

**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 on behalf of others

COMPLAINANTS

AND:

University of British Columbia

RESPONDENT

**COMPLAINANTS' FINAL SUBMISSIONS
PART 3
January 30, 2026**

**PART 3: INDIVIDUAL REMEDIES SOUGHT IN RELATION TO
MORDVINOV CLASS COMPLAINANTS**

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- I. Introduction**

1. The remedies the Tribunal may impose are established in s. 37 of the *Human Rights Code*. The Tribunal may grant a remedy to any Complainant for whom discrimination has been proven. It is not essential for a Complainant to testify in order for the Tribunal to grant remedies in respect of that Complainant's complaint, including with respect to injury to dignity, feelings and self esteem under s. 37(2)(d)(iii) (*Brar and others v. BC Veterinary Medical Association and Osborne* (No. 22), 2015 BCHRT 151, para. 1539).

2. In relation to injury to dignity, feelings and self-esteem, the Tribunal has long recognized factors that it may consider in assessing these damages, including the nature of the discrimination found, the duration and frequency of it, the vulnerability of the Complainant, the gravity of the harm suffered and the totality of the relationship between the parties (*Gichuru v. Law Society of British Columbia* (No. 11), 2011 BCHRT 185, para. 260, upheld in 2014 BCCA 396). The Tribunal has been cognizant of serious psychological consequences when these have been present. The Tribunal has often stated that the amount of injury to dignity it will award is highly contextual and fact specific.

3. Witnesses, including the Mordvinov witnesses, were asked what they expected the University to do when it received complaints or concerns about sexual misconduct. Generally the witnesses said that it was their understanding that the University would take steps to address their concerns. In many instances, the language of the University's policies and other pronouncements contributed to the view that the University would act to protect students raising concerns about sexual misconduct and to restore an equitable environment once they were made aware of the students' concerns. As noted in Part 1, these pronouncements are seen in the **UBC Statement on Respectful Environment for Students, Faculty and Staff**, in the **Student Code of Conduct**, and in the opening to **Policy 3, Harassment and Discrimination**.

4. As discussed in relation to the evidence of Dr. Brown, a very important factor in the harm to the Complainants here is the disparity between the Complainant's reasonable expectations of the University, including because of its own pronouncements about its duty to provide a working, studying and living environment free of harassment and discrimination, and the reality of the University's failure to respond effectively or in a timely fashion.

5. In *Hale*, the Complainant cited two cases in which there had been an incomplete or insufficient response to complaints of sexual misconduct. In *Calgary (City) v. Canadian Union of Public Employees, Local 37*, 2014 CanLII 86278 (AB GAA), after considering how long the conduct went on for and how serious it was as well as the particular emotional difficulties suffered by the complainant, a grievance arbitrator awarded \$150,000 for injuries flowing both from the sexual assaults that had occurred and the employer's failure to provide appropriate support in their aftermath. The facts included the City's failure to follow through with an investigation when someone put rat poison on her computer, and the City's threats to discipline the complainant. The arbitrator described what happened at the City after she reported the assaults as "particularly troubling".

6. In *AB v. 2096115 Ontario Inc., c.o.b. Cooksville Hyundai*, 2020 HRTO 499, after AB reported to her employer that her supervisor had sexually assaulted her, the employer purported to investigate but did not follow or even consider its harassment policies which prompted the Tribunal to find that the investigation was seriously flawed and conducted in an insensitive manner. The Tribunal found that AB's poisoned work environment was compounded by the lack of respect and lack of dignity she experienced through the actions and decisions of her employer. The Tribunal awarded \$55,000, even though it did not accept that the discrimination had caused AB's PTSD or exacerbated her problems with substance use.

7. In *Hale*, the Tribunal found that its award was required to reflect the harm that flowed from UBCO's conduct in responding to Ms. Hale's allegations, not from the harm flowing from the underlying sexual misconduct or other events in Ms. Hale's life, of which there were a number. It also noted that human rights damages are intended to compensate a person for intangible harms, and are more art than science. The Tribunal quoted from the Alberta Court of Appeal in *Walsh v. Mobil Oil Canada*, 2013 ABCA 238, para. 32:

Damage awards that do not provide for appropriate compensation can minimize the serious nature of the discrimination, undermine the mandate and principles that are the foundation of human rights legislation, and further marginalize a complainant. Inadequate awards can have the unintended but very real effect of perpetuating aspects of discriminatory conduct.

8. On the basis of the seriousness of harm in *Hale*, the Tribunal awarded \$50,000. In doing so it noted (paras. 349, 350):

[349] I have found that UBCO's response to Ms. Hale's report of sexual assault amounted to secondary victimization, or – to use UBC's term – “institutional betrayal”. It exacerbated the traumatic impact of the assault, and exacted further harm as Ms. Hale concluded that – in contrast with how it treated the man she had accused – her University did not care about her education or well being.

[350] This was such an unnecessary outcome. UBC knew very well how to properly support student survivors of sexual assault and had publicly committed to doing so.

9. The Tribunal found that the impact of the discrimination in *Hale* was exacerbated by the relationship between Ms. Hale and UBCO which was marked by a profound power imbalance. It found Ms. Hale was reliant on the University for her education, and that the University was an institution that she reasonably expected would treat her sensitively (para. 352):

As UBC noted in its 2016 Protocol: “Universities represent a unique environment with a critical role to play in combating sexual violence in society.” Young female students are “particularly vulnerable to sexual

violence.” Campus dorms – where young people live independently, many for the first time – can create conditions for sexual violence. Universities are important institutions, which many students – including Ms. Hale – assume will be trustworthy and care for their interests. This unique context, and the special responsibilities of post-secondary institutions, is reflected in the *Sexual Violence and Misconduct Policy Act*, requiring post-secondary institutions to establish and implement sexual misconduct policies.

10. In general, Ms. Kirchmeier and the Mordvinov Class members were relatively young when the events in the complaint occurred, and the events occurred during or in relation to their years in graduate programs at University. Generally, university, including graduate school, is a singular and significant time in a person’s life. In our submission, interference with this important experience early in the lives of the Complainants made the impact of the events in the complaint more severe.

11. For Ms. Kirchmeier and the Mordvinov Class members, the events went on for a year or more, and drew the Complainants into very uncomfortable and stressful circumstances and protracted efforts to attempt to have the University act, often involving many hours of communications, meetings and strategizing. The duration of the events experienced by Ms. Kirchmeier and the Mordvinov Class members tended to make the impact of the events in the complaint more severe.

12. The evidence, and in particular the documentary evidence, extensively illustrates the extent of the efforts of Ms. Kirchmeier and the other complainants in bringing their concerns to the attention of the University, in trying to have the University respond effectively, and in working to determine how this might best be accomplished. The evidence of the Complainants and their allies, including Mr. Hay, show the extraordinary efforts involved for the Complainants over a very long period of time. These efforts, which were very costly for the Complainants, were necessary because the University did not act effectively or in a timely manner to respond to the Complainants’ concerns. These extraordinary efforts must be reflected in significant damage awards to the Complainants.

II. Harms to Student E and Remedies Sought

13. Student E testified. The harms to Student E included: having to repeat her account of very difficult personal events multiple times, including to two Green Lanterns, Mr. Lundeen, Mr. Bohnen and Mr. Hyson, two of whom were strangers to her; not receiving a thorough and concerned initial interview from Mr. Lundeen; having the Green College administrators downplay her concerns when they first received them as a misunderstanding or a matter of cultural difference; having the Green College administrators fail to take up the matter with Mr. Mordvinov before he left and thereby missing the opportunity to address Mr. Mordvinov about Student E’s concerns immediately; having to endure Mr. Lundeen’s advice that nothing could be done with Mr. Mordvinov directly in relation to her concerns; having to suffer the significant anguish of thinking she had not done enough to protect others when she heard about Student B’s

experience; having to deal in detail with Mr. Bohnen in 2014; having to sit through a workshop in the fall of 2014 in which her experiences were discussed as a fact pattern and fellow students opined about the actions she took, including some who would have recognized that the story was about her; having Mr. Lundeen raise the issues again with her in February 2015; having to deal in detail with Mr. Hyson in February and March 2015 in relation to preparing her statement to the NAM process; having the surprise and worry of her concerns being disclosed to Mr. Mordvinov as the basis for the direction that he was restricted from campus; having to endure Dr. Vessey's maladroit remarks about how Mr. Mordvinov was a big man and could be anywhere in the world, including on campus; having to wait for the University to move forward in 2015 with the NAM process; having to endure multiple requests to participate in the Fifth Estate documentary and eventually feeling she should do so for the benefit of other students; having to worry about and attend the NAM Committee hearing; having to participate in Paula Butler's review, the report of which she felt twisted her words in a way that suggested she had said something incorrect; and finally having to participate in the lengthy process of this hearing.

