



Order F25-43

## THOMPSON RIVERS UNIVERSITY

Rene Kimmitt  
Adjudicator

June 12, 2025

CanLII Cite: 2025 BCIPC 51

Quicklaw Cite: [2025] B.C.I.P.C.D. No. 51

**Summary:** The Office of the Information and Privacy Commissioner initiated and conducted a proceeding to determine whether an applicant's use of FIPPA amounted to an abuse of process and, if it did, what remedy would be appropriate. The adjudicator determined that the applicant had engaged in an abuse of process and that six of his open files were included in this pattern of abuse. The adjudicator concluded it is appropriate to cancel these six files in order to remedy the applicant's abuse of process.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, ss. 2, 42, 55 and 56.

### INTRODUCTION

[1] Since January 2020, the Office of the Information and Privacy Commissioner (OIPC) has opened 71 files from one individual (the Applicant) related to Thompson Rivers University (the University). The Applicant currently has six files open with the OIPC in which he is seeking information from the University (the Current Files). Four of these files are at the inquiry stage of the OIPC's process and two are at the mediation stage.

[2] The OIPC has also issued 17 orders involving the Applicant and the University, including Order F24-81. In the University's submissions for the inquiry that resulted in Order F24-81, the University argued that the Applicant had misused FIPPA "as a platform to mount a campaign against persons at [the University] with whom he has philosophical disagreements and a history of personal grievance."<sup>1</sup> The adjudicator declined to add abuse of process as an issue in that inquiry.<sup>2</sup> However, the Director of Adjudication (Director) took notice

---

<sup>1</sup> The University's August 1, 2024 reply submission in the inquiry for OIPC file F23-92053 that resulted in Order F24-81, 2024 BCIPC 93 (CanLII).

<sup>2</sup> Order F24-81, 2024 BCIPC 93 (CanLII) at para 20.

of this issue and initiated this proceeding to determine whether the Applicant's past and current use of FIPPA amounts to an abuse of FIPPA's processes and, if it does, what remedy, if any, is appropriate.<sup>3</sup> The University and the applicant both provided submissions and supporting evidence in this proceeding. In addition, they each asked to submit portions of their inquiry materials *in camera* and I approved their requests in part.

## ISSUES

[3] The issues to be decided in this proceeding are as follows:

1. Is the Applicant's use of FIPPA an abuse of process?
2. If the Applicant has abused FIPPA's processes, what remedy, if any, is appropriate?

## DISCUSSION

### ***Authority to consider abuse of process at any stage in an OIPC file***

[4] It is now well established that the OIPC, as an administrative tribunal exercising quasi-judicial functions, has the power to control its own procedures.<sup>4</sup> Further, the powers conferred by FIPPA include not only those expressly granted but also, by implication, all powers which are practically necessary to accomplish the purposes of FIPPA.<sup>5</sup>

[5] Section 42(1) sets out the general powers of the Commissioner and says that the Commissioner "is generally responsible for monitoring how [FIPPA] is administered to ensure that its purposes are achieved." The purposes of FIPPA are to make public bodies more accountable to the public and to protect personal privacy by, among other things, providing for an independent review of decisions made under FIPPA.<sup>6</sup>

[6] Applicants that abuse FIPPA's processes by making improper use of the limited public resources allocated to the OIPC undermine the Commissioner's ability to give timely and equitable attention to other applicants and, as a result,

---

<sup>3</sup> Director of Adjudication's letter to parties dated October 7, 2024.

<sup>4</sup> Order F23-23, 2023 BCIPC 27 (CanLII) at para 31, citing *Prasad v. Canada (Minister of Employment and Immigration)*, 1989 CanLII 131 (SCC) at 568-569. Order F23-23 was upheld on judicial review in *Cimolai v British Columbia (Information and Privacy Commissioner)*, 2024 BCSC 948 (CanLII).

<sup>5</sup> Order F23-23, 2023 BCIPC 27 (CanLII) at para 31, citing *ATCO Gas and Pipelines Ltd. v. Alberta (Energy and Utilities Board)*, 2006 SCC 4 at para. 51, citing *Bell Canada v. Canada (Canadian Radio-Television and Telecommunications Commission)*, 1989 CanLII 67 (SCC) at 1756.

<sup>6</sup> FIPPA, ss. 2(1)(e).

interfere with the proper administration of FIPPA.<sup>7</sup> An applicant that engages in this kind of abuse of process harms not only the parties involved directly in their files, but the Commissioner's overall ability to effectively provide an independent review of public bodies' decisions under FIPPA.

[7] For these reasons, the Commissioner's general responsibility to monitor how FIPPA is administered, which is set out in s. 42(1), must be read to include the authority to prevent and remedy abuse of process at each stage of an OIPC file, including when considering whether to conduct or continue an investigation under s. 55 or an inquiry under s. 56.

***Authority to initiate this proceeding on the OIPC's own initiative***

[8] In the letter initiating this proceeding, the Director wrote:

I am considering whether to exercise my discretion under s. 56(1) to cancel the [inquiry files] and decide that the [mediation files] will not proceed to inquiry. Part of that consideration is whether the way [the Applicant] has been using FIPPA amounts to an abuse of process.<sup>8</sup>

[9] Section 56(1) reads:

If the matter is not referred to a mediator or is not settled under section 55, the commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.

[10] The word "may" in s. 56(1) gives the Commissioner and, by extension, his delegates, a broad discretionary power to decide whether to hold an inquiry. As discussed above, when deciding whether to conduct an inquiry, the Commissioner and his delegates may consider abuse of process.

[11] Previously, the OIPC has only exercised its authority to remedy an abuse of process under s. 56(1), by cancelling an applicant's files, after receiving an application from a public body. This is the first time the OIPC has considered an abuse of process under s. 56(1) on its own initiative.

---

<sup>7</sup> See *Canada v. Olumide*, 2017 FCA 42 (CanLII), [2018] 2 FCR 328 at paras 19-20 and *Memorial University of Newfoundland v. Oleynik*, 2024 NLSC 42 (CanLII) at para 104 [*Memorial*]. While these remarks describe the impact of vexatious litigants on courts' processes, I find they also accurately describe the negative impact that abuse of process has on the OIPC.

<sup>8</sup> The Applicant submits that the inclusion of the phrase "part of the consideration" suggests that the OIPC may be considering reasons for cancellation other than abuse of process. The Applicant then makes submissions on issue estoppel, *res judicata*, mootness, the plain and obvious application of FIPPA, and something he calls "opportunity cost" (Applicant's initial submission at pages 5-6). The letter initiating this proceeding only asks the parties to provide submissions on abuse of process. For this reason, I find that these other issues raised by the Applicant are not relevant to this proceeding and I do not consider them further.

[12] There is nothing in the language of s. 56(1) that suggests that the OIPC must wait for an application from a party before considering whether conducting an inquiry would condone an abuse of process.

[13] Further, reading into s. 56(1) a requirement that the OIPC needs to wait for a party to raise the issue of abuse of process would limit the OIPC's ability to control its own procedures, thereby undermining the Commissioner's ability to administer FIPPA to ensure its purposes are achieved.

[14] I find, based on interpreting s. 56(1) in its entire context, that there is no requirement that the OIPC wait for an application from a party to consider abuse of process when deciding whether to conduct an inquiry. The OIPC can, on its own initiative, consider abuse of process at any stage in its files, including when considering whether to conduct an inquiry under s. 56(1).

### ***Burden of proof***

[15] The Applicant submits that, since the OIPC initiated this proceeding, he assumes that the OIPC has the burden to prove that he abused FIPPA's processes.<sup>9</sup> The Applicant does not point to an authority to support this assumption.

[16] When a public body makes an application asking the OIPC to not conduct an inquiry under s. 56(1), the public body has the burden to prove that the OIPC should not conduct an inquiry.<sup>10</sup> In this case, the OIPC has initiated this proceeding, and it is inquisitorial in nature; therefore, neither party has the burden of proof.

