

LIBRARY OF RHODE ISLAND STANDARDS AND REGULATIONS 220-RICR-60-15-03

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Department of Administration

DIVISION: Enterprise Technology Systems and Strategy

SUBDIVISION: Office of Library and Information Services

RULE IDENTIFIER: 220-RICR-60-15-03

RULE TITLE: Library of Rhode Island Standards and Regulations

REASON FOR RULEMAKING: To administer a program of statewide resource sharing and interlibrary cooperation.

RULEMAKING ACTION: Proposed Amendment

TESTIMONY AND COMMENTS: See attached "Summary of Public Comments" document.

AUTHORITY FOR THIS RULEMAKING:

R.I. Gen. Laws §§ 29-3.1-4.1, 29-3.1-7 and 29-6-9

SUMMARY OF RULEMAKING ACTION:

R.I. Gen. Laws § 29-6-9 charges the Office of Library and Information Services to administer and develop a program of statewide resource sharing and interlibrary cooperation. The regulatory change will clarify and more clearly articulate requirements for libraries to participate in the Library of Rhode Island (LORI), a network that provides qualified libraries with a system to share materials with other LORI libraries for the benefit of Rhode Island residents.

List of Changes to Regulatory Status Quo

- Added definitions for librarian, library types, and library director that specify criteria for these terms.
- § 3.3(A) Clarifies legal requirements, adding specific statutory requirements.
- § 3.3(B) Clarifies by quantifying how libraries must be staffed.
- § 3.3(D) Clarifies by quantifying the minimum number of hours that libraries must be staffed and open to their clientele.
- § 3.3(I) Simplifies the assignment of LORI responsibilities that must be carried out by library staff.

- 3.5(B) Specifies the procedure for a library to report another library's alleged failure to comply with the Regulations.

REGULATORY ANALYSIS: In the development of the proposed adoption, consideration was given to (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; (3) significant economic impact on small business. No alternative approach, duplication or overlap was identified based upon available information.

LIBRARY OF RHODE ISLAND STANDARDS AND REGULATIONS 220-RICR-60-15-03
PUBLIC COMMENTS

1. **COMMENT:**

October 7, 2019 1:11 PM

I clicked on the Sec of state and there it says which changes but not what.

How do we see the before and after?

Thank you

Roberta Stevens

Director of the School and Monastery Libraries

Portsmouth Abbey School

RESPONSE:

The links to the proposed regulations and the current regulations were sent to Ms. Stevens.

FOLLOW-UP COMMENT

Mon 10/7/2019 1:47 PM

Karen,

Thank you.

I am grateful an have read it. I will keep it on file for my Headmaster.

Roberta

Roberta Stevens

Director of the School and Monastery Libraries

Portsmouth Abbey School

2. **COMMENT:**

10/7/2019 2:26 PM

Looks great, Donna!! Thanks for all of your hard work!!

Jana L. Stevenson

Deputy Director, Warwick Public Library

RESPONSE:

None

3. **COMMENT:**

Sat 10/12/2019 9:58 AM

I only have one comment about the proposed LORI changes.

I think that narrowly defining "librarian" raises more problems than it solves. Unless I'm misreading/interpreting/understanding, it forces libraries to hire MLIS-credentialed professionals for any position which requires, by regulation, a librarian. Although that's a nice sentiment and one which I try to support wherever possible, I can imagine situations where it is not feasible.

For example, consider the requirement in 2-3-12 that population 20,000+ libraries must employ 1 FTE of a Children's Librarian and 1/2 FTE of a Young Adult Librarian. I am inferring that a "Librarian" is required here because the row/category states (Professional Librarian). This means that, to satisfy the requirement, a library must hire an MLIS-credentialed 1/2 YA librarian. This seems onerous to me. Libraries will probably have to hire a full timer for that because I'd imagine it will be difficult to hire a 1/2 time librarian. And, furthermore, a librarian may not be the appropriate hire for that position; an educator may be a better fit for a position than a librarian.

