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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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File Number: OPLB-2022-1011-11.6

SUBJECT: Intellectual Freedom - Update

OBJET: Liberté intellectuelle - Mise à jour

REPORT RECOMMENDATION

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

RECOMMANDATION DU RAPPORT

Que le Conseil d'administration (C.A.) de la Bibliothèque publique (BPO) d'Ottawa prenne connaissance du présent 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") 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 strategic frameworks to guide staff, and prepares statements as required by legislation, or as necessary, to document the Board's position on various matters such that staff can carry out their administrative duties.

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."¹ Intellectual freedom has been an OPL value since amalgamation; this value was re-affirmed in 2007, as part of the process to develop the Strategic Priorities 2008 – 2011, as well as in 2020. The Board's commitment to intellectual freedom has been outlined in a Position Statement since 2011.

In June 2022, the Board approved a revised Intellectual Freedom Position Statement ("Intellectual Freedom," OPLB-2022-0601). The statement was updated to include three (3) key guiding principles, align with current legislation, include the five areas in which intellectual freedom is upheld at OPL (collections, programs, displays, meeting rooms, and Internet access), provide a broad outline of the appeals process for challenges, and link to the latest versions of industry statements in Canada. As part of the June report, staff outlined key changes to operations that would be implemented in order to align with the revised Intellectual Freedom Position Statement. These included:

1. Removing remaining restrictions to intellectual freedom, particularly in filtering the Internet in the Library for content that is legal;
2. Improving transparency in administering intellectual freedom, including centralizing responsibility for intellectual freedom through the Office of the CEO, adding the ability to challenge and appeal OPL decisions in areas other than collections, adding a process for appeals of OPL's decisions regarding challenges, reporting on challenges annually, and articulating staff roles and responsibilities related to administering intellectual freedom;

¹ OPL Strategic Directions and Priorities. <https://bibliootawalibrary.ca/en/strategic-directions-and-priorities-2020-2023>

3. Developing new robust training about intellectual freedom, and an ongoing plan to support intellectual freedom, for both trustees and employees;
4. Updating all documentation with current legal terminology and/or refer to current versions of legislation as applicable; and,
5. Completing thorough revisions to each administrative document to provide clarity or additional detail as required.

Staff indicated that the implementation of changes would occur in a three-part phased approach: starting with administrative document revisions, followed by employee and trustee training, and finishing with supporting conversations about intellectual freedom (on an ongoing basis).

The purpose of this report is to provide the Board with an update regarding the intellectual freedom implementation process between June - September 2022.

DISCUSSION

Subsequent to the June report to the Board, staff undertook several tasks related to the implementation process. Table 1, Intellectual Freedom Implementation Plan: Key Tasks, outlines tasks that are completed, in progress, and not yet started.

In the June 2022 Board report, staff indicated that the first policy that would be revised was the Public Network Access Policy, and that it was expected that the revised version of this policy and any subsequent operational changes will be completed effective Monday, August 15, 2022. Upon review, and particularly considering the support necessary for employees in implementing these changes and the further legal input required into revisions, staff determined that launching the revisions to the Public Network Access Policy package at the same time as other administrative policy packages (anticipated for Q1 2023) was more logical.

Table 1: Intellectual Freedom Implementation Plan: Key Tasks

Completed	<ul style="list-style-type: none"> • Posting the revised Intellectual Freedom Position Statement on the Library's website; • Adding links to the current versions of related administrative policies on the website, and a statement explaining the implementation timeline;² • Updating Board Policy 010 – CEO Reporting and Board Monitoring to reflect annual reporting regarding challenges; • Striking an internal working group to advise regarding revisions to the first related administrative policy package, the Public Network Access Policy (and supporting documents); and, • Met with staff at the Centre for Free Expression at Toronto Metropolitan University to preview the new Library Challenges Database; staff agreed to log OPL challenges in this database going forward.³
In progress	<ul style="list-style-type: none"> • Fostering community discussions about the importance of intellectual freedom. There is much work to do in this area: this is an ongoing initiative and one that will also be furthered as the administrative revisions continue. Initial efforts include: <ul style="list-style-type: none"> ○ Media Literacy Week (October 24-28, 2022) virtual programming focusing on navigating online information and digital parenting; ○ OPL's theme for Canadian Library Month, "Read between the lines /Lire entre les lignes," highlights how OPL helps counter misinformation; and, ○ Stakeholder discussions to help support OPL's commitment to intellectual freedom and strengthen key relationships; • Consulting with Legal;

² This statement reads: "Note: All related policies and procedures will be revised to align with the updated Intellectual Freedom Statement in 2022/2023. Staff anticipate completion of this implementation by April 1, 2023. In the interim, all current versions of related policies and procedures continue to apply."

