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San Bernardino Community College District  
**Administrative Procedure**  
Chapter 4 – Academic Affairs

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## AP 4040 LIBRARY SERVICES

Libraries in the San Bernardino Community College District provide instructional services and resources to support information literacy, supplement educational programs, and the mission of the District. Additionally, the libraries support the professional, personal, and intellectual development of students, faculty, and staff of the college communities.

The District supports the Standards and the Association of College & Research Libraries (ACRL) and the American Library Association's (ALA) Library Bill of Rights, and operates in accordance with the Education Code, Sections 78100, 78101, 78103 and Title 5, Section 51023.

### **ETHICAL AND PROFESSIONAL CONSIDERATIONS FOR ACQUISITIONS AND COLLECTION MANAGEMENT**

#### **STATEMENT OF ETHICS**

Overarching acquisition guidelines are based on the following tenets from the American Library Association's *Library Bill of Rights*:

- Books and other library resources should be for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas

#### **COLLECTION MANAGEMENT**

Collection management is required by the standards of the Accrediting Commission of California Junior and Community Colleges (ACCJC), a branch of the Western

45 Association for Schools and Colleges (WASC) Accreditation Commission. These  
46 standards are the means by which the Library is tasked to provide an organized collection  
47 of print and non-print resources that will meet institutional, curricular research, and  
48 instructional requirements, as well as supporting the development of the lifelong habit of  
49 reading.

50  
51 Under the supervision of the appropriate administrator, faculty librarians will utilize their  
52 collection management training and skills to ensure that the cultural and personal  
53 enrichment needs of the college community are met through the development and  
54 maintenance of library collections which best fulfill the above-stated requirements.

55  
56 Broad objectives for selection of educational materials include:

- 57     ▪ To provide materials that enrich and support the curriculum
- 58     ▪ To provide materials that will stimulate growth in factual knowledge
- 59     ▪ To provide a background of broad-based information resources to empower  
60         students to make informed judgments in their daily lives
- 61     ▪ To provide materials representative of the diversity of the District, and
- 62     ▪ To place library ethics above personal opinion and prejudice in the selection of  
63         materials.

64  
65 As a measure of adequacy the library shall review its collection against the recommended  
66 lists of materials for community college libraries, professional journals in all disciplines  
67 taught at the college, and current bibliographic publications, and assess, supplement, or  
68 withdraw materials from all areas as needed.

### 69 **CHALLENGES TO MATERIALS**

70  
71 On occasion, a patron may question or challenge the suitability of an item or items found  
72 in the collection. On these occasions, the complainant will be reminded that it is the  
73 obligation of academic libraries to promote intellectual freedom. As such entities,  
74 district libraries will provide materials that promote free, open, and educational  
75 discussion of sometimes-controversial matters in order to prepare students to make  
76 informed decisions about challenges in their daily lives. It is the sole responsibility of  
77 the librarians and library administration to make final decisions concerning inclusion  
78 and exclusion of materials in the libraries' collections.

### 79 80 **CIRCULATION SERVICES**

81 **STUDENTS:** Currently-enrolled SBCCD students have free access to library materials and  
82 services both on campus and online during posted hours. Students utilizing library materials or  
83 services will be held responsible for them and overdue fines/replacement costs will apply. At  
84 each time of checkout, students must provide to staff their student identification number and a  
85 current photo I.D. for protection against identity theft. Certain library material and items must be  
86 used in the college library only.

87  
88 **DISTRICT EMPLOYEES:** Currently-employed District employees may borrow materials  
89 from the circulating collections of the libraries. Standard loan periods and fines may apply.  
90 Library services are cancelled upon termination of employment.

91  
92 **COMMUNITY MEMBERS and ALUMNI ASSOCIATION MEMBERS:** All are welcome  
93 to use the library facility, circulating books, and reference materials while in the building. Upon  
94 proof of residence in a college's service area and the verification of a valid email address,  
95 individuals over the age of 18 may borrow a limited number of items as defined locally by each  
96 campus, from the general circulating collection. An activation fee may apply and vary by  
97 location. Community and Alumni Association members are prohibited from use of the Library  
98 Computer Lab and may not check out Reserve and Textbook Bank materials, student computers,  
99 nor obtain remote access to databases, as these materials and services are reserved for the  
100 exclusive use of the colleges' students.

101  
102 **References:** Education Code Section 78100;  
103 ACCJC Accreditation Standard II.B (formerly II.C)

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104 **Approved: 3/12/15**

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## Legal Citations for AP 4040

### EDUCATION CODE SECTION 78100

**78100.** The governing board of each community college district shall provide library services for the students and faculty of the district by establishing and maintaining community college libraries or by contractual arrangements with another public agency.

