

10.2

Report to / Rapport au:

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

February 13, 2024 / 13 février 2024

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
(613) 580-2424 x32312. Alexandra.Yarrow@bibliooottawalibrary.ca*

File Number/Numéro du dossier: OPLB-2024-0213-10.2

SUBJECT: Intellectual Freedom Annual Report: 2023 Challenges

OBJET: Liberté intellectuelle rapport annuel: Contestations de 2023

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 Ottawa Public Library (“OPL” or “the Library”) Board policy 001, “Roles and Responsibilities of the Board and Trustees,” the OPL Board (“the Board”) has adopted a strategic governance model that focuses on setting objectives and directions for the organization, including approving position statements to clarify the Board’s position on a particular topic and to guide staff in carrying out their administrative duties, as well as approving strategic frameworks.

In OPL’s Strategic Directions and Priorities 2023-2028, 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). The approved Statement strengthens OPL’s commitment to intellectual freedom in terms of the Library’s responsibility (reducing risks to the organization), equity (upholding open access to information), and transparency (including a process for appeals to OPL’s decisions about intellectual freedom issues and an annual reporting requirement). It further clarified that the value of intellectual freedom is upheld in all OPL services, including collections, programs, displays, meeting room rentals, and Internet access.

This Statement is supported by the Content Services Framework (“the CS Framework,” OPLB-2020-0304), which guides collection development (selection and maintenance) for both physical and electronic items. The CS Framework also outlines the process for clients to request that the Library reconsider a specific collection development decision (a “challenge” or attempt to remove or restrict access to library resources based on the objections of an individual or group) using a “Request for Reconsideration” form. A challenge is considered formal once a “Request for Reconsideration” form is submitted by an OPL client.

To align with the annual reporting commitment in the Statement, Board Policy 010, “CEO Reporting and Board Monitoring,” was revised to add a responsibility for providing the Board with an annual summary of challenges to intellectual freedom. This raises awareness about intellectual freedom issues with citizens, clients, employees, and trustees, and allows OPL to better monitor trends in challenges. Together, the Statement, the CS Framework, and Board Policy 010 support the ability of OPL to uphold the value of intellectual freedom in public library services.

In June 2022, staff were directed to align operations with the amended Statement. As per the Intellectual Freedom Implementation Update memo provided to trustees in May 2023, the implementation date for intellectual freedom will be Q1 2024.¹ Until implementation is complete, annual reports regarding intellectual freedom challenges reflect challenges to collections only.

Staff report to the Board regarding challenges on a retrospective basis, reporting in February regarding challenges received the previous calendar year. In February 2022, staff provided a presentation, and in 2023, staff provided the first annual written report to the Board regarding challenges to items in the collection (“Intellectual Freedom Annual Report: 2022 Challenges,” OPLB-2023-0223-10.4). The report lists each item in the collection that was challenged, including details such as type of collection, format, and audience. In 2024, the report has been updated to include title publication year to provide additional contextual information.

The purpose of this report is to provide the Board with an annual update regarding challenges to items in the collection in 2023.

DISCUSSION

The Library provides access to content representing many points of view via its print and electronic collections. Employees 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. Staff are directed as per administrative policies to exercise impartiality when curating the Library’s collections. 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*. As per the CS Framework, individuals who object to an item or items 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.

Each year, OPL receives requests for reconsideration from the public. In 2023, seven (7) formal challenges to seven (7) items were received, as described in **Document 1, 2023 OPL Requests for Reconsideration**. This number is lower than the previous year (2022), when OPL received 17 challenges, and more in line with the average in the

¹ Intellectual Freedom Implementation update #2 / Mise à jour no. 2 de la mise en oeuvre de la liberté intellectuelle <https://pub-ottawa.escribemeetings.com/filestream.ashx?DocumentId=131302>

last decade of approximately six (6) challenges annually. Staff review, research, and reconsider each item; a response is then provided to the complainant outlining OPL's decision. Observations from this year's requests for reconsideration:

- **Types of items challenged:**
 - Six (6) requests were for items in the print collection, and one was for an item in the DVD collection;
 - Five (5) requests were for items in the adult collection;
 - One request was for an item in the children's collection;
 - One request was for an item in the teen collection;
 - One request noted both French and English editions of the same title; and,
 - Most challenges were for items published in the last five years.
- **Basis for challenges and desired action:**
 - Client concerns included racism, age-inappropriate content, promoting hatred, as well as violent, inaccurate, and objectionable content.
 - All but one request was to remove the item; the remaining request was to move an item from the teen collection to the adult collection.
 - **Actions taken:** All items were retained in the existing collection area.

