

October 31, 2017

File No. 3540-005

VIA EMAIL

BC Human Rights Tribunal
1170 - 605 Robson St.
Vancouver, BC V6B 5J3

Attention: Daniel Varnals

Dear Sirs and Mesdames:

**Re: *Glynnis Kirchmeier and Glynnis Kirchmeier obo Others v. University of British Columbia*
BCHRT Case No. 14965**

Please find enclosed the Respondent's proposed edits to the Complainant's proposed communication to class members and opt out form.

Content of Proposed Communication

With respect to the proposed communication, the Respondent says that it is inappropriate to include the proposed information regarding a media program and communication to the Respondent by an MLA, as neither of those allegations are set out in the Complaint.

Further, the Respondent says that the Complainant should be required to characterize her allegations as allegations, rather than facts, so as not to mislead members of the class regarding whether any findings of fact have been made or whether the Respondent agrees with the Complainant's assertions of fact.

Those proposed changes are reflected in the enclosed edited communication.

With respect to the Complainant's vision statement, the Respondent submits that that statement goes beyond the scope of the communication plan ordered by the Tribunal. The remedies sought by the Complainant are set out in the Complaint, which is to be enclosed with the communication.

Further, that vision statement was provided to the Respondent for the early settlement meeting that occurred between the parties, as evidenced by the date on the statement. As the parties are not permitted to disclose the discussions that occurred at the early settlement meeting, the Respondent says it is inappropriate for the Complainant to disclose with this

initial communication a document provided to the Respondent for the purposes of that mediation.

Method of Communication

With respect to communication with the members of the classes, the Respondent does not have a list of all of the members of the classes. Each of the classes includes any female student who, within a noted time period, communicated alleged sexual misconduct to any member of the Respondent's faculty or administrative staff. The Respondent employs thousands of faculty and administrative staff, and is not aware of every formal, informal, scheduled or unscheduled interaction between those employees and female students.

In the circumstances, the Respondent says that rather than attempt to compile a list of all members of the classes, which would likely be incomplete, the communication should instead be sent to the last known email address of all female students who attended the University between January 2014 and November 2015, the time period covered by the Complaint.

In light of the number of documents that the Complainant proposes sending to the members of the classes, the Respondent also proposes that instead of attaching those documents to the email communication, it would be more appropriate to upload those documents to a webpage, which the Respondent will host, with the link to the webpage provided in the email to potential class members.

Yours very truly,

Roper Greyell LLP

Per:

Jennifer Devins

JRD:jrd

cc. Client

Clea Parfitt