**Memorandum of Understanding for ConnectNY Members Participating in**

**The ConnectNY Shared Print Trust**

This understanding is by and between <institution name> and the ConnectNY library consortium as of the date of last signature on this document.

1. **Purpose and Description**
   1. The ConnectNY (CNY) Shared Print Trust (aka “the Trust”) is a program of CNY, a consortium of independent academic institutions in New York State. The mission of CNY is to share collections, leverage resources, and enhance services through cooperative initiatives and coordinated activities.
   2. The purpose of the CNY Shared Print Trust is to provide new options for sharing the costs and effort of long-term retention of library materials. This Memorandum of Understanding (MOU) provides a cooperative framework by which selected materials will be retained and made available by some Trust participants as long as the need for them exists, thereby allowing other CNY members to consider withdrawing duplicates of those items from their campus collections and to rely with confidence on access to and preservation of the Trust copies. Initially, the Trust is a distributed retrospective print repository in which participants agree to retain monographs in trust on behalf of the CNY membership.
   3. The cooperative framework of this MOU is based on:
      * 1. A “Last Copy Policy” (see 6. 2 below) to which all those who sign this MOU agree to comply, and
        2. A series of future projects involving specific types of materials (for example print journals, government documents, multi-volume reference sets etc). Signers of this MOU may choose to participate in future Trust projects or opt out of them.

As the Trust develops, CNY Executive Council will approve genre-specific “Trust Project Guidelines and Procedures”.

1. **Eligibility and participation**
   1. All current and future CNY “Member Institutions” are eligible to opt-in to become a “Trust Participant” in the CNY Shared Print Trust by signing this MOU. Opting to become a Trust Participant is not a requirement of CNY Member Institutions.
   2. All Member Institutions of CNY, whether or not they choose to become Trust Participants, will share in the benefit of relying on the continued availability of shared print titles that Trust Participants have agreed to retain on behalf of the CNY Membership.
   3. All Trust Participants are required to comply with the Last Copy Policy (see 6.2).
   4. Trust Participants are not required to participate in every future Trust Project, but are required to honor the Guidelines and Procedures of those to which they opt-in.
2. **Governance**
   1. The CNY Council is the governing board for the CNY Shared Print Trust and will make and approve all policies and financial and contractual decisions concerning the Trust.
   2. The CNY Council will appoint a CNY Shared Print Trust “Steering Committee” to develop and manage Trust operations and projects. The Steering Committee will develop Guidelines and Procedures for Trust Projects, which must be approved by CNY Executive Council.
   3. The Steering Committee reports to the CNY Council on the Trust operations, and recommends related policies such as holdings disclosure, access and delivery, services, and possible steps towards integration of the CNY Shared Print Trust into related programs regionally and nationally. In cooperation with the CNY Executive Council, the Steering Committee may form sub-committees and/or project task forces as needed to work on specific projects and functions related to the Trust.
3. **Selection for the Trust collection** 
   1. The Trust collection is comprised of materials that Trust Participants have specifically identified, processed, and committed for retention for common use by CNY Member Institutions. Special Collections (those housed in a library’s rare books and archives departments) materials are not included in the Trust.
   2. Selection of specific genres, titles and numbers of copies of library materials to be included in the Trust collection will be determined according to the Last Copy Policy and the Guidelines and Procedures for each Trust Project.
   3. In general, materials selected for inclusion in the Trust will meet the following condition criteria:
      1. The retaining library has checked the shelves to ensure the copy actually exists.
      2. The copy committed to retention is in reasonable condition, i.e.
         1. In good physical condition and can withstand normal use
         2. Is not infected with mold or excessively marked with underlining or highlights.
         3. Is complete (i.e. has been validated according to relevant Trust guidelines to ensure there are not missing parts).
4. **Location, ownership and retention commitment for materials held in Trust**
   1. Unless otherwise specified in Guidelines and Procedures for future Trust Projects, materials will remain in the library that commits to retaining them in the Trust.
   2. Trust Participants will retain ownership of the materials they have committed to the Trust. Trust Participants shall not sell, discard, donate, or otherwise relinquish ownership or control of any of its materials committed to the Trust except to transfer to another ConnectNY Trust member for purpose of retention on behalf of the membership.
   3. Participants agree to join the CNY Shared Print Trust and to retain materials they have committed to the Trust for an initial period of 25 years. The initial term will be July 1, 2013 – June 30, 2038. The CNY Executive Council will review the agreement every 25 years.
   4. **Transfer of materials from the Trust collection**