### Civil Code Section 1798.90

**1798.90.** (a) This title shall be known and may be cited as the Reader Privacy Act.

(b) For purposes of this section:

(1) "Book" means paginated or similarly organized content in printed, audio, electronic, or other format, including fiction, nonfiction, academic, or other works of the type normally published in a volume or finite number of volumes, excluding serial publications such as a magazine or newspaper.

(2) "Book service" means a service that, as its primary purpose, provides the rental, purchase, borrowing, browsing, or viewing of books. "Book service" does not include a store that sells a variety of consumer products when the book service sales do not exceed 2 percent of the store's total annual gross sales of consumer products sold in the United States.

(3) "Government entity" means any state or local agency, including, but not limited to, a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission, or any individual acting or purporting to act for or on behalf of a state or local agency.

(4) "Law enforcement entity" means a district attorney, a district attorney's office, a municipal police department, a sheriff's department, a county probation department, a county social services agency, the Department of Justice, the Department of Corrections and Rehabilitation, the Department of Corrections and Rehabilitation Division of Juvenile Facilities, the Department of the California Highway Patrol, the police department of a campus of a community college, the University of California, or the California State University, or any other department or agency of the state authorized to investigate or prosecute the commission of a crime.

(5) "Personal information" means all of the following:

(A) Any information that identifies, relates to, describes, or is associated with a particular user, including, but not limited to, the information specifically listed in Section 1798.80.

(B) A unique identifier or Internet Protocol address, when that identifier or address is used to identify, relate to, describe, or be associated with a particular user or book, in whole or in partial form.

(C) Any information that relates to, or is capable of being associated with, a particular user's access to or use of a book service or a book, in whole or in partial form.

(6) "Provider" means any commercial entity offering a book service to the public.

(7) "User" means any person or entity that uses a book service.

(c) A provider shall not knowingly disclose to any government entity, or be compelled to disclose to any person, private entity, or government entity, any personal information of a user, except under

162 any of the following circumstances:

163 (1) A provider shall disclose personal information of a user to a  
164 law enforcement entity only pursuant to a court order issued by a  
165 duly authorized court with jurisdiction over an offense that is under  
166 investigation and only if all of the following conditions are met:

167 (A) The court issuing the order finds that probable cause exists  
168 to believe the personal information requested is relevant evidence to  
169 the investigation of an offense and any of the grounds in Section  
170 1524 of the Penal **Code** is satisfied.

171 (B) The court issuing the order finds that the law enforcement  
172 entity seeking disclosure has a compelling interest in obtaining the  
173 personal information sought.

174 (C) The court issuing the order finds that the personal  
175 information sought cannot be obtained by the law enforcement entity  
176 seeking disclosure through less intrusive means.

177 (D) Prior to issuance of the court order, the law enforcement  
178 entity seeking disclosure provides, in a timely manner, the provider  
179 with reasonable notice of the proceeding to allow the provider the  
180 opportunity to appear and contest issuance of the order.

181 (E) The law enforcement entity seeking disclosure has informed  
182 the provider that it has given notice of the court order to the user  
183 contemporaneously with the execution of the order, unless there is a  
184 judicial determination of a strong showing of necessity to delay that  
185 notification for a reasonable period of time, not to exceed 90 days.

186 (2) (A) A provider shall disclose personal information of a user  
187 to any of the following only if all of the conditions listed in  
188 subparagraph (B) are satisfied:

189 (i) A government entity, other than a law enforcement entity,  
190 pursuant to a court order issued by a court having jurisdiction over  
191 an offense under investigation by that government entity.

192 (ii) A government entity, other than a law enforcement entity, or  
193 a person or private entity pursuant to a court order in a pending action  
194 brought by the government entity or by the person or private entity.

195 (B) A provider shall disclose personal information of a user  
196 pursuant to subparagraph (A) only if all of the following conditions  
197 are satisfied:

198 (i) The court issuing the order finds that the person or entity  
199 seeking disclosure has a compelling interest in obtaining the  
200 personal information sought.

201 (ii) The court issuing the order finds that the personal  
202 information sought cannot be obtained by the person or entity seeking  
203 disclosure through less intrusive means.

204 (iii) Prior to issuance of the court order, the person or entity  
205 seeking disclosure provides, in a timely manner, the provider with  
206 reasonable notice of the proceeding to allow the provider the  
207 opportunity to appear and contest the issuance of the court order.

208 (iv) The provider refrains from disclosing any personal  
209 information pursuant to the court order until it provides, in a  
210 timely manner, notice to the user about the issuance of the order and  
211 the ability to appear and quash the order, and the user has been  
212 given a minimum of 35 days prior to disclosure of the information  
213 within which to appear and quash the order.

