

# University of Canberra Facilities (Library and Information Services) Rules 2023

made under the

*University of Canberra Act 1989, s 40 (Statutes) and University of Canberra (Facilities) Statute 1992*

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## PART 1 – Application and Interpretation

### 1. Name of Instrument

These Rules may be cited as the *University of Canberra Facilities (Library and Information Services) Rules 2023*, as updated from time to time.

### 2. Commencement

These Rules commence on the date of approval by Council.

### 3. Repeal

The *University Facilities (Library and Information Services) Rules 2007* are revoked. All decisions taken under those rules are taken to have been made under these Rules.

### 4. Interpretation

(1) In these Rules, unless the contrary intention appears:

**certified prohibited item** means any item certified by the University Librarian or a Manager under subrule 6(2) to be a prohibited item;

**certified prohibited room** means a room forming part of the Library or in an Information Service certified by the University Librarian or a Manager under subrule 6(2) to be a prohibited room;

**collection management criteria** means the criteria the University Librarian must apply for the assessment of a resource to be acquired.

**collection** means a collection of resources as determined by the University Librarian.

**Council** means the Council of the University mentioned in section 9 of the *University of Canberra Act 1989* (ACT);

**Course** has the same meaning as in the *University of Canberra Courses and Awards (Courses of Study Rules) 2023*.

**defaulting borrower** means a person who:

- (a) borrows a resource from the University Librarian or a Manager; and
- (b) fails to return that resource before the due date;

**due date** in relation to a resource borrowed from the University Librarian or a Manager, means the time at which the period for which the resource was borrowed expires or, if the Supervisor has determined a day under subrule 6(4), that day.

**employee** means a member of the academic staff or the professional staff of the University;

**identity card** means:

- (a) an identity card issued by the University to an employee or a student of the University; or
- (b) an identity card issued under subrule 5(6) to a person permitted to use the facilities of the Library or an Information Service;

**Information Service** means a service offered by a business area or portfolio of the University, not being the Library, whose primary purpose is to provide access to resources and is identified in the schedules to these Rules as an Information Service;

**Library** means the Library of the University and includes any:

- (a) physical facilities,
- (b) physical or online services, and
- (c) resources,

of the University under the control of the University Librarian;

**Manager** means a member of the academic staff or general staff of the University appointed by the Vice-Chancellor to lead and manage business area or portfolio of the University and any associated Information Service;

**maximum penalty** means the total amount a defaulting borrower is liable to pay under this rule in respect of any single resource for a single loan transaction and is determined by the University Librarian.

**Reading List** means the Reading List of resources prescribed for each Unit.

**resource** means a physical or electronic item usually held by the Library, or by an Information Service and includes:

- (a) a book or eBook, periodical, database, electronic or print journal or newspaper or any other written or printed material;
- (b) a musical score, map, plan, picture, print, photograph or photographic slide;
- (c) an audio, video or film recording, sound recording, computer file, tape or disc or any other article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device,
- (a) an item of audio, video, projection or computing equipment or other similar equipment normally held in the Library or in an Information Service;
- (b) any other resource determined by the University Librarian or a Manager, in writing under subrule 6(2)) to be a resource;

**Supervisor** means a member of the academic staff or general staff of the University for the time being in charge of any area of the Library or an Information Service or for the time being responsible for providing a service in such an area;

**Unit** has the same meaning as in the *University of Canberra Courses and Awards (Courses of Study Rules) 2023*.

**University Librarian** means the Director of the Library or the successor to this position as appointed by the Vice-Chancellor; and

- (2) A reference in these Rules to a decision includes a reference to:
  - (a) granting, refusing to grant, suspending or revoking a permission, or imposing terms or conditions;
  - (b) giving a direction;
  - (c) releasing or refusing to release the whole or a part of a liability;
  - (d) waiving or refusing to waive the whole or a part of a suspension; or
  - (e) affirming, varying, setting aside or making a decision.

## **PART 2 – USE OF LIBRARY OR AN INFORMATION SERVICE AND POWERS**

### **5. Persons entitled or permitted to use facilities of the Library or of an Information Service**

- (1) Subject to subrule (9), any person, whether or not they are staff or students of the University may access and use the physical facilities of the Library unless otherwise determined by the University Librarian.