A Trust Participant may transfer materials it has committed to hold in trust as a result of its participation in that project as long as it is not the last copy. Such materials should be offered to another Trust Participant and transferred, if accepted, to the other library at the original owner’s expense.

1. **Withdrawal of materials from member collections** 
   1. CNY Member Institutions retain the right to withdraw from their own collections any materials they wish, but those who have opted to become Trust Participants agree:
   2. To adhere to the Trust’s Last Copy Policy, which is: when considering an item for withdrawal, library staff must consult the CNY Union Catalog to determine if the copy[[1]](#footnote-1) is the last one available[[2]](#footnote-2) in the consortium. If the copy is found to be unique to the catalog, reasonable efforts should be made to preserve a copy. If in the professional judgment of staff, the title is in usable condition, it should be retained by the library or offered to other Trust participants for inclusion in the Trust through procedures approved by CNY Executive Council.
   3. If candidates for withdrawal are not accepted by another library, then withdrawal is allowed only within guidelines developed for specific genre projects.
2. **Collection management and use policies** 
   1. Shared print materials held in trust for the consortium will be stored under conditions of care the same or better than similar materials in the Trust Participant’s circulating collections. Over time, the Shared Print Trust Steering Committee may provide guidelines (with CNY Executive Council approval) as needed concerning matters such as physical handling, marking, bibliographic identifiers, temperature and humidity, security, inventory of retention titles, and replacement in case of damaged, lost, or missing materials.
   2. To the extent possible while responsibly ensuring persistent, long-term access, loan policies for Trust materials will be the same as for other CNY circulating materials.
3. **Costs/financial support**

Each Trust Participant shall be responsible for all the costs and expenses associated with maintaining and preserving the materials they have agreed to retain in the Trust. This includes cost of maintaining materials, updating bibliographic records, replacements, transferring materials to other libraries (e.g. missing volumes), and withdrawing duplicate materials from local collections. From time to time CNY Council may secure project funding to help subsidize local costs for specific Trust-related projects.

1. **Disclosure**

Trust Participants shall take all steps reasonably necessary to cause all of their Trust materials, and information about their accessibility to potential users, to be registered in the CNY union catalog according to CNY standards for bibliographic control of Trust materials.

1. **Withdrawal of a Trust Participant from this MOU**

At any time after completion of its first three years of participation, a Trust Participant may withdraw entirely from the Trust and from provisions of this agreement by providing written notice to the CNY Council at least twelve (12) months prior to the intended withdrawal date. Withdrawal must be for grave reasons beyond the members’ control, such as disaster, financial exigencies, or an institutional collapse. In the event of withdrawal, the CNY Council will make all reasonable effort to balance the interests of the consortium with those of the withdrawing Trust Participant without sacrificing the goal of long-term retention.

1. **Amendment and Review of MOU**

CNY Council should review this MOU as needed in light of significant changes in the landscape of library preservation and access, and the MOU may be amended by a vote of the CNY Council.

1. **If ConnectNY dissolves, this agreement will be null and void unless the MOU signatories create a new governance structure.**

By signature below, the following official representatives acknowledge having read and understood the agreement and agree to be bound by its terms and conditions.

**APPROVED:**

Library Director

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_President or designee

Chair, ConnectNY Council

Date

Date

Date

1. Copy refers to manifestations of a work that, given professional judgment, contains equivalent content. [↑](#footnote-ref-1)
2. Available means the material is accessible to other CNY libraries. “Local” copies or “unavailable” copies do not count. [↑](#footnote-ref-2)