

CLEA F. PARFITT LAWYER *

407 - 825 Granville Street Vancouver, B.C. V6Z 1K9 604-689-7778 (Tel) 604-689-5572 (Fax)

August 30, 2019

BY HAND

B.C. Human Rights Tribunal
1170 - 605 Robson Street
Vancouver, B.C.
V6B 5J3

Attention: Daniel Varnals, Case Manager

Dear Mesdames/Sirs:

**RE: Glynnis Kirchmeier - and - Glynnis Kirchmeier obo others v.
University of British Columbia
Case Number: 14965**

Please find enclosed the Complainant's Reply Submissions in relation to her Application for Disclosure of Documents and Costs, together with Schedules A to F.

By copy of this letter this application and supporting materials are being provided to Counsel for the Respondent.

Yours truly,
CLEA F. PARFITT, LAWYER


Clea Parfitt

cc. Client

Roper Greyell, Attn: Michael Wagner/Jennifer Devins

**IN THE MATTER OF THE *HUMAN RIGHTS CODE*
R.S.B.C. 1996, c. 210 (as amended)**

**AND IN THE MATTER of a complaint before the
British Columbia Human Rights Tribunal**

BETWEEN:

GLYNNIS KIRCHMEIER – and – GLYNNIS KIRCHMEIER obo OTHERS

COMPLAINANTS

AND:

UNIVERSITY OF BRITISH COLUMBIA

RESPONDENT

**COMPLAINANT'S APPLICATION FOR
DISCLOSURE OF DOCUMENTS AND FOR COSTS
COMPLAINANT'S REPLY SUBMISSIONS**

I. Requests to which the Respondent Consents

1. The Respondent consents to the provision of a revised list of documents including any documents exhibited to affidavits (Respondent submissions, para. 18). We ask that the University be ordered to identify the source of documents being listed so that we can more easily determine if disclosure is complete.
2. The Respondent consents to the provision of a list of any privileged documents (Respondent submissions, para. 18).
3. The Respondent agrees to remove all redactions from previously disclosed documents, other than the names and identifying details of third parties who were *involved in* complaints of sexual misconduct (Respondent submissions, para. 18). We note the potential breadth of this exception, which could include any person who had anything to do with processing the complaint at the University, as well as the names of respondents other than Mr. Mordvinov.
4. The Respondent agrees to disclose the report of Paula Butler and the materials and correspondence related to her report, other than the names and

identifying details of third parties who were *involved in* complaints of sexual misconduct (Respondent submissions, para. 19). Again, we note the potential breadth of this exception.

5. The Respondent agrees to list and disclose any relevant documents obtained from their re-canvassing of the UBC faculty and staff named in our application. In respect of these new documents, we ask the Tribunal to order the University to provide us with a list of persons whose documents they have canvassed and which they are providing since trying to determine that from their disclosure is very difficult.

6. We appreciate the University's progress towards full disclosure, but we maintain that it is insufficient for reasons discussed below.

7. We also note our concern that no new lists of documents or copies of documents have yet been produced. It is common, following an application for disclosure, for additional documents to be disclosed before or with the responding party's submissions in response. This is helpful in eliminating matters no longer in dispute between the parties from ongoing submissions.

8. The University says that it consents to disclosure of certain additional documents, but it has failed to list or provide those documents. As no further documents have been provided, we are unable to see what their further disclosure amounts to and address any concerns about that more complete disclosure in this round of submissions. The University's failure to list and provide the documents they acknowledge are missing at this time prolongs the delay their failure to comply with the Tribunal's rules has already created.

9. We continue to seek orders from the Tribunal for disclosure of documents, including in respect of documents the University says it consents to disclose.

II. Principles of Document Disclosure

10. The University relies on *Smith v. Provincial Health Services Authority*, 2015 BCHRT 112 ("*Smith*"), to claim that disclosure in Tribunal proceedings is governed by a principle of proportionality.

11. In fact, the Tribunal's Rules, amended as recently as November 2018, continue to provide that all documents that *may be relevant* must be disclosed: Rule 20(3).

12. The Tribunal's Rules do not contain a reference to proportionality in disclosure. The Tribunal has only noted the comment about proportionality in *Smith* twice, in *Pankratz v. RDH Building Science*, 2018 BCHRT 90 ("*Pankratz*") and in *Noyes v. The Waldorf Hotel and others*, 2018 BCHRT 109 ("*Noyes*").

