

10.4

Report to / Rapport au:

**Ottawa Public Library Board
Conseil d'administration de la Bibliothèque publique d'Ottawa**

February 23, 2023 / 23 février 2023

Submitted by / Soumis par:

**Sonia Bebbington, Chief Librarian and Chief Executive Officer / Bibliothécaire en
chef et Directrice générale**

Contact Person / Personne ressource:

*Alexandra Yarrow, Program Manager, OPL Board & Strategic Services / Gestionnaire
de programmes, Conseil d'administration de la BPO et services stratégiques
Alexandra.Yarrow@bibliooottawalibrary.ca (613) 580-2424 x32312.*

Contact Person / Personne ressource:

*Ann Archer, Program Manager, Content Services / Gestionnaire de programmes,
Gestion du contenu
(613) 580-2424 x32315. Ann.Archer@bibliooottawalibrary.ca*

File Number: OPLB-2023-0223-10.4

SUBJECT: Intellectual Freedom Annual Report: 2022 Challenges

OBJET: Liberté intellectuelle rapport annuel: Contestations de 2022

REPORT RECOMMENDATION

That the Ottawa Public Library Board receive this report for information.

RECOMMANDATION DU RAPPORT

**Que le Conseil d'administration de la Bibliothèque publique d'Ottawa prenne
connaissance de ce rapport à titre d'information.**

BACKGROUND

In keeping with the *Public Libraries Act, RSO 1990, c.P.44* ("the PLA"), other relevant statutes, laws, and good governance practices, the Ottawa Public Library ("OPL" or "the Library") Board ("the Board") is accountable for the full range of decisions affecting the

organization. According to Section 15 of the *PLA*, the Chief Executive Officer (“CEO”) supervises and directs the operations of the public library and its staff and shall have other powers and duties that the Board assigns to them from time to time.

As per Board Policy 001 - OPLB, Roles and Responsibilities of the Board and Trustees, the Board has adopted a strategy model of governance that focuses on setting strategic directions and objectives for the organization, as outlined in OPLB Policy 002 - Delegation of Authority (“the DOA”). As part of this approach to governance, the Board approves values, strategic directions, and strategic frameworks to guide staff, and prepares position statements to clarify the Board’s position on a particular topic to guide staff in carrying out their administrative duties. In March 2020, the Board approved the Content Services Framework (OPLB-2020-0304), which outlines how OPL builds the library collection with both physical and virtual material and titles. It also includes OPL’s process on the reconsideration of materials if someone strongly objects to material in OPL’s collection.

In OPL’s Strategic Directions and Priorities 2020-2023, the value of intellectual freedom is defined as “the free and open exchange of lawful information and ideas in a democratic society, respecting individual’s rights to privacy and choice.” OPL’s Intellectual Freedom Position Statement (“the Statement”) was most recently revised and approved by the Board in June 2022 (OPLB-2022-0601). This revision strengthened OPL’s commitment to intellectual freedom in three key areas:

1. Responsibility: The revised Statement addressed legal and peer advice received by OPL, and reduced risks to the organization;
2. Equity: The Statement upheld OPL’s commitment to open access to information, removing a barrier to Internet access by removing content filtering; and,
3. Transparency: The Statement outlined a new “appeals process” for clients seeking a second review of the Library’s decision regarding a challenge, as well as annual reporting requirements regarding decisions made related to challenges.

As outlined in Board Policy 010-CEO Reporting and Board Monitoring, the CEO is responsible for providing the Board with an annual summary of challenges to intellectual freedom, in order to raise awareness with the Board and the public. As per the Intellectual Freedom Implementation Update memo provided to trustees in January 2023, administrative changes to align operations with the Statement are anticipated to

be completed in Q3 2023, and staff will provide a close-out report to the Board at that time. Until implementation is complete, annual reports regarding intellectual freedom reflect challenges to collections only.

DISCUSSION

The Library provides access to content representing many points of view via its print and electronic collections. Staff exercise impartiality when curating the Library's collections, and act as champions of information literacy in their daily interactions with clients, when orienting new members to OPL, during programs, and when engaging in community development work. OPL does not acquire material that the Canadian courts have found to be contrary to the *Criminal Code* and any other applicable laws, including the *Charter of Rights and Freedoms*. Individuals who object to materials in the collection may speak with employees to express their concerns and / or may fill out a "Request for Reconsideration of Library Material" form available online.

In any given year, OPL receives a number of "Requests for Reconsideration" from the public. In 2022, 17 formal requests for reconsideration were received, as described in **Document 1, 2022 OPL Requests for Reconsideration**. This number is slightly lower than the previous year when OPL received 25 requests for reconsideration but remains higher than the average in the last decade of approximately six (6) challenges annually.

Staff review, research, and reconsider each title; a response is then provided to the complainant including OPL's decision. Noting that the revised Intellectual Freedom Position Statement was approved in June 2022, some decisions were made prior to this, and under older versions of the Statement and associated policies. Observations from this year's requests for reconsideration:

- Concerns among complainants about Library content ranged from racist language and images, cultural appropriation, ableism, anti-Islamism, LGBTQIA2S content inappropriate for children, and political propaganda that promotes hate. Racist language and images were the most frequent concerns, accounting for 11 of the 25 requests.
- All requests were for items in the print collection.
- Eight (8) of the requests (47%) were for children's books.
- Nine (9) of the requests (53%) were for adult books.

