INTERLIBRARY LOAN GUIDELINES AND PROCEDURES

I. Introduction

Interlibrary Loan is a resource sharing service between libraries, through which one library requests material from, or supplies material to, another library. The American Library Association recognizes that the sharing of resources between libraries is an integral component in the provision of library service and it is in the public interest to encourage such sharing. Marywood University’s Interlibrary Loan Guidelines and Procedures are intended to maintain an appropriate balance between resource sharing, responsibilities to Marywood University’s primary library consumers, and compliance with United States Copyright Laws.

II. Interlibrary Loan Borrowing Guidelines and Procedures

The following guidelines and procedures must be followed when requests for materials are made through Interlibrary Loan:

1. Eligibility of Borrowers. Marywood University provides Interlibrary Loan services to all faculty, staff, and students of the University (“Patrons”), in support of Marywood University academic, curricular or research needs only. A Patron’s library account must be in good standing to initiate an Interlibrary Loan request. Only requests for private study, scholarship or research may be fulfilled through Interlibrary Loan; requests for other purposes will not be fulfilled.

2. Submission of Requests. Before submitting an Interlibrary Loan request, Patrons must determine whether the material is available in Marywood University’s library (i.e., by searching the Library Catalog, Journal Finder, research databases, or by consulting a Reference Librarian). Requests for materials in Marywood University’s library will not be granted.

Requests must be submitted in writing and/or electronically on appropriate forms provided by library staff. A separate request must be submitted for each item requested. Accurate and complete information about the item and the Patron making the request are essential to processing requests. A request may be cancelled and returned if it lacks sufficient information for processing. By submitting a request,
Patrons acknowledge their acceptance of Marywood University’s Interlibrary Loan Guidelines and Procedures.

3. **Items Available for Request.** Section 108(g)(2) of the United States Copyright Act limits interlibrary arrangements for photocopying. It prohibits systematic photocopying of copyrighted materials, but permits interlibrary arrangements "that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work."

Guidelines issued by the National Commission on New Technological Uses of Copyrighted Works ("CONTU") provide clarification in determining items that may be requested and loaned through Interlibrary Loan. Marywood University follows the CONTU guidelines, which are incorporated in this document.

Requests can include copies of journal articles, book chapters (not to exceed 10% of the total pages in the book), dissertations, newspapers on microfilm, media items, and reports. Requests may not include and Marywood University will not borrow the following types of materials:

- Best Sellers
- Just-published titles
- Multiple copies of the same title
- Titles in recurring demand at the requesting library
- Whole issues and volumes of periodicals or journals (copies of specific articles are permitted)
- Text books or course materials
- Reference books
- CDs and other audio/visual materials

*Books*  **PALCI.** The Pennsylvania Academic Library Consortium provides access to books in 70 academic and research libraries in Pennsylvania, New Jersey, and West Virginia. Requests for books can be made through the PALCI online interface. Items will be sent to the Marywood Library and will be available for pickup at the circulation desk. Items are generally delivered within 4-7 days from the date of the request. A notification will be sent by e-mail when the book is available for pickup.

*Articles*  **RapidILL.** is an online resource sharing system. The delivery system allows articles to be sent by email to the Patron, usually within one business day of a request. Patrons set up an account using a library card number or a random number. The same ID, however, must be used in subsequent uses of the system.
4. Limitations on Requested Materials.

*The “Rule of Five” for Journals and Periodicals:* A maximum of five copies from any single recently published work may be borrowed in a calendar year. This provision applies only to publications issued within five years of the date of the request. For journal articles, a single journal title constitutes a work.

For example, in 2012, Marywood University was allowed to borrow one time each the following five articles from the *Journal of the Academy of Nutrition and Dietetics*:

2. Volume 30, Issue 1, May 2009, pages 102-200
3. Volume 31, Issue 6, June 2010, pages 150-190

If a Patron submitted a request during the calendar year (i.e., 2012) for a sixth article from the journal (e.g., Volume 30, Issue 4, June 2009, pages 45-80), the request would not have been fulfilled. If a request was made for Volume 35, Issue 1, August 2001, pages 90-105, the request could have been filled as the publication date for that work was outside the five-year period.

*Limit for Non-Journals/Non-Periodicals:* For non-journals and non-periodicals (such as books), no more than six copies of articles, chapters or other small portions of the work may be requested or borrowed during the entire term of the copyright for the specific work.