13. In *Pankratz, Smith* was cited by the respondent to an application for disclosure. The Tribunal cited *Smith* for a different principle, and did not apply the principle of proportionality in its decision (para. 28).

14. In *Noyes*, the Tribunal only referred to the principle of proportionality to refuse disclosure of a document of marginal assistance to the complainant such that the Tribunal did not consider the document necessary to a just or timely resolution of the complaint.

15. Given this history, it cannot be said that the Tribunal has adopted a general principle of proportionality as limiting disclosure obligations, or stepped away from its long-standing requirement that all arguably relevant documents be disclosed.

16. There are important policy reasons for the Tribunal to maintain the arguably relevant standard, and not shift to a less stringent standard, as the superior courts in BC have done.

17. The context in civil court actions is completely different in at least two critical respects. First, parties in civil claims have a right of examination for discovery. This process can be used to obtain admissions other than through document disclosure, explore the existence of potentially helpful documents, and request disclosure of additional documents. Second, the opportunity to have a matter decided on a preliminary basis on documents and affidavit evidence alone is much more limited in civil actions. The grounds for preliminary dismissal in court are much narrower than the grounds for dismissal under s. 27(1) of the *Human Rights Code*. Further, when affidavits are relied upon in court to obtain a summary judgment, a right of cross-examination exists. By contrast, it is exceedingly rare for parties at the Tribunal to be permitted to cross-examine on affidavits, even when the complainant is facing dismissal of their complaint.

18. The Tribunal has further observed that particularly full disclosure in advance of a dismissal application proceeding is important to protect a complainant's right to present its case fully and fairly as required by the principles of procedural fairness: *Suen v. Envirocon Environmental Services*, 2017 BCHRT 68.

19. Despite the broad disclosure required in this case, the Tribunal must be careful to resist the Respondent's attempts to tempt the Tribunal into watering down the Tribunal's longstanding and carefully chosen policy of full disclosure on an arguably relevant standard. Introducing any general principle of proportionality to disclosure would make it much more difficult for complainants to prove their complaints, and would undo the Tribunal's move to increase fairness on applications to dismiss by requiring full disclosure before such applications are adjudicated.

III. Redactions from Documents

20. The University says that "this is not a case where the Respondent has

refused to provide disclosure". We disagree. First, very significant documents are missing from their disclosure. See the documents attached to this submission which have been obtained from other sources. They include documents from Caroline Grego identifying herself as a complainant (**Schedule B**), which we were not previously aware of. They include documents from General Class member Tara McBryan which were not previously produced (**Schedule F**). They include documents from Student B (**Schedule E**). Most importantly, they include a critical email from Mr. Mordvinov describing his assault of Student B (**Schedule D**). This is one of two emails we are aware the University possesses, neither of which have been disclosed by the University. We also know that the University has screenshots of Facebook conversations with Mr. Mordvinov, as emails we have say such screenshots are in the University's possession, but they have not been disclosed (Hyson emails, **Schedule G**).

21. Further, we submit that providing an enormous number of documents which are redacted so that their content is obscured is a very real form of refusal to disclose. Sending a large number of documents in this state created an enormous additional burden on the complainant and counsel to attempt to decipher the documents, identify what was missing, make this application, and describe the impact for the Tribunal of this partial disclosure. The large number of pages involved has significantly compounded the harm of the University's very partial disclosure here.

22. The University continues to object to the disclosure of any information that will reveal the identity of individuals who made complaints to the University seeking help or support from the University.

23. It remains our position first and foremost that the Tribunal has approved this complaint, and the complainant as the representative complainant. Advancing this complaint requires the complainant to know the identities of people who made complaints to the University about sexual assault, so that the making of those complaints, and any responses by the University, can be tracked through the documents. Failure to order disclosure of this information to us would fundamentally frustrate the complainant's effort to advance the complaint, and would amount to a denial of the complainant's right to a fair hearing. This would in turn be a serious failure to comply with and support the purposes of the *Code*.

24. The University says that "there was no basis for those individuals, at a particularly vulnerable point in their lives, to believe that their personal information would be disclosed many years later to a stranger." In fact, however, when it suited the University, information about disclosures was shared among a number of people within the University who would have been strangers to the individuals disclosing, and was also shared by the University with Paula Butler, an outsider to the University.

25. Further we note that a number of women wrote about their experiences in the GUTs articles, describing misconduct by Mr. Mordvinov and others (Caroline Grego, Alana Boileau and Christina Turner). Other women spoke to the media in "School of Secrets" and subsequently (Student B, Caitlin Cunningham, Kaitlin

Russell and others). The University redacted the names of all of these people even though they had already told their stories to strangers.

