

ARTICLE 17. ACADEMIC LIBRARIANS

17.A See Article 37 – Academic Freedom

17.A.2 Rights, Duties and Responsibilities

17.A.2.1 Academic librarians shall have the right to express opinions and to participate by means of their representatives in procedures as provided for in the appropriate Article concerning such matters as: the appointment and promotion of academic librarians; and the granting of merit awards.

17.A.2.2 Academic librarians are members of an academic community who share with faculty the responsibility for the collection, dissemination, and structure of knowledge in the University. Academic librarians' responsibilities to the University shall include the provision of a high level of professional service, the development of professional knowledge, contributions to librarianship and scholarship, and service to the University. Academic librarians have the right and responsibility to exercise freedom in making knowledge and ideas available and to ensure that censorship is not imposed on the selection or use of library materials. In carrying out their responsibilities and duties, academic librarians shall deal fairly and ethically with those to whom they render professional service, taking care to provide the fullest access possible to library materials.

17.A.2.3 Academic librarians have the right and responsibility to continue to improve themselves in their profession by keeping abreast of developments in library and information science. Academic librarians shall be responsible for and have the right and opportunity to pursue research in library and information science and/or other relevant academic disciplines and to make scholarly contributions. Academic librarians shall endeavour to publish the results of their scholarship.

17.A.2.4 Assignment of Professional Performance Responsibilities

17.A.2.4.1 The duties professional performance responsibilities of academic librarians (as defined in s. 20.B.1.2.1) shall be assigned by the University Librarian or his/her designate annually following consultation and discussion with the academic librarian, fairly and reasonably in such a manner so as to enable academic librarians to fulfill the rights and responsibilities described in s. 17.A.2.2 and s. 17.A.2.3 hereof. Where, in order to fulfill gender-balance requirements of committees, some academic librarians are required to assume increased service duties, the University Librarian or his/her designate shall implement a reasonable workload adjustment so that the Member's responsibilities under this Article may be fulfilled.

17.A.2.4.2 Professional performance responsibilities shall be assigned pursuant to s. 17.A.2.4.1 reasonably and fairly, using a transparent method equitably among academic librarians as set out in this Article, taking into consideration:

- (a) the priorities and integrity of the University of Manitoba Libraries;
- (b) relevant procedures and guidelines for, as well as the range of activities required for, the granting of continuing appointments and promotion;
- (c) the full range of rights, duties, responsibilities, and demands associated with professional performance responsibilities, including the factors in s. 17.A.2.2 and 20.B.1.2.1
- (d) research, scholarly work and creative activities in accordance with s. 17.A.2.3 and 20.B.1.2.2;
- (e) assigned service, in accordance with s. 17.A.2.2 and 20.B.1.2.3;
- (f) assigned work performed for other departments, faculties, schools, colleges, or programs;
- (g) assigned teaching, in accordance with s. 20.B.1.2.4;
- (h) available human resources;
- (i) the rank and type of appointment (term, contingent, probationary, continuing or reduced/half-time) of the individual academic librarian;
- (j) the previous experience, educational background, and expertise of the individual academic librarian; and
- (k) the individual preferences of the academic librarian.

17.A.2.4.3 The assignment of professional performance responsibilities for each individual academic librarian will not deviate significantly over the course of the academic year for which the assignment of professional performance responsibilities is made, except where it is reasonable and necessary to do so. In such circumstances, the individual academic librarian shall be consulted in person.

17.A.2.5 **Limitations on the Assignment of Professional Performance Responsibilities**

17.A.2.5.1 No academic librarian shall be assigned professional performance responsibilities, in whole or in part, at a different University of Manitoba Campus, than their current assignment, without prior consultation and at least forty (40) working days of notice prior to the effective date of the assignment, where the assignment is:

- (i) Permanent; or

(ii) Temporary, and expected to last in excess of six (6) months.

17.A.2.56 Academic librarians holding probationary and continuing appointments are entitled to twelve (12) working days on full salary in each academic year for research and scholarly activities relating to library science or an academic subject within their expertise, subject to notifying the department head of their proposed work and arranging a mutually agreeable schedule.

17.A.2.5.6.1 There will be a reasonable workload adjustment for affected Librarians if required to avoid a workload increase due to research time provided to another Librarian under this Article.

17.A.2.67 Exclusive of those on research/study leave, an academic librarian who is unable to meet his/her class(es) due to travel or attendance at a meeting or conference shall arrange for coverage of his/her class(es) by a qualified substitute, or reschedule such class(es) at a time convenient to his/her students, and at no expense to the University.

