

November 20, 2005

**CANADA, as represented by The Honourable
Frank Iacobucci**

- and -

**PLAINTIFFS, as represented by the National Consortium,
Merchant Law Group, and other legal counsel as undersigned**

- and -

THE ASSEMBLY OF FIRST NATIONS

- and -

**THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA,
THE PRESBYTERIAN CHURCH IN CANADA,
THE UNITED CHURCH OF CANADA AND
ROMAN CATHOLIC ENTITIES**

AGREEMENT IN PRINCIPLE

WHEREAS Canada and certain religious entities operated Indian Residential Schools for the education of aboriginal children and certain harms and abuses were committed against those children;

AND WHEREAS the parties desire a fair, comprehensive and lasting resolution of the legacy of Indian Residential Schools;

AND WHEREAS the parties further desire the promotion of healing and reconciliation;

AND WHEREAS the parties agree that this Agreement in Principle should form the basis of a comprehensive settlement package that the Honourable Frank Iacobucci will recommend to Canada;

AND WHEREAS the parties agree that the comprehensive settlement will not be effective anywhere until approved by every court as set out herein;

AND WHEREAS the Federal Representative has recommended that an advance payment on the Common Experience Payment will be made to certain elderly former students;

THEREFORE, in consideration of the mutual covenants set out herein, the parties have entered into this Agreement in Principle.

I. DEFINITIONS

“Church” or “Church organization” means any one or more of the entities listed in Schedule “A” hereof (the “Roman Catholic entities”), the General Synod of the Anglican Church of Canada¹, the United Church of Canada, the Presbyterian Church in Canada;

“Common Experience Payment” means the lump sum payment described herein ;

“Designated Amount” means \$1,900,000,000.00;

“DR Model” means the dispute resolution model offered by Canada since November 2003;

“Eligible CEP Recipient” means all former students who resided at Indian Residential Schools.

“Eligible IAP Claimant” means all Eligible CEP Recipients and claimants who, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities;

“Federal Representative” means the Honourable Frank Iacobucci;

“Independent Assessment Process” (“IAP”) means the process for the determination of individual abuse claims attached hereto as Schedule “B”;

¹ It is understood that General Synod of the Anglican Church of Canada agrees to be bound by these provisions and to recommend them to all Dioceses and the Missionary Society.

“Indian Residential Schools” means the following:

1. Institutions listed on List “A” to IRSRC’s Dispute Resolution Process attached as Schedule “C” (Whitehorse Baptist Mission to be re-added);
2. Institutions listed in Schedule “D” (“Additional Residential Schools”) which may be amended from time to time; and,
3. any institution which is determined to meet the following criteria:
 - (a) The child was placed in a residence away from the family home by or under the authority of the federal government for the purposes of education; and,
 - (b) The federal government was jointly or solely responsible for the operation of the residence and care of the children resident there.
 - (c) Indicators that the residence was federal in nature include, but are not limited to, whether:
 - (i) The institution was federally owned;
 - (ii) The federal government stood as the parent to the child;
 - (iii) The federal government was at least partially responsible for the administration of the institution;
 - (iv) The federal government inspected or had a right to inspect the institution; or,
 - (v) The federal government did or did not stipulate that the institution was an IRS.

“NAC” means the national administration committee as described herein.

II. COMPENSATION TO ELIGIBLE CEP RECIPIENTS

1. Canada will make a Common Experience Payment to every Eligible CEP Recipient who was alive on May 30, 2005.
2. The amount of the Common Experience Payment will be:
 - (a) \$10,000 to every Eligible CEP Recipient who attended an Indian Residential School for one school year or part thereof.
 - (b) \$3,000 for each school year (or part thereof) thereafter that an Eligible CEP Recipient attended a residential school.
 - (c) An Eligible CEP Recipient who accepts the Common Experience Payment will be deemed pursuant to the court orders contemplated by this Agreement in Principle

to have released Canada and the Church Organizations for all claims arising out of his or her residential School experience or attendance but will retain the right to pursue a claim in accordance with the terms and conditions of the Individual Assessment Process set forth below.

3. To effectuate the distribution of the Common Experience Payments, Canada will transfer the Designated Amount to Service Canada and will develop application procedures for Eligible CEP Recipients that will reflect the need for simplicity of form, expedition of payments, and an appropriate form of audit verification in consultation with all parties.
4. The Federal Representative will recommend to the Deputy Prime Minister that the Minister of Finance designate that the Designated Amount be entitled to earn interest pursuant to Canada's policy applicable thereto; any interest would be added to the Designated Amount.
5. In the event that the Designated Amount is insufficient to pay all Eligible CEP Recipients the Common Experience Payments to which they are entitled, Canada agrees to add a sufficient amount to remedy any deficiency in this respect.
6. In the event the Designated Amount proves to be in excess by more than \$40,000,000 of the total amount required to pay all Eligible CEP Recipients their Common Experience Payments, Canada agrees to cause Service Canada to credit each Eligible Recipient with an amount up to \$3,000 for each Eligible CEP Recipient for Personal Healing (the "Personalized Healing Amount") services from a list of healing entities or groups jointly approved by Canada and the AFN pursuant to terms and conditions to be developed by Canada and the AFN with input from all the parties that will reflect ease of access to any genuine programmes for healing among other factors. A similar set of terms and conditions will be developed by Canada and Inuit organizations for Eligible CEP Recipients who are Inuit. If the excess after payment of the Common Experience Payments is less than \$40,000,000, such lesser amount will be paid to the Aboriginal Healing Foundation.
7. In the further event that the Designated Amount proves to be in excess of the amount required to pay the Personalized Healing Amounts, Canada agrees that Service Canada will transfer any such excess to the Aboriginal Healing Foundation.
8. It is agreed that Canada will assume the costs of verifying claims for the Common Experience Payments and administrative expenses relating to their distribution.

III. SETTLEMENT AGREEMENT PROVISIONS FOR THE INDEPENDENT ASSESSMENT PROCESS

1. The parties agree that the only IRS claims which may be pursued by former students of Indian Residential Schools and the compensation to be paid for such claims when proven, are as set out at pages 2-6 of the IAP attached as Schedule "B".
2. The parties further agree that the Instructions set out at pages 29-35 of the IAP are approved, subject to minor wording changes consistent with the intended meaning.

3. The parties further agree that the remaining standards for the IAP shall be substantially as set out in Schedule "B".
4. No limitations defence will be advanced in any continuing claim diverted by the Chief Adjudicator to the courts. Canada will rely on Crown immunity in such claims where applicable.
5. It is agreed that Canada will provide sufficient resources to permit, after a 6 month lead-in period, the resolution of no fewer than 2500 continuing claims per year, and to maintain the current standard of offering an IAP hearing, or to resolve an IAP claim, within nine months of an application having been screened in, provided the delay is not the responsibility of the claimant. Where these goals are not achieved the NAC may request that the government provide additional resources for claims processing, or may apply to the court for an order making changes to the IAP process sufficient to permit the realization of these goals.

IV. TRUTH AND RECONCILIATION

A Truth and Reconciliation process will be established substantially in the form attached hereto as Schedule "E".

V. COMMEMORATION

1. Canada will provide funding for commemoration initiatives, events, projects and memorials with respect to Indian Residential Schools at both the national and community level.
2. Such funding will be approximately \$20 million covering both national commemorative and community-based activities and projects including funding already authorized.

VI. HEALING

1. Canada will provide one hundred and twenty-five million dollars (\$125,000,000) as an endowment to the Aboriginal Healing Foundation to fund healing programmes over a five year period to address the legacy of harms including the physical and sexual abuse suffered in Indian Residential Schools.
2. In the fourth year after the court orders approving the settlement package, Canada agrees to have an evaluation of the healing initiatives and programmes undertaken by the Aboriginal Healing Foundation to determine the efficacy of such initiatives and programmes and to recommend whether and to what extent funding should continue.

VII. INUIT AND INUVIALUIT

For greater certainty, all Inuit and Inuvialuit students who attended institutions listed on Schedule "C" while such schools operated as residential schools or Schedule "D" are eligible for the CEP and will have access to the IAP in accordance with its terms.

The government will continue to research institutions from the list attached as Schedule "F" and provide a determination before December 1, 2005.

VIII. CHURCH PROVISIONS

The churches² and church entities agree that, as parties to the Settlement Agreement, they will:

1. Provide, at their own expense, assistance with witnesses and access to documents for the resolution of continuing claims on terms substantially similar to the following:
 - comply with all reasonable requests from Canada for information and assistance during the proceedings;
 - provide counsel for Canada and any researchers or experts retained by it, with full access to all relevant files and databases, excepting documents with respect to which solicitor-client privilege or other lawful privilege applies and is asserted. Any information obtained from records pursuant to this section will be used exclusively for the defence of the continuing claim or claims for which the information was sought unless otherwise agreed in writing; and
 - in litigation, provide disclosure and production of relevant documents in their possession or control, provide witness statements on request, attend as appropriate at the discovery of their witnesses, and otherwise facilitate the testimony of witnesses within their employ.
2. Provide along with Canada for the provision of all relevant documents to and for the use of the Truth and Reconciliation Commission, subject only to overriding concerns about the privacy interests of an individual. In such cases, researchers for the Commission shall have access to such documents provided privacy is respected.
3. Refrain from advancing or relying upon any limitations or laches defence in any continuing claim for which the Chief Adjudicator authorizes recourse to the courts, and pay any judgement in such claims to which they are a party and in which the Crown is immune from liability, provided that the Crown has agreed to indemnify the Church.
4. The Crown may settle any continuing claims without a hearing, subject to any rights of consultation set out in an applicable Church/Crown agreement.
5. Binding financial and other commitments will be entered into with the Crown concerning the resolution of the IRS legacy on terms substantially similar to existing letters of understanding with the Crown and certain denominations and the Memorandum of Understanding between the Crown and the Catholic entities.

² It is understood that General Synod of the Anglican Church of Canada agrees to be bound by these provisions and to recommend them to all Dioceses and the Missionary Society.

The Government confirms its commitment to renegotiate existing church agreements to give effect to the most favoured nation clauses found within them with a view to maintaining equity among the denominations.

IX. ADDITIONAL INDIAN RESIDENTIAL SCHOOLS

Any person or organization ("Requestor") may propose institutions to be added to Schedule "D" by submitting the name of the institution and any relevant information in their possession to the government;

The government will research the proposed institution and determine whether it meets the test set out in part 3 of the definition of Indian Residential Schools and advise the Requestor and the national administration committee and provide the reasons for the determination and all the information on which the decision was based within 60 days;

Should either the Requestor or the national administration committee dispute the government's determination, they may apply to the class action court in the jurisdiction where they reside or, if they reside outside Canada, the Ontario Court for a determination of the issue.

X. IMPLEMENTATION

The implementation of the final settlement judgment shall be accomplished substantially in the form attached hereto as Schedule "G".

XI. SOCIAL BENEFITS OR SOCIAL ASSISTANCE BENEFITS

Canada will use its best efforts to obtain agreement with provincial and territorial governments and any federal government departments to ensure that the receipt of any payments under the settlement agreement will not affect the amount, nature or duration of any social benefits or social assistance benefits available or payable to an Eligible CEP Recipient or Eligible IAP Claimant. The other parties also agree to use their best efforts to reach similar results.

XII. LEGAL FEES

WHEREAS legal counsel have done very substantial work on behalf of Eligible CEP Recipients for many years, have contributed significantly to the achievement of the Agreement in Principle and have undertaken not to seek payment of legal fees in respect of the Common Experience Payment to be paid to Eligible CEP Recipients, Canada agrees to compensate legal counsel in respect of their legal fees as follows.

1. Each lawyer who had a retainer agreement or a substantial solicitor-client relationship (a "Retainer Agreement") with an Eligible CEP Recipient as of May 30, 2005 (the date that the Federal Representative's appointment was announced) shall be paid an amount equal to the lesser of the amount of outstanding Work-in-Progress as of the date of the Agreement in Principle in respect of that Retainer Agreement or \$4,000, plus reasonable disbursements, and GST and PST, if applicable.

