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Section 3030.EXHIBIT A ILLINET Interlibrary Loan Code**Preface**

As partners in the Illinois Library and Information Network (ILLINET), more than 5,000 multi-type (academic, public, school and special) member libraries contribute to the ongoing enrichment of the State's library resources. Beginning in 1975, ILLINET has relied on resource sharing to meet the information and research needs of library patrons. In addition, library resource sharing provides a means to access entertainment, nurture personal interests and hobbies, and, overall enhance the lives of Illinois residents.

The cooperative actions of ILLINET member libraries have contributed to the success of a statewide resource sharing service. The laws and rules that authorize the Illinois State Library (ISL) and the library systems ensure that free access to all Illinois residents remains the cornerstone of the statewide system. Today, Illinois libraries, including the library systems and the ISL, support interlibrary loan and both statewide and systemwide reciprocal borrowing, to the betterment of the quality of life for Illinoisans everywhere. Empowered by a robust technology infrastructure, the sustainability of Illinois' strong heritage of excellent library service depends upon an ongoing commitment to resource sharing, delivery and statewide cooperation. The ILLINET Interlibrary Loan Code (ILL Code) is the declaration of that commitment, without which, the actions of the thousands of Illinois library staff that support its use, the broader concept of resource sharing and, more specifically, services like delivery, would not be feasible.

The following sections underscore the utility and importance of the ILL Code, and describe the relationship between the ILL Code, the Illinois State Library Act, and the Illinois Administrative Code (IAC or "the rules").

Background

The IAC helps State government implement the statutes adopted by the Illinois General Assembly (GA). The ISL, established by statute, has rules found in 23 Ill. Adm. Code 3030. Any activity undertaken by the ISL shall be rooted in law or rule. As a body of State government, the authority to provide services and programs is determined by the GA through the promulgation of statute, administered by the State Librarian through administrative rules. Unlike private sector

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business, the ISL cannot conduct any activity unless authorized by the GA. Clearly, resource sharing figures prominently into the enabling legislation of the State Library Act:

Purposes of the State Library. The Illinois State Library shall:

Promote and develop a cooperative library network operating regionally or statewide for providing effective coordination of the library resources of public, academic, school, and special libraries.

How does the ILL Code figure into the IAC?

The ILL Code is incorporated as an Exhibit in Secretary of State (SOS) rules (23 Ill. Adm. Code 3030.Exhibit A); it is, therefore, the responsibility of the SOS and the ISL to administer the ILL Code. Changing the IAC is a process prescribed by statute (see 5 ILCS 100) and overseen by the Joint Committee on Administrative Rules.

Library Systems

Because system membership is required in order to be eligible for grants and services, the body of law surrounding State grant programs rests in the Illinois Library System Act. Libraries not meeting the minimum membership criteria established in 23 Ill. Adm. Code 3030 cannot receive library system or ISL services and/or funds such as delivery, grants or library system membership. Beginning in January 2013, the ISL began an online certification process to ensure library system members in Illinois meet the minimum criteria prescribed in 23 Ill. Adm. Code 3030.

Funding for the library systems is predicated on all libraries acting toward a single goal of providing resources to Illinois residents. Grant programs from the SOS have the goal of promoting statewide library cooperation. The prominence of resource sharing as the purpose and reason for the library systems is established in the very first paragraph of the System Act:

Because the State has a financial responsibility in promoting public education, and because the public library is a vital agency serving all levels of the educational process, it is hereby declared to be the policy of the State to encourage the improvement of free public libraries and to encourage cooperation among all types of libraries in promoting the sharing of library resources. In keeping with this policy, provision is hereby made

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for a program of State grants designed to establish, develop and operate a network of library systems covering the entire State.

Note: The first Interlibrary Loan Code for Illinois was written in 1971. It was revised in 1988, 1993, 2000, 2008 and 2014.

