

TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: April 20, 2021

SUBJECT: Right of First Refusal / Seniority for Term Appointments

In recent months, MUNFA has been made aware of a number of questions/concerns relating to the new right of first refusal language and seniority provisions for contractual Academic Staff Members (ASMs) which were introduced in Article 23 ([Clauses 23.13 and 23.14](#)) during the most recent round of Collective Bargaining. On April 12, 2021 MUNFA filed an Association Grievance contending that the University, by failing to follow seniority and right of first refusal provisions in the hiring of term appointments, have violated the Collective Agreement.

For the purposes of Article 23, the Search Committee shall assess candidates primarily to determine the amount of experience based on an examination of the number, duration, and type of non-tenure track contracts held at the University, and/or the number of per course Courses which have been taught at the University over the past six years. Term applicants with the most experience shall have the right of first refusal for any term position for which the candidates have qualifications that match those required for the position, as assessed by the Search Committee. This right of first refusal for contract extensions or renewals is retained following any approved leaves or breaks in employment as a term ASM at the University of no more than twelve (12) months duration.

Further, if an ASM currently holds a term position (i.e. they are the incumbent) and does not have a documented unsatisfactory record with the University, they must be offered the right of first refusal to extensions or renewals of their term appointment.

For advertised term positions, a Search Committee must first recommend for rehiring any applicants who have previously taught Courses at the University, and meet the criteria as specified in [Clause 23.13](#). In cases where applicants have equal experience, the term position must be offered to the candidate who is most qualified for the position. In cases where two or more candidates are equally qualified, the principles of equity and diversity takes precedence.

We would also draw your attention to the [Search Committee Checklist](#) which MUNFA developed in 2019 to support the work of Search Committees.

If you have questions regarding Clause 23.14, or the search process as a whole, please contact munfa@mun.ca.