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During her nightly shifts, custodian Marta Vargas has come across many lost items. Left behind on floors and tables, Vargas has found everything from notes, to glasses, to chargers, to wallets, and even some backpacks. Each time, Vargas has attempted to help reunite owner and item, but recently her attitude and those of many other custodians has changed.

On the UW campus, many custodians have chosen to no longer pick up forgotten and left behind valuables on their daily routes after Vargas was wrongfully arrested for doing just that. A custodian with UW for over a decade, Vargas was arrested April 9 by campus police for allegedly stealing a student's cellphone from MC room 3001, coined "MC Comfy" by students. Around 2 a.m., at the end of her shift, three police officers came to find Vargas. At the time, police told Vargas that they were arresting her based on incriminating camera footage.

After two hours of questioning, she was released from custody. During this time, she was asked about her weekly routine, her knowledge of the cellphone and ultimately, whether she had stolen it.

Since the arrest, campus police and custodial relations have been strained. In the past, both parties have benefited from a strong partnership. According to Doug Turnbull, the second vice-president of the local magistracy, custodians would pick up and pass along lost valuables like cellphones or wallets to police, but since Vargas' arrest, many are opting not to in fear of being arrested.

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Wrongfully accused

Custodians in uproar after wrongful arrest of Marta Vargas

Theresa Shim



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Custodian feels unfairly targeted by campus police

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"We have always, always looked after the students and done our best to help. We always turn stuff in," Turnbull said. "Now today, custodians are saying 'A laptop? Step over it, keep on walking,' because I don't want to pick it up and turn it in and have somebody say, you know, it was stolen, and then put me under arrest and detain me for the next four hours."

Picking up after left behind valuables is not a part of a custodian's contract.

"We do it in good faith," Vargas said.

Turnbull, who only found out about the arrest 48 hours after the incident, hopes that the current state will improve. "Right now, no, things aren't good. Some people are very upset about this. Custodians, plant operations people are very upset about it. Everybody is shaking their head, nobody is happy about it, that's for sure."

The footage leading to Vargas' arrest apparently indicated that she had taken the phone, but upon seeing the footage, she concluded that her arrest was baseless. There was no cellphone in the footage, according to Vargas. She said the student who initially made the complaint later retracted, realizing they had left the phone on the floor. From what Vargas saw in the video, it's unclear what the object being placed down by the student is.

"For me there's no excuse for what they did," Vargas said. "They put me in a really stressful situation. They humiliated me."

On the night of her arrest, Vargas began her shift like usual, moving through MC's third floor. Her role is to be C2, carrying the custodial cart while dusting and spot washing stains left behind on tables and doors. She made her way through the washrooms, cleaning toilets and sinks, and emptying the small garbages. At the end of her shift, Vargas returned to the custodial corners to return her keys.

"My job is to pick up everything that is on top the tables considered garbage, papers, cups," Vargas said. "When I work, I clean up tables. Even the police officer asked what kind of garbage [I] pick up, and I [said], 'Look, I don't remember what kind of garbage I pick up.'"

While still working her shift, Vargas was approached by her co-worker and a student regarding the missing cell phone. Typically, when personal and valuable objects

are found left behind, custodians will notify their group leader.

"We say, 'I found a phone.' And [the group leader will] say, if I go around you give it to me, if not you give it to me at the end of the shift. That is what we usually do. We go at the end of the shift. We give this stuff that we find to him and then he drops it to the police," Vargas said.

Vargas notified both the student and her co-worker that she hadn't seen any phones, but it would be best to check with her group leader. She then displayed her collected garbage, composed mainly of tossed papers, to the student. After the student's inspection, Vargas suggested that he speak to campus police, then continued with her duties. Around midnight, she entered the kitchen for water where she again found her co-worker. He notified her that the student was currently on the phone speaking to campus police. Vargas' co-worker then asked the student what had happened and the student stated that the police had wanted to show him a video.

"Actually that day was the first time my co-worker and I knew there were cameras in the room because I don't pay attention if there are cameras or not because when I go to a room, I do what I have to do," Vargas said.

