



## MANAGEMENT REPORT

Date: July 17, 2019  
Author: Christina de Castell, Chief Librarian  
VanDocs#: DOC/2019/184405  
Meeting Date: July 24, 2019

TO: Library Board  
FROM: Rhonda Sherwood, Chair, Services, Finance & Human Resources Committee  
SUBJECT: **Public Meeting Rooms & Facilities Use Policy Consultation Feedback and Revised Draft**

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### **SUMMARY**

This report provides a summary of feedback on VPL's meeting room rental policy received since the Board announced it would be reviewing the policy on December 21, 2018, and published a draft policy for comment on May 27, 2019, and provides a recommended revision of the Policy.

### **PURPOSE**

This report is for discussion.

### **RECOMMENDATION**

THAT the Board receive the report and draft policy for information.

### **COMMITTEE DISCUSSION**

The Services, Finance, and Human Resources Committee discussed the feedback received during the consultation period, and suggested additions and clarifications for the report, including providing the current Meeting Room policy and explaining the changes that the Board has discussed during the review process. Committee members also discussed the process for public delegations, and using these as an opportunity for the Board to ask questions.

## **POLICY**

The [Meeting Room & Facilities](#) policy was approved by the Board in 1995 and revised February 27, 2008. VPL has two related policies, a [Public Space](#) policy approved in 2005 and revised June 28, 2006, and the [Political Use of Space](#) policy, approved February 22, 2017. The Library also has separate Meeting Room Regulations for Library Square and branch meeting rooms.

Other policy documents relevant to the discussion include the VPL [Diversity and Inclusion Statement](#) approved June 23, 2010, and the [Programming at VPL](#) policy, approved in 1986 and last revised June 20, 2018.

## **STRATEGIC IMPLICATIONS**

VPL's strategic plans over the past eight years have emphasized access and equity; this has resulted in extensive work by staff to build relationships with community groups and community members who have not always been represented in Library programming and who have experienced barriers to using Library services. In the current strategic plan, ensuring inclusive spaces is a goal under the Access & Equity pillar, and community connections to support reconciliation and enable conversations are goals in the Sharing & Collaboration pillar.

Toward the Access & Equity goal, staff developed a trans inclusion strategy and implementation plan. Between 2016 and 2018, this included:

- implementing staff training on gender identity, reaching more than 100 staff to date including all supervisors, managers, and staff allies;
- implementing washroom signage displaying “trans people welcome” for gendered washrooms in 2016 and planning for gender neutral washrooms in new facilities projects;
- training staff to be prepared for conversations about washroom use with members of the public who ask questions;
- clarifying use of pronouns, shifting to gender-neutral policy language, and providing guidelines for staff on using pronouns in email signatures;
- establishing policy and procedures to use chosen names for library cards for the public and for all systems for staff;
- creating information guides with resources for the public about trans, gender-variant and Two Spirit identity on the VPL website;
- a staff LGBTQ2+ Allies group that discusses issues and supports staff, with more than 80 members across all VPL locations;
- partnering with community organizations to provide public programs that strengthen and promote voices of trans authors and provide education about gender identity, including for parents and caregivers.

From 2016 to late 2018, these efforts successfully built trust between VPL and many trans individuals and community groups that serve trans individuals. However, a room rental booking received in November 2018, and the Library's decision to uphold the booking, has eroded this trust for many in the trans and LGBTQ2+ communities, and their allies. VPL has received feedback that it is no longer perceived as a safe place for trans individuals.

VPL remains committed to the policies and programs implemented, and training for staff has continued. VPL continues to deliver programs promoting the voices of trans authors and that provide education for the public and aim to reduce discrimination on the basis of gender identity. The VPL Board and staff recognize that this strategic initiative has been challenged by a meeting room rental policy that maintains intellectual freedom as a core value.