2. Each lawyer, other than lawyers representing the Churches, who attended the settlement negotiations beginning July 2005 leading to the Agreement in Principle shall be compensated for time spent up to the date of the Agreement in Principle in respect of the settlement negotiations at his or her normal hourly rate, plus reasonable disbursements, and GST and PST, if applicable.
3. Each lawyer shall provide to the Federal Representative an affidavit or statutory declaration that attests to the number of Retainer Agreements he or she had with Eligible Recipients as of May 30, 2005 and the amount of outstanding Work-in-Progress in respect of each of those Retainer Agreements as docketed or determined by review. The Federal Representative shall rely on these affidavits to verify the amounts being paid to lawyers and shall engage in such further verification processes with individual lawyers as circumstances require with the consent of the lawyers involved, such consent not to be unreasonably withheld.
4. The National Consortium and the Merchant Law Group shall each be paid \$40,000,000 plus reasonable disbursements, and GST and PST, if applicable, in recognition of the substantial number of Eligible CEP Recipients each of them represents and the class action work they have done on behalf of Eligible CEP Recipients. Paragraphs 1, 2 and 3 above shall not apply to any lawyer who is a partner of, employed by or otherwise affiliated with a National Consortium member law firm or the Merchant Law Group.
5. The Federal Representative shall engage in such further verification processes with respect to the amounts payable to the Merchant Law Group and National Consortium as have been agreed to.
6. No lawyer or law firm that has taken part in these settlement negotiations or who accepts a payment for legal fees from the Canada shall charge an Eligible CEP Recipient any fees or disbursements in respect of the Common Experience Payment paid to that Eligible CEP Recipient.
7. Legal fees payable to legal counsel from November 20 forward shall be paid in accordance with the terms set out in Articles 44 and 45 of Schedule "G" to this Agreement in Principle.
8. All legal fees payable under the above provisions shall be paid no later than 60 days after the expiry of the latest applicable opt-out period.
9. The National Consortium member law firms are as follows:

Thomson, Rogers

Troniak Law Office

Richard W. Courtis Law
Office

Koskie Minsky

Field LLP

Leslie R. Meiklejohn Law
Office

David Paterson Law Corp.	Huck Birchard
Docken & Company	Ruston Marshall
Arnold, Pizzo, McKiggan	Rath & Company
Cohen Highley LLP	Levene Tadman Gutkin Golub
White, Ottenheimer & Baker	Coller Levine
Thompson Dorfman Sweatman	Adams Gareau
Ahlstrom Wright Oliver & Cooper	

XIII. TRANSITION PROVISIONS

It is agreed that the no prejudice commitment set out in the letter of the DM of IRSRC dated July, 2005, and attached as Schedule "H" means that following the coming into force of the final settlement agreement:

1. All Eligible CEP Recipients are entitled to receive the CEP regardless of whether a release has been signed or a judgment received for their IRS claim.
2. Where a release of an IRS claim was signed after May 30, 2005 in order to receive the payment of an award under the DR Model:
 - (a) the government will recalibrate the award in light of the compensation scale set out at page 6 of Schedule "B";
 - (b) the claimant may have their hearing re-opened to reconsider the assignment of points under the Consequential Loss of Opportunity category in Schedule "B", and pursuant to the standards of the IAP, in any case where the adjudicator assessed their claim as falling within the highest level in the Consequential Loss of Opportunity scale in the DR Model;
 - (c) a claimant who alleges sexual abuse by another student at the SL4 or SL5 category, where such abuse if proven would be the most serious proven abuse in their case, may have their hearing re-opened to consider such an allegation in accordance with the standards of the IAP.
3. Following the coming into force of a final settlement agreement, Canada will, at the request of a claimant whose IRS abuse claim was settled by Canada without contribution

from a Catholic entity which was party to such claim and is a party to this Agreement in Principle, such settlement having been for an amount representing a fixed reduction from the assessed Compensation, offer to pay the balance of the assessed compensation to the Claimant. Provided, however, that no amount shall be paid to a Claimant pursuant to this section until the Claimant agrees to accept such amount in full and final satisfaction of his or her claim against the Catholic Defendants, and to release the Catholic Defendants.

As well until a final settlement agreement comes into force, Canada will make best efforts to resolve cases currently in litigation, including those that would not fit within the IAP.

XIV. CONFIDENTIALITY

Save as required by law, the parties agree that the undertaking of confidentiality as to discussions and all communications, whether written or oral, made in and surrounding the negotiations leading to this Agreement in Principle continues in force.

XV. COMMUNICATIONS

Save as required by law, the parties agree to not engage in any media or public communication as to this Agreement in Principle until after its approval by Cabinet. Following approval by Cabinet, Canada will make an initial public announcement.


XVI. FINAL SETTLEMENT AGREEMENT

It is acknowledged by the parties that further discussion will be necessary to give effect to the provisions of this Agreement in Principle in a final settlement agreement. Canada agrees to compensate lawyers for time spent in such further discussions between the date of execution of this Agreement In Principle and the date of execution of the final settlement at the lawyers' normal hourly rates, plus reasonable disbursements and GST and PST, if applicable.

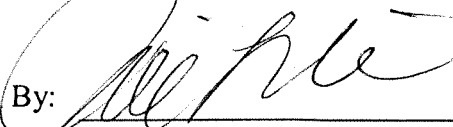
It is understood by all the Parties that the Federal Representative is recommending to Canada that this Agreement in Principle should form the basis of a comprehensive settlement package and the Federal Representative has no authority to bind Canada.

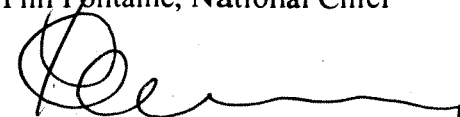
Signed this 20th day of November, 2005.

THE FEDERAL REPRESENTATIVE


By: 
The Honourable Frank Iacobucci

ASSEMBLY OF FIRST NATIONS

By: 
Phil Fontaine, National Chief


By: 
Kathleen Mahoney

CABOTT & CABOTT

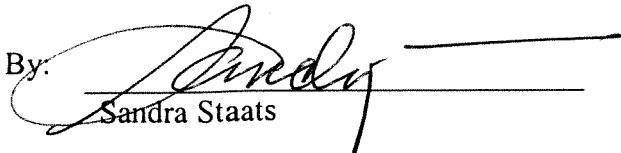
By: 
for Laura Cabott

By:


COHEN HIGHLY LLP

By: 
Russell Raikes


HEATHER SADLER JENKINS

By: 
Sandra Staats

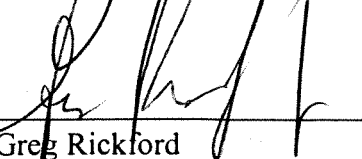
HUTCHINS, GRANT & ASSOCIATES

By: 
Peter R. Grant

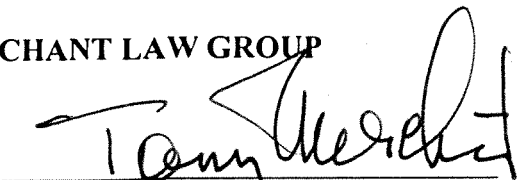
Regional
INUVIALUIT CORPORATION

By: 
Hugo Prud'homme


Brian O'Rielly
KESHEN & MAJOR

By: 
Greg Rickford

MERCHANT LAW GROUP

By: 
E. F. Anthony Merchant, Q.C.

NATIONAL CONSORTIUM

By: 
Craig Brown

NELLIGAN O'BRIEN PAYNE

By: Lori O'Neill
Lori O'Neill

THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

By: S. John Page
S. John Page

THE PRESBYTERIAN CHURCH IN CANADA

By: S. John Page
S. John Page

THE UNITED CHURCH OF CANADA

By: Alexander D. Pettingill
Alexander D. Pettingill

CATHOLIC ENTITIES

By: W. Roderick Donlevy
W. Roderick Donlevy

FULTON & COMPANY

By: Leonard S. Marchand
Leonard S. Marchand

By: Pierre L. Baribeau
Pierre L. Baribeau

MAKIVIR CORPORATION

per GILLES GAENE
GILLES GAENE

Schedule "A"

- 1 Sisters of Providence of Western Canada - Edmonton, Alberta
- 2 Sisters of Instruction of the Child Jesus - Vancouver, British Columbia
- 3 Sisters of the Presentation of Mary - Prince Albert, Saskatchewan
- 4 Sisters of Charity - Ottawa, Ontario
- 5 Sisters of Assumption, Edmonton, Alberta - Montreal, Quebec
- 6 Oblates Manitoba - Winnipeg, Manitoba
- 7 Missionary Oblates - Grandin Province - Edmonton, Alberta
- 8 OMI B.C. - Vancouver, British Columbia
- 9 Missionary Oblates of St. Peters Province - Ottawa, Ontario
- 10 Sisters of St Joseph St Hyacinthe - St Hyacinthe, Quebec
- 11 Grey Nuns of Manitoba Inc. - Winnipeg, Manitoba and The Sisters of Charity (Grey Nuns) of Alberta - Edmonton, Alberta
- 12 Missionary Oblates Sisters of St. Boniface - Winnipeg, Manitoba
- 13 Diocese of Mackenzie - Yellowknife, North West Territories
- 14 Diocese of Moosonee - Moosonee, Ontario
- 15 Diocese of Whitehorse - Whitehorse, Yukon
- 16 Archdiocese of Keewatin/Le Pas - Les Pas, Manitoba
- 17 Les Oeuvres Oblates de l'Ontario et Les Residences Oblates du Quebec - Ottawa, Ontario - Montreal, Quebec
- 18 Sisters of St. Ann - Vancouver, British Columbia
- 19 Diocese of Nelson - Nelson, British Columbia

- 20 Diocese of Churchill-Hudson Bay - Churchill, Manitoba
- 21 Diocese of Prince George - Prince George, British Columbia
- 22 Diocese of St. Paul - St. Paul, Alberta
- 23 Archdiocese of Edmonton - Edmonton, Alberta
- 24 Archdiocese of Grouard-McLennan - McLennan, Alberta
- 25 The Roman Bishop of the Diocese of Calgary - Calgary, Alberta
- 26 Sisters of Charity of Saint Vincent de Paul -- Halifax - Halifax, Nova Scotia
- 27 Roman Catholic Diocese of Kamloops - Kamloops, British Columbia
- 28 Diocese of Victoria - Victoria, British Columbia
- 29 Archdiocese of Vancouver - Vancouver, British Columbia
- 30 Archdiocese of St. Boniface - St. Boniface, Manitoba
- 31 Archdiocese of Halifax - Halifax, Nova Scotia
- 32 Diocese of Prince Albert - Prince Albert, Saskatchewan
- 33 Archdiocese of Winnipeg - Winnipeg, Manitoba
- 34 Jesuit Fathers of Upper Canada - Toronto, Ontario
- 35 Diocese of Thunder Bay - Thunder Bay, Ontario
- 36 Sisters of St. Francis of Assise - Montreal, Quebec
- 37 Institut des Soeurs du Bon-Conseil - Normandin, Quebec
Soeurs du Bon-Conseil
- 38 Soeurs de Notre-Dame-Auxiliatrice - Rouyn - Noranda, Quebec
- 39 Soeurs de Jesus et Marie - Sillery, Quebec
- 40 The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste Marie in Ontario - Sault Ste Marie, Ontario
- 41 The Sisters of St. Joseph o Sault Ste. Marie - Sault Ste Marie, Ontario

SCHEDULE *B*
INDEPENDENT ASSESSMENT PROCESS (IAP)
FOR CONTINUING INDIAN RESIDENTIAL SCHOOL ABUSE CLAIMS

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NOVEMBER 20, 2005 8:37 PM

DRAFT CONSOLIDATED IAP FOR CONTINUING IRS ABUSE CLAIMS

I: COMPENSABLE ABUSE

The following categories of claims are compensable within this IAP.

