

UNIVERSITY OF CANBERRA

UNIVERSITY FACILITIES (LIBRARY AND INFORMATION SERVICES) RULES 2007

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Citation and Statute

1. (1) These Rules may be cited as the *University Facilities (Library and Information Services) Rules 2007*.
- (2) These Rules are made under the *University Facilities Statute 1992*.

Commencement

2. These Rules commence on the day following endorsement by the Council of the University.

Repeal and determinations

3. (1) The *Library Rules 1993* of the University of Canberra are repealed.
- (2) Determinations made under the *Library Rules 1993* are deemed to have been made under the *University Facilities (Library and Information Services) Rules 2007* and continue in force until specifically revoked or the *University Facilities (Library and Information Services) Rules 2007* are repealed.

Interpretation

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

"book" includes:

- (a) a book, periodical or newspaper or any other written or printed material; and
- (b) a musical score, map, plan, picture, print, photograph or photographic slide; and
- (c) a film, sound recording, 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.

normally held in the Library or in an Information Service;

"certified item" means:

- (a) an item of audio, video, projection or computing equipment or other similar equipment normally held in the Library or in an Information Service; or
- (b) any other item certified by the University Librarian or Manager under subrule 7(1) to be a certified item;

"certified prohibited item" means any item certified by the University Librarian or Manager under subrule 7(1) 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 Manager under subrule 7(1) to be a prohibited room;

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

"electronic information resources" means data and information held in electronic form which can be accessed or communicated;

"identity card" means:

- (a) an identity card issued by the University to a member of staff or a student of the University; or
- (b) an identity card issued under subrule 5(4) or 6(4) to a person permitted to use the facilities of the Library or an Information Service;

"Information Service" means a service offered by a unit of the University, not being the Library, whose primary purpose is to provide access to books and electronic information resources and is identified in the schedules to these Rules as an Information Service;

"Library" means the Library of the University and includes any facilities of the University under the control of the University Librarian and identified in the schedules to these Rules;

"Manager" means a member of the academic staff or general staff of the University appointed by the Vice-Chancellor to lead and manage an organisational unit of the University;

"member of staff" means a member of the academic staff or the general staff of the University;

"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;

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

"unit" means the Library or an Information Service.

- (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, under rule 5(3) or 5(6) or 6(3) or 6(6) or 9 or 11;
 - (b) giving a direction under rule 9 or 11;
 - (c) releasing or refusing to release the whole or a part of a liability under rule 12 or 14;
 - (d) waiving or refusing to waive the whole or a part of a suspension under rule 16; or
 - (e) affirming, varying, setting aside or making a decision under rule 17 or 18.

Persons entitled or permitted to use facilities of the Library

5. (1) Subject to subrule (7), members of staff and students of the University are entitled, on production of a current identity card, to:
- (a) borrow any book or certified item held in the Library and made available for loan; and
 - (b) have access to any book or certified item held in the Library made available for such access; and
 - (c) use any other facilities that are, at any time, available in the Library.
- (2) Subject to subrule (7), the following persons (not being members of staff or

students of the University) may use the borrowing, access and other facilities of the Library, subject to any limitations imposed by contractual or licence agreements with vendors of information resources made available by the Library:

- (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. 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.

- (3) Where a person who makes an application under subrule (2)(c) agrees to comply with these Rules and any special terms and conditions specified on the application form, the University Librarian may, if the University Librarian considers it appropriate to do so, grant the permission applied for, subject to such special terms and conditions, if any, as the University Librarian considers appropriate and may, in like manner, suspend or revoke any permission so granted.
- (4) Where an application made under subrule (2), and in the case of subrule (2)(c) is approved by the University Librarian, the University Librarian must issue an identity card to that person specifying the period during which the person is permitted to use those facilities.
- (5) Subject to subrule (7), a person (not being a person to whom subrule (1) or (2) applies) may apply in writing to the University Librarian for special permission to have access to a specified book or certified item, or a specified collection of books or certified items, held in the Library.
- (6) Where a person who makes an application under subrule (5) agrees to comply with these Rules, the University Librarian may, if the University Librarian considers it appropriate to do so, by writing signed by the University Librarian, grant such special permission to the person upon special terms and conditions, if any, as the University Librarian thinks fit and may, in like manner, suspend or revoke any special permission so granted.
- (7) Where, under the *Student Conduct Rules 2007*, 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;

