

BOARD REPORT

Date: January 12, 2021
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TO: Library Board
FROM: Director, Collections & Technology
SUBJECT: Intellectual Freedom Challenges – 2020 Report

SUMMARY

This report provides background and context for intellectual freedom challenges within the context of public libraries, and summarizes the complaints received in 2020.

PURPOSE

This report is for discussion and information.

RECOMMENDATIONS

That the Board receive the report for information.

POLICY

Intellectual freedom is one of the values of VPL, and is fundamental to the operation of public libraries in Canada. It is incorporated into many VPL policies, including: Collection Development, Programming at VPL, Public Meeting Rooms and Facilities Use, and Public Space.

INDIGENOUS CONSIDERATIONS

VPL is committed to being a place to learn about the history and cultures of Indigenous Peoples in Canada, and offers Indigenous collections at all locations. These collections contain content for all ages. The collections are intended to highlight and honour the unique cultures and experiences of Indigenous communities, and include titles that reflect the impact of residential schools to support learning and action towards Truth and Reconciliation.

For historical research purposes, VPL may retain at Central Library or in Special Collections some materials that include examples of problematic vocabulary, stereotypes, distortion of histories, or cultural insensitivity. Staff have established specific guidelines for collection maintenance of Indigenous materials guided by the Truth & Reconciliation Calls to Action, drawing on the work of the BC Ministry of Education and community consultation. Staff review all challenges to material by or about Indigenous peoples within the framework of VPL's Collection Development Policy and the Indigenous Collection profile, and with consideration of intellectual freedom and the Truth and Reconciliation Calls to Action.

STRATEGIC IMPLICATIONS

This report reflects the following strategic goals:

- Learning and Creativity: Provide relevant physical and digital collections in diverse formats and languages
- Belonging and Connection: Establish the library as a forum for civic conversation and understanding

This report also reflects the library's vision, mission and values, specifically the value of intellectual freedom.

BACKGROUND

Intellectual Freedom

Commitment to intellectual freedom and freedom of expression are fundamental values of public libraries, as well as being bedrock values for democratic society. VPL includes intellectual freedom as one of its core values.

Article 19 of the United Nations Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The Canadian Library Association's (CLA) statement on Intellectual Freedom is included in the library's collection development policy. Following the dissolution of the CLA and its replacement by the Canadian Federation of Library Associations (CFLA) in 2016, the CFLA approved the same statement. The statement was last reviewed by the CFLA in April 2019 and the current statement can be found in full in Appendix 1.

Collection Development

When creating and maintaining library collections, VPL selects materials based on the belief that individuals have the right to access all expressions of knowledge, opinion and creativity of some value or significance. As a result we acquire and make available a wide range of materials representing the full range of these points of view, including materials which express controversial or unpopular ideas. Inclusion in the collection does not constitute endorsement by the library. Criticism of the collection may also extend to the selection of items for displays and promotion in the library.

Individuals and groups will always have the right to criticize selections; however, the library's collection development policy must not be limited by the personal views of any group or individual.

As per the collection development policy and the *CFLA Statement on Intellectual Freedom*, it is not our practice to remove items from the collection simply because they represent controversial, unpopular or outdated ideas. If a staff member considers action necessary, there are a range of approaches that staff might take to address the issue, including the addition of contextual information or moving the item to a different area of the collection.

Collection challenges are not unusual in Canadian libraries, and there are often themes to the content being challenged. In recent years common challenges have included offensive stereotypes of Indigenous individuals, communities and customs; offensive stereotyping of racial minorities; content deemed to be unscientific or scientifically inaccurate; and titles containing offensive language or violent imagery. Annual reports containing lists of materials that are challenged in Canadian libraries are available here:

<https://www.freedomtoread.ca/resources/challenges-to-publications-in-canadian-public-libraries/>

In the past, intellectual freedom challenges were focused primarily on the collection. Consequently, VPL has a robust process for investigating and responding to challenges relating to items in the collection. Recently, libraries – including VPL - have been seeing more challenges related to program content and the content of events being held by third parties who have rented library space, and developing processes and policies for managing these incidents.

Library Programs in VPL Space

The primary purpose of VPL space is the delivery of programs and services offered by library staff or in partnership with other community organizations. Among the purposes of these programs, the Programming at VPL Policy identifies the communication of stories, ideas and information; the extension of library services to new audiences; the bringing to life of library collections and services; and the promotion of awareness of contemporary issues and

information required to engage in society. Generally, VPL will consider and prioritize partnerships that provide content that supports the library's vision, mission and goals.

Room and Event Rentals in VPL Space

Where capacity permits, VPL will make meeting rooms available for paid event rentals. These meetings, programs and events do not involve library staff for content, planning, promotion or delivery. The majority of event rentals are for private meetings, filming, weddings, and training of specific groups, and are not open to the general public. Based on a six-month sample in 2018, approximately 22% of the 600-700 rentals that take place annually are for public lectures and screenings.

In 2019 room rentals took place whose content placed a lens on the inherent tension between the library's commitments to intellectual freedom and to access, equity and inclusion. There followed a seven month review process of the meeting room policy by the Library Board. Subsequently the Board approved updates to the Meeting Room Policy that included the introduction of a pre-rental screening/risk assessment process intended to limit the likelihood that hate speech, as defined by law, will take place on library premises. The policy itself is intended to provide transparency that VPL's decision-making with regard to approval of rental requests will be based on the law.

