaging artificial light sources are not permitted to be used in taking photographs of archaeology objects without the written approval of the Museum Division director.
2. Requests for photography of Archaeology Collections objects:
  - a. Archaeology collections staff will respond to requests for photographs of objects submitted in writing to the director of archaeology collections.
  - b. All requests for photography of archaeology objects are subject to review by the associated THPO and/or Tribal NAGPRA liaisons.
  - c. If the requested image is to be published, a *Permission to Publish* form—stipulating that the photograph will be appropriately credited and that the Museum Division will be provided with a complimentary copy of the publication—must be completed and submitted for approval to the director of archaeology collections or the Museum Division director.

The Museum Division reserves the right to deny a request for photographs of archaeology collections objects if fulfilling the request would:

1. Endanger an object's physical security.
2. Violate NAGPRA regulations or agreements made during Tribal consultation.
3. Undermine the intellectual integrity of an object or collection.
4. Pose an excessive administrative burden.
5. Violate the terms of a loan or temporary custody agreement.
6. Infringe copyright law, privacy, or personal rights of any party.
7. Involve a use for illegal or unethical purposes, and/or
8. Imply an MDAH endorsement of any product, company, or enterprise.

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

## **Section 10 Care of Collections**

### **10.A Inventory:**

The director of archaeology collections is responsible for maintaining an up-to-date location record for all objects owned and accessioned into the archaeology collection as well as those objects borrowed by the Museum Division. Archaeology collections staff will complete a comprehensive inventory of the archaeology collection every ten years and will complete a spot check inventory on an annual basis. Inventories will be conducted according to specific procedures outlined in the *Archaeology Collection Management Manual*.

### **10.B Handling Collections:**

The objects in the archaeology collection are to be handled only in a manner that enhances their



preservation. Archaeology Collection objects are to be handled only by trained Museum Division staff members or trained Museum Division volunteers. The director of archaeology collections is responsible for training and supervising any such volunteers. Written guidelines for handling objects are included in the *Archaeology Collection Management Manual*.

### **10.C Conservation:**

The Museum Division holds and cares for its collections as a public trust and is committed to the standards of collections care and conservation established by the American Institute for Conservation and Heritage Preservation. The Museum Division recognizes the importance of preventive maintenance and environmental monitoring and control in enhancing the preservation of collections. The Museum Division will contract with or employ professional conservators on a regular basis for professional conservation treatment of objects.

Prior to any conservation treatments, a treatment proposal must be approved by the Museum Division director or the director of archaeology collections. Associated THPO and/or Tribal NAGPRA liaisons will be consulted prior to treatment.

Once the treatment proposal is approved, all conservation treatments will be professionally executed and extensively documented. Conservation reports will be completed within two weeks of the completed treatment and made available to the associated THPO and/or Tribal NAGPRA liaisons. The authority for conservation treatment of archaeology objects is shared by the director of archaeology collections and the Museum Division director.

The director of archaeology collections is responsible for preparing a strategic conservation plan detailing conservation priorities based on the recommendations of surveys of the collection and the building conducted by conservation professionals. The director of archaeology collections will update the strategic plan on an annual basis and submit the plan to the Museum Division director for approval and incorporation into the Museum Division's comprehensive strategic plan. Written guidelines for Museum Division staff conservation procedures to be followed in case of emergency are located in the *Disaster Preparedness Manual* maintained by the director of archaeology collections.

Source: Miss. Code §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended)

### **10.D Destructive Analysis**

The Museum Division encourages the use of its collections for research in all fields using a wide variety of research methods. In some circumstances it may be appropriate to conduct tests, sampling, or analyses that impact the physical integrity of archaeology collections objects. In considering such destructive methods, the Museum Division will weigh the cultural significance and potential scientific benefits against the long-term preservation of the collections for future use and research.

If destructive analysis on Museum Division archaeology collection objects is proposed by MDAH staff, MDAH-affiliated professionals, or outside researchers a *Sampling Request Form* must be completed and signed by the Museum Division director and the director of archaeology collections and submitted to the MDAH Board of Trustees for approval. The *Sampling Request Form* will include the following:

1. The requestor's contact information and professional credentials, and/or academic affiliation,

2. A description of the objects to be sampled and their provenience,
3. A description of the research project and its methodology, significance, and expected results
4. The type(s) of analysis to be performed and a detailed explanation of why they are appropriate to the questions being asked.
5. The location where analysis will be performed, who will analyze the results, and a preliminary schedule of when samples and/or data would be returned to the Museum Division,

For objects that are protected under NAGPRA regulations, additional permissions must be obtained in advance of any destructive analysis. MDAH staff, MDAH-affiliated professionals, or outside researchers will present written permission for destructive analysis from lineal descendants or the culturally affiliated Tribe(s) per consultation.

In evaluating requests for destructive analysis, the MDAH Board of Trustees will consider the following criteria,

1. Whether the research proposal is sound,
2. Whether the methodology is appropriate and will be undertaken by qualified specialists,
3. Whether the results have the potential to yield substantial benefits to our understanding of historic objects, people, and events,
4. Whether the analysis is the least intrusive means of obtaining the intended results, and
5. Whether future study or analysis is substantially hindered by the proposed analysis.

If a request for destructive analysis is approved by the MDAH Board of Trustees, analysis may proceed. If the analysis is requested by non-MDAH affiliated researchers, all costs of the analysis, including packing and shipping, are the responsibility of the researcher. A complete copy of the analytical outcomes of the research—including raw data and published reports—must be submitted to the Museum Division. The director of archaeology collections is responsible for maintaining records of research performed on archaeology collections objects.

## **Section 11 Risk Management**

### **11.A Policy**

The Museum Division will make every attempt to minimize risks to the archaeology collection, building, staff, and visitors. The Museum Division director, in conjunction with the Office of Capitol Police, is responsible for the overall physical safety and security of the collections and the building, staff, and visitors.

### **11.B Procedures**

Procedures for managing and caring for objects in the archaeology collection, loan objects, and objects in temporary custody in a proper manner which enhances their preservation and security are included in the *Archaeology Collection Management Manual*.

Procedures to be followed for the protection of the collections, building, staff, and visitors in case of emergency are included in the *Disaster Preparedness Manual* maintained by the director of archaeology collections. The Museum Division will maintain material safety data sheets (with guidelines for the safe use and disposal of chemicals) for products used by Museum Division staff in performing such duties as conservation and exhibit fabrication, as well as for cleaning products used by the custodial staff, and for any fumigants used by the pest control company.

### **11.C Insurance**

The Museum Division's archaeology collection and its buildings are insured by the State of Mississippi through the Department of Finance and Administration. The state's insurance policy covers the building and its contents (not including artifacts), and has additional fine arts coverage to insure the archaeology collection (a minimum coverage of \$5M per occurrence). All artifacts in transit or on loan to the Museum Division are also covered by this policy.

The Museum Division will routinely provide insurance coverage as appropriate for objects borrowed by the Museum Division for exhibition or research (incoming loans). The Museum Division will not routinely provide insurance coverage for objects or materials temporarily left in the custody of the Museum Division for potential acquisition, identification, photography and/or copying (temporary custody).

The Department of Finance and Administration has authority for purchasing and arranging insurance coverage. The director of archaeology collections will be responsible for working directly with the Department of Finance and Administration on insurance needs.

Source: *Miss. Code* §§ 25-59-1, 39-5-1, 39-7-1 (1972, as amended)