

Report to / Rapport au:

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

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Submitted by / Soumis par:

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SUBJECT: Intellectual Freedom Project: Close-Out Report

OBJET: Liberté intellectuelle: Rapport de clôture

REPORT RECOMMENDATIONS

That the Ottawa Public Library (OPL) Board:

- 1. Receive this report for information; and,**
- 2. Approve extending the OPL Board Intellectual Freedom Position Statement until the next term of Board.**

RECOMMANDATIONS DU RAPPORT

Que le Conseil d'administration (C.A.) de la Bibliothèque publique d'Ottawa BPO :

- 1. Prenne connaissance de ce rapport à titre d'information; et,**
- 2. Approuve la prolongation de l'énoncé de position du C. A. de la BPO sur la liberté intellectuelle jusqu'au prochain mandat du conseil d'administration.**

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" or "OPLB") 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 March 2018, the Board approved a Board Work Plan (OPLB-2018-0302) that included undertaking "a holistic review of the Intellectual Freedom Board Position Statement and associated administrative policies / practices (with the assistance of third parties as required), with a focus on how they interface with customers [OPL now uses the term "clients"], and ensuring appropriate protocols." The objective of the Intellectual Freedom Project was to "safeguard the principles of Intellectual Freedom, and rights and freedoms under the Canadian Charter, while balancing the public library's role of offering a welcoming and inclusive space for OPL customers; and adhering to OPL's mission, vision, and values." To support this work, an Ad hoc Committee on Intellectual Freedom ("the Committee") was created, composed of Trustees Steven Begg and Pamela Sweet (2015-2018 term of Board) and Trustees Begg and Trustee Carol Anne Meehan (2019-2022 term of Board). Trustee Meehan was later replaced by Trustee

Catherine Kitts in mid-2022. Work on this project was paused in 2019 due to a legal matter and resumed in 2021.

In June 2022, the first milestone in the project was accomplished, when the Board approved the revised OPL Intellectual Freedom Position Statement (“the Statement”) (OPLB-2022-0601). The approved Statement strengthened OPL’s commitment to intellectual freedom in terms of the Library’s responsibility and its commitment to equity and transparency. It clarified that the value of intellectual freedom is upheld in all OPL services, including collections, programs, displays, meeting room rentals, and Internet access. At this time, staff were directed to align operations with the amended Statement using a phased approach to the implementation of administrative changes, with an anticipated end date at the time of Q1 2023. This plan was developed to ensure OPL was 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.

Considering several factors, including additional legal input, an internal analysis of recent challenges, and operational pressures, the implementation date for the intellectual freedom project was revised twice. The Board was provided with three updates regarding implementation, including an October 11, 2022 Board report, “Intellectual Freedom Update” (OPLB2022-1011-11.6), a January 25, 2023 memo to the Board (January meeting item 13.4) and a May 29, 2023 memo to the Board (June meeting item 12.1). The latter provided the Board with an updated projected end date for implementation of Q1 2024.

Concurrent with this work, as per the OPLB policy review schedule, the Board Intellectual Freedom Position Statement is regularly reviewed in the second year of the term of Board. The Position Statement was reviewed by the Governance Ad hoc Committee and no further revisions are recommended at this time.

The purpose of this report is to provide the Board with a close-out report regarding implementation of the intellectual freedom project at OPL, and to seek the Board’s approval for continued use of the current Intellectual Freedom Position Statement until the next term of Board.

DISCUSSION

Implementation of the Intellectual Freedom Project

The first step in implementing the intellectual freedom project at OPL was to update associated Board policies: Board Policy 010 – CEO Reporting and Board Monitoring was identified as the only policy requiring updates, to reflect the suggestion to report annually regarding challenges. This revision was completed in November 2022 (“Ottawa Public Library Board Rules of Procedure By-law, Policy Framework, and Policies” report; OPLB-2022-1108-10.3).

The administrative implementation of the intellectual freedom project was divided into three areas: Administrative Document Revisions, Employee and Trustee Training, and Conversations About Intellectual Freedom. Updates regarding each area are provided below.

Part 1: Administrative Document Revisions

Several existing policy areas were impacted by the revised OPLB Intellectual Freedom Position Statement including content services (collections), public network access, meeting room rentals, display spaces, notice / bulletin boards, photography and audiovisual recording, and accessibility. In addition to the 12 administrative documents flagged by staff for review in June 2022, 15 additional supporting documents were flagged, for a total of 27 administrative documents within these policy areas requiring revisions.

