



The following Motion and Document was considered by the GFC Academic Planning Committee at its January 25, 2012 meeting:

Agenda Title: **Student Consultation Process Regarding Tuition, Residence and Mandatory Non-Instructional Fees (MNIF)**

APPROVED MOTION: THAT the GFC Academic Planning Committee recommend to the Board of Governors that the 'Church/Minsos' Board-approved Motion of May 5, 2000 regarding the Indexing of Mandatory Non-Instructional Fees be rescinded; *and*

THAT the GFC Academic Planning Committee recommend that the Board of Governors approve the annual adjustment of all Mandatory Non-Instructional Fees (MNIF), as determined by Administration, up to and including the Annual Alberta Consumer Price Index and that the MNIF be reported for information to the GFC Academic Planning Committee, the Board Finance and Property Committee, and the Board of Governors on an annual basis.

Final Recommended Item: 4

OUTLINE OF ISSUE

Agenda Title: **Student Consultation Process Regarding Tuition, Residence and Mandatory Non-Instructional Fees**

Motion: THAT the GFC Academic Planning Committee recommend to the Board of Governors that the ‘Church/Minsos’ Board-approved Motion of May 5, 2000 regarding the Indexing of Mandatory Non-Instructional Fees be rescinded; *and*

THAT the GFC Academic Planning Committee recommend that the Board of Governors approve the annual adjustment of all Mandatory Non-Instructional Fees (MNIF), as determined by Administration, up to and including the Annual Alberta Consumer Price Index and that the MNIF be reported for information to the GFC Academic Planning Committee, the Board Finance and Property Committee, and the Board of Governors on an annual basis.

Note: The ‘Church/Minsos’ Motion cited in the above-noted Motion is set forth in Attachment 2.

Item

| | |
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| Action Requested | <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input checked="" type="checkbox"/> Information |
| Proposed by | Carl Amrhein, Provost and Vice President (Academic), and Phyllis Clark, Vice President (Finance and Administration) |
| Presenter | Carl Amrhein, Provost and Vice President (Academic) |
| Subject | Student consultation process regarding tuition, residence, and mandatory non-instructional fees. |

Details

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| Responsibility | Provost and Vice President (Academic) |
| The Purpose of the Proposal is (please be specific) | To: <ol style="list-style-type: none"> respond to a letter from the Students’ Union requesting a set of principles regarding the introduction of any new Mandatory Non-Instructional Fees (MNIF) respond to the request by the Minister of Advanced Education and Technology to provide information by February 1, 2012 on the consultation process with students regarding MNIF rescind the ‘Church/Minsos’ Motion of May 5, 2000 approve a Motion that allows for a regular annual increase to MNIF of up to and including the Alberta Consumer Price Index (CPI) unless a greater increase is approved by the Board by separate Motion in a given year <u>receive for information</u> the University’s proposed consultation process with students regarding changes to tuition fees, residence fees, and mandatory non-instructional fees as reflected in the attached committee terms of reference. |
| The Impact of the Proposal is | To bring consistency to the consultation process with students regarding tuition and fee increases and ensure that the University’s governance approval processes for tuition and fees are consistent with Provincial legislation and University policy and procedure. |
| Replaces/Revises (eg, policies, resolutions) | The ‘Church/Minsos’ Motion approved by the Board of Governors on May 5, 2000 regarding the Indexing of MNIF. |
| Timeline/Implementation Date | For final approval by the Board of Governors at its meeting of February 10, 2012. |
| Estimated Cost | N/A |



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| Sources of Funding | N/A |
| Notes | N/A |

Alignment/Compliance

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| Alignment with Guiding Documents | <i>Dare to Discover, Dare to Deliver</i> |
| Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please quote legislation and include identifying section numbers) | <p>1. The Post-Secondary Learning Act (PSLA) Section 60 states:</p> <p>“60(1) The board of a public post-secondary institution shall (a) manage and operate the public post-secondary institution in accordance with its mandate[.]”</p> <p>2. The Post-Secondary Learning Act (PSLA) Section 61 states:</p> <p>“61(1) The board of a public post-secondary institution shall set the tuition fees to be paid by students of the public post-secondary institution</p> <p>(2) The tuition fees under subsection (1) for all public post-secondary institutions other than Banff Centre</p> <p>(a) must be set in accordance with the regulations[.] [...]”</p> <p>3. The Post-Secondary Learning Act (PSLA) Section 78 states:</p> <p>“Business plans</p> <p>78(1) Each year a board must prepare and approve a business plan that includes</p> <p>(a) the budget, and</p> <p>(b) any other information required by the Minister.</p> <p>(2) The business plan approved under subsection (1) must be submitted to the Minister on or before the date specified by the Minister.”</p> <p>4. The Public Post-secondary Institutions’ Tuition Fee Regulation states:</p> <p>“3(1) A board shall</p> <p>(a) provide to the institution’s students’ council each year a statement of anticipated tuition fee increases for a 4-year period, and</p> <p>(b) establish with the students’ council a mechanism for holding consultations to discuss increases in tuition fees and to allow for ongoing input by that council to the budget process relative to the determination of tuition fees.</p> <p>3(2) The consultation mechanism referred to in subsection (1)(b) must, at least,</p> <p>(a) include an outline of the process for communications and the</p> |



holding of consultations, and
(b) provide for at least 2 meetings per year[.]”