[17] As the decision-maker, I am not responsible for *proving* that the Applicant has engaged in an abuse of process. I am, however, tasked with *considering* this issue as part of the proper administration of FIPPA. I must ensure that the process used to conduct this consideration is procedurally fair and, if I find that the Applicant has abused FIPPA's processes, I must cogently demonstrate how I reached this conclusion.<sup>11</sup> However, these requirements do not impose a burden of proof on the OIPC.

[18] For the reasons given above, I find that there is no formal burden of proof in this proceeding.

---

<sup>9</sup> Applicant's initial submission at page 4, para 6 and page 5, para 1.

<sup>10</sup> Order F24-24, 2024 BCIPC 31 at para 48.

<sup>11</sup> *Dugré v. Canada (Attorney General)*, 2021 FCA 8 (CanLII) at paras 28-31. I find it useful to analogize to these remarks, which the Federal Court of Appeal made in response to an appellant's concerns about the burden of proof when a court plays an active role in managing its proceedings.

***Reasonable apprehension of bias***

[19] Part of procedural fairness requires decision-makers to be, and be perceived to be, impartial and unbiased. A decision-maker is impartial where they approach the case to be adjudicated with an open mind. In contrast, bias is a state of mind that renders a decision-maker unable to exercise their functions impartially in a particular case due to a predisposition towards one party or another or towards a particular result.<sup>12</sup>

[20] The test for a reasonable apprehension of bias is as follows:

what would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly.<sup>13</sup>

[21] The purpose of the test is to ensure not only actual fairness, but also the appearance of fairness. A reasonable apprehension of bias consideration is inherently contextual and fact-specific, and the party alleging bias has a high burden of proving the claim.<sup>14</sup>

[22] The Applicant raises two issues related to a reasonable apprehension of bias.

[23] First, the Applicant submits that because this proceeding was initiated by and will be decided by the OIPC it is contrary to the legal principle of *nemo judex in causa sua*.<sup>15</sup>

[24] The principle of *nemo judex in causa sua debet esse* underlies the reasonable apprehension of bias doctrine and translates into the principle that no one ought to be a judge in their own cause.<sup>16</sup> As a general principle, a person cannot raise an issue and adjudicate it because doing so would create real or perceived bias that would destroy the integrity of the proceedings.

[25] However, there are exceptions to the “*nemo judex*” principle. One exception, which is relevant here, occurs when the overlap of functions has been authorized by statute.<sup>17</sup> As I have explained above, the OIPC has the responsibility and authority under ss. 42(1) and 56(1) of FIPPA to consider abuse

---

<sup>12</sup> *Wewaykum Indian Band v. Canada*, 2003 SCC 45 (CanLII) at para 58 [Wewaykum], quoting *R. v. S. (R.D.)*, 1997 CanLII 324 (SCC), [1997] 3 S.C.R. 484, at para 106 [R. v. S. (R.D.)].

<sup>13</sup> *Committee for Justice and Liberty v. National Energy Board*, 1976 CanLII 2 (SCC), [1978] 1 S.C.R. 369, at 394, per de Grandpré J. (dissenting).

<sup>14</sup> *Wewaykum*, *supra* note 12 at para 77, quoting *R. v. S. (R.D.)* *supra* note 12 at para 114.

<sup>15</sup> Applicant's initial submission at page 2, para 4.

<sup>16</sup> *Brosseau v. Alberta Securities Commission*, 1989 CanLII 121 (SCC).

<sup>17</sup> *Ibid.*

of process on its own initiative. Since this scenario is authorized under FIPPA, I find that it does not, in itself, create a reasonable apprehension of bias.

[26] The second issue the Applicant raises is about the timing of this proceeding. He submits that the timing of this proceeding is questionable because it comes shortly after he asked the OIPC how the adjudicator for Order F24-81 could have reviewed material the Applicant believes the University did not submit in that inquiry. He submits that he received the Director's letter initiating this proceeding the same day he filed a formal access request to the OIPC for records related to the inquiry that resulted in Order F24-81.<sup>18</sup>

[27] I understand the Applicant to be alleging that the Director initiated this proceeding to retaliate against him for making an access request to the OIPC and that this creates a reasonable apprehension that the Director, or the OIPC as an institution, is biased against him.

[28] The Applicant has not provided evidence to support his assertion that the Director knew he had made the access request to the OIPC at the time she initiated this proceeding. Further, even if the Director was aware, the Applicant has not adequately explained why the Director, or the OIPC more generally, would seek to retaliate against him for making an access request. Without more information, I find that the Applicant has not met the high burden of proof needed to establish a reasonable apprehension of bias.

[29] I recognize that the Applicant disagrees with the decision to conduct this proceeding. However, the Applicant's subjective views are not sufficient to establish that an informed person, viewing the matter realistically and practically, would conclude that I am unable to decide this matter fairly, simply because the OIPC initiated this proceeding and did so after the Applicant filed an access request to the OIPC.

### ***Underlying dispute between the parties***

[30] The University is a post-secondary institution located in Kamloops, B.C. The Applicant is a former faculty member of the University. The disagreement between the University and the Applicant goes back at least a decade and has many facets.<sup>19</sup> The background information that I outline below is my understanding of the major themes of the disagreement between the parties and is not meant to capture every aspect of their dispute.

[31] During the Applicant's employment, the University disciplined him through several written warnings about his behaviour, a two-week suspension, a ban

---

<sup>18</sup> Applicant's initial submission at page 2, para 3.

<sup>19</sup> The University's Document 10C at page 14.

from campus, and a one-year suspension.<sup>20</sup> The University terminated the Applicant's employment and the Applicant's union (Union) is engaged in labour arbitration with the University about this termination. The Applicant has a negative opinion of his Union<sup>21</sup> and previously filed a complaint with the Labour Relations Board about its representation of his interests.<sup>22</sup>

[32] Part of the dispute stems from the Applicant's strong views about predatory journals and conferences. As I understand it, predatory journals and conferences allow academics to present their research for a fee without having it subjected to the standard of review required by other publishers. The Applicant views participation in predatory publishing as a form of academic dishonesty and believes that the University improperly rewards its faculty for working with predatory publishers.<sup>23</sup> The Applicant published articles, conducted media interviews, and posted on social media about this subject, as well as his belief that the University disciplined him to stifle his academic freedom and prevent him from further exposing the University's dishonesty and corruption.<sup>24</sup> The Applicant's views are supported, in part, by an investigation and report by the Canadian Association of University Teachers (CAUT), which concluded that the Applicant's first suspension and ban from campus violated his academic freedom.<sup>25</sup>

[33] In contrast, the University believes that the Applicant's behaviour amounts to harassment and demeaning personal attacks directed towards its faculty, administrators and lawyers. The University's views are supported, in part, by three investigation reports that concluded that the Applicant had engaged in harassment.<sup>26</sup>

[34] The University also initiated a fourth harassment investigation into the Applicant's behaviour after receiving a complaint that the Applicant had harassed female faculty members by making access requests for the amount the University paid them to attend various predatory conferences.<sup>27</sup> The University discontinued this investigation before a final report was issued.<sup>28</sup> The Applicant believes this harassment investigation was meant to intimidate him into withdrawing his access requests about the University's support of predatory conferences.<sup>29</sup>

---

<sup>20</sup> The University's Document 11B.

<sup>21</sup> Initiating Document for F23-94322.

<sup>22</sup> The University's Document 9B.

<sup>23</sup> Applicant's Tabs 1-5 at pages 74-78.

<sup>24</sup> The University's Documents 9B, 10A, and 10B.

<sup>25</sup> Applicant's response submission at pages 14-15.

<sup>26</sup> The University's Documents 10C, 10A, and 11B.

<sup>27</sup> Applicant's Tabs 9-10 at page 25.

<sup>28</sup> The University's response submission at para 29(a) and Applicant's Tabs 9-10B at page 44.

<sup>29</sup> Initiating Document for F21-87238.

[35] Throughout this order, I will refer to the overall dispute between the parties as the Underlying Dispute.