26. Moreover, the University redacted the names of staff persons who are not class members and the names of men who made complaints, who are not class members. Their redactions were also inconsistent, in some instances making names they had redacted in one place available in another.

27. It is clear from these facts that the University's position is not about protecting women who want privacy. Rather, it is a pretext to prevent the complainant from effectively pursuing her case.

28. In any case, the confidentiality interest the University claims to be supporting is protected by Rule 23.1 of the Tribunal's Rules, which provides for the confidentiality of disclosed documents in the following terms:

- (1) Documents that a participant obtains through the disclosure process in Part 6 of these Rules are confidential.
- (2) A participant must not use a document obtained through the disclosure process in Part 6 of these Rules for any purpose other than the complaint process in which they were disclosed, except:
 - (a) with the consent of the party who disclosed the document;
 - (b) by order of the Tribunal;
 - (c) after the document is entered as evidence in a hearing.

29. The protection offered by this rule was noted by the Tribunal in *Noyes* (para. 58). The Tribunal further held in *Noyes* that there was no general rule that third parties whose information was sought should be asked to provide their position on the disclosure (para. 58). The Tribunal also noted that protection of privacy legislation permits disclosure as necessary for the purposes of litigation (para. 59).

30. The University says that members of the classes were given no indication in the initial communication to the classes that a failure to opt out would result in their identities and records related to their allegations of sexual assault being disclosed to us. The University says that the order the Complainant seeks now is in express contradiction to the initial communication to the class members.

31. The purpose of the initial communication was to introduce the litigation to members of the classes, and advise them that they might be class members. The initial communication offered individuals the opportunity to opt out of being a member of either class, and to decide whether to provide their *contact information* to Ms. Kirchmeier.

32. There was no determination prior to the initial communication that anyone opting out of being a class member would be excluded from having documents in

respect of them disclosed to Ms. Kirchmeier. As articulated by a Class Member (**Schedule A**, Email of March 7, 2019), there are many reasons why a person might opt out.

33. The initial communication was also not intended to address how disclosure would be handled in detail. Nonetheless, the initial communication said expressly that following disclosure by the complainant, the University would be required to provide all relevant and non-privileged documents in its possession or control to us (Section IX. What Happens Next?). Members of the classes were thus formally told in the initial communication that their information would be provided to Ms. Kirchmeier. Class members were not told at any point that no information about them would be provided to the complainant unless they authorized that.

34. The University was fully aware of the disclosure requirements in the Tribunal's processes at the time of the initial communication. They had an opportunity to vet the initial communication to the class members before it was sent and ask for changes to it, which they did. If they felt that further or different information should have been provided to class members at that time about disclosure, it was open to them to advocate for that. They did not do so.

35. Moreover, the University's objections about disclosure are entirely theoretical. They have provided no information from any person whose information may be provided to us that that person objects.

36. By contrast, a number of class members have advised us that they do not object to having their materials shared with us. Attached as **Schedule A** are a number of emails from class members consenting to disclosure. Ms. Kirchmeier has not received communications from class members that her litigation or statements to media are objectionable.

37. The public interest in the purposes of the Code and in this complaint requires that information regarding individuals and their complaints of sexual assault be provided to the complainant on a confidential basis. The Tribunal's Rules ensure that any loss of privacy in this disclosure is minimal, and is outweighed by the benefits of this litigation, including that of holding a large public educational institution accountable for its response to significant allegations of sexual assault. The loss of privacy is no greater than the loss of privacy that occurred when information was provided by the University to Paula Butler, a process that did not have the broad public benefits of this complaint.

IV. Disclosure opposed by University

38. Our application set out a lengthy list of categories of documents for which we are seeking an order. The University has not responded specifically in relation to many of those categories. We ask the Tribunal to find that the University does not oppose the disclosure requested unless it has specifically said that it does.

39. **Scope of Request for Documents.** The University argues that our

request for documents outside the temporal scope of the complaint is an attempt to broaden the complaint. This is incorrect. The temporal scope of the complaint as set by the Tribunal establishes the time frame during which the University can be held *liable* for its actions, it does not set the parameters of “arguable relevance”.

