

# CAUT Bargaining Advisory

## Bargaining Parity for Librarians & Archivists

### Introduction

Historically, librarians and archivists were not universally accepted as members of their respective scholarly communities, often marginalized as members of a “feminine” profession, falling somewhere between support staff and the professoriate. A hierarchical administrative culture generally reflected this attitude, granting librarian and archivist members few professional or academic rights.

In recognition of librarians and archivists as academics, policies and collective agreements are being modernized toward parity with faculty incrementally over successive rounds of bargaining.

By parity it is meant that the “terms and conditions of employment” are “analogous to those of other academic staff,” including in the areas of rank, promotion, tenure, sabbatical/research leaves, and rights to engage in scholarship and service. Striving for parity with the professoriate is an integral part of the drive for full academic status for librarians and archivists, with the ultimate goal being a collective agreement with common language covering all areas where parity is possible.

This bargaining advisory, which was developed in close collaboration with the Canadian Association of University Teachers Librarians’ and Archivists’ Committee, will review current collective agreement language related to librarian and archivist terms and conditions of employment, including language that promotes parity with faculty and reflects the needs of librarians and archivists.

### Academic rights

One of the most pernicious barriers to librarians and archivists accessing their academic rights is their definitional separation from the rest of the academic staff. It is much easier for employers to block what they deem to be costly advancements in librarian and archivist academic rights if the collective agreement does not recognize them as full academics. However, as exemplified by Laurentian University’s collective agreement, some academic staff associations have negotiated language recognizing librarians and archivists as full academics; in this case as members of the “faculty,” with all the rights granted the professoriate by default, and where differences or exceptions are based on the nuances of their work:

1. Harriet M. Sonne de Torrens, “Academic Librarianship: The Quest for Rights and Recognition at the University of Toronto,” in *In Solidarity*, ed. Jennifer Dekker and Mary Kandiuk (Sacramento, CA: Library Juice Press 2014), 83.
2. Leona Jacobs, “Academic Status for Canadian Academic Librarians: A Brief History”, in *In Solidarity*, ed. Jennifer Dekker and Mary Kandiuk (Sacramento, CA: Library Juice Press 2014), 23
3. CAUT Policy Statement on Academic Status and Governance for Librarians, November 2018.

*Article 1.30 Definitions*

*1.30.1 (n) i. Full-time faculty Members shall mean academic Employees appointed through tenured, probationary, or limited-term appointments to perform duties of (a) Teaching, including Academic freedom supervision / Professional Librarianship / Archives Management, (b) Scholarly Activity, and (c) University Governance and Administrative Duties consistent with Article 5.15 – Rights, Responsibilities and Duties of Academics.<sup>4</sup>*

**Academic freedom**

Librarians and archivists need academic freedom, as outlined in the CAUT Policy Statement on Academic Freedom, for the same reasons as other academics. In addition, there are other specific circumstances where academic freedom is applicable to librarians and archivists, such as when engaging with controversial issues in scholarship and governance, and in the exercise of their professional judgment.

For instance, librarians critically evaluate scholarly communications and publishing, and can find themselves pressured by publishers, institutions and others whose interests are at stake. This type of work needs to be recognized and protected as an expression of academic freedom. Associations should review their academic freedom language to ensure that it:

- provides librarians and archivists freedom to use critical analysis in collection development, instruction, and other work that requires critical analysis;
- allows archivists to grant discretionary access to archival material in accordance with donor policies and record keeping provisions;
- allows the results of librarian's and archivist's work to be communicated without restriction or fear of reprisal; and
- confirms that a librarian's and archivist's duties include refusing to practice or permit censorship in any part of the institution or elsewhere.

4. Laurentian University Faculty Association, 2017-2020, Article 1.30, Definitions.

The following article from the Wilfrid Laurier University collective agreement is a good example of language that affords these types of protections:

*Article 7: Academic Freedom*

*7.1 The common good of society depends upon the search for knowledge and its free expression. Academic freedom in universities is essential to both these purposes in the teaching function of the university as well as in its scholarship and research. Members shall not be hindered or impeded in any way by the University or the Association from exercising their legal rights nor shall they suffer any penalties because of the exercise of such legal rights. The Parties agree that they will not infringe or abridge the academic freedom of any Member. Members are entitled, regardless of prescribed doctrine, to freedom to practice their professions of teacher and scholar, or librarian, freedom in carrying out research and in publishing the results thereof, freedom of teaching and discussion, freedom of creative activity, freedom to select, acquire, disseminate, or use documents in the exercise of their professional responsibilities, freedom to criticize the University and the Association, and freedom from institutional censorship.<sup>5</sup>*

