

Jonathan Olfert <jonathan.olfert@su.ualberta.ca>
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Mary,

I can confirm that your summary of our meeting is correct. Yes, I would like to request a fee waiver on grounds of public interest, as follows, based on the [FOIP Bulletin on fee waivers](#).

1) Is the applicant motivated by commercial or other private interest?

The UASU has no private interest in this matter. Higher tuition fees are not likely to lead to reduced enrolment (i.e. damage UASU student fee revenue), because the University anticipates significantly increasing enrollment concurrently with the exceptional tuition increases. (For one example of these plans, see [here](#).) The University's projected and planned-for enrollment growth plans preclude any financial motive for the UASU to make this application. It is also worth noting that championing these student issues is the UASU's explicit public mandate under the Post-Secondary Learning Act.

2) Will members of the public other than the applicant benefit from the disclosure?

Yes, certainly. These exceptional tuition proposals will impact thousands of students who have been improperly informed and consulted on a very short time frame. This information will help fill an extremely broad gap in publicly available information regarding the discussions that led to the creation of these highly controversial proposals. This is including but not limited to a firm understanding of a) the extent to which increased program quality was an initiating motive, a question that is tightly linked to the University's responsibilities under the Tuition and Fees Regulation, and b) the rushed time frames of the University's efforts to develop these proposals, leading to abbreviated public consultation efforts during final exams.

Answering these and related questions will have a direct bearing on the success and timetable of these proposals, affecting thousands of UAlberta students across multiple large faculties. These proposals will impact incoming students in eight programs whose total FTE enrollment last year was 7,720. Note also that other Alberta post-secondary institutions are submitting extraordinary tuition increases quietly and in short time frames (e.g. [UCalgary](#)), marking this as a serious concern for much of Alberta's post-secondary education sector.

3) Will the records contribute to the public understanding of an issue?

Certainly. The initiation and development of these proposals remain highly opaque. Request 0098 will provide irreplaceable information. No other possible source could reliably or substantively speak to how these proposals were initiated and developed at the decanal/provost level. These proposals have also received significant public attention, e.g. [CBC](#), [Edmonton Journal](#), [CBC](#), [Edmonton Journal](#), [Globe and Mail](#).

4) Will disclosure add to public research on the operation of the government?

Request 0098 will illuminate opaque informal communications and mutual understandings between the Provost, Deans, and Minister of Advanced Education. The Minister's role in encouraging, initiating, or tentatively approving these proposals, in parallel with but distinct from official approval processes and timelines, remains a matter of brief second- and third-hand comment rather than public record.

5) Has access been given to similar records at no cost?

Fundamentally, Request 0098 asks for a simple ctrl-F search for two words in a handful of email accounts over the course of 3.5 months. This is similar in scope to the following recent UASU FOIP requests:

- Advanced Education 2020-G-0017 (documents available on request), which produced all the Minister's calendar entries for any meetings with any of thirty individuals over the course of eleven months. This request, which required intensive severing effort, was fulfilled at no cost.
- Advanced Education 2020-G-0018 (documents available on request), which produced all the Minister's calendar entries for meetings with administrators of all of Alberta's universities over the course of eleven months. This request, which required intensive severing effort, was fulfilled at no cost.
- Treasury Board and Finance 2020-G-0044 (documents available on request), which produced the text of any responses to the 2020 budget consultation survey that mentioned a handful of key words. This request produced 1000 pages of response documentation at no cost. Though the UASU agreed to accept the first 1000 pages as a courtesy to TBF staff, the complete record would have been over 3000 pages. This request was fulfilled at no cost, and no cost was mentioned at any point.
- University of Alberta 2020-G-0016 (documents available on request), which involved reviewing every Accessibility Resources/Student Accessibility Services request or complaint involving a handful of key words or topics. This FOIP request process reviewed (but did not provide, for privacy reasons) a total of 4,058 responsive records, and the University filled the request at no cost.
- Note also that University of Alberta 2021-G-0099 is of a similar scope (search the same inbox/sent folders for keywords), but has been attached to an estimate of \$55, roughly 1/35th of the 0098 estimate.

6) Have there been persistent efforts by the applicant or others to obtain the records?

Efforts to learn about the matters in question have gained little traction. For example, note the following excerpts from a June 10/11 email conversation between UASU President Rowan Ley and Provost Steven Dew:

LEY: "Ambiguous but short time frames for consultation have overlapped with final exams, student leadership transition, and the start of summer work for many students. Consultation took place quickly and at the worst possible time."

DEW (entire response to concern): "Consultations began in March to minimize overlap with final exams, but I acknowledge that it is a challenging time of the year made even more difficult by the pandemic situation. Starting as we did as early as possible was based on advice received at TBAC. Unfortunately, the timelines on this have been outside of our control. However, consultation will continue through to March 2022, providing a full year for these discussions."

