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

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**AP 4040 LIBRARY AND OTHER INSTRUCTIONAL SUPPORT SERVICES**

**Sample 1 from another District:**

Under supervision of the appropriate administrator, the college librarians in consultation with the faculty and dean from each academic area have the responsibility of coordinating the development and maintenance of a well-rounded, well-balanced collection of instructional materials and resources of the highest possible standard.

The library staff recognizes the obligation of college policies and procedures to promote free and open discussions as an educative force and to prepare students to deal with controversial issues. The library has the responsibility of providing materials on opposing sides of controversial issues and representative of the many groups and opinions prevalent in our society. The college librarians will establish procedures for materials selection.

As a measure of adequacy the library should 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. Broad objectives in selection of educational materials include:

- Providing materials that will enrich and support the curriculum.
- Providing materials that will stimulate growth in factual knowledge.
- Providing a background of information, which will enable students to make intelligent judgments in their daily lives.
- Providing materials representative of the diversity of the District.
- Placing principle above personal opinion and reason above prejudice in the selection of materials.

44 If library materials are questioned or challenged by members of the community, the  
45 questions should be directed in writing to the administrator of the library of the college  
46 involved, signed by the person raising the question, and indicating specific objections,  
47 page references, etc. The questioned materials will then be reviewed by the supervising  
48 manager and the college librarians. When this review has been completed, the  
49 supervising manager will respond in writing to the question/challenge and forward copies  
50 of the letter to the College President. The questioner may accept the review, or present  
51 an appeal through the College President and the Chancellor to the Board of Trustees.

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54 **Sample 2 from another District:**

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**LIBRARY SERVICES**

57 **Students:** All currently registered RCCD students have physical access to District  
58 libraries, the libraries' material and computing technology during posted hours. Hours  
59 vary by location. District libraries loan material to currently registered RCCD students at  
60 no cost. Loan periods vary per item. Overdue fines, fees, and replacement costs may  
61 apply. A college identification card is required to borrow material and use computing  
62 technology. Remote access to databases is provided by the college library where the  
63 student is currently registered. A librarian is on duty to provide instruction and assist with  
64 the use of the library and library material during all posted hours.

65

66 **District Employees:** District employees use their college identification card to borrow  
67 library material at no cost. Loan periods vary per item. Overdue fines, fees, and  
68 replacement costs may apply. Remote access to databases is provided by the college  
69 library of the employee. Library services cancel upon termination of employment.

70

71 **Retirees:** All employees who retire from the District may obtain a library card at no cost  
72 by requesting a card from any College library.

73

74 **Community Borrowers:** Community members may obtain a library card for a specified  
75 academic term (e.g. fall, winter, spring, summer) upon proof of District residency, and age  
76 of 16 years or older (California Driver License, California Identification Card, or Military  
77 Identification Card required). An activation fee applies for each specified academic term.  
78 Activation fees may vary by location.

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80 The library card is valid for the current academic term only and must be reactivated each  
81 academic term at additional cost. A valid library card allows the community borrower to  
82 access the library, computing technology, and borrow library material. Loan periods vary  
83 per item. Overdue fines, fees, and replacement costs may apply. A valid library card  
84 does not allow the community borrower remote access to databases. Community  
85 borrowers will not be allowed to borrow reserve materials. A fee will be assessed for the  
86 replacement of a lost library card.

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88 Certain library material and items must be used in the college library only.

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90 **Overdue Notices**

91 District students, District employees, and community borrowers will be notified when  
92 library items have been kept past the designated loan period. A replacement bill will be  
93 sent when library items are not returned.

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95 **Overdue Fines and Replacement Bills**

96 District students, District employees, and community borrowers may be subject to  
97 overdue fines, fees, and/or replacement costs of library items returned past the  
98 designated loan period. Fines, fees, and replacement cost vary per item.

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100 **Delinquency Suspension of Library Privileges**

101 **District Students:** Currently registered students will not be able to check out items under  
102 each of the following circumstances.

- 103  
104 1. When they have checked out the designated maximum number of items.  
105 2. When they are no longer a current student.  
106 3. When the student has a hold on their record from any college department.

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108 Additionally, a hold will be placed on their records under each of the following  
109 circumstances.

- 110  
111 1. If they owe the library more than \$25.00.  
112 2. When issued a bill for replacement cost of the library item.

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114 **District Employees:** Classified and Confidential Staff will not be able to check out items  
115 under each of the following circumstances.

- 116 1. When they have checked out the designated maximum number of items.  
117 2. When their college ID card has expired (end of employment).  
118 3. If they owe more than \$25.00.  
119 4. When issued a replacement bill.

120  
121 **Community Borrowers:** Community borrowers will not be able to check out items under  
122 each of the following circumstances.

- 123  
124 1. When they have checked out the designated maximum number of items.  
125 2. When their library card has expired.  
126 3. If they owe any fines or replacement bills.  
127 4. If they have any overdue items.

128  
129 Applicable fees, fines and other charges are set by each College library. To find out what  
130 the activation fees are for a community borrower library card, or for information on  
131 overdue fines, fees and/or replacement costs of library items, contact the appropriate  
132 college library.

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135 **Sample 3 from another District:**

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137 The library and information hubs will offer a full range of library resources and services.