**Collegial governance**

Academic freedom includes participation in collegial governance structures<sup>6</sup> such as the Senate, councils and academic hiring committees, including committees selecting senior academic administrators. For librarians and archivists, this includes collegial involvement in any body whose mandate includes the operation of the academic library or archival system or whose decisions affect access to information resources used in teaching, scholarship and research. Collegial rights need to be secured in the collective agreement, including in the definition of librarian and/or archivist duties. The Simon Fraser University agreement strengthens collegial rights by including governance as a responsibility under service:

5. Wilfrid Laurier University Faculty Association (Full-time), 2017-2020, Article 7, Academic Freedom.

6. CAUT Policy Statement on Academic Status and Governance for Librarians, November 2018.

*36.11 Librarian and Archivist Faculty are expected to contribute service to the Library or Archives, the University, their profession, and the community at large, by participating in university governance and working with other members of the university community to enhance the academic and administrative excellence of the University, participating in professional associations and activities, and working in the community at large through the application of the librarian's or archivist's professional competence or expertise.<sup>7</sup>*

Language in the agreement that creates and protects a librarian or library council, in a manner that is similar to what is available for professors, is an effective tool for librarians to engage and influence matters affecting their work. A good example below is from the University of Prince Edward Island agreement.

#### *A 9 Responsibilities of Academic Librarians*

*A 9.1.1 The rights, duties and responsibilities of Librarians derive from the academic, professional, and collegial nature of their work in the Library and at the University and from their position as members of the academic community.*

*A 9.1.2 A Library Council shall be established. The role of the Library Council is to discuss issues in a collegial setting and to make recommendations on the formulation of Library policy, operations, long-term planning, and future directions, ensuring that the Library meets the needs and requirements of the various academic endeavours of the University community. The Library Council shall normally meet at least monthly during September through May inclusive, and once from June through August.<sup>8</sup>*

Collegial rights can also be strengthened outside of the bargaining table. A good illustration of this is at York University, where the Senate specifically includes librarians and archivists and ensures their participation by designating two seats for them. If they were to be elected as part of the much larger pool of faculty, their involvement would not be guaranteed as it is now.

7. Simon Fraser University Faculty Association, 2014-2019, Article 36, Librarian and Archivist Faculty.

8. University of Prince Edward Island Faculty Association, 2016-2020, Article A-9, Responsibilities of Academic Librarians.

## Rank & tenure

A strong and defining feature of academic work at many institutions is rank and tenure. The purpose of rank is to reflect respective levels of academic contributions over a career. In turn, the purpose of tenure (or its functional equivalent<sup>9</sup>) is to ensure “that academic staff exercise their academic freedom without fear of reprisal or retribution.”<sup>10</sup>

Collective agreements are increasingly providing rank and tenure to librarians and archivists. Many agreements providing rank for librarians and/or archivists follow the professoriate model of lecturer, assistant, associate and full professor, while others use a Librarian/Archivist I, II, III and IV model. As is the case with language regarding professorial rank and promotion, care must be taken when drafting and negotiating to avoid problems as outlined in the *CAUT Policy Statement on Promotion Procedures*.<sup>11</sup> Employers increasingly look to impose statistical measurement and quantification concepts such as “quality” and “excellence” in evaluations,<sup>12</sup> including the use of metrics. In a library context, the use of metrics can lead to work being measured against pre-determined standards of quality or excellence. Such measures of quality can be different from professional or academic standards and can neglect locally identified needs and priorities in favour of “measurables” that can be ranked and compared with those of competing institutions.<sup>13</sup>

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9. Nomenclature for tenure can vary at institutions, as well as academic staff appointment. For example, at the University of Manitoba librarians are awarded continuing appointment; at Brock it is permanence; and at the University of Toronto teaching stream faculty are awarded continuing appointment.
  10. CAUT Policy Statement on Tenure ,November 2015.
  11. CAUT Policy Statement on Criteria and Procedures in Renewal, Tenure and Promotion Decisions , November 2010.
  12. Craig Russell, Joel Amernic and Dennis Tourish, “Perverse Audit Culture and Accountability of the Modern Public University.” *Financial Accountability & Management* 30, no. 1 (2014): 1-24; Cris Shore, “Audit Culture and Illiberal Governance: Universities and the Politics of Accountability.” *Anthropological Theory* 8 no. 3 (2008): 278-98.
  13. Jeff Lilburn, “Ideology and Audit Culture: Standardized Service Quality Surveys in Academic Libraries.” *portal: Libraries and the Academy* 17 no. 1 (2017): 91-110.

