

Intellectual Freedom Challenges – 2018 Annual Report

Date:	May 21, 2019
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to provide an overview of the processes for dealing with challenges to intellectual freedom and to provide a summary of the seven complaints received in 2018 – six regarding library materials and one regarding use of library space. There were no challenges concerning library programming or technology received in 2018.

FINANCIAL IMPACT

There is no financial impact arising from the information in this report.

The Director, Finance and Treasurer has reviewed this financial impact statement and agrees with it.

ALIGNMENT WITH STRATEGIC PLAN

The report on Intellectual Freedom Challenges for 2018 reflects the Library's Mission and the Library's Values, specifically that of 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. As such, it is in alignment with the values expressed in the strategic plan.

ISSUE BACKGROUND

In 2018, this report, which formerly dealt with challenges to library materials only, was broadened to include challenges relating to library programming, technology and library space, in order to provide a more comprehensive view of challenges relating to intellectual freedom.

The Library believes that a vital society encourages members of its community to actively participate in an open exchange of ideas and opinions, and it offers materials,

technology, programs and services to support this goal. The Library seeks to offer a welcoming, inclusive environment while upholding the principles of freedom of speech and expression.

At present, intellectual freedom challenges are dealt with in the context of the applicable policy governing that area of service. To promote a more comprehensive approach, the Library proposes to develop an overarching intellectual freedom framework and to examine relevant administrative policies and procedures that will support this framework. The current process for handling requests for reconsideration of library materials is highly developed and well understood by staff, and will provide a model for development of processes relating to other types of intellectual freedom challenges.

COMMENTS

Challenges to the Use of Collections

The Library provides a process for members of the public to identify concerns about books and other material in the Library's collection. These customer complaints are dealt with in the context of the Materials Selection Policy and the principles of intellectual freedom, both of which were approved by the Board at its meeting on June 26, 2000. Subsequently, the Board approved a revision to the policy in December 2007 and, in June 2012, endorsed two Ontario Library Association statements on intellectual rights, which are now appended to the policy. The relevant section of the policy is restated below.

The library believes that a vital society encourages members of its community to actively participate in an open exchange of ideas and opinions. Material selectors consequently strive to provide the widest possible range of resources within Toronto Public Library collections.

The content or manner of expressing ideas in material that is purposely selected to fill the needs of some library users, may, on occasion, be considered to be offensive by other library users. The library recognizes the right of any individual or group to reject library material for personal use, but does not accord to any individual or group the right to restrict the freedom of others to make use of that same material.

Library users who object to materials located in a library collection are asked to complete a written request for reconsideration of the materials. Request forms are available for this purpose at local library branches.

The procedures for the reconsideration of library materials are intended to ensure that the concerns of the customer are dealt with in a timely manner and with sensitivity. Typically, complaints are received at the branch level. Staff then have the opportunity to discuss the customer's concerns with them and to provide them with a copy of the Materials Selection Policy. This discussion often satisfies the customer and no further action is required. Customers wishing to pursue their complaint fill out a form detailing their concerns, which is sent to the Collection Development Manager, who forwards it to

the Materials Review Committee. A letter of acknowledgement is sent to the customer explaining the process.

The Materials Review Committee is chaired by the Manager, Collection Development, and is drawn from a group of experienced public service librarians based on the subject of the complaint. These librarians have a mixture of expertise in adult, children's and teen materials in a variety of formats, and the Manager may also call in other experts, for example, language specialists, as needed. The committee researches the disputed title by considering reviews, the author's reputation, coverage of the subject in the collection, its popularity, historical importance, etc., all within the context of the Materials Selection Policy. The decision on the disposition of the item is communicated in writing by the Director, Collections & Membership Services. If the customer wishes to dispute the decision, they may do so to the City Librarian.

Challenges to titles in the collection received by the Materials Review Committee in 2018 and the actions taken by the Library are listed in Attachment 1.

There were complaints about six titles. Two were children's books; three were adult books, two in English and one in Serbian; and one was an adult DVD. All titles were retained in the collection.