14. Student E testified that overall the University's process regarding Mr. Mordvinov took far too long and had significant impacts on her mental health. She said that having to repeat what happened over a few years was difficult and that remembering what had happened brought up a lot of feelings that definitely impacted her mental health, including making her feel anxious, afraid and guilty and preventing her from sleeping properly. She testified that while her efforts to get UBC to act brought her closer to some people, there were times when her mental health was not great and she did not want to go to dinner or sit with people because she was crying. She said that she felt she lost the opportunity to build further relationships with her peers as a result of the impacts on her mental health.

15. Student E testified that her efforts to get UBC to address her concerns with Mr. Mordvinov was such a big part of her experience at UBC that it was hard now to think about UBC without thinking about all of the problems she ran into and the lack of proper processes in place to deal with the experiences she had. She testified that the difficult history with UBC was challenging with friends and family who had heard about issues at UBC, including through the Fifth Estate documentary. She said this made relations with her friends and family uncomfortable.

16. Student E testified that her time at UBC ended up being four years instead of two because of the time she needed to take away for mental health reasons. She said that as a result, her living expenses were higher, she had a longer period of not working, and she became disconnected from her peers in the program she was in. We submit that Student E's experiences with UBC around her complaint against Mr. Mordvinov contributed significantly to the mental health issues that required Student E to take time away from her studies.

17. Asked why she agreed to participate in the human rights complaint, Student E said that originally she did not want to because of how dealing with the

Mordvinov issues had impacted her mental health in the past, but that she felt she had been doing pretty well and could do this to support other women who had had similar or worse experiences. She said that she wanted to make sure that UBC understood the impact of their processes, or lack thereof, and that the case set a precedent for other schools to learn from.

18. In considering the magnitude of injury to dignity damages that should be awarded to Student E, we submit that the Tribunal's award in *Hale* should be the Tribunal's starting point. Like Hale, Student E was subjected to sexual misconduct by a fellow student at UBC while in residence. Like Hale, the details of the event were distressing and the event itself was harmful to her. Like Hale, Student E brought forward her concerns about person who engaged in sexual misconduct towards her and was drawn into protracted processes with the University around its response to her concerns about Mr. Mordvinov. Like Hale, Student E had a prior history of mental health issues, which worsened as the processes she became engaged in at the University took a further significant toll on her mental health. Like Hale, the mental health impacts of the University's failure to respond appropriately delayed her progress through her program, damaging her relations in the program, and increasing her expenses. Unlike Hale, Student E did not have issues outside of her relations with UBC to deal with, and was able eventually to complete her program and go on to further higher education. Like Hale, the NAM Committee process was difficult for her, although unlike Hale, she was able to review her statement before it went to Mr. Mordvinov, and she did end up making it to and through the NAM Committee hearing.

19. Overall, we say that the harm to Student E, her educational program and her mental health is comparable to that of *Hale*, and is less complicated by other external factors. The Tribunal awarded Ms. Hale \$50,000 for injury to dignity. Recognizing that the Hale decision is now a number of years old, we say the Tribunal should award Student E \$60,000 to appropriately compensate her for the injury to her dignity, feelings and self esteem from all of the harm she suffered as set out in her evidence.

20. Student E has not claimed any expenses arising from the discrimination or in relation to her attendance at this hearing, and has not claimed lost wages or lost tuition although her time to graduation from UBC was extended by two years.

III. Harms to Student B and Remedies Sought

21. The concerns Student B raised about Mr. Mordvinov included both her concerns about the sexual harassment incident that resulted in her head injury and concussion in 2012, and her concern about Mr. Mordvinov's sexual assault of her on May 26, 2014.

22. Both incidents were brought to the University's attention. Student B had the serious experience of having the University take no effective action in respect of either incident.

23. Student B testified. The harms to her included: having to reach out to Mr. Bohnen although he did not take a detailed statement from her; having to endure multiple suggestions, including by Mr. Bohnen and a person he knew in Toronto, that she should make a police complaint when she was well aware as a newly graduated lawyer what the experience of a criminal proceeding was likely to entail for her and was likely to be extremely negative; understanding that the University was going to take effective steps after she reached out to Mr. Bohnen in June 2014, only to learn from communications with Mr. Hay in April 2015 that no steps had been taken to prevent Mr. Mordvinov from returning to Green College; having to interact antagonistically with Dr. Vessey over Dr. Vessey's decision not to undertake the investigation he was plainly authorized to take under the Green College Resident's Contract; and having to endure the fact that Mr. Hyson and Student Conduct determined, without making a thorough inquiry, that the sexual assault against her in Toronto was not covered by the Student Code of Conduct, even though Mr. Mordvinov was a student at the time, was being significantly financially supported by the University at the time and after, had travelled to St. Catherines to attend a conference as a University student until the day of the assault, and was passing through Toronto on his way to Russia to continue work on his PhD dissertation as UBC student. Student B also sent several questions to Mr. Hyson, in a bid to have Student Conduct deal with her concerns about the fact that a student of UBC was alleged to have raped someone and her view that UBC should be assessing his suitability to be a student at UBC, and also arranged to meet with Mr. Hyson when they were both at Berkeley so that she could speak with him about the University moving forward.

24. The harms further included: wanting UBC to move forward so that she could move on with her life; feeling angry that nothing was happening at UBC; finding the business of trying to press UBC to act "really exhausting"; finding the fact that UBC was not willing to take the sexual assault of her into account baffling and shocking, and having it make her feel like she was crazy; and, finally upon being advised that UBC would not be moving ahead, feeling shocked and exhausted by the process of repeatedly having to advocate for a position when it should be clear to everyone that Mr. Mordvinov should be kicked out of UBC. Student B testified that it was her conviction that the rape in Toronto should matter to UBC because it was like bringing a loaded gun to campus; whether or not it had been fired off campus, it was still a dangerous weapon.

25. The harms also included having continued contact with Mr. Hyson about UBC's process, and being invited by him to consider a resolution or mediation. Student B declined on the basis that she had been assaulted by Mr. Mordvinov, and had no desire to see him or have him anywhere near her.

26. The harms to Student B further included her feeling that she needed to be involved in the Fifth Estate documentary in order for it to go ahead, and deciding to do this because no one was keeping her informed, nothing was happening at UBC, and she felt this was the only way to have Mr. Mordvinov kicked out and to protect the women she cared about at UBC. Student B testified that participating in the documentary was retraumatizing for her as it brought back the emotions

she experienced when she was assaulted, and that she found it awful to have to talk about the assault over and over.

27. Student B testified that there was nothing she wanted but to protect other students, which felt to her like a simple request, and the fact that it was so difficult to achieve when it should have been the University's priority as well felt really discouraging and confusing to her. She said the whole process was really baffling and that given what had happened to her, it should not have been as complicated as it was, or required her to go to the media. Her hope for the complaint was that faster and clearer processes for handling sexual assault complaints would be implemented so that people could be safer in the future.

28. Ultimately, Student B testified in relation to the assault by Mr. Mordvinov that it took an army of people doing the right thing for her to move on with her life. The fact that she was personally dealing with the aftermath of a sexual assault formed the backdrop of the harms she experienced from the decisions of the University in relation to her complaint.

