

## **ARTICLE 14 – PROBATIONARY REAPPOINTMENT OF PROFESSIONAL LIBRARIANS**

### **Definition of a Probationary Reappointment Decision**

**A decision to reappoint constitutes a probationary reappointment decision, and shall be made by the Board only on the recommendation of the President, who shall first receive a recommendation from the University Librarian, following the University Librarian’s receipt of a recommendation from COAP and from the Library Personnel Committee and the Chair of the Library Personnel Committee.**

**Probationary reappointment shall not be granted without a positive recommendation from the University Librarian and the President, provided that each carries out the duties assigned in the probationary reappointment process under this Agreement without determinative procedural or substantive error or bias.**

**Probationary reappointments are for a two-year period with effect from the end of the initial probationary appointment.**

### **Annual Meeting with the University Librarian for Members on Probationary Appointments**

**A member on a probationary appointment shall arrange to meet with the University Librarian within twelve months of the start of his/her probationary appointment to discuss his/her progress towards reappointment.**

### **III.7.2. Eligibility to be Considered for Probationary Reappointment**

**III.7.2.1** Probationary appointments made at the Librarian I to IV ranks shall involve a probationary term of two (2) years and, if recommended by the Library Personnel Committee, an extension of two (2) years, the total probationary period not to exceed four (4) years.

*moved to Article 15 under “Eligibility to be considered for permanency”*

~~In exceptional cases where an appointment to Librarian III or IV is made of a person with a proven record of outstanding professional qualifications **and** scholarship, a permanent appointment may be awarded immediately upon appointment, but only after the procedures outlined in III.7.1 have been followed.~~

*moved to Article 15 under “Eligibility to be considered for permanency”*

~~When an initial limited term appointment is converted to a probationary appointment, the limited term of service shall be accredited as the equivalent of probationary service provided that the candidate **so requests in writing to the University Librarian at the time at which he/she accepts the probationary appointment** agrees.~~

III.7.2.2 A member holding an initial probationary appointment in the Library may be considered for permanency in the second year, such consideration to be initiated not less than nine (9) months before the end of the initial two-year appointment.

III.7.2.3 A member who ~~elects to defer consideration~~ **is not considered** for permanency ~~beyond~~ **in** the second (2<sup>nd</sup>) year of the initial two-year appointment shall instead be considered for a probationary reappointment during that second (2<sup>nd</sup>) year and considered for permanency in the fourth (4<sup>th</sup>) year, not less than nine (9) months before the end of the probationary appointment.

III.6.2.5 Extension of Probationary Period

#### **Maternity Leave**

Notwithstanding the various provisions (~~above~~) which define a maximum period of probationary service, a member who has had an approved maternity leave during her probationary period may, upon written request to the ~~Dean or University Librarian (as appropriate)~~ **no later than** at the time of her return to duties after maternity leave, have her maximum probationary period increased by one (1) year. In the case of two (2) or more approved maternity leaves during her probationary period, the maximum probationary period for the member may be increased by a maximum of two (2) years.

III.6.2.6 **Sick Leave**

Similarly, in cases of authorized absence due to illness or injury of more than four (4) months **and less than one (1) year**, a probationary appointment shall be extended by up to one (1) year, upon written request by the member to the ~~Dean or University Librarian (as appropriate)~~ **by no later than** at the time of return to duties after authorized absence. Where the absence is for one (1) year or more, the maximum probationary period for the member shall be increased by ~~a maximum up to~~ **of two (2) years upon written request by the member to the Dean University Librarian no later than the time of return to duties after authorized absence.**

#### Criteria for Probationary Reappointment

III.7.3.1 A candidate for a ~~permanent~~ **probationary reappointment** shall be considered ~~in the first instance~~ by the Library Personnel Committee **on the basis of satisfactory progression towards permanency**, which must make one of the following three (3) recommendations to the University Librarian:

- ~~\_\_\_\_\_~~ i) ~~a two-year probationary reappointment;~~
- ~~\_\_\_\_\_~~ ii) ~~an immediate permanency hearing;~~
- ~~\_\_\_\_\_~~ iii) ~~non-renewal at the end of the initial two-year appointment.~~

### Probationary Reappointment Procedures

III.7.3.2 The Chair of the Library Personnel Committee shall inform **the candidates no later than nine months before the initial probationary period is to terminate** ~~when consideration of their reappointment that his/her probationary reappointment hearing has been initiated, and they shall be afforded at least two (2) weeks to submit such supporting evidence as they see fit.~~ **and he/she shall be afforded four weeks to submit such evidence as required by the guidelines for submission of probationary reappointment recommendations as issued by the University Librarian and other such supporting evidence as he/she sees fit.**

The Library Personnel Committee shall be bound by the guidelines for submission of probationary reappointment recommendations as issued by the University Librarian and revised from time to time in consultation with Joint Committee.