Challenges to the Use of Community Space

Challenges are dealt with in the context of the Community and Event Space Rental Policy. The relevant sections of the policy are as follows:

Toronto Public Library meeting rooms, auditoriums, theatres and event spaces are made available to the general public for a fee when not being used for library purposes. The purpose of this policy is to promote the Library's objectives of providing equitable access to services and maintaining a welcoming and supportive environment free from discrimination and harassment, and to outline the fees, the underlying principles for those fees, the priorities for use and the conditions of use for community and event spaces available for rent from the Library.

When making the Library's Community Space Rentals available for use, the Library is committed to ensuring the dignity and safety of the public and staff without disruption to Library services, and to maintaining the security of Library property.

- a) *The Library reserves the right to deny or cancel a booking when it reasonably believes:*
 - i. *use by any individual or group will be for a purpose that is likely to promote, or would have the effect of promoting discrimination, contempt or hatred for any group or person on the basis of race, ethnic origin, place of origin, citizenship, colour, ancestry, language, creed (religion), age, sex, gender identity, gender expression, marital status, family status, sexual orientation, disability, political affiliation, membership in a union or staff association, receipt of public assistance, level of literacy or any other similar factor;*

- ii. *use by any individual or group will be for a purpose or action that is contrary to the law or any of the Library's policies or Rules of Conduct, including violent, threatening, abusive, harassing, disruptive or intrusive language or conduct;*
- b) *The Library requires potential users of Community Space Rentals to confirm that they will not be conducting any business or activities that are in violation of 4.4(a)(i) of this policy, the Criminal Code of Canada (including hate propaganda laws) or the Ontario Human Rights Code.*

Applicants who are denied permission may have the decision reviewed by the City Librarian whose decision is final.

There was one community space rental challenge in 2018. It concerned a third-party room booking for three evenings at Fairview branch, for a lecture about Iranian studies by a visiting international scholar, Dr. Abdolkarim Soroush. The complainant objected to the presence of Dr. Soroush, and requested that the Library cancel the third booking, based on Dr. Soroush's alleged past activities in Iran. The Library reviewed the matter and determined the event bookings were in compliance with the law and the Library's *Community and Event Space Rental Policy and Rules of Conduct*. Details can be found in Attachment 2.

In general, the volume of complaints received relative to the population served is very low, reflecting the Toronto public's appreciation of the breadth of TPL's collection, the importance of public libraries in providing access to public space and computers, and its understanding of the application of intellectual freedom in a library setting.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Challenges to Intellectual Freedom 2018 – Library Materials
Attachment 2: Challenges to Intellectual Freedom 2018 – Use of Community Space

Challenges to Intellectual Freedom 2018 – Library Materials

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
Feb 2018	<p>No Campus for White Men: The Transformation of Higher Education into Hateful Indoctrination</p> <p>Written by Scott Greer, WND Books, 2017</p> <p>Adult Book</p>	<ul style="list-style-type: none"> • Attacks activists who are fighting to create equitable spaces and places of learning for women and racial minorities 	<ul style="list-style-type: none"> • The author is a writer and contributor to conservative media outlets including the <i>Drudge Report</i>, <i>Fox Nation</i> and <i>Breitbart</i>. • The book is an opinion piece on what the author perceives to be political correctness and victimhood culture on American college campuses today. • There are many books within TPL's collection that provide an alternative point of view to Greer's on issues relating to diversity, inclusion, affirmative action and free speech in post-secondary environments. • Retained in the adult collection
March 2018	<p>Matthew and the Midnight Tow Truck</p> <p>Written by Allen Morgan, Annick Press, 1984</p> <p>Children's Picture Book</p>	<ul style="list-style-type: none"> • Includes a potentially harmful message to young boys about getting into strangers' vehicles • Remove from the collection 	<ul style="list-style-type: none"> • The book is part of a popular series featuring a young boy named Matthew who falls asleep and has adventures while dreaming. • The sequence where Matthew meets and accompanies the tow truck driver on his rounds is clearly depicted as a dream. • The magical realism genre featuring children having adventures with a fantastical companion often while dreaming is a staple of picture books and children's literature. • Retained in the children's collection

