



Sept. 29, 2015

Dr. Dru Marshall  
Dr. Elizabeth Cannon  
University of Calgary

Thank you for your response on Sept. 22, 2015. While I appreciate your stated goal of working together to improve the student experience, many elements of your letter and recent public comments cast serious doubt over this intention. University administration has yet to substantively address the ownership issue or the requirements I laid out in my Sept. 9 email.

My email established three basic expectations for future negotiations. The first was that the pending termination of the Licence and Occupation and Operation Management Agreement (LOOMA) must be entirely rescinded, not simply extended. I made this request because we have cooperatively operated MacHall for more than 40 years and the termination of the LOOMA without a comprehensive agreement in place prejudices the Students' Union (SU). Your recent comments insinuate that if the current agreement expires, the university would then take over the building and its revenues. The Board of Governors of the University of Calgary allowing university administration to take over the revenue from MacHall and not allowing the SU autonomy in its own space – space that students paid for – presents a significant departure from the material operation of MacHall. Further, this constant state of uncertainty surrounding students' rights in the building exemplifies why ownership is crucial for the SU. The SU is prepared to vigorously defend its position to ensure students maintain control over their space in the building they paid for.

The second expectation was that the SU would not split the negotiations into different tables as this has proved to be inefficient and at this stage unnecessary, due to the lack of shared understanding on ownership. In fact, the SU and the university's administration have already had 18 meetings, totalling 21.5 hours specifically on the topic of a building management agreement, which has been referred to incorrectly as an "operating agreement." Both parties have been unable to finalize the details of the agreement because of a lack of a shared understanding about the nature of student ownership of the building. On this basis, I don't see how resuming these discussions in isolation, without first coming to a shared understanding on student ownership, will be productive and will not further delay a process that's already taken nearly three years. As the SU has been stalling for over a year, it is not willing to finalize any other agreement on MacHall until we have come to an understanding on the ownership of the building.

The third issue at hand was the nature of the agreement itself. From the outset of these negotiations more than two and half years ago, my predecessors and I have repeated the need for an agreement that is detailed, definitive, and legally binding. To my surprise and puzzlement, this continues to be something university administration will not agree to. An agreement that is completely clear and unambiguous in its terms would be beneficial for both sides in order to

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prevent disagreements and misinterpretations that could lead to future disputes. This is particularly important in light of the numerous challenges we've had in the past with occupancy fees and space allocations. I would hope that the Board of Governors has the foresight to want to avoid this type of situation from arising again. University administration has repeatedly pressed for a vague two page document which appears indicative of the university's desire to control the building in all respects. Other reasons for not wanting this detailed agreement have not been shared or explained to me or my predecessors.

After many hours of discussion with SU elected representatives, students, and community members, the SU would like to simplify its request for a clear starting point of future negotiations: We must agree that we are working towards a detailed, legally binding agreement that provides a complete framework to how the SU and the Board of Governors of the University of Calgary will co-own and manage in perpetuity. The SU must be formally and legally recognized as an owner in MacHall. The students at the University of Calgary have earned this and deserve nothing less.

The SU is also willing to set aside substantial time to hear university administration's position on ownership and seek to understand all of the evidence to substantiate the claim that students do not, and have not, held any ownership of MacHall. In particular, I would ask university administration to produce in advance of the meeting, any evidence to counter students' ownership claim or any documentation showing that the University of Calgary did not act as a trustee of student money in exchange for a student ownership percentage of the building. This evidence could even help clear up any misinformation that Dr. Marshall may be referencing in the media. So far, the only evidence the administration has provided was a reference to article 4.1 in the 1999 LOOMA. As the SU has previously pointed out, this article was drafted in error.

As I've stated previously, these requests are made in good faith and, at this time, represent the only reasonable solution for us to reach an agreement in such a tight time frame. If you are unable to accommodate these requests, the SU will continue to proceed as it deems appropriate. We look forward to your response at your earliest convenience.

I'll re-emphasize my earlier comments: For nearly five decades, the university and the SU have created an enduring, strong relationship. Our relationship has also produced one of the best students' unions in Canada, with an unmatched offering of services, programs, initiatives, events, and advocacy – all which make an impressive impact in all facets of student life. I believe that reaching an understanding on this issue is critical to ensuring that this relationship remains productive and mutually beneficial.



Levi Nilson  
President,  
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cc: Bonnie Dupont