I'm not convinced that a state regulation should mandate the kinds of librarians we should be hiring, and this only boxes us in further.

Michael Carlozzi
Library Director
East Providence Public Library

RESPONSE:

The comments above were in reference to Minimum Standards and Regulations for Rhode Island Public Libraries (220-RICR-60-15-02). Only the Library of Rhode Island Standards and Regulations was noticed for public comment. The Minimum Standards and Regulations for Rhode Island Public Libraries (220-RICR-60-15-02) was not noticed for public comment.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ADMINISTRATION

Title of Rule: Library of Rhode Island Standards and Regulations (220-RICR-60-15-03)

Rule Identifier: 220-RICR-60-15-3

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/01/2019

Hearing Date: 10/16/2019

End of Public Comment: 10/31/2019

Authority for this Rulemaking:

R.I. Gen. Laws § 29-3.1-4.1, 29-3.1-7 and 29-6-9

Summary of Rulemaking Action:

R.I. Gen. Laws § 29-6-9 charges the Office of Library and Information Services to administer and develop a program of statewide resource sharing and interlibrary cooperation. The regulatory change will clarify and more clearly articulate requirements for libraries to participate in the Library of Rhode Island (LORI), a network that provides qualified libraries with a system to share materials with other LORI libraries for the benefit of Rhode Island residents.

List of Changes to Regulatory Status Quo

- Added definitions for librarian, library types, and library director that specify criteria for these terms.
- 3.3A. Clarifies legal requirements, adding specific statutory requirements.
- 3.3 B. Clarifies by quantifying how libraries must be staffed.
- 3.3 D. Clarifies by quantifying the minimum number of hours that libraries must be staffed and open to their clientele.
- 3.3 I. Simplifies the assignment of LORI responsibilities that must be carried out by library staff.
- 3.5 B. Specifies the procedure for a library to report another library's alleged failure to comply with the Regulations.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until October 31, 2019 by contacting the appropriate party at the address listed below:

Karen Mellor
Department of Administration
Department of Administration, Office of Library and Information Services
One Capitol Hill 2nd Floor
Providence, RI 02908
karen.mellor@olis.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 16, 2019 at 9:30 am at Department of Administration, One Capitol Hill, Conference Room 2C, Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-1183 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment, consideration was given to (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; (3) significant economic impact on small business. No alternative approach, duplication or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.

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220-RICR-60-15-03

TITLE 220 — DEPARTMENT OF ADMINISTRATION

CHAPTER 60 — ENTERPRISE TECHNOLOGY STRATEGY AND SERVICE

SUBCHAPTER 15 — LIBRARY AND INFORMATION SERVICES

~~PART 03 — Library of Rhode Island Standards and Regulations~~ LIBRARY OF RHODE ISLAND STANDARDS AND REGULATIONS

3.1 Authority and Purpose

A. Authority

1. Pursuant to R.I. Gen. Laws § 29-6-9, establishing the Rhode Island Library network, in order to provide each individual in Rhode Island with equal opportunity of access to resources that will satisfy their and society's information needs and interests, the Office of Library and Information Services (OLIS) is hereby authorized to establish a Rhode Island Library network, hereafter referred to as the Library of Rhode Island network (LORI), to be administered by the Office of Library and Information Services for the purpose of maintaining, promoting, and developing a program of statewide resource sharing and interlibrary cooperation.
2. Pursuant to R.I. Gen. Laws §§ 29-3.1-4.1(b)(3) and 29-3.1-4.1(b)(7)(ii), the Library Board of Rhode Island is authorized to approve, adopt and require enforcement of standards and regulations for public library development and other purposes.
3. The Library Board of Rhode Island will review the Library of Rhode Island Standards and Regulations no more than five (5) years after they are filed. At that time the Library Board of Rhode Island will determine the need for revision of the existing Standards and Regulations or the need for new ones.