29. In our submission, the Tribunal's decision in *Hale* once again forms the starting point for a consideration of quantum of damages for injury to dignity for Student B. Student B was pro-active and motivated in her attempts to protect women at UBC. Her experience of being stymied by UBC's refusal to act on her complaints at all and by their refusal to act in relation to Mr. Mordvinov for 17 months, was protracted and marked by intense frustration, confusion and shock. This increased the harm to her. The events with UBC also came at a time and in conjunction with an event over which Student B was extremely vulnerable. This also increased the harm to her. The University's consideration of her complaint and position was not thorough, either at Green College or in the NAM process, and no proper explanations were provided to her. The University was cavalier about both its responsibility to respond to her complaint as a service provider, and about its obligation to protect the women that were important to Student B in relation to her complaint. These factors also increased the harm to her. Unlike Student E and Hale, Student B's academic progress was not held up by the University's actions, and nor did she testify about the mental health issues that both Student E and Hale suffered.

30. On balance, we submit that given that Student B was in very vulnerable circumstances as she worked to recover from a sexual assault, and the fact that the University refused to provide any process in relation to her concerns about Mr. Mordvinov, with very substantial harms to her as a result in her circumstances, an appropriate award to Student B for injury to dignity, feelings and self-esteem would be \$60,000 as well.

31. Student B did not claim any expenses arising from the discrimination or in relation to her attendance at this hearing.

IV. Harms to KM and Remedies Sought

32. KM is a member of the class because of her role in coming forward with Student E, which Mr. Lundeen described as KM coaxing Student E to come forward and colouring Student E's account with her concerns (Exhibit 6, Page 181). KM did not recall much about the reporting process to Mr. Lundeen. She testified accepting the College's position that it could not act on Student E's account because time had run out before Mr. Mordvinov left.

33. However, KM was a very close friend of Student B. She described receiving the news about Student B's sexual assault as very upsetting. She described hoping that the Administration would make it clear that Mr. Mordvinov's conduct was not acceptable, and would tell him that he could not continue to live at Green College so that he would not be a risk to anyone else there. She described being angry when she understood that Mr. Mordvinov had not been told that he could not live at Green College, and angry that it had not been made explicit that his behaviour was not to be tolerated by the College. KM's evidence is evidence of the broad ambit of women affected by the University's actions in not responding to Student B's allegations about Mr. Mordvinov. KM was negatively impacted by the University's stance because of her close friendship with Student B and because she was a member of a group at risk from further sexual misconduct from Mr. Mordvinov. As such, her sex was a factor in the negative impact she experienced.

34. In our submission, these were strong feelings that would have continued at least until Mr. Mordvinov was banned from campus at the end of April 2015, and would therefore not be able to return to Green College. In the circumstances, we submit that damages for injury to dignity in the amount of \$5,000 for KM would be appropriate.

V. Harms to Caroline Grego and Remedies Sought

35. Caroline Grego testified that she was and is a close friend of Student B. She testified about her personal experiences with Mr. Mordvinov which included his gripping her hard in an unwelcome fashion while she was dancing with him, him telling her that Canadian women were frigid to which she replied that this was sexist and untrue, and comments she heard him make to Student B about wanting to kill or marry her. Ms. Grego authored a magazine article about her experiences at Green College with Mr. Mordvinov and other events, and also emailed Prof. Loo, Dr. Vessey, Mr. Lundeen, Mr. Hyson and Ashley Bentley in April 2015 to attempt to get the University to act with respect to Mr. Mordvinov to prevent his return to the University. Ms. Grego testified that she did this in the hope that her additional accounts would lend weight to the concerns that others were expressing about Mr. Mordvinov's return to UBC, and the danger he posed to women on campus. She said that she did not want Mr. Mordvinov to return to Green College.

36. Ms. Grego testified that she heard back from Prof. Loo but not from Mr. Hyson. The University did not take any action with respect to the written account she provided, including determining what actions she wanted the University to take. Ms. Grego followed up with Mr. Hyson to say that UBC needed to take the

sexual assault of Student B into consideration in its decision-making about Mr. Mordvinov's return. She testified that she did not get a response to this email. Ms. Grego testified that she was deeply worried about Mr. Mordvinov's potential return to campus. She testified that she was not advised when Mr. Mordvinov was excluded from campus.

37. Ms. Grego testified that she was glad Mr. Mordvinov had been expelled, but felt angry and disappointed about the University's lack of action until it was facing scrutiny from the Fifth Estate. She said that she had questions about whether the University really cared ultimately, or was just acting out of expediency at that point. She said she was embittered and angry about how the process transpired. Ms. Grego testified that this experience has made it difficult to look back at her time at UBC and feel good about it, and that it has now become a fraught experience for her. She testified that while she values the relationships she formed at UBC, she does not contribute to the University or encourage undergraduates wanting to pursue graduate degrees to go there. She testified that she feels doubt, bitterness, anger and upset at UBC. She testified that her experiences with UBC in the aftermath of Student B's assault left her feeling pre-occupied, distracted and upset trying to figure out what to do.

38. Ms. Grego's experiences show the wide ambit of those affected by the University's failures to act effectively. While the matter was not as protracted for Ms. Grego as for some, the experience of having the University refuse to respond to the sexual assault of a close friend was an angering and embittering experience for Ms. Grego which drew her into making her own complaint and attempting to advocate for action from the University. Her own complaint also did not proceed, and she was not provided with ongoing information about the University's processes. It is unacceptable that the University never responded to her report. Overall, these experiences affected her negatively and coloured her experience of the University. In our submission, the Tribunal should award \$15,000 to Ms. Grego as compensation for injury to dignity, feelings and self-esteem.

39. Ms. Grego did not claim any expenses arising from the discrimination or in relation to her attendance at this hearing.

VI. Harms to Caitlin Cunningham and Remedies Sought

40. The news that Mr. Mordvinov had committed a sexual assault against Student B drew Dr. Cunningham into a lengthy series of actions to attempt to have the University respond to the threat that he posed to women at UBC, and specifically to women in the History Department. The efforts and harms that Dr. Cunningham experienced included: becoming involved in a group of students concerned about the issues raised about Mr. Mordvinov; feeling that she had to bring up her incidents with Mr. Mordvinov with this group even though she found them difficult and demeaning to talk about; bringing concerns to Prof. Myers and through her to Prof. Loo about Mr. Mordvinov; attending a meeting with Prof. Loo, Ms. Kay and other graduate students about the safety concerns relating to Mr. Mordvinov and the physical set up at UBC; feeling like she had to disclose her personal experiences with Mr. Mordvinov at the meeting, including to

Prof. Loo and Ms. Kay, even though this made her uncomfortable; attending a second meeting with Prof. Loo and Ms. Kay of doubtful utility to her and the other graduate students; being told that the University could not move forward without a formal complaint, even though the University was already aware of multiple complaints; having to meet with Ms. Kay to formalize her complaint; having to follow up with Ms. Kay; having to meet with Mr. Hyson to revise her complaint; having to wait through the summer of 2015 for the University to take action; learning after the fact that the University had temporarily banned Mr. Mordvinov without notice to her and others, perhaps on her facts; being referred to the NAM Committee hearing; having to find her way through the hearing process with little information; having to attempt to organize support for her attendance at the hearing; and, eventually having to attend the hearing.

41. Dr. Cunningham became involved in further advocacy efforts, including participating in the Fifth Estate documentary, starting a chapter of Silence is Violence at UBC, planning, promoting and participating in a press conference about the events at UBC and the documentary, and participating in the Butler review. She became involved in a postering effort about the complaint process to counteract her feelings of being unheard and indeed silenced at times. She became involved in Silence is Violence as another method of making sure she was having conversations with people and not sweeping issues under the rug in order to ensure that other students did not experience what she had experienced.

