



Good Grievance: Library Council as Grievance Resolution Forum

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Abstract

After failing to resolve an association grievance by means of mediation and collective bargaining, the Association of Professors of the University of Ottawa (APUO) signed a Letter of Understanding (LoU) transferring grievance settlement to library council. This decision was both novel and carried risks, but ultimately led to members of library council using the forum effectively. This article discusses library council as an instance of collegial governance, explains the grievance, and explores when library councils might be considered for grievance resolution.

Keywords grievance, library council, collegial governance



Bon grief : le conseil de bibliothèque comme forum de résolution des griefs

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Résumé

Après avoir échoué à résoudre un grief de l'association par la médiation et la négociation collective, l'Association des professeur(e)s de l'Université d'Ottawa (APUO) a signé une lettre d'entente transférant le règlement des griefs au conseil de la bibliothèque. Cette décision était à la fois nouvelle et risquée, mais elle a finalement permis aux membres du conseil de bibliothèque d'utiliser le forum de manière efficace. Cet article présente le conseil de bibliothèque comme un exemple de gouvernance collégiale, explique le grief et explore les cas où les conseils de bibliothèque pourraient être envisagés pour le règlement des griefs.

Mots-clés grief; conseil de bibliothèque; gouvernance collégiale

Introduction

Are library councils suitable venues for grievance settlement? This is not a question I thought to ask prior to resolving an association grievance in library council at the University of Ottawa. The grievance was brought to library council after the union and the employer attempted to resolve the conflict in both mediation and collective bargaining but failed. As a last resort, the union suggested library council as a creative route to resolution that would give librarians a strong degree of control over the outcome. Ultimately, the union and the employer signed a Letter of Understanding (LoU) that transferred grievance resolution to library council. While the grievance has now been settled since 2023 and the parties seem satisfied with the resolution, the experience has induced me to query whether library council could or should be a more regular option for grievance resolution. To answer this, I explore how librarians at the University of Ottawa used the forum of library council to settle an association grievance concerning hiring procedures for Associate University Librarians (AULs). In the article I offer details regarding the association grievance and generalize the types of grievances that may be resolved in this unconventional way. I also provide reflections on how collective, creative problemsolving has changed librarians' perception and use of library council.

Collegial Governance and Library Council

Many universities in Canada operate with bicameral governance structures, meaning there are two separate branches of governance that work together to manage the institution. Most institutions are split between the financial and administrative management of the institution — usually overseen by a cadre of senior managers, appointees representing the province or other entities, and students — called a Board of Governors or Board of Regents. The other branch of governance is responsible for academic decision-making and is often referred to as the Senate. The Senate consists of professors, students, academic staff, deans, and others whose expertise as educators or experience as students is critical to developing and delivering high quality academic programs and supporting research. Reporting to Senate are other bodies such as academic integrity or teaching and learning committees, as well as faculty councils and occasionally library councils. Though there are variations, some library councils operate similarly to this bicameral system in that they consist of both management members (administrators, finance managers, etc.) and professors or librarians who jointly make decisions about a faculty or the library. In library councils, non-administrative librarians participate in varying degrees of decision-making according to the terms of reference, bylaws, or collective agreement governing the forum. In principle,

library councils function in similar ways to faculty councils where members debate budgets, curricula, student enrollment strategies, educational programs, academic policies, etc. The subjects vary in library council but typically include discussions regarding strategic priorities, new service areas, and system-wide projects. Including non-administrative librarians in decision-making in library council is how collegial governance is operationalized in academic libraries. With that said, Revitt and Luyk (2016) argued that library councils across Canada "function primarily as information-sharing forums rather than the decision-making bodies they were originally intended to be," implying that they are not constructive in supporting collegial governance (p. 61). One-way communication solely for the purpose of improving organizational performance is typical in private, for-profit companies that have no union representation or collegial governance (Dundon et. al., 2005, p. 312) and is inconsistent with the way universities and academic libraries should operate given their bicameral structure. When library councils operate as genuine venues for collegial governance, members have the duty to attend meetings, learn about issues being decided, and they expect to have roles in deciding how the library is administered.

