
INTERLIBRARY LOAN Policy

Summary

Interlibrary Loan (ILL) services allow patrons to obtain materials from participating libraries throughout the United States.

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I. PURPOSE

It is impossible for one library to collect all the materials its customers require. Sharing of library resources is essential for adequate and effective library service. The Nesmith Library endorses and encourages the practice of interlibrary loan as an adjunct to, not a substitute for, comprehensive collection development practices. Typically, materials of high or recurring demand will be purchased by the library, not borrowed. The purpose of interlibrary loan is to borrow for customers, materials that are not available in the local library's collection.

II. DEFINITION

An interlibrary loan is a transaction in which library material, or a copy of the material, is made available by one library to another library upon request.

III. SCOPE

Under the terms of this policy, the Nesmith Library will request any type of material on interlibrary loan except those specifically excluded or limited by a library's interlibrary loan policy. If materials are not available from a New Hampshire source, the Nesmith Library will make a reasonable effort to obtain the material from out-of-state, but from within the contiguous United States. In return, the Nesmith Library will loan materials out of state upon receipt of an ALA Interlibrary loan form. Out-of-state borrowing will be limited to print format; the interlibrary loan librarian may make exceptions to this.

IV. GENERAL RESPONSIBILITIES

1. The Nesmith Library shall have a current interlibrary loan policy.
2. The Reference Librarian serves as the Interlibrary Loan Librarian and shall be familiar with the policies and procedures of local and state interlibrary loans including electronic modes of communication.
3. Library users will be informed of compliance with the copyright law (see Appendix) and its accompanying CONTU guidelines, and shall inform its users of the applicable portions of the law. An indication of compliance shall be provided with all copy requests.
4. The loan periods for borrowed items shall be six weeks. Shorter or longer borrowing times may be arranged depending upon materials and needs.

V. Nesmith Library's BORROWING Responsibilities

1. The Nesmith Library will provide the resources to meet the ordinary needs and interests of its primary clientele. Material requested from another library under this code should generally be limited to those items that do not conform to the library's collection development policy or for which there is no recurring demand. The Nesmith Library will make every effort to exhaust its own resources before resorting to interlibrary loan. The library will make its users aware of its interlibrary loan service.
2. It is generally accepted that materials are not requested if they are:
 - a. owned by the Nesmith Library
 - b. less than six months old
 - c. on the current Best Sellers' List
 - d. reference books
 - e. textbooks for college courses.

The Interlibrary Loan librarian may make exceptions to the above.

3. It is the borrowing library's responsibility to provide proper bibliographic citations:
 - a. Materials requested shall be described as completely and accurately as possible following accepted bibliographic practice.
 - b. When the borrowing library has access to an electronic database of holdings of the lending library, it shall provide complete and accurate bibliographic information as it appears on the database.
 - c. Sources of verification shall be given for all items verified in standard bibliographic tools. When the item cannot be verified, the statement "cannot verify" should be indicated, along with the user's source of reference and a list of tools searched.
 - d. The borrowing library should encourage library users to travel to other libraries for on-site access to material when extensive use of a collection is required or the nature of the material requires special handling.
 - e. A renewal request should be sent in time to reach the lending library not later than the due date
 - f. The preferred method for transmitting interlibrary loan requests is electronic. The ALA form is the required alternative with one request per form.
 - g. The library will receive materials via the State Library van service, or via mail if material is located out-of-state.
 - h. The library will use the ILLiad online system of borrowing materials when institutions make it available to the Nesmith Library.

4. The Nesmith Library has responsibility for materials from the time they leave the lending library until they are returned to that library. However, patrons who lose or damage borrowed material are responsible for payment or replacement of materials according to the lending institution's policy.
5. The Nesmith Library shall instruct the user to return loans to the Nesmith Library, not to the lending library or any other library.
6. The Nesmith Library shall adhere to any restrictions placed by the lending library on use of the materials borrowed.
7. If materials cannot be obtained free of charge, or, if shipping charges are excessive, i.e., greater than United States Post Office Library Rate, (for example, if UPS, FedEx, or other shipping and/or insurance costs are required from the loaning institution), the patron will be informed of charges before items are borrowed. If the patron agrees to be responsible for costs, borrowing will proceed.
8. In order to encourage timely return of borrowed items, overdue charges on interlibrary loan materials shall be \$1.00 per day overdue, with no grace period **and no limit**. Adjustment, if any, of overdue charges shall be at the discretion of the Interlibrary Loan Librarian or the Library Director.
9. Patrons who abuse the interlibrary loan program through chronic late returns, non-payment of overdue fines, failure to pick up items ordered through interlibrary loan, or damage to materials, will be denied borrowing privileges for six months, or for a time period determined by the Interlibrary Loan Librarian or the Library Director.