- (2) Subject to subrules (3) and (9), members of staff and students of the University are entitled, on production of a current identity card, to:
  - (a) borrow any resource held in an Information Service or in the Library and made available for loan or access; and
  - (b) have access to any resource held in the Information Service or the Library made available for such access; and
  - (c) use any physical or online service that is, from time to time, available in the Information Service or the Library.
- (3) In relation to an Information Service, the entitlements in subrule (1) and (2) only apply where access to the Information Service is directly necessary to the course or unit of study they are teaching or studying.
- (4) Subject to subrule (9), the following persons (not being members of staff or students of the University) may borrow a resource of the Library or an Information Service, subject to any limitations imposed by contractual or licence agreements with vendors of resources made available by the Library or the Information Service, or any other limitation as determined by the University Librarian or Manager of an Information Service:
  - (a) members of the Council;
  - (b) other persons, or classes of persons, approved by the University;
  - (c) at the discretion of the University Librarian, other persons or classes of persons.

Note: Subrules (2)(b) and (2)(c) apply to persons covered by access and use agreements with third party organisations, including the University of Canberra College (UCC). However, such persons must register in the Library as individuals to facilitate the borrowing of materials and the maintenance of proper records and contact information.

- (5) Where a person who makes an application under subrule (4)(c) agrees to comply with these Rules and any special terms and conditions specified on the application form, the University Librarian or the Manager may grant the permission applied for subject to any special terms and conditions considered appropriate in the circumstances and make suspend or revoke permission at their discretion.
- (6) Where an application is made under subrule (4) the University Librarian or the Manager must issue an identity card to that person specifying the period during which the person is permitted to use those facilities and, in writing, the specified special terms and conditions, if any, subject to which the person is permitted to use the Library or Information Service.
- (7) Subject to subrule (9), a person (not being a person to whom subrule (1) or (4) applies) may apply in writing to the University Librarian or Information Service Manager for access to a resource.
- (8) Where a person who makes an application under subrule (7) agrees to comply with these Rules, the University Librarian or Information Service Manager may, grant the permission

applied for subject to any special terms and conditions considered appropriate in the circumstances, and make suspend or revoke permission at their discretion.

- (9) Where, under the *University of Canberra (Student Conduct) Rules 2023*, a person:
- (a) has by direction been excluded from the University and that direction has not been revoked; or
  - (b) is suspended from the University and, under the terms of the suspension, must not use the facilities of the Library or the Information Service;

the person is not permitted to use any of the borrowing, access or other facilities of the Library or the Information Service.

## **6. Powers of the University Librarian or a Manager**

- (1) The University Librarian:
- (a) has responsibility for the acquisition, and management of all resources, including the addition and removal of resources to or from a collection and the financial management of resources;
  - (b) determines the manner and processes through which resources are acquired, including determining the collection management criteria;
  - (c) may liaise with Faculties to acquire required and recommended texts for Courses and Units;
  - (d) must comply with any legal requirement, or relevant best practice or industry standard in relation to the management of resources;
  - (e) must make resources accessible to the University community subject to licencing restrictions at no cost.
- (2) The University Librarian or a Manager, may, in writing:
- (a) Certify a resource normally held in the Library or an Information Service to be a certified resource or item;
  - (b) certify resource to be a prohibited resource or item;
  - (c) certify a room forming part of the Library or an Information Service to be a prohibited room;
  - (d) determine the terms, conditions and procedures under or by which persons referred to in rule 5, or classes of such persons, may:
    - i. borrow or have access to resources, including the period of time for which resources may be borrowed; or

- ii. use any other facilities available in the Library or Information Service; and
  - iii. vary any terms, conditions and procedures determined under paragraph (a);
- (e) determine, from time to time, the days on which, and the hours during which, the Library or Information Service is to remain open or be closed;
  - (f) determine, from time to time, the area to be designated as the Library or Information Service; and
  - (g) determine, from time to time, charges applying for access to services or facilities of the Library or Information Service.
- (3) The University Librarian or a Manager must cause the details of a determination made under subrule (1) to be displayed, published, or publicised as appropriate.
  - (4) The University Librarian or a Manager may, at their discretion, require the return of a resource prior to the due date or time.
  - (5) The University Librarian or a Manager may take such action as is reasonably necessary in all the circumstances for the purpose of carrying out a decision made by them under these Rules.
  - (6) The powers of authority of the University Librarian or a Manager are restricted to:
    - (a) in the case of the University Librarian, the Library, including all those areas determined by the University Librarian to be part of the Library; and
    - (b) in the case of the Manager, their respective Information Service, including those areas determined by the Manager to be part of their Information Service; and
  - (7) It is an offence under these Rules for a person to fail to comply with a term or condition as determined or varied under subrules (1), (2) or (4).

