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Public Libraries Intellectual Freedom and Anti-Censorship Toolkit

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The Manitoba Library Association operates in Treaty territories on the traditional lands of the Anishinabe, Cree, Oji-Cree, Dakota, Dene and the homeland of the Métis nation.

1. Introduction & Purpose

The *Intellectual Freedom & Anti-Censorship Toolkit*, created by the Manitoba Library Association, is intended to be used by public libraries in Manitoba to prepare for challenges associated with intellectual freedom and attempts to actively censor public library materials/services. It is designed to exist as an electronic document, in order to both simplify updating the information within the *Toolkit* and to make the document as accessible as possible.

This *Toolkit* contains generalized recommendations and suggestions for how library systems and staff should contend with challenges, examples of policies that can be utilized by library systems for their respective needs, and sources of information that can be referenced when preparing to contend with intellectual freedom and censorship challenges.

We wish to give special thanks to Cathy Ching and the staff and Board of the South Central Regional Library for their assistance in preparing this *Toolkit*.

2. Importance of Library Policies and Procedures

As per Manitoba's *The Public Libraries Act*, all public libraries outside of Winnipeg are directly governed by a Library Board that is 'arms-length' from the funding municipal councils of the library system. As part of the governance responsibilities of the Board, workplace policies are adopted and amended by the library system's Board, with assistance from the individual in charge of the library system and other knowledgeable individuals related to a particular library matter. Library Boards may even seek the assistance of other library systems staff or Boards regarding policy development, especially if other library systems have greater access to resources/internal knowledge for developing policy.

The policies passed by a library Board should be reviewed on a regular basis (i.e. once every two years), in order to ensure the policy continues to reflect the goals of the library and to ensure information within the policy itself is up to date. It may be helpful for the Board to establish a schedule for when policies are to be reviewed at Board meetings, both to ensure the policy is routinely reviewed on a regular basis and to allow Board members sufficient time to review the policy prior to the meeting.

Library procedures are developed and updated for day to day operations. In library systems with several staff, these procedures are developed by the individual in charge of the library system or by designated senior staff. In systems with very few or even one staff member, procedures may be developed by staff themselves or with support from Board members. Procedures should also be reviewed on a regular basis (i.e. once a year), and updated accordingly to ensure library service is being effectively offered to the local community.

In regards to intellectual freedom, policies and procedures should be the guiding documents library staff utilize when confronted with a challenge. These documents should be able to support and guide library staff in the moment a challenge is presented, in addition to enshrining the public library system's commitment to protecting intellectual freedom for the community.

The important policies regarding intellectual freedom are related to the following topics:

- Collection Development
 - Policy/policies related to the selection, purchasing, shelving/circulation, and deselection (a.k.a. weeding) of materials in the library system.
- Programming
 - Policy/policies related to the types of programs offered through the library system, and reference to what general outcomes are expected from the programs (i.e. promoting literacy).
- Room rentals/bookings¹
 - Policy/policies related to members of the general public accessing bookable space through the library system, and what purposes the space(s) can be used for.
- Public computer/WiFi access
 - Policy/policies related to how individuals can use public computers and access WiFi at the library, what people are allowed to do while using public computers, and what people can do while accessing the internet.

These policies have a strong, active role in how people utilize library materials and services, and as such play a crucial role in promoting intellectual freedom. They also establish the framework for how related procedures should be developed.

The wording used in these policies and procedures must be considered carefully, as not only should the wording be reflective of the library meeting the needs of its community and of adhering to relevant laws and legislation, the wording should also be as clear and precise as possible so as to prevent accidental misinterpretations by anyone reading them. Wording may be used from reliable sources when drafting or updating these documents, such as from the Canadian Federation of Library

¹ For library systems that do not have dedicated bookable space or rooms to rent, consider creating a policy related to the use of the general library space and how the space is intended to be used (i.e. studying, programming, whether consumption of food and drink in the space is allowed).

Associations (CFLA), but the wording from these sources may need to be modified to appropriately fit the library system's strategic goals and mission.

Consideration should be given about how policies and procedures are to be accessed. While procedures are internal operational documents and are generally meant to be accessible only to library staff, operational policies should be accessible to the public for review (for the *Toolkit*, operational policies are considered to be any library policies that directly impact public usage of the library system). The recommendation for making appropriate operational policies accessible to the public is:

- Have a paper copy available at one or more primary service point/circulation desk for ready review.
- Have an electronic copy saved to the library's network server or a work computer hard drive so that it can be accessed by staff work computers or emailed/printed off as needed.
- Have the policy linked and/or displayable on the library website for 24/7 access.