At the University of Ottawa, library council is a venue for consultation with the University Librarian whose recommendations go to the Administration Committee where decisions are made. Unlike faculty council, library council does not report to Senate, although a dedicated academic librarian position exists in addition to the University Librarian. While librarians do not have decision-making authority in library council, consultation is required by the collective agreement, and in recent years, debates concerning topics spelled out in the collective agreement have become more frequent. For example, in early 2021, unionized librarians defended themselves against management's attempt to compel them to work physically on campus a minimum of three days per week in violation of the collective agreement. Another example is that of administrative reorganization, where the University Librarian is required to consult with library council before making recommendations to the employer (Convention collective entre l'Université d'Ottawa et l'association des professeur(e)s de l'Université d'Ottawa 1 mai 2021 au 30 avril 2024, 2021 p. 262). Consultation ensures that the University Librarian is exposed to the diverse professional and lived experiences of librarians who are not management but are experts in library work and operations. Nonetheless, consultation is not decision-making, and the quality of consultation varies greatly

¹ Librarians at the University of Ottawa are not obligated to work on campus unless they have specific oncampus duties (Convention collective entre l'Université d'Ottawa et l'Association des professeur(e)s de l'Université d'Ottawa 1 mai 2018 au 30 avril 2021, 2018 235).

depending on the subject. Furthermore, the University Librarian may listen to council and then decide something that council advised against. So, when the union turned over an association grievance to library council for resolution, librarians were endowed with a power that they had not experienced previously.

Librarians and Grievance

A grievance is an allegation that the collective agreement has been violated (Vaisey 2014). Workers have access to several types of grievances in unionized workplaces. At the University of Ottawa, grievances are individual when they concern the impact of an employer action or decision on one person. The individual meets with the employer, accompanied by a union officer, and attempts to resolve the conflict. If the individual grievance is not settled at this first meeting, the union's executive committee reviews the documentation, meets with the individual member, and decides whether the grievance has merit. Should the union executive decide to assume the grievance, mediation or arbitration follows.

To say that academic librarians are not especially given to filing grievances would be accurate (Vaisey, 2014). Grievances can be perceived as acts of disrespect lacking in collegiality, but this is based on a misunderstanding of the concept of collegiality which tends to be confused with congeniality (Freedman, 2009).² This misunderstanding notwithstanding, many librarians are reluctant to file grievances or be associated with one (Vaisey, 2014). According to Vaisey (2014), 25% of academic librarians who answered a national survey had filed individual grievances, but 60% responded that they had been tempted to file one. The reasons for not grieving include "fear of reprisal, fear of isolation, fear of impact on colleagues, and fear of losing benefits previously granted" (Vaisey 2014, p. 190). To these I would add anxiety about the process itself. Many workers are unfamiliar both with the steps involved and with what can be achieved through grievance. The prospect of meeting with management to justify one's disagreement with their actions, even when accompanied by a competent grievance officer, can be daunting. Learning what possible outcomes result after filing grievance can also be discouraging. Librarians, like other workers, tend to keep quiet or use other outlets for frustration. Past research by Lewin and Peterson (1988) estimated that for every grievance settled using formal grievance procedures, 12 grievances were settled informally. More recent research suggests that social media functions as a collective outlet for worker dissatisfaction, and that platforms such as Reddit provide a way for librarians to complain without the risks of complaint or grievance (Ming &

² Readers may also wish to consult Canadian Association of University Teachers (2022).

Matteson, 2023). An unfortunate consequence is that employers might not realize what ought to be improved, and workers may be less and less comfortable expressing themselves when they have issues in the workplace.

Another type of grievance is a group grievance, where two or more union members are affected by an employer action or decision. In these situations, a single member is chosen to represent the group and go through a process that is similar to the individual grievance process described above. Finally, there are association grievances where the union itself files a grievance. These are often referred to as policy grievances and involve conflicting interpretations of collective agreement language that may affect all members of the bargaining unit, or in the case of the grievance discussed here, all members of a portion of the bargaining unit — the librarians. However, because the parties are the employer and the union, rarely are members involved in resolving an association grievance.