B. Purpose

1. Based on the above authority the Library Board of Rhode Island last adopted LORI Standards in 2003. The purpose of the regulation is to provide Rhode Island residents with equal opportunity of access to library resources for their information and learning needs through a statewide program of resource sharing via interlibrary loan. Any public library, academic library, or school library, as well as state agency libraries, state institutions with libraries, or any other special libraries, may apply to participate in the program, known as the Library of Rhode Island (LORI).

2. The Library Board of Rhode Island and Chief of Library Services now propose to develop a new set of LORI Standards consistent with current practices and national standards for resource sharing. In order to be eligible for library delivery and other resource sharing services, Rhode Island libraries must be members of LORI and meet all requirements of these regulations.
3. To become and remain a member of LORI, a library must meet all of the Library of Rhode Island Standards and Regulations.
4. Rhode Island libraries must be members of the LORI in good standing in order to be eligible for OLIS LORI Delivery and other resource sharing services supported by OLIS.

3.2 Definitions

- A. "Academic library" means a library that is part of a public or private higher education institution.
- AB. "Business dayshours" means days hours on which the library is open for service to clientele, excluding Saturdays, Sundays or holidays.
- C. "Collection" means the materials in all formats that the library owns or to which it provides access, through either purchase or lease.
- D. "Collection development" means the ongoing, systematic process of assessing need, selecting materials, eliminating outdated materials, and building and maintaining a library collection in response to institutional priorities and community or user needs and interests.
- BE. "Clientele" means patrons registered with or served by a particular library and who have all privileges that are associated with such registration or affiliation, or, in the case of a school library, the students enrolled at that school and the faculty or staff engaged in teaching those students.
- F. "FTE" means a full time equivalent equal to a person who works a minimum of thirty-five (35) hours per week and may be composed of more than one person's time.
- GG. "Interlibrary loan" means a service whereby a patron of a LORI library can borrow materials or receive copies of documents that are owned by another LORI library.
- H. "Librarian" means an individual who holds a master's degree in library and information science from a graduate school accredited by the American Library Association (ALA), or a master's degree from a program at an institution in another country whose formal accreditation process is recognized by ALA, or a master's degree program recognized by an official division of ALA.

- I. "Library" means a permanent, dedicated space that includes an organized collection of materials, technology, reader and study/research spaces, paid staff to provide services and an established schedule in which services of the staff are available.
- J. "Library director" means a librarian who is responsible for all library operations.
- DK. "Library of Rhode Island" or ("LORI") means a multi-type statewide library network administered by the Office of Library and Information Services to foster and facilitate collaboration among member libraries.
- EL. "Loan period" means the circulation period for loaned materials, inclusive of transit time.
- F. ~~"LORI Liaison" means the library staff member appointed by the library director to serve as the primary resource sharing contact between the library and OLIS.~~
- GM. "OLIS-LORI Delivery" means the interlibrary delivery service which transports materials between LORI member libraries. This contracted service is managed by the Office of Library and Information Services (OLIS) and paid for by the State of Rhode Island.
- N. "Population" means the population of the city/town (or combined cities/towns) according to the most recent census.
- O. "Public library" means a library established under R.I. Gen. Laws Chapter 29-4 to serve a community or municipality and is supported in whole or in part with public funds.
- HP. "Requesting library" means the library which originates an interlibrary loan request.
- Q. "School library" means a library that is part of a public, charter, or private school serving students in kindergarten through grade 12.
- R. "Special library" means a library that provides specialized information resources on a particular subject, serves a specialized or limited clientele, or supports the mission of its funding organization with collections and services that are targeted and specific to the needs of that organization.
- IS. "Supplying library" means the owner of materials supplied to the requesting library.

3.3 Library of Rhode Island (LORI) Standards and Regulations

- A. The library operates according to relevant federal, state and local laws. Public libraries shall meet the requirements of R.I. Gen. Laws § 29-6-3 and institutional libraries shall meet the requirements of R.I. Gen. Laws § 29-6-8.

