

Annual Report of the CFLA-FCAB Intellectual Freedom Committee

2021

Introduction

This report addresses activities undertaken in the calendar year 2021, with references to activities in previous years included for context. It describes the work of the CFLA-FCAB Intellectual Freedom Committee (Committee) on continuing projects, internal organization, and support actions. The report closes with a brief description of the work ahead in 2022.

Continuing projects

In the Fall of 2019, the CFLA-FCAB Board of Directors (Board) approved a standard work plan template for all its committees. Beginning in November 2019, the Committee began populating the work plan template provided and approved an initial base document following its December meeting that year.

In the two years intervening, several projects initially identified were completed and new projects added. The status of the continuing projects follows.

Challenges Survey

The CFLA-FCAB Intellectual Freedom Challenges Survey (Survey) was moved from the Survey Monkey platform to the Simple Survey platform by the Board and was reconfigured to better align with the ALA Intellectual Freedom Survey in 2018. By 2019, it became clear that the ALA model did not meet Canadian needs, and the Survey was re-written effective the 2020 report year. In past years, the Survey was conducted annually in the winter following the report year, e.g., 2018 incidents entered in the winter of 2019. With the revised survey, libraries were encouraged to enter reports as they occurred. Although the number of incidents reported for 2020 was smaller than in previous years, due to pandemic restrictions on library hours, the Survey is now stable, although subject to review in the future.

In 2020 the Committee decided to bring together the data from previous years and create a comprehensive database of former reports. That project, aided by a graduate student at FLIS, Ms. Haley Liu, was completed in December 2020, containing incidents from 2018 and 2019 formatted to match the current, 2020- , Survey. In 2021, the Committee embarked on the retrospective conversion of files from the previous years (2006-2017), again with the assistance of Ms. Liu, and completed that task in August 2021.

Work remains on the creation of an auxiliary database including partial results from 2008-2014 report years. The partial results are richer in detail than the results posted on the CLFA-FACB website but are not complete.

In April 2021, the Committee was contacted by Mr. Michael Nyby, a graduate student at Western University inquiring about access to survey data as a research project in his MILS program. As supporting research had been a major impetus for the creation of the data base, the inquiry was welcome and a protocol for access to the data was approved by the Committee in the Spring of 2021 with an emphasis on the confidentiality of information that might identify the reporting library.

In August, a file was written out of the database covering the years 2015-2019 for his use. A report from his research effort is expected in the Spring of 2022.

In April, the Committee formalized the working group dealing with the Survey by establishing a standing sub-committee to manage it on a continuing basis. Again in 2021, as in 2020, the Committee was approached by the Book and Periodical Council for reports to be used in the forthcoming Freedom to Read Week campaign. Members of the sub-committee have furnished narrative reports for 2019-20 and 2020-2021 and a list of challenged titles for 2019-2020 to that campaign.

Intellectual Freedom Toolkit

This project (Toolkit) was conceived as a web resource for libraries facing challenges or reviewing their processes for handling challenges. In 2021 the Committee accepted a draft outline and has begun assembling content. The Committee anticipates that a public version of the project will be available on the CFLA-FCAB website coincidental with Freedom to Read Week in February 2022.

In brief, the Toolkit includes introductory material and links to:

- intellectual freedom documents from library associations and other bodies,
- a basic checklist of documents to support response to IF challenges,
- a sampling of intellectual freedom-related policies and procedures from libraries,
- provincial or federal legislation that might be relevant to intellectual freedom in Canada,
- resources or assemblages of resources already existing that seem especially useful,
- a list of contacts for assistance with challenges,
- a set of model letters and library statements that address challenges to library resources or library bookings,
- a list of suggestions as to how to deal with a challenge, depending on whether one is a front-line library worker or a library director,
- and a short bibliography of online articles that seem relevant and helpful around current or typical intellectual freedom issues confronted by libraries.

The Toolkit, once published, will be updated on a regular schedule and is an effort of the whole Committee, administered by the Toolkit working group.

CFLA-FCAB Intellectual Freedom Award

The terms of reference for the new award were approved by the Committee in October and submitted to the Board for its approval.

Two Statements

In 2021 the Committee completed revisions on two statements that have been part of the project list for some time. Both statements are presently in process after initial reviews by the Board. The statements deal with speech in the workplace and the handling of protest and dissent by libraries.

Summary – Continuing Projects

In sum, 2021 saw definitive progress on all outstanding projects, the three major efforts being prepared to move from implementation to continuing management early in 2022.

The work this year has placed renewed emphasis on the CFLA-FCAB website as an active tool in the work of the Committee, rather than as a passive repository documenting achievement.

Internal organization

The Committee has been guided by two foundational documents, its Terms of Reference (Terms), and the Work Plan (Plan). The genesis of the Plan has been discussed above, but as the work of the Committee has developed, the Plan was seen to become less and less useful, in part because its project orientation does not allow for the continuing management that the Committee's major projects entail and in part because the categories into which the Committee's work are placed have little or no relationship to the objectives of the Committee. With the completion of the project stage of those projects and their transition to continuing management, it is an appropriate time to articulate a new structure for recording and guiding the work of the Committee.