It is important that library staff are familiar with these policies and procedures, and where to access them, to ensure that they are performing their work according to current library system standards and to be able to share this information to individual(s) presenting a challenge. They should also know who to escalate a challenge to within the library system, if the staff member fielding the challenge does not have the appropriate authority to respond to that challenge.

Examples of policies made by Manitoba public library systems are accessible in Section 5 of the *Toolkit*, and can be used for consideration in drafting/revising policy.

3. Steps of Challenges

When dealing with a challenge, there are four major steps a library system should take for the challenge: Preparing, Reviewing, Resolving, and Reporting.

Preparing for a Challenge

Before contending with a challenge, the library system should have the following information prepared:

- A printed off challenge form for the individual to fill out (used for library materials challenges).
- Work contact information of the staff member responsible for handling challenges for the individual/group to speak with.
- Access to the appropriate policy/policies related to the challenge to provide to the individual/group.

If the library system does not have any of this information related to the challenge available to provide, the *Toolkit* recommends taking the following steps at the time a challenge is being made:

- Ask for specific information related to why the challenge is being made. Some examples:
 - Have they seen the book or movie in question?
 - If yes, what is it about the item being in the library collection they are challenging?
 - If no, why are they making the challenge?
 - Did they personally attend the program or event in question?
 - If yes, what was it about the program/event they are challenging?
 - If no, why are they making the challenge?
- Ask what action(s) they feel the library system should take regarding this challenge.
- Ask for contact information from the individual/organization making the challenge so that the decision regarding the review of the challenge can be sent to them.

Reviewing a Challenge

The steps taken during the “Preparing for a Challenge” should provide the sufficient information needed for the delegated individual to review the challenge. This delegated individual may be the person in charge of the library system or a senior staff member within the library system, but a Library Board member could also be considered to review the challenge in order to provide some impartiality, since Board members are generally not involved in the day to day operations of the library system.

The review should be conducted in a timely manner from when the challenge was issued, and if the review can be expected to take an extended period of time to conduct then the individual/organization making the challenge should be notified of the delay.

During the review of the challenge, the following points should be considered for determining if the challenge has merit:

- Does the challenge accurately reflect the nature of the content being reviewed? Some examples:
 - a. If the challenge claims a book or a movie is “pornographic”, is there any sexual content (i.e. sexual activity, graphic detail of sexual anatomy) that has significant focus placed on it and appears to have no real connection to the purpose of the item?
 - i. See the “Terms and Definitions” in Section 5 for detailed definition on pornography and child pornography.
 - b. If the challenge claims a book or a movie is “racist”, does the work portray a character or a group of people in a way that makes them inferior to others with no justifiable reason why that group is inferior, based solely on the group or character’s skin colour or ethnicity?
 - i. See the “Terms and Definitions” in Section 5 for detailed definition on racism.
- Does the content under review violate any of the library system’s policies and/or mission statement? Some examples:

- a. If the challenge claims the facilitator for a program is a “child groomer”, was the program facilitator required to submit a clean criminal and vulnerable person’s check before being hired to run the program? In addition, was any content during the program inappropriate or predatory regarding children in any way?
- b. If the challenge claims an event put on by a third party who booked library space will be harmful to the library’s community, can it reasonably be said that the nature of the event violates library policy and/or mission statement?
- Does the challenge fall under the jurisdiction of the library system to regulate access? Some examples:
 - a. If the challenge claims content accessible on the internet is inappropriate for people under the age of 18 and no one under the age of 18 should be allowed on the public computers or to connect to WiFi, does the library system have the authority to regulate personal device usage to access WiFi?
 - b. If the challenge claims “pornographic” materials are available as ebooks, but the library system does not directly purchase access to these challenged ebooks, is the library system responsible for regulating access to these materials?

Resolving a Challenge

Once the reviewer has determined if the challenge has any merit or not, a decision needs to be made regarding what actions the library system takes from this challenge.

If the reviewer found that the challenge held no merit (meaning there was no evidence to support the challenge), and that the library system needs to take no actions from the challenge, then a formal, written notice from the library system to the contact person for the challenge will be sent to inform them of this review decision.

If the reviewer found there was some or considerable merit to the challenge, then the reviewer will make recommendations to both the library

system Board and the person in charge of the library system regarding actions to take to address the challenge. This decision may be unique to each library system as it will be based upon factors specific to that library system and the judgement of the individuals involved in the review process.

