

Open Access Terms of Agreement

FY12 (July 1, 2011-June 30, 2012)

According to the **Enrich Iowa Agreement** made by and between the State Library of Iowa, hereafter referred to as the State Library, and the Participating Library, hereafter referred to as the Participant, in accordance with the terms and conditions set forth below effective July 1, 2011-June 30, 2012, it is mutually understood and agreed:

1. Purpose

The purpose of Open Access is to provide Iowans with direct access to more library materials and information resources. It is a reciprocal borrowing program that enables customers from a participating library to go to other participating libraries and directly check out materials they own.

2. Definitions

LOCAL LIBRARY: A local library is the library which receives funding to serve a particular customer.

- The local library for a city resident is the public library located in the city where the customer resides.
- The local library for a resident of a city **without** a library is the library which the city contracts with and financially supports.
- A student's local library is the school or academic library where the student attends.
- A rural resident's local library is any public library which receives county funding to serve that particular rural resident.

OPEN ACCESS TRANSACTION: A transaction is the act of a participating library checking out one item owned by that library to an Open Access customer.

Eligible Transactions:

- Number of physical items in all formats that are checked out from your collection for use outside the library. Items which are packaged together as a unit (e.g., one audio book that consists of eight CDs) and are checked out as a unit are one transaction. If a DVD is checked out and shown to 30 people, it is one transaction, not 30.
- Renewals

Ineligible Transactions:

- Downloadable audio and video, e-books
- Items checked out to another library; interlibrary loans
- Check outs to people the library is funded to serve such as rural residents and residents of cities contracting with the library
- Check outs to individuals or families who live in cities that do not have libraries and do not contract with a library for library service as required by Iowa Code Section 256.69.

3. General Provisions

- A. Libraries must return the Enrich Iowa Agreement indicating in the box provided that the library will participate in Open Access. It must be signed by the library director or other signatory authority, postmarked by June 17, 2011; received at the State Library on or before June 24, 2011, 4:30 p.m.
- B. To participate in Open Access for FY12, a public library must have been established on or before July 1, 2009 in accord with the Code of Iowa, 392.1.
- C. Effective July 1, 2006, a public library established on or after this date must be in operation for two years (see item B above) and must meet Direct State Aid Tier 1 requirements in order to participate in Open Access.

- D. A jurisdiction that switches from contracting for library services to establishing its own public library must provide funding at least equal to the amount spent on the contract two years earlier. If funding is less than the amount spent on contracting, the library is not eligible to participate.
- E. Each participating library may decide whether to offer services other than circulation to Open Access customers such as interlibrary loan, reference and reserve services; allowing computer use and attendance at library programs.
- F. Open Access customers are subject to the same policies, regulations, and restrictions as local customers except for the options listed in Part F above and the following. If loans to reciprocal borrowers exceed 25% of an Open Access library's circulation for FY11, the library may institute a loan limit for reciprocal borrowers for FY12.
- G. The Open Access program allows a local public library board to decide not to loan items to residents of a jurisdiction which is contracting with a library(s) at a rate that the board deems to be inequitable. The library must notify the State Library, in writing, of its intent and its rationale for the decision.

4. The Participant shall:

- A. File, with the State Library, a signed ordinance or other legal documentation, dated on or before July 1, 2009, establishing it as a public library.
- B. Directly check out materials to customers from other participating libraries with the understanding that borrowing privileges will be extended to its own customers by the other participating libraries.
- C. Keep an accurate record of eligible transactions.
- D. Accept returned items from Open Access customers borrowed from another participating library; return items borrowed through Open Access to the owning library and indicate the return date. Keep an accurate record of actual postage spent to return items. If an item is overdue, the library that owns the item collects any fines according to local policy.
- E. By July 31, 2012, complete and submit the FY12 Open Access report form to include eligible transactions and actual postage. Provide additional information for auditing purposes as requested by the State Library.
- F. Libraries that are part of a shared automation system must document that transactions reported as Open Access do not include items owned by another library.

5. The State Library shall:

- A. Administer Open Access on behalf of participating libraries.
- B. Distribute Open Access funds to participating libraries contingent upon receipt of funds.
- C. Post the Open Access Report form on the State Library Web site.
- D. Process the Open Access Reports and reimburse participants annually for each eligible item loaned to eligible customers from other participating libraries. Reimbursement is based on the total number of transactions from the previous fiscal year and funds available. Last year the reimbursement was 26 cents per transaction.
- E. Reimburse participants annually for postage used to return items borrowed through Open Access to the owning library. Reimbursement is based on actual postage reported from the previous fiscal year.
- F. Inform libraries as to the availability of funds under Open Access and answer questions on the details of Open Access. Changes to the program shall be communicated in a timely manner to all participants and other interested parties.
- G. Monitor compliance with the Open Access terms of agreement. Audit reports, as needed, to ensure participant compliance and take appropriate action if a participant is not honoring the terms of this agreement.