In Q4 2022, staff working groups and subject matter experts were engaged to assist with draft revisions to administrative documents. Operational pressures, including ongoing staff shortages across all levels of the organization, delayed the process to launch staff working groups and engage subject matter experts between Q1-Q3 2022. Staff at Library and Archives Canada, OPL’s partner in Ādisōke, as well as within the City’s Recreation, Cultural, and Facilities Services were also engaged to ensure that proposed revisions to policies and practices aligned with services provided by these key partners. Additional legal counsel was solicited regarding several practices in various subject matter areas related to implementation.

A summary of key changes to administrative documents is provided in **Document 1, Key Changes to OPL Administrative Policies and Practices**. These revisions

required updates to documents in both French and English on the OPL employee document management system and the OPL website (including creating new online forms), and an internal and external communications plan.

Part 2: Employee and Trustee Training

Key to strengthening OPL's commitment to intellectual freedom is ensuring employees and trustees receive adequate training regarding both the concept of intellectual freedom as well as the practical application of this value in their support of or work at OPL. As noted in the June 2022 report to the Board, there is no comprehensive intellectual freedom training program that meets OPL's specific needs available in Canada, and training was developed from the ground up for this project. Staff drew on information and conversations with other public libraries and the Centre for Free Expression (CFE) at Toronto Metropolitan University (TMU). The CFE developed a series of online recorded lectures and supporting documents (such as case studies) for use by Canadian libraries; the training was available for review by OPL in late Fall 2023. This content was reviewed by OPL staff to integrate into the training subsequently developed for employees and trustees.

With respect to training, a facilitated session was organized for members of the OPL Leadership team on April 27, 2023. Training for trustees was held on May 11, 2023. These sessions were led by Professor James Turk, the Director of the Centre for Free Expression at Toronto Metropolitan University, in collaboration with the Library Senior Management team. The sessions focused on the legal and legislative frameworks, statements by library industry organizations, and the social context of recent challenges to intellectual freedom.

Leveraging information available by the CFE, OPL developed a multi-level training program focusing on the application of Intellectual Freedom at OPL, in particular as it is implicated in nine key areas (collections, public network access, programs, displays, meeting room use (including rentals for events), public art display spaces, notice boards, use of photography and audiovisual recording, requests for reconsideration of library services, and the duty of employees to report child pornography). Training launched in February 2024 and includes both an eLearning session for all employees and additional in-person training for employees in key roles, tailored to the application of intellectual freedom to their tasks. The roll-out of Intellectual freedom training continues

through to the end of June 2024, with sessions to be offered on an ongoing basis thereafter.

An audit was also conducted of existing separate training modules to determine which require revisions to align with the new intellectual freedom training. Training regarding changes to accessibility-related policies as a result of the intellectual freedom project will be developed in 2024 and delivered in 2025, and is noted on the Corporate Work Plan column included in the 2024 Board Work Plan Report (OPLB-2024-0409-11.1).

Part 3: Conversations About Intellectual Freedom

A key aspect of the Intellectual Freedom Position Statement is OPL's commitment to living its values by fostering understanding and engagement with intellectual freedom as an idea and underlining the importance of free expression, access to diverse viewpoints, and open dialogue in all OPL services.

Since 2022, staff have focused on supporting intellectual freedom through programming, online resources, and conversations with clients, employees, community partners in Ottawa and the library community. Highlights include:

- A "Freedom to Read" online resource list that provides information about websites, videos, educational tools, and other media to help navigate conversations around free expression, misinformation, and information literacy as well as booklists highlighting books that have been challenged, banned, or censored in North America in recent years.
- Virtual programming during Media Literacy Week about navigating online information and digital parenting in October 2022.
- Activities for Freedom to Read Week 2023 and 2024 including promotional material to raise awareness, branch displays, online resources, and in-person and online programs highlighting free expression in Canada.
- Activities during Canadian Library Month, including a focus on understanding how the Library can support information literacy and equip clients to protect themselves from disinformation and misinformation in 2022 and 2023, and additional messaging highlighting the essential role that libraries play in promoting knowledge, understanding, and participation in our democratic processes in 2023.

- Participating in a panel discussion about book bans in Canada and the US hosted by the First Unitarian Congregation of Ottawa during Canadian Library Month in 2023, and speaking to the graduates of a local civic engagement boot camp about the Library's role in supporting democracy in March 2024.
- Speaking with students in the Library technician program at Algonquin College regarding OPL's work related to intellectual freedom in October 2023.
- Delivering a session at the Ontario Library Association conference with senior staff from the Toronto Public Library regarding the importance of intellectual freedom as a key element in public library governance in January 2024.

OPLB Intellectual Freedom Position Statement

Concurrent with the implementation project, as per the OPLB policy review schedule, the Board Intellectual Freedom Position Statement was due for review in 2024. Considering the recent fulsome revisions (2022) the lengthy associated implementation period associated with these revisions, staff engaged the Governance Ad hoc Committee to review the Statement in Q1 2024. Upon analysis of library industry trends and the broader social context, no further revisions are recommended to the Statement.

