

August 27, 2012

## **FREQUENTLY ASKED QUESTIONS FOR FACULTY AND STAFF REGARDING BILL 78 (also known as Law 12)**

### **1) What are Concordia's obligations under Bill 78?**

Concordia must ensure that all students have access to instructional services (including library services and classes). Additionally, Concordia has a duty to report to the Minister of Education, Recreation and Sports on all disruptions and situations when instructional services could not be delivered or when access to services was affected.

### **2) What does this mean in practice?**

Concordia is legally required to take necessary action to ensure that all scheduled classes will be taught in accordance with Senate regulations, class schedules and so forth. In other words, Concordia must ensure that faculty and staff members report for work when scheduled to do so, and that access to classrooms and other university facilities (including libraries) is not restricted.

### **3) As a faculty or staff member, do I have legal obligations under Bill 78?**

Yes. Faculty and staff members are legally obligated to take measures to ensure that instructional services are delivered or continue to be delivered without any reduction of services and that access to these services is not denied. Therefore, faculty and staff members are expected to:

- Take all appropriate means to ensure that instructional services are delivered.
- Be prepared to perform your duties and fulfill your responsibilities.

### **4) As a faculty or staff member, what should I do if I am faced by a disruption that prevents me from delivering instructional services or restricts access to these services, or if I become aware of a disruption?**

Concordia is subject to fines if it does not report disruptions. Therefore, if you are faced by, or become aware of, a disruption that affects the university's ability to deliver instructional services, we are relying upon you to ensure that the university is made aware of this situation. In such a case, we ask that you take the following actions to help the university meet its legal obligations:

- Immediately contact the Security Department to request assistance by calling 514-848-3717, or ext. 3717 internally, and pressing 1. This number is the same for both the Loyola and Sir George Williams campuses, and can be used from a cellular phone or free of charge from any campus pay phone.
- Submit a written report of the incident as soon as possible to your department chair with a copy to your department administrator and Faculty dean, including all relevant details (please see below). In the case of staff members who are not in academic units, we ask that a report be sent to your immediate supervisor.
- Please include the following information in your report:

- Date and time of the class or other scheduled instructional service that was disrupted.
- Brief description of the disruption, what transpired and the outcome.

**5) What is the role of the Security Department in cases when classes are disrupted or if access to the class or facility is blocked?**

The role of our Security Department is to ensure the safety and well-being of the members of the university community. The department does not have the mandate to physically remove people who create disruptions or block access to classrooms or facilities.

However, our security agents will assess the particular situation, record the details of the incident and determine what action needs to be taken. This may involve asking people to stop any disruptions or to allow access to the classroom or facility, or calling the police to intervene.

**6) What happens if I choose not to submit a written report?**

Bill 78 is very explicit regarding the legal obligations imposed on Concordia to address disruptions. Because we can only act through our faculty members, staff and other representatives, we ask that all members of our community assist the university by filing a report when they become aware of a disruption that impedes Concordia's ability to deliver instructional services.

It is important to be aware that Bill 78 outlines significant financial penalties that can be imposed by the government on any individuals who contravene certain specific provisions of the law. This also applies to individuals who help or induce someone else to disobey the law.

**7) What action could result in severe financial penalties for faculty or staff members?**

Examples of what would constitute an offence under Articles 10 and 11 of Bill 78 are:

- Refusal by a faculty member to teach classes or labs, or to respect scheduled office hours or frequent the campus.
- Failure of a staff member to arrive for scheduled duties or a failure to provide the full range of normal services to students.

**8) Whom do I contact if I have more questions?**

Please contact your dean's office. Or, if you work in a non-academic unit, please speak to your immediate supervisor.

**9) Where do my students go if they have more questions or need assistance?**

- Please ask students to contact the Dean of Students Office at [deanofstudents.office@concordia.ca](mailto:deanofstudents.office@concordia.ca) or at 514-848-2424, ext. 3517 (Sir George Williams Campus) or ext. 4239 (Loyola Campus).
- If there is a disruption, or access to a class or facility is blocked, students should call the Security Department to request assistance at 514-848-3717, or ext. 3717 internally, and pressing 1. This number is the same for both the Loyola and Sir George Williams campuses, and can be used from a cellular phone or free of charge from any campus pay phone.

**Concordia does not expect faculty or staff members to deliver instructional or other services in situations that would place them or others at risk of harm.**

## **BACKGROUND: SPECIFIC LEGAL OBLIGATIONS OF BILL 78**

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### **Section 1: Duty to ensure delivery of instructional services**

**Article 3** of the law states:

*“Every institution and its officers and representatives **must employ appropriate means to ensure** that instructional services are delivered or continue to be delivered to all students having a right to such services.”*

### **Section 2: Duty to report to work and perform all duties without slowdown**

The first paragraph of **Article 10** of the law states:

*“**All employees must**, as of 7:00 a.m. on 19 May 2012, **report for work according to their normal work schedule** and other applicable conditions of employment.”*

**Article 11** of the law states:

*“**All employees must**, as of 7:00 a.m. on 19 May 2012, **perform all duties** attached to their respective functions, according to the applicable conditions of employment, **without any stoppage, slowdown, reduction or degradation of their normal activities.**”*

### **Section 3: Absolute right to instruction and access**

**Article 13** of the law states:

*“**No one may**, by an act or **omission, deny** students their **right to receive instruction** from the institution they attend or prevent or impede the resumption or maintenance of an institution's instructional services or the performance by employees of work related to such services, **or directly or indirectly contribute to slowing down, degrading or delaying the resumption or maintenance of such services or the performance of such work.**”*

**Article 14** of the law states:

*“**No one may**, by an act or **omission, deny a person access** to a place if the person has the right or a duty to be there in order to obtain services from or perform functions for an institution. Without restricting the generality of the first paragraph, any form of gathering that could result in denying such access is prohibited inside any building where instructional services are delivered by an institution, on the grounds of such a building or within 50 metres from the outer limits of such grounds.”*

### **Section 4: Duty to report**

**Article 18** of the law states:

*“On noting that it is unable to deliver instructional services to all or some of the students having a right to such services, an institution must, without delay, report the situation to the Minister of Education, Recreation and Sports, including the circumstances that caused the situation, the groups of students affected and, for each of those groups, the student association to which it belongs as well as any other information that may be useful for the purposes of this Act.”*