

Days of Action

Madison Graduation Speech - 19 May 2013

Thank you for bestowing me with this unexpected and delightful honour. I am touched to the absolute core. I don't know how this happened. To those sparky people who made the nomination and those who supported the nomination, please know that I am deeply appreciative. Your generosity of spirit is a positive force.

Also, I must express my sincere thanks to those dear hearted folks who worked with me behind the scenes to organize my trip and the concomitant publicity. I appreciate the time and care taken.

With what you know about me, I assume you understand that I'll leverage the cultural capital of this award however I can in all of your interests, including by jamming my boot in tight doorways near and far to address issues of mutual concern.

I extend hearty congratulations to you class of 2013. You have paid your dues and the master's degree is yours to hold proudly. I am sure that today, especially, you are extending your thanks to special family members, friends, colleagues and supporters for helping you see your goal through. I trust you are also acknowledging your SLIS administration, faculty, instructors, staff,

■ Dr. Toni Samek received her PhD from the University of Wisconsin-Madison in 1998 and has been employed at the School of Library and Information Studies, University of Alberta since 1994. In 2012, Toni was one of 10 professors in Canada to be awarded a 3M National Teaching Fellowship by the Society for Teaching and Learning in Higher Education. Her dossier was framed around the concept of academic freedom and the assertion that the working conditions of teachers are the learning conditions of students.

■ **KEYWORDS:** Association of Research Libraries; Canadian Association of Research Libraries; Canadian Association of University Teachers; Canadian Library Association; Freedom of speech; Human rights; IFLA Code of Ethics for Librarians and other Information Workers; Librarians' unions; Libraries and society; University of Wisconsin – Madison. School of Library and Information Studies.

as well as members of the broader campus community. Many individuals therein, I know, will have contributed to your expanding worldview – not to mention immersion in bureaucracy. These are the people who, I have no doubt, got you through a crisis or jam or two and gave you guidance about personal-professional dilemmas.

I always, too, think it is important to thank those people who stood in your way. I know those blocks must have made your commitment to finishing that much stronger. Never lose sense of your endurance, discipline, determination, self-knowledge and self-respect. They are conditional drivers when times get tough.

The official definition of *Badger Alumni* is: “Noun, plural. Extraordinary graduates of the University of Wisconsin-Madison. Known around the world for their intellect, spirit and love of their alma mater. Wise beyond their years, this type of graduate is often recognized as being generous, successful and adventurous. Synonyms: Entrepreneur, explorer, innovator, philanthropist, YOU.”

I tailor that definition for SLIS grads. For me we are characterized by an appreciation for the mighty tripartite of courage, compassion and conviction. In that there blend lies opportunity for optimism despite trying times.

Speaking of the times, it is now your moment, to put the MLIS piece of paper to the test. It is time to see what you can do with it. I hope for each of you that it helps you achieve meaningful paid work. The nature of meaningful work is for you each to determine individually. The significance of our profession, meanwhile, is determined by a myriad of players; indeed it is being defined, redefined and even confined in some parts – including where I live and labour stateside. With that said, permit me to give you some modest advice if I may. Take it or leave it of course.

When expertly employed – hopefully now, or soon - and not much later, think hard about how you present yourself when you are giving a session or some such thing at which you are representing your place of employment. Do you need to bear in mind a loyalty oath you signed? Does your org have guidelines about speaking with one voice that instructs you how to negotiate the tension of showing the public face of an organization consistently and professionally while allowing you as professional within that organization to seek autonomy and freedom of speech?

Are you permitted to speak freely to the media (should you be approached for a quote)? Indeed, is there a media relations policy at work that you should be aware of? If you plan to twitter or blog from a professional venue, do you know if you will violate a social media guidelines policy at your institution?

When would you, could you, should you participate in an issue awareness raising event with respect to the local, state, national, international or global stage? If you do, will it make a difference to you if the language used is styled

as advocacy vs. activism? action vs. protest? declaration not dissent? forum vs. mobilization?

Are you a member of a Progressive Librarians Guild chapter (an activist org)? And if so do you proudly list it on your CV alongside your WLA or ALA membership? Sadly my students are not sure they should. And I can understand why.

