

Intellectual Freedom Challenges – 2021 Annual Report

Date:	May 24, 2022
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 six complaints received in 2021 – four regarding library materials and two regarding Toronto Public Library (TPL) programming. There were no challenges regarding library space, website content or library technology received in 2021.

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 2021 reflects the TPL's Mission and 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.

EQUITY IMPACT STATEMENT

Equity, diversity, and inclusion are central to the promotion and practice of intellectual freedom. TPL supports this principle by, as stated in its Mission Statement, providing

“universal access to a broad range of human knowledge, experience, information and ideas...” through its collections, programs and services.

DECISION HISTORY

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. In 2020, website content was added in response to a complaint about the placement of a booklist on the children’s website.

BACKGROUND

TPL 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 is developing an overarching intellectual freedom framework and examining 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 the 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. The Board approved a revision of the policy in December 2007. In June 2012, the Board endorsed two Ontario Library Association statements on intellectual rights, which are now appended to the policy. Subsequently, the Board approved a revision of the policy in June 2016. The relevant section of the policy is restated here:

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 customers 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.

In 2021, there were three challenges to titles in the collection, one relating to children's picture books, one to a children's graphic book, and one to an adult DVD. The children's picture books were transferred to the adult non-fiction collection. The children's graphic book was transferred to the adult graphic book collection. The adult DVD was retained in the adult collection. Details about the complaints and the actions taken by the Library are listed in Attachment 1.

In 2021, there was one challenge to materials available in TPL's Digital Archives, containing information that was personally identifiable to the individual making the

challenge. The request was reviewed confidentially through TPL's reconsideration of materials lens, and the digital copies were removed from online presentation. The original images were retained in TPL's physical collections. A formal process for requests of this nature will be developed as part of the intellectual freedom framework.

Challenges to Programming

Challenges are dealt with in the context of the [Programming Policy](#). The relevant sections of the policy are as follows:

TPL provides public programming to fulfil its mission to provide equitable access to services which meet the changing needs of Torontonians and to preserve and promote universal access to a broad range of knowledge, experience, information and ideas in a welcoming and supportive environment. Programming is provided in keeping with the Canadian Federation of Library Association's Statement on Intellectual Freedom and Libraries and TPL's vision and values.

Programs will be delivered by qualified staff or subject matter experts, as appropriate.

TPL programs may cover a range of topics and ideas which are of current interest and possible future significance, including topics and ideas which reflect current conditions, trends and controversies.

There were two library programming challenges in 2021. One concerned the On Civil Society virtual program, "Modi's India: How Hindu Nationalism Has Eroded the World's Largest Democracy", presented on TPL's Crowdcast channel. The library received multiple emails from members of the public expressing concerns that the program was biased and would promote an atmosphere of hate and prejudice against the Hindu community and should be cancelled. The Library reviewed the content and intent of the program and the background of the speakers, and determined that, while some of the topics covered may be potentially controversial, the program was consistent with TPL's Programming Policy. The program took place as scheduled. Details are in Attachment 2.

The other concerned the On Civil Society virtual program, "Dr. Carl Hart: Drug Use for Grown-Ups" and "Civil Forum: Drug Use for Grown-Ups", presented on TPL's Crowdcast channel. The Library received correspondence from the public expressing concerns that the program would be accessed by vulnerable adolescents who will conclude that drug use is harmless and that the program should be cancelled. The Library reviewed the content and intent of the program and the background of speakers, and determined that, while Dr. Hart's ideas are controversial, they reflect an attempt to reframe the way drug use is talked about, a problem that most mainstream experts

agree does not work for many of those suffering from addiction and other problems which stem from the use of drugs. Details are in Attachment 2.

CONCLUSION

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, programming and technology, and its understanding of the application of intellectual freedom in a library setting.