## Balancing academic duties & workload

### Research and scholarship

Even at research-oriented institutions where faculty normally have a workload of 40% teaching, 40% research, and 20% service, the professional expectations for librarian and archivist promotion and workload in many agreements continue to focus on assigned professional practice.

Professional “practice” or “responsibilities,” which can vary widely between individual members, are those specific to professional librarians and archivists that provide essential contributions to the academic vitality and success of the academy. Librarian and archivist responsibilities normally include service and at times research, though in most agreements these are a much smaller component of their workload than professional practice/responsibilities.

However, over the past number of decades a growing percentage of librarians and archivists has been pushing to increase their ability to engage in scholarship, which generally will require a workload decrease in professional practice as more time is devoted to scholarship. Language in the Laurentian University agreement below provides parity with professors in workload allocation, including access to collegial processes defined elsewhere in the Agreement, to uphold reasonable percentage allocation:

#### 5.40 Academic Workload

5.40.2 *The academic workload of a full-time Member during the academic year includes: (a) teaching/professional librarianship/archives management, including the supervision of graduate and undergraduate students; (b) scholarly activity, including commitments to external granting agencies; (c) University governance, administrative duties, and other contributions to the University. The normal guideline for the distribution of the workload among the three (3) main workload components is: forty percent (40%) teaching/professional librarianship/archives management, including the supervision of graduate and undergraduate*

*students; forty percent (40%) scholarly activity, including commitments to external granting agencies; and twenty percent (20%) university governance, administrative duties, and other contributions to the University.*<sup>14</sup>

### Unit standards

Unit or departmental decision-making bodies responsible for determining workload expectations for everyone in their unit are an important tool to strengthen collegial and professional rights. Agreements that provide academic units or departments control over workload standards need to ensure that this right includes the library and archivist units. However a “unit” is defined, the standard should fairly deal with all the different sorts of work that librarians and archivists do. The Queen’s University collective agreement sets out what their collegially determined standards are to cover:

*37.5.6 A Librarian and Archivist Workload Standard shall, where applicable, stipulate guidelines concerning the following:*

- a) The range of responsibilities required for promotion, continuing appointment and merit;*
- b) Normal expectations with regard to the provision of services (including: instruction and research services; collection development and management; organization and management of bibliographic access to library collections; information technology development, application and management; and research and preparatory work required to conduct these activities);*
- c) Normal supervisory load (including supervision of staff and service activities);*
- d) Normal administrative load for Library ‘department’ heads (including development and management of library services, operations, staff and financial resources);*
- e) Normal expectations for those serving as leaders of working groups or other groups or initiatives; and*
- f) Mechanisms for dealing with extraordinary tasks accompanying administrative or other workloads.*<sup>15</sup>

14. Laurentian University Faculty Association, 2017-2020, Article 5.40 Academic Workload.

15. Queen’s University Faculty Association, 2015-2019, Article 37.5, Librarian and Archivist Workload.

## Sabbatical & study leaves

As academic staff, access to sabbatical or study leaves is essential to enable librarians and archivists to enhance their knowledge and, in turn, improve librarian and archivist practice.<sup>16</sup> Ideally, such leaves should be consistent with those afforded to the professoriate as they are for librarians in the University of British Columbia's agreement.<sup>17</sup> The definitions of such leaves vary widely between agreements. For example, in the University of Victoria agreement, "study leaves" are for "research, scholarship or registration in a course of study,"<sup>18</sup> while "academic and professional leaves" in Wilfrid Laurier University's agreement are for "(a) the acquisition of experience in an area related to his/her responsibilities; (b) the development of new areas of specialization; (c) the enrichment of his/her academic or professional knowledge."<sup>19</sup>

## Research days

Unlike professors, librarians and archivists do not usually have an entire term without scheduled professional activities. As a result, many associations have negotiated "research days" that can be used throughout the year.