5. The **Alberta Public Agencies Governance Act** Section 3 states:

“3(1) Every public agency must, within 3 months of its establishment or continuation, have a Mandate and Roles Document that is jointly developed by the public agency and its responsible Minister [...][.]”

6. The **University of Alberta Board of Governors Mandate and Roles Document**, as approved July 17, 2009, states:

“The Board is accountable for ensuring that the public funds appropriated for the support of institutions are used effectively and appropriately. The Board approves annual operating and capital budgets and regularly review expenditures, investments and borrowings.”

7. The **University Calendar** Section 22.2 states:

“Fee Payment Guide

The *Post-Secondary Learning Act* of Alberta grants authority to approve tuition and fees for students to the Board of Governors. Fees are approved by the University’s Board of Governors and may change without notice. University policy regarding fee regulations, fee rates, and fee deadlines is established by the Board of Governors and is final. Students pay their fees at the rates that are in effect at the time of payment. Fees included in your fee assessment are exempt from the federal Goods and Services Tax (GST). Current fees information is available at www.registrar.ualberta.ca/fees.”

8. **Board of Governors General Terms of Reference, Section 1 (b):**

“The Board has delegated to each Committee responsibility and authority to make decisions on behalf of the Board in the Committee's defined area of responsibility except to the extent that such authority has been specifically limited by the Board in the Terms of Reference for the Committee.”

9. The **Board Finance and Property Committee (BFPC) Terms of Reference**, Section 3. c., states that the Committee shall “[...] review and recommend to the Board the annual and other budgets and major issues of policy related to budgets[.]”

Section 3(d) states:

“3. Without limiting the generality of the foregoing, the Committee shall:

[. . .]

d) review and recommend to the Board tuition and other like fees[.]”



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| | <p>10. The Post-Secondary Learning Act (PSLA): The <i>PSLA</i> gives GFC responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)). Section 26(1)(o) provides that GFC may make recommendations to the Board of Governors on a number of matters including the budget and academic planning. GFC has thus established an Academic Planning Committee (GFC APC), as set out in Section 3 of the GFC Policy Manual. GFC delegates its power to recommend to the Board on the budget to the GFC APC.</p> <p>11. GFC Academic Planning Committee (APC) Terms of Reference, Section 3.4.b: GFC APC is “[t]o recommend to the Board of Governors on the annual budget [which includes all of the above-noted fees-related matters], excluding budgets for ancillary units [eg, residences, parking].”</p> |
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Routing (Include meeting dates)

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| Consultative Route (parties who have seen the proposal and in what capacity) | Non-BAC (Budget Advisory Committee) – for discussion (August 20, 2011, September 26, 2011, October 17, 2011, November 7 and 28, 2011, December 1 and 7, 2011, and January 4, 2012) |
| Approval Route (Governance) (including meeting dates) | GFC Academic Planning Committee – for recommendation (January 25, 2012); Board Finance and Property Committee – for recommendation (January 31, 2012); Board of Governors – for final approval (February 10, 2012) |
| Final Approver | Board of Governors |

Attachments:

1. Student Consultation Process on Tuition, Residence and Mandatory Non-Instructional Fees (pages 1 - 3)
2. Appendix A – ‘Church/Mingos’ Motion (page 1)
3. Appendix B – Tuition Budget Advisory Committee Terms of Reference (pages 1 – 2) (For Information Only)
4. Appendix C – Residence Budget Advisory Committee Terms of Reference (pages 1 – 2) (For Information Only)
5. Appendix D – Mandatory Non-Instructional Fees Budget Advisory Committee Terms of Reference (pages 1 – 2) (For Information Only)

and

Supporting Letters (pages 1 – 12)

Prepared by: Philip Stack, Associate Vice-President (Risk Management Services), philip.stack@ualberta.ca

Student Consultation Process Regarding Tuition, Residence and Mandatory Non-Instructional Fees

Background

The authority to set tuition including mandatory instructional and non-instructional fees is conferred upon the Board of Governors as outlined in the *Post-Secondary Learning Act (PSLA)*, the *Public Post-secondary Institutions' Tuition Fees Regulation*, the University's Mandates and Roles Document pursuant to the *Alberta Public Agencies Act*, and University policy and procedure as found in the Calendar of the University.

The University is committed to working cooperatively with students regarding tuition and fee discussions, as reflected in the long standing existence of the Budget Advisory Committee, established in 2000, and the Residence Budget Advisory Committee established in 2010. Both committee structures have been effective in informing students on related budget issues, understanding the concerns and needs of the students and discussing proposed changes to tuition and fees. The effectiveness of these committees was reflected most recently in comments made by both student association Presidents at the December 2011 Board meeting when proposed tuition increases were addressed.

