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@3:00

July 27, 2012

Colten Yamagishi
President
Students' Union

Dear Colten:

RE: CHANGES TO LISTER HALL RESIDENCE OPERATIONS

(STUDENT CONCERNS ADDED, IN BOLD AND BLUE)

Thank you for your document *Response and Resolution to the Residence Changes Proposed by the University of Alberta*. We are committed to working with the Students' Union and the LHSA to address these issues and concerns.

In your document you raised a number of points. Given that we have not had the time to fully consider all of these matters, rather than reply to each one individually, I will respond to your concerns more broadly.

You have cited a number of statutes, policies and memoranda. We are confident that we are fully within the administration's authority to make management and operational decisions impacting the University's residences as delegated to administration by the Board. The Post-Secondary Learning Act is clear on the role of the administration and of the Board, and the Board's ability to delegate management and operational decisions to the University's administration. As we have noted from the beginning, the decisions taking effect in 2012 have been made in direct response to the University's concerns regarding the health and safety of our students as well as our staff who work in Lister Hall. Administration has the full authority to act and take those steps necessary to respond to health and safety matters. The longer term transition to a first year residence is rooted in combination of health and safety concerns, best practices and equally important creating a living, learning environment that sets our students up for academic success.

(The University's administration has stated that it is within its rights to contravene signed agreements, University policies, and Board motions in order to perform management and operations. This is simply not true. The University owes a commitment to its signed agreements, a dedication to the adherence and enforcements of its policies, and a duty to abide by Board of Governors motions. The Board of Governors has delegated operational and management authorities to the University, but that authority is wholly subject to institutional policy.)

In addition, the Students' Union, in its previous letter, provided evidence as to whom the Board had delegated decisions regarding the development of Residence-specific Community Standards – that being a joint approval mechanism by both the residence association (in this case, the LHSA) and Residence Services. The Post-Secondary Learning Act is most definitely clear on the Board's position as the highest governing body of this institution; however, the administration has failed to provide us with this supposed directive in which the Board of Governors has granted the University administration the power to sidestep Board motions. To be clear: the LHSA has not approved changes to its Residence-specific Community Standards.

Once again, the University administration has cited the impetus for these changes as a direct response to health and safety concerns, yet these concerns remain undocumented. The Students' Union and Lister Hall Students' Association finds this lack of documentation to be an appalling affront to a University community that prides itself in evidence-based decision making as a result of open and honest discourse.)

You reference the role of the Students' Union and its responsibility over student affairs in representing student interests. We acknowledge the critical role that the Students' Union plays in this regard and the University has a proven track record in engaging the Students' Union and LHSA in meaningful consultations on a broad range of issues. However, again, I must stress the University's responsibility associated with the health and safety of our students and staff and the paramount nature of that responsibility. When significant health and safety issues are identified and documented, when the University is dealing with young students, a large number whom are minors, it is imperative that the University takes the necessary actions to respond to those health and safety concerns.

(The 'proven track record' that the University cites as a foundation to this institution is disputed by the SU and the LHSA. This proposal features no fewer than eight changes to the operations of Lister Hall, most of which have never been discussed with the LHSA or the SU. The few items that have been broached for discussion were not approached to elicit feedback nor invite collaboration, but were brought forth to residence leaders as an afterthought. To this date, the University administration has been unable to prove that meaningful, open discussions have occurred between the LHSA, SU, and Residence Services regarding staff structures, demographics, and the areas where alcohol can be consumed in Lister. Consultation is a process under which both parties commit to sincere discourse to approach an issue; the outcome should respect and respond to each party's values and interests. In this case, the values and interests of the largest stakeholder – the students who reside in Lister– have been ignored for years. Surely this does not constitute a proven track record of engaging in meaningful consultation.

Once again, the University administration states that significant health and safety issues are identified and documented. Both the identification and the documentation of these issues remain hidden from students, and this statement contradicts statistics that show a significant reduction in disciplinary incidences over the past three years¹.)

The University has made decisions on five important areas: the staffing structure for the new residence assistants, the establishment in 2013 of Lister as a first-year residence, expansion of themed living areas, including changes to the use of alcohol in all University residences, the establishment of a community resource team and the delivery of first-year residence life programming. In your document you request that the suite of changes be rescinded immediately. Given the nature of the underlying health and safety concerns to both students and staff, the

¹ 2010/2011 Office of Student Judicial Affairs Annual Report

University will proceed with these changes. However, there will be ample opportunity for consultation with students regarding the implementation of several specific aspects of these decisions. Topics for consultation include:

1. The relationship between the newly established resident assistant positions and the elected LHSA representatives and how these individuals can work together productively including the broader relationship between residence life staff and the LHSA.
2. The delivery of the residence life first year programming.
3. The organization of academic cohort and theme floors.
4. Student leadership roles for senior students living in Lister.
5. The continuing effectiveness and vibrancy of the LHSA.

(At the risk of sounding repetitive, the SU would like to reiterate that the specific health and safety concerns at the residence remain hidden from students. Furthermore, it is difficult to construct a scenario under which the expansion of themed living areas can be viewed as a response to health and safety concerns. Finally, consultation cannot be considered as appropriate after a resolution has been arrived at; consultation must engage the affected groups prior to a decision. The SU and LHSA expect and demand better from their institution's administration.)

In your document you refer to the importance of evidence in making decisions, and in your follow up email you asked for specific documentation. I will provide you with access to evidence that supports our concerns regarding the health and safety of our students and staff. Likewise, should you provide us evidence that shows health and safety is compromised by these changes we will commit to reviewing that evidence.

(The SU and LHSA have demanded that the University administration respond with access to evidence by 12:00 p.m. Tuesday, July 31; if evidence is not provided for any of the eight aspects of this proposal, then we must assume that is because they did not make these decisions based on evidence. At the moment, students also dispute the request that students provide instantaneous confirmation that health and safety is compromised by these changes. The onus remains on the University administration to prove that first, there are concerns; second, that immediate action that contravenes University policy is necessary to respond to a clear and present danger to students; and third, that their response to the emergent concerns is supported by research as being an appropriate response.

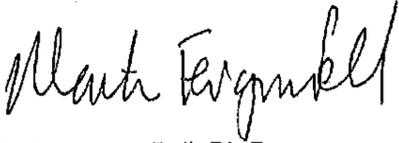
Our demand for evidence is eminently reasonable, as the SU presumes that the University made its hasty decision on Monday, July 23 based off logical evidence.)

In maintaining our commitment to consultation we will work with you in establishing a schedule that enables use to proceed with consultations on the topics as listed above.

One of the great strengths of the University of Alberta is its relationship with the student community and the various constituent groups that represent the students. We want to maintain this relationship in the interest of all members of the University. I am confident that by working together and keeping the broad based University's interests and the health and safety of our community as paramount that these issues can be addressed.

(At this point, the Students' Union must question that the University administration is committed to the strength, and maintenance, of our relationship. The blatant disregard for process, student opinion, and failure to respond with earnest explanation has put this administration's motives and priorities to question, and the Students' Union remains fully committed to holding the University responsible for its actions.)

Sincerely yours,

A handwritten signature in black ink that reads "Martin Ferguson-Pell". The signature is written in a cursive, flowing style.

Martin Ferguson-Pell, Ph.D.
Acting Provost and Vice-President (Academic)