### ***Abuse of process***

[36] The doctrine of abuse of process is rooted in a judge's inherent and residual discretion to prevent abuse of the court's process.<sup>30</sup> Administrative decision-makers may also apply the doctrine to prevent abuse of their processes.<sup>31</sup> The administration of justice and fairness lie at the heart of the doctrine, and it is flexible and unencumbered by specific requirements.<sup>32</sup>

[37] There are many different kinds of abuse of process.<sup>33</sup> The type of abuse of process relevant here occurs when an applicant uses FIPPA's processes for improper purposes.

[38] When considering this kind of an abuse of process the decision-maker must look at the whole history of the matter. Some applicants may, from the beginning, use FIPPA's processes for improper reasons; for example, to harass a public body or their employees. Other applicants may initially be seeking access to records for legitimate purposes, but then shift their focus towards hostility, delusion, or conspiracy such that the original purpose of the request is at best collateral.<sup>34</sup> Both of these scenarios involve an abuse of process.

[39] There are no set criteria for determining whether an applicant is engaged in abuse of FIPPA's processes, but case law and OIPC orders have previously found there are several behaviours that may indicate this kind of abuse.<sup>35</sup> These behaviours include an applicant:

- excessively using FIPPA's processes;
- “springboarding”, which occurs when an applicant uses information received in response to an access request or during the OIPC's review processes as fodder for future access requests or complaints to prolong the dispute with a public body;
- creating a complex web of interrelated proceedings;

---

<sup>30</sup> *Toronto (City) v CUPE, Local 79*, 2003 SCC 63 at para 35.

<sup>31</sup> *Cimolai v British Columbia (Information and Privacy Commissioner)*, 2024 BCSC 948 (CanLII) at paras 87-91.

<sup>32</sup> *Behn v Moulton Contracting Ltd*, 2013 SCC 26 at paras 40-41.

<sup>33</sup> Order F10-17, 2010 BCIPC 37 at paras 17-23, and the authorities cited therein.

<sup>34</sup> *Memorial*, *supra* note 7 at para 59.

<sup>35</sup> *Ibid* at paras 55-57; Order F24-65, 2024 BCIPC 75 (CanLII) at para 31; and Order F24-24, 2024 BCIPC 31 (CanLII) at para 86, referencing Order F23-23, 2023 BCIPC 27 (CanLII).



- attempting to obtain records or information they have already received, particularly when they have already obtained these materials through FIPPA's processes;
- continuing to include arguments in their submissions that are irrelevant or unsubstantiated, even after the OIPC has declined to address them or has rejected them outright;
- using FIPPA's processes to vent their anger and berate other parties involved in the FIPPA dispute or people involved in an underlying dispute; and
- making unfounded and intemperate allegations of bias, illegality, incapacity, fraud, misrepresentation, conspiracy or tampering, in particular, when they continue to make these assertions after the OIPC has found them to be unsubstantiated.

[40] It is important to remember that these are only potential indicators of abuse and that there may be legitimate reasons for an applicant to engage in some of these behaviours. For example, an applicant may have obtained records through a confidential process and then use FIPPA to obtain them again in order to make them public. Generally, this behaviour would not be an abuse of process.

[41] Further, interpreting these criteria too broadly risks capturing applicants, particularly self-represented applicants, who may be well-intentioned but not know how to properly craft relevant and properly supported submissions. Such behaviour, on its own, should not be interpreted as abuse.

[42] That said, an applicant who engages in a pattern, or even a single egregious instance, of these behaviours indicates that they are using FIPPA's processes, not to obtain information or seek redress for complaints, but as a platform to air their grievances, harass individuals, or force a public body to engage with them about their non-FIPPA-related dispute.

#### *University's submissions – abuse of process*

[43] The University submits that the Applicant has made 72 access requests all of which relate to employment related disputes and past grievances the Applicant has with the University.<sup>36</sup> The University provided a copy of 70 of these access requests. The University submits that there is significant overlap and duplication among the requests<sup>37</sup> and that the Applicant uses the requests as a platform to repeat accusations about the honesty, integrity and ethical conduct of the

<sup>36</sup> The University's initial submission at paras 20-21.

<sup>37</sup> *Ibid* at paras 26-31.

University and his former colleagues.<sup>38</sup> The University cites specific access requests to support this point.

[44] The University submits that the Applicant has used the inquiry process to continually repeat his allegations about predatory publications and to voice serious and unfounded accusations against the University's legal counsel, senior officials, and faculty. It submits that the Applicant continued to repeat these allegations even after OIPC adjudicators have dismissed them or declined to deal with them.<sup>39</sup> The University submits that the Applicant conflates simple errors or disagreements in terminology with perjury, dishonesty, and incompetence.<sup>40</sup> The University cites specific parts of the Applicant's inquiry submissions to support this point.

[45] The University quotes from a portion of Order F24-81, in which the adjudicator found that the Applicant had used disparaging language and reminded him that parties are expected to behave and communicate respectfully in OIPC proceedings.<sup>41</sup>

[46] The University submits that the Applicant's use of FIPPA's processes have ceased to be a means by which the Applicant is seeking to access information and are instead being used by him as a means of continuing ongoing disputes and grievances with the University and his former colleagues.<sup>42</sup>

*Applicant's submissions – abuse of process*

[47] The Applicant submits that the contents of his access request were sent to the University and not the OIPC and, therefore, are unrelated to the question of whether the OIPC should hold an inquiry under s. 56(1).<sup>43</sup>

[48] The Applicant submits that he has not counted the number of access requests he has made to the University but contests the number the University puts forward. He submits that he could not have made 72 access requests to the University because there are at least five access requests that he did not ask the OIPC to review and the OIPC has 71 files related to him and the University. He submits that 72 minus five gives a number less than 71. He submits: "I will refrain from making a joke about lawyers being poor at math as that would likely offend [the University's lawyer]."<sup>44</sup>

---

<sup>38</sup> The University's initial submission at para 33, citing four of the Applicant's access requests.

<sup>39</sup> *Ibid* at para 36-37, citing the Applicant's submissions in various inquiries.

<sup>40</sup> *Ibid* at para 38.

<sup>41</sup> *Ibid* at para 39, quoting Order F24-81 2024 BCIPC 93 (CanLII) at paras 15-19.

<sup>42</sup> *Ibid* at para 40.

<sup>43</sup> Applicant's response submission at para 17, para 3.

<sup>44</sup> *Ibid* at page 16, para 1.

[49] The Applicant submits that he would not have had to make so many access requests if the University simply provided the information in response to his earlier access requests. As an example, he says he would not have had to make a March 21, 2021 request for “all travel claims” submitted by two University employees, if the University had properly responded to his September 11, 2020 request for “the total amount of the expenses that the University reimbursed [the two University employees] for, e.g. conference fees, hotel expenses, travel expenses (e.g. airfare, taxis etc, meals, incidentals, etc).”<sup>45</sup>

[50] The Applicant submits that it is misleading or incorrect to say that all his requests relate to the same underlying employment matter<sup>46</sup> and that there is nothing nefarious about his decision to make specific, targeted access requests rather than broad, blanket access requests.<sup>47</sup>

[51] The Applicant submits that he was not making repeated attempts to obtain the same information after already receiving a fair response to his access requests. He submits that in the few cases where the same documents overlapped in different inquiries, he has been very willing to have them excluded in the later inquiry.<sup>48</sup>

[52] The Applicant submits that it is obvious that the purpose of his requests was to obtain information.<sup>49</sup> He submits that he has already and will continue to use the information he receives to write articles, conduct research, and give media interviews. To support this point, he provided evidence of previous media interviews he has given and articles that he has had published. He provided, *in camera*, draft articles he is writing. The Applicant submits that his publications, which contain information gained through access requests and the OIPC’s review processes, are consistent with FIPPA’s stated purpose of making public bodies more accountable to the public by giving the public a right of access to records.