As of May 2000 the University has operated under the Board approved Church/Minsos motion that addresses two matters dealing with increases to Mandatory Non-Instructional Fees (MNIF). The first part of the motion approved a regular annual adjustment up to the Alberta Consumer Price Index (CPI) for all existing MNIF. The second part of the motion deals with the requirement for a student referendum if the University introduced increases to MNIF greater than CPI. (see Appendix A)

There is no provision within the PSLA, the Tuition Regulation, the University's Mandate document or University policy and procedure that references the use of student referendum to approve student fees. To the contrary, the PSLA, Tuition Regulation, University Mandate document and University policy and procedure clearly state that the responsibility and mandate for approving mandatory university tuition and fees resides solely within the authority of the University's Board of Governors. Consequently, the use of student referendum to approve mandatory fees that impact the University's budget, the use of funds by the University, or the ability of the University to prepare a balanced consolidated budget would be non-compliant with provincial legislation and University policy and procedure.

On July 19th, 2011, the President of the Students' Union (SU) wrote to the Provost requesting that the University and the Student's Union agree on a set of principles and a framework for the development, approval and monitoring of Mandatory Non-Instructional Fees (MNIF). On November 21, 2011, the Minister of Advanced Education and Technology wrote to post-secondary institutions with a request that institutions submit to the ministry information on its formal policies regarding the establishment and/or revising of non-instructional fees, including how consultations with students and their respective representative organizations are carried out. The University is to provide this information to the Minister by February 1, 2012.

Through extensive consultations with the students, efforts were undertaken to agree on a process that would address the issues outlined in the SU President's letter of July 19th and respond to the Minister's request of November 21, 2011. During the consultation process, the SU argued that the Church/Minsos motion of 2000 on the indexing of mandatory non-instructional fees be expanded to also include the approval of any future MNIF that the University may propose.

At the end of the consultation process the University and the Student's Union were opposed on one fundamental issue – the role of a student referendum in approving mandatory non-instructional fees (MNIF) relative to the primacy of the Board and its responsibility to approve tuition and fees pursuant to legislation and University policy. The University argued that subject to the legislation and University policy no current or future board should be encumbered in fulfilling its fiduciary responsibilities in approving MNIF as part of the institutional budget by first requiring a student referendum. The students argued that even if the majority of students voted against a proposed fee increase through a referendum that this would not encumber a board's final decision to approve a new MNIF. It is on this fundamental point that the University and the Students' Union disagree.

Proposed Consultation Process

In response to the SU President's and Minister's letter the University is proposing that in addition to the existing Budget Advisory Committees on tuition and residence fees that a third committee be established to deal with MNIF. These three committees, the Tuition Budget Advisory Committee (T-BAC), the Residence Budget Advisory Committee (R-BAC), and the Mandatory Non-Instructional Fee Budget Advisory Committee (M-BAC) would represent the formal consultation process between the University and students in consulting, reviewing and discussing proposed changes to tuition, residence fees and MNIF.

Tuition Budget Advisory Committee (T-BAC)

The terms of reference for T-BAC (see Appendix B) would remain relatively unchanged. Amendments include an updating of the mandate to align with the definition of tuition as defined by the *Public Post-Secondary Institutions' Tuition Fees Regulation* and updating the committee name to align with the committee mandate.

Residence Budget Advisory Committee (R-BAC)

The terms of reference for R-BAC (see Appendix C) are unchanged with the exception of editorial changes to bring consistency to the terms of reference for all three committees.

Mandatory Non-Instructional Fees Budget Advisory Committee (M-BAC)

This new committee (see Appendix D) will address the majority of points raised in the SU President's letter of July, 2012 regarding MNIF. This committee would be responsible for consulting, reviewing, considering and discussing any University proposal to establish a new MNIF or any proposal to increase existing MNIF at a rate above the Alberta CPI. To achieve enhanced transparency regarding the revenue collected from MNIF, the committee would receive and review a newly developed MNIF annual report that would include total annual revenue collected by MNIF type, the published budgets of the units supported by MNIF revenue, and examples of the services provided by those units supported by MNIF revenue.

Church/Mingos Motion

In addition to the University's enhancements to the student consultation process, the University is proposing that the Church/Mingos motion of 2000 be rescinded in relation to that section of the motion that requires a student referendum for proposed increases to MNIF above CPI. This is being recommended as the PSLA, University Mandate document and University policy and procedure clearly state that the responsibility and mandate for approving mandatory university tuition and fees resides solely within the authority of the University's Board of

Governors. Requiring any increase in existing MNIF in excess of the CPI to be approved through student referendum is inconsistent with both government legislation and University policy.

Conclusion

The University has a long established commitment to openness and transparency with students regarding the establishment of the University's academic priorities, tuition and fees and the University's operating budget. The existing structure and mandate of T-BAC and R-BAC and the addition of M-BAC not only meets but exceeds the requirements for student consultation on tuition as outlined in the *Public Post-Secondary Institutions' Tuition Fees Regulations*. The proposed amendments before the Board enable the University to ensure that Board motions are in compliance with provincial legislation and University policy.

Appendix A

Church/Minsos Motion May 5, 2000

Indexing of Mandatory Non-Instructional Fees -- Motion:

Moved by Mr. Minsos and seconded by Ms. Church: "that the Board of Governors approve the proposal that, effective September 1, 2000, there will be a regular annual adjustment to the Mandatory Non-Instructional Fees (MNIF) [i.e.: the University Health Services Fee; the Registration and Transcript Fee; the Student Services Fee; and the Athletics and Recreation Fee.] This increase will be equal to 0% or the Alberta Consumer Price Index (CPI) in the previous year, whichever is greater.

