



## **Memo: Bill 96 and Cégeps**

In the Fall, the CAQ government proposed Bill 96 (*projet de loi 96*) to update elements of the charter with regards to the French language, certain aspects of which target cégeps. More recently, there have been several amendments to the proposed law that have direct and severe implications for anglophone cégeps.

This issue has been discussed at recent FNEEQ meetings and the FNEEQ Executive has been meeting with the Ministry of Higher Education, the *Fédération des cégeps*, and student associations on this topic.

As the largest anglophone cégep in the network, Dawson will be directly impacted by many of the elements of the proposed law. Below, we outline some of the key aspects as well as how they might impact Dawson.

### **Impact on Student Numbers**

One of the elements proposed in Bill 96 is a mechanism for determining the maximum number of full-time students permitted in anglophone cégeps.

Under the proposed law, the cap for anglophone cégeps (and private colleges) as a whole will be set at the actual proportion of students that were enrolled in a DEC program in anglophone cégeps in 2019-2020, i.e. 17.5% of the total student population. The distribution of these numbers among the various anglophone institutions is not specified in the law; it will be up to the Ministry to determine. This hard cap will be frozen regardless of anticipated demographic increases in the total cégep population.

Furthermore, if ever cégep student demographics drop in the future, the percentage of students at anglophone cégeps will be adjusted downward to not exceed 17.5% of the total student population. Once reduced, the cap on student numbers at anglophone cégeps is once again frozen and can never increase beyond this new number. Effectively, Bill 96 is a locking ratchet mechanism on the student population of anglophone cégeps.

Our understanding is that the cap will apply to all full-time students, including both Regular day and Continuing Education students. Consequently, in order to conform to the cap, Dawson will likely have to drastically reduce its number of full-time students. As of yet, we have no clear indication of how the College will proceed to address this issue.

Independently, a similar locking ratchet mechanism will apply to the number of students admitted to anglophone AEC programs.

There is also a requirement for anglophone cégeps to prioritize admissions from “English eligible” students i.e. those who are recognized under Bill 101 as having the right to be educated in English (See [here](#) for an explanation of who is eligible for English education in Quebec). However, it will be left to individual anglophone cégeps to determine the specific mechanisms for prioritizing “English eligible” students.

## New Requirements for Courses in French

A proposed amendment to Bill 96 was adopted which would require *all* students in anglophone cégeps to take **three** subject courses in French, separate from the general education French language courses. These courses cannot be Physical Education courses. Consequently, these three courses must be either program courses, complementary courses, or general education Humanities courses.

This requirement raises serious implications for both teachers and students. Teachers who have been hired to teach in a discipline at an anglophone cégep may now be required to teach their discipline in French, but not all teachers at an anglophone cégep will be able to deliver their courses in French. Clearly this will make staffing more complex and it is difficult to see how this could be done while respecting the rules for priority and seniority set out in the Collective Agreement.

The three new French courses will also have a direct impact on student success and generate significant equity problems for anglophone students. Some students enter Dawson with very basic French and are placed in remedial French courses. Requiring these students to undertake program courses in French will impact their R-score and is setting them up for failure.

More broadly, it is disturbing that Members of the National Assembly (MNAs) are making decisions about pedagogy. There has been no consultation with either the Ministry of Higher Education or teachers and, indeed, when the CSN has attempted to meet with Minister Simon Jolin-Barrette (Minister Responsible for the French Language), his office has declined.

## French Language Exit Exam

Bill 96 also includes a requirement for all non-English eligible students attending an anglophone cégep to pass the French Language Exit Exam (FLEE) in order to graduate with a DEC. While many of the details surrounding this requirement remain unclear, it seems that it would be the same exam as that taken by students graduating from a francophone cégep, and that it would be **in addition** to a requirement to pass the English Exit Exam.

Students in a francophone cégep must have completed a minimum of 3 French literature courses to be eligible to write the FLEE. The FLEE is also renowned for its low pass rates. At an anglophone cégep, students currently do not take French literature courses, but rather French second-language courses. It is possible that francophone and allophone students will be less interested in attending anglophone cégeps if they feel that their courses will not adequately prepare them to pass the FLEE.

While it may be possible that there would be alterations to the French course offerings to more adequately prepare students, it is not clear how this would work given that the overall number of hours in a program is set by the Ministry. Would anglophone cégeps be required to offer two streams for each program: a francophone/allophone version with 4 French/3 English General Education courses and an anglophone version with 3 French/4 English General Education courses? If so, this would have a significant impact on staffing for both the English and French departments.

## What are the next Steps for the Bill?

At this stage it appears that many of these changes to the bill can no longer be reversed. Although passed amendments can be reversed, this requires a unanimous position from all members sitting on the *commission parlementaire* working on Bill 96. Seeing as the Liberals brought amendments that have been adopted, it is unlikely that they would vote against them.

For the bill to become law, it would need to be passed at the National Assembly. Given that the CAQ has a majority government, it could be expected that the bill would pass, possibly in the late Spring. It should also be noted that the CAQ is employing the notwithstanding clause to ensure that the bill cannot be contested with respect to certain articles of the Canadian Charter of Rights and Freedoms.

The Minister Responsible for the French Language, Simon Jolin-Barrette, has stated that the changes proposed in the bill will need to be implemented for Fall 2023. We cannot envisage how this can be implemented in such short delays.

## **Positions of Francophone Cégep Unions**

Within the context of discussions around Bill 96, we have been informed that many francophone cégep unions have been debating and adopting motions in their General Assemblies concerning the application of Article 73 of Bill 101 to cégeps. The application of this article would prevent all non-English-eligible students from attending anglophone cégeps.

A group of militant members is actively contacting union executives and asking that the item be added to the agenda of their upcoming general assemblies. You can read the posts of the group [Pour le cégep français](#) on Facebook if you'd like to follow the activities of this group. As of today, we are aware of twenty francophone unions that have adopted motions requesting that the National Assembly apply Bill 101 to cégeps and to communicate this motion to the National Assembly and other francophone cégep unions. Many of our union counterparts in francophone cégeps have also communicated these motions to us and the other anglophone cégep unions. As far as we are aware, this motion has passed at all General Assemblies where it has been discussed. Other unions will be discussing these positions in the near future. Understandably, this is a divisive issue among the cégep unions.

In September 2021, our federation (FNEEQ) reaffirmed its position against the application of Bill 101 to higher education. Some francophone unions are now requesting that FNEEQ reconsider its position.

## **What Can You Do?**

We encourage you to discuss this memo with your colleagues. Many people are not aware of how drastic the changes are, nor are they aware of how they will impact the experience of students at anglophone cégeps. This issue will also be discussed at an upcoming Executive Council meeting (April 6th) as well as at a General Assembly in late April; we encourage you to come and participate in the discussion. Finally, if you are inclined, you could consider writing to [Simon Jolin-Barrette](#), the MNA who represents Westmount-Saint Louis ([Jennifer Maccarone](#)), and [your local MNA](#) to communicate your concerns about the proposed bill.