

Intellectual Freedom

Definition

The Canadian Federation of Library Association's [Statement on Intellectual Freedom and Libraries](#) refers to Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

[The American Library Association Office for Intellectual Freedom](#) refers to intellectual freedom as the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored.

Introduction

Intellectual freedom as a value held by public libraries is enduring and important to the work of boards and staff. Freedom of Expression is a right enshrined in Canada's Charter of Rights and Freedoms, however, the concept of intellectual freedom is not regulated by a body that holds public libraries compliant or accountable; its enforcement relies on the justice system. Our understanding and actions regarding intellectual freedom are shaped by ongoing discussions, challenges, and societal changes.

It is the responsibility of the library community, which includes but is not limited to, trustees, staff, academic researchers, library instructors, unions, and associations, to uphold, to scrutinize, and to be open to challenges and changes to our shared values. In this way, our values and our work are meaningful and contribute to a progressive and democratic society that is equitable, inclusive, and diverse.

Board Discussion

Trustees bring a breadth of experiences, skills, knowledge, and questions to public library board work. Board policies and practices vary across the province and BCLTA is focused on issues of common concern for board development. Your board chair, your library director, and BCLTA all have a role in helping you find further resources specific to your needs. The Libraries Branch staff are available for all questions regarding the *Library Act*.

Generative discussions are important to effective governance. It is also vitally important that board discussions serve the purpose of the board and are kept at an appropriate level for governance work. High-functioning boards provide direction and oversight and do not get weighted down in unnecessary details, personal opinions, or misinterpretations of the law.

Your board intellectual freedom discussions might cover a wide range of topics such as:

- The broader local and library community discussions that are informing the environment of your board work.
- Public library statements, policies, strategic plans and other board level reports regarding intellectual freedom.
- The burden and/or challenge of intellectual freedom when working with and serving communities that have been, or continue to be, under-served by public libraries.
- Building a shared understanding among the board and staff of intellectual freedom and what this means to the diverse communities the public library serves.
- The use of words, such as hate, harm, safe and neutrality. These words, and others, are powerful and their use, particularly when used to disagree with the use of public library space or the access of resources and information in a public library, brings an opportunity for meaningful dialogue on intellectual freedom between the library community and the broader community.
- Supporting the library director so that they are successful with their day-to-day work of managing and overseeing what intellectual freedom means to public library operations.

Freedom of Expression and Freedom of Speech (High Level and Brief)

In Canada freedom of expression is federally governed quite differently from our popular media (US driven) perceptions of freedom of speech. Freedom of speech can be found in the *Bill of Rights* and is important to democratic rule, but it does not have a strong history of legislation or demonstration in Canada and it was not foundational to the 1867 *Constitution*, as compared to the First Amendment to the *United States Constitution*.

Freedom of expression is on the fundamental freedoms list from Section 2 of the *Canadian Charter of Rights and Freedoms* in the Constitution. The fundamental freedoms apply to everyone in Canada and have mostly been called into use to hold a level of government accountable, such as ensuring that an action by government does not interfere with one of these fundamental rights (freedom of expression, religion, thought, belief, peaceful assembly and association). In Canada freedom of expression is not absolute and its limits have been ruled on by the courts, which include rulings that restrict hate speech. The courts are careful about limiting freedom of expression. For more on this and why the Canadian Civil Liberties Association sees this as important to Canadian democracy visit their [Fundamental Freedoms: About the Issue, Freedom of Expression](#).

Intellectual Freedom and Board Policies

It is important to note in your board discussions that these are highly nuanced concepts and can be difficult to pin down to any single circumstance or board policy without legal counsel. If your board is having this discussion in regards to board policy keep the following in mind:

- Policy should be aligned with the vision and mission of the public library and be compliant with the *Library Act*.
- In general, policy is for guiding not ruling. Policy should enable board and staff to do their work and should demonstrate that the library is a place of equitable access that values inclusivity and diversity.
- Seek expert advisement from your library director. Through their network, the ABCPLD, they have access to up-to-date policies, library news, and emerging trends and practices.

