

# UNIVERSITY OF SYDNEY (LIBRARY) RULE 2011

The Librarian of the University of Sydney makes the following rule under Section 37(1) of the *University of Sydney Act 1989* and Chapter Six of the *University of Sydney By-law 1999*.

Dated:

Signature:

John Shipp

Position: University Librarian

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## 1 Name of rule

This is the *University of Sydney (Library) Rule 2011*.

## 2 Commencement

This Rule commences on 28 February 2011

## 3 Statement of intent

- (1) This Rule provides:
  - (a) the conditions for use of library resources;
  - (b) the terms on which library resources may be borrowed; and
  - (c) the circumstances in which fees or charges may be charged.
- (2) This Rule repeals all existing rules and regulations relating to use of the library and library resources, including the *University of Sydney (Library) Rule 2003*.

## 4 Application

This policy applies to all users of the library or library resources.

## 5 Definitions and interpretation

- (1) In this Rule:

**affiliate** has the meaning given to it in the University's *Code of Conduct*

**Note 1:** Presently the University's *Code of Conduct* defines **affiliate** as a clinical title holder, an adjunct, conjoint and honorary appointee, a consultant or contractor to the University, an office holder in a University entity, a member of any University committee and any other person appointed or engaged by the University to perform duties or functions on its behalf.

**associate** an individual over the age of 16 who wishes to use the library for independent scholarship and is:

- a graduate of the University and its antecedent institutions; or
- a graduate, student or member of staff of an international university approved by the Librarian; or
- a retired staff member of the University; or
- a person awarded a Diploma of Law by the Legal Profession Admission Board of NSW; or
- a student of another Australian university taking part in collaborative programs approved by the Librarian; or
- a member of staff of a residential college affiliated with the University; or

- a member of staff or a senior secondary student of a school taking part in a partnership program approved by the University; or
- a student or member of staff of the Conservatorium High School; or
- a member of a University centre, institute, foundation or controlled or associated body; or
- a Student-at-Law registered by the Legal Profession Admission Board of NSW; or
- a member of the community who wishes to use library resources.

<b>Enterprise Agreement</b>	means The University of Sydney Enterprise Agreement 2009-2012
<b>Librarian</b>	means the University Librarian. Where appropriate, this includes any person acting in that position or any library staff acting as a delegate or agent of the Librarian
<b>library</b>	means any library of the University of Sydney
<b>library card</b>	means any of a student campus card, staff card or a library card issued by the University under Clause 12.
<b>Library resource</b>	means any item, facility or service (including any on-line or networked resource) available in or through the library
<b>misuse</b>	includes use in a manner which breaches any law or licence condition, use for commercial purposes and use in contravention of a direction from library staff
<b>staff member</b>	means an employee of the University, including a casual employee
<b>student</b>	means a person who is currently admitted to candidature in an award course of the University or who is enrolled in a unit of study conducted by the University.

- (2) Headings, notes, marginal notes, footnotes or endnotes are not provisions of this Rule.

## **6 Access to library and library resources**

- (1) The library and library resources are provided primarily to facilitate and support the educational and research activities of the University, its staff and students.
- (2) Staff and students of the University have priority of access..
- (3) The Librarian may determine who else may use the library and library resources and under what conditions.

## 7 Suspension or revocation of access

- (1) The Librarian may temporarily suspend, or permanently revoke, a user's access to the library and or library resources if the user fails to comply with this Rule.
- (2) The Librarian may restrict access to library resources by individuals with outstanding fees or charges, or who have overdue borrowed items.
- (3) A user whose access to the library or library resources has been suspended or revoked under subclause 1 may:
  - (a) seek a review of the decision by lodging a written request with the Librarian; and
  - (b) if still aggrieved after such a review, seek a further review by lodging a written request with the Provost.
- (4) Upon receipt of a request for review from a user, the Librarian or Provost (as appropriate) will:
  - (a) provide a written acknowledgement of the request within 10 working days of receiving it; and
  - (b) notify the user in writing of any action taken; and
  - (c) provide reasons for any decision made.
- (5) A staff member whose access to the library or library resources has been suspended or revoked under subclause 1 may, if the Enterprise Agreement applies to that staff member, seek a review of the decision under the review of actions and decisions provisions of the Enterprise Agreement or invoke the dispute settling procedures of the Enterprise Agreement.
- (6) Where a user applies for a review of a decision to suspend or revoke access, the suspension or revocation will not take effect until the review has been completed.

## 8 Behaviour in the library

- (1) All users should be able to work in the library without unreasonable or unnecessary disturbance or distraction.
- (2) A user must not:
  - (a) unreasonably impede other users or library staff; or
  - (b) behave in a noisy, annoying, dangerous or otherwise unreasonably disruptive manner; or
  - (c) unreasonably restrict others' access to, or use of, library resources; or
  - (d) unnecessarily divert library staff from carrying out their normal duties; or
  - (e) bring any animal into the library other than an assistance animal as defined in Section 9 of the *Disability Discrimination Act 1992 (Cth)*.
- (3) A user must:
  - (a) produce a library card or other form of photographic identification upon request by library staff; and
  - (b) make any bag, receptacle, or folder brought into a library available for inspection upon request by library staff; and

- (c) comply with all notices or signs in the library or posted on the library's website, including those relating to:
  - (i) using, borrowing or reserving library resources; or
  - (ii) fees or charges; or
  - (iii) opening and closing times; or
  - (iv) copyright (especially in relation to photocopying, printing or transfer to data storage devices); or
  - (v) laws relating to data protection and privacy; or
  - (vi) use of electronic or communication devices; or
  - (vii) eating or drinking; or
  - (viii) health and safety (including those relating to smoking and emergency evacuation procedures).

