

Pursuant to Section 42, Paragraph 7 of the Universities Act of the Land of Hesse (Hessisches Hochschulgesetz), as amended on 5 November 2007 (Official Gazette of the Land of Hesse I, page 710)<sup>1</sup>, the Presidential Committee of the Johann Wolfgang Goethe University Frankfurt am Main has decided the following policy in connection with Section 12 of the Johann Wolfgang Goethe University's Library Regulation („Ordnung für das Bibliothekssystem der Johann Wolfgang Goethe-Universität“) dated 24 May 2005:

## **Policy of Use for the Library System of the Johann Wolfgang Goethe-Universität (Bibliotheksbenutzungsordnung) dated 23 September 2005 and as amended on 15 January 2008**

### **§ 1 Scope of Application**

- (1) This Policy of Use for the Library System shall apply to the Library System (Bibliothekssystem) of the Johann Wolfgang Goethe University Frankfurt am Main.
- (2) The relationship between the users und the Libraries is governed by public law.

### **§ 2 Purpose of the Library System**

The Library System provides access to information resources for teaching, learning and research, and it is a resource for professional and further educational development for its members and for the associates of the Johann Wolfgang Goethe University Frankfurt am Main. For these purposes, it supplies the necessary literature, literature information and other media. The University Library Johann Christian Senckenberg is a Central Library and being a regional and supra-regional literature supply resource, it has the function of a general public scientific library.

### **§ 3 Admission**

- (1) Reading-rooms, catalogue rooms and other rooms designated for use can be accessed without a formal admission procedure. The Policy of Use for the Library shall be deemed accepted upon usage.
- (2) The use of computer work stations within the Library System and within the Decentralized Specialized Libraries are governed by additional special regulations that are published in an appropriate form.

### **§ 4 Rules of Conduct in Libraries**

- (1) All users must abide by the Policy of Use for the Library; they have to show due consideration towards other users and act in a manner that is appropriate in a scientific working environment.
- (2) The user shall immediately report any loss of or damage to books and/or other library items to the Head of Library. All users shall be held liable for compensation in the case of loss and/or damage and they shall bear the burden of proof that they are not responsible for the breach of duty. The form and amount of such compensation shall be determined by the Head of Library after due evaluation of the loss and/or damage.
- (3) Upon receipt of the loan items, the users must check the state of the books or other materials and report missing parts and/or other damage without delay. If the user fails to do so, the received item shall be deemed to have been received in an undamaged condition. Entries of any kind, such as underlining, correcting mistakes as well as folding or creasing pages are classified as damage.

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<sup>1</sup> Taking into account the changes arising from the Acts as at 31 October 2001 (GVBl. I page 434), and 14 June 2002 (GVBl. I, page 255), and 6 December 2003 (GVBl. I page 6), and 18 December 2003 (GVBl. I page 513), and 28 September 2007 (GVBl. I page 640)

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- (4) Outerwear, hats, umbrellas, bags and similar items are not allowed in the reading rooms and other open stacks. When a library that is part of the Library System offers storage space (cloakrooms, wardrobe units, lockers) it will only accept liability for gross negligence and intent.
- (5) When leaving the reading rooms and other open stacks, the users have to clear their working places. The carried books and other materials have to be produced promptly and without the necessity of a further request by the inspector at the exit
- (6) Disorderly conduct has to be avoided in all library rooms that are freely accessible for use; this applies in particular to the reading rooms and information rooms. Eating and drinking is only allowed in the designated rooms. Animals are not permitted.
- (7) The libraries may restrict the use of voice recorders and data processing devices to designated working places. Wireless phones may only be used as silent data storage media; telephone calls and the use of devices of the entertainment industry are not permitted.
- (8) Closed stacks may only be accessed in duly justified cases and when a special permit has been obtained.
- (9) Taking photos, videos and tape recordings in library rooms require the prior approval of the Head of Library.
- (10) Non-compliance with these rules, in particular the repeated violation of loan periods, may lead to the temporary or permanent exclusion from use. All obligations existing under this Policy of Use will remain in effect after the exclusion.