B. ~~The library has qualified paid staff to manage the collection and provide access to it, with a minimum of one professional librarian who holds a master's degree in library and information science from a graduate school accredited by the American Library Association. The library is staffed by a librarian or librarians who develop and manage the collection, provide access to the collection for the institution's clientele during business hours, and manage interlibrary loan functions as follows:~~

1. Public libraries serving cities or towns with a population under 10,000 must have the librarian(s) assigned these duties present one-half of the time during business hours;
2. Public libraries serving cities or towns with a population of 10,000 to 19,999 must have a one-half FTE librarian assigned these duties;
3. Public libraries serving cities or towns with a population of 20,000 and higher must have one FTE librarian and additional trained staff per Minimum Standards and Regulations for Rhode Island Public Libraries, Part 2 of this Subchapter. (-);
4. School libraries must be staffed and maintained by a librarian who executes or oversees these duties during business hours;
5. Academic libraries must have a one-half FTE librarian and additional trained staff assigned these duties during business hours;
6. Special libraries must be staffed and maintained by one FTE librarian who executes or oversees these duties during business hours.

C. The library has written policy or policies which are approved by the library's governing body and address library to library relationships in the following areas:

1. An interlibrary loan policy that complies with the LORI Interlibrary Loan Code and adheres to that code consistently and without discrimination and which provides justification for what materials will not be loaned to those outside of the library's clientele. This policy cannot be in conflict with the LORI Interlibrary Loan Code.
2. A service policy which defines the library's clientele and their access to the library's collections and services.
3. To satisfy policy requirements a library may refer to its consortium's policy, or policies, as long as those policies comply with the LORI Interlibrary Loan Code.
4. The library ~~will~~ must make these policies publicly available to other LORI libraries online.

D. The library has consistent hours of service.

1. Public libraries must be open in accordance with the Minimum Standards and Regulations for Rhode Island Public Libraries Part 2 of this Subchapter(220-RIGR-60-15-02);

2. School libraries must be open to their clientele as a library and staffed by a librarian no less than one half of the time during the average school week;

3. Academic libraries must be open to their clientele as a library and staffed by a librarian no less than 35 hours per week;

4. Special libraries must be open to their clientele as a library and staffed by a librarian no less than 21 hours per week.

E. The library has a public web presence on which it posts its contact information, hours of service, and its interlibrary loan and service policies. If the library is not open to the public, the policy should be stated on the website.

F. The library has its bibliographic holdings online in a standard library format.

G. The library ~~will~~does not charge usage fees to other LORI libraries for reference services and the loan of library materials.

H. Personnel responsible for interlibrary loan in each library will be familiar with LORI Standards, the LORI Interlibrary Loan Code, and other relevant interlibrary loan codes, policies and procedures.

I. ~~Each LORI~~The library director is responsible for or will designate paid staff to execute the following tasks:~~member(s) to serve in the following roles: LORI-Liaison, Interlibrary Loan Contact and Delivery Contact. A single qualified staff member may be assigned more than one role.~~

1. ~~The LORI Liaison's responsibilities are to:~~

1. Serve as the primary resource sharing contact between the library and OLIS;

2. Oversee all LORI operations in the library;

3. Inform OLIS of any library operations that may affect or interrupt interlibrary loan or delivery services;

4. Inform OLIS of personnel changes that may affect interlibrary loan or delivery services~~in the positions of LORI Liaison, Interlibrary Loan Contact and Delivery Contact;~~