As with this specific January 2019 rental event, the content of event rentals on many topics can conflict with VPL's values and strategic initiatives. These rentals may affect VPL's reputation and lead to consequences for VPL's staff and patrons, reducing the Library's ability to partner on VPL programs with community organizations, and impacting perceptions of VPL as a welcoming space for certain groups. While event rentals are not the primary purpose of the Library's public space, they are valued by the community for access to low cost meeting and event space, and the Board has chosen to have VPL continue to offer this service.

## **BACKGROUND**

### ***Library Programs in VPL Space***

The primary purpose of VPL space is the delivery of programs and services offered by Library staff or in partnership with community organizations. According to the Programming at VPL policy:

Library programs should promote the communication of stories, ideas and information; extend library services to new audiences and bring library collections and services to life. Library programs are often a first contact with books and reading for children, as well as a lively and accessible way to gain information for adults."

In addition, the Policy states that library programs "promote an awareness of contemporary issues and information required to engage in society". The policy states that partnerships consider content that supports VPL's vision, mission and goals.

VPL offered 8,884 programs in 2018, including 5,810 programs for children, 595 for teens, and 2,479 for adults. These programs are delivered directly by staff and through community partnerships, adult programs by 21 FTE library staff in the Programming & Learning department, children and teen programs by 19.6 FTE in the Children & Teen Services department, and a range of programs coordinated by other staff located across our 20 branch locations.

### ***Event Rentals in VPL Space***

In the past three years, VPL has had 600-700 paid event rentals annually in library spaces. These meetings, programs and events did not involve library staff for content, planning, promotion or delivery. The majority of these rentals were for private meetings, filming, weddings, and training of specific groups, and were not open to the general public. Based on a six-month sample in 2018, approximately 22% of rentals are for public lectures and screenings.

Event rentals are managed through the Library Square Conference Centre, with a dedicated staff of 5 FTEs, and temporary staff when required. While individual event rentals generate revenue to cover staffing and equipment costs, the Library operates event rentals with the objective of providing affordable access to meeting and event spaces in the downtown core and does not seek to make a profit. No organization, promotion or content-related services are provided by Library staff. The service is limited to room set-up and providing basic audio-visual equipment. Audio-visual operation during events is not offered and external contractors can be hired by renters to provide and operate audio-visual equipment if required.

Revenue ranges between \$320,000 and \$484,000 annually, with costs of \$354,000 to \$441,000, over the past nine years. In most years, the department has ended the year with a net loss, ranging from \$18,000 to \$117,405, while three years have resulted in a profit: \$646 in 2018; \$36,000 in 2015; and \$55,000 in 2010. Revenue and profit are significantly affected by availability of space, since the rooms' primary purpose is library programs and services.

### ***Policy Review Initiation***

The January 10, 2019 event rental resulted in library staff and the Board identifying gaps in the existing policy, regulations and license agreements across a range of areas, leading to discussion of the impact of event rentals on the Library's strategic initiatives and priorities. At the December 5, 2018 Board meeting, the [Board made the decision to undertake a review](#) of the Meeting Room & Facilities Rental Policy and noted that the review should: consider how to reflect that VPL's values interact, include references to relevant Canadian law, discuss the changing role of library spaces, and make clear the decision making process for cancelling a rental booking.

On December 21, 2018, VPL published a statement on the VPL website announcing that this review would begin in early 2019. Trustees further discussed the review at the January 23, 2019 Board meeting, and received a [report outlining the recommended process](#) for the review including seeking feedback from stakeholders such as staff and community partners. Trustees have [discussed the policy approach](#) at numerous meetings between December 2018 and May 2019. The [discussion draft was published](#) on the VPL website in the Board meetings section on May 28, 2019, and the Chief Librarian emailed 36 stakeholders directly with an invitation to comment by June 25, 2019. The Chief Librarian met with staff groups, representing more than 100 staff, to answer questions and hear concerns, and continues to meet with public stakeholders.

## **DISCUSSION**

In total the Library Board received 25 letters responding to the draft policy, and heard 9 public delegations (3-14 minutes each) during the seven month policy review period. The majority of the organizations represented in the public delegations were also represented in the written submissions. The Library Board has received copies of all submissions.