VI. Nesmith Library's LENDING Responsibilities

1. The decision to lend materials is at the discretion of the Nesmith Library.
2. It is generally accepted that materials are not loaned if they are:
 - a. less than six months old
 - b. on the current Best Sellers' List
 - c. reference books
 - d. textbooks for college courses.

The Interlibrary Loan Librarian or Director may make exceptions to the above.

3. A statement of interlibrary loan policy should be made available upon request and should be on file at the State Library.
4. Interlibrary loan requests may be electronic (via NHU-PAC), e-mail, fax, ALA form, through ILLIAD (International Library Loan Access Demonstration), or telephone (see contact information below). The Nesmith Library shall respond to requests as soon as possible by filling the request, denying the request, or acknowledging reserve of the material.

5. If the borrowing library has made a good-faith effort to provide complete bibliographic verification, the Nesmith Library shall make every attempt to fill the request.
6. When possible, the Nesmith Library shall provide the borrowing library with a reason why it is unable to fill a request.
7. The Nesmith Library is willing to lend all types of material, to include books, magazines, music CDs, DVD movies and CD audio books. In addition, reference material may be loaned at the discretion of the Interlibrary Loan Librarian or the Library Director, usually to be used within the borrowing library's building, and/or for a shorter borrowing time than 6 weeks.
8. The Nesmith Library is willing to photocopy or scan articles and send via mail, email, van, or fax, depending upon length of article and immediacy of need. Up to 30 copies will be provided free of charge.
9. If items loaned to another library are lost or damaged, the borrowing library will be expected to replace the item, or reimburse the Nesmith Library for the cost of the material plus a processing fee.
10. Number of items requested per person per day should not exceed a reasonable amount, and may be limited at the discretion of the Interlibrary Loan Librarian or the Library Director.

Adopted October 20, 2015 by the Nesmith Library Board of Trustees.

Reviewed and approved: October 20, 2015 by the Nesmith Library Board of Trustees.

APPENDIX A COPYRIGHT

I. OVERVIEW

The Copyright Act of 1976 (Title 17 of the United States Code Annotated) establishes certain requirements for libraries that participate in interlibrary loan activities involving photocopying or some other form of duplication. Copyright law should be considered when developing a library's lending and borrowing policies.

The following sections of the copyright law have particular importance to librarians:

Section 106 defines the exclusive rights of copyright owners;

Section 107 recognizes the doctrine of "fair use" and limits the exclusive rights of copyright owners granted in Section 106;

Section 108 further limits the exclusive rights of copyright owners, and authorizes the reproduction of copies by libraries in certain situations.

Also of importance is the Commission on New Technological Uses of Copyrighted Works (CONTU) Guidelines for the Proviso of Subsection 108(g)(2). These guidelines define the number of copies, which would constitute substitution for the purchase of a subscription of title by a borrowing library. The guidelines are not part of the law, but are considered in judicial interpretation.

Under the Copyright Act of 1976 and CONTU Guidelines, a borrowing library must:

- * Post a "Display Warning of Copyright" at locations where interlibrary loan requests are accepted.
- * Include an "Order Warning of Copyright" on application forms used to request copies.
- * Evaluate each photocopy in accordance with Sections 107 and 108 and determine whether the request falls within the requirements of the law or the CONTU Guidelines.
- * Maintain records as required by law.

Lending libraries also have certain obligations. A lending library must:

- * Accept only those copy requests that indicate that the borrowing library is in compliance with the law or CONTU Guidelines.
- * Include a notice of copyright on all photocopies supplied.

II. COMPLIANCE

When requesting an interlibrary loan that will be filled by a photocopy, the requesting librarians must determine whether the request complies with the Copyright Law or the CONTU Guidelines. Four criteria may be used to determine whether a given reproduction is or is not fair use (Section 107). These are:

- * Educational, not commercial use;
- * The nature of the work. (It is not a "Consumable material such as a workbook")
- * The brevity of the work. The article must be 2,500 words or less;
- * Spontaneity. (There has been insufficient time to secure permission for reproduction from the copyright owner).

Section 108 addresses certain rights not discussed under the concept of fair use as defined above. The key subsection is 108(g) which states: "...Provided, that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies...for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such works."

The law does not define how many copies constitute substitution. This issue is addressed in the CONTU Guidelines. The Guidelines state that a library may not receive more than five photocopies in a single calendar year from a copyrighted journal title published in the last five years. The CONTU Guidelines also address the question of copies of portions of copyrighted works other than periodicals. Libraries may receive no more than five photocopies per year per title as long as the copyright on the material is in effect.

