

CITY

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Raven Skyllas dances and bangs a pan during a protest by students from McGill and Concordia universities against large tuition hikes for out-of-province students, outside Premier François Legault's Montreal office on Thursday. The two universities are taking the provincial government to court over the tuition hike. JOHN MARONEY

ANDY RIGA

Concordia and McGill universities filed separate lawsuits Friday against the Legault government, asking the courts to cancel tuition changes that have led to a drop in applications and are expected to devastate the institutions' finances.

In what Concordia describes as a "complementary and co-ordinated approach," the two institutions say the tuition overhaul, which disproportionately affects English universities, is illegal, contravening the Canadian and Quebec charters of rights.

As part of its challenge, McGill is asking the Quebec Superior Court to suspend the tuition changes, which affect out-of-province and international students, pending the outcome of their lawsuit.

"The policies introduced by the government were deliberately designed to inflict harm on anglophone universities," Concordia president Graham Carr told the Montreal Gazette.

Premier François Legault's government "had responsibilities to us under the law, particularly as anglophone educational institutions, and those responsibilities were not respected."

McGill president Deep Saini said the changes "are illegal, and if upheld will threaten McGill's mission, its place as one of the world's top universities and its vital role in Quebec."

"In addition to the financial impacts on McGill, we are hearing from our recruiters that these measures are making students think twice about coming to Quebec," he said in a statement.

"I find this particularly distressing, considering how warm and hospitable I have found Quebecers to be, and how much employers want and need these highly talented young people."

'THE GOVERNMENT HAD A RESPONSIBILITY'

Simon Sotgiu, a spokesperson for Higher Education Minister Pascale Dery, said the government would not comment on the lawsuits because the cases are before the courts.

In an email to the Concordia community, Carr said Quebec is legally obliged under the Canadian Charter of Rights and Freedoms to consider "equality among francophone and anglophone linguistic groups and the protection of Quebec's minority English-language community."

"We contend that, in addition to weighing and taking into account those values, the government had a responsibility to ensure that its policies did not harm our institution," he said.

McGILL, CONCORDIA HEAD TO COURT TO FIGHT TUITION HIKES

Universities say Legault government has been unwilling to work with them on a solution

McGill's lawyers plan to argue the tuition measures: a constitute discrimination under federal and provincial rights charters a are an unreasonable exercise of the powers of the higher education minister, since they are incompatible with the mission assigned to her by the Higher Education Act s were adopted following inadequate consultation and an unfair process

e constitute a disguised and illegal tax, imposed without the National Assembly's authorization s create unconstitutional barriers to interprovincial trade, thereby limiting student mobility, choice of university and access to education

In December, Julius Grey and Michael Bergman — prominent Quebec lawyers who have taken on anglophone rights cases for decades — told the Gazette the universities would be on solid legal ground if they took the issue to a court.

Grey said the university reform violates discrimination clauses in Quebec, and federal law. Bergman said English universities can argue the measures contravene the Charter of Rights and Freedoms.

Dery has said the tuition overhaul will help boost funding for French universities and reduce the number of non-French speakers in Montreal's post-secondary institutions.

The Coalition Avenir Québec government has imposed new rules expected to have a major impact on Concordia and McGill. The two institutions welcome most out-of-province and international students who study in Quebec.

Starting in the fall, tuition for students from the rest of Canada will increase by 33 per cent, to \$12,000 per year. Quebec is also clawing back about \$5,000 from every international student who studies in Quebec; previously, this

money stayed at the university where the international student studied.

Carr said the changes "could have a significant and harmful impact on Concordia's student enrolment, financial well-being and international reputation. Members of the government publicly admitted as much on several occasions."

FEWER APPLICATIONS

At Concordia, applications from Canadian students outside Quebec are down 27 per cent, with international applications falling

find a compromise with the CAQ government, but were left with no choice after their recommendations were ignored.

"We tried our utmost to work in partnership with the government. We would have greatly preferred not to do this, but we have run out of viable alternatives."

Saini said English universities "have repeatedly and unsuccessfully requested data demonstrating the feasibility and necessity of these government measures."

He noted the government's own advisory committee on accessibility — composed of representatives of French-language universities and CEGEPs and a senior higher education ministry bureaucrat — recently said the tuition revamp "risks compromising access to quality education and depriving Quebec society of potential talent."

That committee urged the government to reconsider the decision.

Concordia "tried to engage with the government in good faith on the tuition issue throughout the fall," Carr said.

"Although the government reduced its initial proposed tuition increase for out-of-province students, it never worked with us in any substantive way to hear, let alone address, our wide-ranging concerns."

"It's with regret and frankly with sadness that we're going to court, but we feel that at this point this is the only alternative remaining to us," he said.

Sherbrooke-based Bishop's University is not involved in the legal challenges, a spokesperson said. The smallest of Quebec's English universities, Bishop's has been

given a partial exemption from the new tuition and French proficiency rules.

The Quebec Community Groups Network, a coalition of anglophone groups, shares McGill's and Concordia's frustration about having to turn to the courts to seek reason.

QCGN president Eva Ludvig said. "We understand they had no choice while staring into the face of a government that continues to see the curtailing and denigrating of Quebec's English-speaking community as its only means of protecting and promoting the French language."

She said the Legault government "has mishandled (the tuition) file from the get-go and is doing damage not only to Quebec institutions of higher education respected around the world, but to the economies of Montreal and, indeed, all Quebec."

FRENCH PROFICIENCY NOT CHALLENGED

The court actions do not challenge Quebec's new French proficiency requirements for university students from outside the province. As of fall 2025, 80 per cent of students from outside Quebec will have to reach an intermediate level of French by the time they graduate.

Concordia and McGill have said 40 per cent would be a more reasonable goal.

Carr stressed Concordia is "fully committed" to efforts that would see more of its students learning French. He noted English universities proposed a francization program before the government put forward a plan.

"We feel that (francization) is not only beneficial and important for Quebec, but if done in the right way as we want to do it, it will be beneficial for our students and our university, as well," he said.

Quebec has established a working group to study how to implement the francization plan. Its first meeting is expected in the coming weeks.

Saini said McGill remains "hopeful that we can work together to set realistic, achievable (francization) targets."

French Language Minister Jean-François Robitaille has said too much English is being spoken on the streets of Montreal, with non-French-speaking university students partly to blame.

On Thursday, Université de Montréal rector Daniel Jutras said the Legault government's attitude toward out-of-province students has "harmed" Montreal. He argued students from the rest of Canada are not making Montreal less French and that the decision to target Concordia and McGill will not help French universities much.

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