Materials Challenge Process

Through our Collection Development Policy, VPL provides our patrons with the right to request a review of any item that they feel should not be a part of the library collection. Typically materials challenges begin with a patron bringing their concern to a member of public service staff, who is expected to listen to the concern and explain our collection development policy as a first step. If the patron is not satisfied with the initial response from the staff member, they fill in a form requesting that the library reconsider the inclusion of the item in our collection. This is sent to the Manager, Collections & Technical Services, who initiates a formal review of the item and provides the patron with a written response detailing the library's decision and actions.

DISCUSSION

VPL staff have generally received complaints about very few of the Library's collections and programs in recent years. The complaints received in 2020 are listed below.

2020 Collection Challenges

Date Resolved	Item Description	Summary of Complaint	Findings and Action Taken
Dec 2020	A to Z of Bead Embroidery, compiled by Country Bumpkin (2016)	Use of the term “Lazy Squaw” to describe a particular stitch is derogatory, offensive, and racist to Indigenous women.	Acknowledged that this particular term is offensive and inappropriate, but in the context of a book that is otherwise well thought out and designed. Item retained in collection.
Dec 2020	La Massotherapie by Maia Loinaz (2009)	Racist imagery (of “a black slave with a palm frond”) is used in the main character’s reflection on a difficult and demanding client.	Acknowledged that this is a troubling image; however, an image used to describe the inner thoughts of a character cannot be taken as representation of the intent of the entire work which has generally positive reviews. Item retained in collection.

2020 Rental Challenges

Date Resolved	Program Description	Summary of Complaint	Findings and Action Taken
Mar 2020	GIDYVR Women’s Spaces and Places	137 emails were received from the public expressing concern that VPL was providing a platform for a group that they perceived as promoting hatred against the trans community.	This rental request went through VPL’s Risk Assessment process and was approved by the VPL Board. It was subsequently cancelled by the client following the introduction of provincial health orders prohibiting in-person gatherings of more than 50 people.

2020 Program Challenges

There were no program challenges in 2020.

Other Complaints and Challenges related to Intellectual Freedom

Concerns and complaints about material or events arise routinely, and most are addressed informally by Library staff. At times, these are related to policies or strategic priorities, and staff raise these issues to the attention of managers and directors. In 2020, the following additional situations arose related to intellectual freedom:

- As a result of the Library’s Public Meeting Rooms and Facilities Use policy and the GIDYVR rental, an author who was scheduled to participate on a Vancouver Writer’s Festival panel discussing the female experience in literature was unwilling to present at the Library, and the event was moved to an alternate location. For the same reason, a former VPL Writer in Residence declined to participate in the Gathering of Writers in Residence that was held as part of the WORD Festival.
- A patron in the Children’s Library complained about the Library promoting anti-racism to children through selections on booklists and displays, specifically referring to *Woke Baby*, by Mahogany L. Browne, published by Roaring Brook Press in 2018. Another incident occurred where a patron complained about the Library promoting and elevating certain identities and identity politics to children, which appeared to be in response to an LBTQ2+ book bag and a “Diverse books” display.

FINANCIAL IMPLICATIONS

Staff time to address challenges is incorporated in the operating budget.

Statement on Intellectual Freedom and Libraries

Approval History: CLA: June 27, 1974. Amended November 17, 1983; November 18, 1985; September 27, 2015. CFLA-FCAB: Adopted August 26, 2016; Reviewed April 12, 2019.

The Canadian Federation of Library Associations recognizes and values the Canadian Charter of Rights and Freedoms as the guarantor of the fundamental freedoms in Canada of conscience and religion; of thought, belief, opinion, and expression; of peaceful assembly; and of association.

The Canadian Federation of Library Associations supports and promotes the universal principles of intellectual freedom as defined in the Universal Declaration of Human Rights, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In accordance with these principles, the Canadian Federation of Library Associations affirms that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly. Only the courts may abridge free expression rights in Canada. The Canadian Federation of Library Associations affirms further that libraries have a core responsibility to support, defend and promote the universal principles of intellectual freedom and privacy.

The Canadian Federation of Library Associations holds that libraries are a key institution in Canada for rendering expressive content accessible and affordable to all. Libraries are essential gateways for all persons living in Canada to advance themselves through literacy, lifelong learning, social engagement, and cultural enrichment.

Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular or unacceptable. To this end, in accordance with their mandates and professional values and standards, libraries provide, defend and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources. Libraries have a core responsibility to safeguard and foster free expression and the right to safe and welcoming places and conditions. To this end, libraries make available their public spaces and services to individuals and groups without discrimination.

Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them.

Furthermore, in accordance with established library policies, procedures and due process, libraries resist efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Library employees, volunteers and employers as well as library governing entities have a core responsibility to uphold the principles of intellectual freedom in the performance of their respective library roles.

You can find CFLA-FCAB's Position on Third Party Use of Publicly Funded Library Meetings Rooms and Facilities: An Interpretation of the Canadian Federation of Library Associations' Statement on Intellectual Freedom and Libraries here: http://cfla-fcab.ca/wp-content/uploads/2019/03/CFLA-FCAB_statement_meeting_rooms.pdf