There are exceptions to the CONTU Guidelines. If the library owns the material, but is unable to supply a copy because the item is damaged or lost, the "rule of five" is waived. The rule is also waived if the library has entered a subscription for the title. CONTU Guidelines do not address photocopying of journal articles more than five years old.

III. INITIATING REQUESTS

Once the librarian has determined that a request falls within the requirements of the law or the CONTU Guidelines, this must be noted on the interlibrary loan request form. Each electronic request must also include the appropriate copyright statement. The requesting library must check one of the two compliance code boxes on the ALA approved ILL form. (see Section 12 of Appendix 12, ALA Interlibrary Loan Form Procedures).

Mark the box CCG (Complies with Copyright Guidelines) if the journal was published within the last five years and the request meets one of the following criteria:

- * During the present year, there have been no more than five requests for articles from that journal title, for the last five years by publication date, OR
- * A subscription to the journal has been ordered, OR
- * The library has a subscription, but the needed issue is missing, damaged or at the bindery.

Mark the Box CCL (Complies with Copyright Law) if the request confirms to one of these rules:

* The material is for an individual user and;

- cannot be obtained at a fair price, OR
- the material is for a teacher who has complied with Agreement on Guidelines for Classroom Copying (see Copyright Law), OR
- the requesting library believes the item is within "fair use", OR
- the material is from a journal, which has a publication date not within the previous five years

* The material is for the library and:

- replaces damaged or destroyed materials which cannot be purchased at a fair price, OR
- the requesting library believes reproduction would be "fair use"

IV. DISPLAY WARNINGS

The copyright law requires a library to post a Display Warning of Copyright at all locations where requests for copies are accepted. An Order Warning of Copyright must be included on any in-house forms, which a library provides for submitting copy requests. The text of both Warning Notices shall read:

NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS. THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHT MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIED CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP, OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

A Display Warning of Copyright should be printed on heavy paper or other durable material in type at least 18 points in size, and displayed prominently in the place where orders are accepted. An Order Warning of Copyright should be printed on the order form in type no smaller than 8 points.

Copyright Law emphasizes the need for a notice of copyright at unattended copying machines so that the library is not liable for copyright infringement by individuals using these machines. The recommended working is as follows:

NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, U.S. CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIALS. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENTS.

V. COPYRIGHT RECORDS

The borrowing library should maintain records, which indicate the number of times a journal title or book title has been requested for photocopying. A file, arranged by titles, should be maintained for all requests made for copyrighted books and journals published within the last five years. An alternative method would be to maintain a file by year. These records should be kept for three years in order to comply with the Copyright Guidelines.

Before requesting an interlibrary loan, check the copyright compliance records. According to the Copyright Guidelines, any title, which has been requested, for photocopying more than five times should be considered for purchase.

Libraries might explore the use of the Copyright Clearance Center (CCC) if their photocopy requests do not fall within the copyright law or guidelines. For a fee, the CCC may grant permission to copy materials registered with them.

NOTICE

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrights material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than provide study, scholarship, or research."

If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment,

fulfillment of the order would involve violation of copyright law.

9/02/10 Additional text to consider/insert:

The CONTU Guidelines

- CONTU Guidelines for copying from periodicals apply only to materials less than five years old (referred to as part of the "rule of five").
- Up to five articles may be copied from a single periodical in one calendar year under the ILL provision (referred to as part of the "rule of five").
- A library with a subscription for a periodical which is not immediately available may consider a copy obtained from another library as if made from its own collection.
- All ILL requests must be accompanied by a copyright compliance statement from the requesting library. The requesting library must maintain records of all requests and of their fulfillment. These records must be kept for three calendar years after the request has been made.
- No more than six copies of articles/chapters/small portions may be made from a non-periodical (including a book) during the entire term of copyright of the work.
- For copying beyond the CONTU Guidelines, the library may need to obtain copyright permission directly from the copyright holder or from a representative such as Copyright Clearance Center



Are there any special restrictions?

Amherst College is obligated to honor any special restrictions that the lender imposes, such as in-library use only, no photocopying, no renewals, or securing written permission of a dissertation or thesis writer before the item is made available. In all cases, any restrictions and the due dates will be clearly indicated on the paperwork that accompanies the item. **Because ILL items are subject to recall by the lending library at any time, they should not leave campus over Interterm or Summer Recess.**

Are there any special overdue fines or replacement charges?

On occasion, items are recalled. Patrons will be notified by email or by phone. Failure to return requested items in good time can result in overdue fines and restrictions on ILL usage. If your book is recalled and you are not finished, please contact ILL immediately. We will make every effort to locate another copy.

Per traditional library practice, damaged or lost items will be billed based on the requirements of the lending institution.