40. The University was not a blank slate at January 8, 2014, the start of the period of liability. It is critical for us to be able to establish the state of the University’s knowledge on a number of fronts at that point, the actions it had taken to that point, and the policies and procedures it had in place at that time. Clearly this cannot be accomplished by disclosing only documents that were created on or after January 8, 2014. What the University and Green College knew and had done by January 8, 2014 is critical to evaluating the University’s liability after that time. It is common-place for the Tribunal to hear evidence about, and require disclosure in relation to, *context* relevant to a complaint. This is the disclosure we are seeking outside of the temporal scope of the complaint. Not ordering the production of documents that will establish the state of affairs at the beginning of the liability period would fundamentally deny the complainant a fair hearing and would be inconsistent with the purposes of the *Code*.

41. The University opposes our request for documents about meetings at Green College in the summer of 2013 (para. 26(c)). Ngwatilo Mawiyoo and Sereana Naepi met with Clark Lundeen to express concern about the safety of women at Green College, both because of Mr. Mordvinov and because of other men. As a direct result of their efforts, as well as the efforts of Jessi Saunders and Kirstie Kellman-MacFarlane, Mark Vessey encouraged and promoted the creation of the Green Lanterns, residence counsellors who received complaints from Green College residents, including complaints of sexual misconduct. This background is relevant to the complaint and documents in respect of it should be ordered.

42. The University says that it does not have control of documents regarding the Green Lanterns (para. 37). UBC does have control of some documents related to this because Mark Vessey approved and promoted the Green Lantern program, including by creating a page on the Green College website that described the Green Lanterns and mentioning them in printed materials.

43. One of Mordvinov’s victims, Student C, and an advocate reported Mordvinov’s rape of Student C through a series of meetings starting in August 2013. All meetings are directly relevant to events in the liability period and should be ordered disclosed.

44. **Documents re Mr. Mordvinov.** All documents regarding Mr. Mordvinov, other than documents of a purely academic nature are relevant and must be ordered produced.

45. At paras. 83 and 84 of our application we seek disclosure of documents relating to the *reaction* to articles published in the GUTS magazine. It is our understanding that the articles related, in part, to the conduct of Mr. Mordvinov, and that the articles were seen by Mark Vessey of Green College when they were

first released. Following up on this understanding is reasonable and is not a fishing expedition. The University says that it does not have control of these documents (para. 37(b)) but they may be unclear about what we are actually seeking. Mr. Vessey wrote that he feared that the GUTS articles would generate more media coverage and create a panic reaction, and another Green College employee, Clark Lundeen replied that they should be provided to University counsel. The comments about these articles are relevant to the University's state of knowledge at the start of the liability period and should be ordered produced.

46. Attached as **Schedule B** are emails sent by the one of the authors of the GUTS articles, Caroline Grego, to Chad Hyson of the Non-Academic Misconduct process, Tina Loo of the History Department, and Mark Vessey of Green College. She attaches the web addresses for the GUTS articles and advises that they relate in part to the actions of Mr. Mordvinov.

47. The emails in **Schedule B**, which we have now obtained from Ms. Grego, were not produced by the University, even though the University has said that they have produced the documents from Mark Vessey, Chad Hyson and Tina Loo. As these emails contain an actual written complaint, this deficiency is very concerning to us.

48. The University opposes our request for the peeping tom documents (para. 26(a)). At the time Mr. Mordvinov was assaulting women, Mark Vessey and Clark Lundeen of Green College were also aware of other harassment of women residents and the failure to provide a safe environment for them. The peeping tom was one of those situations. These documents are relevant to the University's state of knowledge and preparedness at January 2014.

49. The University opposes our request for documents about Green College parties (para. 26(b)). These incidents are relevant because, as reported to Green College by Student B (and Richard Sandlin on her behalf), Jessi Saunders, Student C, Student F, Stephen Hay, Kristie Kellman-MacFarlane and Caroline Grego, it was at these parties that Mr. Mordvinov picked people up and held them upside down, attacked women, and kissed Student B against her will. Directly after these parties he also attacked women when he invited them to his room. Documents regarding misbehaviour during parties at Green College while Mr. Mordvinov was a resident must be ordered disclosed as they are a critical part of the context at the start of January 2014.

50. Some of these parties and Mordvinov's attacks, including upon Student E, Student F, and Student B, took place within the relevant time period. Student H, who may be a new victim previously unknown to us, but whose name is redacted, reported to Clark Lundeen that Mordvinov attacked her at Green College in two incidents in April and May 2014. Student I, who may be a new victim previously unknown to us, but whose name is redacted, is discussed by Monica Kay, Clark Lundeen, and Mark Vessey as "uncomfortable" and "needs support" due to Mordvinov on August 29 2014.