#### **§ 5 Inspections and Domestic Authority**

- (1) The library is entitled to install control devices and to conduct inspections, and in particular, to control items brought to the library.
- (2) The Head of the Library System or a person duly authorized by the Head of the Library System shall have the right to exercise the domestic authority in the name of the President.

#### **§ 6 Opening Hours**

- (1) The opening hours shall be governed by the local conditions of the libraries. They will be determined by the Head of the Library System after due consideration by the responsible Library Committee and they will be published on the notice board or communicated by other adequate means.
- (2) The libraries may be closed for a short period of time to conduct a revision of their stocks or for other reasonable causes. Closures will be published in due time on the notice board or communicated by other adequate means.

#### **§ 7 Costs (Fees, Expenses and Charges)**

- (1) The use of the libraries, in particular borrowing literature and other media, may be tied to a user charge.
- (2) In addition, fees, expenses and charges for the use of the Library System will be levied according to the Schedule of Costs (Kostenordnung) as amended from time to time.
- (3) If the user is in default of payment (fees, expenses and charges) the library will refer the matter to the Finance Office, which will institute procedures to recover the money owed in accordance with the Hesse Administrative Enforcement Act (Hessisches Verwaltungsvollstreckungsgesetz (HessVwVG)) dated 04 July 1966 (GVBl. I, Page 151) and as amended from time to time.

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- (4) The library is entitled to request reasonable pre-payments up to the expected amount of fees, expenses and charges.

### **§ 8 Use of Material in the Reading Room**

Items in the reference section as well as valuable items or items older than 100 years may only be used in the rooms of the library. The decision on exceptions lies with the Head of the Library System or a person duly authorized by Head of the Library System. The access to individual items and to parts of the stock may be limited on-site use only. The details shall be decided on a case-by-case basis by the Head of the Library System or a person duly authorized by Head of the Library System.

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### **§ 11 Admission to Borrow Items and the Use of Electronic Items in the Central Library**

- (1) Any person above the age of 16 who resides, studies or works in the Land of Hesse and/or in the catchment area of the interlibrary loan region of Hesse/Rhineland-Palatine for a minimum period of 3 months can be admitted to borrow items from the Central Library. All prospective users must produce a proof of identity, a proof of residence and accept the Regulations for the Use of the Library by their signature before they are granted borrowing privileges for the Central Library. Upon registration persons under age are required to produce a written consent of their legal guardian, in which the guardian commits to pay for any damages and losses as well as for fees, expenses and charges that may be incurred in the future.
- (2) Other persons may also be admitted to use the Library System if their admission will not affect the primary tasks of the library.
- (3) The admission may be limited to a certain period of time and to certain sections.
- (4) Upon registration, the user will be informed in writing on the nature, scope and retention period of his or her personal data. The user will be issued a library card for lending purposes. The student identification card or any other identification document that is generally used in universities can also be accepted as library user card. Students and staff of the Johann Wolfgang Goethe University Frankfurt am Main who are already in possession of a library card shall return this document immediately upon receipt of the student identification card („Goethe-Card“) and/or the staff identification card. Only one library card may be used within the Library System. Borrowed items (books and other materials) must be returned; outstanding fees, expenses and charges have to be paid.
- (5) The library card entitles the holder to borrow books and other media and it has to be produced when the user is lending items. It is not transferable; it remains the property of the University. Any transfer of the library card may result in the exclusion from using the Library System. The loss of library cards must be reported without delay to the issuing agency. The user whose name is entered on the card will be liable for all damages. The user shall also be held responsible if he or she fails to report the loss immediately. For re-issuing a lost library card, a fee will be charged based on the applicable Schedule of Costs (Kostenordnung) of the Library System as amended from time to time.
- (6) The user has to report any change of residence to the library without delay.
- (7) Students have to return all borrowed books and other materials, including their library card, upon removal from the register of students and they shall pay all outstanding amounts, if applicable.
- (8) If the user does no longer fulfill the requirements qualifying for the use of the Library, he or she have to inform the Central Library, return the borrowed books and other materials and pay all outstanding fees, expenses and charges, if applicable.