214 (3) A provider shall disclose the personal information of a user  
215 to any person, private entity, or government entity if the user has  
216 given his or her informed, affirmative consent to the specific  
217 disclosure for a particular purpose.

218 (4) A provider may disclose personal information of a user to a

219 government entity, if the government entity asserts, and the provider  
220 in good faith believes, that there is an imminent danger of death or  
221 serious physical injury requiring the immediate disclosure of the  
222 requested personal information and there is insufficient time to  
223 obtain a court order. The government entity seeking the disclosure  
224 shall provide the provider with a written statement setting forth the  
225 facts giving rise to the emergency upon request or no later than 48  
226 hours after seeking disclosure.

227 (5) A provider may disclose personal information of a user to a  
228 government entity if the provider in good faith believes that the  
229 personal information is evidence directly related and relevant to a  
230 crime against the provider or that user.

231 (d) (1) Any court issuing a court order requiring the disclosure  
232 of personal information of a user shall impose appropriate safeguards  
233 against the unauthorized disclosure of personal information by the  
234 provider and by the person, private entity, or government entity  
235 seeking disclosure pursuant to the order.

236 (2) The court may, in its discretion, quash or modify a court  
237 order requiring the disclosure of the user's personal information upon a  
238 motion made by the user, provider, person, or entity seeking disclosure.

239 (e) A provider, upon the request of a law enforcement entity,  
240 shall take all necessary steps to preserve records and other evidence  
241 in its possession of a user's personal information related to the  
242 use of a book or part of a book, pending the issuance of a court  
243 order or a warrant pursuant to this section or Section 1798.90.05.  
244 The provider shall retain the records and evidence for a period of 90  
245 days from the date of the request by the law enforcement entity,  
246 which shall be extended for an additional 90-day period upon a  
247 renewed request by the law enforcement entity.

248 (f) Except in an action for a violation of this section, no  
249 evidence obtained in violation of this section shall be admissible in  
250 any **civil** or administrative proceeding.

251 (g) (1) Violations of this section shall be subject to the  
252 following penalties:

253 (A) Any provider that knowingly provides personal information  
254 about a user to a government entity in violation of this section  
255 shall be subject to a **civil** penalty not to exceed five hundred  
256 dollars (\$500) for each violation, which shall be paid to the user in  
257 a **civil** action brought by the user.

258 (B) Any provider that knowingly provides personal information  
259 about a user to a government entity in violation of this section  
260 shall, in addition to the penalty prescribed by subparagraph (A), be  
261 subject to a **civil** penalty not to exceed five hundred dollars (\$500)  
262 for each violation, which may be assessed and recovered in a **civil**  
263 action brought by the Attorney General, by any district attorney or  
264 city attorney, or by a city prosecutor in any city having a full-time  
265 city prosecutor, in any court of competent jurisdiction.

266 (2) If an action is brought by the Attorney General, one-half of  
267 the penalty collected shall be paid to the treasurer of the county in  
268 which the judgment was entered, and one-half to the General Fund. If  
269 the action is brought by a district attorney, the penalty collected  
270 shall be paid to the treasurer of the county in which the judgment  
271 was entered. If the action is brought by a city attorney or city  
272 prosecutor, one-half of the penalty shall be paid to the treasurer of  
273 the city in which the judgment was entered, and one-half to the  
274 treasurer of the county in which the judgment was entered.

275 (3) The penalties provided by this section are not the exclusive

276 remedy and do not affect any other relief or remedy provided by law.  
277 (4) A **civil** action brought pursuant to this section shall be  
278 commenced within two years after the date upon which the claimant  
279 first discovered the violation.

280 (h) An objectively reasonable reliance by the provider on a  
281 warrant or court order for the disclosure of personal information of  
282 a user, or on any of the enumerated exceptions to the confidentiality  
283 of a user's personal information set forth in this section, is a  
284 complete defense to any **civil** action for the violation of this section.

285 (i) (1) Unless disclosure of information pertaining to a  
286 particular request or set of requests is specifically prohibited by  
287 law, a provider shall prepare a report including all of the following  
288 information, to the extent it can be reasonably determined:

289 (A) The number of federal and state warrants, federal and state  
290 grand jury subpoenas, federal and state **civil** and administrative  
291 subpoenas, federal and state **civil** and criminal court orders, and  
292 requests for information made with the informed consent of the user  
293 as described in paragraph (3) of subdivision (c), seeking disclosure  
294 of any personal information of a user related to the access or use of  
295 a book service or book, received by the provider from January 1 to  
296 December 31, inclusive, of the previous year.

297 (B) The number of disclosures made by the provider pursuant to  
298 paragraphs (4) and (5) of subdivision (c) from January 1 to December  
299 31, inclusive, of the previous year.

