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

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

Broad objectives for selection of educational materials include:

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

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

**CHALLENGES TO MATERIALS**

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

**CIRCULATION SERVICES**

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

**DISTRICT EMPLOYEES:** Currently-employed District employees may borrow materials from the circulating collections of the libraries. Standard loan periods and fines may apply. Library services are cancelled upon termination of employment.
COMMUNITY MEMBERS and ALUMNI ASSOCIATION MEMBERS: All are welcome to use the library facility, circulating books, and reference materials while in the building. Upon proof of residence in a college’s service area and the verification of a valid email address, individuals over the age of 18 may borrow a limited number of items as defined locally by each campus, from the general circulating collection. An activation fee may apply and vary by location. Community and Alumni Association members are prohibited from use of the Library Computer Lab and may not check out Reserve and Textbook Bank materials, student computers, nor obtain remote access to databases, as these materials and services are reserved for the exclusive use of the colleges’ students.

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

Approved: 3/12/15
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) "Person peral 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
any of the following circumstances:

(i) A provider shall disclose personal information of a user to a
duly authorized court with jurisdiction over an offense that is under
investigation and only if all of the following conditions are met:
(A) The court issuing the order finds that probable cause exists
to believe the personal information requested is relevant evidence to
the investigation of an offense and any of the grounds in Section
1524 of the Penal Code is satisfied.
(B) The court issuing the order finds that the law enforcement
entity seeking disclosure has a compelling interest in obtaining the
personal information sought.
(C) The court issuing the order finds that the personal
information sought cannot be obtained by the law enforcement entity
seeking disclosure through less intrusive means.
(D) Prior to issuance of the court order, the law enforcement
entity seeking disclosure provides, in a timely manner, the provider
with reasonable notice of the proceeding to allow the provider the
opportunity to appear and contest issuance of the order.
(E) The law enforcement entity seeking disclosure has informed
the provider that it has given notice of the court order to the user
contemporaneously with the execution of the order, unless there is a
judicial determination of a strong showing of necessity to delay that
notification for a reasonable period of time, not to exceed 90 days.
(2) (A) A provider shall disclose personal information of a user
to any of the following only if all of the conditions listed in
subparagraph (B) are satisfied:
(i) A government entity, other than a law enforcement entity,
pursuant to a court order issued by a court having jurisdiction over
an offense under investigation by that government entity.
(ii) A government entity, other than a law enforcement entity, or
a person or private entity pursuant to a court order in a pending action
brought by the government entity or by the person or private entity.
(B) A provider shall disclose personal information of a user
pursuant to subparagraph (A) only if all of the following conditions
are satisfied:
(i) The court issuing the order finds that the person or entity
seeking disclosure has a compelling interest in obtaining the
personal information sought.
(ii) The court issuing the order finds that the personal
information sought cannot be obtained by the person or entity seeking
disclosure through less intrusive means.
(iii) Prior to issuance of the court order, the person or entity
seeking disclosure provides, in a timely manner, the provider with
reasonable notice of the proceeding to allow the provider the
opportunity to appear and contest the issuance of the court order.
(iv) The provider refrains from disclosing any personal
information pursuant to the court order until it provides, in a
timely manner, notice to the user about the issuance of the order and
the ability to appear and quash the order, and the user has been
given a minimum of 35 days prior to disclosure of the information
within which to appear and quash the order.
(3) A provider shall disclose the personal information of a user
to any person, private entity, or government entity if the user has
given his or her informed, affirmative consent to the specific
disclosure for a particular purpose.
(4) A provider may disclose personal information of a user to a
government entity, if the government entity asserts, and the provider in good faith believes, that there is an imminent danger of death or serious physical injury requiring the immediate disclosure of the requested personal information and there is insufficient time to obtain a court order. The government entity seeking the disclosure shall provide the provider with a written statement setting forth the facts giving rise to the emergency upon request or no later than 48 hours after seeking disclosure.

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

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

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

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

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

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

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

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

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

(3) The penalties provided by this section are not the exclusive
remedy and do not affect any other relief or remedy provided by law.

(4) A civil action brought pursuant to this section shall be
commenced within two years after the date upon which the claimant
first discovered the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Reports prepared pursuant to subdivision (i) shall be made
publicly available in an online, searchable format on or before March
1 of each year. If the provider does not have an Internet Web site,
the provider shall post the reports prominently on its premises or
send the reports to the Office of Privacy Protection on or before
March 1 of each year.
On or before March 1 of each year, a provider subject to Section 22575 of the Business and Professions Code shall complete one of the following actions:

1. Create a prominent hyperlink to its latest report prepared pursuant to subdivision (i) in the disclosure section of its privacy policy applicable to its book service.
2. Post the report prepared pursuant to subdivision (i) in the section of its Internet Web site explaining the way in which user information and privacy issues related to its book service are addressed.
3. State on its Internet Web site in one of the areas described in paragraphs (1) and (2) that no report prepared pursuant to subdivision (i) is available because the provider is exempt from the reporting requirement pursuant to paragraph (2) of subdivision (i).

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

Standard II.C: Student Learning Programs and Services

C. Library and Learning Support Services

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

1. The institution supports the quality of its instructional programs by providing library and other learning support services that are sufficient in quantity, currency, depth, and variety to facilitate educational offerings, regardless of location or means of delivery.1
   a. Relying on appropriate expertise of faculty, including librarians and other learning support services professionals, the institution selects and maintains educational equipment and materials to support student learning and enhance the achievement of the mission of the institution.
   b. The institution provides ongoing instruction for users of library and other learning support services so that students are able to develop skills in information competency.
   c. The institution provides students and personnel responsible for student learning programs and services adequate access to the library and other learning support services, regardless of their location or means of delivery. 1
   d. The institution provides effective maintenance and security for its library and other learning support services.
   e. When the institution relies on or collaborates with other institutions or other sources for library and other learning support services for its instructional programs, it documents that formal agreements exist and that such resources and services are adequate for the institution’s intended purposes, are easily accessible, and utilized. The performance of these services is evaluated on a regular basis. The institution takes responsibility for and assures the reliability of all services provided either directly or through contractual arrangement.
2. The institution evaluates library and other learning support services to assure their adequacy in meeting identified student needs. Evaluation of these services provides evidence that they contribute to the achievement of student learning outcomes. The institution uses the results of these evaluations as the basis for improvement.