1. Sexual and physical assaults, as particularized in the Compensation Rules and Instructions below, arising from or connected to the operation of an IRS, whether or not occurring on the premises or during the school year, committed by adult employees of the government or a church entity which operated the IRS in question, or other adults lawfully on the premises, where the claimant was a student or resident, or where the claimant was under the age of 21 and was permitted by an adult employee to be on the premises to take part in authorized school activities.
2. Sexual or physical assaults, as particularized in the Compensation Rules and Instructions, below, committed by one student against another at an IRS where:
 - a) the claimant proves that an adult employee of the government or church entity which operated the IRS in question had or should reasonably have had knowledge that abuse of the kind alleged was occurring at the IRS in question during the time period of the alleged abuse, and did not take reasonable steps to prevent such abuse; or,
 - b) in a case in which the proven assault is a predatory or exploitative sexual assault at the SL4 or SL5 level, the defendants do not establish on a balance of probabilities that reasonable supervision was in place at the time.
3. Any other wrongful act or acts committed by adult employees of the government or a church entity which operated the IRS in question, or other adults lawfully on the premises, which are proven to have caused serious psychological consequences for the claimant, as particularized in and causing the harms set out in the Compensation Rules and Instructions below. These claims are referred to in this document as “undifferentiated claims”

For the purposes of this document, the above claims are collectively referred to as the “continuing claims”.

II: COMPENSATION RULES

	Acts Proven	Compensation Points
SL5	<ul style="list-style-type: none"> Repeated, persistent incidents of anal or vaginal intercourse. Repeated, persistent incidents of anal/vaginal penetration with an object. 	45-60
SL4	<ul style="list-style-type: none"> One or more incidents of anal or vaginal intercourse. Repeated, persistent incidents of oral intercourse. One or more incidents of anal/vaginal penetration with an object. 	36-44
SL3	<ul style="list-style-type: none"> One or more incidents of oral intercourse. One or more incidents of digital anal/vaginal penetration One or more incidents of attempted anal/vaginal penetration (excluding attempted digital penetration) Repeated, persistent incidents of masturbation. 	26-35
PL	<ul style="list-style-type: none"> One or more physical assaults causing a physical injury that led to or should have led to hospitalization or serious medical treatment by a physician; permanent or demonstrated long-term physical injury, impairment or disfigurement; loss of consciousness; broken bones; or a serious but temporary incapacitation such that bed rest or infirmary care of several days duration was required. Examples include severe beating, whipping and second-degree burning. 	11-25
SL2	<ul style="list-style-type: none"> One or more incidents of simulated intercourse. One or more incidents of masturbation. Repeated, persistent fondling under clothing. 	11-25
SL1	<ul style="list-style-type: none"> One or more incidents of fondling or kissing. Nude photographs taken of the claimant. The act of an adult employee or other adult lawfully on the premises exposing themselves. Any touching of a student, including touching with an object, by an adult employee or other adult lawfully on the premises which exceeds recognized parental contact and violates the sexual integrity of the student. 	5-10
U	<ul style="list-style-type: none"> Being singled out for physical abuse by an adult employee or other adult lawfully on the premises which was grossly excessive in duration and frequency and which caused psychological consequential harms at the H3 level or higher. Any other wrongful act committed by an adult employee or other adult lawfully on the premises which is proven to have caused psychological consequential harms at the H4 or H5 level. 	5-25

Level of Harm	Consequential Harm	Compensation Points
H5	<p>Continued harm resulting in serious dysfunction <u>Evidenced by:</u> psychotic disorganization, loss of ego boundaries, personality disorders, pregnancy resulting from a defined sexual assault or the forced termination of such pregnancy or being required to place for adoption a child resulting therefrom, self-injury, suicidal tendencies, inability to form or maintain personal relationships, chronic post-traumatic state, sexual dysfunction, or eating disorders.</p>	20-25
H4	<p>Harm resulting in some dysfunction. <u>Evidenced by:</u> frequent difficulties with interpersonal relationships, development of obsessive-compulsive and panic states, severe anxiety, occasional suicidal tendencies, permanent significantly disabling physical injury, overwhelming guilt, self-blame, lack of trust in others, severe post-traumatic stress disorder, some sexual dysfunction, or eating disorders.</p>	16-19
H3	<p>Continued detrimental impact. <u>Evidenced by:</u> difficulties with interpersonal relationships, occasional obsessive-compulsive and panic states, some post-traumatic stress disorder, occasional sexual dysfunction, addiction to drugs, alcohol or substances, a long term significantly disabling physical injury resulting from a defined sexual assault, or lasting and significant anxiety, guilt, self-blame, lack of trust in others, nightmares, bed-wetting, aggression, hyper-vigilance, anger, retaliatory rage and possibly self-inflicted injury.</p>	11-15
H2	<p>Some detrimental impact: <u>Evidenced by:</u> occasional difficulty with personal relationships, some mild post-traumatic stress disorder, self-blame, lack of trust in others, and low self-esteem; and/or several occasions and several symptoms of; anxiety, guilt, nightmares, bed-wetting, aggression, panic states, hyper-vigilance, retaliatory rage, depression, humiliation, loss of self-esteem.</p>	6-10
H1	<p>Modest Detrimental Impact: <u>Evidenced by:</u> Occasional short-term, one of: anxiety, nightmares, bedwetting, aggression, panic states, hyper-vigilance, retaliatory rage, depression, humiliation, loss of self-esteem.</p>	1-5

Aggravating Factors Add 5-15% of points for Act and Harm combined (rounded up to nearest whole number)
Verbal abuse
Racist acts
Threats
Intimidation/inability to complain, oppression
Humiliation; degradation
Sexual abuse accompanied by violence
Age of the victim or abuse of a particularly vulnerable child
Failure to provide care or emotional support following abuse requiring such care.
Witnessing another student being subjected to an act set out on page 3.
Use of religious doctrine, paraphernalia or authority during, or in order to facilitate, the abuse.
Being abused by an adult who had built a particular relationship of trust and caring with the victim (betrayal)

Future Care	Additional Compensation (Dollars)
General – medical treatment, counselling	up to \$10,000
If psychiatric treatment required, cumulative total	up to \$15,000

Consequential Loss of Opportunity		Additional Compensation (Points)
OL5	Chronic inability to obtain employment	21-25
OL4	Chronic inability to retain employment	16-20
OL3	Periodic inability to obtain or retain employment	11-15
OL2	Inability to undertake/complete education or training resulting in underemployment, and or unemployment	6-10
OL1	Diminished work capacity – physical strength, attention span	1-5

Compensation Points	Compensation (\$)
1-10	\$5,000-\$10,000
11-20	\$11,000-\$20,000
21-30	\$21,000-\$35,000
31-40	\$36,000-50,000
41-50	\$51,000-\$65,000
51-60	\$66,000-\$85,000
61-70	\$86,000-\$105,000
71-80	\$106,000-\$125,000
81-90	\$126,000-\$150,000
91-100	\$151,000-\$180,000
101-110	\$181,000-\$210,000
111-120	\$211,000 to \$245,000
121 or more	Up to \$275,000

PROVEN ACTUAL INCOME LOSS

Where actual income losses are proven pursuant to the standards set within the complex issues track of this IAP, an adjudicator may make an award for the amount of such proven loss up to a maximum of \$250,000 in addition to the amount determined pursuant to the above grid, provided that compensation within the grid is established without the allocation of points for consequential loss of opportunity. The amount awarded for actual income loss shall be determined using the legal analyses and amounts awarded in court decisions for like matters.

III. ASSESSMENT PROCESS OUTLINE

a. Core Assumptions as to Legal and Compensation Standards

- i. All former students who accept the lump sum payment will, by the terms of the Settlement Agreement and class action Order, be deemed to have released the defendants for all claims arising from their IRS attendance or experience, subject to retaining the right to resolve within this IAP their continuing claims for IRS abuse.
- ii. This outline assumes that the parties have legal representation. See below for procedural modifications where claimants represent themselves; the defendants may be represented by their employees on the same basis as by counsel.
- iii. Standards for compensable wrongs and for the assessment of compensation have been defined for this IAP. The adjudicator is bound by those standards.
- iv. The compensation rules set the ranges of compensation to be paid having regard to the objective seriousness of the proven act(s) and the subjective impact of proven aggravating factors and harms, as defined. An award can also be made to assist with future care.
- v. Adjudicators are, subject to rights of review, empowered to make binding findings on credibility, liability and compensation within the standards set for the IAP.
- vi. Where compensation is awarded to a claimant who has been represented by counsel, a further 15% of the amount paid will be added as a contribution towards legal fees, plus reasonable and necessary disbursements. Adjudicators may resolve disputes about the disbursements to be paid.
- vii. Where a review is sought by counsel for a claimant who was unrepresented at the initial hearing, and the review is successful, an amount equal to 15% of the compensation obtained on the review beyond the initial award will be paid as a contribution towards the claimant's legal fees for the review. Reasonable and necessary disbursements for the review will also be paid, with the review adjudicator having jurisdiction to resolve any dispute as to disbursements.

b. Resolution Processes within this IAP

- i. This IAP consists of a standard track, a complex issues track, and a provision for access to the courts for the resolution of certain of the continuing claims as set out below.
- ii. The complex issues track is for those continuing claims where the claimant seeks an assessment of damages for proven actual income losses resulting from continuing claims, and for undifferentiated abuse claims (category U on page 3).
- iii. At the request of a claimant, access to the courts to resolve a continuing claim may be granted by the Chief Adjudicator where he or she is satisfied that:
 - there is sufficient evidence that the claim is one where the actual income loss or consequential loss of opportunity may exceed the maximum permitted by this IAP;
 - there is sufficient evidence that the claimant suffered catastrophic physical harms such that compensation available through the courts may exceed the maximum permitted by this IAP; or,
 - in an undifferentiated abuse claim, that the evidence required to address the alleged harms is so complex and extensive that recourse to the courts is the more appropriate procedural approach.

In such cases, the Settlement Agreement and class action Order will exempt the continuing claims from the deemed release, and thereafter the matter shall be addressed by the courts according to their own standards, rules and processes.

- iv. Both tracks within the IAP utilize the inquisitorial model, as defined below.
- v. In the standard track, consequential harms and consequential loss of opportunity must be proven on a balance of probabilities and then proven to be plausibly linked to one or more acts proven. A finding of a plausible link does not require the negation of other potential causes of harms, but it must be based on or reasonably inferred from the evidence led in the case rather than assumptions or speculation as to possible links.
- vi. In the complex issues track, consequential harms and consequential opportunity losses must be proven on a balance of probabilities and then proven to have been caused by one or more acts proven according to the legal analyses found in court decisions for like matters. In proving actual income loss, the standard for proof of causation and the assessment of compensation within the compensation Rules is the standard applied by the courts in like matters.
- vii. In the standard track, when a case is ready to proceed to a hearing, the government and the claimant may agree to attempt to resolve the claim without a hearing, using a procedure acceptable to them for the case in question. At the request of the parties, the IAP Secretariat may assign an adjudicator to assist with efforts to resolve the claim.
- viii. In the complex issues track, after the IAP Secretariat has determined that a case is ready to proceed to a hearing, the claimant shall attend and if so requested by an adjudicator, give evidence at a preliminary case assessment hearing. The purpose of such a hearing is to provide for a preliminary assessment of credibility, and to ensure that there is a prima facie basis to support a claim of the nature for which the complex track is designed. Any evidence given in these proceedings is on a

without prejudice basis, shall not be recorded or transcribed and is not admissible in other phases of the hearing.