ILLINET Interlibrary Loan Code

The ILL Code, approved by the ISL Advisory Committee, endorsed by the Illinois Library Systems, and adopted by the ISL governs interlibrary loan policy within ILLINET. The ILL Code is based on the most current American Library Association (ALA) Interlibrary Loan Code for the United States.

Through 15 ILCS 320/7(f) and 23 Ill. Adm. Code 3030.215(e), the ISL administers, Illinois library systems monitor and enforce, and ILLINET member libraries abide by the ILL Code.

I. Definition

Interlibrary loan is the process by which a library requests material from, or supplies material to, another library. Whether initiated by library staff or patron, the purpose of interlibrary loan is to obtain, upon request of a library patron, material not available in the patron's local library. The terms "requesting library" and "supplying library" are used in preference to "borrowing library" and "lending library" to cover the exchange of copies as well as loans. Circulation of materials between a central library and its branches or within a school district is not considered interlibrary loan.

II. Scope

1. The ILL Code governs interlibrary loan among ILLINET member libraries.
2. Any type of library material needed by an individual for any purpose, including but not limited to study, instruction, information, recreation or research, may be requested from another library.
3. Any materials, regardless of format, may be requested from another library. The supplying library determines whether the material can be provided.

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4. Interlibrary loan outside of ILLINET, governed by national, international or other applicable interlibrary loan codes, is not within the scope of this document.
5. Reciprocal borrowing is not within the scope of this document.

III. Ethics and Responsibilities of ILLINET Member Libraries

1. Interlibrary loan is a mutual relationship, and libraries are strongly encouraged to supply materials as freely as they request materials.
2. Each library shall develop collections in response to local needs. Interlibrary loan is an adjunct to, not a substitute for, collection development in individual libraries.
3. To expedite State and nationwide resource-sharing initiatives, every ILLINET member library shall strive to enter and maintain its collection and holdings in a regional, statewide and/or national bibliographic database.
4. Each library shall offer and promote the availability of interlibrary loan service to its patrons.
5. Personnel responsible for interlibrary loan in each library shall be familiar with relevant interlibrary loan documents and aids, including interlibrary loan codes and procedures, bibliographic tools, and services.
6. Libraries shall comply with current Copyright Law (17 USC) governing both print and digital resources.
7. Each library shall ensure the confidentiality of the patron (see the Library Records Confidentiality Act [75 ILCS 70]).
8. Each library shall annually review and update its profile in the Resource Sharing Directory in Library Learning (L2) and, if applicable, the Online Computer Library Center (OCLC) Interlibrary Loan Policies Directory.

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9. Each library shall have its borrowing policy readily available.
10. Each library shall clearly identify its materials with a current ownership mark.
11. Each library shall collect and annually submit its interlibrary loan statistics to the ISL.

IV. Rights and Responsibilities of the Requesting Library

1. The requesting library shall be responsible for compliance with the Copyright Law and its accompanying guidelines, and shall inform its patrons of the applicable portions of the law. An indication of copyright compliance shall be provided with all requests for photocopies.
2. The requesting library shall be responsible for identifying libraries that own the requested material. The requesting library shall be responsible for checking the policies of potential suppliers for restrictions, special instructions and information on fees prior to sending a request.
3. The requesting library shall avoid repeatedly sending the majority of its requests to a few selected libraries. However, each library has the right to determine the best source for the requested material.
4. Requested items shall be cited completely and accurately. The requesting library shall transmit all interlibrary loan requests in standard bibliographic format in accordance with the protocols of the electronic network or transmission system used. In the absence of an electronically generated form, the elements of the ALA Interlibrary Loan Request Form shall be used.
5. The requesting library shall indicate on the request when items cannot be verified and/or located, using "cannot verify" or "cannot locate". The source of reference shall also be indicated on the request.
6. The requesting library shall honor the supplying library's conditions of loan, including observation of dates and duration of loans, recall notices, fees (if

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applicable), In-library Use Only and other special handling provisions. The requesting library shall convey these conditions to library patrons.

