



# British Columbia Human Rights Tribunal

1170 – 605 Robson Street  
Vancouver BC V6B 5J3

Phone: 604-775-2000  
Fax: 604-775-2020  
TTY: 604-775-2021  
Toll Free: 1-888-440-8844

[www.bchrt.bc.ca](http://www.bchrt.bc.ca)

December 5, 2017

Clea F. Parfitt  
407 - 825 Granville Street  
Vancouver, BC V6Z 1K9

Jennifer Devins & Michael Wagner  
Roper Greyell  
1850 745 Thurlow Street  
Vancouver, BC V6E 0C5

Via Email

Dear Parties:

Re: **Glynnis Kirchmeier and Glynnis Kirchmeier obo Others v. University of British Columbia**

**(Case Number: 14965)**

---

I am in receipt of UBC's submission of November 21, 2017 and Ms. Kirchmeier's response of November 22, 2017. I will not repeat the arguments set out therein in full. My decision is as follows:

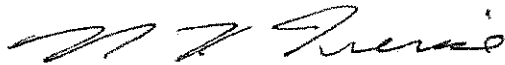
1. I accept that UBC's Residence Advisors and Residence Co-ordinators appear to be employees, as argued by Ms. Kirchmeier. However, in *Kirchmeier and others v. University of British Columbia (No. 2)* 2017 BCHRT 186, the Tribunal stated that "employee", in the description of class was overly broad and "it is necessary to limit UBC's obligations to disclosures and reports made to employees in positions of authority, real or perceived". Neither of these job descriptions suggest they are positions of authority within the university or that they could reasonably be perceived as such by students in residence.

In addition, I am informed by Ms. Kirchmeier that an FOI document provided to Ms. Kirchmeier relating to the duties of these employee classifications states that victims of sexual violence should be referred to Residence Life Managers. Residence Life Managers appear to be accepted by UBC, at least for purposes of this complaint, to be employees in authority.

I accept UBC's submission that Residence Advisors and Residence Co-ordinators do not fall within the scope of the approved classes and need not be canvassed.

2. Conversely, I remind the parties that the class is as accepted by the Tribunal. Accordingly UBC's submission that those canvassed should be restricted to those listed in its submission is rejected. All administrative staff falling within the scope of the approved classes should be canvassed regardless of the concerns expressed by UBC respecting the complications of doing so. The time frame for determination is January 2014 and November 2015. Current administrative staff or faculty members not serving during that time frame need not be canvassed.
3. I agree with the privacy concerns raised by UBC. The faculty and administrative staff may have the option of sending the initial communication to the women who made disclosures or reports to them in confidence. UBC should record the number of such communications and the person originating them. The location of that person need not be recorded nor does the information need to be provided to Ms. Kirchmeier – the process engaged here is designed to deal with privacy issues, not to provide Ms. Kirchmeier with information she would not receive in other circumstances.
4. UBC's concern respecting Ms. Kirchmeier contacting viewers of the website will be addressed by my order that Ms. Kirchmeier shall not communicate with individuals who view the website or documents linked to the website, unless directly contacted by such individuals on their own volition and requested to do so.

UBC may proceed with assembly of the communications package.



Norman Trerise  
Tribunal Member