### Recommendation of the Library Personnel Committee

III.8.4.7. The Library Personnel Committee shall be advisory ~~through the Librarians' Committee, to the University Librarian to the Chair of the Library Personnel Committee.~~ **The Chair of the Library Personnel Committee shall not vote.** After considering all the submissions and discussing the case, **in light of the criteria for probationary reappointment**, the Library Personnel Committee shall, ~~vote formally to recommend or not recommend to the University Librarian that the candidate be promoted.~~ **by formal vote, make one of the following three (3) recommendations to the Chair of the Library Personnel Committee:** ~~The Chair of the Library Personnel Committee shall not vote.~~

- i) a two-year probationary reappointment;
- ii) an immediate permanency hearing;

iii) **non-renewal at the end of the initial two-year appointment.**

~~III.7.3.3~~ ~~If the Library Personnel Committee has serious reservations about the qualifications of a candidate for permanency or recommends non-renewal, it shall so inform the candidate, and set out in writing the reasons for its reservations.~~

**In the event that the Library Personnel Committee intends to recommend non-renewal of the probationary appointment, the candidate shall be informed by the Chair of Library Personnel Committee with the reasons set out in writing. The candidate shall have the right to request reconsideration by the Library Personnel Committee before it makes its recommendation to the Chair of the Library Personnel Committee. Should the candidate request reconsideration, the candidate shall submit a written response within two (2) weeks to the Chair of Library Personnel Committee. The evidence to be considered by the Library Personnel Committee in its reconsideration is to be confined to the original evidence submitted, the candidate's written response, and whatever additional relevant information the candidate provides. Following the reconsideration, the candidate shall be informed of the final recommendation of the Library Personnel Committee which the Chair of the Library Personnel Committee intends to forward to the University Librarian, as well as the Chair of the Library Personnel Committee's own recommendation.**

**In the event that the Chair of the Departmental/Program Personnel Committee is conveying a recommendation against granting probationary reappointment to the University Librarian, the member shall receive full information from the Chair of the Library Personnel Committee on the procedures followed.**

III.8.4.8 Recommendation of the Library Personnel Committee to the University Librarian and COAP

~~The Chair of the Library Personnel Committee shall then inform the Library Personnel Committee of the intended recommendation to forward to the University Librarian, for consideration by COAP, and COAP the recommendation concerning reappointment of the Library Personnel Committee along with his/her recommendation concerning reappointment, all supporting arguments and all correspondence and documentation considered by the Library Personnel Committee, and a report on the procedures followed. Members of the Library Personnel Committee who disagree with this recommendation shall have the right to submit, together or singly, a dissenting report to COAP. Members of the Library Personnel Committee who disagree with the Library Personnel~~

**Committee's recommendation shall have the right to submit, together or singly, a dissenting report to the University Librarian who shall include the dissenting report(s) in the materials forwarded to COAP for review.**

**The recommendation shall address the candidate's performance of library duties and scholarship, bearing in mind the provisions of Article III.7.5.1.**

**A recommendation from the Library Personnel Committee to initiate an early permanency hearing shall be forwarded to the University Librarian for information and shall set in motion the early permanency hearing procedure as defined in III.7.4.**

### **Recommendation of COAP**

**In its review of files and recommendations received from the University Librarian, COAP shall strive to ensure that members receive fair and equitable treatment under the procedures for granting probationary reappointment provided for in this Agreement.**

**COAP shall review all the submissions and recommendations pertaining to the reappointment in the light of the criteria set out in this Agreement, and shall have access to all materials tabled in the Library Personnel Committee.**

**COAP, by formal vote, shall make its recommendation to the University Librarian. The University Librarian shall not vote.**