Grievance Details

The origin of the grievance was an email announcement from the University Librarian in April 2020 explaining that one AUL position had been left vacant for more than a year and that two people occupying AUL positions had suddenly been swapped into each other's positions without posting the vacancies or involving selection committees. At the time of the email, the University of Ottawa had five Associate University Librarian (AUL) positions, all excluded from the bargaining unit. The APUO collective agreement contained articles outlining procedures for hiring all librarians, making no distinction between bargaining unit members or members who were excluded by virtue of management responsibilities (all librarians are considered APUO members in the collective agreement, but some are temporarily excluded while in management positions). Consequently, when librarians learned that an AUL position was left empty for more than a year during the COVID-19 pandemic lockdowns and that two AULs had been transferred into different positions with no transparent process as to how or why this was done, there was confusion since this practice deviated substantially from procedures in the collective agreement. Normally, when a librarian position is vacant and the University Librarian decides to fill it, Librarians Personnel Committee (consisting of librarians representing the union) must be consulted within a reasonable amount of time regarding how to fill the vacancy (Convention collective entre l'Université d'Ottawa et l'Association des professeur(e)s de l'Université d'Ottawa 1 mai 2018 au 30 avril 2021, 2018, p. 101). In this case, no consultation had taken place for any of the three positions.

Moving the Grievance to Council

After more than a year of attempting to resolve the grievance in mediation, APUO introduced it into collective bargaining, hoping to achieve resolution there. Unable to do so, the union and employer signed a Letter of Understanding (LoU) that transferred responsibility for drafting language for hiring AULs to library council. The grievance would be settled if library council was satisfied that a new procedure met its threshold for clarity and transparency (Carrière & Giroux, 2021). The collective agreement and LoU were both ratified in summer of 2021, yet the employer did not attempt to consult with library council regarding AUL hiring procedures following ratification. Union members thus approached the University Librarian and requested that consultation begin as it became clear that a process for hiring an interim AUL would take place in 2022. Over the next 12 months, library council members debated whether the procedures drafted by the University Librarian were clear and transparent, which was the foundational requirement of the LoU (Carrière & Giroux 2021). Union members also communicated with a grievance officer and the union's legal counsel to ensure that the procedures under consideration did not transgress any other articles in the collective agreement nor would they have undesirable impacts on members.

Educating and Supporting Union Members

Once the grievance regarding AUL appointment processes was moved to council, challenges surfaced that may not have been anticipated by the parties who negotiated the LoU. Unlike in mediation and collective bargaining where both parties are very familiar with articles being contested or defended, one of the biggest challenges was explaining the details and significance of the procedures for hiring AULs to librarians, many of whom were hired after the grievance was filed and had no historical context for understanding it. Furthermore, the University Librarian introduced the discussion on procedures for hiring AULs in council as the codification of an existing process and avoided mentioning the grievance or negotiations, both of which were instrumental in bringing the issue to library council. This created confusion as librarians did not realize that decisions made in council were an extension of collective bargaining and would impact the collective agreement. Explaining the significance and impacts of the deliberations to union members outside of library council was paramount in a highly technical, recurring debate where it would sometimes feel as though little progress was being made on an issue that only a few understood.

Readers who have participated in collective bargaining know the lengthy periods of focus and dialogue necessary to achieve just the right language to describe

procedures in collective agreements. Imagine this activity taking place in a group of 45 or more people — many of whom did not know the specific sections of the collective agreement that were being discussed very well, did not fully understand the issue, and wanted to move on to other matters. It was a half-dozen librarians who continued to press for improvements to the procedures presented by the University Librarian at first, but as broader understanding of the issue took hold, momentum and collective engagement gradually increased as well. Library council members understood that the issue was fundamentally about fairness, predictability, and transparency in hiring — something that all bargaining unit members are subject to, and they understood that the same should be applied to management. To the credit of both council members and the University Librarian as Chair, each meeting where the procedures were discussed resulted in positive changes. Furthermore, highly involved librarians communicated with the University Librarian in between meetings so that progress was quicker than if all communication had taken place only during library council meetings. It should be noted that while this process was not optional for the University Librarian (who chairs library council), substantial time was set aside for discussions and at no point did the Chair discourage members from pursuing procedures that would satisfy the requirements of the LoU. The negotiation was done in an iterative, fruitful, and collaborative way. Relationships were preserved and resolution was achieved without anyone losing face or feeling belittled.