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
May 2018	The Little Hours Produced by Destro Films, 2017 Adult Feature DVD	<ul style="list-style-type: none"> • Portrays Catholic nuns negatively • Remove from the collection 	<ul style="list-style-type: none"> • The movie is a loose retelling of a bawdy tale from Giovanni Boccaccio's fourteenth-century work The Decameron. • It features well-known actors and received generally favourable reviews from critics. • The DVD is housed in the adult collection and labelled with a 14A rating. • The cover of the DVD contains a negative comment about the film from the Catholic League, an American Catholic anti-defamation and civil rights organization, and a short description, both of which serve to warn borrowers about its contents. • Retained in the adult collection
May 2018	Pisma iz Donbasa Written by Zakhar Prilepin, 2016 Serbian Adult Book	<ul style="list-style-type: none"> • Contains false and inflammatory statements which incite hatred towards Ukraine and Ukrainian people • Remove from the collection 	<ul style="list-style-type: none"> • The book is a Serbian translation of a book originally published in Russian. • The book was reviewed by a professor at a major Canadian university who is fluent in Serbian and specializes in the politics and history of Ukraine and Russia. • It is structured as conversations between the author and volunteer fighters for the Russian separatist movement in Donetsk, Ukraine; it is not presented as an objective account of the conflict. • While the book has an overt Russian nationalist orientation, it does not contain negative stereotypes or prejudices of Ukrainians. • Retained in the adult collection

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
July 2018	Blubber Written by Judy Blume, Bradbury Press, 1974 Children's Book	<ul style="list-style-type: none"> • Depictions of childhood bullying are graphic and detailed • Remove from the collection 	<ul style="list-style-type: none"> • The book is a realistic and frank exploration of the issue of childhood bullying which conveys an anti-bullying message. • It is considered a classic work of children's fiction by an acclaimed author. • The scenes of bullying, while disturbing, are intrinsic to the theme and plot of the novel and reflect the lived experience of many children who are bullied. • Retained in the children's collection
July 2018	Toronto Noir Edited by Janine Armin and Nathaniel G. Moore, Akashic Books, 2008 Adult Book	<ul style="list-style-type: none"> • Short story "Numbskulls" contained in the anthology is pornographic and obscene • Remove from the collection 	<ul style="list-style-type: none"> • <i>Toronto Noir</i> is one volume in a long-running and very successful anthology series featuring gritty crime stories set in locations around the world. • The author of the story, George Elliott Clarke, is a critically-acclaimed novelist, playwright and poet. • While the story contains depictions that some readers may find objectionable, it has not been deemed obscene by a Canadian court of law. • Retained in the adult collection

Challenges to Intellectual Freedom 2018 – Use of Community Space

Date	Incident	Summary of Public Response	Findings and Action Taken
March 2018	Challenge to a room booking for three evenings for a lecture about Iranian studies by a visiting international scholar, Dr. Abdolkarim Soroush. The organizers of the event cancelled the third booking, so two evening events actually took place.	<ul style="list-style-type: none"> On the evening of the first booking, a number of people protested outside Fairview Branch, calling on the event to be cancelled based on Dr. Soroush's alleged past activities in Iran. Some of the protesters entered the event, attempting to disrupt it. A member of the public wrote to the Library Board after the first and second bookings had taken place, requesting that the third booking be cancelled. 	<ul style="list-style-type: none"> A staff member monitored both events and confirmed the content of the events was consistent with the purpose of the bookings, as described in the booking forms. The Library confirmed the organizers of the event agreed to the terms and conditions as set out in the booking contract. Police maintained order during the two events. The event bookings were in compliance with the law and Library policies. Investigation undertaken to respond to the complainant supported the Library's original decision to allow the two events to proceed. Note that the letter from the complainant was received after the two events had already taken place. The third booking was subsequently cancelled by the event organizers. Booking maintained