[53] The Applicant submits that he made his last access request to the University in 2023, and he asked the OIPC to review the University’s response to this request in 2024.<sup>50</sup> He submits that he only anticipates making two access requests to the University in 2025, but that, as he works on his articles, it is possible he will discover other access requests that will be useful.<sup>51</sup>

---

<sup>45</sup> Applicant’s response submission at page 16, paras 2-4.

<sup>46</sup> Applicant’s initial submission at page 3, para 8.

<sup>47</sup> *Ibid* at page 3, para 10.

<sup>48</sup> *Ibid* at page 8, para 2, referencing F21-88474 as an example of this behaviour (see Applicant’s Tab 1-5 at page 47).

<sup>49</sup> *Ibid* at page 7, para 2.

<sup>50</sup> *Ibid* at page 10, para 2.

<sup>51</sup> *Ibid* at page 10, para 5.

[54] The Applicant makes other submissions about the University's lawyers and the Underlying Dispute, including issues related to predatory publishing, which I will discuss in more detail in my analysis that follows.

*Analysis – abuse of process*

[55] I have attached a chart to this order (Appendix A) that shows the number and type of files the Applicant has opened with the OIPC related to the University and the outcomes of these files. This information shows how it can be that the 70 access requests the University submitted in this proceeding resulted in 71 files with the OIPC. Some of the Applicant's access requests to the University did not result in a file with the OIPC, while others resulted in one, two, or three files with the OIPC.<sup>52</sup>

[56] I have also included in this chart, a brief, anonymized description of the records the Applicant was asking the University to provide in each of the access requests before me. This information is included to show that the content of the Applicant's 70 requests to the University and his 71 files with the OIPC all relate to the Underlying Dispute.

[57] I find that the Applicant's use of FIPPA's processes is excessive.

[58] The Applicant made at least five access requests *to the University* between December 2019 and December 2020. He then made 65 access requests *to the University* between January 2021 and May 2024 for an average of 1.6 access requests each month for forty consecutive months.

[59] In early 2020, the Applicant opened two complaint files *with the OIPC* related to the University's handling of his personal information. He then opened 69 files *with the OIPC* related to his access requests to the University between January 2021 and May 2024 for an average of 1.7 files each month for forty consecutive months.

[60] The Applicant's excessive use of FIPPA's processes is an indicator that he is abusing FIPPA's processes.

[61] The Applicant has also engaged in other behaviours that are indicators of abuse of process. For example, there is evidence before me that the Applicant has made access requests seeking to obtain records he has already received in response to previous access requests.<sup>53</sup> The Applicant has not adequately explained why he was using FIPPA's processes to obtain information he had already received under FIPPA. Without more information, I find this behaviour is

---

<sup>52</sup> The number of files the OIPC opens in response to an applicant's request for review or complaint depends on the number and type of issues raised by the applicant.

<sup>53</sup> Initiating Documents for F22-89475, F22-89148, F22-88834, F24-96082.

a strong indicator that the Applicant is not using FIPPA's processes to obtain records and instead has an alternative, improper purpose for using FIPPA. Specifically, for reasons I will explain below, I find that the Applicant is using FIPPA's processes to create a forum in which to provide his opinions on, and force the University to engage with him about, the Underlying Dispute.

[62] Further, the Applicant has engaged in a pattern of treating OIPC files, including files in which he<sup>54</sup> or the University<sup>55</sup> is not a party, as one long interrelated process. This behaviour creates needless complexity in the OIPC's processes which causes confusion and additional work for the University and the OIPC. The Applicant is an educated professional, who has extensive experience participating in OIPC review processes and should now know that OIPC files are considered individually unless expressly bundled together. Due to the frequency of this behaviour<sup>56</sup> and the extra resources it consumes, I find that the Applicant's pattern of introducing needless complexity in the OIPC's processes weighs strongly in favour of finding that he is engaged in an abuse of process.

[63] Lastly, there are many examples of the Applicant using FIPPA's processes to air his non-FIPPA-related grievances about the University and the Union, make intemperate and unsubstantiated allegations, and berate individuals involved in the Underlying Dispute. In my view, this is the strongest indicator that the Applicant is engaged in a pattern of using FIPPA's processes for improper purposes.

[64] Under the subheadings that follow, I provide examples of the Applicant engaging in these behaviours in his access requests, requests for review, complaints, inquiry submissions, and submissions in this proceeding.

#### Applicant's access requests

[65] The Applicant submits his access requests were sent to the University and not the OIPC and, therefore, are unrelated to the question of whether the OIPC should hold an inquiry under s. 56(1). I do not agree with the Applicant on this point. As discussed above, 69 of the Applicant's OIPC files are requests for the Commissioner to review the University's responses to his access requests. These files could not have been opened without the initial access requests and, therefore, the access requests form part of the consideration of abuse of process. Further, the OIPC's processes from case review to mediation to adjudication must be viewed as a whole to fully appreciate how an applicant is

---

<sup>54</sup> Applicant's inquiry submissions for F23-92053 (Applicant's Tab 10B, Part 2 at page 5).

<sup>55</sup> Initiating Document for OIPC File F21-85896, referencing OIPC file P20-82374, which dealt with the Union's obligations under the *Personal Information Protection Act*. For reference, the Applicant has opened three OIPC files concerning the Union and eight OIPC files concerning the Federation of Post-Secondary Educators of BC.

<sup>56</sup> For example, Applicant's inquiry submissions for F21-85520, F21-87179, F21-86667, F21-86619, F21-85318, F21-87194, F21-86399.

using FIPPA's processes.<sup>57</sup> In my view, it is reasonable and necessary to consider the nature of the Applicant's access requests in order to properly understand how he has been using FIPPA's processes.

[66] In several access requests, the Applicant expresses his view that the University and its employees and contractors are dishonest or corrupt.<sup>58</sup> He accuses the University's staff that responded to his access requests of lying in their responses to his previous access requests<sup>59</sup> and of attempting to cover-up the University's dishonesty and corruption.<sup>60</sup> Within a week of a privacy officer leaving their position with the University, the Applicant requested access to any instructions or guidance that person was given for handling his access requests "hoping that this [access request] will give me information on the University's failure to fulfill any of my [access] requests".<sup>61</sup>

[67] After being told that the University would be launching one of the harassment investigations, the Applicant copied the external investigator on three of his access requests to the University and said:

- "Does this count as an [access] request targeting a female since you are a woman, or does it depend on who wrote and received the communications involved? I am happy to cc you in all my [access] requests but I think it is only fair if I know the rules for assigning them to male and female categories."
- "[Investigator], given that the only specific person named is [man's name], does this count as a male [access] request? I realize that some of the emails listed involve females but I think it would be double counting to put this in the female category because of that."<sup>62</sup>

[68] By including these comments in his access requests, I find the Applicant improperly used these requests to express his frustration about the University's decision to launch the harassment investigation.

---

<sup>57</sup> Order F23-23, 2023 BCIPC 27 (CanLII) at para 65.

<sup>58</sup> The University's initial submission at Appendix B: Access requests dated January 24, 2021, February 11, 2021, March 14, 2021, April 23, 2021, April 30, 2021, May 21, 2021, September 11, 2021, October 20, 2022, and December 17, 2023.

<sup>59</sup> The University's initial submission at Appendix B: Access requests dated December 8, 2020, March 21, 2021, March 25, 2021, June 30, 2021, July 4, 2021.

<sup>60</sup> The University's initial submission at Appendix B: Access requests dated January 24, 2021, May 21, 2021.

<sup>61</sup> The University's initial submission at Appendix B: Access request dated April 5, 2021.

<sup>62</sup> The University's initial submission at Appendix B: Access requests dated May 21, 2021, May 23, 2021 and May 25, 2021.

[69] Another example of this behaviour appears in the Applicant's October 20, 2022 access request, which reads:

This [access request] is for all documents that [the University] exchanged with this shyster [Investigator #3] and her firm about this case involving [individual's] perjury on this affidavit.

[Union representative], you should be objecting to [the University] describing this shyster as their legal counsel. That is contrary to the collective agreement. Moreover, as it would be contrary to the collective agreement, confidentiality does not apply and I have no reason to keep [individual's] perjury confidential. The fact is that they cannot keep me from either reporting the perjury to OIPC or the BC crown's office.