Among the letters, the Library Board received 1 representing a BC organization, 1 library position statement, and 13 letters from individuals/groups of individuals (including 2 library workers) concerned with maintaining broad access to Library space for everyone and respecting intellectual freedom. Twelve of these letters and 2 public delegations made reference to women's sex-based rights or the January speaker, expressing concern that space would be lost if the Library denied rentals that were perceived as harmful by certain groups, but were permitted within the law. Several of these letters provided specific comment on certain sections or ideas for additional consideration, discussed below.

Among the 5 letters identified as "other", 4 appear to be generally supportive of the position of the draft policy but have concerns that it could be used to prevent access to Library spaces, or express other concerns. One discusses the phrase "material risk of harm" specifically and is generally opposed to a policy that does not prevent harm.

The Library Board received 5 letters and heard 7 public delegations seeking denial of access to Library space for speech that the writers identify as harmful to historically marginalized groups, including trans individuals, but that is within the law. The letters represent 7 Vancouver-based community organizations that serve trans and LGBTQ2+ groups, as well as others, and that were also represented among the public delegations; 6 library workers from the Vancouver region; and 1 individual who identifies as an LGBTQ2+ advocate. These groups 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. This aspect of the policy has been extensively discussed by the Board throughout the seven month review period, and the Board chose to use the BC *Human Rights Code* and the *Criminal Code* as the threshold for denying rentals.

Two of the public delegations, and the letter from Vancouver-based groups that represent or provide service to trans and LGBTQ2+ groups, specifically requested that VPL use the language in the Toronto Public Library policy related to discrimination and hate speech, and enforce the language beyond the thresholds for discrimination and hate speech in Canadian law.

As previously determined by the Board, the draft policy provides transparency that VPL's decision-making would be based on the law. Toronto Public Library staff has also advised that they use this threshold in implementing their policy.

One specific delegation, the Coalition Against Trans Antagonism (CATA), presented VPL with a verbal and written list of requests/demands which were supported by the other community groups attending. The requests included: releasing a public apology; developing a space rental policy that prevents anti-trans, anti-sex worker ideology, and by extension, any and all fascist ideologies – from having access to a platform to spread exclusionary ideas; committing to trans and sex worker sensitivity training; co-hosting community dialogues with CATA for the staff and Board to hear directly from the trans and sex worker community; and providing free rental space for trans and sex worker groups as a form of reparation.

The Board discussed these requests, and agreed that additional acknowledgement of the feedback would be appropriate after a decision on the policy has been made.

Many of the requests are already part of VPL's trans inclusion strategy implementation plan. Staff training on gender identity has been underway since 2016, and will continue, with consideration of the additional suggestions from CATA about content and trainers. Community dialogue took place through a program in the Open Book series, which provided an opportunity to hear directly from the trans community about the impact of the Library's room rental decision.

The Board and staff have been considering ways to increase the amount of freely available meeting space in the Library, as this is a need many community groups in Vancouver have identified. The Library will continue to explore equitable ways to provide this.

In addition to the concerns described above, the Library received comments related to specific text in the draft policy, and staff have provided possible revisions to the policy for Board consideration based on these comments, as well as one operational revision:

- Questions on who will make denial or cancellation decisions when the policy uses the term "Library": this has been edited to clearly identify the role of the Chief Librarian and the Board.
- Lack of clarity on the meaning of "material risk of harm to safety, dignity and security" in particular "dignity": Submissions indicated difficulty understanding what risk of harm to dignity would mean, and how it would be interpreted or evaluated. The dignity of staff and the public is important to the Library, however, since it is difficult to interpret harm to dignity and therefore staff cannot evaluate this appropriately, removing the term is recommended.
- Call for a process to screen for hate groups: This has been implemented.

Several letters identified that the Library should implement a process to screen for groups with a history of promoting discrimination or hate speech. Staff identified the need for a risk assessment process to the Board during the review period, and this process is described below under the heading Pre-Rental Screening and Risk Assessment.