- ix. Provided the prima facie basis has been made out, the adjudicator shall arrange for expert assessments, in accordance with the standards therefore in this IAP.
- x. On the receipt of the expert or medical evidence or at any point if such have been waived, the government and the claimant may attempt to settle the claim having regard to the available evidence, the preliminary assessment of credibility, and all other evidence, or the claim may proceed to a hearing.

c. Safety and Support

- i. Reasonable costs for support persons for claimants to travel to hearings will be paid (to a maximum to be established).
- ii. Counsellors, or at least ready access to counselling services, will be available for the hearing process.
- iii. Cultural ceremonies such as an opening prayer or smudge will be incorporated at request of claimant to the extent possible.

d. Materials for Adjudicator for Individual Cases

- i. The IAP Secretariat will provide the adjudicator with relevant documents and witness statements (as submitted by the parties), two weeks before hearings to facilitate structured questioning.
- ii. Before a hearing counsel may identify particular areas of concern or issues that they believe require extra scrutiny and may provide suggested questions. The adjudicator retains discretion on the wording of the questions put to a witness, but must explore the area proposed by counsel unless the adjudicator rules it to be irrelevant to credibility, liability or compensation in the IAP.

e. Procedure---General

- i. The IAP uses a uniform inquisitorial process for all claims to assess credibility, to determine which allegations are proven and result in compensation, to set compensation according to the compensation rules, and to determine actual income loss claims.
- ii. In this inquisitorial model, the adjudicator is responsible for managing the hearing, questioning all witnesses (other than psychiatric or actual income loss experts) and preparing a decision with his or her conclusions and reasons.
- iii. The adjudicator's questioning must both draw out the full story from witnesses (leading questions are permitted where required to do this), and test the evidence that is given (questioning in the form of cross examination is permitted where required to do this).
- iv. The role is inquisitorial, not investigative. This means that while the adjudicator must bring out and test the evidence of witnesses, only the parties can call witnesses or produce evidence, other than expert evidence.

- v. Claimant and alleged perpetrator can give their evidence in their own words in narrative form and are subject to questioning by the adjudicator. Refusal to answer questions can result in finding that answers would have been detrimental to the witness' position.
- vi. Claimant can read prepared statement, but this may impact credibility.
- vii. Claimant can refer to their own notes as long as notes produced to counsel for the defendants two weeks in advance. Notes are not evidence.
- viii. Claimant can refer to documents that are before the adjudicator.
- ix. Where counsel attend hearings, they may meet with adjudicator at intervals to suggest questions or lines of inquiry. The adjudicator must explore the proposed lines of inquiry unless he or she rules them to be irrelevant to credibility, liability or compensation in the IAP, but adjudicator retains discretion on the wording of the questions put to a witness.
- x. Parties may require the adjudicator to hear any witness who is willing to appear and who has evidence relevant to credibility, liability or compensation within the IAP, other than a medical professional or an expert witness on the issue of consequential harms, consequential loss of opportunity, or actual income loss, provided notice and a witness statement are given two weeks before hearing. Criteria for the use of expert witnesses are set out in section (f) below.
- xi. Since witnesses cannot be compelled to appear, no adverse inference is to be drawn from the failure to produce a witness who may have relevant evidence, but the report of a treatment professional may be given less weight if they are available but refuse to testify.
- xii. Alleged perpetrators may be heard as of right, provided the parties are advised in advance of what their evidence will be.
- xiii. Except as required to obtain medical or expert evidence, hearings should be adjourned only in very exceptional cases, for example where the evidence of the claimant differs so substantially from the application that it amounts to a new application.
- xiv. At the conclusion of the evidence, counsel for the parties, if participating, may make brief oral submissions.
- xv. Where compensable abuse is proven, damages are awarded for acts and, if the evidentiary threshold is crossed, impacts are assessed within the compensation rules. Unless the parties consent, expert evidence is required to establish consequential harms or consequential loss of opportunity at levels 4 or 5, or actual income loss. Such evidence may only be obtained where the adjudicator is satisfied that it is justified and necessary. (see below)

f. Procedure---Treatment Reports and Expert Evidence (see consolidation in Appendix VI)

- i. Claimants may submit reports from treating doctors or counsellors without the requirement of defence medicals, but the defendants may require the treatment professional to testify. If the treatment professional is not available, or is available but will not testify, the report remains admissible, but the adjudicator can give it less weight

- ii. Treatment reports are admissible to prove that the treatment was given and observations were made, but not as proof of diagnoses of psychological conditions or the opinion leading to them. Treatment reports may provide evidence of the fact of a physical injury. The treatment reports may also be used by the adjudicator as the basis for lines of questions, the answers to which could provide the basis for findings of consequential harms or consequential loss of opportunity at levels 1-3. The treatment reports may also support a finding of consequential harms or consequential loss of opportunity at levels 4 or 5 where the parties consent to proceeding without expert reports.
- iii. Unless the parties consent, an adjudicator shall not make a finding of a physical injury for the purposes of this IAP without medical evidence as to the timing, causation, and continuing impact of such injury. Where such evidence is not contained in treatment or other reports admitted into evidence, the adjudicator shall ask the claimant to submit to an examination by an appropriate medical professional.
- iv. Except on consent, points within the compensation rules for consequential harms or consequential loss of opportunity above level 3, or compensation for actual income loss, may only be obtained on the basis of an expert's assessment of the extent and causation of the harms or losses or medical evidence as to the timing, causation and continuing effect of the alleged physical harms.
- v. Where the claimant is seeking compensation based on psychological harms at level 4 or 5 of the consequential harms or consequential loss of opportunity at levels 4 or 5 or actual income loss caused by psychological harms:
 - Claimant so indicates in application
 - Adjudicator has discretion to order an assessment by an expert. Only the adjudicator may order such assessments, and unless the parties have made a joint recommendation for such an assessment before the hearing, only after hearing the claim and making findings as to credibility, and determining that the assessment is justified by the evidence accepted and is necessary to assess damages fairly.
 - Where an assessment is ordered, the adjudicator retains and instructs an expert from a roster approved by the IAP Oversight Committee. The expert prepares a report which is tabled before the adjudicator.
 - Counsel for the parties may require that the expert give oral evidence and that they be allowed to question the expert before the adjudicator and make submissions.
 - When the parties consent to the adjudicator considering the assignment of points within those ranges without the benefit of an expert assessment, such consent does not eliminate the need for the adjudicator to be satisfied, on the civil standard of proof, that the claimant suffers from those harms, and that they are linked to proven abuses at the IRS according to the standards in this IAP.
- vi. In the complex issues track where a claim for actual income loss is being advanced, the adjudicator shall order psychiatric and medical reports as outlined above or any other expert reports required to assess and evaluate the claim, on the same basis as medical assessments.

g. Procedure--Involvement of Alleged Perpetrator At Hearing

- i. Alleged perpetrator to be heard as of right, provided the parties are advised in advance of what their evidence will be. The alleged perpetrator must submit a statement of their proposed evidence two weeks before the hearing; if they do not, counsel must share their notes, again two weeks before the hearing, of what the alleged perpetrator said when interviewed.
- ii. Normally the alleged perpetrator will be heard after the claimant. Either can be recalled to resolve a credibility issue, but this should happen rarely.
- iii. The alleged perpetrator does not have a role as a party.
- iv. There is no right of confrontation.
- v. See Appendix III for additional provisions concerning alleged perpetrators.

h. Burden of Proof and Evidentiary Standards

- i. Allegations and damages must be proven on the standard used by the civil courts for matters of like seriousness. Although this means that as allegations become more serious, adjudicators may require more cogent evidence before being satisfied that the claimant has met their burden of proof, the standard of proof remains the balance of probabilities in all matters.
- ii. The adjudicator may receive, and base a decision on, evidence adduced in the proceedings and considered credible or trustworthy in the circumstances thereof.
- iii. The application and witness statements may be used as a basis for questioning at the hearing, and material variations from them may be used in deciding the claim, unless those variations are explained to the adjudicator's satisfaction by progressive disclosure or otherwise.
- iv. At a hearing, the application form may also be used by the Claimant to assist their own recall. While the Claimant may refer to their application at the hearing, it is not evidence (other than of a prior inconsistent statement). This reflects the rules of evidence used by the courts which provide that in general, prior statements of a party can be used as admissions against interest, but not otherwise as evidence of their truth. They can also be used to demonstrate a prior inconsistent statement, although in this IAP it is specifically recognized that progressive disclosure is a possible explanation for inconsistencies.
- v. Counsel may agree on foundation and other facts and so advise the adjudicator. Such agreement binds the adjudicator. This would not prevent the whole narrative being told if the claimant so wished.
- vi. Relevant findings in previous criminal or civil trials, where not subject to appeal, can be accepted without further proof.
- vii. Evidence, other than the claimant's evidence, may be given by videoconference.
- viii. Claimant may adopt prior videotaped statements, provided they remain subject to questioning by adjudicator, and provided that, without the consent of the defendants, a videotaped statement is not admissible if it was made for the purpose of seeking redress for the claimant's IRS experience.

- ix. Where an alleged perpetrator has given an interview or submitted a witness statement, but thereafter does not appear at a hearing to give evidence, neither the interview notes nor the statement (whether or not in the form of an affidavit) is admissible in evidence at the hearing except to the extent it contains an admission.

i. Solemnity

- i. Participant and other witnesses give evidence under oath, by affirmation or another way that binds their conscience.

j. Setting

- i. Relaxed and comfortable setting. Claimant to have choice of location, subject to hearings being scheduled to promote economy.

k. Decision

- i. The adjudicator will produce a decision in a standard format outlining key factual findings and providing a rationale for finding or not finding compensability within the IAP and for the compensation assessed, if any.
- ii. At the conclusion of the hearing, the adjudicator will advise the claimant that the decision will be provided in writing within 30 days for standard track hearings and within 45 days for complex track hearings.
- iii. The decision will normally be delivered to the claimant via their counsel, who will be able to access health supports for the claimant at the time the decision is shared with them.
- iv. Where the claimant is not represented by counsel, the adjudicator will also inquire at the end of the hearing into how the claimant would like to receive the decision, having regard to the desirability of health or family support being available at the time of receipt.

l. Review

- i. For cases within the standard or complex track, any party may ask the Chief Adjudicator or designate to determine whether an adjudicator's, or reviewing adjudicator's, decision properly applied the IAP Model to the facts as found by the adjudicator, and if not, to correct the decision.
- ii. In both the standard and the complex issues tracks, claimants may require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error.
- iii. In the complex issues track, the defendants may require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error.
- iv. If error is found, the reviewing adjudicator may substitute their own decision or order a new hearing.