Observations

Why was council successful where mediation and bargaining failed? Firstly, it must be acknowledged that the nature of the conflict lent itself well to council since it concerned hiring processes for AULs, which affected all librarians yet was not an intensely emotional issue. This allowed everyone to participate in collective problem-solving negotiations without the posturing that often accompanies labour bargaining. Secondly, the new procedures were negotiated openly, and all librarians had a chance to contribute. This transparency was unequivocally positive despite challenges of educating members about the grievance. Had the issue been resolved in mediation, librarians may have been informed of the outcome, but would not have participated in the process since mediation is the most confidential method of resolving grievances. A collective and open process to resolve the grievance was empowering and may have changed how some librarians perceive council as well as

the collective agreement.³ The experience underscores research that argued that workers view outcomes as fairer when workers are directly involved in dispute resolution compared to when their opinions and needs are not taken into account (Van Gramberg et al., 2020). Moreover, members of council were engaged and active; they prepared for discussions and had strategies for each meeting. The fact that APUO surrendered control over the process is a fact. However, library council was deemed the least risky option and the one where librarians could have the most voice in the outcome. In terms of language agreed to, the table in Appendix A details many changes that resulted from the LoU. Objectively, there were some losses for the union, but librarians gained in other ways. There is a procedure in place that librarians agreed was clear and transparent and the text includes the option to amend procedures when necessary. And most importantly, there is a sense that council can be a space for genuine voice and action.

Will this exercise in democratic grievance resolution be repeated? While the process and outcome of the discussions were both reasonable, important factors included:

- The parties were willing to surrender the traditional grievance resolution process;
- Union members committed to learning about and debating the grievance and the collective agreement publicly during library council;
- The Chair of library council made time for debate and acted on feedback of members;
- Council members were assiduous and engaged in meeting attendance;
- There was regular communication between librarian members and the union's leadership, grievance officer, and legal counsel;
- The union, union members, and the employer understood that what was agreed to would be legally binding.

Suggestions for Future Grievance Settlement

There are pitfalls to using library council to resolve disputes concerning the collective agreement, and they should be considered before engaging such a process. First, the obvious: many members have not read the collective agreement and do not know their rights. Frequent staff changes among librarians and varying

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³ I do not have hard evidence to back up this claim. However, in the 16 years that I worked at the University of Ottawa prior to the grievance, I never heard librarians suggest "let's bring this to Library Council!" when they wanted to make changes to how the library operates or resolve other labour issues. Library Council is now viewed as a forum in which to collectively discuss and negotiate other demands.

levels of interest will impact how familiar members are with the collective agreement. Other risks are that members may be unaware of the significance of an issue, or do not care about it, and some side with the employer regardless of the concern. Transferring responsibility for grievance resolution to a forum chaired by the employer and attended by a diverse group of union members requires trust on the part of the union executive, the union president (who ultimately signs the settlement for an association grievance), and legal counsel. It also requires the members who are invested in the grievance to educate other colleagues, hold meetings, and expend energy in the service of an issue that may be of marginal general interest. Library council is more likely to be successful in resolving grievances that impact and interest the whole group.

One factor that was initially lacking at the University of Ottawa was union-based education regarding the grievance. I suggest that unions take the time to educate all members affected by an association grievance before transferring the responsibility for settlement to people who have many different levels of knowledge of the collective agreement. In this case, that responsibility fell to only a few librarians where more support from the union would have been beneficial.

With those caveats in mind, how can library councils effectively engage in grievance resolution? It helps a great deal when library council is codified in a collective agreement and when it is "mandated as a planning and policy-making body, not merely as an information-sharing committee" (CAUT, 2023, para. 1.1). At the University of Ottawa, the specific rules and procedures are not detailed in the collective agreement, but council's mandate and general operations are described. Union members have recourse to grievance if the collective agreement is not observed. This reduces some of the risk. Next, it helps when a Chair is committed to collegiality and provides time to discuss an issue in depth. If there isn't enough time dedicated to a discussion, members can table it and request that the Chair set aside more time in a future meeting. Obviously, members need to prepare. As with any goal-oriented process, they should define the ideal outcome and prepare a secondary objective if the desired goal cannot be achieved. Victories are rarely complete or quick — complex grievances are often addressed iteratively by way of a string of smaller accomplishments. Additionally, members need to read meeting agendas and minutes and be ready to suggest modifications to both if necessary. They should research issues, talk to colleagues, and communicate with the union. As for meetings, members should decide what points are most relevant to make in a public forum, prepare draft resolutions if required, and informally appoint speakers to address different parts of an issue. Unless something is very time-sensitive, discussions can be paused and restarted at a