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

Persons entitled or permitted to use facilities of an Information Service

6. (1) A Manager may specify the category or class of staff and students who are entitled, on production of a current identity card to:
- (a) borrow any book or certified item held in the Information Service; and
 - (b) have access to any book or certified item held in the Information Service; and
 - (c) use any other facilities that are, at any time, available in the Information Service.
- (2) Subject to subrule (7), other persons (not members of staff or students) may apply in writing to the Manager of the Information Service for permission to use the borrowing, access and other facilities of the Information Service.
- (3) Where a person who makes an application under subrule (2) agrees to comply with these rules and conditions specified on the application form, the Manager may, if the Manager considers it appropriate to do so, grant the permission applied for, subject to such special terms and conditions, if any, as the Manager considers appropriate and may, in like manner, suspend or revoke that permission.
- (4) Where the Manager approves an application made under subrule (2) and grants the permission applied for, the Manager may issue an identity card or letter to that person specifying:
- (a) the special terms and conditions, if any, subject to which the person is permitted to use the facilities of the Information Service; and
 - (b) the period during which the person is permitted to use those facilities.
- (5) Subject to subrule (7), a person (not being a person to whom subrule (1) or (2) applies) may apply in writing to the Manager for special permission to have access to a specified book or certified item, or a specified collection of books or certified items, held in the Information Service.
- (6) Where a person who makes an application under subrule (5) agrees to comply with these Rules, the Manager may, if the Manager considers it appropriate to do so, by writing signed by the Manager, grant such special permission to the person upon such terms and conditions, if any, as the Manager thinks fit and may, in like manner, suspend or revoke any special permission so granted.
- (7) Where, under the *Student Conduct Rules 2007*, 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 Information Service;
- the person is not permitted to use any of the borrowing, access or other facilities of the Information Service.

Powers of the University Librarian or Manager

7. (1) For the purposes of these Rules, the University Librarian or Manager, may, by writing signed by the University Librarian or Manager:
- (a) certify an item normally held in the Library or an Information Service to be a certified item; or
 - (b) certify an item to be a prohibited item; or
 - (c) certify a room forming part of the Library or an Information Service to be a prohibited room.
- (2) For the purposes of these Rules, the University Librarian or Manager, may, by writing signed by the University Librarian or Manager:
- (a) determine the terms, conditions and procedures under or by which persons referred to in rule 5 and 6, or classes of such persons, may:
 - (i) borrow or have access to books or certified items, including the period of time for which books or certified items may be borrowed; or
 - (ii) use any other facilities available in the Library or Information Service; and
 - (b) vary any terms, conditions and procedures determined under paragraph (a); and
 - (c) 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; and
 - (d) determine, from time to time, the area to be designated as the Library or Information Service; and
 - (e) determine, from time to time, charges applying for access to services or facilities of the Library or Information Service.
- (3) The University Librarian or Manager must cause the details of a certificate, determination or variation made under subrule (1) or (2) to be displayed or publicised as may be appropriate, and may cause the details of the certificate, determination or variation to be published in such other manner as he or she considers appropriate.
- (4) The University Librarian or Manager may require a person who has borrowed a book or certified item from the Library or an Information Service to return it before a day determined by the University Librarian or Manager, notwithstanding that the period for which the book or certified item was borrowed expires after that day.
- (5) The University Librarian or Manager may take such action as is reasonably

necessary in all the circumstances for the purpose of carrying out a decision made by him or her under these Rules.

- (6) For the purposes of these Rules the powers of authority of the University Librarian or Manager are restricted to:
 - (a) in the case of the University Librarian, the Library, including all those areas specified in the schedules as part of the Library; and
 - (b) in the case of the Manager, his or her respective Information Service, including those areas specified in the schedules as part of their Information Service; and
 - (c) in the case of the Supervisor, his or her respective unit, including all those areas specified in the schedules as part of their unit.
- (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 (2) or (4).

