

**Report to / Rapport au:**

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

**March 8, 2016 / 8 mars 2016**

**Submitted by / Soumis par:**

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**File Number: OPLB-2016-0132**

**SUBJECT: Intellectual Freedom Board Position Statement**

**OBJET: Position du Conseil d'administration sur la Liberté intellectuelle**

**REPORT RECOMMENDATION**

**That the Ottawa Public Library Board approve the revised Intellectual Freedom Board Position Statement.**

**RECOMMANDATION DU RAPPORT**

**Que le Conseil d'administration de la Bibliothèque publique d'Ottawa approuve la position révisée du C.A. sur la Liberté intellectuelle.**

**BACKGROUND**

Since amalgamation, the Ottawa Public Library (OPL) Board has prepared position statements that are either required by legislation, or believed necessary to document the Board's position on various topics/matters such that staff can carry out their administrative duties.

The OPL Board has eight (8) position statements, approved over the last few years, based on the governance model and operating structure of both the Board and the OPL at the respective time of approval.

With the introduction of a revised OPL Board Rules of Procedure By-Law in 2015, as well as an update to the OPL Board Policy #2 – Delegation of Authority, staff reviewed the position statements to ensure appropriate alignment with the Board's Strategic Directions and the Delegation of Authority. In January 2016 the Board received and approved the revised framework and position statement on Customer Conduct.

The Intellectual Freedom position statement was deferred in order to have staff address Trustee concerns regarding clarification on the restriction on freedom of speech to prevent the dissemination of hate literature, as defined by law.

## **DISCUSSION**

Following the January 2016 Board meeting, staff reviewed options to strengthen language to clarify the restriction on freedom of speech as subject to legal limitations.

Staff has amended the Intellectual Freedom position statement as follows:

The OPL statement on Intellectual Freedom does not apply to the expression or dissemination of views that promote and/or incite hatred as defined by the *Criminal Code of Canada*. Such communications are prohibited on library premises and may result in a person's immediate expulsion from the premises and referral of the matter to the Ottawa Police Services.

Staff recommends the revised Position Statement on Intellectual Freedom, as outlined in Document 1, be approved.

## **CONSULTATION**

The revised position statement on Intellectual Freedom was reviewed by the City Clerk and Solicitor, with no additional changes recommended.

## **LEGAL IMPLICATIONS**

There are no legal implications associated with the OPL Board's consideration of this report.

The report and the proposed revisions to the Board's Intellectual Freedom Position Statement are in alignment with the law as it relates to one's freedom of expression under Section 2(b) of the *Canadian Charter of Rights and Freedoms* as well as the

limits on that expression as set out in the “hate propaganda” provisions of the *Criminal Code of Canada* (see Sections 318 to 320).

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

### **TECHNOLOGY IMPLICATIONS**

There are no technology implications associated with this report.

### **BOARD PRIORITIES**

The report aligns with the Board’s Rules of Procedure By-Laws.

### **SUPPORTING DOCUMENTATION**

Document 1      Intellectual Freedom Position Statement (Revised)

### **DISPOSITION**

Once approved, the position statement will be adapted into French, with customer-friendly versions posted in appropriate formats on the OPL website and across OPL’s branches.

The position statement will be reviewed in the second year of each term of a new Board, unless otherwise required due to legislative requirements or alignment with other statements as applicable.