17.A.3 **Teaching and Technology**

17.A.3.1 Academic librarians must consent to the technology used in teaching courses dependent on information technologies. This consent shall not be unreasonably withheld.

17.A.3.2 Members teaching courses dependent on information technologies which involve the broadcast, transmission, retransmissions, publication, recording, or storage of the contents of the course shall exercise copyright and intellectual property rights regardless of the medium used to broadcast, transmit, retransmit, publish, record or store the course under the provisions of Article 14 of the Collective Agreement.

17.A.3.3 **Importing Courses via Information Technologies**

A course developed by anyone or any organization may only be developed and/or offered at the University of Manitoba through information technologies if it does not have the consequence of eliminating or reducing a Member's and/or Members' position(s).

17.A.4 **Appointments**

17.A.4.1 Academic librarians may be granted contingent, term, probationary or continuing appointments. Term appointments are governed by the provisions of sections 19.C.5.1 through 19.C.5.5.1 and contingent appointments are governed by the provisions of s.19.C.6 of this Agreement.

17.A.4.2 **Probationary Appointments**

- 17.A.4.2.1 On initial appointment an academic librarian may be given a two-year probationary period.
- 17.A.4.2.2 Before the end of each year on a probationary appointment, an academic librarian shall receive a written performance review after which the academic librarian may either be given a continuing appointment, terminated in accordance with s. 17.A.7 or reappointed on probationary status for one (1) year. The maximum probationary period for an academic librarian shall be four (4) years.
- 17.A.4.2.3 Upon being appointed or reappointed to a probationary position the academic librarian shall be notified of the date by which the written performance review is to take place.
- 17.A.4.2.4 A probationer who is to receive a continuing appointment shall be so notified in writing no later than the last day of his/her probationary period.
- 17.A.4.2.5 Leaves at less than full pay (other than maternity leaves or parental leaves and leaves granted pursuant to section 22.1.1.12, 22.2.1.11 and 22.2.3, which shall extend the maximum probationary period by one (1) year), research/study leaves, appointments outside of the bargaining unit, sick leave for a continuous period exceeding three (3) months and other lapses in service shall not be counted as part of the maximum probationary period. The period counted as part of the maximum probationary period shall include that period before and after any of these lapses in service.

17.A.5 **Continuing Appointments**

An academic librarian may be given a continuing appointment independent of rank or classification. The decision concerning a continuing appointment shall be made in the best interests of the University and the academic librarian, and shall reflect the written annual reviews referred to in s. 17.A.4.2 above. A continuing appointment may be terminated only as provided in this Agreement.

17.A.6 **Lay-Off**

17.A.6.1 Lay-offs shall be for valid academic and/or financial reasons subject to the following:

17.A.6.1.1 Where low student enrollment is argued as a bona fide academic reason, it must be demonstrable that a significant decline has occurred which has produced a condition of low enrollment for at least three (3) years, and reasonable projections into the future indicate that the low level of enrollment will continue.

- 17.A.6.1.2 In order to discontinue the appointments of academic librarians on probationary and continuing appointments for financial reasons, the Board of Governors (“the Board”) must first declare that an extraordinary financial exigency exists as defined in s. 28.2.1 of this Agreement. The processes set out in s. 28.2.2 through s. 28.2.13, s.28.3 and s. 28.4 shall apply.
- 17.A.6.2 Should it become necessary to lay-off academic librarians, it shall be done in the following manner:
- 17.A.6.42.1 Under normal circumstances and consistent with the priorities established within the library by the University Librarian, lay-off shall take place in the following order:
- 17.A.6.4.2.1.1 part-time librarians on casual appointments;
- 17.A.6.4.2.1.2 academic librarians on probationary appointments;
- 17.A.6.4.32.1.3 academic librarians on continuing full-time appointments by inverse order of appointment.
- 17.A.6.23 Academic librarians who are to be laid-off will be so advised by the Board of Governors in a written statement which indicates clearly the reasons for the lay-off. Those academic librarians affected by the lay-off (other than those holding term or contractually limited appointments) shall receive from the Board of Governors twelve (12) months' written notice. Academic librarians holding probationary or continuing appointments shall receive a discontinuance allowance equal to one (1) month's salary for each year of service in the University subject to a minimum of twelve (12) months' salary and a maximum of eighteen (18) months' salary.
- 17.A.6.34 A laid-off academic librarian who previously held a probationary or continuing appointment shall have for a period of three (3) years from the date of his/her lay-off a right of first refusal for any vacant position in the bargaining unit for which he/she is qualified according to a recall order which is the reverse of the order of lay-off provided for in s. 17.A.6.42.1 hereof.
- 17.A.6.45 In the event that an academic librarian holding a probationary or continuing appointment is laid-off and is subsequently given a full-time academic librarian appointment with the University, he/she shall receive such appointment status as he/she shall have enjoyed at the time of the lay-off. Salary shall be increased for the subsequent appointment by any applicable scale and increments awarded to Members as provided for under Article 24 during the period of lay-off.
- 17.A.6.56 A laid-off academic librarian who previously held a probationary or continuing appointment may maintain, for a period of three (3) years from the date of his/her lay-off, such University staff benefits in accordance with the standardized