42. Dr. Cunningham testified that in the summer of 2015 she experienced a deterioration in her mental health, which she attributed in part to being in the University's non-academic misconduct process. She testified that the distress of the illness and passing of her grandmother compounded her feelings of distress over the University's process. She said that she was not coping well at work, was having panic-like responses and panic attacks sitting in traffic on her way to client meetings, having uncontrolled emotional responses, and that the not-knowing of the University process was really destabilizing for her. She said that although she was attempting to compartmentalize the stresses in her life, she was not coping well. She testified that she left her job at the end of July in part because of how she felt about being involved in the University's process, and that she started seeing a therapist in September 2015, continuing throughout the following year. She said it was one of the most profoundly emotionally tumultuous periods of her life. She also described a real deterioration in her physical health, including because she had trouble maintaining an exercise schedule. She testified that she experienced a variety of different inflammatory responses affecting her eyes and her digestion which she attributed to the results of stress.

43. Dr. Cunningham testified that she picked up intermittent freelance work in the fall but was largely under-employed at that time, and that her mental health was deteriorating then. She found herself reading and re-reading her account which had been passed around by administrators at the University without much care, it seemed to her. She said that the complaint process upended who she felt she was at the University and the role she had to play there. She testified that she became less capable than before of working full time and that being off work caused a financial impact which she described as a massive financial blow, and

interrupted the progress of her career. She said that it felt like a real stumble. She found herself feeling hesitant and like she could not manage. She testified that seeing a therapist was very expensive and she spent a lot of money on therapy, estimating the cost as just under \$5,000.

44. Dr. Cunningham testified that she felt quite emotionally distressed leading into the hearing and that speaking to the media exacerbated her distress. She said she felt split; that it was important to have open and frank conversations and that she was really invested in having a positive impact on things going forward, and on the other hand, that speaking to the media was really something she did not enjoy and left an indelible impact on her psyche. She said in particular that she felt really, deeply uncomfortable that her name was associated with sexual assault on the internet, and that she felt disappointed that the thing she was notable for was being distressed about the institutional process at UBC rather than being a noted, esteemed scholar. She said that she felt she was now known for what had happened to her rather than her accomplishments, and that she lost her emotional privacy in the process of speaking up about what was happening with Mr. Mordvinov and the University.

45. Asked how many emails she estimated she sent in 2014 and 2015 trying to get UBC to address her concerns about UBC, Dr. Cunningham said hundreds. Asked how much time she estimated she spent in 2014 and 2015 trying to get UBC to address her concerns about Mr. Mordvinov, Dr. Cunningham replied that when she thinks about that time, it feels like it was her entire life, that it felt all-consuming.

46. Asked if her efforts to get UBC to address her concerns about Mr. Mordvinov impacted her existing relationships with UBC faculty or staff or with any of her peers, Dr. Cunningham testified that she no longer felt welcome in the History Department at UBC, and that several faculty had relegated her to *persona non grata* status. She said that among some of her peers, she felt shunned or cast aside, while with others she felt supported. She testified that when she started law school in 2021, she found it very difficult to be on campus again during orientation week and that she was glad to be wearing a mask when she ran into Prof. Ishiguro at that time because she was not sure Prof. Ishiguro would welcome a meeting with her. She said that when the Allard Hall wellness counsellor sent a letter to each first year student, she misunderstood and felt she had been singled out. Dr. Cunningham also testified that she went to the UK to do her PhD because she really wanted to leave Canada and be assessed on her merit.

47. Dr. Cunningham said that she testified in the Tribunal's hearing because she continues to believe it is important, but that she does not know if she would have done so 5 years earlier and that it took her a long time to recover. She said she is hoping for a really meaningful, genuine, institutional shift of attitude on the part of the University. She said that there was only movement at the University in response to public conversations, and that the only way to address the re-occurring challenges with the University's conduct was to hold it to account through the actions of another institution.

48. Because of the protracted nature of Dr. Cunningham's involvement, the impact on her employment and mental well being, the effort she expended and the particular stress of the NAM Committee hearing process, we submit that \$40,000 would be a appropriate award in respect of injury to dignity to Dr. Cunningham.

49. We also seek \$5,000 in compensation for Dr. Cunningham's therapy expenses.

VII. Harms to Student C and Remedies Sought

50. Student C did not testify.

51. Mr. Hay's evidence is that he became aware of Student C's allegations through a conversation with his friend Jessica (Jessie) Saunders on about February 20, 2013. Ms. Saunders did not tell Mr. Hay whom she was speaking about but according to Mr. Hay she "ineffectively concealed the identity of the person she said Mr. Mordvinov had raped". Mr. Hay testified that through a very visible show of going and talking to Student C, Ms. Saunders made it clear about whom she was speaking.

52. Mr. Hay testified that about a year later, Student C spoke to him in confidence about her allegations, providing a detailed account. Mr. Hay said that he did not report it to anyone at that time because the context in which Student C shared it was confidential and private and that he understood she was not interested in bringing her allegations forward in a different venue. Mr. Hay felt sufficiently constrained by Student C's wish for privacy that he did not tell Student B about Student C's allegations when Student B told him in Toronto in May 2014 that Mr. Mordvinov was going to be staying at her house. Mr. Hay said that tried to hint to Student B that he was concerned about Mr. Mordvinov staying while also maintaining Student C's confidentiality. After he learned of the sexual assault of Student B he was left with significant feelings of guilt because he had seen her so shortly beforehand.

53. Mr. Hay further raised the allegation from Student C with Mr. Hyson without naming her. Mr. Hay approached Student C, first through Richard Sandlin and then through Jessie Saunders, about coming forward. Eventually he understood that he had Student C's permission to approach her directly, which he did on April 24, 2015, at the time he was writing emails to various persons asking them to take action. His email to Student C was exceptionally solicitous and supportive, including offering to direct Student C to the right individuals and to be a go-between for Student C with the University. He described himself and others as putting their careers on the line to demand that the History Department and the University deal with the problem of Mr. Mordvinov who, he said, had also assaulted other people. Mr. Hay concluded by promising that he would handle any information with "confidentiality, sensitivity and respect", and that he would do everything in his power to "ensure that your information gets brought to the University according to your wishes and my duties as fast as possible". Mr. Hay

said that he was liaising with Student C so that she would trust Mr. Hyson enough to bring forward her complaint to him.

54. Asked how he felt about his role as intermediary between Student C and the University, Mr. Hay testified that he felt grim, but it needed to be done because he feared what would happen if the information did not get to the University promptly. He felt he was able to play a role in ensuring that happened and that Mr. Hyson had encouraged him in that role.

55. Student C agreed to come forward and permitted Mr. Hay to submit information and evidence to Mr. Hyson about her, which Mr. Hay took great care to do safely (Exhibit 34; Exhibit 6, Tab 244, Page 620). Mr. Hyson then asked Mr. Hay to tell Student C that Mr. Mordvinov had been banned from campus. Communication between Mr. Hyson and Student C continued through Mr. Hay (Exhibit 35).

56. Although Student C said that she would provide a statement, she was delayed in doing so until Mr. Hyson set a firm deadline. On about August 5, 2015, Student C provided a statement to the NAM process about her experiences with Mr. Mordvinov which included significant allegations of non-consensual sexual touching (sexual assault) (Exhibit 6, Tab, Page 980). Student C's allegations were provided with the Statement of Allegations to Mr. Mordvinov. Student C did not participate in the NAM Committee hearing.

57. In our submission, tremendous delicacy and persistence was required to have Student C provide her statement, and despite Student C's response to Mr. Hay on May 1, 2015, it is reasonable to conclude from all of the circumstances that it was very difficult for Student C to come forward to the NAM process with her allegations, and that doing so had an impact on her. In our submission, had the University acted in a timely way or at all on the information from Student B and Student C about Mr. Mordvinov, it would not have been necessary for Student C to come forward.

58. Student C had graduated, but like others, including Dr. Cunningham, remained in a relative position of vulnerability with respect to the University. In addition, her allegations against Mr. Mordvinov were serious, and it is reasonable to conclude that having to deal with them throughout the summer and fall of 2015, when Mr. Morrison was continuing to communicate with her, was difficult for her. In all the circumstances, we submit that \$30,000 would be an appropriate award for injury to dignity for Student C in relation to the actions of the University.