Your policy discussions, such as for the review or development of a room rental policy or library space use, might include some of the below.

Please note that risk assessment and risk mitigation are part of trustee duty of care, but are not meant to be the only factors in providing direction and oversight of the public library. Being risk averse will result in a dysfunctional public library. Much like approaching the

crossing of a busy street, the board needs to assess the risk, and then mitigate the risk through actions such as knowing where the library is going (vision, mission and values), scanning the area and mapping a route (strategic planning and policies), and continuing to watch traffic while proceeding (assessment and oversight).

- What are the updated policies of other BC public libraries?
- Does our library need a similar policy? If so, why and how does our library pursue this policy?
- Who owns the space that the library operates in? Are there any legal contracts such as service or lease agreements that impact or constrain the use of library space?
- What is the role of the board in this policy development and what is the role of the library director in this policy development? Depending on your board and your organizational culture, the library director is almost always the subject expert and the board provides direction and oversight.
- How does this policy benefit our library and community?
- Are there any areas of board responsibility, such as financial or human resources oversight, the library's reputation, or local government relations that this our current room rental or space use policy, or an updated policy might impact? How do we identify, assess, and mitigate any risk? What is our role in risk assessment and mitigation? What is the role of the library director? How do we ensure that we are not over-stepping and creating a risk-averse culture that would be detrimental to the unique role of the public libraryw?
- Are we as trustees familiar with the *CFLA Statement of Intellectual Freedom and Libraries*? Do we have any questions that we would like the Library Director to follow up on for us?
- What is our governance role (oversight, strategic direction, fiduciary responsibility and duty of care) regarding intellectual freedom/freedom of expression and policies such as a room rental or space use policy?
- Is there any difference between a room rental or space use and a library resource, such as books? How does Freedom to Read Week influence our thinking on use of space? Are the risks different? How does the board discuss risk mitigation?

Resources

You may have a recent news item to include in your board's discussion and you may want to ask a trustee and/or the library director to do a quick environmental scan. This scan may include:

- Popular media and news items
- Library trade journals
- The insights of community groups whose members may experience harm from room rentals or library space use to groups that express prejudice or discrimination to

traditionally marginalized communities such as people of colour, Indigenous peoples, and members of the LGBTQ/2S community.

- Keep in mind that it is not the responsibility of these individuals or community groups to educate other individuals or organizations, such as library boards, about their life experience, unless an individual or organization offers their services to do so.
- Having established relationships with community-based organizations, particularly where there is trust in the library, will facilitate being able to directly ask for insight.
- Where there is no established and trust based relationships, the board and library director can begin by reviewing community-based organization websites for mission and purpose statements, use of language, strategic priorities, and problems they are working to solve.

CFLA-FCAB Statement on Intellectual Freedom and Libraries

- Approval History: ~ June 27, 1974; Amended November 17, 1983; November 18, 1985; and September 27, 2015.

It is important that every trustee read this statement in its entirety. The below is only to provide a sense of the gravity of the statement and the duty of care required from a board when referring to intellectual freedom.

Excerpt from the *Statement on Intellectual Freedom and Libraries*.

Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular or unacceptable. To this end, in accordance with their mandates and professional values and standards, libraries provide, defend and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources.

Libraries have a core responsibility to safeguard and foster free expression and the right to safe and welcoming places and conditions. To this end, libraries make available their public spaces and services to individuals and groups without discrimination.

Intellectual Freedom and Censorship Q&A

- American Library Association, 2007

While US centric, there is enough in common with the CFLA statement to make this of interest.

From the Q&A section of the document:

What Is Intellectual Freedom?

Intellectual freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored.

Why Is Intellectual Freedom Important?

Intellectual freedom is the basis for our democratic system. We expect our people to be self-governors. But to do so responsibly, our citizenry must be well-informed. Libraries provide the ideas and information, in a variety of formats, to allow people to inform themselves. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.