Any request for an extraordinary increase in the MNIF, beyond the Alberta CPI, will be presented to the Council of Students' Union and the Graduate Students' Council. Should the Councils approve the request, the new fee will be incorporated into the normal budget process. Should either the Students' Union Council or the Graduate Students' Council reject the request for an extraordinary fee increase, the proposal may be withdrawn or go forward to a student referendum during the next available election process. Approval would require a majority (50% + 1) of the votes cast in the two elections combined and the subsequent approval of the Board of Governors.

In the event of a surplus of revenue over expenditure exceeding 10% in any of the four areas, the issue will be brought to the attention of the Academic Planning Committee. At the recommendation of the Academic Planning Committee to the Administration, an appropriate portion of the surplus funds will be applied to scholarships and/or student financial aid or debt reduction of the unit in question."

CARRIED



Student/University Administration – Tuition Budget Advisory Committee (T-BAC) Terms Of Reference

1. Purpose

The Student/University Administration – Tuition Budget Advisory Committee (T-BAC) is the student and senior administrative committee that ensures open and effective communication between the students and senior administration, in relation to *Dare to Discover, Dare to Deliver*, the University's budgeting process and those budgeting issues that have a direct impact on students

2. Committee Mandate

The Student/University Administration – T-Budget Advisory Committee will:

- Consult, review, consider and discuss issues affecting the University's budget planning and development process as they relate to tuition as defined by the *Public Post-Secondary Institutions' Tuition Fees Regulation*.
- Assist students and senior administration in developing common strategies in approaching government on matters relating to the University's operating funding and students.
- Ensure the effective communication between the organizations and offices represented on the Committee.

3. Committee Composition

The committee shall consist of the following standing and resource members:

Standing Members

Provost and Vice-President (Academic), **Chair**
Vice-President (Finance and Administration)
Vice-Provost and Associate Vice-President (Academic)
Vice-Provost and Dean of Students
Dean, Faculty of Graduate Studies and Research
President, Graduate Students' Association (GSA), plus one additional executive member of the GSA
President, Students' Union (SU), plus one additional executive member of the SU

Resource Personnel

Vice-Provost and University Registrar
Senior Administrative Officer, Office of the Provost and Vice-President (Academic)
Director, Academic Budget and Planning, Office of the Provost and Vice-President (Academic)
Director, Resource Planning
Director, Strategic Analysis



Director, Government Relations

4. Committee Meetings

The Student/University Administration – T-BAC will meet at the call of the Chair with meetings to coincide with the budget planning cycle of the University.

Meetings of T-BAC are supplemented by meetings of the Provost with stakeholders. Additionally, the Dean of Students meets regularly with COSA and the FGSR Dean meets regularly with the FGSR Council.

5. Secretariat

The Office of the Provost and Vice-President (Academic) will provide secretariat support to the committee.

Official records of the committee's deliberations will be held by the Office of the Provost and Vice-President (Academic). The records of the Committee will be subject to the provincial FOIPP legislation and comply with the records retention schedule of the Office of the Provost and Vice-President (Academic).

Approved by EPC June 30, 2000

Revised (standing members): September 11, 2001

Revised (resource personnel): September 12, 2003

Revised (resource personnel): August 26, 2004

Revised (adding that discussions could relate to all student-related fees): September 17, 2007

Revised (committee mandate): July, 2008 [BAC adopted Sept. 17, 2008]

Revised (committee mandate, standing members): February, 2010 [BAC adopted Feb 10, 2010]



**Student/University Administration -
Residence Budget Advisory Committee
(R-BAC)
Terms of Reference**

1. Purpose

The Student/University Administration – Residence Budget Advisory Committee (R-BAC) is the student and senior administrative committee that ensures open and effective communication between the students and senior administration, in relation to Residence Services budgeting process and those budgeting issues that have a direct impact on student rent.

2. Committee Mandate

The Student/University Administration – R-BAC will:

- Consult and discuss proposals with consideration to the institution’s guiding documents e.g. Dare Discover, Dare to Deliver.
- Consult, review, consider and discuss issues affecting Residence Services’ budget planning and development process as they relate to student rents.
- Assist the students and senior administration in developing common strategies in approaching government on matters relating to the availability of student housing.
- Ensure the effective communication between the organizations and offices represented on the Committee.

3. Committee Composition

The committee shall consist of the following standing and resource members:

Standing Members

Vice President, Facilities and Operations, *Chair*
 Vice-Provost and Dean of Students or designate
 Dean, Faculty of Graduate Studies and Research or designate
 President, Graduate Students’ Association (GSA) or designate from executive
 Vice-President, Student Life, GSA
 President, Students’ Union (SU) or designate from executive
 Vice-President, Student Life, SU
 President, Augustana Students’ Union or designate from executive



President, Residence Hall Association

Resource Personnel

Executive Director, Ancillary Services
Director, Residence Services
Director, Operations, Ancillary Services
Director, Finance, Facilities and Operations
Finance Supervisor, Ancillary Services

4. Committee Meetings

The Student/University Administration – R-BAC will meet at the call of the Chair with meetings to coincide with the budget planning cycle of the University.

