

# FN 04 Intellectual Freedom

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## 1.0 Overview

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Recognizing that the Whitchurch-Stouffville Public Library Board has a fundamental responsibility for upholding the principles of, as well as advocating for, intellectual freedom, this policy ensures the rights of individuals to access information from the library.

The Board adopts the Canadian Library Association's Statement on Intellectual Freedom and the Intellectual Rights of the Individual, included at Appendix A, and the Canadian Federation of Library Association's Statement on Intellectual Freedom and Libraries included at Appendix B.

## 2.0 Policy

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It is the responsibility of the Board, and those who work in the library, to:

- ensure that all library users have the fundamental right to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly;
- guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable;
- make available all the library's public facilities and services to all individuals and groups who need them; and
- resist all efforts to limit the exercise of these responsibilities, while recognizing the right of criticism by individuals and groups.

The Board directs the CEO to ensure that the principles of intellectual freedom are integrated into all organizational policies, procedures, and practices.

# Appendix A:

## Statement on Intellectual Freedom and the Intellectual Rights of the Individual

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### **Introduction**

The Ontario Library Association and its divisions are committed to the fundamental rights of intellectual freedom, the freedom to read and freedom of the press, as embodied in the Canadian Charter of Rights and Freedoms.

Ontario Libraries have the important responsibility to facilitate expressions of knowledge, creativity, ideas, and opinion, even when viewed as unconventional or unpopular.

The Ontario Library Association declares its acceptance of the following principles for libraries:

1. Equitable access to library service to the public is based upon the right of the citizen, under the protection of the law, to judge individually on questions of politics, religion, and morality.
2. Intellectual freedom requires freedom to critically examine and create other ideas, opinions, views, and philosophy of life, other than those currently approved by the local community or by society in general and including those ideas and interpretations which may be unconventional, uncommon, or unpopular.
3. The free traffic in ideas and opinions is essential to the health and growth of a free society and that the freedom to read, listen, view, and create is fundamental to such free traffic.
4. Library governance ensures that the principles of intellectual freedom and expression of thought are upheld.

### **Library Service, Collections and Resources:**

5. It is the responsibility of libraries to maintain the right of intellectual freedom and to implement it consistently in the selection of books, periodicals, films, recordings, and other materials including the provision of access to electronic sources of information and access to the internet. Materials are not excluded from library collections based on race, place of birth, origin, ethnic origin, ethnicity, citizenship, age, creed, disability, family structure, sex, and sexual orientation.
6. It is part of the library's service to its public to resist any attempt by any individual or group within the community it serves to abrogate, censor or curtail access to information, the freedom to read, view, listen or participate by demanding the removal of, or restrictions to library information sources in any format.

## **Library Programming, Events, and Space Bookings**

7. It is the responsibility of libraries to maintain the right of intellectual freedom and expression by implementing it consistently when hosting programs and events within the public space of the library including rented public space by individuals and community organizations.
8. Libraries create welcoming community spaces where community members are free from discrimination and may engage in peaceful assembly. Libraries may cancel or deny permits to individuals or organizations when speech or displays are used in a way that is unlawful.

Applicable legislation:

**Canadian Charter of Rights and Freedoms:** Section 2(b) of the Charter of Rights and Freedoms protects “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”.

**Criminal Code:** Section 63 pertains to Unlawful Assemblies and Riots. Section 297 pertains to defamatory libel. Section 318 pertains to hate propaganda.

**Ontario Human Rights Code:** Sub-section 13 pertains to infringing on freedom from discrimination.

# Appendix B –Statement on Intellectual Freedom and Libraries

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The Canadian Federation of Library Associations recognizes and values the Canadian Charter of Rights and Freedoms as the guarantor of the fundamental freedoms in Canada of conscience and religion; of thought, belief, opinion, and expression; of peaceful assembly; and of association.

The Canadian Federation of Library Associations supports and promotes the universal principles of intellectual freedom as defined in the Universal Declaration of Human Rights, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In accordance with these principles, the Canadian Federation of Library Associations affirms that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly. Only the courts may abridge free expression rights in Canada.

The Canadian Federation of Library Associations affirms further that libraries have a core responsibility to support, defend and promote the universal principles of intellectual freedom and privacy.

The Canadian Federation of Library Associations holds that libraries are a key institution in Canada for rendering expressive content accessible and affordable to all. Libraries are essential gateways for all persons living in Canada to advance themselves through literacy, lifelong learning, social engagement, and cultural enrichment.

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.

Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them.

Furthermore, in accordance with established library policies, procedures and due process, libraries resist efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Library employees, volunteers, and employers as well as library governing entities have a core responsibility to uphold the principles of intellectual freedom in the performance of their respective library roles.