



**Position on Third Party Use of Publicly Funded Library
Meetings Rooms and Facilities: An Interpretation of the Canadian Federation of Library
Associations' Statement on Intellectual Freedom and Libraries**

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The articles of the Canadian Federation of Library Associations/Fédération canadienne des associations de bibliothèques' (CFLA-FCAB) Statement on Intellectual Freedom and Libraries (<http://cfla-fcab.ca/en/guidelines-and-position-papers/statement-on-intellectual-freedom-and-libraries/>) are explicit declarations of basic principles that should govern the service of all public funded Canadian libraries, nonetheless, questions do arise regarding application of these principles to specific library practices.

This document provides an interpretation of the CFLA-FCAB's Statement on Intellectual Freedom and Libraries with regards to third party use of publicly funded library meetings rooms and facilities, which affirms: "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."

The following points are conditional to applying CFLA-FCAB's position on third party use of publicly funded library meetings room and facilities:

- Publicly funded libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- CFLA-FCAB affirms that allowing use of its meeting rooms or facilities in no way correlates to the library endorsing the nature of the free expression of any individual or group using a meeting room or facility.
- CFLA-FCAB affirms controversial expression is supported in the library. Equally so, challenge to controversial expression is supported. CFLA-FCAB does not, however, endorse the exercise of prior restraint as a means to avoiding controversy in the library.
- CFLA-FCAB unequivocally directs libraries to work within the Canadian law and human rights codes.
- CFLA-FCAB recognizes Canadian public libraries are subject to the Charter of Rights and Freedoms, which identifies freedom of expression as one of the four fundamental freedoms in Canada, subject only to reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
- CFLA-FCAB recognizes there is a wide range of measures available to libraries to minimize and correct violations of the law, expecting libraries to exercise due diligence and avoid being wilfully blind to illegal behaviour while ensuring their fundamental commitment to intellectual freedom.
- CFLA-FCAB is mutually committed to intellectual freedom and to zero tolerance for discrimination, believing the two principles are mutually reinforcing.

Addendum

This selection of best practices are offered as a series of ethical managerial propositions for the guidance of individual libraries and librarians when considering their own operations and processes. They contain guidance and are offered as a contribution to the necessary process of research, consultation and cooperative drafting that underlies decision making at the local level.

- Prepare and publicize an explicit policy on the use of library meetings rooms and facilities after consultation with legal counsel, as well as administrative procedures and rental rates. This critical work should include a due diligence condition ensuring a minimum amount of intrusion necessary to be legal and to bring about a remedy.
- Written policies for meeting room use are stated in inclusive rather than exclusive terms.
- Policies are made available in all of the commonly used languages within the community served.
- The Library's policy states whether meetings held in library spaces must be open to the public or if the library allows private social events.
- If meeting rooms and spaces are open to the public, the Library includes a section in their policy that addresses fees. Charging fees does not change the status of meeting rooms and spaces as designated public forums.
- The Library posts a permanent notice, in the languages commonly used in the community, near the meeting rooms and spaces stating that the library does not advocate or endorse the viewpoints expressed in meetings or by meeting room users.
- The Library posts a disclaimer statement outside the meeting room or facility in use, making it clear that the free expression being exercised does not necessarily reflect the views of the Library.
- The Library is explicit that all individuals and groups using the meeting room or facility are subject to the Library Board's rules and regulations (e.g., Code of Conduct).
- The Library requires that discussion topics, names of speakers and their affiliation, and items for sale must be disclosed at the time of booking/renting.
- The Library staff are present in the meeting room or facility during the event in question.
- When deemed appropriate, the Library rents the room or book the facility off business hours.
- The Library policy will make it clear it reserves the right to both refuse bookings/rentals and to cancel bookings/rentals.
- The Library documents all bookings, refusals and cancellations.
- The Library requires the renter/presenter to agree not to violate the law nor applicable human rights codes.
- The Library employs additional security measures if a risk to public safety is anticipated or presented.