



MEMORANDUM

OFFICE OF THE PROVOST AND VICE-PRINCIPAL ACADEMIC

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TO:	ALL FACULTY DEANS
	cc: Robin Beech, Dean of Students Chris Buddle, Associate Provost, Teaching & Academic Programs Angela Campbell, Associate Provost, Equity & Academic Policies Fabrice Labeau, Deputy-Provost, Student Life & Learning Josephine Nalbantoglu, Associate Provost, Graduate Education & Dean of Graduate and Post-Doctoral Studies Line Thibault, General Counsel Leigh Yetter, Senior Director, Strategy & Operations, Office of the PVPA
FROM:	Christopher P. Manfredi, Provost and VP (Academic)
DATE:	29 August 2021
SUBJECT:	Faculty Concerns – Return to Campus: Principles & Process

Please circulate this memo to your respective Chairs.

Most faculty and students are looking forward to the return to in-person teaching and learning this Fall. However, a small number of academic staff are reticent and have intimated their intention not to teach on campus. This is unfortunate, as it threatens to compromise the learning experiences for students. This memo intends to guide Faculty Deans in circumstances where a faculty member does not appear to teach in person. This information should be supplemented by case-specific advice that we can provide, and will be informed by facts.

Starting premises

As confirmed and communicated since February 2021, McGill is returning to in-person teaching in AY2021/22 (with some exceptions for large enrolment courses) to the fullest extent possible. Accordingly, all faculty assigned to a classroom for their courses are required to be present to teach in person (with the understanding that there may be some online components which would have been proactively planned for based on pedagogical considerations).

This requirement is supported by the [regulations that apply to tenure-track and tenured academic staff](#).

4.1 “Academic Duties” include:

- (i) teaching (such as graduate and undergraduate courses, supervision of individual students and assessment of student work);
- (ii) research and other original scholarly activities, and professional activities; and
- (iii) other contributions to the University and scholarly communities.

4.2 A staff member shall be engaged throughout the Academic Year primarily in the staff member’s Academic Duties. Staff members shall be available for such duties at the University at such times as teaching, research, administrative or other Academic Duties, including student assessment, counseling and registration, may require. As a minimum, staff members shall be available from the first day of September to the day following the spring convocation.

4.3 The allocation of Academic Duties is the responsibility of the Departmental Chair, who shall consult with the Dean to take into account the pattern of such allocation within the department, faculty, and University.

Likewise, the [regulations applicable to CAS](#) provide:

5.4.2 The assignment of Academic Duties to be carried out by Ranked CAS shall be determined by the Departmental Chair and shall be communicated in writing to the staff member within a reasonable time of the Ranked CAS’ appointment.

5.5 Ranked CAS shall attend administrative and pedagogical meetings called from time to time by the unit, departmental and faculty level, and shall be available at the University at such times as teaching, research, administrative or such other Academic Duties, including student assessment, counselling and registration, may require.

[...]

5.7 Unless otherwise specified in the OLA, Ranked CAS are expected to be engaged in, and available for, their assigned Academic Duties throughout the Academic Year.

The employment conditions of course lecturers are governed by the terms of MCLIU collective agreement, and similar principles apply. For details, please contact [Francis Desjardins](#).

Academic staff are not permitted to determine, unilaterally, that they will teach remotely rather than in person. Should a faculty member indicate that they are concerned about the risk of COVID-19 exposure on account of a pre-existing health condition, that colleague should be advised to connect with Human Resources to assess the situation and determine outcomes. The contact point is: disability.hr@mcgill.ca.

Faculty members should inform their Chairs/Directors if they are seeking accommodations via HR-Benefits, so that planning can begin to ensure the continued delivery of their course(s). It is extremely important for Chairs and Directors to keep their respective Deans apprised of these cases.

If a faculty member does not have medical certification approved by HR to support an accommodation in the form of online/remote teaching, normal requirements apply. The colleague must be present to teach in person as of 1 September.

The following are **not** valid reasons for granting permission to teach remotely: fear about campus safety, residing in another jurisdiction, or concern about relatives who might be at heightened risk or exposure to COVID-19, including those living under the same roof.

McGill's Coronavirus website has detailed information spelling out [guidelines](#) for members of the McGill community with health-related concerns, including those who believe they should not return to work because they fear that this puts their health at risk. Please refer colleagues to this page as appropriate: <https://www.mcgill.ca/coronavirus/health-guidelines/health-guidelines-employees#Refusal%20to%20Work>.