VIII. Harms to Kaitlin Russell and Remedies Sought

59. Kaitlin Russell testified at length about her involvement in very concerted efforts in 2014 and 2015 to get the University to act. These efforts included the meetings with Ms. Kay and Prof. Loo in the summer of 2014, involvement in faculty meetings as a student representative for the HGSA, involvement in planning for the training session for graduate students that did not proceed,

involvement in the very significant efforts to move the History Department forward with the HGSA's Statement on Harassment, involvement in the Fifth Estate documentary and subsequent press conference, and involvement in the Paula Butler review.

60. As background to the issues she had in 2015 with her mental health, Ms. Russell provided evidence about her underlying history of depression, which first became a factor in her studies in 2011. She said that she disclosed her depression to Prof. Myers and Prof. Paris at that time, and found Prof. Myers more empathetic. She testified that Prof. Paris' written and spoken communications with her were sparse and terse, and that she did not want information about what was happening for Ms. Russell outside of school. She testified that she had a series of unsupportive communications with Prof. Paris around depression and anxiety.

61. Ms. Russell described dealing with UBC over the issues she and others had brought forward as overwhelmingly exhausting, physically and emotionally. She said that she found the experience frustrating and disappointing. She said that she felt very small, and very alone at different points. She said that she felt unwanted and like a nuisance or liability to some people, and in some people's opinions. She questioned her right to be at the University in the graduate program, she questioned her abilities as a historian, and her worth as an intellectual member of the UBC community, and the History Department in particular.

62. Ms. Russell described the extraordinary time commitment of the conferences and meetings she participated in in 2015 and 2016. She said that attending events, spending all of her time on advocacy and consultations, including with respect to Policy 131 in 2016, took time and energy away from her program and made it very difficult for her to make any progress on her thesis. She acknowledged that her pre-existing mental health conditions of depression, panic disorder, and anxiety disorder were contributing factors, and were exacerbated by participating in lengthy and difficult processes with the University. She said that after her efforts with the University on the issues related to Mordvinov and the University's response to sexual misconduct, she had very little intellectual energy or motivation left to work on and complete her thesis. She said that by the spring of 2016, she was thoroughly burnt out and was not able to complete her thesis until December 2016. She had been expecting to complete in 2014.

63. Asked if her efforts to have the University respond to their concerns about safety, sexual assault and sexual harassment had any impact on her mental health, Ms. Russell testified that her mental health deteriorated further, requiring her to avail herself of the services of UBC counseling and other support services. She said that she signed up to participate in mood disorder studies involving alternative treatments depression as her major depressive disorder was not being effectively managed by the combination of therapy and medications she was taking. She noted that she was trying to work through her own sexual assault, and that her thoughts and memories were triggered by Dr. Cunningham sharing information about Student B.

64. Ms. Russell also noted that by the summer of 2015 she had to seek outside employment to support herself and her household as she had no more funding from the University by then.

65. Ms. Russell particularly described the destructive effect of an article written by Lisa Mayer of the CBC after the Fifth Estate documentary aired. Ms. Russell testified that Prof. Paris told her after reading the Mayer article that she did not know if she could continue being her supervisor because she felt the article defamed Prof. Loo and the History Department. Ms. Russell testified that although Prof. Paris was a historian, she did not ask Ms. Russell if the article was correct. Instead, Prof. Paris assumed the article was correct and wrote Ms. Russell off. Ms. Russell said Prof. Paris was someone really important in the field she was working in, and that she was disappointed in Ms. Russell and angry with her. Ms. Russell testified that she felt like she was a liability to Prof. Paris.

66. Ms. Russell described emails from Prof. Paris asking her where her thesis was and saying that Ms. Russell was disrespectful of her time. Ms. Russell testified that she almost quit the Department, and feels now that she should have done so as she was wasting her time with someone who did not care about her or her work, and did not support her as a person. She said that Prof. Paris did not understand or appreciate how difficult what they had been trying to achieve with the University was for them. Ms. Russell testified that she was only doing what she thought was right, and what she thought would be helpful to other women at UBC down the line. She felt very discouraged that what she thought were the activist politics of Prof. Paris and the Department with respect to dismantling systems of oppression and speaking truth to power did not prove to be the case in practice. She testified, "Shame on us for thinking otherwise". Her experience with the University was very disillusioning.

67. Asked whether her experiences had any impact on the quality of her work, Ms. Russell testified that her thesis was not what she had envisioned putting out in the world in terms of scholarly impact. She said that by 2016, she just wanted to be done and away from UBC. She said that ultimately her thesis was abbreviated in that she cut out a whole case study.

68. Ms. Russell testified that her efforts to get UBC to address her concerns about Mr. Mordvinov and its response to sexual harassment and sexual assault affected her existing relationships with persons at UBC. She said that she does not talk to anyone in the History Department. She said that she still maintains some friends from UBC, including Dylan Burrows, Stephen Hay and Megan Longstaffe, that she does not often speak with Caitlin Cunningham or Sarah Thornton and her primary contact with Ms. Kirchmeier is around this case.

69. Ms. Russell testified that efforts to get UBC to address her concerns about Mr. Mordvinov and its response to sexual harassment and sexual assault also affected her relationship with the University as an entity. She said that she had told them to take her off their donor list as she would not be donating to UBC ever again. She said further that she does not go to campus because she does not feel comfortable or welcome there. She said that she did not want to go to her

graduation, but her parents made her. She found the experience mortifying. She testified going once to UBC with Dylan Burrows when a new curriculum was being launched, and that when she was there she felt terrified that someone from the Department would show up.

70. Ms. Russell testified preparing to testify really dug a lot of her feelings about UBC back up. She said that including preparing for and participating in the Tribunal hearing, her experiences with UBC have taken up a lot of her life and her mental and emotional space, which has not been great for her mental health. She said that coming to the Tribunal hearing required her to start right back again with therapy.

71. In relation to injury to dignity, given the difficulties Ms. Russell experienced in working on the issues of safety, sexual harassment and sexual assault, the harm this caused her mental health, the impact on her academic career and output, and her ongoing bad feelings and need for therapy, including in relation to this hearing, we submit that \$40,000 would be an appropriate award of injury to dignity for Ms. Russell.

72. Ms. Russell testified that after taking her original sick leave, she expected to graduate in the spring or summer of 2014. Ultimately, she did not walk in a graduation ceremony until Fall, 2017. She testified that she paid tuition until August 2017. Ms. Russell seeks compensation for her additional tuition. She claims additional tuition in the amount of **\$7,011**, consisting of \$2,463 from September 1, 2014 to April 30, 2015, \$1,025 from May 1, 2015 to August 31, 2015, \$2,463 from September 1, 2015 to April 30, 2016, and \$1,060 from May 1, 2016 to August 31, 2016. She testified that from September 1, 2016 to August 31, 2017 was a period of pure burn out for which she did not seek compensation of tuition.

73. Ms. Russell does not otherwise seek compensation for expenses.

IX. Harms to Sarah Thornton and Remedies Sought

74. Ms. Thornton testified. At the outset of the hearing she was not expected to do so.

75. Ms. Thornton testified about her very concerted efforts in 2014 and particularly in 2015 to have the University address issues of safety in relation to sexual assault and sexual harassment, and in relation to Mr. Mordvinov. She said that in 2014 and 2015 she spent a significant amount of time on these issues which included direct engagement with the University, speaking with others at the University and participating in the HGSA. Specifically she said that she spent time in conversation with professors and fellow graduate students, and that she spent time in meetings with administrators, professors, other graduate students and the HGSA. She said that she further had conversations with friends in the Department and with her partner, which she described as “a little all consuming for a while”. She said that she spent time being supportive to those with direct experiences with Mr. Mordvinov. She said that the time she devoted to these efforts was in the order of the time required for a part-time job. She said that she

spent a good number of hours each week fully engaged in her efforts with the University on these issues.