In the case of [a University lawyer's] perjury, I also have the option of reporting it to the LSBC.<sup>63</sup>

[70] In addition to grievances about the Underlying Dispute, this access request also includes inappropriate name calling, specifically the word "shyster", and unsubstantiated allegations of perjury.

#### Applicant's requests for review and complaints

[71] Several other of the Applicant's requests for review and complaints to the OIPC discuss what the Applicant perceives to be the University's dishonesty. For example:

- The Applicant states that an external lawyer hired by the University "has a reputation for dishonesty. This led me to suspect that she gives [the University] reports they approve of so she can obtain repeat business. Thus, my motivation for filing this [access] request."<sup>64</sup>
- The Applicant states that another external lawyer the University hired to investigate a harassment complaint "had dishonestly bcc [sic] Human Resources in [email] exchanges. However I already knew that she was dishonest, so this is not too surprising."<sup>65</sup>
- The Applicant calls a University employee "dishonest and corrupt".<sup>66</sup>

---

<sup>63</sup> The University's initial submission at Appendix B: Access request dated October 20, 2022.

<sup>64</sup> Initiating Document for F21-85912.

<sup>65</sup> Initiating Document for F21-86619.

<sup>66</sup> Initiating Document for F21-88474.

- The Applicant calls another University employee “dishonest and incompetent”.<sup>67</sup>
- The Applicant states, about one record in which the University withheld information, “the libelous email on page 2 was clearly written by an administrator. I suspect that it was either a dishonest Dean named [...] or a dishonest Associate Dean named [...]”.<sup>68</sup>
- When explaining his view that the University’s search was incomplete, he states: “it does not include a dishonest May 8 2018 email exchange”.<sup>69</sup>
- The Applicant states that the University relied on a dishonest assessment to restrict his right to expose the University’s “corruption” and “dishonesty”, which he says violated his collective agreement and s. 2(b) of the *Canadian Charter of Rights and Freedoms*.<sup>70</sup>
- The Applicant states that the University is upset about him exposing its involvement in predatory conferences and retaliated against him for filing access requests related to predatory conferences.<sup>71</sup>
- The Applicant makes general statements that the University is corrupt or dishonest<sup>72</sup> and has gone to great lengths to cover-up its corruption and dishonesty.<sup>73</sup>

[72] I find these are all examples of the Applicant using his requests for review and complaints to the OIPC as a platform to engage in name calling and air his grievances about the University and its handling of the Underlying Dispute.

#### Applicant’s inquiry submissions

##### *Applicant’s submissions about predatory publications*

[73] The main issue in the inquiry that resulted in Order F21-26 was whether the University responded to the Applicant’s four access requests (OIPC files F21-85938, F21-85982, F21-86067 and F21-86071) in the timeframe required by

<sup>67</sup> Initiating Document for F22-90435.

<sup>68</sup> Initiating Document for F21-85972.

<sup>69</sup> Initiating Document for F22-88834.

<sup>70</sup> Initiating Documents for F21-85972 and F21-86387.

<sup>71</sup> Initiating Documents for F21-87179, F21-86493, and F24-96082.

<sup>72</sup> Initiating Documents for F22-88834, F22-88923, F22-90667, and F23-92053.

<sup>73</sup> Initiating Documents for F21-85938, F21-85982, and F21-86067.



FIPPA. The access requests at issue were for the amount the University reimbursed faculty for attending specific conferences the Applicant says are predatory. In his submission in that inquiry, the Applicant acknowledges that this is the sole issue in dispute but then discusses, at length, many other irrelevant issues because “it would be wrong to let many of the false and untrue statements in the University’s submission stand without setting the record straight.”<sup>74</sup> The Applicant submitted the following in that inquiry:

- Predatory conferences “are conferences that only exist so that dishonest academics can use them to get their universities to subsidize their vacation expenses (and in case those evaluating the academics are so unqualified that they think the conferences are legitimate and view them favourably). Thus, predatory conference organizers are sometimes jokingly referred to as academic vacation planners [sic].”
- The specific conferences the faculty attended are predatory as demonstrated by links to court cases and news reports.
- “[The University] has a significant history of attacking me for exposing their problems with predatory practices.”
- The University employee that complained about the Applicant making these access requests “has a record of extreme dishonesty when it comes to covering up [the University’s] corruption. He seems to believe that covering up corruption is his primary job responsibility.”
- The University launched one of the harassment investigations as “a last ditch attempt at intimidation” meant to get the Applicant to drop his access requests related to predatory conferences.
- His access requests do not target women because he has made many access requests asking for information about “dishonest males”.

[74] As the Applicant acknowledged in his submission in that inquiry, none of these points had any relevance to the question of whether the University had responded to the Applicant’s requests in the timeframe required by FIPPA.

[75] In several other inquiries, the Applicant repeated his irrelevant submissions about predatory conferences and his view that the University retaliated against him in an attempt to prevent him from further exposing its corruption.<sup>75</sup> As expected, the orders that resulted from those inquiries do not

---

<sup>74</sup> Applicant’s inquiry submissions for F21-85938, F21-85982, F21-86067 and F21-86071 (Applicant’s Tabs 1-5, page 9).

<sup>75</sup> Applicant’s inquiry submissions for F21-86667, F21-87194, F21-86562, F21-85318, F21-86619, and F21-87179 (The University’s Documents #12-19).

discuss the Applicant's submissions about predatory publishers because they were irrelevant to the FIPPA issues decided.<sup>76</sup>

*Applicant's allegations of perjury and unlawful conduct*

[76] The Applicant's October 24, 2022 inquiry submissions for F21-85520, alleged that one of the University's lawyers (Lawyer A) committed perjury in an affidavit he swore for that inquiry. In response, Lawyer A wrote a letter to the OIPC acknowledging he made an error. The University provided the Applicant with the records in dispute and the inquiry was cancelled. The Applicant did not accept the University's explanation that the error was due to the number of access requests he had filed and maintains that the affidavit was perjured.<sup>77</sup> In subsequent inquiries, the Applicant continued to argue that Lawyer A had committed perjury or, at the very least, was grossly incompetent and negligent. The Applicant filed a complaint with the Law Society of BC about Lawyer A.<sup>78</sup>

[77] The Applicant also submits that the University submitted a second perjured affidavit in an inquiry that involved the University and another applicant (i.e., not the Applicant). He submits that "given the dishonesty of [Lawyer A's] own affidavit, it would not be surprising if he knew [the witness'] affidavit was false when he swore it. [Lawyer A] may have even coached [the witness]".<sup>79</sup>

[78] The Applicant alleges that some of the University's staff, two of its in-house lawyers, and its external legal counsel were likely aware of these two affidavits and involved in covering up the perjury. He submits that the University does not hire honest lawyers.<sup>80</sup>

[79] On several occasions, the Applicant unsuccessfully argued at inquiry that the University should not be able to withhold information subject to solicitor-client privilege because the communications between the University and its lawyers may have been used to facilitate unlawful conduct.<sup>81</sup> Specifically, the Applicant argued that the University's communications with legal counsel were about:

---

<sup>76</sup> Orders F23-85, 2023 BCIPC 101 (CanLII); Order F24-17, 2024 BCIPC 23 (CanLII); Order F23-71, 2023 BCIPC 84 (CanLII), Order F23-106, 2023 BCIPC 122 (CanLII), and Order F23-84, 2023 BCIPC 100 (CanLII).

<sup>77</sup> Applicant's inquiry submissions for F21-86399 (The University's Document #19 at pages 5-6).

<sup>78</sup> Applicant's inquiry submissions for F21-87179 at Appendix H (The University's Document #13 at pages 12 and 53); Applicant's inquiry submissions for F21-86667 at Appendix G (The University's Document #14 at pages 5 and 30).

<sup>79</sup> Applicant's inquiry submissions for F23-92053 (Applicant's Tab 10B, Part 2 at page 5).