Meetings of R-BAC are supplemented by meetings of the Vice President, Facilities and Operations, the Dean of Students, the Director, Residence Services and the Executive Director, Ancillary Services with stakeholders.

5. Secretariat

The Office of the Vice-President, Facilities and Operations will provide secretariat support to the committee.

Official records of the committee’s deliberations will be held by the Office of the Vice-President, Facilities and Operations. The records of the Committee will be subject to the provincial FOIPP legislation and comply with the records retention schedule of the Office of the Vice-President, Facilities and Operations.

Approved by *insert approval body and date*



Student/University Administration – Mandatory Non-Instructional Fee Budget Advisory Committee (M-BAC) Terms Of Reference

1. Purpose

The Student/University Administration – Mandatory Non-Instructional Fee Budget Advisory Committee (M-BAC) is the student and senior administrative committee that ensures open and effective communication between the students and senior administration, in relation to the establishment of new Mandatory Non-Instructional Fees (MNIF), any increase in existing MNIF above Alberta Consumer Price Index (CPI), and the annual reporting associated with existing MNIF.

2. Committee Mandate

The Student/University Administration – M-BAC will:

- Consult, review, consider and discuss issues concerning a University proposal to establish a new MNIF.
- Consult, review, consider and discuss issues concerning a University proposal to implement an increase to any existing MNIF above the Alberta CPI.
- Review the MNIF annual report as prepared by administration that will include total annual revenue collected by MNIF type, the published budgets of the unit(s), as per the University Data Book, that are supported in part by MNIF, and examples of the services provided by those units in benefit of the students.
- Ensure the effective communication between the organizations and offices represented on the Committee.

3. Committee Composition

The committee shall consist of the following standing and resource members:

Standing Members

Provost as delegated to the Vice-Provost and Associate Vice-President (Academic), **Chair**
Dean of Students or Designate
Vice President (Finance and Administration) as delegated to the Associate Vice President (RMS)
Director Academic Budget Planning Office of the Provost
President, Graduate Students' Association (GSA), plus one additional executive member of the GSA
President, Students' Union (SU), plus one additional executive member of the SU

Resource Personnel

As required

4. Committee Meetings

The Student/University Administration – M-BAC will meet in the fall of each year to review the MNIF annual report as prepared by University administration. Any additional meetings required to fulfill the committee's mandate will be at the call of the Chair.



Meetings of M-BAC may be supplemented by meetings of the Provost with stakeholders.

5. Secretariat

The Office of the Provost and Vice-President (Academic) will provide secretariat support to the committee.

Official records of the committee's deliberations will be held by the Office of the Provost and Vice-President (Academic). The records of the Committee will be subject to the provincial FOIPP legislation and comply with the records retention schedule of the Office of the Provost and Vice-President (Academic).

Approved by *insert approval body and date*



ALBERTA

ADVANCED EDUCATION AND TECHNOLOGY

Office of the Minister

AR 31508

November 21, 2011

Mr. Gordon Clanachan
Acting Chair, Board of Governors
University of Alberta
3 - 25 University Hall
Edmonton, Alberta T6G 2J9

Dear Mr. Clanachan:

Following discussions with students, student organizations, and institution officials regarding non-instructional fees, I wish to ensure that all public post-secondary institutions have clear policies in effect that outline a reasonable consultation process that provides for the views of students to be heard and carefully considered when non-instructional fees are being established and/or revised.

Accordingly, I request that each institution submit to the ministry information on its formal policies regarding the establishment and/or revising of non-instructional fees, including how consultations with students and their respective representative organizations are carried out.

I also ask that institutions take action to update their policies if necessary to ensure that student engagement takes place when the institution is considering changes to non-instructional fees. These policies can be consistent with the current consultation requirements for tuition fee increases as set out in the *Public Post-secondary Institutions' Tuition Fees Regulation*. Please note that draft guidelines on tuition and non-instructional fees have been shared with your officials.

Please submit this information, including a copy of all relevant existing or draft revised policies, by February 1, 2012 to:

Mr. John Ferguson
Director, Post-secondary Planning and Investment
Advanced Education and Technology
11 Floor, Commerce Place
10155 - 102 Street
Edmonton AB T5J 4L5
Telephone: (780) 422-1209
Email: john.ferguson@gov.ab.ca

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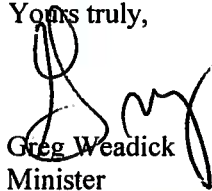
The word "Alberta" written in a stylized, cursive script font, with a small square icon to the right of the letter 'a'.

Mr. Gordon Clanachan
Page Two

I expect that updated policies will be implemented no later than Spring 2012.

Thank you for your cooperation and assistance. Through the establishment of clear policies at each public post-secondary institution, Albertans will be assured that future non-instructional fees will be predictable, that new fees will be considered carefully, and that meaningful consultation with students will take place before fees are implemented and/or revised.

