
Kern Community College District
Administrative Procedure
Chapter 4 – Academic Affairs

AP 4040 LIBRARY AND LEARNING SUPPORT SERVICES

References:

Education Code Section 78100;

Civil Code Section 1798.90 (Reader Privacy Act);

WASC/ACCJC Accreditation Standard II.B

NOTE: *Every District must provide a library and may provide other learning support services. Local practice may be inserted here.*

*The language in **blue ink** (immediately below) is from current KCCD Policy 3A11 and was moved to this administrative procedure due to the details contained therein.*

The responsibility for the acquisition or withdrawal of library materials rests with the College President or designee. The head librarian at each college has the primary responsibility for the withdrawal of obsolete and/or damaged materials from the library.

Materials shall be disposed of in a manner which may be economically feasible and may be beneficial to groups, institutions, and individuals.

❖ From current KCCD Procedure 3A7 titled Selection of Library Materials

Responsibility for Selection of Library Materials

The basic responsibility for the selection of library materials rests with the professional staff of the Colleges. The head librarian at each College has the primary responsibility for maintaining and augmenting the library collection. Recommendations for purchases shall be made directly to the librarian.

NOTE: *The following sample language is included for consideration.*

Sample 1 from another District:

Library Services

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

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

Other Instructional Support Services

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

Sample 2 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.

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

Sample 3 from another District:

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

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

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

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

Library standards and guidelines are available on the District website.

NOTE: The **red ink** signifies language that is **required** by accreditation and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from the current KCCD Procedure 3A7 titled Selection of Library Materials approved by the Chancellor's Cabinet on September 13, 1979. The language in **blue ink** is included for consideration.

Approved:

(Replaces Procedure 3A7)

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 any of the following circumstances:

(1) A provider shall disclose personal information of a user to a law enforcement entity only pursuant to a court order issued by 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.

(k) 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).

(l) 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: Student Learning Programs and Support Services

The institution offers instructional programs, library and learning support services, and student support services aligned with its mission. The institution's programs are conducted at levels of quality and rigor appropriate for higher education. The institution assesses its educational quality through methods accepted in higher education, makes the results of its assessments available to the public, and uses the results to improve educational quality and institutional effectiveness. The institution defines and incorporates into all of its degree programs a substantial component of general education designed to ensure breadth of knowledge and to promote intellectual inquiry. The provisions of this standard are broadly applicable to all instructional programs and student and learning support services offered in the name of the institution.

B. Library and Learning Support Services

1. The institution supports student learning and achievement by providing library, and other learning support services to students and to personnel responsible for student learning and support. These services are sufficient in quantity, currency, depth, and variety to support educational programs, regardless of location or means of delivery, including distance education and correspondence education. Learning support services include, but are not limited to, library collections, tutoring, learning centers, computer laboratories, learning technology, and ongoing instruction for users of library and other learning support services. (ER 17)
2. 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.
3. The institution evaluates library and other learning support services to assure their adequacy in meeting identified student needs. Evaluation of these services includes evidence that they contribute to the attainment of student learning outcomes. The institution uses the results of these evaluations as the basis for

improvement.

4. 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 institution takes responsibility for and assures the security, maintenance, and reliability of services provided either directly or through contractual arrangement. The institution regularly evaluates these services to ensure their effectiveness. (ER 17)