<sup>80</sup> Applicant's inquiry submissions for F23-92053 (Applicant's Tab 10B, Part 2 at pages 7-8, 10).

<sup>81</sup> Applicant's inquiry submissions for F21-87179 (The University's Document #13 at pages 10-11), F21-86667 (Document #14 at pages 4-5), F21-87194 (Document #16 at pages 15-16), and F23-92053 (Applicant's Tab 10B, Part 2 at pages 9-11).

- getting him to withdraw his access requests and OIPC inquiries contrary to s. 139(3)(a) of the *Criminal Code* (obstructing justice);
- circumventing its own whistleblower policy;
- hiding the fact it submitted perjured affidavits; or
- “attempting to protect [its] lackey from being prosecuted under Section 132 of the Criminal Code of Canada and/or Section 65.2(a) of FIPPA.”<sup>82</sup>

[80] The Applicant continued alleging perjury and making arguments about the crime-fraud exception to solicitor-client privilege even after OIPC adjudicators in four inquiries refused to address them or rejected them outright.<sup>83</sup>

Applicant's submissions in this proceeding

[81] In Order F24-81, the adjudicator warned the Applicant that name calling, personal insults, and unsubstantiated attacks on the character of other parties or their representatives is improper and may result in restricted access to OIPC proceedings in the future. Despite this warning, the Applicant persisted in making these kinds of submissions in this proceeding.

[82] When asking that I receive some of his evidence *in camera*, the Applicant argued that, if the University reads his unpublished research, it may harass publishers in an attempt to prevent publication of his articles.<sup>84</sup> He did not provide evidence to support his view that the University may harass potential publishers, and, therefore, I find this is an unsubstantiated allegation.

[83] In his submissions, the Applicant states that the hurt feelings of the University's lawyers and employees are not relevant to the question of whether he abused FIPPA's processes.<sup>85</sup> The Applicant defends having made the following comment in a previous inquiry submission: “When [the University's lawyer (Lawyer B)] was a TRU law student, she must have been graded on the basis of the quantity [*sic*] of her work rather than the quality.” The Applicant says this comment was a clear attempt at humour and that he only made it after Lawyer B made several irrelevant legal arguments. He also submits that Lawyer

---

<sup>82</sup> Applicant's Tab 11B, Part 1 at page 9.

<sup>83</sup> Applicant's inquiry submissions for F23-92053 are dated July 18, 2024 and were submitted after the following orders had already been issued: Order F23-33, 2023 BCIPC 39 (CanLII); Order F23-65, 2023 BCIPC 75 (CanLII); Order F23-85, 2023 BCIPC 101 (CanLII) and Order F24-17, 2024 BCIPC 23 (CanLII).

<sup>84</sup> Applicant's initial submission at page 2, para 1 and *in camera* request.

<sup>85</sup> Applicant's response submission at page 6, para 7.

B is “chronologically challenged” and “poor at mathematics”.<sup>86</sup> He speculates that she may have her job as a result of nepotism.<sup>87</sup>

[84] The Applicant reiterates submissions he has made in several other inquiries regarding his belief that the University’s lawyers, including Lawyer A and Lawyer B, are disreputable and either submitted or knew that another lawyer submitted perjured affidavits.<sup>88</sup> After spending five pages discussing these points about the University’s lawyers, the Applicant submits “this material really has nothing to do with Section 56 anyway”.<sup>89</sup>

[85] The Applicant spends a significant portion of his submissions in this proceeding explaining his views about the Underlying Dispute and how they differ from the University’s views. For example, the Applicant:

- discusses predatory publishing and includes the following highly irrelevant remarks about the subject:

“In addition, in 2013, academics around the world become aware of [a publisher] when they threatened to “lunch” a lawsuit against [an individual] for including them on his list of predatory journals [...]. I am not a lawyer but I assume it is more serious when a lawsuit is lunched rather than breakfasted as the lawyers would have more time to prepare it.”<sup>90</sup>

- expresses opinions, which he acknowledges are not relevant to this proceeding, about the University’s “substandard academic programs”, including his belief that one of these programs amounts to an immigration scam.<sup>91</sup>
- provides specific allegations about the University and the Union acting improperly during the course of his employment and interfering with his academic freedom.<sup>92</sup>

[86] The Applicant acknowledges that many of these subjects are not relevant in the context of this proceeding. He was also expressly told, in a previous order, that unsubstantiated attacks on the character of other parties or their representatives are improper. For these reasons, I find that the Applicant has wasted the OIPC’s resources by making submissions in this proceeding that he knows, or ought to know, are irrelevant, unsubstantiated, or inappropriate.

---

<sup>86</sup> Applicant’s response submission at page 10, para 3, pages 12 and 15-16.

<sup>87</sup> *Ibid* at page 11.

<sup>88</sup> *Ibid* at pages 7-10; page 11, para 4 – page 12, para 4.

<sup>89</sup> *Ibid* at page 11, para 7.

<sup>90</sup> *Ibid* at pages 3, and 13-15.

<sup>91</sup> *Ibid* at pages 2-6, 13-14, and 16.

<sup>92</sup> *Ibid* at pages 2-6, 12-15, and 17-19.

*Conclusion – abuse of process*

[87] The overall pattern and magnitude of the Applicant's behaviour persuades me that he is abusing FIPPA's processes by using them for improper purposes.

[88] I understand the Applicant's overarching submission to be that he has not abused FIPPA's processes because he wants to obtain information from the University and use that information to publish articles related to the Underlying Dispute. In other words, he is saying that, since he wants to obtain information, he cannot be abusing FIPPA's processes. However, as I explained earlier, an abuse of process may occur at any point in the OIPC's review process. Even if an applicant is originally seeking access to records for legitimate purposes, their focus can shift such that the original purpose of the request is at best collateral.

[89] In this case, I accept that the Applicant likely has a genuine interest in obtaining records from the University related to the Underlying Dispute because they relate to the termination of his employment and his interest in predatory publishing. However, it is also clear to me that the Applicant's focus has shifted such that any legitimate interest he has in the records is eclipsed by his insistence on using FIPPA's processes excessively to harass the University, air his grievances about the Underlying Dispute, engage in name calling, and make intemperate allegations of perjury, negligence, incompetence, and unlawful conduct. I find, based on the totality of the circumstances, that the Applicant's intention, in submitting an excessive number of access requests and subsequent requests for review, is to create a platform through which he can air his grievances about the University, the Union, and various individuals involved in the Underlying Dispute. This conclusion is supported by the content of the Applicant's access requests, requests for review, inquiry submissions, and submissions in this proceeding.

[90] For clarity, the Applicant's Current Files are included in my abuse of process analysis. The subject matter of each of these files relates to the Applicant's animus about the Underlying Dispute and contributes to the overall pattern of the Applicant using FIPPA's processes to air his grievances about the University and the Underlying Dispute and making irrelevant and derogatory submissions about the University and the people it hires.

***Appropriate remedy***

[91] Having concluded that the Applicant is abusing FIPPA's processes, I must now consider the appropriate remedy.

[92] In previous OIPC orders, adjudicators have found that the appropriate remedy when an applicant engages in an abuse of FIPPA's processes is to not conduct an inquiry and to cancel the applicant's files. This remedy recognizes

that allowing an applicant's files to proceed, after finding the applicant has abused FIPPA's processes, would condone the abuse of process and unreasonably consume public resources.<sup>93</sup>

[93] In this proceeding, the University also asks that I make an order preventing the Applicant from making further access requests about or relating to his employment.<sup>94</sup>

[94] I will first consider the appropriate remedy related to the Applicant's Current Files and then consider the University's request for future relief.

### *Current Files*

[95] I found that the Applicant is engaged in a pattern of behaviour that amounts to an abuse of process and that his Current Files are included in this pattern of abuse.