options provided by the Staff Benefits Office, provided that he/she makes prior arrangements to pay the costs of such coverage.

17.A.7 **Termination Procedure**

- 17.A.7.1 If during an academic librarian's probationary period, the department head has reason to consider the termination of the academic librarian's probationary appointment for inadequate performance, he/she shall so inform the academic librarian in writing, and, on request of the academic librarian, shall discuss the matter with the academic librarian. Subsequently, if the department head still has reason to consider the termination of the appointment for inadequate performance, he/she shall seek the advice of appropriate staff members as to the validity of his/her concerns. If after receiving this advice, the department head believes that the appointment should be terminated, he/she shall so inform the University Librarian. If the University Librarian concurs with this advice, he/she shall so inform the academic librarian and, if the latter requests written reasons, shall supply him/her with same in sufficient detail to permit him/her to respond. The University Librarian may then forward a recommendation and the reasons to the Provost and Vice-President (Academic) along with a written report of the advice received together with a list of the names of those consulted. The written report shall include the written annual reviews referred to in s. 17.A.4.2 above. The Provost and Vice-President (Academic) may then forward a recommendation and the reasons to the President along with a written report of the advice received together with a list of the names of those consulted. The written report shall include the written annual reviews referred to in s. 17.A.4.2 above. If the President intends to recommend termination of the probationary appointment, then the President shall give the academic librarian notice of his/her intention to do so. If the probationer who receives this notice of intention from the President believes that:
- 17.A.7.1.1 the action is arbitrary or capricious; or
 - 17.A.7.1.2 there was an inadequate exercise of professional judgment in the particular circumstances of the University and the Libraries; or
 - 17.A.7.1.3 his/her appointment is being terminated as a result of the exercise of institutional censorship by the University, he/she may request, within ten (10) working days of the receipt of the said notice of intention, and shall be granted an informal hearing with the President before the final decision is taken. The time elapsed between the date of the request for an informal hearing and the date of the receipt by the Board of the President's recommendation shall count as part of the notice referred to in s. 17.A.7.2.
- 17.A.7.2 If the President does not recommend a reappointment to a probationary appointment or to a continuing appointment, then the probationary appointment may be terminated upon giving two (2) months' written notice.

17.A.7.3 An academic librarian may grieve the termination of his/her probationary appointment as provided for at Stage 3 of Article 32, Grievance Procedure and Arbitration, insofar as the procedures in Stage 3 are appropriate. The academic librarian's written presentation shall include a duly completed copy of the grievance form. If the decision in the Stage 3 procedure does not resolve the grievance, the matter may be submitted to arbitration in accordance with Stage 4 of Article 32.

17.A.7.4 **Termination of Appointment by the Academic Librarian**

17.A.7.4.1 An academic librarian may terminate his/her appointment upon giving the University two (2) months' written notice prior to the termination date, or such shorter notice as the University Librarian agrees to accept.

17.A.7.4.2 By mutual agreement vacation entitlement earned may constitute part of the period of termination notice.

17.A.8 **Reprimand, Suspension and Dismissal**

17.A.8.1 An academic librarian may be reprimanded or suspended without loss of pay for inability or refusal to carry out, or misconduct in carrying out, his/her University duties and responsibilities.

17.A.8.2 An academic librarian may be suspended with loss of pay or dismissed for just and reasonable cause, for example, but without limiting the generality of the foregoing, for persistent neglect of duty, incompetence or gross misconduct.

17.A.8.3 When the President has recommended to the Board of Governors that an academic librarian be dismissed or suspended with loss of pay, the President may suspend that academic librarian from duties without loss of pay pending the decision of the Board.