51. The University says that documents relating to Mr. Mordvinov's employment in 2013 are not relevant (para. 32). The History Department stripped Mr. Mordvinov of his TA assignment after at least one inappropriate incident in class where he yelled at the professor, Christopher Friedrichs, in front of students. A student also reported to Ms. Kirchmeier that Mr. Mordvinov treated female students in a manner that made them uncomfortable. Whether this information was reported to the University and was part of the decision to end his TA assignment is relevant to the complaint. One of the serious ongoing concerns of students in the History Department was that Mr. Mordvinov would teach undergraduate women and endanger them. For all of these reasons, documents about Mr. Mordvinov's conduct in his TA assignment are arguably relevant to the state of the University's knowledge about Mr. Mordvinov at the start of the liability period.

52. The University says that documents relating to Mr. Mordvinov's funding throughout are not relevant (para. 32). The University knew most or all of the allegations against him and yet continued to support and fund his career. In the Grego email to Hyson (**Schedule B**), she points out that Mr. Mordvinov attacked Student B while he was in Toronto attending a conference as a UBC student. It is relevant whether UBC funded his trip there. It is relevant when UBC suspended its funding to Mr. Mordvinov. Funding is generally a key element of the relationship between the University and a graduate student. As we are litigating about the relationship between the University and Mr. Mordvinov, and the University's actions in relation to that relationship, documents about Mr. Mordvinov's funding are arguably relevant and should be ordered produced.

53. The University says that documents relating to Paul Krause are irrelevant (para. 33, 34). Dr. Krause's internal correspondence is relevant because he complained that the University did not correctly handle complaints about Mr. Mordvinov, that it silenced and retaliated against women who complained, that it funded Mr. Mordvinov and gave the appearance of preferring his interests in doing so, and that women continued to be in physical danger due to Mr. Mordvinov's presence. Dr. Krause's communications to UBC regarding Mr. Mordvinov's presence, UBC's mishandling of the complaints about Mr. Mordvinov and the complaints of other class members are relevant and should be ordered disclosed.

54. The University says that documents relating to David Eby's letter are irrelevant (para. 35). Mr. Eby's letter is attached as **Schedule C**. On October 21, 2015, the day after the Mordvinov hearing at UBC, Ms. Kirchmeier contacted Mr. Eby in his capacity as the MLA representing female students at UBC, to complain that she feared UBC would refuse to expel Mordvinov, which would cause risk of further attacks to women, and to express her feeling that UBC had mishandled the complaint process. Upon receiving her complaint, Mr. Eby conducted his own investigation, interviewing at least six individuals and agencies, and produced a letter to Martha Piper in early November 2015. His letter contained a detailed timeline substantially similar to that later acknowledged by UBC. Mr. Eby noted that the University understood the responsibility of providing a safe work and study environment, which in his view required "UBC to make reasonable efforts to obtain consent to release that information [about Mordvinov] to the RCMP". He

further noted that, "if these steps have not been taken, they must be taken. Urgently." Eby cited *Jane Doe v. Metro Toronto Commissioners of Police*, stating his belief that UBC possessed a legal and ethical duty to warn other potential victims "as we understand the Respondent is still a UBC student and may be returning to Canada and campus to defend his PhD." Eby articulated his expectation that UBC shared his own "concern for women's safety...both on and off campus." He suggested UBC provide on-campus rape kit access, reform its sexual misconduct hearings, and hire an independent third party to publicly report deficiencies and make recommendations. UBC's representations to the MLA advocating for the safety of his constituents and acting in an oversight role is relevant to this complaint; whether Mr. Eby's letter also affected the choice to expel Mordvinov is also relevant to this complaint. These documents should be ordered disclosed.

55. The University says that documents relating to the hiring of Sally Campbell are irrelevant (para. 35). Sally Campbell was hired by UBC in November or December 2015 to convene a facilitated meeting because the environment in the History Department between and among faculty, and between faculty and students, was hostile. In general, faculty were angry at the graduate students for complaining about Mr. Mordvinov, and Tina Loo, the head of the department, also believed the students were attempting to harm her career.