5. Keep apprised of resource sharing information distributed by OLIS through the ~~LORI-OLIS~~ website, and email or listservs, and communicate such information to appropriate library staff;
6. ~~Report annually to OLIS the statistical information requested in LORI Certification; and ensure that an accurate and timely OLIS- LORI Delivery Items Count is carried out by the library at the request of OLIS and more often as required. Complete surveys and respond to information requests from OLIS in an accurate and timely manner; surveys include the annual LORI Certification; the biannual OLIS-LORI Delivery Items Count; and, as applicable, the annual School Library Survey.~~
2. ~~The Interlibrary Loan Contact's responsibilities are to:~~
 - a7. Ensure that all resource sharing activities are completed in a timely manner and that the library follows all OLIS procedures for the preparation of materials for delivery and use of OLIS-LORI delivery bins;
 8. Report all instances of damage or vendor-related incidents to OLIS within 48 hours;
 - b9. Communicate with other LORI libraries in matters relevant to resource sharing; and
 - e10. Follow ~~all local and~~ LORI Interlibrary Loan procedures and the LORI Interlibrary Loan Code.
3. ~~The Delivery Contact's responsibilities are to:~~
 - a. ~~Conduct OLIS-LORI Delivery Item Counts when scheduled by OLIS;~~
 - b. ~~Ensure that the library follows all OLIS procedures for the preparation of materials for delivery and use of OLIS-LORI Delivery bins; and~~
 - c. ~~Report instances of damage or vendor-related incidents.~~
- J. ~~LORI Libraries will complete the LORI Certification every year as administered by OLIS.~~

3.4 LORI Interlibrary Loan Code

A. Introduction

1. Interlibrary loan is a service whereby a patron of one library can borrow materials or receive copies of documents that are owned by another library. Interlibrary loan service is essential to the vitality of libraries of all

types and sizes as a means of greatly expanding the range of materials available to patrons. Sharing between all libraries is in the public interest and should be encouraged. Library of Rhode Island (LORI) members should make their interlibrary loan policies as liberal and as easy to apply as possible. Interlibrary loan should serve as an adjunct to and not a substitute for collection development.

2. ~~Although aiming primarily to define interlibrary loan within LORI, the LORI Interlibrary Loan Code is designed to mesh with protocols and agreements in effect in the United States. Accordingly, this Code follows, whenever possible, the precedents of the Interlibrary Loan Code for the United States (as adopted by ALA in 1994, revised 2001). In the spirit of that document, this code acknowledges that interlibrary loan should serve as an adjunct to and not a substitute for collection development.~~

B. Scope

1. Any type of library material, including digital content, may be requested on for loan or in copy form from another library in accordance with existing interlibrary loan procedures. The supplying library has the discretion of deciding in individual instances whether a specific item can be provided, and whether the original or a copy can be sent.
2. If a category of material (e.g., books, CDs, magazines, DVDs, journals) is generally available to library clientele, it must be made generally available by Interlibrary Loan. ~~In other words, an e~~Entire category categories of generally available material cannot be excluded from Interlibrary Loan availability specifically because of its format type. However, as noted in § 3.4(B)(1) of this Part, any individual item may be excluded from Interlibrary Loan availability based upon item-specific criteria.
3. The interlibrary lending of digital content is often constrained by vendor license agreements. The LORI Standards do not compel libraries to violate vendor agreements. However, when negotiating vendor agreements LORI libraries are ~~urged~~ encouraged to seek interlibrary loan privileges for digital or leased content.

C. Responsibilities of Requesting Libraries

1. Access to interlibrary loan does not relieve any library of the responsibility of developing its own collection. Each library will make every effort to provide the resources to meet the ~~usual~~ reasonable needs of its patrons.
2. Requested material should be described completely and accurately following accepted bibliographic practices.

3. The requesting library is responsible for borrowed materials from the time the material leaves the supplying library until it has been returned to and received by the supplying library.
4. If damage or loss occurs, the requesting library will provide compensation or replacement, in accordance with the preference of the supplying library.
5. Each library will exercise due diligence for the return or replacement of materials supplied through a patron initiated request.
6. For copy requests, each library will comply with the Copyrights Act, 17 U.S.C. and its accompanying guidelines.
7. Requesting libraries will honor the supplying library's loan period, including any deviations from the standard loan period, and enforce any use restrictions specified by the supplying library. The material should be returned to the supplying library at the end of the loan period.
8. A renewal request should be submitted prior to the end of the loan period. The supplying library will grant or deny the request within three business days. If the supplying library fails to respond, the loan period will be automatically extended.
9. Loaned material is subject to recall at any time.-