The decision made should do its best to ensure:

- The decision does not limit access to the library collection and does not harm library services.
- The decision, if discriminating against a certain group is deemed necessary (i.e. denying public computer access for children under a certain age), is appropriate and legal.
- The decision upholds the integrity of the library system as a trusted public institution.

Once the decision has been made, a formal, written notice from the library system to the challenge's contact person will be sent explaining the review decision and the actions to be taken by the library system as a result of the challenge.

Reporting a Challenge

After a challenge has been resolved, it is important that a library system report the challenge. As there are no current reporting bodies in Manitoba to archive library challenges, the *Toolkit* recommends making a report to the Centre for Free Expression (link:

<https://cfe.torontomu.ca/databases/library-challenges-database>)

Submitting reports of challenges is strongly encouraged because it provides the following information for review before and after a library challenge happens:

- Titles and authors that are challenged, and how frequently these titles and authors are challenged.
- Where library challenges occur, and how often challenges occur overall.
- What actions were taken by library systems after a challenge was made.
- What genre and target audience of materials are challenges often made against.

4. Utilizing Local and Provincial Supports

Unfortunately, not all challenges made against library systems can be resolved through a formal challenge process. Some individuals or groups may instead seek to impose their own values upon the public library, and may attempt to apply pressure in the form of petitions, social media campaigns, council deputations, or even direct harassment in an attempt to coerce the library system to impose values that are antithetical to intellectual freedom.

If a library system is unfortunate enough to find itself in this type of situation, the Board and staff may feel isolated by these efforts. Fortunately, the library system is not alone in contending against these actions, and there are several groups of individuals and organizations in Manitoba to reach out to for support.

Local Library Community

While a few individuals may seek to force their values onto the public library, it is likely that there is a majority of individuals within the community who would not want to see their public library be forced to censor its collection.

Public awareness campaigns about the library system's collection, and what the library system's mandate is, can be helpful in educating the local community on how their public library system is intended to operate and the importance intellectual freedom plays in public library operations.

Local Funding Councils

The elected officials of municipal councils are important allies, as not only are they responsible for allocating municipal funding to the library system itself they are also the ones who appoint council and citizen representatives to their library system's Board as per Manitoba's *Public Libraries Act*.

Ensuring that the local funding council is familiar with what the local library system does for the community can help council members provide

political and potential municipal support for the library system, and can help ensure sufficient municipal and provincial funding is available for library services and collections.

Manitoba Library Association

The Manitoba Library Association (MLA) is a volunteer organization that provides leadership in the promotion, development, and support of library and information services in Manitoba. MLA can provide access to resources, knowledge, and contacts to help support public library systems. MLA can be contacted by email at secretary@mla.mb.ca.

Public Library Services Branch

Public Library Services (PLS) is a policy and program unit within the Strategic Policy Branch of Manitoba Sport, Culture and Heritage, and is responsible for the *Public Libraries Act* and associated Regulations. PLS provides libraries with funding and professional support on governance, policy development, and planning. Professional library consultants work directly with senior library staff, public library boards and local officials to develop and extend equitable access to information and knowledge through library services and collections that reflect the broad needs and interests of all Manitobans. PLS can be contacted by email at pls@gov.mb.ca or by phone at 1-800-252-9998.

Local Member of Legislative Assembly

In addition to local council members, the office of the library system's local member of the provincial legislative assembly can be contacted to assist in providing political support. Phone and email contact information for each member of the legislative assembly can be found online (link: https://www.gov.mb.ca/legislature/members/mla_list_alphabetical.html).

5. Useful Resources and Information

Example Policies

Western Manitoba Regional Library - Collections:

<https://wmrl.ca/wp-content/uploads/2020/05/Policy-Collections-AUGUST-2019.pdf>

Gaynor Family Regional Library - Internet and Computer Use:

<https://gfrl.org/policies>

Jake Epp Public Library - Programming:

<https://jakeepplibrary.com/explore/programs-policies/>

Portage la Prairie Regional Library - Multi-Purpose Room Usage Policy:

<https://www.portagelibrary.com/policies/>

South Central Regional Library - Patron Responsibility & Code of Conduct Policy:

<https://scrl.mb.libraries.coop/files/2023/03/G.1-Patron-Responsibility-Code-of-Conduct.pdf>

South Central Regional Library - Books & Materials Complaint Process Policy:

<https://scrl.mb.libraries.coop/files/2022/09/H.3-Book-Complaint-Review-Process.pdf>

Sample Form

Library Materials Challenge Form

The [*name of library system*] will consider reviewing library materials in the collection upon receiving a formal challenge. However, in order to ensure the [*name of library system*] conducts a comprehensive review of the item(s) to ensure there has been no violation of [*name of library system*] policies, mission statement, or relevant government legislation, the following information is required to be filled out by the individual submitting the challenge prior to any review being undertaken.