**COAP may do one of the following:**

- (i) endorse a recommendation concerning reappointment from the Library Personnel Committee, in which case COAP recommends to the University Librarian that the recommendation concerning reappointment from the Library Personnel Committee be upheld; or**
- (ii) COAP may, giving reasons, instruct the University Librarian to request that the Library Personnel Committee reconsider its recommendation concerning reappointment; or**
- (iii) COAP may, giving reasons, instruct the University Librarian to request that the Library Personnel Committee reconsider its recommendation concerning reappointment after seeking further evidence and/or supporting documentation including but not limited to assessments from qualified external assessors. If further**

external assessments are being sought, the procedures outlined in III.8.4.10 will be followed; or

- (iv) **COAP may refuse to endorse a recommendation concerning reappointment from the Library Personnel Committee, but shall not do so without good reason based on the criteria for the granting of probationary reappointment as provided for in III.7.5.1, or a finding of determinative procedural or substantive error or bias.**

**In the event that the University Librarian accepts COAP's refusal to endorse a positive recommendation for probationary reappointment from the Library Personnel Committee, and in the event that the University Librarian accepts COAP's endorsement of a recommendation of non-renewal by the Library Personnel Committee, the University Librarian shall so inform the candidate and the Chair of the Library Personnel Committee, setting out in writing the reasons, and the candidate shall have the right to request that the file be considered by the Reappointment, Tenure, and Permanency Appeals Committee.**

**This statement of reasons shall reflect the actual grounds for the decision, be substantive in nature, and be clearly related to the criteria for the granting of reappointment as defined in this Agreement.**

**In the event that, after receiving the recommendation from COAP, the University Librarian upholds the recommendation for probationary reappointment made by the Library Personnel Committee or does not uphold the recommendation of non-renewal made by the Library Personnel Committee, the University Librarian shall recommend to the President that a further two-year probationary appointment be granted to the candidate, and consideration for permanency must come in or before the fourth (4<sup>th</sup>) year of probationary service.**

III.7.3.4 ~~The process of consideration for probationary reappointment or for non-renewal of probationary appointment shall in no way prejudice the outcome of any subsequent permanency hearing.~~

III.7.3.5 ~~If the Library Personnel Committee recommends a candidate for a probationary reappointment, but nonetheless has reservations about the candidate's performance of professional duties or scholarship, has reservations about a candidate recommended for a probationary reappointment, these reservations shall be communicated in writing to the candidate at the time of reappointment and shall be included in the letter from the Chair of Library Personnel Committee to the University Librarian recommending reappointment.~~ **If COAP or the University Librarian recommends a candidate for a probationary reappointment, but nonetheless has reservations about the candidate's performance of**

**professional duties or scholarship, these reservations shall be communicated in writing by the University Librarian to the candidate, copied to the Chair of the Library Personnel Committee and shall be addressed by the Library Permanency Committee in any subsequent permanency hearing.**

III.7.3.6 Except as provided in III.7.3.5 a deferral of consideration for permanency owing to **an approved sick and/or maternity leave** a probationary reappointment shall in no way prejudice the outcome of the final permanency hearing.

III.7.3.7 ~~A recommendation from the Library Personnel Committee to reappoint the candidate shall be forwarded to COAP and the University Librarian for action. A recommendation for an immediate permanency hearing or a recommendation of non-renewal shall set in motion the permanency hearing procedure as described immediately following.~~

#### **Appeal of Recommendation by the University Librarian against Reappointment**

**In the event that the University Librarian, after receiving a recommendation from COAP and from the Library Personnel Committee and the Chair of the Library Personnel Committee, recommends against reappointment, the member may appeal the recommendation under the provisions set out in Article 18.**

#### **Probationary Reappointment Decision**

**The decision to grant a probationary reappointment to a member shall be made subsequent to the University Librarian making a positive recommendation to grant probationary reappointment to the President and the President making a positive recommendation to grant probationary reappointment to the Board. Probationary reappointments are for two years, commencing upon the end of the initial probationary appointment. The decision to grant probationary reappointment shall be made by the Board and communicated to the candidate by the President.**

**If the recommendation by the President is against probationary reappointment, the candidate shall be so informed and shall receive in writing a statement of reasons from the President.**