- v. All reviews are on the record (no new evidence permitted) and without oral submissions.
- vi. The party seeking the review may provide a short written statement of their objections to the decision (not to exceed 1500 words) and the other parties may provide a brief reply (not to exceed 1000 words).

m. Consistency

- i. Adjudicators may consult each other about the hearing and reporting processes. They will attempt to conduct consistent sessions and produce decisions in a consistent fashion, and may discuss issues arising in individual cases provided they remain solely responsible for deciding the claims they have heard.
- ii. The Chief Adjudicator shall implement training programs and administrative measures designed to ensure consistency among the decisions of adjudicators in the interpretation and application of the IAP.
- iii. The IAP Oversight Committee, or, with the approval of that Committee, the Chief Adjudicator, may issue binding instructions on the interpretation and application of the IAP Model. All such instructions shall be public.

n. Specialization of Adjudicators

- i. The Chief Adjudicator shall endeavour to assign adjudicators to cases in a way which facilitates their specialization in one or more schools
- ii. In assigning adjudicators to cases within the complex issues track, the Chief Adjudicator shall have regard to their experience and/or expertise in like matters. For greater certainty, where an undifferentiated claim involves allegations of physical abuse grossly excessive in duration and frequency, the Chief Adjudicator shall have regard to expertise in the assessment of child abuse in the assignment of an adjudicator.

o. Privacy

- i. Hearings are closed to public. Parties, alleged perpetrator and other witnesses are required to sign agreements to keep confidential information disclosed at a hearing, except their own evidence, or as required within this process or otherwise by law. Claimants are free to discuss the outcome of their hearing, including the amount of any compensation they are awarded.
- ii. Adjudicators may require a transcript to facilitate report writing, especially since they are conducting questioning. A transcript will also be needed for a review, if requested. Proceedings will be recorded and will be transcribed for these purposes, as well as if a claimant requests a copy of their own evidence for memorialization. Claimants will also be given the option of having the transcript deposited in an archive developed for the purpose.

q. Self-represented Claimants

- i. Self-represented claimants (SRCs) will receive document production and witness statements on the same basis as if represented.
- ii. SRCs will receive notes of what was said at any interview provided by an alleged perpetrator, and a witness statement, if provided.
- iii. SRCs may submit proposed areas for scrutiny and proposed lines of questioning to the adjudicator in advance of a hearing (this will particularly apply where the alleged perpetrator or a defence witness is to give evidence).
- iv. SRCs will receive the defendants' advance submissions to the adjudicator on areas/lines of questioning to be explored.
- v. During a hearing, both the SRC and the defendants may suggest lines of questioning, but this will be done in the hearing room, on the record and in the presence of each other, and SRCs will be allowed to make brief closing submissions.

r. Representation of Claimants by Agents

- i. Agents, whether paid by the claimant or not, may not discharge the roles specifically established for counsel in the Model.

s. IAP Oversight Committee

- i. The Chief Adjudicator Reference Group shall be reconstituted as the IAP Oversight Committee, which shall be composed of an independent chair and 8 members, two reflecting the interests of each of the following constituencies: former students; plaintiffs' counsel; church entities; government.
- ii. The Committee shall operate by consensus to the greatest extent possible. In the event a vote is required, the Chair may vote, and a majority of seven shall be required to decide an issue, provided that if the issue would increase the cost of the IAP, whether for compensation or procedural matters, one government representative must be among the seven.
- iii. The duties of the Oversight Committee are:
 - Recruit and appoint, and if necessary terminate the appointment of, the Chief Adjudicator.
 - Provide advice to the Chief Adjudicator on any issues he or she brings to them
 - Recruit and appoint adjudicators, and approve training programs for them.
 - Approve designates to exercise the Chief Adjudicator's authority as set out on page 13.
 - On the advice of the Chief Adjudicator, terminate the contract of an adjudicator.
 - Recruit and appoint experts for psychological assessments.
 - Consider any proposed instructions from the Chief Adjudicator on the interpretation and application of the IAP Model, and as appropriate,

prepare its own instructions for approval by the National Administration Committee.

- Monitor the implementation of the IAP and make recommendations to the National Administration Committee on changes to the IAP as are necessary to ensure its effectiveness over time.

t. Secretariat

- i. A Secretariat shall be established to support the Chief Adjudicator and to be responsible for determining whether applications fall within the terms of the IAP.
- ii. Where an application fails to raise a claim which falls within the IAP, the Secretariat shall so advise the claimant, with reasons, and provide them with the opportunity to make a further application. On the request of the claimant, a decision to refuse to admit a claim into the IAP will be reviewed by the Chief Adjudicator, whose decision will be final.
- iii. The Secretariat reports to the Chief Adjudicator.

APPENDIX I. THE APPLICATION

- ◆ In applying to the IAP, the claimant is asked to:
 - ◆ List points of claim: indicate by reference to the standards for this IAP each alleged wrong with dates, places, times and information about the alleged perpetrator for each incident sufficient to identify or in the case of adult employees permit the identification of the individual or their role at the school.
 - ◆ Provide a narrative as part of the application. The narrative must be in the first person and be signed by the claimant and can be both a basis for and a subject of questioning at a hearing.
 - ◆ Indicate by reference to the compensation rules established for this IAP the categories under which damages will be sought and, where appropriate, indicate that damages will be sought for consequential harm and/or opportunity loss above level 3.
 - ◆ Indicate which treatment records they will be submitting to assist in proving either the abuse or the harm suffered or both (see appendix VII).
 - ◆ Include authorizations so research can begin, but to be used only if case accepted. Safety mechanisms will be provided in consultation with Health Canada.
 - ◆ Where claimants are proceeding as a group, they may negotiate to have the group administer the available safety resources.

Group Claims: Where claimants desire to proceed through the IAP as a group, the individual applications of the group members must be submitted together or within a short interval, and each of the claimants must indicate their desire to proceed as a group member. The applications must show commonality among group members (school, community, issues) and a representative of the group must submit an application addressing the issues set out in the bullet headed "Group Claims".

APPENDIX II. ACCEPTANCE OF APPLICATION

- ◆ The Secretariat will admit claims to the IAP as of right where the application is complete and sets out allegations which are within the definitions on pages 2 and 3, above, and where the claimant has signed the Declaration set out in the application form. In addition to confirming the claimant's understanding of the IAP, the Declaration will contain a specific commitment to the confidentiality of the hearing (see Section III (p) below).
- ◆ If the case is not admitted into the IAP the claimant will be advised why and given a chance to provide additional information. At the request of the claimant, the Chief Adjudicator may review any final decision to refuse to admit an application into the IAP. The initial and any subsequent applications, or supplementary information, will be given to the adjudicator.
- ◆ Claimants will be advised at that time that the documents they must produce are required before hearing date will be set, unless a good reason is shown for an inability to produce them.
- ◆ Once the claim is admitted, in appropriate cases counsel may meet (not necessarily in person) to attempt to agree on certain facts to reduce research needs.
- ◆ Group claims: Where it is desired to proceed as a group (see Appendix V), the application will be accepted if it demonstrates that the group is an established one with evident viability and decision-making capacity; that its members are already providing each other with support in connection with their IRS experiences or have a clear plan and realistic capacity to do so; that the issues raised by the individuals within the group are broadly similar; and that the group has a clear plan and intention to manage safety resources, where they desire to do so, and to achieve healthy and lasting resolution of their claims.
- ◆ Where a proposal to proceed as a group is not accepted, the individuals will be advised of their right to continue as individuals if their applications otherwise meet the criteria for the IAP.

APPENDIX III. INVOLVEMENT OF ALLEGED PERPETRATORS

- ◆ Defendants will attempt to locate the alleged perpetrator to invite them to the hearing. If the alleged perpetrator is dead, cannot be located, or declines to attend, the hearing can still occur.
- ◆ The alleged perpetrator will be provided with extracts from the application outlining the allegations made against them, to be returned at the conclusion of the process, in order to help them recall the student/incident and to determine their response. Information on the claimant's current address or the addresses of other potential witnesses will be deleted from this material, as will information on the impacts of the alleged abuse, unless the claimant asks that it be provided to the alleged perpetrator.
- ◆ Notice of alleged perpetrator's desire to respond to allegations will be given to counsel for claimant at earliest opportunity.
- ◆ A witness statement will be requested from the alleged perpetrator. If he or she declines to provide one, counsel for any party may request an interview with the alleged perpetrator. This would not be the equivalent of an examination for discovery, and the interview notes of what he or she said must be shared among the parties two weeks before the hearing, as must a witness statement, if provided.
- ◆ The witness statement, or failing that the interview notes, are a condition of the alleged perpetrator being heard by the adjudicator.
- ◆ Counsel and a support person for the alleged perpetrator are permitted at a hearing while the alleged perpetrator gives evidence, but the alleged perpetrator or their counsel cannot attend at same time and place as the claimant without the advance consent of the parties. Canada will pay up to \$2500 for the alleged perpetrator to receive legal advice about the implications of giving evidence, plus the reasonable costs of the alleged perpetrator's attendance, and of the attendance of a support person (to a maximum to be determined).
- ◆ Generally, the claimant will give evidence before the alleged perpetrator does so. Neither the claimant nor the alleged perpetrator will have access to the other's testimony before testifying themselves.
- ◆ Where the testimony of the claimant at a hearing differs materially from the account provided in the application which was shared with the alleged perpetrator, the adjudicator may prepare a summary of the new allegations and provide it to the alleged perpetrator before he or she gives evidence.
- ◆ The alleged perpetrator is a witness, not a party.
- ◆ The alleged perpetrator is entitled to know the results of the hearing with respect to the allegations against them, but not the amount of any compensation awarded.

APPENDIX IV. INFORMATION COLLECTION; SETTING HEARING DATE;
ATTENDANCE AND PARTICIPATION AT HEARINGS

- ◆ Defendants will collect and submit their documents.
- ◆ Claimants will collect and submit their documents and the treatment reports they want to rely on, or, where they cannot obtain records or a report, will indicate the steps taken to attempt to do so.
- ◆ Witness statements are to be prepared and submitted by the party adducing the witness.
- ◆ No date to be set until the IAP Secretariat is satisfied that exchange of documents and reports is as complete as reasonably possible.
- ◆ Hearing date will be set based on availability of parties, counsel and adjudicator, and on cost effectiveness having regard to the location and the number of hearings to be held in any one place in a given time frame.
- ◆ The Claimant may attend a hearing where the alleged perpetrator gives evidence without that individual's consent. This is based on the Claimant being a party, and needing to be aware of all evidence to raise possible lines of questioning and make submissions if unrepresented, or to instruct counsel if represented.
- ◆ Given the non-adversarial nature of this IAP and the neutral, inquisitorial role played by the adjudicators under it, as well as the need to respect the safety of the Claimant, neither an alleged perpetrator nor counsel for an alleged perpetrator may attend while the Claimant gives evidence, without the Claimant's advance consent. Where counsel for a church entity also acts for an alleged perpetrator, this means that they may not attend the hearing while the Claimant gives evidence without the Claimant's advance consent. Government representatives may always attend this part of the hearing, as may representatives of churches who are parties to the Settlement Agreement except their counsel if he or she is also acting for an alleged perpetrator in the case.
- ◆ Support persons attend hearings to help ensure the health and safety of the Claimant during a stressful event. Their focus needs to be on how the Claimant is handling the stress they face. Accordingly support persons should not become distracted from that goal by seeking to become a participant in the proceedings, for example, by attempting to give evidence. If it becomes necessary for a support person to give evidence, they should be sworn (or affirmed) as a witness, but only after the adjudicator is satisfied that appropriate arrangements for the safety of the claimant are in place.
- ◆ Finally, since the central purpose of the hearing is an assessment of credibility, counsel or representatives of any party must refrain from speaking to a witness about the evidence in the case once that witness begins giving evidence and until their evidence is complete. An adjudicator may authorize an exception to this where he or she is of the view that the discussion is necessary to elicit evidence from the witness in a timely manner.

APPENDIX V: CRITERIA FOR THE SELECTION OF ADJUDICATORS

- Law degree from recognized university. Consideration will also be given to candidates with a combination of related training and/or significant experience
- Knowledge of and sensitivity to Aboriginal culture and history
- Knowledge of and sensitivity to sexual and physical abuse issues
- Knowledge of personal injury law
- Knowledge of damages assessment
- Ability to interview or examine witnesses
- Ability to elicit useful evidence in a concise manner
- Ability to act in an impartial manner
- Respect for all parties involved
- Demonstrated ability to assess credibility and reliability
- The ability to work under pressure and to write clear, concise and well-reasoned decisions that take into account evidence, submissions, the law and policy, within required deadlines
- The ability to work effectively with staff and participants from diverse backgrounds
- Computer literacy and superior communication and writing skills
- Personal suitability including an aptitude for adjudication, fairness, good listening skills, open-mindedness, sound judgment, tact, comfort with complex and/or sensitive issues
- Willingness and ability to travel across Canada or within a designated region, including to First Nations communities, using various modes of transportation
- Flexibility and availability to be called for hearings on an as required basis

APPENDIX VI: CONSOLIDATION OF PROVISIONS CONCERNING EXPERT AND MEDICAL EVIDENCE

This IAP seeks to confine the use of expert witnesses to matters where their evidence is essential, and to eliminate the prospect of competing reports from experts on the same issue. This will produce significant savings in cost and time.

