
Date: May 25, 2020
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 2019 – three regarding library materials, one regarding library programming, one regarding use of library space, and one regarding website content. There were no challenges concerning library technology received in 2019.

FINANCIAL IMPACT

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

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

ALIGNMENT WITH STRATEGIC PLAN

The report on Intellectual Freedom Challenges for 2019 reflects the Library’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. Toronto Public Library 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.

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 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 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 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 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 2019 and the actions taken by the Library are listed in Attachment 1.

There were complaints about three titles. Two were children's books and one was a children's DVD. Both books were retained in the collection. The DVD was moved to the Children's Literature Resource Collection at North York Central Library, for research purposes.

**Challenges to Library 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 fulfill 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. Programs will contribute to TPL’s safe, supportive and welcoming environment. Presenters to vulnerable groups must be in compliance with TPL’s Police Reference Check Policy.

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. As with other TPL services, children’s access to programming is the responsibility of parents and guardians.

There was one library programming challenge in 2019. It concerned Drag Queen Story Time, presented by St. Lawrence Branch in a community program at Crombie Park. The Library received a request from an individual via email to cancel the program, on the basis that security checks of the external presenters had not been conducted, and that reading materials used for the story time had not been vetted for appropriateness. The Library reviewed the matter and determined that Police Reference Checks had been completed, as per Library policy. The materials used for the story time were from the Library's collection and were selected by professional librarians in accordance with the criteria set out in the Library's Materials Selection Policy. The event proceeded as planned. Details are in Attachment 2.

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 2019. It concerned a third-party room rental for an event at Palmerston branch featuring speaker Meghan Murphy. The stated purpose of the room rental was “To have an educational and open discussion on the concept of gender identity and its legislation ramifications on women in Canada.” The Library received considerable commentary and feedback from the public, including letters from organizations and online petitions requesting that the event be cancelled, in the belief that Ms. Murphy’s views on transgender rights constitute hate speech. The Library reviewed the matter and determined the room rental was in compliance with the law and the Library’s Community and Event Space Rental Policy and Rules of Conduct. The event proceeded as planned. Details can be found in Attachment 3.

**Challenges to Website Content**

Challenges are dealt with in the context of the Online and Social Media Policy. The relevant sections of the policy are as follows:

*Toronto Public Library will use online and social media channels to extend the Library’s welcoming and supportive service environment online in a manner which is consistent with the Library’s mission, vision and services values.*
Toronto Public Library’s Online and Social Media Policy applies to the Library’s online and social media activities, including but not limited to, blogs, social networks and online communities, websites and mobile applications.

The Library does not restrict access to online communication for children and youth. Parents and legal guardians are responsible for monitoring and/or limiting the use of TPL’s online and social media channels by their children.

There was one challenge to website content in 2019. It concerned the placement of a “Reading with Pride” book list on the children’s website, kids.tpl.ca. The complainant objected to the reading list being on the children’s website, where children might discover it on their own, and felt that parents or caregivers who might find the material controversial should be alerted to its availability on the children’s website. Details of this challenge can be found in Attachment 4.