76. In her evidence, Ms. Thornton related becoming quite depressed during this period, which she only recognized later in counseling. She described becoming dissociated from her feelings, and not caring for herself or making sure those around her cared for her. She described a hard time emotionally where she did not feel she could control anything or push forward. She said that she developed a nearly complete inability to work on her thesis at this time, that she was unable to write a paper or have an open conversation with someone in a position of authority. Her counsellor described this as a situational depression. She testified that because she was not aware that she was depressed she developed a real sense of self-doubt, whereas in the past she had always been a relatively confident person. She related that her long-term relationship almost ended because she and her partner did not understand what was going on. She said it was a stressful, anxiety and depression filled period.

77. Ultimately, the difficulties Ms. Thornton was having led to Ms. Thornton's supervisor, Prof. Paris, withdrawing, requiring her to find a new supervisor in order to finish. Prof. Krause stepped in to assist her to finish her thesis.

78. Asked about the impact on her relationships with individuals at UBC of her efforts to get UBC to address her concerns about Mr. Mordvinov and the University's response to sexual harassment, sexual assault and safety, she testified that it firmed up her relationships with some people in the same boat as her, and made some relationships stronger, including her relationship with Prof. Krause. She also testified that her efforts ended some relationships that had been friendly, including her relationship with Prof. Ishiguro who she said wholly stopped talking to her. She also said that by the time the HGSA boycotted the faculty meeting in early April 2015, some graduate students with whom she had been formerly collegial had stopped talking to her or looking at her outside of a seminar or classroom. She testified that her efforts fundamentally altered nearly every relationship with other students, TAs and professors. She described feeling isolated from a majority of students although she did develop a tight and solid cohort of people whom she felt were saying and doing things which matched. She also described ultimately having significant differences with some of those she had been working with at the HGSA.

79. Asked how she felt about negative changes in her relationships with some faculty, she testified that it added to her sense that there was something deeply wrong with her, and that what she was doing was either wrong or not rightly motivated, even though she knew that she was acting in good faith. She said that this led to a deep sense of doubt. She said that in the beginning she trusted the Department to be responsible for what it said it was responsible for, and that she developed a real sense of betrayal and mistrust when the Department did not act. She said that she encountered the view that what the HGSA was advocating for was unimportant, and that she should just get her thesis done and get out of the University. She said that she felt at odds with the vast majority of people around her, people whom she worked around and needed. This was disruptive to her

emotional well-being and her academic career. She felt frustrated and ostracized and rejected by faculty with whom she had previously had friendly collegial relationships.

80. Ms. Thornton also testified that her efforts to get UBC to address her concerns about Mr. Mordvinov and the University's response to sexual harassment, sexual assault and safety impacted her relationship with the University as a whole. She said that she began by believing that UBC was going to be a place of physical safety and academic challenge where everyone was generally pulling in the same direction, and ended up instead struggling against the Department and the University. Ultimately she said that although she was grateful that she was able to find professors to work with her and help her finish her thesis, there was a significant cost to her emotionally and psychologically in trying to get the University to do what it said it would do. She testified that she observed UBC to be more interested in protecting itself and its reputation than graduate students whom she described as really vulnerable. She said that the process of getting the University to at least pay lip service to what it said it was supposed to be doing was a struggle for her and for the other graduate students she was working with.

81. In relation to injury to dignity, given the difficulties Ms. Thornton experienced in working on the issues of safety, sexual harassment and sexual assault, the harm this caused her mental health, the impact on her academic career, we submit that \$40,000 would be an appropriate award of injury to dignity for Ms. Thornton.

82. Ms. Thornton does not seek compensation for expenses.

X. Harms to Meghan Longstaffe and Remedies Sought

83. Meghan Longstaffe did not testify. She was involved in the efforts in the summer of 2014 to have the History Department act on concerns about Mr. Mordvinov and the safety of female graduate students in the Department, and in the efforts of some students to prepare a workshop for graduate students in the fall of 2014. She was also involved in the efforts of the HGSA around the Statement on Harassment in the late spring of 2015, as well as the HGSA forum that was held in late April 2015.

84. As a PhD student, Dr. Longstaffe was in a relatively vulnerable position in the Department because of the very significant work involved in pursuing a PhD and the substantial dependence PhD students have on faculty to facilitate their academic future (see evidence of Stephen Hay about the position of graduate students, and his extensive efforts to ensure the good offices of professors with whom he was working).

85. As with those who testified, Dr. Longstaffe's efforts will have come at cost to her both personally and in terms of her studies. As a person who remained

involved through to 2015, she also carried the worry of the University's lack of action for a lengthy period of time.

86. In these circumstances, we submit that an injury to dignity award in the amount of \$10,000 would be appropriate.

XI. Harms to Glynnis Kirchmeier and Remedies Sought

87. Ms. Kirchmeier was actively involved with the University in trying to have the University respond to concerns about Mr. Mordvinov and address its processes from January 2014 onwards, including working very hard to be included in the University's non-academic misconduct processes against Mr. Mordvinov through October 2015, participating in Ms. Butler's review in early 2016, contributing to the University's work on Policy 131, and ultimately, filing this complaint on her own behalf and as the representative complainant on behalf of both the Mordvinov Class complainants and the General Class complainants in 2016, and pursuing this complaint through a very lengthy hearing. This has obviously been a monumental endeavour for Ms. Kirchmeier to undertake as a private citizen. For all of this time, Ms. Kirchmeier was a member of UBC's community as an alumna, but was no longer a student. It is notable that Ms. Kirchmeier's complaint to the University about Mr. Mordvinov was never addressed by the University.

88. Ms. Kirchmeier also testified about the unexpected impact that many people across the University have reached out to her in the years since with their own accounts of difficulties at the University with respect to issues of sexual assault and harassment. Ms. Kirchmeier felt obligated to listen to and provide support to them.

89. Ms. Kirchmeier testified that she filed the Complaint as a group complaint because that was the truth of her experience, and that she did not feel her actions were extricable from the actions of the group. She further testified that she did not feel there was something special about Mr. Mordvinov that caused the University's problems in responding to the complaints about him, but rather that the problems revealed were institutional problems and needed to be addressed as such.

90. In her evidence, Ms. Kirchmeier detailed her frustrating experiences with the University and particularly Ms. Kay in her initial contact about Mr. Mordvinov's concerning behaviour towards women, including frequent unwanted touching of Student A and incident with another student who was eventually identified as Dr. Cunningham. She detailed her involvement in the summer of 2014 in trying to have the History Department respond to concerns arising from Student B's account of Mr. Mordvinov's actions towards her. She described her meeting with Ms. Kay in December 2014 following Dr. Cunningham's meeting with Ms. Kay to formalize her complaint, and her efforts in 2015 to bring her account to the attention of Mr. Hyson and to have him include it in his materials to the Non Academic Misconduct Committee. She further detailed her efforts to

have Mr. Morrison include her account, and her intense frustration at his refusal to do this.

91. Ms. Kirchmeier also described her work with the Fifth Estate producers to have them address the issue of the University's response to sexual assault allegations, given her concern that the University was not acting effectively on the information it had about Mr. Mordvinov. She also described her work in relation to the Butler review and Policy 131.

92. Ms. Kirchmeier particularly talked about finding out in November 2015 that although Mr. Mordvinov was no longer a student at UBC, he was scheduled to attend various conferences. She felt at the time that this showed that the University was working to preserve Mr. Mordvinov's academic career and get him to another university. She testified about not sleeping after making this discovery and crying all the way to Blaine from Seattle in her car at the thought that the University knew about Mr. Mordvinov's impact on women and did not care, and that all of their efforts had been wasted. She said that this was intensely disturbing to her and validated her fears. She said that she felt worse at this time than at any other time through her dealings with the University regarding Mr. Mordvinov. Although Mr. Mordvinov did not participate in these conferences, Ms. Kirchmeier described persistent grieving and feelings of being devalued, and suffering disturbed sleep several times a week until March 2017.

93. Ms. Kirchmeier testified about the extraordinary efforts she expended trying to get the University to act effectively on concerns about the safety of women and Mr. Mordvinov, and the evidence reflects that effort in terms of very numerous and at times lengthy emails from Ms. Kirchmeier working with graduate students to try to have the University respond to their concerns. Ms. Kirchmeier testified that in preparing her documents for disclosure in 2018, she found 600 email threads relevant to her efforts on Mordvinov issues.