Would you do what University of Ottawa librarian Jennifer Dekker did and post to her personal blog about alleged issues at CLA Conference 2012? I quote her now:

In the months leading up to the CLA conference, major budget cuts were announced at the Library and Archives Canada as well as at many federal libraries. In response, CAUT launched a campaign called Save LAC. By sharing information on the CAUT Librarians' and other library list-servs, readers were informed of the drastic reductions in service and / or closure of libraries funded by the federal government. Librarians, in support of the LAC and federal libraries and opposed to the service and budget cuts, informally banded together and created a National Day of Action on May 31st, 2012.

Part of the activities of the Day of Action included a group of a dozen volunteers (many of them retired LAC employees) promoting a white shirt / black ribbon campaign at the CLA national conference and trade show. May 31st was selected as the Day of Action since Daniel Caron, Canada's National "Librarian" was to make a keynote speech at the conference, as well as present during a Question and Answer session later that afternoon. Of the group passing out ribbons, only two were registered delegates at the conference; the rest were concerned or retired librarians wanting to raise awareness of the impact of the cuts. They talked to delegates, handed out leaflets and answered questions.

Many conference delegates gladly accepted the leaflet and ribbons for about 20 minutes, when one registered delegate, conference speaker and Action Day volunteer was told by Kelly Moore, Executive Director of CLA that giving out information regarding the cuts to the LAC was "inappropriate." In addition to handing out ribbons, the librarian and a colleague had placed CAUT "Save LAC" bookmarks on the seats of chairs in the room where the keynote was to be held. They were told to stop, that the conference was "not the right venue" for the activity, and were asked to leave the 3rd floor of the Ottawa Congress Centre – despite being registered delegates of the conference. Downstairs, on the 2nd level, volunteers continued to hand out ribbons and information. But within minutes, Moore had two security guards remove the librarians and banish them to the street level of the Congress Centre and away

from the conference delegates. The official reason given was that the Day of Action volunteers were not registered for the conference. But in fact, even the two librarians who were official delegates were asked to leave. (They were re-admitted later).

What does it mean when librarians are physically removed from a library conference for circulating information regarding library funding? And, what does it mean when the *national* library association in this country is the body removing them?

Was Jennifer's blog posting something to support? If so would you support it openly? Would you perhaps decry it as unhelpful to all?

If you are feeling some tension around these issues then you match my interest in speaking here today – my thoughts are prompted by a series of significant events and developments – indeed a growing laundry list.

For example, also last summer, a case of a union blog went to court at The Labour Relations Board Saskatchewan. It went like this:

REGINA PUBLIC LIBRARY BOARD, Applicant v. CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 1594 ... August 2, 2012
Employer alleges that Union was not bargaining in good faith during recent round of negotiations – Union began public campaign for support which included a “blog” site check-us-out.net – Union published information on website Employer felt was false and misleading and which portrayed a false picture of what the Employer's position was at the bargaining table – Employer alleges that these postings were intended to interfere with the negotiations for a collective agreement – Board denies application. [UNION won]

Advocating outward for our publics requires some inward work within our own institutional culture. And in this respect, there is a new international level persuasion and consensus building document that is important for us to be aware of: the IFLA “Code of Ethics for Librarians and other Information Workers”, which was endorsed by the IFLA Governing Board, August 2012.

Preamble - This Code is offered as a series of ethical propositions for the guidance of individual librarians as well as other information workers, and for the consideration of Library and Information Associations when creating or revising their own codes.

Section3. Privacy, secrecy and transparency includes the directive:
Librarians and other information workers support and participate in transparency so that the workings of government, administration and business are opened to the scrutiny of the general public. They also

recognise that it is in the public interest that misconduct, corruption and crime be exposed by what constitute breaches of confidentiality by so-called ‘whistleblowers’.

Section 5. Neutrality, personal integrity and professional skills includes: Librarians and other information workers have the right to free speech in the workplace provided it does not infringe the principle of neutrality towards users.

Librarians and other information workers counter corruption directly affecting librarianship, as in the sourcing and supply of library materials, appointments to library posts and administration of library contracts and finances.

As you must know, the ALA Council adopted a 2005 Resolution on Workplace Speech. It states:

Libraries should encourage discussion among library workers, including library administrators, of non-confidential professional and policy matters about the operation of the library and matters of public concern within the framework of applicable laws.