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## **§ 12 Loans and Hold Requests for Items of the Central Library**

- (1) The borrower is the person whose name is entered on the card that used for lending.
- (2) Each loan has to be duly registered, usually by a library ticket or by automated loan booking. In the case of automated loan booking, a library ticket and/or a receipt are not required. This also applies to date due slips, provided the user is able to check the lending period by his- or herself.
- (3) The Head of the Library System or persons duly authorized by the Head of the Library System may limit the number of items that one user is allowed to borrow at one time.
- (4) It is not permitted to pass on loans. All loans have to be returned prior to long-term absences.
- (5) In general, a hold request can be made for items that are out on loan. The Head of the Library System or persons duly authorized by the Head of the Library System may limit the number of items to be put on hold. The information that the media are available can be communicated electronically.
- (6) Loan periods for individuals
  - a) The loan period is four weeks and may be renewed once for another period of four weeks. If no hold request has been registered, a new loan can be made immediately.
  - b) The books in the textbook collection must be returned by the due date of the loan period; renewals and direct new loans are not possible.
  - c) Magazines and certain parts of the stock may be subject to special loan requirements to be determined by the Library.
  - d) Loan periods and renewals for interlibrary loans are subject to the policies of the lending library.
  - e) The Library may reclaim books for organizational purposes before the loan period has expired.
  - f) The Library may permit short-term loans for items in the reference section.
- (7) Loan periods for university facilities
  - a) University facilities shall be granted a loan period of six months. At the end of this period all loans have to be returned. If the books are still required, new loans have to be made.
  - b) If a hold application exists, the loan has to be returned at the end of the loan period.

## **§ 13 Expiry of the Loan Period**

- (1) If a loan is not returned at the end of the loan period, the user will be reminded in writing or per e-mail to immediately return the item. Overdue charges are levied on items which are returned late. The opening hours of each lending department have to be observed to return the items on due time.
- (2) The penalty becomes effective when a reminder has been issued. The penalty is always payable for each single borrowed item.
- (3) A new loan can be rejected when items for which a reminder has been sent are still outstanding and penalties have not been paid yet (loan ban).
- (4) When the reminder procedure has been unsuccessful, the outstanding amount will be enforced at the user's expense pursuant to the Administrative Enforcement Act of the Land of Hesse (Hessisches Verwaltungsvollstreckungsgesetz); the assertion of further claims pursuant to Article 4 Paragraph 2

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(replacement of the book or media at the user's expense), the exclusion from admission to the library and embezzlement charges pursuant to the German Penal Code (StGB) Section 246, may ensue.

#### **§ 14 Loans from the Stock of the Decentralized Specialized Libraries**

- (1) The Decentralized Specialized Libraries are in general reference libraries with limited loan possibilities; they make their stock available in the form of free access libraries.
- (2) The loan procedure of a Decentralized Library shall be determined by the Head of the Library System after due consideration by the responsible Library Committee and will be published on the notice board or communicated by other adequate means. If an unrestricted loan procedure has been determined, all members and associates of the Johann Wolfgang Goethe University Frankfurt am Main are admitted to lend items.
- (3) For the professors of the Johann Wolfgang Goethe University Frankfurt am Main, course reserves can be established upon application with the Head of the Library System. The bulk of the course reserves should not exceed 300 volumes. The course reserves are generally located at the working place of the lender. The items in the course reserves have to be included in the catalogue of the Library System. An item that solely exists within a course reserve has to be made available to users through the local Decentralized Specialized Library or through the Central Library or for viewing on site.
- (4) For ongoing courses semester reserves may be established in the Decentralized Specialized Libraries from the stock available in each specialized library; with the prior approval of the Head of the Library System it may also be compiled from the stocks of other libraries within the Library System. Parts of the items (e.g. magazines, bibliographies and reference books, other reference items or items from the textbook collection) may be excluded from the inclusion into semester reserves.

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#### **§ 16 Information**

- (1) The Library will provide verbal and written information based on its catalogues and items on stock, whenever possible. All other services, such as bibliography, documentation and/or information, including online research made by the library staff, will be charged on the basis of costs (fees, expenses and charges) incurred.
- (2) The Library does not accept responsibility for the correctness and completeness of information provided.
- (3) The assessment of books and handwritten pieces are not part of the libraries' tasks.