Delegation by the University Librarian or Manager

8. (1) The University Librarian or Manager may, in writing, delegate to a member of staff all or any of his or her powers or functions under these Rules, other than his or her powers and functions under rule 17.
- (2) A delegation under this rule is revocable at will.

Powers of a Supervisor

9. (1) A Supervisor may require any person in the Library or Information Service to produce evidence of his or her entitlement to borrow, or have access to, a book or certified item or to use any other facilities that are, at any time, available in the Library or Information Service.
- (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, subject to subrule (3), re-enter the Library or Information Service until he or she has produced evidence of such entitlement.
- (3) A person to whom a direction has been given under subrule (2) may re-enter the Library or Information Service for the purpose of producing such evidence.
- (4) A Supervisor may direct a person who is not entitled to borrow, or have access to, a book or certified item, or to use any other facilities available in the Library or Information Service, to leave the Library or Information Service.
- (5) Where a Supervisor is satisfied that a person has committed a breach of a provision of rule 10, the Supervisor may direct that person to leave the Library or Information Service for such period, not exceeding 24 hours, as the Supervisor determines.

- (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) A Supervisor may, if the Supervisor considers it appropriate to do so, on such terms and conditions as are, from time to time, determined by the University Librarian or Manager, grant permission to any person to:
 - (a) bring into or use in the Library or Information Service any certified prohibited item; or
 - (b) display or distribute in the Library or Information Service any notice or pamphlet; or
 - (c) organise or take part in a gathering in the Library or Information Service; or
 - (d) organise, mount or attend an exhibition in the Library or Information Service; or
 - (e) remove from the Library or Information Service a book or certified item held in the Library or Information Service that is not available for borrowing by that person; or
 - (f) remove a book or certified item 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 7;

and may, in like manner, suspend or revoke a permission so granted.

- (8) A Supervisor may take such action as is reasonably necessary in all the circumstances for the purpose of carrying out a decision made by the Supervisor.
- (9) It is an offence under these Rules for a person to fail to comply with a direction given under this rule.

Prohibited conduct

- 10. (1) A person must not:
 - (a) smoke in any room in or other area forming part of the Library or Information Service; or
 - (b) bring food or drink into any room in or other area forming part of the Library or Information Service, other than a room or area that has, by notice in writing displayed in the relevant room or area, been approved by the University Librarian or Manager as a room or area in which food or drink is permitted; or
 - (c) without the permission of the Supervisor:

- (i) bring into or use in the Library or Information Service any certified prohibited item; or
 - (ii) display or distribute in the Library or Information Service any notice or pamphlet; or
 - (iii) organise or take part in a gathering in the Library or Information Service; or
 - (iv) organise, mount or attend an exhibition in the Library or Information Service; or
 - (v) remove from the Library or Information Service a book or certified item that is not available for borrowing by that person; or
 - (vi) remove a book or certified item 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 7; or
 - (vii) operate or use any equipment in, or services of, the Library or Information Service otherwise than in accordance with normal operating or using procedures of the Library or Information Service as determined under rule 7; or
- (d) mark, erase a mark on, or otherwise damage, deface or destroy any book or certified item or equipment or other item held in the Library or Information Services; or
 - (e) behave in the Library or Information Service without due regard for the comfort, convenience or rights of any other person operating or using the equipment in, or the services of, the Library or Information Service or entitled to have access to the books and certified items, or entitled to do so, or using, or entitled to use, any other facilities of the Library or Information Service.
- (2) A child must not enter or remain in the Library or Information Service except under the control of an adult 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.

Prohibited rooms

- 11. (1) Subject to subrule (2), no person is permitted to enter a certified prohibited room, other than with the authority or at the invitation of the University Librarian or Manager as appropriate.
- (2) The University Librarian or Manager may, if the University Librarian or Manager considers it appropriate to do so, 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 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).