[96] I agree with the previous OIPC orders that have concluded it is appropriate to remedy abuse of process by cancelling files that are part of an applicant's abuse of process. In my view, the Applicant should not receive the benefit of processes that he has so thoroughly misused. Holding an inquiry for any of these files would condone the Applicant's abuse of process and would be an unreasonable use of the limited public resources allocated to the OIPC. Therefore, I conclude the appropriate remedy is to cancel all six of the Applicant's Current Files. This is an extraordinary remedy and is only being taken in this case after careful consideration of the Applicant's overall pattern of abuse and the reasonable expectation that he will continue to engage in this pattern if any of his Current Files proceed to inquiry.

[97] The Applicant notes that the parties have already provided submissions for one of the Current Files which is at the inquiry stage (F21-88834).<sup>95</sup> All of the Applicant's Current Files were put on hold pending the outcome of this decision and no adjudicator has been assigned to adjudicate file F21-88834. In Order F23-23, three of the applicant's files were cancelled to remedy the applicant's abuse of process even though the parties had already provided submissions. In my view, it is appropriate to follow this approach here. Regardless of whether the file is at mediation, pending inquiry, or inquiry submissions have been received, the file is part of the Applicant's abuse of process and the remedy of cancelling the file remains appropriate.

---

<sup>93</sup> Order F23-23, 2023 BCIPC 27 (CanLII) at para 83; Order F24-24, 2024 BCIPC 31 (CanLII) at para 116.

<sup>94</sup> The University's initial submission at para 42(b)(ii).

<sup>95</sup> Neither party put the submissions from this inquiry before me and I have not reviewed them.

*Future remedy*

[98] In this proceeding, the University submits “in the circumstances it would be appropriate for the OIPC to make an order prohibiting the Applicant from making further access requests about or relating to his employment. This relief could be indefinite, or could be for a period of one or more years as the OIPC deems appropriate.”<sup>96</sup>

[99] I reject the University’s request for future relief. It is always open to the University to ask the Commissioner for authorization under s. 43 to disregard an access request. This proceeding is not about s. 43 or the University’s ability to respond to access requests. Nothing in this order should be read as authorizing the University to disregard an access request without seeking prior authorization from the Commissioner. If, in the future, the University believes it should be authorized to disregard an access request, it may make a s. 43 application for the Commissioner or his delegate to consider.

[100] As a final point, I remind the Applicant that the right of access to records under FIPPA comes with the responsibility to not engage in an abuse of FIPPA’s processes. I encourage the Applicant to treat this order as a fresh start and expect that, moving forward, he will behave appropriately in FIPPA (and PIPA) processes.

**CONCLUSION**

[101] For the reasons given above, I conclude that the Current Files are part of the Applicant’s abuse of process. To remedy this abuse, I find it appropriate to cancel these files. The following files are now closed: F22-88834, F23-92467, F23-94322, F24-95668, F24-96082, F24-97721.

June 12, 2025

**ORIGINAL SIGNED BY**

---

Rene Kimmett, Adjudicator

OIPC File No.: F24-02690

---

<sup>96</sup> The University’s initial submission at para 42(b)(ii).

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
		N/A	20-81490	1	Complaint – Part 3	1/2/2020	Closed; Decline Invest; Refer Back
		N/A	20-82352	2	Complaint – Part 3	2/24/2020	Closed; Not Substantiated
12/18/2019	1	Payments made to named individual and their firm.	N/A				
01/31/2020	2	The total amount TRU reimbursed an employee (#1) for their travel to and attendance at a specific conference.	N/A				
08/27/2020	3	Any payment made to an employee (#2) for publications in a specific journal.	N/A				
09/11/2020	4	The total amount TRU reimbursed two employees (#3 and #4) for their travel and attendance at a specific conference.	N/A				
12/08/2020	5	A copy of Investigation Report #2.	21-85318	3	Severing review	1/25/2021	Closed; Inquiry (Order F23-71)
			21-85346	4	Complaint – s. 6	1/25/2021	Closed; Decline Invest; Refer Back
01/24/2021	6	The terms of reference for Investigator #2.	21-85520	5	Severing review	3/4/2021	Closed; Inquiry (withdrawn)
01/25/2021	7	Notes from a meeting about the Applicant's return to campus.	21-85597	6	Deemed refusal	3/22/2021	Closed; Inquiry (withdrawn)
			21-85896	7	Severing review	4/23/2021	Closed; Mediated
01/28/2021	8	A copy of complaints made about the Applicant's research by an employee (#5) and a researcher.	21-85596	8	Severing review	3/22/2021	Closed; Mediated
01/31/2021	9	The terms of reference for Investigator #1.	N/A				
02/03/2021	10	Minutes from a Faculty Council meeting and documents circulated at the meeting.	21-85644	9	Deemed refusal	3/26/2021	Closed; Inquiry (withdrawn)



Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
02/05/2021	11	Payments made to Investigator #1.	21-85711	10	Deemed refusal	3/31/2021	Closed; Mediated
			21-85912	11	Severing review	4/26/2021	Closed; Inquiry (withdrawn)
02/07/2021	12	Any documents that indicate an employee (#6) received a copy of Investigation Report #2.	21-85655	12	Deemed refusal	3/29/2021	Closed; Inquiry (withdrawn)
02/08/2021	13	Documents that show, for the past 10 years, the number of harassment investigations conducted by the University and each case the University has refused to release a harassment report to a complainant or respondent.	21-85435	13	Complaint – s. 6	3/8/2021	Closed; Not Substantiated
02/11/2021	14	Instructions or guidance an employee (#15) was given in responding to media inquiries about the Applicant.	21-85716	14	Deemed refusal	3/31/2021	Closed; Inquiry (withdrawn)
			21-86387	15	Severing review	6/11/2021	Closed; Inquiry (Order F23-65)
02/16/2021	15	A copy of the Threat Assessment the University told the Applicant it conducted on him.	21-85689	16	Deemed refusal	4/6/2021	Closed; Mediated
			21-85972	17	Severing review	4/27/2021	Closed; Mediated
02/21/2021	16	Any communications between the Union and the University related to a letter the University gave the Applicant after the meeting about the Applicant's return to campus.	21-85746	18	Deemed refusal	4/9/2021	Closed; Mediated
02/26/2021	17	The total amount the University reimbursed an employee (#7) for their travel to and attendance at a specific conference.	21-85784	19	Deemed refusal	4/14/2021	Closed; Inquiry (Order F21-24)
03/01/2021	18	Any documents indicating the Union received a copy of Investigation Report #2.	21-85802	20	Deemed refusal	4/16/2021	Closed; Mediated

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
03/07/2021	19	Payments made to the law firm where Investigator #2 worked.	21-85893	21	Deemed refusal	4/23/2021	Closed; Mediated
			21-85973	22	Severing review	4/30/2021	Inquiry (withdrawn)
03/12/2021	20	The total amount the University reimbursed an employee (#8) for their travel to and attendance at a specific conference.	21-85938	23	Deemed refusal	4/28/2021	Closed; Inquiry (Order F21-26)
03/14/2021	21	The total amount the University reimbursed an employee (#9) for their travel to and attendance at a specific conference.	21-85982	24	Deemed refusal	5/3/2021	Closed; Inquiry (Order F21-26)
03/17/2021	22	Communications between Investigator #1 and the University that mention the Applicant.	21-86031	25	Deemed refusal	5/3/2021	Closed; Mediated
			21-86619	26	Severing review	6/7/2021	Closed; Inquiry (Order F23-106)
03/19/2021	23	The total amount the University reimbursed an employee (#10) for their travel to and attendance at a specific conference.	21-86067	27	Deemed refusal	5/10/2021	Closed; Inquiry (Order F21-26)
03/21/2021	24	A copy of all travel claims submitted by two employees (#3 and #4).	21-86071	28	Deemed refusal	5/10/2021	Closed; Inquiry (Order F21-26)
03/25/2021	25	A copy of claim forms submitted by an employee (#2).	N/A				
03/28/2021	26	Documents generated in response to the Applicant's self-nomination for a the University senate committee.	21-86617	29	Deemed refusal	5/18/2021	Closed; Mediated
			21-86399	30	Severing review	6/10/2021	Closed; Inquiry (Order F23-33)
04/05/2021	27	Instructions or guidance a former employee (#11) was given in responding to access requests from the Applicant.	21-86357	31	Severing review	5/21/2021	Closed; Mediated
04/12/2021	28	All communications between an employee (#12) and a specific	21-86391	32	Complaint – s. 6	6/4/2021	Closed; Not Substantiated