Yours truly,



Greg Weadick
Minister

cc: Dr. Indira V. Samarasekera, O.C., President and Vice-Chancellor
Ms. Phyllis Clark, Vice-President, Finance and Administration and Chief Financial Officer

July 19, 2011

To: Carl Amrhein

Re: Mandatory Non-Instructional Fee Regulation

Dear Dr. Amrhein,

As was discussed at our last meeting, it is important that the University of Alberta administration and the Students' Union develop a fair mechanism for the approval of Mandatory Non-Instructional Fees at the institution. This letter outlines the position of the SU in regards to MNIFs and elucidates the topics that we believe should be covered in our deliberations. I look forward to discussing this in more detail with you.

There are two important principles to uphold moving forward. One is that fees that are not meant to cover tuition-related items need to demonstrate worth to students. The second is that students need the ability to exercise control over fee creation and maintenance. Based on these two principles, it is our belief that a fair framework both for the university and students can be created.

Developing a Framework for the University of Alberta should involve three main steps:

1) Develop a set of comprehensive definitions for MNIFs

The first step in the process of redeveloping how the U of A addresses MNIFs is creating a definition that is fair to both parties.

2) Create mechanism for student approval of MNIFs

Based on the principles stated above, and previous practice at the U of A, we recommend formalizing processes to approve MNIFs. For us, a referendum process is the best option to create a mechanism for student approval, as it requires the highest level of demonstrable worth to the student body. In addition, a referendum for MNIFs proposed by the university could be run through the normal SU referendum process with minor changes.

Prior to the referendum being approved, proper discussions would take place to ensure student leaders draft the proposal in a fair manner. In addition to the question of approval, the stipulations for review would need to be part of any referendum process.

3) Create a process for students to review MNIFs

Once a fee is approved, it's imperative that a review process be established to confirm that it achieves its stated aims. A process to inform students of how their fee is being spent will need to be created. We, for this purpose, recommend an annual report delivered to the Students' Council of the SU. The annual review should include the budget of the unit that received the fee, any improvements made to that unit, and how the unit's expenditures are in line with the referendum passed by students.

The principles and framework above will be beneficial to both students and the university. Students would be assured that the fees they pay are being optimally used to support their personal and academic development. The university, at the same time, is given a process to create and increase fees that guarantees student buy-in while demonstrating an increase worth to students.

We look forward to working with the university to determine the specific details for each point above. Attached to this letter you will find a number of documents that lay out some of what has happened externally regarding MNIFs. These documents give a clearer picture of how we, as students, are approaching this issue.

Sincerely,

Rory Tighe
President 2011/2012
University of Alberta Students' Union



November 18, 2010

The Honourable Doug Horner, MLA
Deputy Premier and Minister of Advanced Education and Technology
324 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Deputy Premier:

Last spring, our councils raised united concern that two of Alberta's institutions, the University of Alberta and the University of Calgary, created new substantial non-instructional mandatory fees. These fees were proposed and subsequently implemented without sufficient consultation or approval from the student body.

In both cases, the new fees did not provide a new service to students, but helped cover operating deficits of their respective institutions. This violated the spirit and intent of *Tuition Fee Policy Guide*, which provides clear guidance that non-instructional fees can only be used to cover costs of providing services outside the *Public Post-Secondary Institutions' Tuition Fees Regulation*.

In effect, these new fees are tuition fee increases by another name. These fee increases were the largest in Canada, and saw Alberta undergraduate students paying an average of \$183 more and graduate students paying \$166 more than the previous year.

There exists a legal loophole through which institutions can easily increase fees in this manner, so long as they do not identify them as instructional. Institutions may increase fees in this manner without limit and without consulting students or their representative associations. Today, all three of our organizations are calling on you to close the loophole and regulate non-instructional fees.

First, it is essential that the *Public Post-Secondary Institutions' Tuition Fees Regulation* clearly reference and define its two primary components: what constitutes a non-instructional fee, and what constitutes tuition. Clarity on these matters ensure that all parties know where the boundaries between the tuition fee policy and non-instructional fee regulation.

.../2

We believe that the best way of approving new non-instructional fees is through consultation with and approval from the affected students. This impacts existing fees and new fees differently. Wherever possible, increases to existing non-instructional fees should not exceed inflation. Student negotiations, as well as referenda are already the established norm for raising fees other than tuition and we feel entrenching this practice would offer the proper balance you, as Minister, requested: they ensure new and existing fees have a method of increasing and that students are the final judges of the value these fees offer.

In an effort to ensure accountability and legitimacy surrounding fees charged to students, it is imperative that any new fee or fee increase would be subject to student approval. Our recommendation would allow this to be done in one of two ways. First, should an institution wish to implement a fee or increase it beyond a previously negotiated amount, the administration of that institution and the Students' Council (or delegates) would negotiate and ultimately implement a mutually agreeable decision. Should these negotiations break down, or the Students' Council not wish to make the decision, the proposal would be deferred to a referendum vote. The combination of these methods would ensure not only much needed flexibility but also it would encourage a collaborative working relationship between students and institutions.

We understand that fees may need to increase, due to inflationary pressure or other foreseeable reasons. As such, it is imperative that future increases to new and existing fees be clearly articulated at the point of approval. If such increases will exceed CPI, the proposal for the fee must clearly outline the reason for the fee, the duration of the fee and the year-to-year increases in the fee. A consistent, fair fee escalator must be included in the policy to ensure equity based on a student's program duration and status as a full or part-time student.