Turning to the Terms of Reference (Terms), discussions revealed both ambiguities and inadequacies. The Terms have two major sections: the mandate of the Committee, and the Committee's membership. As the original three-year terms of some members expired, the means of renewing them were unclear, even to the point of whether renewal was to be accomplished by the Committee, the Executive Director, or the Board. Regarding the mandate section, while it was clear that the Committee was conceived as advisory to the Board in some of its role, some of the provisions anticipated an independent public role for the Committee.

Given that the major projects were well in hand by mid-year, the Committee decided to postpone discussion of the Plan until after the Terms had been dealt with, particularly the mandate section. To that end, the Committee met in an extraordinary session in August, mediated by Myke Atkinson of Calgary Public Library. That meeting helped clarify the issues inherent in both the Terms and the Plan and produced material that was the basis for the subsequent September meeting.

Given the press of other issues, limited progress was made on the mandate portion of the Terms, but a draft version of revisions to both the mandate and membership portion are planned for January 2022, with the intent of revisions being proposed to the Board following that meeting.

Summary -- Internal Organization

In sum, the points of discussion regarding the membership involve the issue of representation, how it is understood and implemented and, regarding the mandate, the relationship between the Committee and the Board regarding public statements.

Support Actions

During 2021 the Committee responded to both individuals and libraries as they dealt with intellectual freedom issues. In the three years prior to 2021, there were two such instances¹, while in 2021 there were seven. A summary list includes:

- 1) Location: Northern BC School District
Issue: Superintendent unilaterally removes works from school libraries

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Aurora Public, 2018, TPL Meghan Murphy, 2020

Nature of contact: Directly to a Committee member by an affected school librarian
Committee action: Authorizes Chair to deal directly with the situation
Result: Books returned, matter quiescent

- 2) Location: Southern Ontario Public Library (pop. ~124,000)
Issue: Patron, having exhausted local processes, wished clarification of the CFLA-FCAB statement on intellectual freedom in the context of library collections; challenged Irreversible Damage.
Nature of contact: Admin Office forwarded individual's query to the Committee.
Committee action: Authorized committee member to respond to the individual directly. Library administration alerted to the fact that the issue was raised without identifying the patron.
Result: Unknown

- 3) Location: Halifax Public Library
Issue: Halifax Public castigated in media for retaining copy of *Irreversible Damage*
Nature of contact: Committee Initiative
Committee action: Developed a support statement, negotiated a general statement with the Board; Board issued.
Result: Open Letter from (largely) academic librarians opposed to Board's statement; Committee drafts response, Board edits and posts. Nothing further.

- 4) Location: Territorial Public Library (pop. ~25,000)
Issue: Misinformation about COVID in patron-requested book
Nature of contact: Referred from Admin Office
Committee action: Delegated a Committee member to contact the librarian on behalf of the Committee.
Result: Discussion with librarian and referral to collection specialist

- 5) Location: Central Ontario Public Library (pop. ~20,000)
Issue: Librarian anticipates challenge over *Gender Queer* and seeks advice as she deals with the library's board in advance of a challenge.
Nature of contact: Referred by CFLA-FCAB President
Committee Action: Discussion. Delegated the Chair to contact the librarian on behalf of the Committee.
Result: Not known

- 6) Location: Central Ontario Public Library (pop. ~75,000)
Issue: *Gender Queer* challenged in an email, citing child pornography, and grooming
Nature of contact: Referred by CFLA-FCAB President
Committee Action: Discussion. Delegated the Chair to contact the librarian on behalf of the Committee.
Result: Not known

The Committee had been discussing challenges to *Gender Queer* arising in the U.S. for some time when the issue arose in Canada and was able to supply both libraries with links to material to defend the retention of this title. The Committee has developed templates for future responses from these incidents,

but notes that the charge of child pornography and grooming is becoming more widespread regarding young adult literature.

7) Location: Ontario

Issue: Indigenous representation. Individual sanctioned by OLA after Superconference presentation.

Nature of contact: Directly to a Committee member

Committee action: Discussion. At the direction of the Board, Committee did not intervene

Result: Unknown

In all seven of the cases noted above, there was extensive discussion via email, usually on the Committee's list. In all but nos. 5 and 6, there is a record of the matter in Committee minutes. There having been no meeting in December, the record of those interventions will appear in the January 2022 minutes.

Summary – Support Actions

A query to a long-standing member of the CLA Advisory committee that preceded the Committee resulted in a vague recollection of one or two similar requests for support over a service of 11 years.² The Committee is preparing to field such requests in the future on a regular basis. The Toolkit has a role in this preparation. There have been several incidents in which the only rational explanation is a combination of media coverage and the availability of catalogues online. As the librarian at one library observed, it is not always clear that the complainant is a local resident.

Future directions

The Committee has moved from implementation management to project administration in the case of the Survey. That move will have to be addressed regarding the Toolkit and the IF Award in the coming year.

As the renovation of the CFLA-FCAB web site is realized, those aspects that constitute a communication channel for the Committee will require attention in addition to the proposals that are now under discussion.

In general, communication with the diverse and distributed world of Canadian librarianship will be a continuing challenge. As we seek more timely communications, the need for access to readily accessible translation services will increase.

Finally, the relationship between the Board and the Committee on matters of public communication will need to become less ambiguous.

The Committee looks forward to 2022 and its challenges and opportunities.

² Personal correspondence, Toni Samek