56. Subsequent to the meeting mediated by Sally Campbell, at least two male students who supported the Class Members had their funding rescinded. One faculty member, Tim Brook, shouted at a Class Member in his office. Another faculty member, Leslie Paris, told a Class Member she advised that she was wrong to complain about Mr. Mordvinov because it harmed Tina Loo's career. A long-term female sessional faculty member, Tatiana van Riemsdijk, did not have her contract renewed after she expressed support for the Class Members. Two female tenured faculty left the department within the next two years as a result of these events. Paul Krause also suffered consequences following his support for class members. As Ms. Campbell's services were directly related to the issues in this complaint, documents regarding her and the meeting she convened are arguably relevant and should be ordered produced.

57. The University says that documents relating to the "School of Secrets" are irrelevant (para. 35). These documents are relevant because they relate to Mr. Mordvinov and the university's representations to the public about how it handled the complaints against him.

58. The University says that documents relating to its contract with Peak Resilience are irrelevant (para. 35). UBC claimed in its application to dismiss that one of the reasons this complaint should be dismissed is because the University contracted Peak Resilience to provide services to students. By asking the Tribunal to dismiss this case because of its contract with Peak Resilience, UBC made its contract with this company relevant. We ask the Tribunal to order the contract with Peak Resilience and any reporting by Peak Resilience disclosed.

59. The university objects to the production of documents created by individuals that are no longer employed by the University, including Presidents

Arvind Gupta and Martha Piper, as well as Louise Cowin, and Monica Kay, on the basis that it does not have control of these documents (para. 37(c)). Records produced by key staff during their employment by the University must remain property of the University. Institutional memory would be lost otherwise. That possession of the documents is retained by the University is clear from the documents we do have from Monica Kay.

60. It may be that we may also need to make requests for third party documents to these individuals, but we should not be put to the expense of this until it is clear all documents in the possession or control of the University have been ordered and provided.

V. Conclusion on application for an order for documents

61. For the reasons above and in our application, we continue to seek an order for production of the documents set out in our application. We ask the Tribunal to establish a deadline for the production of document lists and copies of those documents.

62. We also ask the Tribunal to order that the University advise where it has sought documents, and list them in a manner that identifies their sources.

VI. Costs

63. As we have described in our application, the University's disclosure is inadequate in many respects. This is further illustrated by documents attached here which were not disclosed by the University, including **Schedule D**, a key email from Mr. Mordvinov about his assault of Student B which we know was sent to the University more than once and yet has never been disclosed by the University to us to date, and **Schedule E**, an email from Student B to Mark Vessey expressing her concern that no action has been taken against Mr. Mordvinov.

64. Further, as noted above, it is our position that by heavily redacting documents, the University has also wrongly refused to make proper disclosure.

65. It continues to be our position that costs related to the costs thrown away because of this ongoing incomplete disclosure should be ordered to sanction the University's failure to make proper disclosure in the first place in this case, or to rectify its disclosure at any point in our lengthy dealings with them, up until today. The University acknowledges that its disclosure to date is incomplete, and remains so, and that material was redacted from its documents that should not have been (although it also continues its claims for broad redactions). The University says that it has further documents to list and disclose, but has not done so.

66. Ms. Kirchmeier came to Vancouver to review the documents for the purpose of assisting to prepare our response to the ATD. Her efforts were entirely frustrated by the state of the documents which required instead a massive effort to

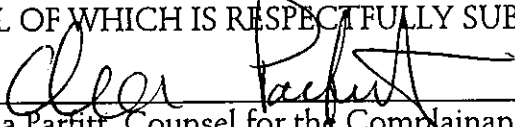
determine what was missing. Even in that task she was unable to make efficient progress because the documents were so heavily redacted, the University did not label them by source, and it removed names, including employee names, making their origin very difficult to understand. Ms. Kirchmeier is a paralegal who reviews documents for a living. She is proficient at doing so, and well aware when disclosure does not meet basic minimum standards.

67. In this context, the expenses incurred by Ms. Kirchmeier to come here and review the documents were entirely thrown away by the state of the documents. In addition, substantial costs, including the costs of this application, were also made necessary.

68. Ms. Kirchmeier's approximate expenses incurred included: lost wages when she deferred the start of a new job in May 2018 to review UBC's disclosure (\$3,750); the cost of privately obtaining health care coverage for May 2018 while she was unemployed (\$800); and, travel, lodging and food costs (more than \$2,000). To these must be added very significant legal fees.

69. In light of these serious consequences and costs to Ms. Kirchmeier and this litigation, our request for costs is reasonable and plainly related to the harm created by the University's failure to provide proper disclosure. We continue to request an order for significant costs against the University.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 30th day of August, 2019.


Clea Parfitt, Counsel for the Complainant