Financial penalties for late return of books etc

12. (1) In this rule, unless the contrary intention appears:

"defaulting borrower" means a person who:

- (a) borrows a book or certified item from the University Librarian or Manager; and
- (b) fails to return that book or certified item before the relevant time;

"relevant time", in relation to a book or certified item borrowed from the University Librarian or Manager, means the time at which the period for which the book or certified item was borrowed expires or, if the Supervisor has determined a day under subrule 7(4), that day.

- (2) Subject to this rule, a defaulting borrower is liable to pay to the University the amount payable under a determination made by the University Librarian or Manager under subrule (3) that is in force at the time of the default.
- (3) The University Librarian or Manager, after consulting with the Vice-Chancellor, may from time to time determine:
 - (a) the categories of books and certified items in respect of which amounts are payable by a defaulting borrower under this rule; and
 - (b) the amount to be paid by a defaulting borrower to the University for the late return of a book or certified item, taking into account the category of the book or certified item and the period of default.
- (4) Any determination under subrule (3) must be made in writing and must be approved by the Vice-Chancellor.
- (5) The University Librarian or Manager must cause the details of any determination made under subrule (3) that has been approved by the Vice-Chancellor to be displayed or publicised as may be appropriate and may cause the details of the determination to be published in such other manner as he or she considers appropriate.

- (6) The maximum penalty that a person is liable to pay under this rule in respect of any single book or single certified item for a single loan transaction is \$250.
- (7) Where the University Librarian or Manager is satisfied that the failure of a person to return a book or certified item (in relation to which the person would, but for this subrule, be liable to pay to the University an amount determined in accordance with subrule (3)) was due to circumstances beyond the control of the person, the University Librarian or Manager may, if the University Librarian or Manager considers it appropriate to do so, by writing signed by him or her, release the person from the whole of the liability or from so much of the liability as the University Librarian or Manager considers appropriate.
- (8) The liability to pay an amount under this rule arises at the relevant time and the defaulting borrower continues, subject to subrule (7), to accumulate a liability in accordance with this rule, as the case requires, until:
 - (a) the book or certified item is returned to the University Librarian or Manager; or
 - (b) if the book or certified item is not returned to the University Librarian or Manager the maximum penalty applicable per book or certified item under subrule (6) has become payable.
- (9) A reference in this rule to the period of default, in relation to a defaulting borrower, is to be read as a reference to the period of time, commencing at the relevant time, during which a book or certified item or equipment or item is not returned to the University Librarian or Manager (whether or not the book or equipment or item is ever returned to the University Librarian or Manager).

Lost books or certified items etc

- 13. (1) In this rule, "relevant time" has the same meaning as in rule 12.
- (2) Where a book or certified item is lost, the University Librarian or Manager must certify:
 - (a) in the case of a book or certified item that, under subrule (3), is being treated by the University Librarian or Manager as if it were lost - that the book or certified item or equipment or item is being treated as if it were lost; or
 - (b) in any other case - that the loss has occurred.
- (3) For the purposes of these Rules, where a book or certified item has not been returned to the University Librarian or Manager, and:
 - (a) the maximum penalty has become payable under these Rules in respect of the non-return of that book or certified item; or
 - (b) more than 14 days have elapsed after the relevant time;
 the book or certified item may be treated by the University Librarian or Manager

as if it were lost.

- (4) A reference in these Rules to a book or certified item that is lost is to be read as including a reference to:
- (a) a book or certified item that, under subrule (3), is being treated by the University Librarian or Manager as if it were lost; and
 - (b) a book or certified item that is not returned to the University Librarian or Manager due to the wilful act of any person, to the failure of the borrower to take due care or to any other cause.