## **7. Powers of a Supervisor**

- (1) A Supervisor may require any person in the Library or Information Service to produce evidence of his or her entitlement to borrow or access a resource.
- (2) If a person fails to comply with a requirement under subrule (1), the Supervisor may direct that person to leave the Library or Information Service and that person must not re-enter the Library or Information Service until they have produced evidence of such entitlement, except for the purpose of producing such evidence.
- (3) A Supervisor may, in accordance with terms and conditions determined by the University Librarian or a Manager, may permit a person to:
  - (a) bring into or use in the Library or Information Service any certified prohibited item;

- (b) display or distribute in the Library or Information Service any notice or pamphlet;
- (c) organise or take part in a gathering in the Library or Information Service;
- (d) organise, mount or attend an exhibition in the Library or Information Service;
- (e) remove from the Library or Information Service a resource held in the Library or Information Service that is not available for borrowing by that person;
- (f) remove a resource from the Library or Information Service otherwise than in accordance with the normal borrowing procedures of the Library or Information Service as determined under rule 6;

and may suspend or revoke a permission so granted.

- (4) A Supervisor may take such action as is reasonably necessary in all the circumstances for the purpose of carrying out their decision.
- (5) Where a Supervisor is satisfied on reasonable grounds that a person has breached Rule 8, the Supervisor may direct that person to leave the Library or Information Service for a period not exceeding 24 hours.
- (6) A person directed to leave the Library or Information Service under subrule (5) must not re-enter the Library or Information Service until the expiration of the period determined under that subrule.
- (7) It is an offence under these Rules for a person to fail to comply with a direction given under this rule 7.

### **PART 3 - PROHIBITIONS**

#### **8. Prohibited conduct.**

- (1) A person must not:
  - (a) acquire or manage a resource other than in accordance with clause 6(1);
  - (b) smoke, vape or otherwise use prohibited substances in any room in or other area forming part of the Library or Information Service;
  - (c) contravene the terms and conditions specified in relation to the use of an electronic resource, including the terms and conditions as they relate to authorised use of the resource in accordance with any requirements set by the licensor;
  - (d) do any act or thing in rule 7(3) without the permission of the Supervisor;
  - (e) mark, erase a mark on, or otherwise damage, deface or destroy any resource, equipment or other item held in the Library or Information Services; or
  - (f) behave in the Library or Information Service in a manner that, in the reasonable opinion of the University Librarian or a Manager, is disruptive, offensive, or

otherwise impacts on the comfort, convenience or rights of other users of the Library or Information Service.

- (2) A person under the age of 14 who is not a student or a staff member must not enter or remain in the Library or Information Service except under the control of a person over the age of 18 at all times and such adult must ensure that the child does not commit a breach of this rule.
- (3) It is an offence under these Rules for a person to commit a breach of this rule 8.

#### **9. Prohibited rooms.**

- (1) Subject to subrule (2), no person is permitted to enter a certified prohibited room.
- (2) The University Librarian or a Manager may grant permission to a person to enter a certified prohibited room and may, at any time, suspend or revoke the permission.
- (3) The grant of permission under subrule (2) may be subject to such terms and conditions, if any, as the University Librarian or a Manager considers appropriate.
- (4) A Supervisor may direct any person, other than an authorised staff member or a person to whom permission has been granted under subrule (2), to leave a certified prohibited room and may take such action as is reasonably necessary in all the circumstances to ensure compliance with any such direction.
- (5) It is an offence under these Rules for a person to fail to comply with a direction given under subrule (4).

### **PART 4 – PENALTIES**

#### **10. Liability for late return of resources**

- (1) Subject to this rule, a defaulting borrower is liable to pay to the University an amount determined by the University Librarian or a Manager under subrule (2).
- (2) The University Librarian or a Manager may from time to time determine:
  - (a) the categories of resources in respect of which amounts are payable by a defaulting borrower; and
  - (b) the amount to be paid by a defaulting borrower to the University for the late return of a resource, taking into account the category of the resource and the period of default.
- (3) The University Librarian or a Manager must cause the details of any determination made under subrule (2) and (3) to be displayed, published or publicised as may be appropriate.
- (4) Where the Supervisor is satisfied that a defaulting borrower failed to return a resource in respect of which a liability would otherwise be payable under subrule (1) due to



circumstances beyond the defaulting borrower's control, the Supervisor may waive part or all of the liability.

- (5) The liability to pay an amount under this rule arises at the due date and the defaulting borrower continues, subject to subrule (7), to accumulate a liability until:
  - (a) the resource is returned to the University Librarian or a Manager; or
  - (b) if the resource is not returned to the University Librarian or a Manager the maximum penalty applicable per resource has become payable.