7. The requesting library shall be responsible for borrowed materials from the time the materials leave the supplying library until they have been returned to the supplying library. If damage or loss occurs, the requesting library shall be responsible for compensation, in accordance with the policy of the supplying library.
8. The requesting library shall be responsible for all fees authorized by section VIII (Fees) imposed by the supplying library. The requesting library shall be responsible for timely processing of payments related to the interlibrary loan transaction.
9. The requesting library assumes full responsibility for patron initiated transactions.

V. Rights and Responsibilities of the Supplying Library

1. Libraries are strongly encouraged to implement generous interlibrary loan lending policies with due consideration for the needs of their primary clientele.
2. The supplying library shall respond to all interlibrary loan requests within one working day (preferred), but no longer than three working days, after receipt.
3. The supplying library may return a request unfilled when bibliographic data and location are incomplete.
4. The supplying library shall send a copy of the request or sufficient information to identify the request, along with any materials provided.
5. The supplying library shall notify the requesting library of dates and duration of loans for the materials, renewal policies, and In-library Use Only restrictions.
6. The supplying library has the right to recall its material at any time.

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7. The supplying library shall send any invoices for charges incurred within one year after the due date of the item.

VI. Rights and Responsibilities of the Library System

The library system shall:

1. Maintain a current resource sharing policy that encourages cooperation among all types of libraries in promoting the sharing of library resources via a variety of service methodologies, including interlibrary loan, and is compliant with current Illinois library law and administrative rules.
2. Employ library system staff to consult with member libraries about offering, promoting and improving local interlibrary loan service.
3. Foster interlibrary loan partnerships and collaboration at the local, regional, systemwide and statewide levels.
4. Offer, on a recurring schedule, interlibrary loan continuing education and training opportunities that meet member libraries' needs.
5. Facilitate access to current interlibrary loan information and resources via the library system's website.
6. Ensure member libraries are compliant with the annual submission of the ISL's ILLINET Interlibrary Loan and Reciprocal Borrowing Survey, a tool that collects interlibrary loan statistics.
7. Provide efficient and effective delivery service methodologies that ensure timely receipt of materials to meet patrons' needs.
8. Monitor member libraries interlibrary loan service to ensure adherence to and compliance with the ILL Code.
9. Serve as the mediator, as prescribed by the ILL Code (Section XI), to resolve perceived violations of the ILL Code.

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VII. Rush and Urgent Requests

1. "Rush" service requests are those in which the requesting library designates the request to be "Rush" and requires the item to be processed and sent within 24 hours/one working day.
2. "Urgent" service requests are those in which the requesting library designates the request to be "Urgent" and requires the item to be processed and received in fewer than 24 hours/one working day.
3. Requesting libraries that need "Rush" or "Urgent" service requests shall contact the supplying library directly to negotiate conditions and fees.
4. An ILLINET member library may, by policy or on a case-by-case basis, choose not to offer "Rush" or "Urgent" service.
5. An ILLINET member library shall make its "Rush" or "Urgent" policies available upon request.

VIII. Fees

1. It is not allowable for either the requesting library or the supplying library to charge (the library or the patron) for ILLINET resource sharing transactions of returnable items, except as outlined in this section.
2. Libraries may assess fees (library or patron) for the provision of Rush or Urgent requests, as outlined in Section VII.
3. ILLINET member libraries are encouraged to absorb the cost of providing photocopies.
4. If a library chooses not to use the Library System Delivery service or the Illinois Library Delivery Service, the library shall negotiate alternate shipping conditions with the requesting/supplying library prior to shipment of the item.

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5. Libraries shall not assess overdue fines to other libraries.
6. If damage or loss occurs, the requesting library is responsible for compensation in accordance with the policy of the supplying library.