We don’t have that in Canada at the CLA level, much as I wish we did. There was a unique clause found in the 2007-2010 collective agreement of the Saskatoon Public Library that directed the institution to uphold the CLA’s Statement on Intellectual Freedom—for both the library’s outside publics and inside workers.

The Saskatoon Public Library Board and the CUPE local 2669 included in the 2007-2010 collective agreement¹ the following phrasings on intellectual freedom:

Article 5. Fair Employment Practices. b) Intellectual Freedom.

The Union and the Library Board agree to be governed by the Intellectual Freedom statement of the Canadian Library Association in the provision of library services to the community. Internally, matters of professional discussion should be governed by the same principles.

Employees have the right to express their views whether or not they differ from those of management or fellow employees provided they are not presented as the views of the Saskatoon Public Library.

This was an important clause in that it could be invoked to combat inside censorship or self-censorship, which is common practice in the workplace. But note: as of May 14, 2013, the 250 unionized public library workers represented by CUPE 2669 have been without a contract since the previous contract expired

March 31, 2010 [more than 3 years ago]. Union workers held a read-in last month where some members made their own book jackets, including “50 Shades of No Pay” and “Life of Why.”

The question for us to carry forward is: Without freedom of speech in the library workplace, can our librarians be effective advocates for everyone else’s intellectual freedom?

IFLA’s Code of Ethics Section 6. Colleague and employer/employee relationship includes:

Librarians and other information workers share their professional experience with colleagues and they help and guide new professionals to enter the professional community and develop their skills. They contribute to the activities of their professional association and participate in research and publication on professional matters.

This important directive evokes thoughts of the new Library and Archives Canada (LAC) Code of Conduct. Let’s hear what CLA had to say about it on March 22, 2013.

(Ottawa, March 22, 2013) – The CLA urges Library and Archives Canada to revisit its Code of Conduct in order to strike a more even balance between the duty of loyalty to the Government of Canada that all public servants have and the freedom of expression that is imperative to the work of librarians in a strong democracy.

The LAC Code of Conduct: Values and Ethics restricts unnecessarily the ability of librarians and information professionals to perform key aspects of their work, namely teaching and speaking at conferences and other public engagements. The conditions placed upon those activities, and the categorization of those activities as ‘high risk,’ effectively eliminate the possibility that librarians may engage in essential elements of their work, elements that benefit both themselves and the greater professional community as well as the public good.

The language of the LAC Code also appears to infringe unnecessarily on the personal activities and opinions of public servants beyond the workplace. While we recognize a duty of loyalty to the Government of Canada and its elected officials, a reasonable balance must be maintained in recognizing that public servants also have a first duty of loyalty to Canadians at large.

The Canadian Library Association Position Statement on Intellectual Freedom states that both employees and employers in libraries have a duty, in addition to their institutional responsibilities, to uphold the principles of freedom of expression, including the responsibility “to

guarantee and facilitate access to all expressions of knowledge and intellectual activity.”

We recognize that, as public servants, LAC employees also have a duty to uphold the principles contained in the Government of Canada’s Values and Ethics Code for the Public Sector, including the duty to “use resources responsibly by acquiring, preserving and sharing knowledge and information.” If employees of Library and Archives Canada are unable to teach and to speak publicly, they are unable to perform their work as information professionals and as public servants.

A strong leadership role is expected of our national institution, including an expectation that LAC librarians participate in and contribute to innovation in the profession, in education, and in the field at large for the benefit of all Canadians. The professional expertise and leadership of LAC archivists and librarians are essential to national progress in making our documentary heritage accessible to all.

The Canadian Library Association urges Library and Archives Canada to revisit its Code of Conduct and to continue to encourage its employees to share their professional experience and professional expertise through teaching, speaking at conferences, and appearing at public engagements. Pilar Martinez, President, Canadian Library Association.