D. Responsibilities of Supplying Libraries

1. The supplying library will be as unrestrictive as possible with regard to its resource sharing policies and in a manner that is consistent with its service policy.
2. Supplying libraries will process requests within 3 business days.
3. Any conditions of the loan, including the loan period, restrictions on the use of the material, and special packaging or shipping requirements, will be provided by the supplying library.
4. When filling requests, the supplying library should send sufficient information with each item to identify the request to the requesting library.
5. The duration of loan is determined by the supplying library's policy with additional time allowed for transit. If not specified, the duration of loan is assumed to be six weeks inclusive of transit time.
6. If a requested item is in disrepair or damaged, the supplying library should include a condition note when sending the item.

E. Confidentiality

1. Interlibrary loan transactions are confidential.
2. Library staff are responsible for safeguarding confidentiality of patron information. Library staff must adhere to state laws regarding the confidentiality of information identifying individuals who borrow library materials, including R.I. Gen. Laws § 11-18-32.
3. Library staff should not publicly divulge the identity of the individual borrowing the material if a patron name is provided.
4. Library staff must maintain patron confidentiality when posting requests for assistance or using the text of interlibrary loan requests as procedural examples.
5. Each library must have a policy that follows all laws regarding retention of interlibrary loan records.

F. Fees

1. No library will charge another library an interlibrary loan transaction fee.
2. A supplying library will not charge a requesting library overdue fine.

3.5 Failure to Comply with LORI Standards and Regulations

- A. Failure to comply with LORI Standards at any time may result in suspension or termination of OLIS-LORI Delivery Services and suspension or termination of access to resource sharing services provided by OLIS.
- B. Any LORI library's perceived failure to comply with these Standards may be brought to the attention of the Chief of Library Services by the requesting or supplying library by completing the Report of Alleged Non-Compliance with LORI Standards.
- ~~C. No LORI library may suspend requesting privileges to another LORI library it considers to be in violation of the LORI Interlibrary Loan Code or LORI Standards without consulting OLIS.~~
- ~~DC. If it is determined that a library is not in compliance with any of the LORI Standards, the~~ The Chief of Library Services will investigate and render a written decision within six weeks of ~~that determination~~ the receipt of any complaint.
- ~~ED. If it is determined that a library is not in compliance with any of the LORI Standards, the~~ The ~~Library~~ may appeal the decision of the Chief of Library Services to the Library Board of Rhode Island by sending a letter of appeal to the Chair of the Library Board of Rhode Island with a copy to the Chief of Library Services. The letter must be sent within four (4) weeks of the decision.

- FE. The appeal is subject to will be heard the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, et seq., and shall be conducted in accordance with the Rules of Procedure for Administrative Hearings provided in 220-RICR-Subchapter 50-10-2 of this TitlePart 50-10-2 of this Title by the Library Board of Rhode Island at its regular meeting or within six (6) weeks of the appeal, whichever comes first.
- GE. Written response to the appeal will be sent to the library within two (2) weeks of the appeal hearing.
- G. No LORI library may suspend requesting privileges to another LORI library it considers to be in violation of the LORI Interlibrary Loan Code of LORI Standards without the express written permission of the Chief of Library Services.

3.6 ~~Effective date~~ Severability

- A. The forgoing standards and regulations, titled "Library of Rhode Island Standards and Regulations," after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days from filing, unless otherwise indicated below. In accordance with the provisions of R.I. Gen. Laws §29-6 through 9 and in accordance with R.I. Gen. Laws § 42-35, as amended. Once the rules take effect, they supersede any other rules that prescribe LORI Standards for Rhode Island Libraries. If any section, term, or provision of this regulation should be adjudged invalid for any reason, that judgment should not affect, impair, or invalidate any remaining section, term, or provision, which shall remain in full force and effect.