## **9 Use of library resources**

- (1) A user must not:
  - (a) misuse, damage or destroy any library resource or library property; or
  - (b) use any library resource for a commercial purpose; or
  - (c) use any library resource in a manner inconsistent with the educational and research activities of the University.
- (2) A user must comply with:
  - (a) laws relating to the use of internet and other on-line or networked resources, including those relating to:
    - (i) copyright and other intellectual property rights; and
    - (ii) defamation; and
    - (iii) pornography and content classification; and
    - (iv) data protection.
  - (b) any conditions about access to or use of library resources imposed by this Rule, by the Librarian or the University.
- (3) It is the user's responsibility to make reasonable attempts to become familiar with the laws, rules and conditions referred to in this clause.

## **10 Who may borrow library resources**

- (1) Staff, students, affiliates and associates may borrow library resources.
- (2) The Librarian may determine other categories of individuals permitted to borrow library resources.

## **11 What library resources may be borrowed**

- (1) The Librarian may determine what library resources may or may not be borrowed.
- (2) Unless the Librarian determines otherwise, users may borrow items from the open access collections of the Library.

- (3) Unless the Librarian determines otherwise, the following items may not be borrowed:
- (a) periodicals, including newspapers, University calendars and examination papers; or
  - (b) any item marked **Not for Loan**; or
  - (c) items from the Schaeffer Fine Arts Library;
  - (d) items from the Rare Books and Special Collections Library; or
  - (e) items from the Koori Centre Research Library.

## 12 Library cards

- (1) No user may borrow a library resource without holding and producing a current library card in that user's name.
  - (2) The library card for a staff member is their staff card.
  - (3) The library card for a student is their student campus card.
  - (4) The library card for other users is the library card issued to them by the Campus Card Centre according to the procedures determined by the Librarian
- .
- (5) A user must notify the library immediately upon becoming aware that the user's library card has been:
    - (a) lost, stolen or destroyed; or
    - (b) used by another person.

## 13 Borrowing conditions

- (1) A user who borrows a library resource must:
  - (a) keep the borrowed item reasonably safe and secure and in the user's possession; and
  - (b) notify the library immediately if the borrowed item is lost, stolen, damaged or destroyed; and
  - (c) return the borrowed item on or before the due return date; and
  - (d) return the borrowed item in the same condition as when it was borrowed, subject to reasonable wear and tear.
- (2) If a user's library card has been lost, stolen or destroyed the user will be responsible for the return, replacement or cost of replacement of any library resources borrowed using that library card before it was reported to the library as lost, stolen or destroyed.

## 14 Loan periods

- (1) The Librarian may determine loan periods including renewal periods.
- (2) The library may recall a borrowed item at any time by notifying the borrower.
- (3) If a borrowed item is recalled, the due return date specified in the recall notice becomes the due return date for the item.

## 15 Fees and charges

- (1) The Librarian may determine fees, charges and compensation. They may be calculated on a once-only, periodical or user pays basis.
- (2) Membership fees may be charged for associates.
- (3) Fees may be charged for access to, or use of, library resources not normally available to a particular category of user.
- (4) Charges may be imposed for any of the following:
  - (a) overdue borrowed items;
  - (b) replacing a library card;
  - (c) misuse, loss, damage, destruction, or unauthorised removal of library resources;
  - (d) other breaches of this Rule.
- (5) The Librarian may require a user to pay compensation for the misuse, loss, damage or destruction of a library resource by that user. A user will be taken to have caused the misuse, loss, damage or destruction if the item was in that user's possession, or borrowed with that user's library card at the relevant time unless the library card was previously reported as lost, damaged or stolen.
- (6) The Librarian may waive or suspend a requirement to pay a fee, charge or compensation.

## 16 Determinations by Librarian

- (1) Determinations made by the Librarian under this Rule must be:
  - (a) made in writing; and
  - (b) posted on the Library's website as soon as practicable after they are made.
- (2) Determinations may be publicised in any additional manner the Librarian considers appropriate.

## 17 Library notices

- (1) The default means of communication between the library and users is electronic mail.
- (2) Electronic mail for staff or students will be sent to the user's University email address.
- (3) Electronic mail for other users will be sent to the email address (if any) notified to the University by the user.
- (4) Users are responsible for notifying the University of changes to their contact details.
- (5) The library will not be held responsible if a user does not receive a particular notice by a certain time, or at all.

## NOTES

Date adopted: 28 February 2011

Date commenced: 28 February 2011

Administrator: University Librarian

Review date: 28 February 2015

Related documents:

*Copyright Act 1968 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Privacy Act 1988 (Cth)*

*Anti-Discrimination Act 1977 (NSW)*

*Privacy and Personal Information Act 1998 (NSW)*

*University of Sydney Act 1989*

*University of Sydney By-Law 1999*

*University of Sydney (Campus Access) Rule 2009*

Children in University Workplaces and Premises Policy

Code of Conduct

Disability Action Plan

Library Food and Drink Guidelines

Harassment and Discrimination Prevention Policy and Procedure

Privacy Management Plan

Resolution of Complaints Policy

Student Code of Conduct

Student Grievances, Appeals and Applications for Review Policy

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## AMENDMENT HISTORY

**Provision**

**Amendment**

**Commencing**