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
		Federation of Post-Secondary Educators of BC (FPSE) employee that mention the Applicant.	21-87952	33	Reconsideration of F21-86391	11/8/2021	Closed; Reconsideration Denied
04/18/2021	29	Documents generated in response to the Applicant's complaint about an employee's (#13) dishonesty.	21-86562	34	Severing review	6/28/2021	Closed; Inquiry (Order F23-73)
04/23/2021	30	Emails related to a social media post made by the Applicant.	21-86493	35	Severing review	6/23/2021	Closed; Inquiry (withdrawn)
04/30/2021	31	Documents related to a December 2018 meeting organized by two employees (#12 and #13).	21-86467	36	Complaint – s. 6	6/21/2021	Closed; Decline Invest; Refer Back
			21-86814	37	Complaint – s. 6	7/25/2021	Closed; Not Substantiated
05/06/2021	32	Information about the creation of a specific document provided in response to an earlier access request.	N/A				
05/12/2021	33	The total amount the University reimbursed an employee (#14) for their travel to and attendance at a specific conference.	N/A				
05/21/2021	34	The terms of reference for the investigator hired to conduct the Discontinued Investigation.	21-86667	38	Severing review	7/12/2021	Closed; Inquiry (Order F23-85)
05/23/2021	35	Any documents that indicate who in the union agreed to the investigator hired to conduct the discontinued investigation.		39			
05/25/2021	36	For six access requests, any documents indicating the request was forwarded to anyone in the human resources department or anyone else for a purpose other than processing the request.	21-86649	40	Severing review	7/9/2021	Closed; Withdrawn

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
		N/A	21-87238	41	Complaint – retaliation by the University	5/25/2021	Closed; No jurisdiction
05/26/2021	37	Any documents that indicate who in the Union agreed to hire Investigator #2.	21-87215	42	Complaint – s. 6	9/1/2021	Closed; Not Substantiated
06/03/2021	38	Any documents that indicate who in the Union agreed to hire Investigator #1.	21-86854	43	Complaint – s. 6	7/29/2021	Closed; Mediated
06/06/2021	39	All communications between an employee (#15) and reporters or journalists.	N/A				
06/20/2021	40	Communications related to the Applicant's submissions under the University's whistleblower policy and the University's response to those submissions.	21-87194	44	Severing review	8/16/2021	Closed; Inquiry (Order F24-17)
06/29/2021	41	Any documents related to the Canadian Association of University Teachers' (CAUT) report on violations of the Applicant's academic freedom by the University.	21-87599	45	Deemed refusal	10/12/2021	Closed; Mediated
			22-90968	46	Complaint – s. 6	9/20/2022	Closed; Not Substantiated
			21-87726	47	Severing review	10/18/2021	Closed; Inquiry (Order F24-12)
06/30/2021	42	All emails sent/received by an employee (#12) related to the complaint that initiated the discontinued investigation.	21-87179	48	Severing review	8/27/2021	Closed; Inquiry (Order F23-84)
07/04/2021	43	A copy of travel claim forms submitted by two employees (#9 and #10).	N/A				
07/23/2021	44	Instructions or guidance an employee (#15) was given in responding to media inquiries about the Applicant.	21-87378	49	Severing review	9/20/2021	Closed; Inquiry (Order F24-77)

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
08/18/2021	45	Any communications between the University and the Northwest Commission on Colleges and Universities regarding the Applicant's 2017 letter about the University's application for accreditation and the University's internal communications related to this letter.	21-87596	50	Severing review	10/12/2021	Closed; Inquiry (Order F23-82)
			21-87597	51	Complaint – s. 6	10/12/2021	Closed; Decline Invest; Refer Back
09/06/2021	46	All communications of an employee (#16) that mention the Applicant.	21-88412		Deemed refusal	12/20/2021	Closed; Mediated
			21-88474	52	Severing review	12/29/2021	Closed; Inquiry (Order F24-49)
09/11/2021	47	All communications of an employee (#17) that mention the Applicant.	21-88463	53	Deemed refusal	12/24/2021	Closed; Mediated
			22-88923	54	Severing review	2/14/2022	Closed; (Order F24-67)
10/20/2021	48	All documents supplied by the University to the Union or FPSE as part of production/discovery for the 2020 arbitration hearings.	21-88428	55	Deemed refusal	12/21/2021	Closed; Mediated
11/08/2021	49	All documents mentioning the Applicant that involve an employee (#6).	22-88684	56	Deemed refusal	1/24/2022	Closed; Mediated
			22-88834	57	Severing review	2/7/2022	Open; Inquiry (submissions closed)
11/16/2021	50	Communications between the University and other public bodies that mention the Applicant.	22-88546	58	Severing review	1/10/2022	Closed; Mediated
12/01/2021	51	All documents mentioning the Applicant that involve an employee (#18).	22-89148	59	Severing review	3/7/2022	Closed; Mediated
12/23/2021	52	All documents supplied by the Union or FPSE to the University as	N/A				

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
		part of production/discovery for the 2020 arbitration hearings.					
12/24/2021	53	A copy of all documents related to an October 2021 meeting.	N/A				
02/08/2022	54	All documents mentioning the Applicant that involve an employee (#19).	22-89475	60	Severing review	4/4/2022	Closed; Inquiry (Order F24-76)
03/28/2022	55	Records related to any access requests made by third parties where the Applicant is named in the request.	22-90435	61	Deemed refusal	6/20/2022	Closed; Mediated
			22-90484	62	Severing review	7/25/2022	Closed; Mediated
			22-90501	63	Complaint – s. 6	7/25/2022	Closed; Decline Invest; Refer Back
05/26/2022	56	The total cost of a psychological evaluation.	N/A				
06/14/2022	57	Any documents related to the Applicant, the CAUT report or other issues related to his academic freedom exchanged with donors or fundraisers.	22-90667	64	Severing review	8/17/2022	Closed; Mediated
09/18/2022	58	The total amount the University reimbursed an employee (#6) for their travel to and attendance at a specific conference.	N/A				
10/20/2022	59	All documents exchanged between the University and Investigator #3 and their firm.	N/A				
10/20/2022	60	Any documents that indicate who in the Union agreed to hire Investigator #3.	23-92053	65	Severing review	1/23/2023	Closed; Inquiry (Order F24-81)
11/06/2022	61	A copy of all material released in response to Order F22-48.	N/A				

Sent to TRU	#	Request	OIPC File #	#	File Type	Received by OIPC	Status
11/27/2022	62	A copy of all the material provided to a third party in response to that third party's access request.	N/A				
11/27/2022	63	All correspondence between an employee (#5) and others for a specific period.	N/A				
12/14/2022	64	A copy of Investigation Report #3.	23-92467	66	Severing review	3/13/2023	Open; Inquiry (pending NOI)
12/16/2022	65	Follow-up request related to information the University withheld in its response to an earlier access request.	N/A				
02/17/2023	66	All documents mentioning the Applicant that involve an employee (#20).	23-93486	67	Deemed refusal	6/19/2023	Closed; Mediated
			23-94322	68	Severing review	9/5/2023	Open; Inquiry (pending NOI)
03/12/2023	67	Any document indicating an employee (#5) received a copy of Investigation Report #3.	N/A				
09/10/2023	68	All documents mentioning the Applicant that involve an employee (#21).	24-95668	69	Severing review	1/9/2024	Open; Inquiry (pending NOI)
12/17/2023	69	Any documents related to publications an employee (#13) made in a specific journal.	24-96082	70	Severing review	2/26/2024	Open; at investigation
01/14/2024	70	All records provided by the University to FPSE, the Union, and their law firm through the discover process for an upcoming arbitration and possible settlement.	24-97721	71	Severing review	5/23/2024	Open; at investigation