In summary, the next update to the Board regarding intellectual freedom matters is expected to be the annual report regarding challenges to intellectual freedom at OPL in Q1 2025. This report is anticipated to be the first to report on challenges in all areas of library service. The next regular review period for the Board Intellectual Freedom Position Statement will be in the second year of the next term of Board (2028).

CONSULTATION

Internal consultations were undertaken during the project including with the Library Senior Management Team, staff working groups on display spaces and notice boards, and subject matter experts in Branch Services and Corporate Services. Legal services were engaged regarding specific elements of the implementation. Additional consultation was undertaken with James Turk, Director, Centre for Free Expression, Toronto Metropolitan University, Jasmine Bouchard, Assistant Deputy Minister, Library and Archives Canada, and Dan Chenier, General Manager, City of Ottawa Recreation, Cultural, and Facilities Services.

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

The intellectual freedom project at OPL aligns with applicable legislation, including the *Universal Declaration of Human Rights, the Canadian Charter of Rights and Freedoms, the Criminal Code, the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, and the Ontario Public Libraries Act, RSO 1990, c. P.44.*

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 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 represented in public library services. 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

Revising the policies and associated administrative documents ensures that OPL employees and trustees are adequately educated and supported in upholding intellectual freedom when faced with challenges. 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 Key Changes to OPL Administrative Policies and Practices

DISPOSITION

Staff will provide the next annual report on intellectual freedom challenges in Q1 2025 and undertake a review of the OPL Board Intellectual Freedom Position Statement in the second year of the next term of Board.

Document 1

Key Changes to OPL Administrative Policies and Practices

Topic	Key changes
Public network use	<ul style="list-style-type: none"> • Eliminated filtering of legal content on the public network; • Changed practices regarding retention of browser history; • Clarified options for clients viewing content that may be considered offensive by others; • Launched new workstation privacy screens that are integrated into computer monitors; • Deleted three supporting documents: content revised and integrated into other documents and/or training modules.
Meeting room rental	<ul style="list-style-type: none"> • Clarified priorities for meeting room use, timelines for booking confirmation, and additional information required from applicant; • Revised section regarding free public and private use of meeting rooms; • Indicated grounds on which bookings can be refused and integrated challenge and appeals process for OPL decisions; • Developed practices for evaluating risks to event bookings; • Instituted signage for meeting rooms regarding content and statements; • Clarified responsibilities of rental organization or individual with respect to applicable permits (public performance rights, alcohol permits); • Deleted five supporting documents: content revised and integrated into other documents and/or training modules.
Display space	<ul style="list-style-type: none"> • New policy and procedure developed from content previously included in the "Display Space and Bulletin Board Use Policy"; • Defined priority content; • Indicated grounds on which applications can be refused and integrated challenge and appeals process for OPL decisions; • Inventoried existing available display spaces; • Developed practices for evaluating risks and for providing refusals in writing to applicants; • Developed new online application form from previous paper-format "Display Space Agreement" and clarified additional information required from applicant.

Topic	Key changes
Notice boards	<ul style="list-style-type: none"> • New policy and procedure developed from content previously included in the "Display Space and Bulletin Board Use Policy"; • Decentralized the process in order to facilitate neighbourhood content; • Indicated grounds on which postings can be refused and integrated challenge and appeals process for OPL decisions; • Inventoried existing available notice boards; • Developed practices for providing refusals in writing to applicants; • Developed practice to integrate print community newspapers into the OPL collection and online catalogue; • Deleted two supporting documents: content revised and integrated into other documents and/or training modules.
Duty to report child pornography	<ul style="list-style-type: none"> • Revisions to align with changes to legislation; • Update wording based on changes to retention of browser history.
Photography and AV	<ul style="list-style-type: none"> • Clarified that photos or recordings cannot be taken in washrooms; • Clarified restrictions in place where children are present; • Clarified responsibilities of clients, employees, and third parties such as media, commercial entities, and students.
Accessibility	<ul style="list-style-type: none"> • Alignment with updates to the <i>Accessibility for Ontarians with Disabilities Act</i> (AODA), including the Information and Communications Standards and relevant definitions and examples for key terminology; • Clarification of reporting practices via the City of Ottawa's Municipal Accessibility Plan; and • Additional details regarding availability of key information in accessible formats, such as emergency plans and web content.
Request for Reconsideration	<ul style="list-style-type: none"> • Incorporated ability for client to request that OPL reconsider decisions in multiple service areas, including items in the collection or on display, programs, or events hosted in meeting rooms.