



The following Motions and Documents were considered by an electronic vote of the Board of Governors on September 3, 2015:

Agenda Title: **Rescission of the \$50.00 Faculty Student Fund fee - Faculty of Law**

APPROVED MOTION 1: THAT the Board of Governors, on the recommendation of the Board Finance and Property Committee and the GFC Academic Planning Committee, rescind the following motion originally approved on June 19, 2015:

THAT the Board of Governors, on the recommendation of the Board Finance and Property Committee and the GFC Academic Planning Committee, rescind the \$50.00 Faculty Student Fund fee for the Faculty of Law, subject to the implementation of the Faculty of Law Market Modifier approved by the Board of Governors on March 13, 2015.

APPROVED MOTION 2: THAT the Board of Governors, on the recommendation of the Board Finance and Property Committee and the GFC Academic Planning Committee, rescind the \$50.00 Faculty Student Fund fee - Faculty of Law to take effect for the 2015/16 academic year.

Final recommended item: 1

OUTLINE OF ISSUE

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Motion 2: THAT the Board of Governors, on the recommendation of the Board Finance and Property Committee and the GFC Academic Planning Committee, rescind the \$50.00 Faculty Student Fund fee - Faculty of Law to take effect for the 2015/16 academic year.

Item

Action Requested	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Steven Dew, Provost and Vice-President (Academic); Lisa Collins, Vice-Provost and University Registrar; Paul Paton, Dean, Faculty of Law
Presenter	Steven Dew, Provost and Vice-President (Academic)
Subject	Rescission of the \$50.00 Faculty Student Fund fee for the Faculty of Law

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To replace the approved motion to rescind the Faculty Student Fund fee which was tied to the market modifier with a new motion to rescind the fee without any conditions.
The Impact of the Proposal is	The elimination of the \$50.00/term Faculty Student Fund fee was made after extensive consultations with students and was endorsed by Law Student Association (LSA). As the proposed Market Modifiers were not approved by Government, the motion as passed by the Board obliges the Faculty of Law to continue to collect this fee. The Dean communicated with the incoming LSA President in August and consulted with him on maintaining the rescission of the fee in light of the Government's announcement.
Replaces/Revises (eg, policies, resolutions)	Approved Motion of the Board of Governors on June 19, 2015: "THAT the Board of Governors, on the recommendation of the Board Finance and Property Committee and the GFC Academic Planning Committee, rescind the \$50.00 Faculty Student Fund fee for the Faculty of Law, subject to the implementation of the Faculty of Law Market Modifier approved by the Board of Governors on March 13, 2015." This \$50.00/term fee was first imposed in 1997, following approval in a law student referendum, in order to fund a full time Placement Officer at the Faculty of Law. The amount has remained unchanged since that date. The fee provides approximately \$52,500 in funding yearly to the Faculty of Law for Career Services staff. The fee is referred to within the Faculty of Law as the "Faculty Membership Fee" (FMF)
Timeline/Implementation Date	Fee will be rescinded commencing with the 2015/16 academic year.
Estimated Cost	Students who have paid the fee for 2015/16 will be refunded.

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Sources of Funding	N/A
Notes	

Alignment/Compliance

Alignment with Guiding Documents	<i>University of Alberta Calendar</i> , UAPPOL (University of Alberta Policies and Procedures On Line)
Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please quote legislation and include identifying section numbers)	<p>1. <i>Post-Secondary Learning Act (PSLA): Sections 61(1) and (2)(a) - "Tuition fees"</i></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 style="padding-left: 40px;">(a) must be set in accordance with the regulations[.]”</p> <p>2. <i>Post Secondary Learning Act (PSLA) Regulations – Alberta Regulation 273/2006 – Section 2:</i></p> <p>“Definition of tuition fees for Act purposes, etc.</p> <p>2. For the purposes of the Act and this Regulation, ‘tuition fees’ in respect of an institution means the following:</p> <p style="padding-left: 40px;">(a) fees identified in the institution’s calendar or in a supplement to its calendar as tuition fees or fees for instruction for courses that are part of programs approved by the Minister under the <i>Programs of Study Regulation</i> (AR 91/2009) or for the purposes of the <i>Student Financial Assistance Act</i>, excluding the following:</p> <p style="padding-left: 80px;">(i) courses taken as part of a distance delivery program by individuals who do not reside in Alberta;</p> <p style="padding-left: 80px;">(ii) apprenticeship programs under the <i>Apprenticeship and Industry Training Act</i>,</p> <p style="padding-left: 80px;">(iii) off-campus cost recovery instruction programs;</p> <p style="padding-left: 80px;">(iv) courses provided under a third party contract;</p> <p style="padding-left: 80px;">(v) any differential or surcharge in fees that the board of the institution may set for courses taken by individuals who are not Canadian citizens or permanent residents of Canada;</p> <p style="padding-left: 40px;">(b) mandatory fees that are payable to the institution by students for materials and services that facilitate instruction in the courses included in clause (a), excluding the following:</p> <p style="padding-left: 80px;">(i) fees for equipment or materials that are retained or leased by students;</p> <p style="padding-left: 80px;">(ii) fees charged in respect of work placements or practicum experience where the persons or unincorporated bodies providing the work placement or practicum experience do not receive funding from the Government in respect of it.”</p> <p>3. <i>Post-Secondary Learning Act (PSLA):</i> 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</p>

