

OPEN ACCESS TERMS OF AGREEMENT FY19 (JULY 1, 2018 – JUNE 30, 2019)

According to the **ENRICH IOWA AGREEMENT** made by and between the State Library of Iowa, and the Participating Library, hereafter referred to as the Participant, in accordance with the terms and conditions set forth below effective **July 1, 2018 - June 30, 2019**, it is mutually understood and agreed:

1. PURPOSE

Open Access is a program funded by the Iowa Legislature and administered by the State Library of Iowa. Open Access pays Iowa libraries to serve eligible Iowa residents from outside their local jurisdiction.

The purpose of the Open Access program is to offer Iowa residents access to libraries all over the state, so that Iowans have the convenience of using a library where they work, go to school, shop or visit.

2. DEFINITIONS

Local Library Jurisdiction: The jurisdiction is the area for which a library is funded to serve. This includes:

- Any city that funds the public library including the city where the library is located, and any contracting cities.
- Any unincorporated jurisdiction that funds the public library including the unincorporated portions of the county where the library is located, and any unincorporated portions of other counties.
- Any participating college, university or community college library.

Eligible Patron: Must be a resident of Iowa; live outside the local library jurisdiction; and meets one of the following criteria:

- Lives in a community that provides a public library
- Lives in an unincorporated area that provides, or contracts for, library services
- Lives in a community that contracts for library services
- Attends an Iowa public or private university, college, or community college

Transactions:

Eligible

- A. Physical items in all formats except for equipment.
- B. Items must be from your collection and for use outside the library. Items packaged together as a unit and checked out as a unit, are one transaction.
- C. Playaways or similar devices.
- D. Renewals of eligible items as listed on lines A to C above.

Ineligible:

- A. Downloadable audio, video, e-Books or other electronic items.
- B. Database use.
- C. Equipment including laptops, tablets, projectors, game consoles, eReaders, wireless hotspots, or other types of equipment.

Participants are required to circulate eligible items to all eligible patrons.

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 the State Library on or before April 30, 2018.
- B. To participate in Open Access for FY19, a public library must have been established on or before July 1, 2016 in accord with the Code of Iowa, 392.1.
- C. A public library must meet Direct State Aid Tier 1 requirements or higher in order to receive Open Access funding.
- D. Participants cannot deny service to residents from any Iowa jurisdiction with a public library or a student at a participating Iowa academic institution. Open Access Eligible Patrons are subject to the same circulation policies, regulations, and restrictions, as local patrons for eligible transactions, except for limits referred to in provision 3F below.
- E. A local public library board or academic library director may decide to deny Open Access service to residents of a jurisdiction that is contracting with a library(s) at a rate that the board or academic library director deems to be inequitable. The library's board or academic library director must notify the State Library, and the jurisdiction denied service, in writing, of its intent and rationale for the decision prior to any action.
- F. A local public library board or academic library director may decide to limit the number of Open Access items checked out to Eligible Patrons. If the library chooses to limit the number of Open Access items checked out it must treat all Open Access Eligible Patrons equally. The library's board or academic library director must notify the State Library in writing of its intent and rationale for the decision prior to limiting access.
- G. Participants have the option to offer services other than Eligible Transactions to Eligible Patrons.

4. THE PARTICIPANT SHALL:

- A. Provide a signed ordinance or other legal documentation to the State Library, dated on or before July 1, 2016, establishing it as a public library.
- B. Check out eligible library materials to Eligible Patrons.
- C. Accept returned items borrowed from any other library in Iowa.
 - a. Return items to the owning library and indicate the return date.
 - b. Log an accurate record of actual postage spent to return items. Libraries will be reimbursed for full postage amount spent to return Open Access items. Libraries will not be reimbursed for any other method of return.
 - c. If an item is overdue, the library that owns the item collects any fines according to local policy.
 - d. Interlibrary Loan items are not eligible for postage reimbursement.

5. THE STATE LIBRARY OF IOWA SHALL:

- A. Administer the Open Access program.
- B. Distribute Open Access funds to participants based upon the formula and availability of funds.
- C. Inform libraries about the availability of Open Access funds.
- D. Answer Open Access related questions.

- E. Communicate changes to the program in a timely manner.
- F. Monitor compliance with the Open Access terms of agreement.
- G. Initiate a transaction audit if deemed necessary.
- H. Take appropriate action if a participant is not honoring the terms of this agreement.
- I. Provide a list of communities (that either provide a public library or pay for service to a public library) and participating academic libraries whose patrons are eligible for Open Access.