

Memorandum

Office of the Provost & VP(Academic)
James Administration Building, Room 504
Tel: 514-398-4177 | Fax: 514-398-4768

TO: Senate

FROM: Professor Angela Campbell (Associate Provost, Equity & Academic Policies)

SUBJECT: Ad Hoc Advisory Committee on COVID Academic Planning and Policies
Monthly Report

DATE: 1 December 2021

DOCUMENT #: D21-26

ACTION REQUIRED: ☒ INFORMATION ☐ APPROVAL/DECISION

ISSUE The **third** monthly report of Ad Hoc Advisory Committee on COVID Academic Planning and Policies (“Committee”) is presented to Senate for information.

BACKGROUND & RATIONALE At its regular September meeting this year (22 September), Senate approved a motion to establish the Committee. Its terms of reference and membership were approved at a special meeting of Senate held on 4 October, via the Nominating Committee of Senate.

The Committee’s mandate stipulates the following:

The Advisory Committee shall meet weekly throughout AY2021/22 and shall report to Senate throughout AY2021/22 through a standing agenda item for information.

The minutes of the Committee’s monthly meetings are viewable [here](#).

PRIOR CONSULTATION n/a

SUSTAINABILITY CONSIDERATIONS n/a

IMPACT OF DECISION AND NEXT STEPS

- Ideas and feedback generated within the Senate discussion will be taken back to the Committee for review and development of recommendations.
- Continued reporting to Senate each month.

MOTION OR RESOLUTION FOR APPROVAL n/a

APPENDICES Appendix A: COVID-Related Accommodations for Instructors

COVID-Related Accommodations for Instructors

Overview

Immediately preceding and throughout the Fall 2021 term, our campus community considered, in multiple fora, questions about whether and how McGill ought to accommodate instructors who face particular vulnerabilities in relation to COVID-19. The Ad Hoc Advisory Committee on COVID Academic Planning and Policies (“Committee”) undertook to examine this issue, notably to determine what the current state of affairs is on this topic and how to move forward in the Winter 2022 term.

This document aims to provide clarity to the McGill community on the following questions:

- 1) What do the data look like in regard to cases of accommodations for instructors?
- 2) What are the grounds upon which accommodations are granted due to COVID-related concerns?
- 3) What is the process for applying for accommodations on account of a condition tied to COVID?
- 4) How can an instructor seek accommodations for a situation that is indirectly tied to COVID, notably, anxiety arising because of COVID?

Note that this document does not speak to issues of incidental illness or absences, such as where an instructor is unwell and must take some time away from classroom teaching, or where they must self-isolate because of contact with a person who has tested positive for COVID. In those cases, an instructor can make short-term arrangements through measures such as make up classes or remote teaching for the classes where in-person attendance is not possible.

1) Data on Accommodations: Fall 2021

This table sets out data on accommodations tied to COVID from the period 1 June to 15 November 2021.

Status of request	Faculty
Accepted	10
Declined	*
Pending	*
Made request for information but did not present request for accommodation	9

*Where data sets are less than five, figures are not reported.

Approved accommodations apply throughout the Fall 2021 term and will be reassessed in December.

To note:

- These data do not include requests linked family obligations/relationships (n<5) or those that are not related to COVID (5).
- Of claims initially declined, two instructors have challenged the assessment and Benefits is thus seeking additional information to review these files.
- Regarding the pending claim(s), Benefits is awaiting a decision from the CNESST.

In view of the foregoing information, the Committee finds that there is a mismatch between the widespread perception among faculty that HR has denied many instructors' requests for COVID-related accommodations and actual data on this point. Consistent and clear communications on this matter are needed to enhance understanding and sense of trust among various campus stakeholders.

2) Applying for COVID-Related Accommodations: Process

A staff member's application for accommodations must be made through the Benefits Office using the [form developed for COVID-related accommodation requests](#).

Throughout the review process, an interim accommodation for the staff member is put in place.