IX. Delivery

1. Primary shipping and transmission:
 - a. Returnables: Every ILLINET member library shall use either the library system delivery service or the ILDS as their primary shipping service for "returnables" within Illinois.
 - b. Non-returnables: Every ILLINET member library shall transmit non-returnable items electronically; however, they shall use alternative options when electronic transmission capabilities are impractical or unavailable.
2. Every ILLINET member library, using either the Library System Delivery service or the ILDS, shall comply with the USPS Private Express Statutes (39 CFR 310.3(a)) and the Letters Carried out of the Mail (39 USC 601(a)). Refer also to the Secretary of State's memorandum "Delivery of Library Materials", November 27, 2012, as the guidelines for determining delivery compliance.
3. Materials shall be packaged to prevent damage or loss in shipment. The supplying library shall notify the requesting library of any special packaging and shipping requirements. The requesting library shall comply with the requirements as stipulated.
4. If the supplying or requesting library chooses not to ship materials via the library system delivery service or ILDS, the libraries shall negotiate alternate shipping methods and conditions prior to shipment of the item.

X. Cooperative Agreements

1. ILLINET member libraries shall comply with the ILL Code.

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2. ILLINET member libraries may enter into mutually beneficial cooperative agreements in order to meet the needs of their primary clientele. These agreements do not supersede the ILL Code, except as prescribed in subsection 3 of this section.
3. Interlibrary loan periods established by ILLINET member libraries through a cooperative agreement are permissible but only apply to those ILLINET member libraries covered under the agreement.

XI. Violation of the ILL Code

1. When violations of the ILL Code initially occur, these procedures shall be followed:
 - a. Library A shall inform Library B about the violations and Library B's failure to comply with the ILL Code.
 - b. Library B is responsible for responding to all notifications on a timely basis and working towards resolution.
 - c. Both Library A and Library B shall document all exchanges.
2. Library A may suspend the interlibrary loan privileges of Library B if Library B fails to correct violations of the ILL Code after having been informed of the violations.
 - a. Such action requires written notification by Library A to Library B, specifying the violations, the terms and duration of the suspension, and a course of action in compliance with the ILL Code that would restore borrowing privileges. A copy of all documentation shall be sent to the library systems of both libraries.
 - b. Library A is responsible for reviewing ongoing circumstances and evaluating reinstatement of Library B's suspended interlibrary loan privileges. Reviews shall be completed on a quarterly basis.

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- c. Library A shall provide written notification of the review and the ensuing decision to Library B and the library systems of both libraries.
- 3. If violations of the ILL Code continue, the following procedures shall be followed:
 - a. Either Library A or Library B shall request that its library system serve as mediator. The request shall be in writing and sent to the libraries and to the library systems involved.
 - b. The library system acting as mediator shall document:
 - i. The continued ILL Code violations, with copies sent to all libraries and library systems involved.
 - ii. Its role as mediator of the complaint, with copies sent to all libraries and library systems involved.
 - iii. Its negotiation efforts and the results of these efforts, with copies sent to all libraries and library systems involved.
 - c. Ineffective negotiations and continued disregard of the provisions of the ILL Code shall result in the initiation of the suspension process from library system membership (23 Ill. Adm. Code 3030.205).
 - d. The ISL shall act on the recommendation of the library system recommending suspension of system membership.
 - e. Library systems may initiate resolutions of the ILL Code violations independent of notification from member libraries.

GLOSSARY

ALA Interlibrary Loan Request Form — A form published by ALA and the National Information Standards Organization and used by a library to request an interlibrary loan from another library.

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Borrowing Library — See Requesting Library.

Borrowing Privileges — The ability of a patron with a valid library card to check out (borrow) items from a library.

CARLI — Consortium of Academic and Research Libraries in Illinois.

CCG (Copyright Clearinghouse Guidelines) — The requesting library's indication on a photocopy request that the request conforms to the CONTU "Guidelines for the Proviso of Subsection 108(g)(2)". Compliance means that the library does not subscribe to the journal and publication date of article is within the last five years. Only five copies per journal title in a year before payment of the copyright fee is required; only 1 article per issue per patron. See also CONTU Guidelines.