94. Ms. Kirchmeier and the other graduate students appreciated the importance of concerted action. She and others liaised with a large number of students to bring pressure to bear on the University to act. Ms. Kirchmeier's evidence showed her strong ally-ship with Dr. Cunningham, and desire to support her complaint with her own observations. Ms. Kirchmeier's efforts from the summer of 2014 onwards were also in support of the University responding effectively to the account of Student B about Mr. Mordvinov's actions towards Student B.

95. Once this Complaint was filed, Ms. Kirchmeier took on the onerous role of establishing and maintaining a website with information about the case, as well as maintaining contacts with many involved in it as witnesses. The effort required to maintain the blog over a number of years is evident from the contents of the blog: <https://kirchmeiervubc.com/>

96. Ms. Kirchmeier testified at some length about the impacts on her of her efforts to get the University to act on concerns about Mr. Mordvinov. She said that during her MA program she had close working relations with a number of professors, including Prof. Wang, her supervisor, and Prof. Thrush, and that these

relationships were in good shape and were entirely positive when she left the University. She testified that after her involvement in trying to have the University respond to the Mordvinov allegations, these relationships came to an end, and that she had no current relationship with anyone in the Department but Paul Krause.

97. Of Cole Thrush, she said that she was close with him, that she admired him, and that she felt he respected her as a scholar. She testified that when she first reached out to him about the issues with Mr. Mordvinov, he was very arms length with her. When she reached out to him again, he said that he had been away and did not know anything. Ultimately, when he was appointed to the Equity Committee in 2015, she testified that he he was very cold to Ms. Kirchmeier.

98. Of Prof. Wang, Ms. Kirchmeier testified that although she was initially helpful, directing Ms. Kirchmeier to Prof. Loo and noting that Ms. Kirchmeier should see Prof. Loo as a person on her side, this did not prove to be accurate, and by October 2015, Prof. Wang expressed doubt about the Mordvinov situation, saying who knows what to believe about these allegations, some of which were from Ms. Kirchmeier herself. Ms. Kirchmeier found this reversal and doubt about her account and those of others shocking. When the CBC documentary was imminent, Ms. Kirchmeier described Prof. Wang screaming into the phone, "oh my god" in relation to the documentary, and said that they had not spoken since, and that Prof. Wang had never reached out to her. Ms. Kirchmeier testified that Prof. Wang was a very important person to her and someone she admired, and had she not been involved in the Mordvinov matter, that she would have had a treasured memory of all of the things Prof. Wang taught her. Ms. Kirchmeier testified that she grieved the loss of that relationship most.

99. With respect to the rest of the Department, Ms. Kirchmeier testified that she admired them, but was not well served by them. Ms. Kirchmeier also testified that she was very concerned that Prof. Krause had suffered from the antagonism of others in the Department, and that she felt responsible for that.

100. Ms. Kirchmeier described her involvement with history before she went to graduate school. She described herself as almost entirely a non-fiction reader. She testified that she took intense pleasure in studying history and the conversations this provoked. She says that her life in history is now too painful to revisit, and when she thinks about the books and archives she used in her MA and the scholars she met she feels terrible about the loss of what could have been her life. She described the experience of being in class and watching the excitement of students as the most satisfying experience she had had, that she had wanted to be a teacher of adults, that these dreams were foreclosed by the events relating to her involvement in the Mordvinov allegations, and that she now had to make new dreams which she understood might not be successful.

101. Ms. Kirchmeier testified that she planned to apply for a PhD and in fact had prepared and put in an application that did not proceed because of feedback from Prof. Wang that it was not strong enough and would benefit from her taking a

year to strengthen it. Ms. Kirchmeier testified that it was her intention to do this, but that after the events involving Mr. Mordvinov she chose not to proceed with a further application. She testified that she no longer wanted to be part of a university that left students to be victims, and treated students as a problem when they complained. She testified that she further felt these concerns were widespread in academia and were not as present in the wider work world.

102. Like others, she testified that her work on the Mordvinov issues closed off her relationships with other graduate students with whom she had been close and that she now only stayed in contact with those she was closely interacting with over the Mordvinov issues. Ms. Kirchmeier described the loss of certain friendships, including with Student D and Sam Fenn, and her sadness about those losses. Ms. Kirchmeier also testified that she no longer feels welcome on the UBC campus, and that she feels antagonism with UBC when she thinks about it.

103. Ms. Kirchmeier testified about the weight on her of bringing this complaint to hearing. She described it hanging over her and noted the physical reluctance she feels in doing the work on it. She talked about the demands of the case being really disruptive to her life. She talked about having to set aside travelling and taking vacations which are very important to her to save money and time for the case. She also talked about not wanting to talk about the case anymore, and how the people in her life no longer want to hear about it, which she finds quite isolating. She talked about professional opportunities she had had to pass up for the case. She talked about her uncertainty about how she would juggle the hearing of the case and law school to which she was just applying when she testified in chief.

104. The consequences of the University's lack of action on the Mordvinov allegations at the time and since, through this complaint, have been intensely burdensome for Ms. Kirchmeier, a private citizen. Indeed the hearing itself has been far more protracted than anyone anticipated. Together with the specific impacts described above, we submit that an award of damages for injury to dignity, feelings and self-respect of \$60,000 would be appropriate for Ms. Kirchmeier.

105. Ms. Kirchmeier has also had significant expenses as the representative complainant in pursuing this complaint through hearing.

106. Ms. Kirchmeier testified about her expenses (February 17, 2023 and December 3 and 4, 2024). The Tribunal can order the Respondent to pay the Complainant's expenses of pursuing the complaint. Expenses must be related to the litigation, and reasonable. In our submission Ms. Kirchmeier's expenses are legitimate and reasonable for litigation of this magnitude.

107. The first set of documents is Exhibit 11, Volume 7. The expenses are set out on a spreadsheet, which is Exhibit 12. Attached to this argument is a version of this spreadsheet showing the page numbers for the documents supporting the expenses claim. This version is provided as an aide rather than as evidence.

Column B of this version of the spreadsheet shows the page number of the relevant documents. The document numbers per the index are also set out below.

108. **Shipping.** Ms. Kirchmeier testified this is for shipping documents and an affidavit to counsel. The documents are at Exhibit 11/Vol 7/#3, #4 (and #5), #12, #14 and #16. The total was **USD\$417.10**.

109. **Notarial Services.** Ms. Kirchmeier testified that this was for an affidavit with a number of exhibits. The document is at Exhibit 11/Vol 7/#15. The total was **USD\$270.00**.

110. **Lost Wages May 1, 2018.** Ms. Kirchmeier testified that in March 2018 she moved to Washington DC. She was offered a position starting May 1, 2018. The University was due to deliver a large tranche of documents at that time. Ms. Kirchmeier therefore requested a later start date. This led to a loss of 3 weeks wages at her wage rate at the time of her hire. Ms. Kirchmeier testified that but for going to Vancouver to review the documents, and continuing to work on them once she returned home, she would have earned those wages. The document setting out her starting wage rate is Exhibit 11/Vol 7/#43. This document establishes her wage rate (USD\$32.69 per hour) at 40 hours per week. Three weeks is 120 hours or **USD\$3,922.80**.

111. **Medical/Dental Insurance.** Ms. Kirchmeier testified that had she started work on May 1, 2018 she would have been able to obtain coverage through work. Because she delayed her start date, she was required to privately purchase insurance coverage for medical and dental for May 2018. She was not able to buy less than a month of insurance. The receipt is at Exhibit 11/Vol 7/#45. The cost was **USD\$767.23**.