future meeting. Pausing provides time to reflect, do further research, and meet outside of council. Ideally, those who engage are a diverse group — avoid, for example, having only the newest or most senior colleagues always speaking out, or those in one department. Though in some cases this might not be helpful — for example, if a cost-cutting measure is primarily affecting workers in a single unit. In such a case, a majority of voices from that unit plus a few others might be preferable to a group with a wide range of opinions and experiences. Informal meetings in between official meetings provide opportunities to hear different perspectives and can help a group decide on required changes. And even if many choose not to speak in council, some will. Observing colleagues using their voice encourages others. Resolving an association grievance may not be the first challenge that a newly activated library council would take on, but it might not be long before organizing, solidarity, and support can result in the "creative potential" that Ahmed (2021) discusses in the conclusion to Complaints! This creative potential acknowledges that the work of complaining — of filing grievance — is useful in its own right, both as a record and as fertile ground for organizing and mutual support (p. 289).

Walk, Don't Run

Library council may be a suitable forum for grievance settlement depending on the nature of the issue, but I have heard anecdotally over many years that library councils are rarely effective venues for such collective exercises. Power imbalances, excessive hierarchy, fear of repercussion, systematic cultures of silence, lack of collegial governance, intolerance of dissent, acceptance of toxic workplace culture, and absence of visible change when workers use their voice all contribute to disengagement and ultimately can lead to silence in a venue such as council (Gan, 2020; Cullinane & Donaghey, 2020; Ahmed, 2021). Of concern for librarians, high vocational commitment and apprehension about damaging relationships also encourage silence (Cullinane & Donaghey, 2020). If library councils exhibit or protect these counter-productive elements, they too can silence workers and would not be suitable for grievance resolution without changing the culture of the forum. An extreme example is described in Complaint! which relates the stories of women of colour academics whose careers were negatively impacted for attempting to confront discrimination, harassment, and toxicity in their workplaces through complaint (not official grievance, and to my knowledge, none of the victims were members of effective unions) (Ahmed, 2021). Grievance or complaint resolution requires time, energy, knowledge, courage, trust, resourcefulness, vulnerability, support, and protection for those who speak out. Using library council as a venue

for conflict resolution is unusual — possibly because many workplaces do not welcome collective or politicized voice and instead require workers to speak to supervisors privately and individually when they have complaints. But some injustices are systemic and structural, and librarians need venues for collective conflict resolution. Waiting years for collective bargaining to begin is not practical. Whole unions will rarely strike for issues that affect only librarians. That means library council is one of the few timely options for collective grievance resolution.

Conclusion

In organized workplaces, unions and collective agreements have long provided formal channels for communicating with employers and resolving conflicts. Despite best efforts, such channels may not result in satisfactory conclusions. In this article, I described how one library council was an alternative space for settling an association grievance when traditional methods of grievance settlement failed. Although the settlement text does not present an unequivocal victory for the union, the process nonetheless had benefits. These included high-quality participation in library council, a shift in the way that librarians view and use council, and the experience of collective power. Openly and inclusively resolving a grievance and shaping the collective agreement according to what librarians wanted to achieve is an important step to creating a more dynamic, worker-led, and effective library council. There are lessons in this example not only for librarians but other groups of workers without access to shared decision-making.

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Appendix A

This table outlines many of the changes made to procedures for hiring AULs at the University of Ottawa.

2018-2021 Collective agreement

17.7.1.1 When a Librarian position becomes vacant, the Employer or its delegate shall decide whether to fill the position without modification, transform it, or abolish it. The Employer shall make its decision known within a reasonable period of time after the position becomes vacant. For the purpose of this section, a vacant position refers to a position that the Employer has decided to fill pursuant to the process described in this section.

17.7.1.3 When the Employer decides that a position is to be filled, the following

provisions shall apply:

- (a) the position shall be filled without undue or unreasonable delay;
- (b) the University Librarian shall, after consulting the head of the relevant administrative unit and the LPC, decide whether the position is to be filled on a regular basis as per 17.7.3 or temporary basis, it being understood that this decision is to be taken within ten (10) working days following the consultation of the LPC. If she decides to fill the position temporarily, she shall also consult the LPC regarding the various ways of so doing, as described in 17.7.2.1.