This Appendix consolidates and provides additional instructions on the IAP's provisions concerning medical and expert evidence in four categories:

1. Treatment reports
2. Psychiatric assessments
3. Medical assessments
4. Vocational and actuarial assessments.

1. Treatment Reports

Treatment records and reports prepared in the normal course of the claimant dealing with their injuries, whether physical or psychological, are admissible as of right to help the adjudicator decide the particular case. In this connection, this IAP provides as follows:

- Claimant can introduce as of right, given notice and disclosure.
- Includes records of customary or traditional counsellors or healers
- Defence cannot require a defence medical, but can ask that the person who provided the treatment give evidence at the hearing.
- If the person who provided the treatment is dead or not available, then the records and reports may be admitted subject to the adjudicator being able to give them less weight
- Where the person who provided the treatment gives evidence, only the adjudicator may question them, and the questioning can explore the treatment professional's qualifications as well as the records and report.
- ◆ Treatment reports are admissible to prove that the treatment was given and observations were made, but not as proof of diagnoses of psychological conditions or the opinion leading to them. Treatment reports may provide evidence of the fact of a physical injury. The treatment reports may also be used by the adjudicator as the basis for a line of questions, the answers to which could provide the basis for findings of consequential harms or opportunity losses at levels 1-3.

2. Psychiatric and Psychological Assessments

Assessments prepared for litigation purposes raise different issues. They are very dependent on the information given to the expert as the basis for the report. That information is generally limited to the claimant's version of events, and can differ from the evidence presented at a hearing, or found credible by the adjudicator. Where the claimant obtains such an assessment, normally the defendants would as well, quite often leading to a series of complex contradictions between the assessments.

As a result, this IAP adopts a more restrictive approach to assessments. Only the adjudicator may order such assessments, and, except on the consent of the parties before the hearing, only after hearing the claim and making preliminary findings as to credibility, and determining that ordering an assessment is justified by the evidence accepted and necessary to assess damages fairly. In such circumstances the adjudicator will retain an expert from a roster agreed to by the Implementation Committee, and that expert's assessment will be relied upon in assessing damages. This can only be done where consequential harms or opportunity losses at levels 4 or 5, or actual income losses are in issue.

Except on consent, points within the compensation rules for consequential harms or consequential loss of opportunity above level 3, or compensation for actual income loss, may only be obtained on the basis of an expert's assessment of the extent and causation of the alleged psychological harms or medical evidence as to the timing, causation and continuing effect of the alleged physical harms.

The following summarizes the approach to psychiatric and psychological evidence:

- Where the claimant seeks to prove such harm, they must so indicate in their application.
- Adjudicator has discretion to order an assessment by an expert. Only the adjudicator may order such assessments, and unless the parties have made a joint recommendation for such an assessment before the hearing, only after hearing the claim and making findings as to credibility, and determining that the assessment is justified by the evidence accepted and is necessary to assess damages fairly.
- Where an assessment is ordered, the adjudicator retains an expert from a roster approved by the IAP Oversight Committee, and thereafter, the following principles apply:
 - The expert is to be provided with the transcript of the hearing, and any records filed at the hearing that are relevant to the proposed assessment, all on a confidential basis. The parties shall be advised of which records are provided to the expert.
 - The adjudicator is to brief the expert on his or her preliminary findings, so that the assessment may be conducted on the basis of the facts likely to be found, and shall instruct the expert to refrain from making any findings as to credibility.
 - The adjudicator shall give significant regard to the expert's opinion on the level of harm as described in the Model, or the link between an opportunity loss at levels OL4 or OL5 and an act proven.
- After reviewing the expert's report, either party may require that the expert give evidence, and both parties can question them.
- When the parties consent to the adjudicator considering the assignment of points within those ranges without the benefit of an expert assessment, such consent does not eliminate the need for the adjudicator to be satisfied, on the

civil standard of proof, that the claimant suffers from those harms, and that they are linked to proven continuing claims according to the standard provided for in the IAP.

3. Adjudicator-ordered medicals to assess physical injuries

- ◆ Unless the parties consent, an adjudicator shall not make a finding of a physical injury for the purposes of this IAP without medical evidence as to the timing, causation, and continuing impact of such injury. Where such evidence is not contained in treatment or other reports admitted into evidence, the adjudicator shall ask the claimant to submit to such examination.
- ◆ The parties shall endeavour to agree on the medical professional who will conduct the assessment. If they cannot, the adjudicator, with the assistance of the Secretariat, shall select an appropriate individual.
- ◆ In both circumstances, the professional is to be retained by the Secretariat and to take instructions from and report to the adjudicator. The retainer shall be conditional on the professional being willing to testify if required.
- ◆ Where a report has been obtained, the parties may require that the examiner attend the hearing (or its resumption) and give evidence.
- ◆ The same standard for questioning will apply here as for treatment reports: the adjudicator does the questioning, and the questioning can explore the examiner's qualifications as well as the records and report.

4. Actual income loss Assessments

- ◆ In the complex issues track where a claim for actual income loss is being advanced, the adjudicator shall order expert reports or medical assessments as set out above.
- ◆ At the request of a party, the adjudicator shall also order any other expert reports required to assess and evaluate the claim in accordance with the above procedure for obtaining medical assessments.

APPENDIX VII: MANDATORY DOCUMENT PRODUCTION BY CLAIMANTS

Following the receipt of a completed application form, and the acceptance of an individual into the IAP, relevant documents must be exchanged. This appendix outlines the documents a claimant must produce, or explain the absence of, as a condition of proceeding to a hearing with a claim seeking particular kinds of damages within the compensation framework.

This appendix does not outline other kinds of documents which could assist a claimant prove their claim. These will be admissible as provided for in this IAP. The kinds of documents the defendants will produce are outlined in a separate appendix.

In terms of proving the abuse itself, no documents are required from claimants, although claimants are free to produce documents to support their claim.

1. TO PROVE CONSEQUENTIAL HARMS

LEVELS 3, 4 AND 5

- Treatment records which are relevant to the harms claimed (including clinical, hospital, medical or other treatment records, but excluding records of counselling obtained to help ensure safety while pursuing an IRS claim). In the complex issues track, records from general practitioners, clinics or community health centres are deemed to be relevant unless the defendants consent to the contrary.
- Workers' Compensation records, if the claim is based in whole or in part on a physical.
- Corrections records (causes and assessments of injuries)

LEVELS 1 AND 2

None required

2. TO PROVE CONSEQUENTIAL LOSS OF OPPORTUNITY

LEVELS 3, 4 AND 5

- Workers' Compensation records, if the claim is based in whole or in part on a physical injury.
- Income Tax records (if not available, then EI and CPP records)
- Treatment records which are relevant to the asserted basis for the opportunity loss (including clinical, hospital, medical or other treatment records, but excluding records of counselling obtained to help ensure safety while pursuing an IRS claim). In the complex issues track, records

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from general practitioners, clinics or community health centres are deemed to be relevant unless the defendants consent to the contrary.

- Secondary (non-residential) school and post-secondary school records.

LEVEL 2

- Workers' Compensation records, if the claim is based in whole or in part on a physical injury.
- Income Tax records, or at claimant's choice, EI and CPP records
- Secondary (non-residential) school and post-secondary school records.

LEVEL 1

None required.

3. TO ESTABLISH NEED FOR FUTURE CARE

None required, but a treatment plan should be submitted to support any claim for future care in any case where the claimant is represented by counsel or is otherwise in a position to prepare one.

APPENDIX VIII: CROWN DOCUMENT DISCLOSURE

A. Documents to be Disclosed

The government will search for, collect and provide a report setting out the dates a claimant attended a residential school. There are several kinds of documents that can confirm attendance at a residential school, and as soon as one or more are found which deal with the entire relevant period, further searches will not be undertaken.

The government will also search for, collect and provide a report about the persons named in the Application Form as having abused the claimant, including information about those persons' jobs at the residential school and the dates they worked or were there, as well as any contemporaneous allegations of physical or sexual abuse committed by such persons.

Upon request, the claimant or their lawyer will receive copies of the documents located by the government, but information about other students or other persons named in the documents (other than alleged perpetrators of abuse) will be blacked out to protect each person's personal information, as required by the Privacy Act.

The government will also gather documents about the residential school the claimant attended, and will write a report summarizing those documents. The report and, upon request, the documents will be available for the claimant or their lawyer to review.

In researching various residential schools to date, some documents have been, and may continue to be, found that mention sexual abuse by individuals other than those named in an application as having abused the claimant. The information from these documents will be added to the residential school report. Again, the names of other students or persons at the school (other than alleged perpetrators of abuse) will be blacked out to protect their personal information.

The following documents will be given to the adjudicator who will assess a claim:

- documents confirming the claimant's attendance at the school(s);
- documents about the person(s) named as abusers, including those persons' jobs at the residential school, the dates they worked or were there, and any sexual or physical abuse allegations concerning them;
- the report about the residential school(s) in question and the background documents and
- any documents mentioning sexual abuse at the residential school(s) in question.

With respect to student-on-student abuse allegations, the government will work with the

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parties to develop admissions from completed examinations for discovery, witness or alleged perpetrator interviews, or previous IAP decisions relevant to the claimant's allegations.

APPENDIX IX: INSTRUCTIONS FOR ADJUDICATORS

I. APPLICATION OF THE COMPENSABLE CLAIMS CRITERIA

In this IAP, compensation will be paid for all proven abuse claims falling within the compensable case criteria, but not otherwise.

It is the adjudicator's responsibility to assess the credibility of each allegation, and, for those allegations which are proven on the civil standard, to determine whether what has been proven falls within the compensable claims criteria.

These criteria flow from, but may differ from, established case law on vicarious liability and negligence. Adjudicators are not to have reference to case law on vicarious liability or negligence. The compensability of proven continuing claims must be determined only by reference to the terms of this IAP, including instructions issued pursuant to it.

A. Physical or Sexual Abuse Committed by an Adult

1. Where the victim was a student or resident

Where a proven incident of abuse was committed on a resident or student of an IRS by an adult, the following tests must be applied to determine if the claim is compensable within the IAP:

- a) Was the adult an employee of the government or a church entity which operated the IRS in question? If so, it does not matter whether their contract of employment was at that IRS.
- b) If the adult was not an adult employee, were they lawfully on the premises?
- c) Did the assault arise from, or was its commission connected to, the operation of an IRS? This test will be met where it is shown that a relationship was created at the school which led to or facilitated the abuse. If the test is met, the assault need not have been committed on the premises.

2. Where the victim was not a student or resident

Where a sexual or physical assault was committed by an adult on a non-student, the following tests must be met:

- a) Was the adult an adult employee of the government or a church entity which operated the IRS in question? If so, it does not matter whether their contract of employment was at that IRS.
- b) If the adult was not an adult employee, were they lawfully on the premises?

- c) Was the claimant under the age of 21 at the time of the assault?
- d) Did an identifiable adult employee give the child permission i) to be on the premises ii) for the purpose of taking part in school activities?
- e) Did the assault arise from, or was it connected to, the operation of the school? This test will be met where it is shown that a relationship was created at the school which led to or facilitated the abuse. If the test is met, the assault need not have been committed on the premises. The permission to be on the premises for an organized activity creates the circumstances in which an assault may be compensable if the other tests are met, but it does not also circumscribe the location in which an assault must have been committed to qualify as one which arose from or was connected to an IRS.

B. Sexual or Physical Assaults Committed by a Student

Where a proven incident of sexual abuse at levels SL1, SL2, or SL3 or physical abuse was committed by another student, the following tests must be applied:

- a) Did the assault take place on school premises?
- b) Did an adult employee of the IRS have, or should they reasonably have had, knowledge that abuse (i) of the kind proven was occurring at the IRS (ii) at the relevant time period.
- c) Were reasonable steps taken to prevent the abuse?