Two letters were concerned that the Library expressed an opinion about a speaker's beliefs in a public statement. Staff will consider how to communicate to the public when the content of an event appears to be contrary to the Library's published mission, vision, values, or strategic plan.

Other comments received that have not been incorporated into suggested edits, include:

- Suggestion to add political belief to 5.2(a) as this is in the BC *Human Rights Code*. This is included in the employment sections of the Code and is not included in the discriminatory publication section.
- Concern that the Library cannot control how people "feel" in the context of "The Library wishes to ensure that it is a place where the public and its staff feel welcome and respected," which was included in the questions to consider.
- Concern a room renter could be required to align with library values by changing content or adding speakers due to the text in the questions to consider about "adding and strengthening voices that have been historically under-represented or excluded."
- Concern about the Library requiring an event to take place when the Library is closed, and charging for security.
- Concerns about the transparency of the process, and appreciation for the transparency of the process, expressed by different groups.

The existing Meeting Room and Facilities policy is attached as **Appendix A**. Through the review and consultation process, the Board has incorporated the following into the draft revised Meeting Rooms and Facilities Rental Policy:

- Discussion of the Library's values and their application to use of space.
- Inclusion of language which mirrors the hate speech and discriminatory publication sections of the *Criminal Code* and the BC *Human Rights Code*.
- A list of activities that may cause the Library to refuse or cancel bookings, replacing the general statements that "the Library reserves the right to refuse bookings at the discretion of the Chief Librarian" and "the Library reserves the right to cancel bookings."
- Addition of an assessment of the event by staff, in consultation with legal counsel if necessary, prior to accepting the booking, to determine if the event is likely to or will include any of the prohibited activities, and a process to take decisions to the Chief Librarian and Library Board.
- Clarity that the Library Board may make the decision to deny a booking if the assessment identifies that it is likely to or will violate the *Criminal Code* or the BC *Human Rights Code*.

- Removal of sections associated with administration, operations and logistics to a separate regulation.

### **Pre-Rental Screening and Risk Assessment**

The Chief Librarian has recommended to the Board that staff implement a pre-rental screening and risk assessment process that will assist staff in identifying potential issues prior to rental bookings being confirmed. Staff will maintain a list of frequently debated topics that are likely to require review that will be used for public lectures and other public events. While this process introduces additional effort by staff, the Chief Librarian considers it appropriate based on staff and public feedback. The intended purpose is to limit the likelihood that hate speech, as defined by law, will take place on Library premises, and to assist the Library in identifying events that may require additional preparation by Library staff.

This risk management approach will consider the following questions before confirming a rental and issuing a license agreement:

- Is the client new?
- If they have previously rented, have they complied with the Public Meeting Rooms and Facilities Use policy and Regulation in the past? Do they have a history of events that resulted in public questions or protest?
- What is the nature of the event? For example: public lecture or public film screening, private meeting, gala, wedding, filming, etc.
- If the event is a public lecture, public film screening, or other publicly promoted event, the following requests for information will be sent to the rental applicant:
  - Event title
  - General description of topic and format
  - Names of speakers and their significant/relevant affiliations/organizations
- If the event is public and related to a frequently debated topic, staff will send the provided information to the Director, Corporate Services & Facilities and Chief Librarian. If necessary, they will conduct further research to assess the likelihood of the event either drawing public inquiry (and thus requiring additional Library or other resources to appropriately manage the event) or violating the policy.
- When the Chief Librarian, in consultation with legal counsel, has a reasonable belief that an event is likely to or will violate the *Criminal Code* or the *BC Human Rights Code*, the Chief Librarian will advise the Library Board and provide the background information. The Library Board will discuss the Chief Librarian's findings and decide what, if any, additional steps need to be taken, including whether to deny the rental.



## **FINANCIAL IMPLICATIONS**

Room rentals that are controversial or that are described as hate speech by some groups may require considerable staff time to manage, across multiple departments. Staff may receive inquiries at Central Library and branches, in-person, by email and by phone. Marketing & Communications staff time is required for media monitoring and management, and senior management may be involved depending on the situation, as well as the Manager, Security Services, and City of Vancouver departments for additional expertise.

