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## **COMMUNICATIONS GENERAL CORRESPONDENCE**

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### **TORONTO PUBLIC LIBRARY BOARD MEETING – January 29, 2018**

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It is recommended that the Toronto Public Library Board:

1. receives Communication (a) from John Wilson, to Toronto Public Library Board members, dated December 14, 2017, regarding the Community and Event Space Rental Policy, for information.
2. receives Communication (b) from Robin Pilkey, Chair, Toronto District School Board to Toronto Public Library Board members, dated December 15, 2017, regarding the TDSB's Expanding Equity Task Force Report and Recommendations, for information.
3. receives Communication (c) from Micheal Vonn, Policy Director, British Columbia Civil Liberties Association to the Toronto Public Library Board, dated January 5, 2018 regarding the Community and Event Space Rental Policy, and requests the City Librarian to respond, incorporating the following points:
  - a) TPL is committed to its mission of preserving and promoting universal access to a broad range of human knowledge, experience, information and ideas in a welcoming and supportive environment. It is committed to free expression and the principles of intellectual freedom.
  - b) The Library is in the position of having to make decisions about the fine line between free expression and hate speech; a room booking policy framework is needed to guide decision-making. This fine line is not a rationale, or blanket, for preventing a wide range of groups from using library space. Instead, the revised policy provides a pragmatic and defensible approach for making room booking decisions based on the purpose of the booking, not the individuals or groups making the booking.
  - c) The revised policy is the result of a rigorous and thorough policy review that has been undertaken with City of Toronto legal counsel, external legal counsel, consultation with stakeholder individuals and groups, a review of all

relevant legislation and an environmental scan of other policies. As a final step, the external legal memorandum and revised policy were peer reviewed by a professor of constitutional law at Osgoode Hall.

- d) TPL has made it clear that the revised policy would not change the original approval for the memorial service that took place at the Richview Branch. If the process was driven by political discomfort over the controversy, the Richview Branch booking would have been cancelled at the very beginning. Instead, TPL took a stand and allowed the booking despite the political and public controversy that ensued.
- e) TPL has never shied away from controversial topics in its collections, programming or room booking decisions. It actively provides forums for a diversity of views to be presented. In fact, TPL is launching a 2018 Civil Society series of public programs to open up difficult conversations, exploring what comprises a civil society in today's climate and how disagreeing civilly with each other is a lesson we need to discuss.

**Nancy Marshall**

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**From:** [REDACTED]  
**Sent:** Thursday, December 14, 2017 11:32 AM  
**To:** Nancy Marshall  
**Subject:** event bookings 'likely to promote hate'

To: Nancy Marshall, TPL Board Secretary  
nmarshall@torontopubliclibrary.ca

Please provide copies of this recommendation to TPL Board Members and the City Librarian.

Please withhold my contact information from the public.

Thank you.

John Wilson

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Dec. 14, 2017

Re: event bookings 'likely to promote hate'

To: TPL Board

Cc: City Librarian

Congratulations on taking action on event bookings 'likely to promote hate'.

However, I believe that the TPL can better fulfill its purpose and serve its patrons with a panel, such as that used for complains about so-called inappropriate books.

To be impartial and to be seen to be impartial, no one person should make a decision on an appeal on this issue.

These issues are often emotionally and politically charged and the City Librarian should, in each instance, defend the process used to make these decisions. However, the City Librarian cannot credibility defend this process if the City Librarian makes the decision and is, in effect, the process.

I recommend that the TPL Board give consideration to a panel to decide appeals on event bookings 'likely to promote hate'

If quick decisions are needed then a Skype meeting with the panellists can be held.

Further, I recommend that the TPL Board give consideration to a (pro bono) panellist who is external to the TPL. This panellist would bring further expertise and more arms-length credibility to the panel.

Thank you for your consideration.



## Robin Pilkey

Chair and Trustee, Ward 7, Parkdale-High Park

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December 15, 2017

Dear Toronto Public Library Board Member

I am pleased to share with you the Enhancing Equity Task Force Report and Recommendations the Board of Trustees received this week.

This report is the culmination of a year-long consultation with our communities, including students, staff and families. The in-depth report focused on improving the learning and well-being of each and every student by understanding and mitigating the barriers of social and economic inequity. It brought to the surface the systemic barriers that many students are facing in the TDSB and highlighting – in many cases reinforcing – what areas we need to focus on.

There are six key areas the recommendations aim to address and identify ways to better support students, especially those from the most marginalized communities.

The report also highlighted that the problems of social and economic inequity are greater than the Toronto District School Board. As the TDSB continues to advance its equity work in support of our students, I hope we are able to work together to create an environment where all children are supported and all children can thrive.

Based on this report, the Director of Education will review the recommendations and will bring proposed next steps forward for discussion to the Planning and Priorities Committee on January 31, 2018.