Where a proven incident of sexual abuse at levels SL4 or SL5 abuse was committed by another student, the following tests must be applied:

- a) Did the assault take place on school premises?
- b) Was the sexual assault of an exploitative or predatory nature?
- c) Has the government proven that reasonable supervision was in place at the school?

In this connection:

A sexual assault is deemed to have been predatory or exploitative where the perpetrator was significantly older than the victim, or where the assault was occasioned by threats, coercion or violence.

For greater certainty, the fact of a sexual assault having taken place at an IRS does not itself prove that reasonable supervision was not in place.

C. Additional Instructions re Physical Abuse

1. Since a physical injury is required to establish a compensable physical assault in this IAP, a need for medical attention or hospitalization to determine whether there was an injury would not establish that the threshold had been met.
2. 'Serious medical treatment by a physician' does not include the application of salves or ointment or bandages or other similar non-invasive interventions.
3. Loss of consciousness must have been directly caused by a blow or blows and would not include momentary blackouts or fainting.
4. Compensation for physical abuse may be awarded in this IAP only where physical force is applied to the person of the Claimant. This test may be deemed to have been met where:

-the Claimant is required by an employee to strike a hard object such as a wall or post, such that the effect of the force to the Claimant's person is the same as if they had been struck by a staff member;

and in either instance where the remaining standards for compensation within this IAP have been met.

D. Undifferentiated Abuse

This category is intended to provide compensation for wrongful acts not listed within the Compensation Rules which have caused the defined level of psychological consequential harms. If the basis for a claim being asserted in this category is described in another category, the latter must be applied to the claim.

Because of the novel nature of these claims, and the importance of establishing a clear causal connection between such acts and the defined level of psychological consequential harms, these claims are handled only in the complex issues track.

For the purpose of this category, a wrongful act other than the specified act of physical abuse of grossly excessive duration and frequency, is one which

- a) was committed by an adult employee or another adult lawfully on the premises,
- b) is outside the usual operational practices of the IRS at the time in question, and,
- c) exceeds recognized parenting or caregiving standards at the time.

Once an act or series of acts have been found to be wrongful, and not to be captured in another part of the Compensation Rules, then unless the parties consent to the contrary, the adjudicator must order the psychiatric or medical reports necessary to determine whether harms at the H4 or H5 level were caused by the act or acts. In these claims, the standard for proof of causation and the assessment of compensation within the compensation Rules is the standard applied by the courts in like matters.

II. APPLICATION OF THE COMPENSATION FRAMEWORK

Compensation for proven claims falling within the compensable claims criteria is to be determined exclusively pursuant to the compensation framework. The framework is designed to ensure that compensation is assessed on an individualized basis. While the abuse suffered is an important indicator of the appropriate level of compensation, so too are the circumstances in which the abuse was suffered by the individual, and the particular impacts it had on him or her.

The Compensation Framework was expressly designed to avoid a mechanistic approach to compensation by recognizing that a relatively less serious act can have severe consequences, and vice versa. It accomplishes this goal by requiring both an objective assessment of the severity of the abusive act, and then a distinct and highly subjective assessment of how that act affected the individual claimant. Accordingly, the categories defining acts and harms must be assessed separately, and the words in each category must be read purposively within their respective contexts.

In particular, in determining the level of harm suffered by a Claimant, adjudicators are to consider each of the five categories as a whole, and in relation to the other categories, rather than focussing on isolated words within a given category. This IAP calls for a contextual consideration, having particular regard to the headings for each category, in order to determine which of the categories best reflects the Claimant's proven level of harms resulting from compensable abuse.

1. The Proven Acts

The first step in applying the framework is to determine which acts of abuse have been proven on the civil standard of proof. The most serious act or acts of proven abuse, whether physical or sexual, determines the single range within which points for all abusive acts suffered over the course of attendance at one or more residential schools are to be assigned. Multiple acts of either physical or sexual abuse are recognized in the definitions of the categories of abuse; the impact of sexual abuse being accompanied by physical abuse is dealt with later as an aggravating circumstance.

Once the most serious category among the proven act categorizations has been determined, a point total will be assigned within that category's range. The adjudicator has the discretion to choose the point level within that range, having regard to the relative seriousness of the proven acts compared to the acts listed within that category. For

example, in the category of nude photographs it is expected that a single photo of nude buttocks retained by the photographer would be assigned fewer points for the act itself than a series of highly sexualized photos which had been put into wide distribution. The potential for an individual to suffer a high degree of trauma from an objectively less serious act is recognized, but is to be addressed in the harms categories within the framework, rather than by increasing the points otherwise appropriate for the act itself.

2. Consequential Harms

After the assignment of points for the proven acts has been determined, the next step is to assess any proven consequential harms which flowed from the proven acts, including those which were subsumed for the purpose of assigning points to the acts. This is done by reference to the consequential harms categories.

A Claimant must provide evidence or there must be expert evidence to prove each asserted harm on the balance of probabilities. In the standard track, once a compensable act and a compensable harm have each been established on the evidence according to a balance of probabilities, only a plausible link between them need be established in order for compensation to be awarded for them. A finding of a plausible link does not require the negation of other potential causes of harms, but it must be based on or reasonably inferred from the evidence led in the case rather than assumptions or speculation as to possible links. In this regard, adjudicators shall have regard to their powers under Appendix X, above.

In the complex case track, harms must be proven to have been caused by one or more continuing claims, and compensation must be assessed within the Compensation Rules, using the same standards a court would apply in like matters.

Harms not proven to be linked to or caused by acts constituting compensable abuse may not be taken into account in assessing points in the harms categories.

Harms up to and including H3 are not to be the subject of expert assessments, although treatment reports may be relied upon to supplement or contradict the claimant's evidence of harms suffered. Where a claimant's evidence credibly establishes the abuse plus apparent harms at levels 4 or 5, or on the consent of the parties before the hearing, the adjudicator may order an expert assessment. Only where supported by such an assessment, or where the parties consent to points at these levels being considered without such an assessment, may the adjudicator find that harms at the two highest levels have been proven and were caused by the proven abuse.

Points for consequential harm are assessed only once, at level of harm which best reflects the evidence in the case and the causation standards of this IAP. Within the range for that level, the adjudicator has discretion to determine the points to be assigned. Again, the relative gravity of the harm within the appropriate category will determine where within the applicable range the points should be assigned.

3. Aggravating Circumstances

The adjudicator must then determine whether any of the listed aggravating factors have been proven on the civil standard of proof. Only the specific aggravating factors listed in this IAP may be taken into account in assessing this category. Provided such factors are specifically proven, and are proven to have made the compensable abuse worse, they may be taken into account whether or not they were coincident in time and place with such abuse.

Once these tests have been met, the adjudicator has the discretion to determine a percentage to be added for one or more proven aggravating factors collectively. This discretion is to be exercised having regard to the seriousness of the aggravating factor in the specific context in which it occurred, including the impact the factor actually had on the claimant. No other aggravating factors may be considered.

The percentage for aggravating factors is then applied to the total of the points assigned for the acts and the harms. The resulting number of points for aggravating factors is then rounded up to the nearest whole number.

4. Consequential loss of opportunity

Where the claimant has asserted that the abuse caused them to suffer a consequential loss of opportunity, the adjudicator will then consider that part of the claim. Two aspects must be taken into account. First, the claimant must prove, on the civil standard of proof, one or more of the circumstances or experiences listed in this part of the framework, with expert evidence being required to establish the harms leading to the losses at levels 4 or 5. Second, in the standard track he or she must convince the adjudicator that there is a plausible link between the abuse proven to have occurred at the IRS, and the proven subsequent experience. In the complex track, consequential loss of opportunity must be proven using the standard for proof of causation applied by the courts in like matters and the assessment of compensation within the compensation Rules is also the standard applied by the courts in like matters.

Where this proof is established, the adjudicator will then select the range of points reflecting the most serious proven loss linked to the abuse according to the standards for the track in question, and assign a point total within that range. Within the appropriate range the adjudicator will assign points based on the relative seriousness within the category of the proven experiences.

It is important to note that consequential loss of opportunity within the compensation framework is not intended as a surrogate for a loss of income claim in the courts. Actual income loss claims constitute a distinct basis for compensation within this IAP, and the standards for their assessment do not apply to consequential loss of opportunity claims.

5. Actual income loss

Except on consent, actual income loss claims must be determined on the basis of expert evidence, using the same standards for proof of causation and the assessment of compensation as applied by the courts in like matters. In particular, the link between proven actual income losses and the proven acts must be established, and compensation must be assessed on those standards.

Actual income loss claims are an alternative to a claim for consequential loss of opportunity, and both cannot be awarded.

6. Assessment of Compensation

All points assigned will now be totalled (with the exception of awards made for actual income loss). This total determines the dollar range within which compensation can be awarded, but it does not determine where within that range the adjudicator will award compensation. While a higher number of points within a range will normally lead to a higher level of compensation, the adjudicator has the discretion to determine compensation within the applicable dollar range having regard to the totality of the proven facts and impacts.

7. Future Care

Finally, where a claim has been made for future care, the adjudicator will consider whether to award additional damages within and according to the criteria in the framework. Relevant factors here will include the impacts of the proven abuse on the individual, any treatment already received for those impacts, the availability of treatment in the claimant's home community and the need for assistance with travel costs, and the availability of alternative sources of funding for parts of the plan.

No award for future care shall be made unless the adjudicator is satisfied that the claimant has a need for treatment of the kind proposed, and a genuine desire to use the funding for that purpose. In most cases, this will be evidenced by a treatment plan and an articulated and credible determination to follow that plan.

8. Conclusion

The compensation framework is designed to provide an individual assessment of abuse suffered and its impact to generate compensation levels consistent with or more generous than court awards in each jurisdiction, using in a systematic and transparent way the factors applied by the courts. In the interests of fairness and consistency, all adjudicators must follow these instructions in applying the framework to the cases before them.

APPENDIX X: THE USE OF EXTRA-CURIAL KNOWLEDGE BY ADJUDICATORS

INTRODUCTION

A number of issues will arise concerning the ability of adjudicators to make use of information obtained or known beyond that that provided by the parties in each individual case. There are several aspects to this matter:

- use of background information and/or personal knowledge, for example on
 - schools
 - child abuse and its impacts
 - residential school system
- carry-forward of information from hearing to hearing, for example on
 - alleged perpetrators and modus operandi of proven perpetrators
 - conditions at a school
 - credibility findings
- use of precedents from other adjudicators
- ability of adjudicators to confer

The approach to be taken to these issues is set out below, by reference to the source of the information in question.

1. Orientation Materials Provided to Adjudicators

Adjudicators will be supplied with orientation materials on the residential school system and its operations, as well as on child abuse and its impacts.

If any of the orientation materials are specifically identified as containing uncontested facts or opinions, it may be used as follows:

Adjudicators are expected to inform themselves from this material. They may use it to question witnesses, but also to make findings of fact and to support inferences from evidence they find credible, for example to conclude that trauma of a certain kind can be expected to flow from a sexual assault on a child. These latter uses of this information are justified by the fact that representatives of all interests have agreed to its inclusion in the orientation materials for this use, and all participants in a hearing will have access to the orientation materials.

Wherever possible the adjudicator should use the information at the hearing to formulate questions to any witnesses who may be able to comment on it, or whose testimony it may contradict, support, or help explain. Where this is not possible, the proposed use in reaching a decision should be identified to the parties at the hearing to give them a chance to comment on it in their submissions, but so doing is not a condition precedent to the proposed use.

Where the material is used in coming to a finding of fact, or drawing an inference, it should be cited and its relevance and the rationale for its use set out in the decision.

Where orientation information provided to adjudicators does not represent uncontested facts or opinions, it may be used by adjudicators as follows:

Adjudicators may use this category of orientation materials as a basis for questioning witnesses, or testing the evidence, but may not rely on it as an independent basis for their conclusions of fact or their assessment of the actual impact of abuse on an individual.