Liability of borrower for loss or damage

14. (1) Where a book or certified item is borrowed by a person from the University Librarian or Manager and, before it is returned to the University Librarian or Manager, the book or certified item is lost or damaged for any reason or, while in the possession of the person the book or certified item is damaged, the person is liable to pay to the University;
- (a) an amount equal to:
 - (i) where the book or certified item is lost or damaged beyond repair – the value of the book or certified item as determined by the University Librarian or Manager under subrule (2); or
 - (ii) in any other case the cost of repairing the book or certified item as determined by the University Librarian or Manager under subrule (2); and
 - (b) an amount equal to the administrative cost to the University, as determined by the University Librarian or Manager under subrule (2), of processing the loss or damage of the book or certified item, including the cost, where the book or certified item is lost or damaged beyond repair, of re-ordering and processing a replacement of the book or certified item.
- (2) For the purposes of this rule, the University Librarian or Manager is to determine:
- (a) either:
 - (i) the value of the book or certified item referred to in subrule (1); or
 - (ii) the cost of repairing it as the case requires; and
 - (b) the administrative cost referred to in paragraph (1)(b).
- (3) Any determination made by the University Librarian or Manager under subrule (2) must be in writing signed by the University Librarian or Manager.
- (4) Where the University Librarian or Manager is satisfied

- (a) that the loss or damage of a book or certified item that has been borrowed by a person from the University Librarian or Manager; or
- (b) was in the possession of a person (in relation to which loss or damage the person would, but for this subrule, be liable under subrule (1))

was due to circumstances beyond the control of the person, the University Librarian or Manager may, if the University Librarian or Manager considers it appropriate to do so, by writing signed by him or her, release the person from the whole of the liability or from so much of the liability as the University Librarian or Manager considers appropriate.

University's right of action in respect of lost or damaged books or certified items

15. Nothing in these Rules in any way prejudices the rights 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 book or certified item.

Suspension of a person from using Library or Information Service facilities

16. (1) In this rule, "relevant time" has the same meaning as in rule 12.
- (2) Where a person borrows a book or certified item and fails to return that book or certified item before the relevant time, that person's entitlement to borrow any book or certified item from the University Librarian or Manager may be suspended by the University Librarian or Manager in accordance with any determination made by the University Librarian or Manager under subrule (3) that is in force at the relevant time.
- (3) The University Librarian or Manager may from time to time determine:
- (a) the circumstances in which a person may be suspended from borrowing a book or certified item; and
 - (b) the length of any such suspension.
- (4) Any determination made under subrule (3) must be made in writing.
- (5) The University Librarian or Manager must cause the details of any determination made under subrule (3) to be displayed or publicised.
- (6) Where the University Librarian or Manager is satisfied that the failure of a person to return a book or certified item (in relation to which that person's entitlement to borrow may, but for this subrule, be suspended under subrule (2)) was due to circumstances beyond the control of that person, the University Librarian or Manager may by writing signed by him or her, waive the whole or part of the suspension as he or she considers appropriate.

Review of decisions of Supervisor

17. (1) Where a person is dissatisfied with a decision of a Supervisor made in the exercise of a power conferred by rule 9 or subrule 11(4), the person may apply in writing to the University Librarian or Manager for review of the decision or in the case of a member of staff or student of the University, use any other University review or grievance process.
- (2) The University Librarian or Manager must, as soon as practicable after receiving an application under subrule (1), review the decision in such manner as the University Librarian or Manager considers appropriate and may:
- (a) affirm, vary or set aside the decision under review; or
 - (c) 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.
- (3) 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 Manager made under this rule.

Review of decisions of University Librarian or Manager

18. (1) Where a person is dissatisfied with a decision of the University Librarian or Manager made in the exercise of a power conferred by rule 5, 6, 11, 12, 14, 16, the person may apply in writing to a person or body identified by the Vice-Chancellor for review of the decision or, in the case of a member of staff or student of the University, use any other existing University review or grievance process.
- (2) The review forum must, as soon as practicable after receiving an application under subrule (1), review the decision in such manner as it determines and 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.
- (3) The University Librarian or 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.
- (4) Members of staff or students of the University may choose to either refer a grievance or a request for review of a decision to a review forum or use an alternative University grievance procedure but cannot refer the same matter to both, either concurrently or subsequently.

Application of *Student Conduct Rules 2007*

- 19.** Where a student has committed an offence under these Rules, the provisions of the *Student Conduct Rules 2007* apply as if the offence were a breach of those Rules, within the meaning of those Rules.

Schedules

- 20.** The Vice-Chancellor may make or amend schedules to this Rule.

Rules made by Council at meeting no. 114 on 3 August 2007.