CCL (Copyright Clearinghouse Legislation) — The requesting library's indication on a photocopy request that the request conforms to the U.S. Copyright Law (17 USC). Compliance means that the library subscribes to the journal or publication date of the article is more than five years old. No limit on the number of copies requested. The library is still subject to subsection 108(g)(2) of the copyright law that prohibits systematic photocopying of copyrighted materials in such aggregate quantities as to substitute for purchase of or subscription to the magazine.

Collection Development — The process of planning, selecting, weeding and building of resources in all formats needed by a library's community of patrons. This process is based on the individual library's collection development policy. Sometimes this is referred to as collection management.

Consortial Interlibrary Loan — ILL within a consortial shared catalog is facilitated by the library automation system software that authenticates patrons and ILL requests.

Consortium — A group of libraries formally organized to promote common interests and achieve common goals, of which interlibrary loan and resource sharing activities are typical examples.

CONTU Guidelines — The "Guidelines for the Proviso of Subsection 108(g)(2)", known as the CONTU Guidelines, were developed by the National Commission on New Technological Uses of Copyrighted Works to assist librarians and copyright proprietors in understanding the amount

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of photocopying/reproducing for use in interlibrary loan arrangements permitted under the copyright law. See CCG.

Cooperative Agreement — A binding agreement between two or more parties.

Copyright Compliance — The requesting library is responsible for making certain that the interlibrary loan request conforms to the copyright law or the accompanying guidelines. A supplying library may choose to not process a request for a non-returnable item request if an indication of copyright compliance is not included. See CCG and CCL.

Copyright Law — The United States copyright law is contained in chapters 1 through 8 and 10 through 12 of title 17 of the United States Code. The Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976, as PL 94-553. Copyright law is intended to bring about a balance between the rights of creators and owners of copyrighted works and the needs of patrons of those works. Copyright law limits what may be copied, sold and distributed with and without the consent of the copyright owner. The rights of owners are enumerated in section 106, and the limitations on the owner's rights are listed in sections 107-118.

Date Due — Either the year, month and day by which the patron shall return the loaned item to the requesting library, or the period of time the item may remain with the requesting library, disregarding the time spent in transit.

Direct Borrowing — Direct borrowing implies an unmediated (library staff not involved in the process) patron-initiated request.

Fair Use — Fair use, described in section 107 of the U.S. Copyright Law, permits limited uses of copyrighted works by individuals who do not own the copyright to the work. The four criteria used to determine fair use are: the purpose of the use; the nature of the copyrighted work; the amount of the work used; and the effect of the use on the potential market.

FAX — Electronic transmission of text or graphics using telephone lines.

Fee — A charge for services. This includes, but is not limited to, shipping and handling charges, charges for damage to items, and replacement and/or processing charges for lost items.

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Fine — A charge to the patron for late return of a borrowed item.

ILDS (Illinois Library Delivery Service) — The statewide vehicular delivery service, funded by the Illinois State Library, that provides delivery each week to library system headquarters and designated facilities, eligible academic members and the Illinois State Library in order to facilitate the rapid delivery of books and other library materials throughout the State.

ILLINET — The Illinois Library and Information Network, which consists of the library systems, their full member libraries and the Illinois State Library.

ILLINET Member Library — A library that is a full member of a library system.

Illinois Library Laws & Rules — Laws and administrative rules relevant to libraries in Illinois, compiled and published biennially by the Illinois Library Association and updated on the Illinois General Assembly website <http://www.ilga.gov/>.

In-Library Use Only — Materials designated by the supplying library as "in-library use only" shall be used only within the requesting library. These items may not be removed from the library.

Interlibrary Loan — The process by which a library requests material from, or supplies material to, another library. Whether initiated by library staff or patron, the purpose of interlibrary loan is to obtain, upon request of a library patron, material not available in the patron's local library. Circulation of materials between a central library and its branches or within a school district is not considered interlibrary loan.

