

# Open Access Terms of Agreement

## FY17 (July 1, 2016-June 30, 2017)

According to the **Enrich Iowa Agreement** made by and between Iowa Library Services, and the Participating Library, hereafter referred to as the Participant, in accordance with the terms and conditions set forth below effective July 1, 2016 - June 30, 2017, 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. Open Access is a reciprocal borrowing program that enables customers from a participating library to go to other participating libraries and check out physical materials they own.

### 2. Definitions

**Local Library:** A local library is the library that 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 that 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 that 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:

- Check outs of physical items in all formats except for equipment. Items must be from your collection and for use outside the library. Items packaged together as a unit (e.g., one audio book that consists of eight CDs) and checked out as a unit, are one transaction. If an item is checked out and shown to 30 people, it is one transaction, not 30.
- Playaways or similar devices are not considered equipment for Open Access purposes and are considered to be eligible items.
- Renewals of eligible items.

#### Ineligible Transactions:

- Checkouts of downloadable audio, video, e-Books or other electronic items.
- Checkouts of equipment including laptops, tablets, projectors, game consoles, eReaders, etc.
- Items checked out to other libraries as an Interlibrary Loan.
- Items checked out to people the library is funded to serve such as:
  - Residents of the library's own city
  - Rural residents from the library's own county
  - Residents of cities contracting with the library

- Items checked out to people 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, and must be received by Iowa Library Services on or before April 30, 2016.
- B. To participate in Open Access for FY17, a public library must have been established on or before July 1, 2014 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, 2, or 3 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 of eligible physical items to Open Access customers such as interlibrary loan, reference, reserve services, allowing computer or equipment use, and attendance at library programs. Use of services other than circulation of eligible physical items is not eligible for Open Access reimbursement.
- F. Open Access customers are subject to the same policies, regulations, and restrictions as local customers for eligible transactions.
- G. If 25% or more of a lending library's total circulation is to Open Access borrowers for FY16, the lending library MAY institute a loan limit for Open Access borrowers for FY17. The library board must notify Iowa Library Services, in writing, of its intent and rationale for the decision.
- H. The Open Access program allows a local public library board to decide not to loan eligible items to residents of a jurisdiction that is contracting with a library(s) at a rate that the board deems to be inequitable. The library board must notify Iowa Library Services, in writing, of its intent and rationale for the decision.
- I. If a lending library loans more eligible items to another Open Access library's customers than 75% of that Open Access library's total circulation in FY15, then the lending library MAY institute a loan limit for the Open Access library's borrowers for FY16. The library board must notify Iowa Library Services, in writing, of its intent and rationale for the decision.

### 4. The Participant shall:

- A. File a signed ordinance or other legal documentation with Iowa Library Services, dated on or before July 1, 2014, establishing it as a public library.

- B. Check out eligible items 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. Libraries will be reimbursed for full postage amount spent to return items. Libraries will not be reimbursed for any other method of return. If an item is overdue, the library that owns the item collects any fines according to local policy.
- E. By July 31, 2017, complete and submit the FY17 Open Access report form to include eligible transactions and actual postage. Provide additional information for auditing purposes as requested by Iowa Library Services.
- 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. Iowa Library Services shall:**

- A. Administer Open Access on behalf of participating libraries.
- B. Distribute Open Access funds to participating libraries based upon availability of funds.
- C. Post the Open Access Report form on the Iowa Library Services' website.
- D. Process the Open Access reports.
- E. 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.
- F. Reimburse participants annually for postage used to return Open Access items to the owning library. Postage paid to return eligible items is fully reimbursed at the end of the fiscal year.
- G. Inform libraries about the availability of Open Access funds.
- H. Answer Open Access related questions.
- I. Communicate changes to the program in a timely manner.
- J. Monitor compliance with the Open Access terms of agreement.
- K. Audit reports to ensure participant compliance.
- L. Take appropriate action if a participant is not honoring the terms of this agreement.