17.A.8.4 Medical disability shall not be cause for reprimand, suspension or dismissal, since this is covered by sick leave and medical disability insurance, unless the academic librarian has unreasonably refused medical attention. When an academic librarian's performance is judged to be inadequate and where it is believed that this inadequacy may be the result of illness, the University may require that he/she produce a medical certificate. If there is then evidence that the inadequate performance is the result of illness the academic librarian shall be placed on sick leave.

17.A.8.5 Whenever an academic librarian is reprimanded, suspended or dismissed he/she shall be given written notification thereof together with a written statement of the reasons for taking this action, in sufficient detail to permit him/her to respond.

- 17.A.8.6 The Association shall be notified of the names of any academic librarians who have been reprimanded, suspended or dismissed.
- 17.A.8.7 Where the University has imposed discipline on an academic librarian and demanded any remedial or other action be undertaken by the academic librarian as part of the disciplinary measure, the University may not subsequently impose further discipline on the academic librarian for failure to comply with the remedial or other action, provided the academic librarian files a grievance/unjust treatment within the time limits set out in this Agreement.
- 17.A.8.8 Where a meeting is scheduled by the University for the purpose of imposing discipline or conducting an investigation into inappropriate behaviour, the Member shall be provided reasonable notice of the meeting; advised of the nature of the meeting; and advised of the right to request that a representative of the Association attend the scheduled meeting. Where a Member intends to have an Association representative present, the Member shall so advise the person arranging the meeting.

17.B **Ranks**

Academic librarians are appointed to one of four ranks: General Librarian, Assistant Librarian, Associate Librarian and Librarian. In general, and subject to the weightings provided for in Article 20, Part B, Academic Librarians, the following are descriptions of each rank:

17.B.1 **General Librarian**

To qualify for appointment to this rank the candidate should have the minimum of a Master's degree in Library Science or an equivalent degree acceptable to the University Librarian, and show potential for successful performance and promise of future professional activity.

17.B.2 **Assistant Librarian**

In order to be considered for appointment or promotion to the rank of Assistant Librarian the candidate must have a record of successful performance as a General Librarian during which the candidate has demonstrated a mastery of the skills and techniques of librarianship; evidence of effectiveness of professional performance; and evidence of the capacity to develop and extend professional, subject and management expertise as appropriate.

The candidate should have a record of:

A formal program of study and research in library and information science and/or a relevant subject field in addition to the minimum academic requirements for appointment, or relevant experience judged to be of equal value; some evidence of scholarly contributions in the form of publications and/or presentations.

Active participation in the affairs of the library, University and profession, or community service, where the individual has made an essentially nonremunerative contribution by virtue of special professional/academic competence. This may include participation in professional organizations; evidence of contributions to the library, the University and the profession through participation on committees, task forces, study groups, etc.

Demonstrated promise of extended range of research or professional activity or library service in the future.

17.B.3 **Associate Librarian**

In order to be considered for appointment or promotion to the rank of Associate Librarian the candidate must have a record of successful performance as an Assistant Librarian exercising independent judgment and creativity, i.e. must have demonstrated continuing significant achievement at the career level of librarianship.

The candidate should have a record of:

Advanced study and research in library and information science and/or in an appropriate subject specialization, or relevant experience judged to be of equal value; evidence of continuing scholarly contributions in the form of publications and/or presentations.

Evidence of broad professional concern and achievement as well as consistent service to the library and University, or service to the community, where the individual has made an essentially nonremunerative contribution by virtue of special professional/academic competence. This participation or service may be demonstrated by: significant service to the library and the University through participation in library and University policy-making and planning bodies, committees, task forces, etc.; substantial involvement in professional activities and participation in professional organizations.

17.B.4 **Librarian**

In order to be considered for appointment or promotion to the rank of Librarian the candidate must have a record of outstanding professional accomplishment and performance as an Associate Librarian, including demonstrated initiative, leadership and creativity; a reputation among peers and associates as an authority

in his/her field; superior achievements reflecting leadership in the field of service or specialization, recognized beyond the University.

The candidate should have a record of:

Additional graduate degree in library and information science and/or a relevant subject speciality, or relevant experience judged to be of equal value; evidence of outstanding scholarly contributions in the form of widely recognized research, publications and/or presentations.

Outstanding contributions to the library and the University; and to the community and the profession where the individual has made an essentially nonremunerative contribution by virtue of special professional/academic competence. These contributions may be demonstrated by: leadership in provincial, regional, or national professional and/or scholarly organizations; service on library and University policy-making and planning bodies, committees, task forces, etc.; widely recognized commitment to librarianship.