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

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Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1: Challenges to Intellectual Freedom 2019 – Library Materials
Attachment 2: Challenges to Intellectual Freedom 2019 – Library Programming
Attachment 3: Challenges to Intellectual Freedom 2019 – Use of Community Space
Attachment 4: Challenges to Intellectual Freedom 2019 – Website Content
<table>
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<tr>
<th>Date Resolved</th>
<th>Item Description</th>
<th>Summary of Customer Comments</th>
<th>Findings and Action Taken</th>
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| April 2019    | **Peter Pan**    | • Depicts Indigenous people in derogatory, stereotypical and racist ways  
                | Produced by Walt Disney Pictures, 2018 [Anniversary edition of the motion picture originally produced in 1953]  
                | Children's Feature DVD | • This 1953 animated film by Walt Disney was an adaptation of the play *Peter Pan; or, the Boy Who Would Not Grow Up*, by J. M. Barrie.  
                |                  | • Notwithstanding its popularity and status as a Disney classic, Peter Pan is indeed problematic because of its depiction of Indigenous people.  
                |                  | • The film contains many grotesque stereotypes, scenes of cultural appropriation, and lines of offensive dialogue.  
                |                  | • The film exposes children, its intended audience, to racist depictions of Indigenous people.  
                |                  | • **Transferred to the Children’s Literature Resource Collection at North York Central Library for research purposes** |
| June 2019     | **The Christmas Song: Chestnuts Roasting on an Open Fire** | • Use of the word “Eskimos” is a racial slur  
                | Written by Mel Tormé and Robert Wells, HarperCollins, 2007  
                | Children’s Picture Book | • The book’s text is comprised of the lyrics of “The Christmas Song,” written in 1945. The song was first recorded by Nat King Cole in 1946 and has been covered by many artists in different genres since then.  
                |                  | • Although “Eskimo” is considered pejorative in some contexts, it is an accepted term for the Yupik people of Alaska and Siberia. The term is still commonly used in Alaska.  
<pre><code>            |                  | • **Retained in the Children’s collection** |
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| November 2019 | Good Dog Carl and the Baby Elephant                   | • Depicts small children being left unsupervised at a zoo and interacting with wild animals, which are outdated and illegal concepts  
• Remove from the Children's collection and destroy all copies | • The book is part of a series of more than 20 Good Dog Carl books, the first of which was published in 1985.  
• A young girl and her pet dog Carl visit a zoo on a special “Children's Day,” during which baby animals are let out of their cages to greet young visitors  
• The magical realism genre featuring children having fantastical adventures with animal companions is a staple of picture books and children's literature.  
• **Retained in the Children's collection**  |
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| August 2019 | Challenge to Drag Queen Story Time, presented by St. Lawrence branch in a community program at Crombie Park. | • The Library received a request from an individual via email to cancel the program, on the basis that security checks of the external presenters had not been conducted, and that reading materials used for the story time had not been vetted for appropriateness.  
• Emails from three other individuals voicing opposition to Drag Queen Story Time were also received after the event. | • Drag Queen Story Times are scheduled throughout the system at various branches, as part of a wide array of diverse programming for parents/caregivers and their children.  
• The Library reviewed the matter and determined that Police Reference Checks for the presenters had been completed, as per the Library's Programming Policy, which states that presenters to vulnerable groups must be in compliance with TPL's Police Reference Check Policy.  
• The materials used for the story time were from the Library's collection and were selected by professional librarians in accordance with the criteria set out in the Library's Materials Selection Policy.  
• Library senior management attended the event.  
• **Program took place as scheduled** |
Attachment 3
Challenges to Intellectual Freedom 2019 – Use of Community Space

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| October 2019 | Challenge to a third-party room rental for an event at Palmerston Branch featuring speaker Meghan Murphy, a Canadian writer and journalist. The stated purpose of the room rental was “To have an educational and open discussion on the concept of gender identity and its legislation ramifications on women in Canada.” | • TPL received approximately 458 emails about the library's decision to maintain the room rental; 389 were in support and 69 criticized TPL's decision.  
• Three online petitions were created with two opposed to TPL’s decision and one in support. | • The Library confirmed the organizers of the event agreed to the terms and conditions as set out in the room rental contract.  
• The event rental was in compliance with the law and Library policies.  
• The speaker for this third-party room rental event has never been charged with or convicted of hate speech as defined in the Criminal Code of Canada.  
• Library senior management monitored the event for compliance with the *Community and Event Space Rental Policy’s* Terms and Conditions.  
• Police maintained order during the event.  
• **Room rental maintained** |
## Attachment 4
Challenges to Intellectual Freedom 2019 – Website Content

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| Sep. 2019 | Challenge to placement of Reading with Pride book list on children's website. | • The Library received an email from an individual expressing concern that an LGBTQ2S-themed reading list was available on the children's website, where children could find it on their own  
• Customer requested that the Library reconsider having the reading list on the children's website, or at the very least inform parents of its availability and placement | • The Rainbow Child and Youth Programming Committee created the Reading with Pride book list in print and online formats. The book list was featured in June 2019 on the children's website to celebrate Pride Month.  
• The books listed are age-appropriate and promote understanding and acceptance.  
• They were selected for the collection by professional librarians in accordance with the criteria set out in the Library's Materials Selection Policy.  
• The book list has been well-received and used by library customers.  
• As per the Library's Internet and Social Media Policy, parents and legal guardians are responsible for monitoring and/or limiting the use of TPL's online and social media channels by their children.  
• **Placement of book list on children's website maintained** |