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

1. Challenges to Intellectual Freedom 2021 – Library Materials
2. Challenges to Intellectual Freedom 2021 – Library Programming

Challenges to Intellectual Freedom 2021 – Library Materials

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
April 2021	<p><i>And to Think That I Saw It on Mulberry Street</i> [1937]</p> <p><i>If I Ran the Zoo</i> [1950]</p> <p><i>Scrambled Eggs Super!</i> [1953]</p> <p><i>On Beyond Zebra!</i> [1955]</p> <p><i>McElligot's Pool</i> [1974]</p> <p><i>The Cat's Quizzer</i> [1976]</p> <p>Written and illustrated by Dr. Seuss</p> <p>Children's Picture Books</p>	<ul style="list-style-type: none"> • On March 2, 2021, Dr. Seuss Enterprises announced that it would cease publication and licensing of these six titles. • The company stated that “these books portray people in ways that are hurtful and wrong” and that “ceasing sales of these books is only part of our commitment and our broader plan to ensure Dr. Seuss Enterprises’ catalog represents and supports all communities and families.” • The Library received numerous emails and messages on social media from members of the public requesting that the books be removed from the collection. • The Library also received media inquiries asking what the Library was planning to do with the titles. 	<ul style="list-style-type: none"> • Theodor Seuss Geisel (Dr. Seuss) was a well-known children’s author and illustrator of over 60 books. • His works include many of the most popular children’s books of all time. • During his lifetime he received many accolades and awards, including a special Pulitzer Prize for his contribution to children’s literature. • Seuss’s reputation notwithstanding, some of the illustrations in these six books and the accompanying text are problematic. • Images depicting Chinese, Japanese, Middle Eastern, Inuit and African people are stereotypical and often derogatory. • All titles transferred to the adult non-fiction collection • One copy of each title retained in the Osborne Collection, the historical reference collection of children’s books used by students and researchers

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
April 2021	<p><i>The Adventures of Ook and Gluk: Kung-Fu Cavemen from the Future</i></p> <p>Written and illustrated by Dav Pilkey</p> <p>Blue Sky Press, 2010</p> <p>Children's Graphic Book</p>	<ul style="list-style-type: none"> On March 22, with the support of Dav Pilkey, Scholastic announced it would no longer publish or distribute this title, stating that it perpetuates passive racism. On March 25, Pilkey issued an apology on his YouTube channel. He stated that the book was intended to showcase diversity, equality and non-violent conflict resolution, but acknowledged its use of “harmful racial stereotypes and passive racist imagery.” In response to this announcement, TPL launched a review of this title. 	<ul style="list-style-type: none"> Dav Pilkey is a bestselling author/illustrator of picture books, early reader fiction, and graphic novels, known for his Captain Underpants and Dog Man series that have sold millions of copies worldwide. <i>The Adventures of Ook and Gluk</i> is his second full-length graphic novel, a spin-off of his popular Captain Underpants series. The book follows the adventures of two cavemen who must defeat an evil corporation by time travelling to the future to learn kung-fu. Illustrations of the kung-fu master and his daughter and accompanying dialogue are stereotypical. One of the chapter headings makes reference to a racist trope about Asians. Transferred to the adult graphic book collection

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
Oct 2021	<p><i>The Big Shot</i></p> <p>Directed by Lewis Seiler</p> <p>Warner Brothers, 2015 [Originally released as a motion picture in 1942]</p> <p>Adult Feature DVD</p>	<ul style="list-style-type: none"> The term “golliwog” is used in two scenes. The term has racist connotations and is highly offensive. Omit or mute the scenes; or remove the DVD from the Library collection entirely. 	<ul style="list-style-type: none"> <i>The Big Shot</i> is a “film noir” crime drama starring Humphrey Bogart, one of the most popular movie stars of all time. The film was released on DVD for the home viewing market in 2015 as part of the Warner Archive series of classic Hollywood films. It is held by other public libraries in Canada and the United States, including Edmonton, New York, Chicago and San Francisco. It has received good reviews for its sharply written script, noteworthy performances, and fast-moving pace. The film contains some scenes that are indeed problematic and racist by today’s standards. It is necessary to place the film in its historical context. Many classic Hollywood films use language and images that would be unacceptable in modern films. Retained in the adult collection.