300 (C) For each category of demand or disclosure, the provider shall  
301 include all of the following information:

302 (i) The number of times notice of a court order in a criminal,  
303 **civil**, or administrative action has been provided by the provider and  
304 the date the notice was provided.

305 (ii) The number of times personal information has been disclosed  
306 by the provider.

307 (iii) The number of times no personal information has been  
308 disclosed by the provider.

309 (iv) The number of times the provider contests the demand.

310 (v) The number of times the user contests the demand.

311 (vi) The number of users whose personal information was disclosed  
312 by the provider.

313 (vii) The type of personal information that was disclosed and the  
314 number of times that type of personal information was disclosed.

315 (2) Notwithstanding paragraph (1), a provider is not required to  
316 prepare a report pursuant to this subdivision unless it has disclosed  
317 personal information related to the access or use of a book service  
318 or book of more than 30 total users consisting of users located in  
319 this state or users whose location is unknown or of both types of users.

320 (3) The reporting requirements of this subdivision shall not apply  
321 to information disclosed to a government entity that is made by a  
322 provider serving a postsecondary educational institution when the  
323 provider is required to disclose the information in order to be  
324 reimbursed for the sale or rental of a book that was purchased or  
325 rented by a student using book vouchers or other financial aid  
326 subsidies for books.

327 (j) Reports prepared pursuant to subdivision (i) shall be made  
328 publicly available in an online, searchable format on or before March  
329 1 of each year. If the provider does not have an Internet Web site,  
330 the provider shall post the reports prominently on its premises or  
331 send the reports to the Office of Privacy Protection on or before  
332 March 1 of each year.

333 (k) On or before March 1 of each year, a provider subject to  
334 Section 22575 of the Business and Professions **Code** shall complete one  
335 of the following actions:

336 (1) Create a prominent hyperlink to its latest report prepared  
337 pursuant to subdivision (i) in the disclosure section of its privacy  
338 policy applicable to its book service.

339 (2) Post the report prepared pursuant to subdivision (i) in the  
340 section of its Internet Web site explaining the way in which user  
341 information and privacy issues related to its book service are addressed.

342 (3) State on its Internet Web site in one of the areas described  
343 in paragraphs (1) and (2) that no report prepared pursuant to  
344 subdivision (i) is available because the provider is exempt from the  
345 reporting requirement pursuant to paragraph (2) of subdivision (i).

346 (1) Nothing in this section shall otherwise affect the rights of  
347 any person under the California Constitution or any other law or be  
348 construed as conflicting with the federal Privacy Protection Act of  
349 1980 (42 U.S.C. 2000aa et seq.).

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## 352 **Standard II.C: Student Learning Programs and Services**

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### 354 **C. Library and Learning Support Services**

355 Library and other learning support services for students are sufficient to support the institution's  
356 instructional programs and intellectual, aesthetic, and cultural activities in whatever format and  
357 wherever they are offered. Such services include library services and collections, tutoring,  
358 learning centers, computer laboratories, and learning technology development and training.  
359 The institution provides access and training to students so that library and other learning  
360 support services may be used effectively and efficiently. The institution systematically assesses  
361 these services using student learning outcomes, faculty input, and other appropriate measures  
362 in order to improve the effectiveness of the services.

363

364 **1.** The institution supports the quality of its instructional programs by providing library and other  
365 learning support services that are sufficient in quantity, currency, depth, and variety to facilitate  
366 educational offerings, regardless of location or means of delivery.<sup>1</sup>

367 a. Relying on appropriate expertise of faculty, including librarians and other learning support  
368 services professionals, the institution selects and maintains educational equipment and  
369 materials to support student learning and enhance the achievement of the mission of the  
370 institution.

371 b. The institution provides ongoing instruction for users of library and other learning support  
372 services so that students are able to develop skills in information competency.

373 c. The institution provides students and personnel responsible for student learning programs  
374 and services adequate access to the library and other learning support services, regardless of  
375 their location or means of delivery. <sup>1</sup>

376 d. The institution provides effective maintenance and security for its library and other learning  
377 support services.

378 e. When the institution relies on or collaborates with other institutions or other sources for  
379 library and other learning support services for its instructional programs, it documents that  
380 formal agreements exist and that such resources and services  
381 are adequate for the institution's intended purposes, are easily accessible, and utilized. The  
382 performance of these services is evaluated on a regular basis. The institution takes  
383 responsibility for and assures the reliability of all services provided either directly or through  
384 contractual arrangement.



385 **2.** The institution evaluates library and other learning support services to assure their adequacy  
386 in meeting identified student needs. Evaluation of these services provides evidence that they  
387 contribute to the achievement of student learning outcomes. The institution uses the results of  
388 these evaluations as the basis for improvement.