And in *Rabble*, Priya Sarin—a lawyer—writes in detail² about Library and Archives Canada’s new employee code of conduct. Conclusion: “Given that part of LAC’s mandate is to make its information available to the public and to collaborate and contribute to the sharing of its knowledge, the sections of LAC’s new Code referred to above seem terribly inconsistent with the organization’s purpose and function. The experience of federal scientists³ suggests that this policy will have the effect of stifling the participation of these employees in educational and other settings through both self censoring and possible delay tactics on the part of LAC management. Both employees and the public will suffer.”

Now let’s consider some basic relevant angles (excerpts in the interest of time) as documented in the ALA Questions & Answers on Speech in the Workplace. An explanatory statement of the ALA Code of Ethics:

Since librarians have a special responsibility to protect intellectual freedom and freedom of expression, do librarians have a special responsibility to create a workplace that tolerates employee expression more than other professions?

Yes. Libraries play a special role in ensuring the free flow of information in a democratic society.

Does the First Amendment apply to workplace speech?

Many court decisions support employers on this issue.

As a library administrator should I solicit the opinions of my staff on policy and procedural matters?

Library professionals in leadership positions should encourage discussion on policy and procedural matters, adopt ALA Policy 54.21 on Workplace Speech, and refrain from actions that result in a chilling effect on employee speech.

If I speak out in the workplace on a matter of professional policy, and my employer retaliates against me, will the ALA support me?

The ALA does not at this time provide mediation, financial aid, or legal aid in response to workplace disputes. Your employer has an array of sanctions that may or may not be imposed on you, including but not limited to: reassignment, passing you up for promotion, passing you up for raises, denying you tenure, passing you up for the best assignments, and ultimately dismissal.

If you decide to speak out on a matter involving professional policy, it will be a matter between you and your employer. The ALA does administer the LeRoy C. Merritt Humanitarian Fund, which has provided financial assistance for librarians who have been discriminated against or denied employment rights because of their defense of intellectual freedom including freedom of speech.

In Canada, in 2008, CAUT initiated a landmark case, its first case of academic freedom and academic librarianship in the history of Canadian higher education. Kent Weaver and I were selected as the co-investigators. An important aspect of the investigation and related 75 page report centered on the McGill University academic librarians' (a cohort of 57 people at the time) right and responsibility to teach (moreover to teach freely). The report included a long set of recommendations, many of which are now being taken up at McGill University. CAUT reported in a 26 November 2012 press release that it "has withdrawn consideration of censure of McGill University at its semi-annual governing Council meeting this past weekend." The decision was taken following a CAUT review of what steps have been taken by the McGill administration to address the series of concerns raised by McGill's academic librarians over the last six years. At the 2012 CAUT Librarians Conference, the delegates (who came to Ottawa to represent institutions from coast to coast to coast) discussed the broader context. We heard opening day talks on: deep structural challenges to librarianship; national library associations and a probing of who actually is speaking for librarians; libraries and librarians under attack, as well as resistance to the assault on public institutions with a case look at Toronto Public Library. We probed corporate managerialism, threats to academic status, and the role of library and information schools in the mix.

Here in the USA, Rory Litwin noted on his Library Juice blog on January 14, 2013:

AAUP has just released its new Joint Statement on Faculty Status of College and University Librarians, a new version of a similar statement drafted in 1973 and reaffirmed a couple of times since then. What I'd like to point out is that the new statement backpedals significantly on what it actually says about faculty status. The earlier statement said that AAUP considers academic librarians as faculty across the board, irrespective of how they are considered by their institutions, while the new statement says that faculty status of academic employees should depend upon the librarian's function in teaching, research, and service at a given institution, with the institution being responsible for setting the specific criteria and procedures for according faculty status. In other words, AAUP has retracted its strong support for faculty status of librarians, stating only that, essentially, "librarians should have faculty status where they should have faculty status, according to their institutions." It is pretty toothless now.

Why do we care? We care because of real people like Dale Askey, a librarian at McMaster University who has been sued this year by Mellen Press for giving them a bad review. Here is the text of a statement supporting him (and as you probably know, there are many others).

ARL-CARL Joint Statement in Support of Dale Askey and McMaster University

The Association of Research Libraries (ARL) and the Canadian Association of Research Libraries (CARL) share a commitment to freedom of opinion and expression of ideas and are strongly opposed to any effort to intimidate individuals in order to suppress information or censor ideas. We further share the belief that a librarian must be able to offer his or her assessment of a publisher's products or practices free from such intimidation.