The Toronto District School Board is committed to making transformative, systemic change to meet the distinct needs of students while improving access and raising expectations.

We will continue to keep you updated on our progress.

Sincerely,

Robin Pilkey,  
Chair, Toronto District School Board



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BY EMAIL - [nmarshall@torontopubliclibrary.ca](mailto:nmarshall@torontopubliclibrary.ca)

January 5, 2018

Toronto Public Library  
789 Yonge Street  
Toronto, ON M4W 2G8

Attn: Toronto Public Library Board

Dear Board members,

**RE: Community and Event Space Rental policy**

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I am writing on behalf of the BC Civil Liberties Association ("BCCLA") to respond to the decision made last month by the Toronto Public Library ("TPL") Board to revise the Community and Event Space Rental policy, which takes effect this week.

While we can understand the good intentions for the revisions to the TPL's Community and Event Space Rental policy, we strongly oppose these changes and believe that they will distort the critically important mission of the library.

Applicants wishing to rent out TPL space should not be denied access based on a determination by a staff member that it is reasonable to believe that the space will be used for a purpose likely to promote discrimination based on the many grounds listed in your policy. In our view, this significantly departs from the central mission of the library to promote the free exchange of ideas and will inevitably lead to the TPL acting as a censor by limiting access to facilities by groups with unpopular ideas.

Our concerns pertain not only to citizens' right to free expression, but also to the imperative of protecting and promoting the very unique mission and purpose of a public library. As your mission states "[t]he Library preserves and promotes universal access to a broad range of human knowledge, experience, and information and ideas," and one of the core values of the Toronto Public Library is intellectual freedom:

Guaranteeing and facilitating the free exchange of information and ideas in a democratic society, protecting intellectual freedom and respecting individuals' rights to privacy and choice.<sup>1</sup>

This mission appropriately reflects the important purpose of a library, which is to facilitate access to the broadest possible range of ideas. In following a policy of impartiality regarding the content of ideas, the TPL holdings include books and materials which may offend and disgust many people. Such holdings are a necessary component of fulfilling the mandate of the library, as the alternative would be to have library staff take it upon themselves to sort "good" ideas from "bad" ones. Such adjudication is simply antithetical to the mission and purpose of the library.

Similarly, a policy of sorting out which groups have "good" ideas from those that are "bad" in order to apply your space rental policy will run counter to the same fundamental mission and values and will place the library in an equally untenable position. In fact, this policy will likely aggravate rather than abate public concern, because the TPL will now be seen as actively endorsing the rhetoric of the groups who are permitted to rent space, and in the process providing them an air of credibility. Inevitably, it will rent to groups who have unpopular ideas and the public will (this time *rightly*) perceive that the TPL has decided not to bar that particular group, and so in effect said that their ideas are worthy of dissemination. With a content-neutral policy, the TPL may answer complainants in a manner consistent to the way it addresses similar complaints about

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<sup>1</sup> Toronto Public Library, "Vision, Mission & Values", online at <http://www.torontopubliclibrary.ca/about-the-library/mission-vision-values>.

books and materials that individuals make complaints about; that it is the nature and purpose of the library to hold space for the broadest possible array of views.

Given the wording of the policy, it seems that the TPL could use it to prevent a very wide range of user groups from booking space. Will gender-critical feminist speakers be denied access to room rentals on the grounds that their views could promote contempt for transgendered persons? Would a group supporting the Boycott, Divestment and Sanctions movement with respect to Israel be permitted to use a space, or will a staff member of TPL think that the discussion will be necessarily discriminatory? Will politically conservative groups be permitted to hold public forums on immigration policy or will that be deemed impermissible?

There are some obvious parallels with the “no-platforming” that is becoming notorious on some North American campuses and there is no reason to believe that the contests between groups that are polarized on contentious issues will not be brought home to the TPL as groups seek to use and enforce the prior restraint of the no-rental policy to silence their opponents.

Inviting the spirit of “no-platforming” into the very policy of the TPL is particularly undermining of its mission given that public libraries are one of the few accessible spaces left for the public to meet. In this context of rapidly declining public spaces, it is very concerning to see a library system as large and influential as the TPL decide to limit the use of public space.

For all of the reasons set out above, we strongly urge you to rescind last month’s adjustments to the policy. We understand that last summer’s memorial held at the Richview branch probably caused great political discomfort for the Board, especially given the public comments by the Mayor of Toronto. We would like to lend our support to you in returning to the appropriately content-neutral room booking stance and

responding to public criticism by educating the public about the unique and critically important role of libraries in a free and democratic society.

We would welcome the opportunity to discuss this matter with you further.

Yours truly,

A handwritten signature in black ink, appearing to read "M. Vonn", followed by a horizontal line.

Micheal Vonn  
Policy Director