³ Library Challenges Database: <https://cfe.ryerson.ca/databases/library-challenges-database>

	<ul style="list-style-type: none">• Providing a status update regarding implementation for the Leadership Team (anticipated November 2022);• Attending a library staff training session offered by the Centre for Free Expression to prepare for the development of internal staff training customized for OPL (November 2022);• Completing revisions to administrative documents (anticipated by end of Q4 2022);• Integrating intellectual freedom-related items into operational workplans (Q1 2023); and,• Drafting internal and external communications regarding key policy changes (Q1 2023).
Not started	<ul style="list-style-type: none">• Annual reporting on 2022 challenges to all aspects of intellectual freedom (anticipated February 2023); and,• Developing robust training for trustees and employees (will be based on document revisions; anticipated launch Q1 2023).

Upon receipt of this report, staff will continue the implementation plans. While the policy revisions are administrative in nature, and, as discussed, these policies are delegated to the CEO, staff will provide status updates regarding progress as needed.

At this time, staff and members of the Ad hoc Committee on Intellectual Freedom agree the Committee should be disbanded and does not need to be reconstituted in the next term of Board. Further engagement with intellectual freedom matters will be discussed with the Board on an as-needed basis.

Staff continue to target an implementation date in April 2023 and will advise the Board if this timeline cannot be met. Staff expect to present a close-out report to the Board regarding the intellectual freedom implementation process prior to Q3 2023.

CONSULTATION

The development of this report included internal consultation with the Library's Senior Management Team, as well as the OPL staff working group on the Public Network Access Policy. Staff also provided updates via email to the OPLB Intellectual Freedom Ad hoc Committee (Chair Luloff, Trustee Begg, and Trustee Kitts). Lastly, staff

consulted Emond Harnden LLP. No other external consultation was conducted as part of the writing of this report.

ACCESSIBILITY IMPACTS

Ottawa Public Library complies with the *Accessibility for Ontarians with Disabilities Act, (2005)* in its operations. There are no accessibility impacts associated with receiving this report. Accessibility considerations will be incorporated in the revisions to policies and other supporting documents, ensuring the rights of those with an accessibility need are respected.

BOARD PRIORITIES

This report aligns with OPL's values, including intellectual freedom and inclusion. The report also assists in fulfilling one of the priorities under the strategic direction to promote the value of OPL, specifically the direction to strengthen the intellectual freedom program.

BUSINESS ANALYSIS IMPLICATIONS

There are no immediate business analysis implications in receiving this report. Ensuring appropriate oversight of intellectual freedom challenges may include future data requirements, to be determined when administrative policies and supporting documents are revised. Staff will report back to the Board regarding this matter.

FINANCIAL IMPLICATIONS

There are no financial implications in receiving this report.

LEGAL IMPLICATIONS

There are no legal implications associated with receiving this report.

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. While bound by applicable legislation related 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

Risk management implications associated with this report include that administrative policies and associated documents continue to be non-compliant until the implementation date in 2023. Interim edits have been made to lower the risk to OPL at this time, and the central administration of intellectual freedom issues within the Office of the CEO also assist in mitigating this risk by ensuring oversight.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

DISPOSITION

Upon receipt of this report by the Board, staff will:

1. Continue the implementation plan for intellectual freedom changes, including continuing to foster community discussions, consulting with Legal, completing revisions to administrative documents, developing staff and trustee training, and drafting communications, with an anticipated launch for revised administrative policies in Q1 2023;
2. Provide status updates to the Board as required; and,
3. Present a close-out report to the Board regarding the intellectual freedom implementation process prior to Q3 2023.