LoU text + 2021-2024 CA⁴

17.7.1.1 When a Librarian Member position becomes vacant, the Employer or its delegate shall inform the LPC without undue delay and decide whether to fill the position without modification, transform it, or abolish it....

(Note that the addition of the word "Member" clarifies that this article only applies to members of the bargaining unit.)

Regular, temporary, and interim appointments are all separated into separate sections in the post-LoU text.

The University Librarian decides whether the position is to be filled as regular, temporary, or interim — no consultation is necessary.

There is no longer a requirement for positions to be filled without undue or unreasonable delay.

There is no longer a requirement to consult with LPC.

For regular appointments, the process to appoint an AUL is led by the University Librarian and Vice-Provost (ULVP).

⁴ Processus de nomination des bibliothécaires associés (BA) / Appointment process for Associate University Librarians (AULs), 2023.

*17.7.1.6 The following provisions apply when the University Librarian, pursuant to the provisions of this agreement, is to consult a selection committee prior to filling a vacant position. The committee shall be composed of:

- (a) the University Librarian or her delegate, who shall not have the right to vote;
- (b) the head of the administrative unit to which the position is attached or, in the case where the head is the University Librarian, any other person designated by her, who will serve as chair;
- (c) a member of the LPC, chosen by it;
- (d) The University Librarian may, after consulting the other committee members, invite one (1) or two (2) other persons whose experience may be useful to join the committee.

The ULVP will strike a selection committee. Selection committee membership will include:

ULVP (chair)

a representative of the Library's Executive Committee

a representative of the Division that will be the AUL's assigned portfolio

an administrative employee at the Library

a Librarian Member holding a continuing appointment and elected by Library Council (Article 31.1.3.2 APUO c.a.).

Selection committee membership may also include:

one or more representative(s) from inside or outside of the Library whose experience is pertinent.

(Note that the union lost the right to representation without an LPC member on the selection committee.)

*17.7.1.6.1 Procedures

- (a) The chair of the selection committee shall give copies of all documentation provided by the candidates to the selection committee.
- (b) Selection committee members shall decide which candidates are to be interviewed.
- (c) The chair shall establish a schedule for interviewing all selected candidates.
- (d) For each of the candidates to be interviewed, the chair shall prepare a file

The selection committee will carry out the normal duties of such a group including deciding which candidates to interview, deciding on the specific format of the selection process, conducting the interview, and making a recommendation to the ULVP. Members of the selection committee will be required to participate in available employment equity training provided by the University of Ottawa. In the event that no employment equity training is available at the time, an alternate suitable employment equity training program may be required.

for the selection committee members, to be given to them at least three (3) working days before the interviews. Depending on whether or not the process is to hire for a permanent position or a temporary position: The selection process will include: candidate presentations to which all Library employees are invited, with the opportunity to pose questions. Library employees will be invited to provide confidential feedback on candidate presentations. an interview other elements that the selection committee members may deem suitable (Permanent) The selection process: Candidate presentations to which all Library employees are invited may be included in the process at the discretion of the selection committee but will not be required (Interim and Replacement) 17.7.1.7.1 Appointments of Associate University Librarians are made by the Administrative All decisions made by the selection Committee, upon the recommendation of committee shall be documented. After the the ULVP who gives proper consideration to appointment process is completed, copies the recommendation of the selection of said documentation shall be filed in the committee, information received through Office of the University Librarian. reference checks, and feedback on candidate presentations received from Within ten (10) days of the final library employees. interview, the selection committee shall give the University Librarian a written statement of its recommendation and its

reasons therefor, and shall place the other candidates in order of preference, it being understood that if no candidate is deemed capable of filling the position, the committee's recommendation shall so state.

The University Librarian shall give proper consideration to the recommendation of the selection committee, and shall decide, no later than ten (10) working days after receiving this recommendation, which candidate's appointment to recommend to the Administrative Committee or its delegate. In the event that the University Librarian's recommendation differs from that of the selection committee, the University Librarian shall inform the selection committee and forward its recommendation to the Administrative Committee or its delegate.

When the Administrative Committee or its delegate decides to appoint a person, the selection committee members and the candidates interviewed for the position shall be promptly informed by the Chair, in writing, of the decision including reasons, within ten (10) working days, and the procedure for filling the position shall be completed as soon as possible.