#### **§ 17 Technical Devices**

- (1) Whenever possible, the libraries of the Library System will provide microfilm and microfiche readers, reader-printers, devices for the playback of audio and/or audio-visual media, computers, CD stations, access to the data network of the University and other devices. Before operating a device, the users are required to verify its proper condition. The users must inform the library staff of any defects without

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delay. The user will be held liable for damages that are not the result of normal wear and tear. The use of personal data carriers and other media in connection with the devices of the libraries of the Library System is at the user's own risk. The General Policy of Use for the ICT Infrastructure of the Johann Wolfgang Goethe-University (Allgemeine IuK-Nutzungsordnung) dated 5 June 2001 and as amended on 17 February 2004 has to be observed when operating data processing systems.

- (2) Personal portable data processing devices (notebooks and similar systems) may be used without special permission in reading rooms that have an access to the wireless data network of the University (WLAN), provided the other users will not be disturbed; the use of other personal technical devices requires the consent of the head of each library. The users will be held liable for damage incurred on library-owned devices or files, provided this damage was caused by their personal devices.

### **§ 18 Reproduction**

- (1) Copies for personal use may be made on site using the self-service system.
- (2) ...
- (3) If the Library is unable to produce photocopies and microforms it will use a private contractor after the user's consent has been obtained. In this case, the Library shall receive compensation for all costs incurred.
- (4) The Library may exclude individual items and parts of the items on stock from photocopying if this is necessary to secure the continued existence of its library stock.
- (5) Photos and photocopies of manuscripts, autographs and other valuable items on stock require the library's approval and must always be ordered with the Library. The Library may request the user not to pass on reproductions of its manuscripts and autographs to third parties unless the library's approval has been obtained.
- (6) The user has the responsibility to observe existing copyrights or rights to privacy when copying or reproducing from books or other materials.
- (7) The production of photocopies from manuscripts, legacies, autographs and other valuable materials shall only be approved for individual items on a case-by-case basis.

### **§ 19 Scope of Applicability**

- (1) The below listed actions shall not be defined as "use" for the purposes of this Policy of Use:
  - a) loans for the purpose of exhibitions,
  - b) the production and publication of photographs and other copies for commercial purposes.
- (2) The above listed situations and other instances that are not governed by the Policy of Use for the Library and may be decided by the Library at its own discretion on a case-by-case basis.

### **§ 20 Exclusion from Use**

Users violating the Policy of Use or directions by the library repeatedly or severely may be partially or fully disqualified from using the libraries for a limited period or permanently. This shall also apply if the usage of the library is unacceptable for other reasons.

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**§ 21 Expiry Date of the Existing Policy**

The Master Agreement (Rahmenbenutzungsordnung) containing the provisions for the use of the faculty libraries and other library facilities of the Johann Wolfgang Goethe University Frankfurt am Main dated 15 May 1972 and as amended on 18 September 2001, shall become ineffective.

**§ 22 Effective Date**

This Policy of Use of the Library shall take effect on 1 February 2008.

Frankfurt am Main, 23 January 2008

For the Presidential Committee of the Johann Wolfgang Goethe University Frankfurt am Main

Prof. Dr. Wolf Aßmus  
Vice President

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I, the undersigned, a duly sworn and authorized translator for the English language for the Law Courts and Notaries in the State of Hesse, Federal Republic of Germany, hereby certify that the foregoing is a complete and true translation as made from the original certificate titled "Benutzungsordnung für das Bibliothekssystem der Johann Wolfgang Goethe-Universität (Bibliotheksbenutzungsordnung) vom 23. September 2005 in der Fassung vom 15. Januar 2008".

Frankfurt/Main, February 20, 2012

Martina Hohlrüther  
Allgemein ermächtigte Übersetzerin in der  
englischen Sprache für die Gerichte und Notare im  
Land Hessen

Sworn and Authorized Translator for the Courts and  
Notaries of the State of Hesse

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