Any regulation must also ensure that collaborative students are treated fairly and are not levied similar fees from multiple institutions. The agreements governing the collaborative programs should make clear which fees from each institution will be applied and under no circumstances should a student pay similar non-instructional fees twice.

Minister Horner, you clearly stated that any regulation governing non-instructional fees should also govern the fees our students' associations levy on our members. We concur and believe that student body approval through referenda is the best way to regulate our fees. By always going to referenda for increases beyond CPI or the establishment of new fees our constituents would have the ultimate say in what our council can levy. This would also uphold the spirit of collegiality and the precedent of student approval for fees outside of tuition.

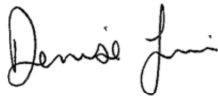
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In summary, AGC, ASEC and CAUS jointly request that you regulate non-instructional mandatory fees at Alberta's public institutions, and that the regulation:

- Clearly identify what fees are non-instructional and considered outside of the framework established in the *Public Post-Secondary Institutions' Tuition Fees Regulation*;
- Require any new non-instructional mandatory fee to be presented to the Students' Council for either approval or to be deferred to referendum of affected students;
- Require increases beyond the consumer price index of existing non-instructional mandatory fee be approved by the affected students' council or deferred to a referendum of affected students;
- Require that any new fee articulate the reason for the fee, the duration of the fee and the year-to-year increases of the fee; and
- Ensure collaborative students are not levied similar fees from multiple institutions.

We look forward to your response and to a regulation covering non-instructional mandatory fees at our institutions.

Yours Sincerely,



Denise Ferris,
Chair, AGC
dnferris@gmail.com
350 MacEwan Student Centre
University of Calgary
Calgary, Alberta
T2N 1N4



Steven Kwasny,
Chair, ASEC
Steven.Kwasny@rdc.ab.ca
#202, 10080 Jasper Avenue
Edmonton, Alberta
T5J 1V9



Hardave Birk,
Chair, CAUS
suvpext@ucalgary.ca
#2, 9908 - 109 Street
Edmonton, Alberta
T5K 1H5



ALBERTA
ADVANCED EDUCATION AND TECHNOLOGY

Deputy Premier
Office of the Minister

AR 29290

January 26, 2011

Ms. Denise Ferris, Chair
Alberta Graduate Council
350 MacEwan Student Centre
University of Calgary
2500 University Drive NW
Calgary, Alberta T2N 1N4

Mr. Steven Kwasny, Chair
Alberta Students' Executive Council
202, 10080 Jasper Avenue
Edmonton, Alberta T5J 1V9

Mr. Hardave Birk, Chair
Council of Alberta University Students
2, 9908 - 109 Street
Edmonton, Alberta T5K 1H5

Dear Ms. Ferris, Mr. Kwasny, and Mr. Birk:

Thank you for working together in developing your November 28, 2010 joint proposal regarding non-instructional fees at post-secondary institutions. The collaborative spirit through which you have approached this task serves students well across Campus Alberta.

As I have stated in our meetings, this government is committed to protecting tuition fee increases in accordance with the current *Tuition Fee Regulation*. Since you have not raised any issues regarding the approach for increases to tuition fees, I will assume we remain in agreement on the current *Tuition Fee Regulation*.

I have also indicated that these challenging economic times require processes that allow institutions to manage both foreseeable and unforeseen situations. Your proposal goes a long way to articulating opportunities that exist for students and institutions to balance transparency, quality, and accountability, as well as collectively working together for the good of the learning experience.

At this time, the outcomes you propose can be achieved without a regulation change. I have instructed Board Chairs, through the Campus Alberta Strategic Directions Committee, to work with their individual student groups as they move forward in budget preparations for the next year. With your consent I would like to share your proposal with the Chairs.

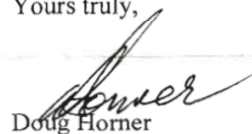
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Ms. Ferris, Mr Kwasny, and Mr. Birk
Page Two

In addition, I have asked my department to continue to work closely with your organization to gain a deeper understanding of the proposal and discuss the raised implications and interpretations of your thinking. I trust this can happen through the on-going dialogue you have with my staff.

Again, thank you for your careful thought and cooperation in working together to achieve mutual success across Campus Alberta.

Yours truly,



Doug Horner
Deputy Premier and Minister



AR 30098

April 13, 2011

Mr. Steven Kwasny, Chair
Alberta Students' Executive Council
Suite 209, 10080 Jasper Avenue
Edmonton, Alberta T5J 1V9

Mr. Hardave Birk, Chair
Council of Alberta University Students
2, 9908 – 109 Street
Edmonton, Alberta T5K 1H5

Ms. Denise Ferris, Chair
Alberta Graduate Council c/o The Graduate Students' Association
350 MacEwan Student Centre
2500 University Drive NW
Calgary, Alberta T2N 1N4

Dear Mr. Kwasny, Mr. Birk, and Ms. Ferris:

I had the opportunity to meet with the Campus Alberta Strategic Directions Committee on March 28, 2011. I was very pleased with the positive nature of the day. Throughout the day, I had the opportunity to raise the concerns you shared with me about working with institutions to develop an agreeable consultation process when increases to non-instructional mandatory fees are being considered.