Public space rentals for public lectures, films and other events are a valued community service, as the Library offers some of the most affordable spaces in downtown Vancouver. However, when rentals for these purposes draw on staff time outside of the Events department, they reduce the Library's ability to deliver its core services. As a result, staff will undertake a review of the Policy and Risk Assessment approach, as well as financial implications, after one year of implementation, and report to the Board if changes are recommended.

## **FINAL REMARKS**

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. 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. VPL continues to seek ways to be welcoming place for all, increasing inclusion for groups that need additional support, while not excluding anyone who follows the Library's policies.



## **DRAFT Public Meeting Rooms & Facilities Use Policy**

**July 17, 2019**

### **1. Objective**

To set out the conditions for use of meeting rooms and facilities in the Library and in the Library Square Conference Centre.

### **2. Scope**

This policy applies to the public use of all meeting rooms and facilities controlled by the Vancouver Public Library, including those located in Library Branches, the Central Library, and the Library Square Conference Centre.

### **3. Background**

The Vancouver Public Library believes that it is the responsibility of public institutions, including public libraries, to support a society that respects diversity, fosters social inclusion and is guided by democratic values. The primary purpose of the Library's meeting rooms and facilities is to provide space for Library programs or services that are aligned with our values and goals, delivered by library staff or in partnership with individuals and organizations. A secondary purpose is to provide accessible and affordable meeting spaces for use by the public. The Library views its public spaces as an important part of our vision to create an informed, engaged and connected city.

### **4. Public Use**

When meeting rooms and facilities are not in use for Library programs and services, they may be made available for public use, typically by way of short-term rentals under Event License Agreements.

The Library's values include diversity, respectful spaces, intellectual freedom and access for all. The Library believes that freedom of expression and access to ideas and information are essential to the health and development of a democratic society. We acknowledge that the Library's spaces may be used by those who express ideas that may be contrary to the Library's vision and values. By offering Library spaces for short-term rental by the public, the Library does not endorse or agree with any of the aims, policies or activities of any group or individual using the space, or of any of the ideas, messages or information they express.

There are necessary limits to how Library spaces may be used. The Library is committed to providing physically safe and respectful public and staff spaces, ~~protecting the dignity and safety of its staff and the public~~, minimizing disruption of Library services, and maintaining the security of Library property. The use of Library spaces must not contravene Canadian laws, including the *Criminal Code* and the *BC Human Rights Code*.

The Library recognizes that individuals and groups may strongly disagree with ideas and views expressed within Library spaces and collections. In some instances they may, on a personal level, view them as offensive or harmful. However, in keeping with its ~~core~~ value of intellectual freedom, the Library will not restrict freedom of expression beyond the limits prescribed by Canadian law.

## **5. Prohibited Activities**

The use of Library meeting rooms and facilities may not include or involve any of the activities listed below:

- 1) any violation of the *Criminal Code*, including:
  - a) the communication of statements that incite or willfully promote hatred against an identifiable group; or
  - b) the advocacy or promotion of genocide;
- 2) any violation of the *BC Human Rights Code*, including:
  - a) the publication, issuing or display of any material that indicates discrimination or an intention to discriminate against a person or group, or is likely to expose a person or group to hatred or contempt, because of their race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age;
- 3) any other unlawful activities, or activities that in any way violate applicable Library policies, rules or regulations;
- 4) gaming, gambling or games of chance, including bingo or lotteries;
- 5) activities requiring a permit and/or prior Library authorization, such as the service of alcohol, where the relevant permit or authorization has not been obtained;
- 6) activities that are likely to pose a safety hazard to event attendees, Library staff or the public, or which are likely to cause misuse or damage to Library property;
- 7) the use of Library space in a way that is intended to establish the space as a permanent location for the user's activities and/or operations; or

- 8) any other activities that may unreasonably disrupt Library operations or prevent the lawful use of Library space by other people, and that cannot be accommodated in an alternate Library space or by rescheduling.