Consequently, we are highly supportive of Dale Askey and of McMaster University as they confront the lawsuit brought against them by Edwin Mellen Press. We strongly disapprove of the aggressive use of the Canadian court system to threaten Mr. Askey with millions of dollars in liability over the contents of a blog post. We urge Edwin Mellen Press to withdraw this suit and use more constructive means to address its reputation.

"No academic librarian, research library, or university should face a multi-million dollar lawsuit because of a candid discussion of the

publications or practices of an academic publisher,” said Brent Roe, Executive Director of CARL. “The exaggerated action of Edwin Mellen Press could only impose a chill on academic and research librarians’ expression of frank professional judgments.”

“Unfortunately, this is just the latest publisher that has chosen to pursue costly and wasteful litigation against universities and librarians,” said Elliott Shore, Executive Director of ARL. “These hostile tactics highlight the need for people who share the core values of research libraries to embrace models of publishing that foster—rather than hinder—research, teaching, and learning.”

All told, intellectual freedom, workplace speech and academic freedom for academic librarians are interrelated, complex and going concerns. We are part of the grand narrative. What we do and say—or not—can make a difference for better or for worse—not just for us but for public good. No library cohort, I would guess, is more attune to this than new librarians. They would be wise to pay attention to the discourse. Because as John Berry noted on March 10, 2009:

There is a sad message from many of the “mentors” on NEWLIB-L, a discussion list for new librarians that is one of my favorites. The list has a home page at NEWLIB-L. The message in several posts is to “express yourself with great care not to offend anyone else who reads the list.” Several posts have ranted about postings that were considered “unprofessional” or “off topic.” What they really tell the “new” librarian is that free expression doesn’t apply in professional discourse, only out in the street or in your personal debates. This same syndrome haunts many discussion lists from ALA units and others. It is as if free expression must be limited or at least tempered if it is to be allowed online.

It is the wrong message, especially in a profession where so many have sacrificed so much for free expression.

In my city, Edmonton Public Library applicants are asked to demonstrate “A personal commitment to upholding the Canadian Library Association’s position statements on Intellectual Freedom and Diversity and Inclusion.”

As you apply for, or interview candidates for, such stated positions, be clear about the chosen words. What do they mean? Who are they for? How do we measure the applicant or indeed the employee’s personal commitment to intellectual freedom? What about a professional commitment? Ultimately, is that not more important? If they venture out on a limb for intellectual freedom or academic freedom, who will back them up? Will you? Your org? Your

association? Who has the authority to do so? Who has the resources? Is the law on your side?

Library leader EJ Josey — a man described as “the ultimate insider who retained the outsider’s point of view” and as “the profession’s leading civil rights activist”, the “gentleman from Georgia who wore neat clean gloves over his hard fists” — taught us well about positive troublemaking and positive aggression. I hope you do it; I trust you will wear it well. I met Dr. Josey not long before he died. I asked him, where did you get the courage? He answered simply: “Honey, I grew up in the south”.

Fellow SLIS Distinguished Alumni Award recipient Kathleen de la Peña McCook is another inspiration. Indeed her lore was palpable in these halls when I showed up in 1991. Her critical contributions were actively being transmitted orally from one generation to another. While she and I email regularly, I’ve still not met her face-to-face. It does not matter. She got into my thinking. And I know she is always there watching out for the rights and responsibilities of her fellow alumni.

Taking her cue, sisters and brothers, you can always call on me to have a Badger’s back. But more importantly, look out for one another. Be proud of what you do. Honour those principled colleagues who came before you and those who are out on a limb now. We are forever connected and responsible to one another.

And know this: the oft overlooked genius of our unregulated profession is that the MLIS is never revoked or stripped. On that note, paint the town tonight – hoot and holler – you’ll still have that MLIS in the am no matter what you say or do! Thank you.

NOTES

1. http://2669.cupe.ca/updir/2669/Collective_Agreement_-_2007_-2010.pdf
2. <http://rabble.ca/columnists/2013/03/freedom-expression-federal-librarians-and-archivists-under-attack>
3. <http://democracywatch.ca/wp-content/uploads/InfoCommCompFeb202013.pdf>