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	<p>recommend to the Board on the budget to the GFC APC.</p> <p>4. 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.”</p> <p>5. Board Finance and Property (BFPC) Terms of Reference, Section 3(d): “3. Without limiting the generality of the foregoing, the Committee shall: [. . .] d) review and recommend to the Board tuition and other like fees[.]”</p> <p>6. UAPPOL Student Instructional Support Fee Definition of Mandatory Instructional Support Fee: “Mandatory fees assessed in anticipation of costs for supplies, equipment, materials, or services which are not directly related to the delivery of instruction in a course or program, but are considered required elements of a course or program. Examples include but are not limited to the costs of food, lodging, and transportation for required field trips; supply of certain specialized professional tools which the student will retain; and fees for arranging professional placements such as practica, internships, and work experience. All mandatory instructional support fees require the approval of the Board of Governors.”</p> <p>7. University of Alberta Calendar Section 22.2.3: “The University of Alberta complies with the Government of Alberta’s Tuition Fee Policy which states that postsecondary institutions may charge mandatory student fees for instruction to support the provision of supplies, equipment, materials and services to students.”</p> <p>8. GFC Academic Planning Committee (APC) Terms of Reference (Mandate - Section 3.4.(b)): “To recommend to the Board of Governors on the annual budget, excluding budgets for ancillary units.”</p>
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Routing (Include meeting dates)

<p>Participation: (parties who have seen the proposal and in what capacity)</p> <ul style="list-style-type: none"> • Those who have been informed • Those who have been consulted • Those who are actively participating 	<p>Faculty of Law, August 28, 2015 – attached correspondence Consultations between Dean Paton and Law Student Leadership, August 2015 Office of the Registrar Office of the Provost Vice-President Finance and Administration University Governance</p>
<p>Approval Route (Governance) (including meeting dates)</p>	<p>Academic Planning Committee – August 31, 2015 (for recommendation) Board Finance and Property Committee – September 1, 2015 (for</p>

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	recommendation); Board of Governors - September 3, 2015 (for final approval)
Final Approver	Board of Governors

Attachment:

1. Correspondence from Dean of Law to Provost and Vice-President (Academic) dated August 28 (1 page)

Prepared by: Kate Peters, Portfolio Initiatives Manager, peters3@ualberta.ca, with assistance from University Governance

Revised: 9/3/2015



August 28, 2015

Dr. Stephen Dew
Provost
University of Alberta

Dear Steve:

I write to reconfirm that the Faculty of Law has asked for the \$50.00/term Faculty Student Fund fee referenced in Section 22.2.1(3)(c) of the University Regulations and Information for Students to be rescinded.

This \$50.00/term fee was first imposed in 1997, following approval in a law student referendum, in order to fund a full time Placement Officer at the Faculty of Law. The amount has remained unchanged since that date. The fee provides approximately \$52,500 in funding yearly to the Faculty of Law for Career Services staff. The fee is referred to within the Faculty of Law as the "Faculty Membership Fee" (FMF).

During the extensive consultations with the Law Students Association (LSA) from August-October 2014 regarding student support for a proposed Market Modifier increase, it was agreed that as funding from the increased differential fee from the market modifier tuition increase was to be directed to student support, including career services, it was appropriate and necessary that the \$50/term fee be rescinded. The October 15, 2014 letter of support from the LSA to then Provost Carl Amrhein regarding the market modifier described rescinding the fee as one of the "critical concessions for obtaining our support." Rescinding the fee was accordingly communicated both internally within the Faculty and university and externally as part of the market modifier proposal implementation plan.

I understand that the June 19, 2015 Board of Governors motion to rescind the \$50/term fee made the rescission subject to the Faculty of Law Market Modifier being implemented. I further understand that due to the Bill 3 rollback of Market Modifiers, the motion as passed obliges the Faculty of Law to continue to collect the fees, and that a further Board motion to rescind the fee is now required.

Former President Samarasekera reported in her Colloquy on June 18, 2015 that the Government of Alberta advised the University that while the Market Modifiers were being rolled back, “universities will receive base funding to cover the losses incurred by the roll-back.” Accordingly, student expectations have remained that the FMF would be rescinded as replacement funding would be forthcoming.

I consulted directly with the LSA 2015-16 President in early August 2015 and reconfirmed his expectation that the fee would be rescinded. The Vice Dean of Law, Prof. Moin Yahya, met with Registrar’s Office representatives starting in May and reconfirmed the Faculty’s request in exchanges with that office through July and August.

Please let me know if you require additional information.

Yours truly,



Dr. Paul D. Paton, JSD
Dean of Law and
Wilbur Fee Bowker Professor of Law

cc. Phyllis Clark, Vice President (Finance & Administration)
Lisa Collins, Vice Provost and University Registrar
Marion Haggerty-France, University Secretary