For example, on top of access to sabbatical leaves,<sup>20</sup> York University's collective agreement provides librarians and archivists with twenty-two research days a year "to pursue professional development, research and scholarship." A member need only "inform his/her department head at least one (1) week in advance of when these days will be taken", though "no more than two (2) weeks of accrued entitlement may be taken in any four (4) week period."<sup>21</sup>

16. See CAUT Policy Statement on Distribution of Workload and Sabbatical Leave (May 2015).

17. University of British Columbia Faculty Association, 2016 - 2019, Article 2, Study Leave.

18. University of Victoria Faculty Association, June 5, 2015 - June 30, 2019, Article 44, Study Leave: Librarians.

19. Wilfrid Laurier University Faculty Association, July 1, 2017 - June 30, 2020, Article 17.3, Librarians' Academic and Professional Leave.

20. York University Faculty Association, May 1, 2015 - April 30, 2018, Article 20.09, Sabbatical Leave for Professional Librarians.

21. York University Faculty Association, May 1, 2015 - April 30, 2018, Article 18.17, Workload of Professional Librarians and Archivists.

## Hours of work

One feature of librarian and archivist workload language that distinguishes it from faculty are specific hours of work, usually 35 or 37.5 hours per week. Hours of work language provides protection from types of unreasonable demands and expectations not normally faced by faculty, with a concrete number that can be enforced.

Whether or not a specific number of hours per week is set out, flexibility for members is desirable, as provided in the Bishop's University agreement:

*12.01 The hours of work of librarians shall be thirty-five (35) hours per week. Since the Library recognizes the policy of flexible hours, these hours shall be scheduled fairly and equitably in accordance with the needs of the job after agreement with the Assistant University Librarian.*<sup>22</sup>

## Working off campus

Academic work does not always require members to be on campus. While most professors have the right to come and go outside of their scheduled on-site duties, the more managerial approach taken by some library and archives administrations has driven some associations to negotiate language that makes that right clear. The University of Ottawa's collective agreement, as outlined below, sets out when people must be on campus, and leaves the rest of their time up to them to manage:

*28.4.4 A Member is not required to be present on campus to fulfill her workload obligations, whenever another location is more appropriate for that purpose and her absence from campus does not interfere with the application of 28.4.3.*<sup>23</sup>

Depending upon the language in an agreement, the lack of specific language does not necessarily mean that members do not have the right to work off campus. Academic staff associations should review their language and past practices to determine their members' right to work off campus and what bargaining strategies, if any, are needed to secure and strengthen that right.

22. Bishop's University Faculty Association – Librarians July 2016 - June 2020, Article 12, Hours of Work and Workload.

23. Association of Professors of the University of Ottawa, 2016-2018, Article 28.4, Availability and Authorized Absence.

## Evenings & weekends

As with other academic staff, evening and weekend work is at times necessary. At Algoma University, scheduling must be equitable and librarians “shall not be required to work more than one evening per week,”... “five weekend days per 4-month term” or “one day of any weekend.”<sup>24</sup>

## One unscheduled day a week

Librarians and archivists with heavy professional practice loads or other scheduled duties may benefit from language that secures “at least” one day “free of scheduled teaching or other duties”.<sup>25</sup> This guarantees some space for various non-scheduled duties such as research and service activities. The challenge is to not allow the one day to be interpreted as a maximum or to have it filled with administrative meetings.

## Release time

To make it easier for librarians and archivists to have equal access to release time (e.g., for union involvement), agreements should include comparative calculations such as in the Mount Allison University agreement:

*5.12.d) In the event that a librarian receives any release under this clause, she/he shall receive 8.75 hours per week per term as the equivalent of a three (3) credit course release per term.*<sup>26</sup>

## Individual job descriptions

Librarians and archivists may have individual job descriptions that set out in detail all the aspects of their job. If such descriptions exist, they should be clear and thorough, as the University of Ottawa agreement sets out:

*22.3.2.1 There shall be a written job description for every Librarian position. A job description shall contain a clear, precise and complete statement of the tasks and responsibilities*

*of the incumbent, as well as the administrative unit to which the position is normally attached.*<sup>27</sup>

There are many aspects to the work of a librarian or archivist that need to be reflected in the language. For example, the University of Victoria agreement provides a useful outline:

### *Assignment of Duties: Librarians*

*27.26 The duties and responsibilities of Librarians include organizing, managing and facilitating access to library resources; providing reference, consultative, instructional and research services; developing, organizing, and maintaining the Libraries' collections and information systems; developing and maintaining archival acquisition strategies and archival records management frameworks; managing human and financial resources and contributing to library administration.*

*27.27 The duties and responsibilities of a Librarian specified in section 27.26 will be assigned by the Librarian's supervising Librarian or the person to whom the Librarian reports after consultation with the Librarian. The assignment will be based on:*