112. **Lost Wages at End of Employment with FINRA.** Ms. Kirchmeier testified that she ended her position with FINRA on July 12 rather than August 2, 2024 to accommodate her attendance at the hearing scheduled from July 16 to 31, 2024. As a result she lost 3 weeks of pay. Prior to this, Ms. Kirchmeier testified that she was able to cobble together leave with her employer, some of which was unpaid. Ms. Kirchmeier's pay as of March 27, 2023 is out in Exhibit 149. At \$122,570 for 52 weeks, Ms. Kirchmeier's loss for 3 weeks would have been \$7,071.35. Ms. Kirchmeier testified that between March 2023 and the end of her employment in July 2024 she received a 4% raise. Her loss was therefore **USD\$7,354.20**.

113. **Office Supplies.** Office supplies needed in relation to the receipt of the University's documents, including sharpies and a flip chart. The receipt is at Exhibit 11/Vol 7/#6. The cost was **CAN\$22.71**.

114. **Computer Equipment.** Ms. Kirchmeier testified that she needed an Ethernet adapter cable to use MS Teams. The Mac Berkley receipt is at Exhibit 11/Vol 7/#27. The cost was **USD\$34.99**.

115. **Research Assistant.** Ms. Kirchmeier testified that she hired Chelsea Rooney as a research assistant to search for information that might be of assistance in this litigation, including interviews by Universities, newspaper archives about sexual misconduct issues at universities, and academic articles about sexual misconduct. Ms. Kirchmeier paid Ms. Rooney \$20 per hour based on spreadsheets provided by Ms. Rooney. The spreadsheets document what Ms. Rooney was paid. The spreadsheets available are at Exhibit 11/Vol 7/#36 to #42. One payment is not supported by a spreadsheet. The total cost was **USD\$1,141.66.**

116. **Wordpress Website.** Member Trerise ordered Ms. Kirchmeier to set up and maintain a website for Complainants so that class members would be kept abreast of progress on the case without having to contact Ms. Kirchmeier. Wordpress hosts the website “Kirchmeiervubc” which Ms. Kirchmeier created. It charges an annual subscription to maintain the domain name and host the website. The Wordpress invoices to Ms. Kirchmeier are at Exhibit 11/Vol 7/#47 to #56. The total cost (to 2022) was **USD\$386.86.**

117. Ms. Kirchmeier testified on December 3, 2024 about further expenses in relation to Wordpress. These invoices to October 2024 are at Exhibit 145. The summary lists 2022 which was already included in Exhibit 11 at #56. The total additional cost to October 2024 should therefore be **USD\$147.81.**

118. In our submission, Ms. Kirchmeier should be compensated for expenses for October 2025 as the website remains in place. Using the figures for 2024, the total additional claim for a payment in October 2025 is **USD\$73.94.**

119. **Travel to Vancouver in April 2015.** Ms. Kirchmeier testified that she travelled to Vancouver on April 15, 2015 to attend the meeting of the HGSA on that day regarding the Statement on Harassment. This expense arose directly in relation to Ms. Kirchmeier’s support of efforts by graduate students to have the History Department take effective action at that time. This step was taken before the University had taken any effective action in relation to Mr. Mordvinov, despite first receiving reports about him from Ms. Kirchmeier in January 2014. Ms. Kirchmeier’s only claim for this trip is her bus ticket from Seattle to Vancouver and back. The Bolt Bus receipts are at Exhibit 11/Vol 7/#31. The total cost was **USD\$37.00.**

120. **Travel to Vancouver in April 2017.** Ms. Kirchmeier testified that the reason for this trip was to meet with counsel and assist with this complaint. Her expense for this trip was limited to her accommodation. The Priceline receipt for the Tropicana Suite Hotel is at Exhibit 11/Vol 7/#44. The total cost was **CAN\$138.04.**

121. **Travel to Vancouver in May 2018.** Ms. Kirchmeier travelled to Vancouver in May 2018 for a week to review the documents disclosed by the University at that time. She testified that she was aware that reviewing the documents would be a very large undertaking, and she attended to assist with that task. During this time she also interviewed Tara McBryan.

122. Ms. Kirchmeier testified that by this date she had moved to Washington DC. The only travel she is claiming for is her travel directly to and from Vancouver, which consisted of a Bolt Bus from Seattle to Vancouver, and an airline ticket from Vancouver to New York City. She testified that she is not claiming for her flight from Washington DC to Seattle, or her bus ticket from New York to Washington DC. Her receipts also include receipts for transit, parking and food. She is also claiming \$400 which she paid to a friend for accommodation for which she does not have a receipt. The documents are at Exhibit 11/Vol 7/#32 (Bolt Bus), #33 (Airline ticket), #2 (Impark Receipt re witness interview), #7 (Speakeasy food), #8 (Cactus Club food), #9 (Blue Moon Hotel), #10 (translink receipt for transit to airport), #11 (Railtown Café food). The total cost was **USD\$334.13** and **CAN\$514.94**.

123. **Travel to Vancouver in November 2022.** Ms. Kirchmeier travelled to Vancouver for 3 days at that time to assist with sorting the Complainants' documents for listing and to otherwise meet with counsel in preparation for the hearing. By this time, Ms. Kirchmeier was living in Berkley, California. Her expenses for this trip include air travel, lodging and meals. The documents are at Exhibit 11/Vol 7/#34 (Air Canada), #35 (Air Canada), #17 (Samesun Hotel), #18 (Translink), #19 and #23 (Kafka's food), #20 and #21 (Khan Express food), #22 (Taf's Café food). The total cost was **USD\$298.40** and **CAN\$713.01**.

124. **Travel to Vancouver in February 2023.** Ms. Kirchmeier travelled to Vancouver for the start of the hearing, including her testimony and other preparation. Although the hearing was taking place online, her decision to travel to Vancouver to work with counsel in person at the start of the hearing was reasonable in light of her responsibilities as the representative Complainant, and her own extensive testimony. A number of other witnesses chose to work in person with counsel during their preparation, and also to attend at counsel's office during their testimony. Doing so resulted in greater support and sense of connection to the hearing. Complainants' expenses must be reasonable, but are not required to be minimized at any cost to efficiency and comfort.

125. Ms. Kirchmeier testified that her expenses for the trip included her flights, accommodation through Airbnb, and meals. The documents are at Exhibit 11/Vol 7/#25 (United Airlines), #26 (Airbnb), #28 (Nightingale food), #29 (Taf's Café food), #30 (Kafka's food). The total cost was **USD\$3,018.21** and **CAN\$141.55**.

126. Ms. Kirchmeier further testified on December 3, 2024, that after her original testimony was completed, she remained in Vancouver to continue to work in person on the hearing, and continued to have expenses for transportation and food. The receipts are located in Exhibit 144. The front page of Exhibit 144 summarizes the costs as **CAN\$814.95**.

127. **Interviews.** Ms. Kirchmeier testified that in August 2016 she came to Vancouver to interview witnesses. Her expense for this is her parking for two days. She also came for an interview in August 2017. Her expense again was

parking. The documents are at Exhibit 11/Vol 7/#1 and #2. The total cost was **CAN\$56.00**.

128. **Expert Evidence.** The Complainants retained Laura Brown to provide expert evidence. The invoice for her report is at Exhibit 11/Vol 7/#24. The cost of for preparation of her report was **USD\$2,000**.

129. Dr. Brown also invoice for her preparation to testify and her testimony. The invoice for this work is at Exhibit 146. The cost for her preparation and testimony was **USD\$3,725.00**.

130. **Costs for Medical Records re Lauren Fisher.** Medical records were obtained from Lauren Fisher's physician, Dr. Salih. Dr. Salih charged for review and copying of her records. The invoice for this work is at Exhibit 147. The cost for Dr. Salih's medical records was **CAN\$204.00**.

131. **Digitization of Documents.** Prior to the start of the hearing, the Complainants' documents for the hearing, which were in hard copy, were sent to be scanned. This work was performed by Arc Document Solutions. The invoice for this work is at Exhibit 148. The cost to digitize the documents was **CAN\$375.20**.

132. **Conversion to Canadian.** A current conversion rate should be used to convert Ms. Kirchmeier's US dollar expenses to Canadian dollars. Currently the internet lists the conversion rate for USD to Canadian dollars as 1.38.