- Of the nine adult book challenges, four (4) were for Dr. Seuss and Hergé (Tintin bandes dessinées, known as “BD”) titles that were previously in the children’s collection and were moved to the adult collection in the last five (5) years, including two challenges for *Tintin en Congo*. There is sustained interest and concern regarding the works of these classic children’s authors. The Dr. Seuss title (*If I Ran the Zoo*) is no longer in print.
- 16 requests were for removal of the items in question; one was for the item to be moved to another area of the collection and for a content warning to be added.
- Two (2) requests (12%) resulted in the item being removed from the collection: when reviewed by staff, these items were flagged for withdrawal for reasons including age of the material, insignificant research or cultural value, poor condition, and / or low usage.

As part of the implementation process for updates to intellectual freedom-related administrative policies, staff will centralize the Request for Reconsideration Form for challenges to all aspects of Library services, including meeting room rentals, display rentals, notice boards, Internet use, and programs. Staff will also centralize internal tracking of challenges in all areas. Staff will provide the Board with a close-out report regarding the implementation of administrative changes to align operations with the Statement in Q3 2023 and will provide the Board with the Intellectual Freedom Annual Report regarding 2023 Challenges in Q1 2024.

CONSULTATION

OPL regularly submits challenged titles to the Canadian Federation of Libraries Association’s Intellectual Freedom Challenges Survey which provides a national snapshot of the nature and outcome of challenges to intellectual freedom across Canada. OPL also submits challenged titles to the Centre for Free Expression (CFE) Library Challenges Database at Toronto Metropolitan University.

ACCESSIBILITY IMPACTS

Ottawa Public Library supports and considers the *Accessibility for Ontarians with Disabilities Act, (2005)* in its operations. There are no accessibility impacts associated with this report.

BOARD PRIORITIES

This report ensures compliance with OPL's Intellectual Freedom Position Statement and the CEO Reporting and Board Monitoring Policy regarding reporting requirements related to intellectual freedom challenges.

BUSINESS ANALYSIS IMPLICATIONS

There are no business analysis considerations associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

LEGAL IMPLICATIONS

Materials for OPL's collections are selected according to the Board-approved Content Services Framework. OPL does not knowingly acquire material that contravenes or violates applicable laws. Should material in the collection be found to contravene the law after it has been purchased, OPL will seek a legal opinion regarding removing this material from its collections. Items that do not otherwise meet the Materials Selection Criteria may be removed at any time.

A robust intellectual freedom program helps OPL reduce the risk of legal challenges and ensures OPL is able to administer effective and legally sound policies and practices, properly educate and support employees and trustees, and champion intellectual freedom on an ongoing basis.

INDIGENOUS AND GENDER EQUITY IMPLICATIONS

The responsibility to uphold intellectual freedom comes with a complementary responsibility to ensure perspectives that have been traditionally marginalized or excluded are equitably presented in the Library's collections, and that material with stereotypical depictions, particularly of Indigenous people, are considered thoughtfully within the lens of our collective commitment to truth and reconciliation. When upholding our commitment to intellectual freedom, OPL will continue to work with individuals and groups who have been traditionally excluded, including Indigenous groups and women's groups, to ensure their perspectives are represented in the Library.

RISK MANAGEMENT IMPLICATIONS

Transparent public communication regarding challenges assists in clarifying the values and legal obligations of the Library and may reduce risks to the organization.

Consistency of practice is equally important, noting that the revised OPL Board Intellectual Freedom Position Statement was approved midway through the year (June 2022).

TECHNOLOGY IMPLICATIONS

There are no immediate technology implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 2022 OPL Requests for Reconsideration

DISPOSITION

Staff will provide the Board with an annual update regarding 2023 challenges in Q1 2024.

Document 1

2022 OPL Requests for Reconsideration

Title	Format	Audience/ collection	Language	Client concern	OPL Action and Reason
<i>The Puzzle of the Happy Hooligan</i>	Print	Adult Mystery	English	• Racial slurs	Retained
<i>What is Black Lives Matter</i>	Print	Juvenile nonfiction	English	• Racism	Retained
<i>Hitler's Table Talk</i>	Print	Adult nonfiction	English	• Racist publisher	Withdrawn due to low usage; available in SmartLibrary
<i>Boule à Zero</i>	Print	Juvenile comic	French	• Racist images	Retained
<i>Drole de papa</i>	Print	Juvenile early reader	French	• Cultural appropriation	Withdrawn due to age of the material and insignificant research or cultural value
<i>Tintin au Congo</i>	Print	Adult bande dessinée	French	• Racist images	Retained
<i>Tintin en Amérique</i>	Print	Adult bande dessinée	French	• Racist images	Retained
<i>Course Poursuite au Studio de Cinema</i>	Print	Juvenile fiction	French	• Racist images • Cultural appropriation	Retained
<i>Petit Poilu Les sauveurs d'outoupousse</i>	Print	Juvenile bande dessinée	French	• Racist images • Cultural appropriation	Retained
<i>Fancy Nancy and the Dazzling Book Report</i>	Print	Juvenile early reader	English	• Inaccurate information	Retained
<i>Francine Poulet Meets the Ghost Raccoon</i>	Print	Juvenile fiction	English	• Ableist language	Retained
<i>If I Ran the Zoo</i>	Print	Adult nonfiction	English	• Racist images	Retained
<i>Sword and Scimitar</i>	Print	Adult nonfiction	English	• Racism	Retained

				<ul style="list-style-type: none"> • Promotes hatred 	
<i>My Moms Love Me</i>	Print	Juvenile picture book	English	<ul style="list-style-type: none"> • LGBTQ+ content inappropriate for age 	Retained
<i>IA -- izranennaia zemlia</i>	Print	Adult Russian	Russian	<ul style="list-style-type: none"> • Political propaganda • Promotes hate 	Retained
<i>Kak Rus' stala Sverkh-Derzhavoi</i>	Print	Adult Russian	Russian	<ul style="list-style-type: none"> • Political propaganda • Promotes hate 	Retained