## **11. Liability of borrower for loss or damage to resources**

- (1) Where a resource is not returned by the due date by the defaulting borrower and, either the maximum penalty has become payable with respect to the resource, or an extended period of time has passed since the due date as determined by the University Librarian or Manager, the University Librarian or a Manager must declare that the resource is lost.
- (2) Where a resource is borrowed by a person and the resource is lost or damaged for any reason, the person is liable to pay to the University;
  - (a) an amount equal to:
    - i where the resource is lost or damaged beyond repair – the value of the resource as determined by the University Librarian or a Manager under subrule (3); or
    - ii in any other case, the cost of repairing the resource as determined by the University Librarian or a Manager under subrule (3); and
  - (b) an amount equal to the administrative cost to the University, as determined by the University Librarian or a Manager under subrule (3), of processing the loss or damage of the resource, including the cost, where the resource is lost or damaged beyond repair, of re-ordering and processing a replacement of the resource.
- (3) For the purposes of this rule, the University Librarian or a Manager is to determine:
  - (a) either:
    - i the value of the resource referred to in subrule (2); or
    - ii the cost of repairing it as the case requires; and
  - (b) the administrative cost referred to in paragraph (2)(b).
- (4) Any determination made by the University Librarian or a Manager under subrule (3) must be in writing.

- (5) Where the Supervisor is satisfied that the loss or damage of a resource that has been borrowed by a person, in respect of which a liability would otherwise be payable under subrule (2), occurred due to circumstances beyond the borrower's control, the University Supervisor may, in writing, waive part or all of the liability.

**12. University's right of action in respect of lost or damaged resources**

Nothing in these Rules in any way prejudices the right of the University to bring any action, whether at law or in equity, against any person in respect of the loss, conversion or unauthorised detention of any resource.

**13. University's right of action in respect of electronic resources**

Nothing in these Rules in any way prejudices the right of the University to bring any action, whether at law or in equity, against any person in respect of that person's failure to comply with the terms and conditions, including the licencing requirements, of any resource.

**14. Suspension of a person from using Library or Information Service facilities**

- (1) Where a person borrows a resource and fails to return that resource before the due date, that person's entitlement to borrow any resource from the University Librarian or a Manager may be suspended by the University Librarian or a Manager in accordance with a determination made under subrule (3).
- (2) The University Librarian or a Manager may from time to time determine in writing:
- (a) the circumstances in which a person may be suspended from borrowing a resource; and
  - (b) the length of any such suspension.
- (3) Where the University Librarian or a Manager is satisfied that the failure of a person to return a resource in relation to which that person's entitlement to borrow may be suspended under subrule (2), was due to circumstances beyond the person's control, the University Librarian or a Manager may, in writing, waive the whole or part of the suspension.

**PART 5 – REVIEW OF DECISIONS**

**15. Review of decisions of Supervisor**

- (1) Where a staff or student is dissatisfied with a decision of a Supervisor made in the exercise of a power conferred by rule 7 or subrule 9(4), the staff or student may utilise the grievance process under the relevant staff or student grievance resolution process.
- (2) Where a person who is not a staff or student is dissatisfied with a decision of a Supervisor made in the exercise of a power conferred by rule 7 or subrule 9(4), that person may apply in writing to the University Librarian or a Manager for review of the decision.

- (3) The University Librarian or a Manager must, as soon as practicable after receiving an application under subrule (3), review the decision in such manner as the University Librarian or a Manager considers appropriate and, considering all of the circumstances and representations advanced by the person and the University may:
  - (a) affirm, vary or set aside the decision under review; or
  - (b) set aside the decision under review and make a decision in substitution for that decision.
- (4) The Supervisor must take such action as is reasonably necessary in all the circumstances for the purpose of carrying out a decision of the University Librarian or a Manager made under this rule.

## **16. Review of decisions of the University Librarian or a Manager**

- (1) Where a staff or student is dissatisfied with a decision of a Supervisor made in the exercise of a power conferred by rule 5, 9, 10, 11 or 14, the employee or student may utilise the appeal process under the relevant staff or student grievance process.
- (2) Where a person who is not an employee or a student is dissatisfied with a decision of the University Librarian or a Manager made in the exercise of a power conferred by rule 5, 9, 10, 11, or 14, the person may apply in writing to a person or appeal forum identified by the Vice Chancellor for review of the decision.
- (3) The appeal forum must, as soon as practicable after receiving an application under subrule (1), review the decision in such manner as it determines and, considering all of circumstances of the matter and any representations made by the appellant or the University may:
  - (a) affirm, vary or set aside the decision under review; or
  - (b) set aside the decision under review and make a decision in substitution for that decision;as the justice and the merits of the case require.
- (4) The University Librarian or a Manager must take such action as is reasonably necessary in all the circumstances for the purpose of carrying out a decision of the review forum made under this rule.

## **PART 6 – GENERAL**

### **17. Application of the *Student Conduct Rules 2023***

Where a student has committed an offence under these Rules, the provisions of the *University of Canberra (Student Conduct) Rules 2023* apply within the meaning of those Rules.

Rules made by Council on 15 March 2024.