Date of Challenge:

Name of Contact for Challenge:

Contact Information:

Title(s) of Library Materials Being Challenged:

Reason for Challenge of Library Materials (please be as specific as possible):

Recommendation of Action to Take with Challenged Library Materials:

Terms and Definitions

Intellectual Freedom:

“[F]reedom that allows people to think about or study what they want”²

“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.”³

Censorship:

“Censorship, the suppression of words, images, or ideas that are "offensive," happens whenever some people succeed in imposing their personal political or moral values on others. Censorship can be carried out by the government as well as private pressure groups.”⁴

“[T]he action of preventing part or the whole of a book, film, work of art, document, or other kind of communication from being seen or made available to the public, because it is considered to be offensive or harmful, or because it contains information that someone wishes to keep secret, often for political reasons”⁵

Challenge:

“[A]n attempt to remove or restrict materials, based upon the objections of a person or group. A banning is the removal of those materials. Challenges do not simply involve a person expressing a point of view; rather, they are

² Merriam-Webster, <https://www.merriam-webster.com/dictionary/intellectual%20freedom>, accessed February 14, 2023

³ Universal Declaration of Human Rights, https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf, accessed February 14, 2023

⁴ American Civil Liberties Union, <https://www.aclu.org/other/what-censorship>, accessed February 14, 2023

⁵ Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/censorship>, accessed February 14, 2023

an attempt to remove material from the curriculum or library, thereby restricting the access of others.”⁶

Pornography:

“[T]he depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement; [M]aterial (such as books or a photograph) that depicts erotic behavior and is intended to cause sexual excitement”⁷

Child Pornography:

“(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

- (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
- (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;

(b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;

(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or

(d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.”⁸

Racism:

⁶ *American Library Association*, <https://www.ala.org/tools/challengesupport>, accessed February 14, 2023

⁷ *Merriam-Webster*, <https://www.merriam-webster.com/dictionary/pornography>, accessed February 16, 2023

⁸ *Criminal Code of Canada*, [https://laws-lois.justice.gc.ca/eng/acts/c-46/section-163.1.html#:~:text=\(a\)%20a%20photographic%2C%20film.in%20explicit%20sexual%20activity%2C%20or](https://laws-lois.justice.gc.ca/eng/acts/c-46/section-163.1.html#:~:text=(a)%20a%20photographic%2C%20film.in%20explicit%20sexual%20activity%2C%20or), accessed February 16, 2023

“[P]olicies, behaviours, rules, etc. that result in a continued unfair advantage to some people and unfair or harmful treatment of others based on race; [H]armful or unfair things that people say, do, or think based on the belief that their own race makes them more intelligent, good, moral, etc. than people of other races”⁹

“Racism is an ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes but it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual, systemic and societal.”¹⁰

⁹ *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/racism>, accessed February 16, 2023

¹⁰ *Ontario Human Rights Commission*, <https://www.ohrc.on.ca/en/racial-discrimination-race-and-racism-fact-sheet>, accessed February 16, 2023

Helpful Legislation/Legal Reviews Related to Intellectual Freedom

Manitoba's *The Public Libraries Act*:

<https://web2.gov.mb.ca/laws/statutes/ccsm/p220e.php>

Manitoba's *The Freedom of Information and Protection of Privacy Act*:

<https://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php>

Government of Canada's *Copyright Act*:

<https://laws-lois.justice.gc.ca/eng/acts/C-42/Index.html>

Government of Canada's *Criminal Code*:

<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-163.1.html>

Legal Brief for the Hamilton Public Library re. Room Bookings and Applicability of *Charter of Rights and Freedoms*:

<https://www.thepublicrecord.ca/wp-content/uploads/2021/02/hamilton-public-library-charter-of-rights-and-freedoms-legal-brief-feb-2021.pdf>

Canadian Bar Association Review of *Weld v Ottawa Public Library*:

<https://www.cba.org/Sections/Administrative-Law/Articles/2019/Court-rules>

Past Examples of Manitoba Libraries Contending with Library Material Challenges (in chronological order; oldest to newest)

South Central Regional Library (2022/2023):

- <https://www.pembinavalleyonline.com/articles/delegation-expresses-concern-for-three-books-accessible-to-children-at-the-south-central-regional-libraries>
- <https://www.pembinavalleyonline.com/articles/delegations-taking-concerns-to-scr1-member-councils>
- <https://winnipeg.ctvnews.ca/southern-manitoba-parents-call-for-sexually-explicit-children-s-books-to-be-removed-from-libraries-1.6195340>
- <https://www.cbc.ca/news/canada/manitoba/winkler-library-sex-ed-book-review-1.6601000>
- <https://www.pembinavalleyonline.com/articles/scr1-takes-delegation-response-to-local-councils>
- <https://www.pembinavalleyonline.com/articles/park-street-expansion-and-a-major-intersection-improvement-part-of-winklers-new-22-million-financial-plan->
- <https://www.pembinavalleyonline.com/articles/rm-of-stanley-presents-2023-fiancaial-plan-at-public-hearing>
- <https://www.pembinavalleyonline.com/articles/municipality-of-rhineland-budgets-for-food-repairs-priority-grains-roads-in-2023>
- <https://www.pembinavalleyonline.com/articles/winkler-city-council-asks-scr1-board-to-review-policy>
- <https://o.canada.com/news/provincial/winkler-resident-says-towns-library-distributes-child-porn-demands-it-be-defunded>

Winnipeg Public Library (2015):

- <https://www.cbc.ca/news/indigenous/tintin-in-america-pulled-by-winnipeg-public-library-pending-review-1.3000451>
- <https://www.aptnnews.ca/national-news/tintin-comic-book-pulled-from-winnipeg-libraries-over-racism-complaints/>

- <https://www.cbc.ca/news/canada/manitoba/tintin-in-america-returns-to-winnipeg-public-library-after-racism-complaints-1.3117848>

Additional Resources

American Library Association’s “Intellectual Freedom Core documents”:

<https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/coredocuments>

Oregon Library Association “Intellectual Freedom Toolkit”:

<https://libguides.osl.state.or.us/iftoolkit/home>

Canadian Federation of Library Association “Intellectual Freedom Toolkit”:

<http://cfla-fcab.ca/wp-content/uploads/2022/05/Intellectual-Freedom-Toolkit-April-2022.docx.pdf>

British Columbia Library Association “Statement on Intellectual Freedom”:

<https://bclaconnect.ca/about/statement-of-intellectual-freedom/statement-of-intellectual-freedom/>

American Association of School Librarians “Defending Intellectual Freedom: LGBTQ+ Materials in School Libraries” kit

https://www.ala.org/aasl/sites/ala.org.aasl/files/content/aaslissues/toolkits/LGBTQ%2BResource%20Guide_FINAL-180709.pdf

Oklahoma Library Association “Intellectual Freedom Toolkit”:

https://cdn.ymaws.com/www.oklibs.org/resource/resmgr/handbook/ola_intellectual_freedom_tool.pdf

Michigan Library Association “Intellectual Freedom Toolkit”:

<https://www.milibraries.org/intellectual-freedom-toolkit-resources#public>

PEN America “A Tip Sheet for Librarians Facing Harassment”:

<https://pen.org/librarian-tip-sheet-harassment/>

Massachusetts Library System “Intellectual Freedom for Massachusetts Libraries”

<https://guides.masslibsystem.org/intellectualfreedom>

“Advocacy Alliance Brainstorming Tool”:

<https://docs.google.com/document/d/1b58NzjYMFp083t-xFleXK0zfP7bUqmXXLCpni0laDhA/edit>

Unite Against Book Bans “Action Toolkit”:

<https://uniteagainstbookbans.org/toolkit/>

New Jersey Association of School Libraries “NJASL Resources & Suggestions for Dealing with School Library Controversies”:

https://docs.google.com/presentation/d/1c9pt9bZg0z8GC_VIUyd-8bO3jdpb__-vb7zLN0yXheM/edit#slide=id.gfc0fc57cf5_1_0

Centre for Freedom of Expression “Intellectual Freedom”:

<https://cfe.torontomu.ca/issues/intellectual-freedom>

Public Library Policies Database:

<https://cfe.torontomu.ca/databases/public-library-policies-database>