In addition to challenges received via the "Request for Reconsideration" form, OPL also received two general challenges. The Chief Librarian and CEO received a letter via email from a client concerned about children who may be exposed to books containing sexual references or sexual activity. The letter reminded OPL of its obligations to report child abuse and asked OPL to remove 17 books mentioned in an online list. The Chief Librarian and CEO responded to the letter outlining OPL's commitment to intellectual freedom and inviting the client to visit the Reconsideration of Library Materials section of the OPL website if they wished the Library to reconsider specific titles. The client did not subsequently submit a "Request for Reconsideration" form for any of the titles.

A public delegation at the February 2023 Board meeting spoke regarding the 2022 annual report on intellectual freedom challenges. The client expressed ongoing concerns about OPL providing a platform for LGBTQIA2S+ activities and materials,

specifically those accessible to children.² The Chair responded to the delegation by sharing information about OPL's policies and procedures.

OPL regularly submits challenged titles, including the seven (7) titles challenged in 2023, to the Canadian Federation of Libraries Association's Intellectual Freedom Challenges Survey which provides a snapshot of the nature and outcome of challenges across Canada. OPL also submits all challenged titles to the Centre for Free Expression (CFE) Library Challenges Database at Toronto Metropolitan University.

Staff will continue to track challenges to intellectual freedom at OPL and will provide the next annual report to the Board in Q1 2025. This report is anticipated to be the first to report on challenges in all areas of library service, following the upcoming implementation date for intellectual freedom policy changes estimated in Q1 2024.

CONSULTATION

OPL staff and management were consulted in the development of this report.

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.

² Ottawa Public Library Minutes 30. Tuesday 8 February 2022. <https://pub-ottawa.escribemeetings.com/Meeting.aspx?Id=005d1b03-f2dd-46d2-895a-816163cb2d68&Agenda=PostMinutes&lang=English>

LEGAL IMPLICATIONS

Items 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 in the Content Services Framework may be removed at any time. A robust intellectual freedom program helps OPL reduce the risk of legal challenges and ensures OPL can administer effective and legally sound policies and practices, properly educate and support employees and trustees, and champion intellectual freedom.

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

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

TECHNOLOGY IMPLICATIONS

There are no immediate technology implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 2023 OPL Requests for Reconsideration

DISPOSITION

Staff will provide the next annual report on intellectual freedom challenges in Q1 2025.

2023 OPL Requests for Reconsideration

Title	Creator	Pub. date	Collection	Language	Basis for challenge	Desired action	OPL action & reason
Tintin en Amérique / Tintin in America	Herge	2020 (this edition); 1945	Adult graphic novel / Bande dessinée pour adultes	English and French	Racism; violence; inappropriate for age	Remove	Retained
Le stégosaure	Anna Obiols	2012	Album pour enfants	French	Racism	Remove	Retained
Conscious Parenting	Gabriel Cousens	2015	Adult nonfiction	English	Inaccurate information	Remove	Retained
The Beast or the Lamb	Derek Prince	2022	Adult nonfiction	English	Promotes hatred	Remove	Retained
The menu	Mark Mylod	2023	Adult DVD	English	Objectionable content	Remove	Retained
Love on the Other Side	Nagabe	2020	Teen graphic novel	English	Inappropriate for age	Move to adult collection	Retained in teen collection
Oskolki mysleĭ	Satanovskĭ, E. ĪA.	2020	Adult nonfiction	Russian	Promotes hatred	Remove	Retained