I stressed at the meeting that non-instructional fees are intended to be cost-recovery for the service provided and are not to be used to circumvent the tuition cap. Given the uniqueness of our Campus Alberta's post-secondary institutions, I have asked each institution to work with their respective student group to develop institution specific solutions that ensure student voices are represented.

Institutions expressed their willingness and commitment to this approach, and agreed to collaborate with student leaders on a process to review increases to non-instructional fees. I would therefore encourage, and expect, student representatives to continue work with institutional administration and boards to develop a collaborative and consultative approach to this issue.

I look forward to hearing the results of these discussions and trust that an amiable solution can be reached.

Yours truly,



Greg Weadick
Minister



cc: Public Post-secondary Institution Board Chairs

324 Legislature Building 10800 - 97 Avenue, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-2025 Fax 780-427-5582

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Council of Alberta University Students
#2, 9908 – 109 Street NW
Edmonton, Alberta
T5K 1H5
780-297-4531

April 29, 2011

Honourable Greg Weadick, MLA
Minister of Advanced Education and Technology
324 Legislature Building
10800 - 97 Avenue NW
Edmonton, Alberta
T5K 2B6

Dear Minister:

I am writing in response to your letter of April 13, 2011 and in follow up to our meeting with you and Premier Ed Stelmach on March 23, 2011 on the subject of non-instructional mandatory fees on our campuses. You committed to meeting with the board chairs and presidents of our institutions and while I am pleased that you discussed our concerns with them, we still are far from reaching the solution we're seeking.

The issue became a concern at two of our campuses, the University of Alberta and the University of Calgary, only after exhaustive and extensive consultations. We went to the Government of Alberta for a resolution only after those consultations failed and large new fees were imposed on our students without approval or recognition of our concerns. For example, prior to last year, the norm for introducing new non-instructional fees at the University of Alberta was a successful referendum of the affected students.

Your proposal of having institutions and student leaders collaborate on a process is something that we have already tried and failed to accomplish at our schools. It is not the solution we discussed with you and Premier Stelmach. We fear that simply extending the period of discussion with our institutions will have similar results to our past conversations. However, we can commit to entering those conversations in good faith and bringing you the results of those conversations on our campuses.

The principles we will be bringing forward to our institutions will be the same as we have been advocating for since the issue came forward:

- Requiring any new non-instructional mandatory fees to be presented to our students' councils as defined in the Post-Secondary Learning Act and then sent to a referendum of the affected students;
- Requiring any increases beyond the consumer price index of existing non-instructional mandatory fees be also sent to a referendum of the affected students; and
- Requiring that for any new fee the institution articulate the reason for the fee, the duration of the fee and the year-to-year increases of the fee.

.../2

We believe these principles will work across Campus Alberta, but we can say for certain that they are exactly the right solution for our campuses. For decades these principles have guided the introduction of new fees at our three institutions, including: students' union fees, universal bus passes, athletics centre fees and fees dedicated to capital projects both for the institution and for the students' unions. In the event that the solution will be found on an institution-by-institution basis we cannot imagine deviating from the formula that has worked so well for our campuses.

Your letter also did not address another concern we had with the events of last year which is the need to clearly identify what fees are non-instructional and considered outside of the framework established in the Public Post-Secondary Institutions' Tuition Fees Regulation. In our conversations you indicated that you discussed this issue at the Campus Alberta Strategic Directions Committee and that you have instructed all institutions to provide your department with a justification for each fee and to clearly demonstrate why they are established outside of the tuition fee policy of the Government of Alberta. We hope that as Alberta's institutions provide this rationale to you, in particular in the case of our three institutions, that you make those documents public so that not only can we see them, but can easily share them with our students as well. More importantly, we urge you to apply a strict standard of what would be considered a fee to provide instruction and what fees do not within your review of these rationales. Directing institutions to properly identify which fees are tuition - and are thus subject to the government's tuition fee policy - would provide much needed clarity.

We also ask that you continue to consider regulating these non-instructional mandatory fees as an option, should institution-by-institution discussions fail to provide a reasonable solution at our campuses. Given the pattern of discussions with our institutions we still believe this represents the clearest and most fair option for all involved, not just students but the government, taxpayers and institutions themselves.

As you know, our students' unions and the Council of Alberta University Students will be entering a period of transition starting May 1, so I commit that I will transition our successors on this topic and emphasize the importance of discussing this with our institutions' administrations over the next few weeks. I trust that you will be able to find time to meet with them following those conversations in June where they can report back to you and we can see what progress, if any, is made and where the ultimate solution will be found.

I expressed to you that establishing clear rules for non-instructional fees was the number one priority of our organization and the students we represent. After waiting since November for a response from the Government of Alberta we are disappointed that the resolution seems just as far away as it was when these unreasonable fees were imposed last September. However, we recognize that the solution was never going to be easy and would involve hard work on our part, hard work our successors will continue to do along with you and your staff. Hopefully, the resolution is in fact just around the corner and will ensure fairness for everyone involved.

Yours truly,



Hardave Birk,
Chair