Fundamental Freedoms: Freedom of Expression

- Canadian Civil Liberties Association, 2019

Very useful and concise overview of section 2(b) of the Charter of Rights and Freedoms.

Can Public Libraries Maintain Their Commitment to Intellectual Freedom in the Face of Outrage Over Unpopular Speakers?

- Alvin M. Schrader, Centre for Free Expression, Ryerson University, August 15, 2019

This article is a must read! From the article:

Accordingly, it behooves the public library world – by which I mean all library leaders and staff together with library governance boards, volunteers, staff unions, and users – to be knowledgeable about and promote awareness of the interlocking societal, cultural, demographic, professional, institutional, and constitutional and legal parameters within which public libraries function as accountable and transparent institutions dedicated to defending and ensuring access to constitutionally protected speech.

Effective advocacy on all aspects of library information policy depends on a thorough understanding of these complicated challenges. In particular, public librarians ought to do more to champion their institutions as facilitators, promoters, and defenders of Canadian civil liberties. Public librarians can play a critical role in raising public consciousness over the intimate link between public libraries and social justice in Canada. This is a link not well understood because very few public library leaders articulate and promote expressive rights as their unique brand. Once-a-year publicity around Freedom to Read Week is not enough.

Public Libraries and Freedom of Expression

- Danielle S. Mclaughlin, Centre for Free Expression, Ryerson University, July 19, 2017.

This article is in regards to the 2017 room booking controversy at the Toronto Public Library.

It is a quick read and raises questions for a generative discussion regarding the neutrality of public libraries. After reading the article your questions might include:

- Is public library content and space neutral?
- Who defines neutral?
- What does claiming neutrality mean as public libraries also commit themselves to being inclusive spaces of equitable access?
- What does neutrality mean as public libraries fulfill their responsibilities to reconciliation?
- What does neutrality mean as public libraries work with communities that have been traditionally underserved such as the LGBTQ/TS communities?

Proposed Vancouver Public Library Rental Policy Affirms Commitment to Intellectual Freedom

- Carlito Pablo, Georgia Straight, September 23, 2019

As reported in the article (which is brief and well worth reading in its entirety), below are excerpts from a report prepared for the board by Chief Librarian Christina de Castell.

“Many groups and individuals would like the Library Board to implement a policy that restricts freedom of expression more than the current law in British Columbia, by denying rental to groups that have a history of promoting discrimination, or a history of using speech that does not meet the legal threshold of hate, but has the risk of harm to groups that are historically or currently marginalized,” de Castell wrote.

According to de Castell, the public library will seek guidance from the B.C. Human Rights Commissioner about “expectations for protection of human rights for equity-seeking groups within public space use, and is discussing additional legal advice on implementation of the policy with the support of the City of Vancouver”.

De Castell also said that the library has adopted a pre-rental screening and assessment process in order to “limit the likelihood that hate speech, as defined by law, will take place on Library premises”.

“Event rentals on many topics can conflict with VPL’s values and strategic initiatives, affecting VPL’s reputation, reducing the Library’s ability to deliver programs, and impacting perceptions of VPL as a safe and welcoming space,” de Castell stated.

“At the same time, the public library has long been a place to explore ideas, and commitment to intellectual freedom and freedom of expression are fundamental values of public libraries and are bedrock values for democratic society,” the chief librarian continued.

Vancouver Public Library, [Public Meeting Rooms & Facilities Use](#)

- Passed by the VPL Board of Trustees, September 25, 2019.

This board policy reflects effective governance through duty of care and aligning board work with public library values such as intellectual freedom and with the mission of their public library.

You may find referring to other BCLTA resources such as the BCLTA TOP Workbook and the Board Discussion Starter: Equity, Diversity, and Inclusivity helpful to your discussion.

You can find more BCLTA Discussion Starters at: <https://www.bclta.ca/resources-links/board-discussion-starters/>

Contact BCLTA at execdir@bclta.ca to add your resources, templates, or policies to this Discussion Starter.

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