*Get permission after exceeding the limits.* If the above limits are exceeded, librarians must obtain written permission from the publisher and pay royalty payments if required to obtain the requested work. Copyright permission can be obtained from the publisher, copyright owner or through a licensing agent such as Copyright Clearance Center.

5. Notifications Regarding Copyright Laws. When placing a request for works through Interlibrary Loan, the borrowing library must indicate that the request complies with U.S. Copyright law. This notification typically is done by using “CCG” (for articles borrowed under the “Suggestion of Five”) or “CCL” (for requests that comply with other sections, i.e., Section 107—Fair Use of the Copyright Act).

Marywood University library staff must notify Patrons making requests of copyright requirements by including a copyright notice on Interlibrary Loan request forms and displaying the notice where requests are submitted. The Copyright Notice shall state as follows:
Copyright Notice

The copyright law of the United States (Title 17, U.S. code) governs the making of photocopies or other reproductions of copyrighted 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. The 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.

6. The Borrowed Copy Must Not Become Part of Marywood University’s Collection. Any material received through Interlibrary Loan shall not become the property of Marywood University’s library.

7. Maintaining Records. Marywood University must maintain records of all filled and unfilled Interlibrary Loan requests. These records must be maintained for at least three years beyond the date the request was made and filled.

8. Renewals. Renewals are granted at the discretion of the librarian. Marywood University will honor the stipulations of the lending library. All requests for renewals must be made to the Interlibrary Loan staff. If the library from which the materials were borrowed does not grant the renewal, the item must be returned immediately.

9. Returning Materials. Materials obtained through Interlibrary Loan should not be placed in the book drop. Interlibrary Loan materials should be returned directly to the circulation desk of the library.

Overdue Items. Items need to be returned by the due date. Marywood University’s library sends overdue notices as a courtesy. Patrons are responsible for borrowed materials even if an overdue notice is not sent or received. Failure to return an item can result in a blocked account. Patrons are responsible for all costs imposed by the lending library.

Unclaimed Items. Unclaimed items will be sent back to the lending library on the due date of the item.

Damaged and Lost Items. Patrons are responsible for all fees incurred for lost or damaged items.
III. Interlibrary Loan Lending Guidelines and Procedures

The following guidelines and procedures must be followed when Marywood University seeks
to lend works to other libraries through Interlibrary Loan:

1. **Make Sure the Libraries Qualify.** Both the lending and borrowing libraries must
be open to the public, or to researchers affiliated with the university as well as those
to persons not affiliated therewith who are doing research in a particular field.

2. **Consider License Agreements First.** License agreements and subscriptions from
publishers may prohibit Interlibrary Loans or limit content reuse more strictly than
copyright law or CONTU guidelines. If they do, a request must be denied.

3. **Negotiate Interlibrary Loan Rights in License Agreements or Obtain Written
Permission From Publishers to Provide the Library with Interlibrary Loan
Rights.** When negotiating subscriptions with publishers, librarians should attempt to
include Interlibrary Loan rights in license agreements, or obtain written permission
from publishers for Interlibrary Loan rights.

4. **Use Standardized Interlibrary Loan Forms.** When Marywood University serves
as the lending library, it must utilize pre-approved standardized forms, which include
the copyright notice set forth in Section II.

5. **Obtain Compliance Statements From the Borrowing Libraries.** Before materials
may be lent, the borrowing library must represent that it has complied with copyright
law and applicable CONTU guidelines when requesting Interlibrary Loan materials
from Marywood University. **If there is notice or reason to believe that the
borrowing library is not in compliance with CONTU guidelines or the Copyright
Act, the request must not be fulfilled.**

6. **Consider The Purpose Of The Request.** Requests for a purpose other than private
study, scholarship or research shall not be fulfilled through Interlibrary Loan.

7. **Comply With the “Rule of Five” and Other Limitations.** Guidelines concerning
the “Rule of Five” and other limitations, set forth above in Section II, also apply to
lending libraries. In other words, Marywood University cannot lend what it cannot
borrow. If a request is received from a borrowing library that violates the “Rule of
Five” or any other limitations set forth above, Marywood University shall deny the
request.

8. **Requests for Entire Works.** If Marywood University receives a request for a copy
of an entire book or journal issue, the librarian has discretion to determine whether a
copy could be obtained at a fair price. If it is determined that the book or journal can
be obtained at a fair price, the request should not be fulfilled. If the book or journal
cannot be obtained at a fair price, the request will be fulfilled.

**Dated: April 17, 2013**