LEY: "Absence of central administration involvement in consultation has caused faculty-directed consultations of widely variable quality and timeliness. The University's consultation handbook and norms require a more open, informed, collaborative process than we see in most cases. (One notable exception is the Faculty of Pharmacy and Pharmaceutical Sciences, which mustered a relatively substantive consultation in the inadequate time available.)"

DEW (entire response to concern): "While each Faculty might have taken different approaches, they were given specific direction on what elements to include in this consultation to ensure a multiplicity of channels and forums to support widespread participation. I have been assured that each faculty has complied with these expectations."

LEY: "Immediately provide the UASU with all extraordinary tuition proposals, and all relevant associated information, or inform us when the proposals will be ready and commit to providing them at that time. (For most, we know little more than the dollar amount.) We believe this must happen prior to the submission of any proposals to the Ministry."

DEW (entire response to concern): "The current version of the proposals is attached."

This portion of a much larger email exchange is only one example of the efforts that the UASU has pursued to understand the extraordinary tuition proposals. Another example would be Advanced Education FOIP request AE000-2021-G-22 (documents available on request), currently being processed after clarification of scope. We would also characterize our extensive media engagement as an effort to urge the University toward greater transparency and forthrightness on this issue.

7) Would the records contribute to debate on or resolution of events of public interest?

These records would certainly contribute to the UASU's efforts to force the University to fill its procedural responsibilities. Consistent with Order 97-001 and Adjudication Order 2, the precedents cited in the FOIP Bulletin on fee waivers, this information is likely to inform the UASU's stance in further media coverage of the extraordinary tuition issue, as well as continued direct advocacy to the Ministry of Advanced Education. The records would fill a large data gap in the public understanding of these proposals, and could play a role in urging the Ministry to require longer and more substantive consultation efforts on some or all of these proposals.

8) Would the records be useful in clarifying public understanding of a public interest established by the government? An argument for public interest may succeed if the government itself has taken action to bring an issue to public attention. When the issue is related to an area in which government has enacted legislation, a strong case of public interest could be made.

Yes. These records speak explicitly to the University's efforts (or lack thereof) to follow the restrictions of the recently-updated Tuition and Fees Regulation (established 2018, last reviewed/updated 2019). The UASU is arguing to the Ministry that the University has neglected various elements of section 5 of the Regulation, as well as elements of section 8. The Minister's office has recently spoken to the issue of the quality of exceptional tuition increase proposals (see [Calgary Herald](#), [Edmonton Journal](#), etc.).

9) Do the records relate to a conflict between the applicant and the government?

No. The UASU and the Ministry of Advanced Education are not in opposition on this issue. The records do relate to a disagreement between public bodies (the UASU and UAlberta).

10) Should the public body have anticipated the need of the public to have the records?

Not these particular records, but the substance of the discussions that initiated and developed these proposals, including the time frame, should have been far more transparent.

11) How responsive has the public body been to the applicant's request (e.g. by providing some records free, by providing alternative and less expensive options, and by narrowing the request)?

The \$1900 estimate for this request refers to an already-narrowed scope, but relies entirely on the direct respondents' own estimates of the required time. While the IPO has provided accommodation, the core fees are at the mercy of the Provost and Deans whose email accounts are being searched. Under no circumstances should searching six email accounts for two words take 28 hours or cost \$1900. Again, note that University of Alberta 2021-G-0099 is of a similar scope (search the same inbox/sent folders for keywords), but has been attached to an estimate of \$55, roughly 1/35th of the 0098 estimate. There is real reason to recognize that the respondents may have an incentive to err on the side of overestimating the costs.

12) Would the waiver of the fee shift an unreasonable burden of the cost from the applicant to the public body?

No. In Order 2000-033, the Calgary Regional Health Authority was ordered to waive an applicant's \$8,300 fee. This would be equivalent to \$12,300 today per the Bank of Canada's inflation calculator, approximately 6.5x greater than the estimate for 0098. This year the University of Alberta's budget is \$1.9 billion dollars and it boasts ~19,000 staff; both numbers

are within the [same order of magnitude](#) as CRHA. The 0098 fee estimate is .0001% of the UAlberta budget.

Meanwhile, the \$1900 estimate would be unreasonable for the UASU, a nonprofit whose entire budget for FOIP requests, survey distribution, and other research expenses shares a \$2500 budget line with Get Out The Vote campaigns and other significant advocacy costs.

Thank you,

Jonathan Olfert, MA (he/him or they/them)

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Papastew Ward (pah-pah-stay-oh), Treaty 6 territory, the traditional lands of First Nations and Métis people