As her shift came to a close, Vargas went to hang up her keys. She recalled how her group leader "was acting kind of strange," and had asked for both her and her co-worker to remain behind, while dismissing the other employees. It was then that officer Sandy first approached Vargas to let her know she was being arrested.

"I was in shock and I didn't say anything," Vargas said. She was read her rights and asked whether she had any important items on her. "I said, well my chocolates. Nothing really. And then [the officer] went through all that backpack and took everything.... I don't even carry money, sometimes a couple coins in case I want to buy some chips."

The officer then asked whether she had any weapons on her person and proceeded with a full body check.

"I tried to carry the attitude that I'm really easy-going. Like I'm really into diplomacy, I never answered back, I never raised my voice, I always said 'Yes, okay,'" Vargas said. In attempts to reassure Vargas, the officer used a pen to trace Vargas's body. Without the use of handcuffs, Vargas was then brought into ques-

tioning.

In custody, Vargas spoke to a court-appointed lawyer.

"To be honest, I don't remember the [lawyer's] name. I was in shock, mad, upset, everything, so many emotions from me," Vargas said. She was advised not to provide any DNA, and told that she would most likely be charged with theft and given a court date.

As her interrogation continued, Vargas was repeatedly asked about the phone — whether she had it on her person or whether she had seen it, but to these questions, Vargas replied, "there was no phone." At one point, the officer asked Vargas if she had mistakenly picked the phone up along with some left behind paper. "I would notice [if] it was a phone," said Vargas. "You can feel it, it is different than when you grab some paper. It could be, but I don't think so."

Vargas was released from custody at 4 a.m. after being told that she would not be charged that night. Sandy then drove her home, stating that she would receive a phone call that weekend with further details about the status of the investigation.

"I went into the house, my husband was sleeping. And then I [sat] on the sofa, and then I was like, 'Did this really happen to you? Are you awake?' I still didn't believe that this could really happen," Vargas said.

Vargas did not receive a phone call that weekend. Come Monday, Vargas and her husband booked an appointment with campus police to see the video.

"We came Tuesday, we saw the video, and the video showed me exactly what I was doing. Cleaning tables, picking up paper. There was no phone, you don't see any phone there," Vargas said.

According to Turnbull, the reason for Vargas's arrest was that she was the only working employee in the area where the phone was, but the case lacked probable cause.

"I know where it happened. It's a very busy area for students to come and go at all times. You see her dusting and picking up garbage, but never did she stop and hold a cellphone in her hand," Turnbull said. "So why they did it? That's a damn good question. You know my gut feeling? Maybe they were just having a slow night. You know 'let's go bug somebody.' I said to [the police] 'so when does hunting season start on custodians and what's the bag limit?'"

Vargas also said that two other students were present in the room



TERESA SHIM

Custodian Marta Vargas was arrested by campus police on April 9, 2016.

for the period that the camera was recording her, however, they aren't visible in the video as they're out of frame, and the camera only recorded one side of the room.

"Why [does it] always have to be us ... I don't think they will do that to a professor or somebody that works in an office. They will never come, they will wait. They're going to make sure that what they're about to do is right, but for us, who work here, who cares," Vargas said.

On Vargas' return to work, she felt a sudden breakdown upon entering MC Comfy.

"I start crying. I couldn't hold myself ... my hands were shaking because they were emotions inside me, anger, frustration, sadness, everything," Vargas said, explaining that the arrest further triggered her already existing depression. She was given two weeks to recuperate.

Finally on April 23, Vargas learned that the criminal investigation against her had officially closed. For the trauma experienced through this event, Vargas, with the guidance of her husband and Turn-

bull, has filed for grievances against the university. They have not filed for any further legal action.

"I don't want this happening to any one of my other custodians or co-workers or the people that work on this campus ... the university should have policy or something to ensure that they are not going to go after us in the way that they did to me for no reason just because we are doing the job, because we're in the area, because we are in the videos when we are doing our jobs," said Vargas. "[They should] train those police officers to do their jobs properly. Don't come to arrest people just because, what, they were so bored that night?"

When asked about the incident, director of media relations and issue management Nick Manning gave the following written statement:

"On April 9, 2016, the University of Waterloo Police Services responded to a report of an allegedly stolen mobile phone. Police Services conducted an investigation and no charges were laid."