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139 It is the aim of the library to provide a balanced collection of significant materials that will  
140 enrich and support the curriculum, aid the individual in the pursuit of information, provide  
141 a broad view of cultural heritage, promote aesthetic appreciation, present varied points of  
142 view concerning contemporary problems and issues, furnish intellectual stimulation, and  
143 invite the creative use of leisure time.

144  
145 The selection and evaluation of materials will be based on curricular demands, the  
146 recommendations of current professional review sources, plus the suggestions and  
147 requests of members of the college community.

148  
149 All faculty, staff, and currently enrolled students may borrow materials upon presentation  
150 of a College identification card. Area residents, including high school students, may  
151 borrow materials upon application for and acquisition of a borrower's card. The open  
152 computer labs will be open first and foremost to students currently enrolled at the colleges.

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154 Library standards and guidelines are available on the District website.

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157 **Sample 4 from another District:**

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159 **Library Services**

160 Under the supervision of the appropriate designated administrator, the college librarians  
161 and library staff provide numerous resources and services to students and faculty. The  
162 library staff maintains a well-balanced collection of instructional materials and resources  
163 of the highest possible standard. These include personalized reference assistance,  
164 orientations, and library skills courses. The Colleges Student/Staff ID card provides  
165 access to online and face to face library services and collections, including borrowing  
166 materials from LINK+ member libraries.

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168 The library collection includes books, periodicals, ebooks, videocassettes/DVDs,  
169 textbook reserves, instructor reserves, and premier electronic databases. All databases  
170 are available off-campus using the Student/Staff ID number to log-in.

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172 **Other Instructional Support Services**

173 The library provides computers with Internet access, Microsoft Office, and adaptive  
174 software; free wireless access; VCR/DVD players; group study rooms; study tables and  
175 carrels; and public photocopiers.

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178 **References: Education Code Section 78100;**  
179 **Civil Code Section 1798.90;**  
180 **WASC/ACCJC Accreditation Standard II.C**

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**NOTE:** The **red ink** signifies language that is **required** by accreditation and recommended by the Policy and Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **blue ink** is included for consideration. This document was reviewed by Gloria Fisher & Rebecca Warren-Marlatt on 3/4/14.

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**Approved:**

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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

244 government entity, any personal information of a user, except under  
245 any of the following circumstances:

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

250 (A) The court issuing the order finds that probable cause exists  
251 to believe the personal information requested is relevant evidence to  
252 the investigation of an offense and any of the grounds in Section  
253 1524 of the Penal **Code** is satisfied.

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

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

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

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

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

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

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

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

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

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

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

291 (iv) The provider refrains from disclosing any personal  
292 information pursuant to the court order until it provides, in a  
293 timely manner, notice to the user about the issuance of the order and  
294 the ability to appear and quash the order, and the user has been  
295 given a minimum of 35 days prior to disclosure of the information  
296 within which to appear and quash the order.

297 (3) A provider shall disclose the personal information of a user  
298 to any person, private entity, or government entity if the user has  
299 given his or her informed, affirmative consent to the specific

300 disclosure for a particular purpose.

301 (4) A provider may disclose personal information of a user to a  
302 government entity, if the government entity asserts, and the provider  
303 in good faith believes, that there is an imminent danger of death or  
304 serious physical injury requiring the immediate disclosure of the  
305 requested personal information and there is insufficient time to  
306 obtain a court order. The government entity seeking the disclosure  
307 shall provide the provider with a written statement setting forth the  
308 facts giving rise to the emergency upon request or no later than 48  
309 hours after seeking disclosure.

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

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

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

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

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

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

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

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

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



356 the city in which the judgment was entered, and one-half to the  
357 treasurer of the county in which the judgment was entered.

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

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

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

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

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

380 (B) The number of disclosures made by the provider pursuant to  
381 paragraphs (4) and (5) of subdivision (c) from January 1 to December  
382 31, inclusive, of the previous year.

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

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

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

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

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

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

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

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

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

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

410 (j) Reports prepared pursuant to subdivision (i) shall be made  
411 publicly available in an online, searchable format on or before March

412 1 of each year. If the provider does not have an Internet Web site,  
413 the provider shall post the reports prominently on its premises or  
414 send the reports to the Office of Privacy Protection on or before  
415 March 1 of each year.

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

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

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

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

429 (l) Nothing in this section shall otherwise affect the rights of  
430 any person under the California Constitution or any other law or be  
431 construed as conflicting with the federal Privacy Protection Act of  
432 1980 (42 U.S.C. 2000aa et seq.).

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

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

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

446

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

450 a. Relying on appropriate expertise of faculty, including librarians and other learning support  
451 services professionals, the institution selects and maintains educational equipment and  
452 materials to support student learning and enhance the achievement of the mission of the  
453 institution.

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

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

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

461 e. When the institution relies on or collaborates with other institutions or other sources for  
462 library and other learning support services for its instructional programs, it documents that  
463 formal agreements exist and that such resources and services

464 are adequate for the institution's intended purposes, are easily accessible, and utilized. The  
465 performance of these services is evaluated on a regular basis. The institution takes  
466 responsibility for and assures the reliability of all services provided either directly or through  
467 contractual arrangement.

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