*27.27.1 the service obligations of the University Libraries to the University;*

*27.27.2 the Standard for Librarians as determined under section 27.8;*

*27.27.3 the Librarian's position description;*

*27.27.4 the Librarian's University service;*

*27.27.5 other relevant factors, such as special projects of limited duration assigned by the supervisor or University Librarian; and the legal duty and/or need to accommodate on compassionate grounds.*<sup>28</sup>

Language should protect against employers unilaterally changing job descriptions as in the Brandon University collective agreement:

*These job descriptions may be amended from time to time by the Employer after consultation with, and the approval of, the incumbent and the Union (such approval shall not be*

24. Algoma University Faculty Association (RAS), 2012- 2015, Article 6.11, Professional Librarian Hours of Work.

25. CAUT Policy Statement Distribution of Workload and Sabbatical Leave, May 2015.

26. Mount Allison Faculty Association, Article 5 Rights of the Union, 2016-2019, Article 22.3.2 Job Description.

27. Association of Professors of the University of Ottawa, 2016-2018, Article 28.4, Availability and authorized absence.

28. University of Victoria Faculty Association, 2015-2019, Article 27, Duties and Responsibilities.

*unreasonably withheld). Job descriptions for new positions shall be included in this Collective Agreement when they have been approved by the Employer and prior to candidate interviews.<sup>29</sup>*

### Temporary modifications to workload

It is not uncommon for members to be asked to take on additional duties, or to want to take on a special project. In such cases, it is important that it is the member's choice to do so and that they are either compensated or they have their workload adjusted appropriately. Language from Queen's University provides such protections:

#### *37.5 Librarian and Archivist Workload*

*37.5.10 Members may request or agree to accept responsibilities within the Library and Archives in addition to the normal workload, but shall not be required to do so. Members accepting such additional responsibilities are entitled to a reduction in other components of the workload, or an appropriate stipend, or both.<sup>30</sup>*

## Complement

Declines in the librarian and archivist complement can have a detrimental impact on their working conditions. A "do more with less" approach leads to increases in assigned workloads that cut into research and service time. This also allows and encourages the assignment of librarian and archivist duties to non-academic staff, which de-professionalizes the professions and negatively impacts the academic integrity of the institution.

Complement language as found in Acadia University's agreement provides protection from workload increases and de-professionalization :

*50.02 There shall be a minimum continuing complement of ten (10) full-time Librarians and Archivists who are members of the bargaining unit.<sup>31</sup>*

29. Brandon University Faculty Association, March 31, 2019, Appendix B, Job Descriptions of Professional Associate Positions [including Librarians and Archivists].

30. Queen's University Faculty Association, 2015-2019, Article 37.5, Librarian and Archivist Workload.

31. Acadia University Faculty Association, 2017-2021, Article 50, Library Appointments.

De-professionalization can also be resisted through language that blocks the assignment of librarian or archivist work to non-bargaining unit members. A good example is from the Mount Allison collective agreement:

*12.26 The Employer agrees not to employ non-members of the bargaining unit to perform duties in the operation of the library normally and historically performed by professional librarians at Mount Allison University except as specified below:*

*i) persons excluded from the bargaining unit by Clause 1.01(n); and*

*ii) other persons agreed upon by the Employer and the Union.*

*The Employer also agrees not to employ non-members of the bargaining unit to perform new duties established by the Employer in the operation of the library which require the qualifications of a professional librarian to be performed effectively. The parties also agree that responsibilities that have normally and historically been performed by other full-time and part-time Library staff do not constitute duties in the operation of the library normally performed by professional librarians.<sup>32</sup>*

## Transitions

It is important to recognize that members, after many years of working under current employment conditions, should not be required to suddenly adopt new obligations such as those contemplated in this advisory, including research.

Associations should consider including transitional measures and options as part of their bargaining approach in order to manage change in a way that is fair to all members. Members may want to have their terms of employment grand-parented or be able to select from one or more workload configurations that best suit their expertise, experience, and interests.

32. Mount Allison Faculty Association June 30, 2019 (expiry), Article 12, Professional Responsibilities, Teaching Duties, Duties in the Operation of the Library, and Workload.

## Conclusion

At the bargaining table, employers resist providing librarians and archivists parity with faculty because of possible cost increases, but also because of cultural lag that holds onto historical traditions of managerial control and paternalistic practices. However, as shown above, with support from their academic staff associations and their professoriate allies, advances toward parity are being made across the country.