Incidental faculty absences and faculty who do not appear

Incidental illness and absence, including situations due to COVID-19 will occur for some (i.e., if the instructor, after filling out the daily health check, is unable to come to campus). Missing one or two lectures can be handled locally and as per normal processes in a unit. Instructors should be asked to inform their Chairs of such situations. If the instructor cannot come to campus but they are asymptomatic/their symptoms are mild, they may – if they feel able to do so – consider offering one or two lectures remotely. In all cases, ensuring continuity of course delivery is important. For incidental absence, arrangements can include options such as: recorded lectures, bringing in substitute lecturers, or an online lecture provided the instructor is able to do so. It is important that normal, in-person delivery resumes as soon as the incidental absence ends.

If a Chair learns that a faculty member is not present to teach other than for incidental absence, the Chair must inquire in more detail as to the circumstances. The Chair should request reasons as to why teaching is not occurring in person. If the reason is health-related, the Chair should direct the faculty member to HR-Benefits (disability.hr@mcgill.ca) for review of an application for a reasonable accommodation. If the reason is not health-related, the instructor should be informed that the expectation is to return to in-person teaching as planned.

Moreover, where an incidental absence lasts longer than a week, an instructor must seek approval through HR-Benefits (disability.hr@mcgill.ca). If there is a valid medical reason for the absence, discussions between the Chair and the instructor will be necessary determine how to make up the missed classes.

In cases where an instructor does not teach in person and the faculty member does not have an approved accommodation for health reasons from Human Resources, Chairs must contact their respective Deans, who in turn must contact my office.

Faculty members who grieve or file a legal claim

Faculty members might pursue internal or external resources to object to the University's decision to offer courses in person this academic year. While this is their right, it does not suspend their responsibility to teach in person if they have been assigned to do so. Therefore, the process described above for situations involving faculty who refuse to teach apply even if a faculty member has initiated an internal process (grievance) or external process (lawsuit or a refusal-to-work proceeding via the CNESST).

False "yes" responses on the COVID daily health check

While dispiriting, we have learned that a small number of instructors might – as a way to object to the University's decision regarding in-person teaching – "game" the daily health check by responding "yes" to one or more of its questions, resulting in an instruction to stay home. As this form states, such misrepresentation is misconduct that could lead to discipline. Chairs should be asked to inform their Deans where an instructor has missed three or more classes, or has taught them remotely as a way of protesting the University's resumption of on-campus teaching. Deans should then connect with my office before moving forward.

It is important to note that if individuals state that they have symptoms of COVID-19 on the Daily Health Check Form and have been on campus within 48 hours of that report, they also have a responsibility to call the Case Management Group (514-398-3000). That group is connected to public health authorities and will initiate contact tracing if necessary. Being dishonest on this form may therefore have consequences well beyond the individual instructor.

Suggested process for Faculties:

In the event of a faculty member refusing to appear to teach, it is suggested that the Chair first have an informal meeting with the faculty member to discuss the context and reasons for the absence. It may be that this meeting, which will not be a disciplinary meeting and should not be labelled as such, will allow a deeper understanding of the circumstances. This meeting might be enough to clarify matters and ensure the faculty member returns to campus to teach. If that is not the case, however, the Chair/Director must be in touch with their Faculty Dean, who in turn should connect with my office to determine the best path forward.

Conclusion

In sum:

- Most colleagues and students look forward to returning to in-person teaching and will be present and compliant with protocols designed to keep everyone healthy and safe.
- Colleagues who object to teaching in person may express their views, but ultimately remain responsible for carrying out their assigned academic duties.
- Being present to teach in person is a responsibility of academic staff, as set by University regulations.
- The sole ground upon which a person may teach remotely this fall is either: (a) where this was arranged from the outset given class size or approvals based on other criteria or (b) where the colleague has an approved accommodation that is based upon a medical certificate.
- Any time a Chair or Director is made aware that an accommodation for health-related reasons is being sought through HR-Benefits, the Dean must be notified as soon as possible to support planning to maintain the delivery of the course(s) concerned.
- A refusal to teach is not the same as an incidental situation that requires a faculty member not to come to campus for a short period of time.
- A colleague who refuses to teach in person (whether outright or because they reply falsely to questions in the COVID daily health check) is not meeting their academic responsibilities.
- Please remind your academic leadership – all Associate Deans, Chairs and Directors – that their support and collaboration is both appreciated and essential to upholding our academic mission during this challenging period.
- Please reach out as needed.