Interlibrary Loan Transaction — The complete process of an interlibrary loan that includes all steps from the initial request by the requesting library (or requesting library patron) through the receipt of the item by the supplying library. For non-returnables, the transaction includes all steps from the initial request through receipt by the patron.

Intralibrary Loan — The circulation of materials between a central library and its branches or between buildings within a school district.

Lending Library — See Supplying Library.

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Library Bill of Rights — A declaration developed and available from the ALA that outlines library responsibilities and patrons' rights to library services.

Library Records Confidentiality Act [75 ILCS 70] — Provides legal guaranties of patron confidentiality of circulation of library materials. Circulation records shall not be made available to anyone except by a court order in a criminal proceeding.

Library Learning (L2) — The online membership directory for ILLINET member libraries, which includes a staff directory and a resource sharing directory. L2 is home to a statewide calendar and registration service for meetings and other continuing education events in the State.

Library System Delivery — Dedicated delivery systems operated by the individual library systems for their members. Systems may operate the delivery service or may subcontract for it.

Local Library System Automation Program — An integrated library system open to membership by full library system members of all types developed by or receiving financial or in kind support from a library system.

Multitype Library System — Meets the requirements of 75 ILCS 10/2(1), serving a minimum of 150,000 inhabitants or an area of not less than 4,000 square miles and serving a minimum of 10 or more public libraries, elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

National Information Standards Organization (NISO) — Organization credited by the American National Standards Institute. NISO is "where content publishers, libraries, and software developers turn for information industry standards that allow them to work together. Through NISO, all of these communities are able to collaborate on mutually accepted standards". ANSI/NISO Z39.83 is the standard for NISO Circulation Information Protocol (NCIP).

Non-returnables — Materials that the supplying library does not expect to have returned.

Patron — Individual who initiates an interlibrary loan request. Other synonymous terms include client, customer, end patron and library patron.

Primary Clientele — A library's patron group, defined locally by each library and as described in the library's mission statement, e.g., taxpayers, students and faculty, or local community.

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Public Library System — A public library that serves a city of over 500,000 population and is established as a public library system under the Illinois Library System Act.

Reciprocal Access — How the resources of all full member libraries of a library system are made available to all patrons within the system area. Reciprocal access benefits should be imposed equally among all reciprocal access patrons and can include information passports, interlibrary loans, photocopy service, reference service, use of library materials on site, courtesy cards and other services. The library governing authority may approve reasonable restrictions related to computer access, library programs and meeting room use.

Requesting Library — The library that initiates an interlibrary loan request on behalf of a patron or permits direct borrowing.

Resource Sharing — Making the collections of one library available to the patrons of another library efficiently and effectively. Resource sharing encompasses the technical capabilities, staff expertise and policies necessary to achieve that objective. Resource sharing incorporates activities related to automated discovery tools (including bibliographic library databases), collection management, bibliographic description, delivery, interlibrary loan, reciprocal access and reciprocal borrowing. Resource sharing is a core system service.

Returnables — Materials that the supplying library expects to have returned.

Rush — A designation by the requesting library that requires the item to be processed and sent in less than 24 hours.

Special Handling Provisions — Conditions for loaning designated by the supplying library such as in-library use only, restrictions on copying, special packaging, or other unique requirements.

Supplying Library — The library that fills an interlibrary loan request by either loaning the item or supplying a copy of the item.

Suspended Library — A library whose system membership is terminated by the library system board with concurrence by the State Librarian.

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U.S. Code — The United States Code or USC; in the context of this document, the Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code.

Urgent — A designation by the requesting library that requires the item to be processed and received in less than 24 hours.

User-initiated Transaction — See Direct Borrowing.

Verification — The process by which a library determines the accuracy of information.

Working Days — Days on which the library is open for service.