The Library Board may deny or cancel a meeting room or facility booking when the Library Chief Librarian, in consultation with legal counsel, reasonably believes that the proposed use is likely to or will include ~~any of these~~ the prohibited activities identified in sections 5(1) and 5(2). The Chief Librarian may deny or cancel a booking due to other prohibited activities. If the Library discovers that ~~any prohibited~~ the activity is occurring after the event has commenced, ~~the Library~~ the Chief Librarian or delegate may terminate the event.

## **6. Limitations on Use**

In addition, the ~~Library~~ Chief Librarian may deny or cancel a meeting room or facility booking, or may terminate any event, in the following circumstances:

- 1) the user has previously damaged or misused Library property, or failed to pay any required fees for use of Library meeting rooms or facilities;
- 2) the user has contravened this Policy and/or the Meeting Room & Facilities Regulation in the past and the Library reasonably believes this will occur again; or
- 3) the user has made a material misrepresentation regarding the user, the proposed use, or any participants or attendees.

## **7. Protecting Safety, ~~Dignity~~ and Security**

The Library may deny or cancel a meeting room or facility booking, or may terminate any event, which is likely to cause a material risk of harm to the safety, ~~dignity~~ or security of Library staff, or to the public.

## **8. Other Requirements of Use**

- 1) Where the Chief Librarian has reason to believe that the use of a Library meeting room or facility may unreasonably disrupt Library operations or prevent the lawful use of Library space by other people, the Library may:
  - a) require that the event be moved to an alternate Library space where the disruption can be mitigated, and/or
  - b) require that the event start not earlier than sixty minutes after the closing time of the Library, with access to the room only after the Library has closed.
- 2) All uses of Library meeting rooms and facilities must be in accordance with the Public Meeting Rooms & Facilities Use Regulation.

### **Related Policies**

- Public Meeting Rooms & Facilities Use Regulation
- Public Space Policy
- Programming at Vancouver Public Library
- Expectations of Behaviour
- Political Use of Library Space Policy

## **Appendix A: Existing VPL Policy**

### **Meeting Rooms & Facilities**

Meeting rooms at VPL facilitate the provision of programs as an integral part of library service. Meeting rooms are also rented to third parties.

### **Use of Meeting Rooms and Facilities**

1. Disclaimer Statement will be posted outside all meeting rooms regardless of occupant.
2. "Statements being made or positions being taken during meetings do not necessarily reflect the opinions or values of the Vancouver Public Library Board."
3. All activities and programs conducted in Library buildings and all persons using the meeting rooms are subject to the general rules and regulations of the Vancouver Public Library Board.
4. Groups and organizations using the meeting rooms must not interfere with the regular on-going function of the Library service.
5. Where the Chief Librarian has reason to believe that a meeting booking will result in a 'disruption of the public peace', the Chief Librarian may require the booking to start not earlier than thirty minutes after the closing time of the library.
6. The Library reserves the right to refuse bookings at the discretion of the Chief Librarian.
7. The Library reserves the right to cancel bookings.
8. The renter and/or the program presenter will agree not to contravene the *Criminal Code* and the *BC Human Rights Code* during the course of their rental/program, and this statement will be included in any rental contract.
9. No smoking is allowed within any library building including the Promenade or in any of the Conference Level meeting rooms at Library Square.
10. A damage deposit will be required as determined by the Director, Corporate Services & Facilities.
11. No special privileges are extended to organizations to which a staff member belongs.
12. Charging for Library Facilities:
  - Facility rental rates are set by the Director, Corporate Services & Facilities. Reduced rental rates are set for not for profit organizations. When a not for profit charges an admission fee or requires a donation for entry, the for profit room rental rate will be applied.
  - Upon request from the not for profit organization, the Chief Librarian may waive the rental fee when an admission fee is charged: e.g. a fund raiser for an organization which supports the Library, or where the organization provides significant in-kind services for VPL. In such instances, the Library will recover its costs associated with providing the space.

*Approved by the Library Board: March 22, 1995. Revised: February 27, 2008*