Date Resolved	Item Description	Summary of Customer Comments	Findings and Action Taken
November 2021	Materials presented in TPL's Digital Archives	<ul style="list-style-type: none"> The material contains information that was personally identifiable to the individual making the challenge. The Request was reviewed confidentially through TPL's reconsideration of materials lens. 	<ul style="list-style-type: none"> The original images were retained. The digital copies were removed from online presentation. A formal process will be developed as part of TPL's Intellectual Freedom framework.

Challenges to Intellectual Freedom 2021 – Library Programming

Date	Incident	Summary of Public Response	Findings and Action Taken
April 2021	The On Civil Society programs, "Dr. Carl Hart: Drug Use for Grown-Ups" and "Civil Forum: Drug Use for Grown-Ups"	Concerns that the program will be accessed by vulnerable adolescents who will conclude that drug use is harmless and will lead to experimentation with drugs by adolescents, as well as others, resulting in potential harm, addiction and overdose. Asked that the program be cancelled.	<ul style="list-style-type: none"> The book that the program discussed is about more than just the author's opinions and personal experiences with drug use. It is an in-depth look at the way the discourse around drug use stigmatizes and reinforces racist attitudes and portrayals in the media, guiding subsequent actions by policymakers, legal practitioners and police and other law enforcement agencies, and entrenches racist structures in society. While Dr. Hart's ideas are controversial, they reflect an attempt to reframe the way drug use is talked about, a problem that most mainstream experts agree does not work for many of those suffering from addiction and other problems which stem from the use of drugs. Dr. Hart's background and credentials qualified him for this discussion. He is the Chair of the Department of Psychology at Columbia University and the Ziff Professor of Psychology in the Departments of

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			<p>Psychology and Psychiatry. Professor Hart has published numerous scientific and popular articles in the area of neuropsychopharmacology and is co-author of the textbook Drugs, Society and Human Behavior (with Charles Ksir). His latest book, Drug Use for Grown-ups, is published by Penguin Random House, one of the largest publishing houses in the world.</p> <ul style="list-style-type: none"> • The event also included host Dr. Akwasi Owusu-Bempah of the University of Toronto, who guided the discussion, and engaged and challenged Dr. Hart's ideas and conclusions. • The book has been widely discussed in the media and presented in other virtual events for all kinds of organizations including libraries throughout the United States. • The program took place as scheduled
Dec 2021	The On Civil Society virtual program, "Modi's India: How Hindu Nationalism Has Eroded the World's Largest Democracy", presented	<ul style="list-style-type: none"> • The library received multiple emails from members of the public expressing concerns that the program is biased and would promote an atmosphere of hate and prejudice against 	<ul style="list-style-type: none"> • The Modi's India event was presented as part of the library's On Civil Society: Democracy series. The Democracy series features a wide variety of programs which explore how democracy is changing and include conversations with leading

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	<p>on TPL's Crowdcast channel</p> <p>This event was presented in partnership with Ryerson University and co-sponsored by the Canadian International Council.</p>	<p>the Hindu community and should be cancelled.</p>	<p>experts and thinkers from around the world.</p> <ul style="list-style-type: none"> The Library reviewed the content and intent of the program and the background of the speakers, and determined that, while some of the topics covered may be potentially controversial, the program was consistent with TPL's Programming Policy. The book the program discussed is by Christophe Jaffrelot, Professor of Indian Politics and Sociology at Kings College London. It is based on scrupulous field research in India over many decades and published by Princeton University Press, one of the most prestigious academic presses. The book draws heavily on the reports and research of journalists and scholars in India itself. It has been widely discussed and reviewed in academic circles, and has been presented at libraries and universities throughout the United States and Europe. The event was hosted by Dr. Sanjay Ruparelia, Associate Professor in the Department of Politics and Public Administration at Ryerson University. Dr.

Date	Incident	Summary of Public Response	Findings and Action Taken
			<p>Ruparelia, a widely respected expert on the political, historical and social structures that affect India and the lives of Indians, suggested the book as a topic of discussion, and was tasked with putting pressure on some of Dr. Jaffrelot's conclusions as the event's host and interviewer.</p> <ul style="list-style-type: none"> • The program took place as scheduled. • As a result of feedback received from the Hindu community, TPL will include additional programming which provides alternative perspectives on Hindu history and culture.