The Benefits Office reviews applications it receives according to the following steps:

1. Review of medical information provided in support of the request for accommodation.
2. Determine whether the information is sufficient. If more information is required, it is requested from the staff member and/or their treating physician (medical doctor).
3. Determine whether the staff member is more vulnerable to complications should they become infected with COVID based on the information provided and the guidelines of the *Institut national de santé publique du Québec* (INSPQ) (see #3 below).
4. If unable to determine whether the staff member's condition renders them more vulnerable to COVID as per the INSPQ guidelines, submit the medical information received to an independent medical advisor (physician) to obtain a medical opinion.
5. Obtain information on the staff member's working conditions/environment
6. Complete the investigation by notifying the staff member as follows:
 - a. If the staff member is deemed to be vulnerable to COVID complications, confirm that additional protective measures (accommodations) must be put in place, sharing INSPQ guidelines.¹
 - OR**
 - b. If the staff member is not deemed to be vulnerable to complications from COVID, confirm that additional protective measures (accommodations) are not warranted.

NOTE: the Benefits Office only determines that an accommodation is warranted – it is a binary yes-or-no question. If Benefits concludes in the affirmative, that is, that an accommodation is

¹ The recommendations of the INSPQ are as follows:

Teleworking is an effective distancing measure and part of the basic health measures recommended for all workers. If this is not possible, in person work is authorized providing that the following conditions are met:

- All the basic health measures recommended for workplaces are applied, including:
 - o Use of the COVID-19 symptom questionnaire before each shift;
 - o Applying hand hygiene measures, respecting respiratory etiquette and strengthening the cleaning and disinfection of workspaces and tools;
 - o The use of administrative and work organization measures to limit contact and promote physical distancing.
- Workspaces allowing physical distancing of at least 2 metres at all times are reserved as a priority for vulnerable workers to the extent possible;
- If the physical distance of at least 2 metres cannot be respected, if possible, install an adequate physical barrier to separate workers from each other and from customers;
- The measures are strictly applied during the working day, between arrival and departure.

warranted, it is up to the Faculty to determine what a reasonable accommodation will be, in view of the requirements of the staff member's position and working environment. For instructors, the accommodation could be remote teaching, but it could be something different where the instructor must be onsite to teach (e.g., in clinical settings).

The Benefits Office reviews all requests for accommodation on an individual, case-by-case basis. If a staff member disagrees with HR's assessment, they can provide additional medical information and the application will be reviewed in light of the newly-submitted information.

3) COVID-Related Accommodations: Grounds

The Benefits Office relies on the INSPQ's guidelines to determine whether accommodations on account of heightened exposure to or risk from COVID are warranted. These are set out at the following sites (note that the INSPQ updates this list from time to time, so Benefits uses the most recent version available):

- Maladies chroniques: https://www.inspq.qc.ca/sites/default/files/publications/2967_protection_travailleurs_sante_maladies_chroniques-covid19.pdf
- Travailleurs immunosupprimés: <https://www.inspq.qc.ca/sites/default/files/publications/2914-travailleurs-immunosupprimes.pdf>
- Travailleuses enceintes: <https://www.inspq.qc.ca/sites/default/files/covid/2919-recommandations-prevention-travailleuses-enceintes-allaitent-covid19.pdf>
- CNESST documentation : <https://www.cnesst.gouv.qc.ca/fr/prevention-securite/coronavirus-covid-19/questions-reponses-covid-19>

It is important to underscore that in some cases, an instructor might be living with a condition that is not listed in the INSPQ Guidelines, and yet might still require an accommodation for medical reasons. Therefore, when the Benefits Office receives a request for accommodation from a staff member who does not have a condition cited in the INSPQ guidelines, Benefits will consult with an independent medical advisor (physician) to confirm whether the staff member's medical condition renders them more vulnerable should they become infected with COVID, in which case an accommodation will be warranted.

4) Secondary Effects of COVID: Anxiety

The framework established for COVID-related applications for accommodations is intended to address the physical consequences of and risks associated with COVID. The Committee notes a discussion has unfolded across McGill this Fall about whether and how the University ought to accommodate the psychological impacts of COVID, notably anxiety triggered by COVID. In some instances, cases of anxiety are connected to a person's proximate relationship someone vulnerable to COVID-related health complications, thus causing preoccupations about transmitting COVID to that loved one.

Benefits confirmed that various mental health conditions might justify a medical leave or an accommodation at McGill. It further confirmed that, in Fall21, very few applications for accommodation were made on this ground (n<5). These were accepted where the medical documentation supported the application and included a treatment plan. Applications were not accepted if the medical documentation did not substantiate a diagnosis and/or did not include a treatment plan. It is important to keep in mind that where requests for accommodation on the basis of medical condition are made, an accommodation measure is put in place in the interim, while Benefits undertakes its review.