2. Personal Knowledge of Abuse and its Impacts

Some adjudicators may bring to the job an extensive background in dealing with child abuse, or may receive information on child abuse and its impacts at training sessions or continuing education programs, or through their own reading or research.

The approach to the use of this kind of information is as follows:

Adjudicators may use their personal knowledge, training they have received, or general educational materials, as a basis for questioning witnesses, or testing the evidence, but may not rely on them as an independent basis for their conclusions of fact or their assessment of the actual impact of abuse on an individual.

3. Document Collections

Adjudicators will be provided with Canada's, and potentially a church's, document collection on each school for which they are holding hearings. This material will also be available to claimants and their counsel.

The approach to the use of this kind of information is as follows:

Adjudicators are expected to inform themselves from this material, which may be used as a basis for findings of fact or credibility. Where any of it is so used by adjudicator, it must be cited and its relevance and the rationale for use set out in the report.

Because this information is specific to the school in question and is provided in advance, it is expected that adjudicators will be familiar with it before starting a hearing to which it is relevant. Given this, before relying on specific documents to help decide a given case, the adjudicator should seek the consent of the parties, or put the relevant extracts to any witnesses who may be able to comment on them, or whose testimony they may contradict or support. Where there are no such witnesses, or where one or more parties contest the use of the documents, the adjudicator may still use them in his or her decision, but wherever possible should advise the parties of the proposed use of the document so that they may address it in their submissions.

4. Previous findings

Adjudicators will hear evidence about, and make findings of fact about, the operations of various schools, their layouts, the conditions that pertained in them, the acts and knowledge of adult employees, and where an individual is found to have committed a number of assaults in a particular way, their modus operandi.

The approach to the use of this kind of information is as follows:

Adjudicators must treat each individual's claim as a unique claim to be determined on the evidence presented, plus information expressly permitted to be used according to the guidelines agreed to for this process. They may not carry forward, much less be bound by, previous findings they have made, including findings of credibility.

They may, though, use information from previous hearings to inquire about possible admissions, or failing that, to question witnesses. This ability to bring forward information from previous hearings for these specific purposes flows from the fact that this IAP is not a party-controlled adversarial process. Instead, the inquisitorial model is being used to have adjudicators inquire into what happened, using their skills and judgement to question witnesses to determine the facts.

While it would not be fair to base a decision on evidence from a previous hearing, since some or all of the parties would not know its context, and would be unable to challenge its reliability, it is also not appropriate to insist that adjudicators act as if each case were their first one. Their job requires them to test evidence and determine what happened. While they cannot call witnesses, it is their duty to question them, and they must be free to pose questions and follow lines of inquiry they believe to be relevant. Whether that belief flows from common sense, instinct, or

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something heard at another hearing, it is appropriate as a basis of inquiry, although, in the absence of an admission, not as evidence.

5. Stare decisis

Although reasons will be issued in each case, the IAP will not operate on the basis of binding precedent. All adjudicators are of equal authority, and should not consider themselves bound by each other's previous decisions. Through conferencing, adjudicators may come to a common interpretation of certain procedural issues, but each case must be determined on its own merits.

APPENDIX XI: TRANSITION FROM LITIGATION OR ADR PROJECTS, AND PRIORITIES FOR ACCESS TO THE IAP.

All IRS claimants who meet the criteria for the IAP process may move to it for the validation of their claim except:

1. Claimants who have settled their IRS claim, whether in the litigation stream or the existing DR.
2. Claimants whose claims have been dealt with at trial.
3. Claimants who have given evidence in a hearing in the existing DR.

For greater certainty, participation in unsuccessful resolution discussions with the Crown or a church in an attempt to settle claims does not preclude access to the IAP. Only where one of the above conditions applies will an application to enter the new process be rejected.

Rules for Pre-existing Evidence

Where a claimant who has given evidence in a previous IRS proceeding, whether in the form of answers to interrogatories or participation in an examination for discovery, wants to and is eligible to enter the IAP :

- (i) the record of the previous evidence must be provided to the adjudicator in the IAP, who may use it as a basis to question the claimant;
- (ii) the claimant must appear before the adjudicator to give evidence;
- (iii) the claimant may adopt their previous evidence rather than provide a narrative account at the hearing;
- (iv) the claimant is subject to questioning by the adjudicator on the same basis as other claimants.

The fact that a case is transferred from litigation where documentary rules are different does not change the kinds of documents permitted in proceedings under the IAP. For greater certainty, the only expert assessments permitted in this IAP are those conducted by an agreed-upon expert on the order of, and under the direction of, an adjudicator.

Potential for Expediting the Transfer

To expedite transition to the new system, and reduce the burden of completing an application in circumstances where the claimant has already given evidence, counsel for the Crown and the claimant should endeavour to develop an agreed statement of fact on some or all of the issues based on the evidence given.

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Phasing of Acceptance into the IAP

In considering applications to the IAP, priority will be given, in order, to:

- a) Applications from persons 70 years of age and over;
- b) Applications from persons who submit a doctor's certificate indicating that they are in failing health such that further delay would impair their ability to participate in a hearing;
- c) Applications from persons 60 years of age and older
- d) Persons who have completed examinations for discovery
- e) Persons who are applying as members of groups.

Among persons in categories d or e, above, the health of any alleged perpetrator who wishes to attend will be used to establish priority.

APPENDIX XII: FORMAT FOR DECISIONS

adjudicators must produce a report outlining and supporting their findings in each case. To help ensure consistency, fairness and efficiency, these reports must be prepared in a standard format.

The reports are primarily to explain to the parties how the adjudicator's decision was reached, but they must also support and facilitate consultation among adjudicators, a review for error at the request of the claimant, and a judicial review application by any of the parties.

The format does not contemplate a narrative exposition of the evidence heard. Instead, it requires a focus on findings, and the rationale for those findings. A transcript of the evidence will be available for claimants who wish a record of their testimony; it is not the purpose of the report to provide such a record. Similarly, the transcript will be available for a review; the evidence need not be summarized in the report for those purposes.

While an arbitrary page limit will not be set, it is expected that most reports will be in the range of 6-10 pages. The approved format is as follows:

A. Summary

1. Summary of allegations
2. Summary of conclusions

B. Decision

Where the claim was proven in whole or in part state the damages awarded. Where the claim is not established, state that it is dismissed.

C. Analysis

1. Outline each specific allegation or linked series of allegations, and set out the findings of fact pertinent to it. Do not outline the evidence as a whole.
2. In making findings for each abuse allegation or series of linked abuse allegations:
 - a. if the evidence was uncontradicted, indicate whether, and the basis on which, it was found credible or not credible, or
 - b. if there was conflicting evidence, indicate which evidence was found credible and why, and
 - c. having regard to the evidence found credible, outline whether, and the basis on which, the civil standard of proof was found to have been met, or not met.

3. Having regard to the proven allegations as a whole, outline the harms, impacts and aggravating factors found, or not found, to have been established on the civil standard of proof, along with the basis for those findings. For the proven harms and impacts, indicate whether, and on what evidence, the claimant has established a plausible link between proven harms or impacts and the proven abuse.
4. In relation to the proven acts, and the proven and plausibly-linked harms and impacts, outline the calculation of damages by indicating:
 - a. The most serious proven acts, the applicable range, and the rationale for the points assessed within the applicable range
 - b. The most serious proven harms for which a plausible link to the proven acts was established, the applicable range, and the rationale for the points assessed within the applicable range.
 - c. The proven aggravating factors, and the rationale for the percentage found appropriate.
 - d. The most serious proven opportunity loss for which a plausible link to the proven acts was established, and the rationale for the points assessed within the relevant category.
 - e. Findings and rationale for any future care damages assessed.

SCHEDULE "C"
RESIDENTIAL SCHOOLS

British Columbia Residential Schools

Ahousat
Alberni
Cariboo (St. Joseph's, William's Lake)
Christie (Clayoquot, Kakawis)
Coqualeetza
Cranbrook (St. Eugene's, Kootenay)
Kamloops
Kuper Island
Lejac (Fraser Lake)
Lower Post
St. George's (Lytton)
St. Mary's (Mission)
St. Michael's (Alert Bay Girls' Home, Alert Bay Boys' Home)
Sechelt
St. Paul's (Squamish, North Vancouver)

Alberta Residential Schools

Assumption (Hay Lake)
Blue Quills (Saddle Lake, Lac la Biche, Sacred Heart)
Crowfoot (Blackfoot, St. Joseph's, St. Trinite)
Desmarais (Wabiscaw Lake, St. Martins Wabiscaw)
Edmonton (Poundmaker, replaced Red Deer Industrial)
Ermineskin (Hobbema)
Holy Angels (Fort Chipewyan)
Fort Vermilion (St. Henry's)
Joussard (St. Bruno's)
Lac La Biche (Notre Dame des Victoires)
Lesser Slave Lake (St. Peter's)
Morley (Stony/Stoney, replaced McDougall Orphanage)
Old Sun (Blackfoot)
Sacred Heart (Peigan, Brocket)
St. Albert (Youville)
St. Augustine (Smokey River)
St. Cyprian (Victoria Home, Peigan)
St. Joseph's (High River, Dunbow)

St. Mary's (Blood, Immaculate Conception)
St. Paul's (Blood)
Sturgeon Lake (Calais, St. Francis Xavier)
Wabasca (St. John's)
Whitefish Lake (St. Andrew's)

Saskatchewan Residential Schools

Beauval
File Hills
Gordon's
Lac La Ronge (see Prince Albert)
Lebret (Qu'Appelle, Whitecalf, St. Paul's High School)
Marieval (Cowessess, Crooked Lake)
Muscowequan (Lestock, Touchwood)
Onion Lake Anglican (see Prince Albert)
Prince Albert (Onion Lake, St. Alban's, All Saints, St. Barnabas, Lac La Ronge)
Regina
Round Lake
St. Anthony's (Onion Lake, Sacred Heart)
St. Michael's (Duck Lake)
St. Philip's
Sturgeon Landing (replaced by Guy, MB)
Thunderchild (Delmas, St. Henri)

Manitoba Residential Schools

Assiniboia (Winnipeg)
Birtle
Brandon
Churchill Vocational Centre
Cross Lake (St. Joseph's, Norway House)
Dauphin (replaced McKay)
Elkhorn (Washakada)
Fort Alexander (Pine Falls)
Guy (Clearwater, The Pas, formerly Sturgeon Landing, SK)
McKay (The Pas, replaced by Dauphin)
Norway House (Teulon)
Pine Creek (Campeville)
Portage la Prairie
Sandy Bay

Ontario Residential Schools

Bishop Horden Hall (Moose Fort, Moose Factory)
Cecilia Jeffrey (Kenora, Shoal Lake)
Chapleau (St. Joseph's)
Fort Frances (St. Margaret's)
McIntosh (Kenora)
Mohawk Institute
Mount Elgin (Muncey, St. Thomas)
Pelican Lake (Pelican Falls)
Poplar Hill
St. Anne's (Fort Albany)
St. Mary's (Kenora, St. Anthony's)
Shingwauk
Spanish Boys' School (Charles Garnier, St. Joseph's)
Spanish Girls' School (St. Joseph's, St. Peter's, St. Anne's)

Quebec Residential Schools

Amos
Fort George (Anglican)
Fort George (Roman Catholic)
La Tuque
Point Bleue
Sept-Iles

Atlantic Residential Schools

Shubenacadie

Nunavut Residential Schools

Chesterfield Inlet (Joseph Bernier, Turquetil Hall)

Northwest Territories Residential Schools

Akaitcho Hall (Yellowknife Vocational School)
Aklavik (Immaculate Conception)
All Saints (Aklavik)
Coppermine (Tent Hostel)
Fort McPherson (Flemming Hall)
Fort Providence (Sacred Heart)
Fort Resolution (St. Joseph's)
Fort Simpson (Bombas Hall)

Fort Simpson (Lapointe)
Fort Smith (Breyant Hall)
Grollier Hall (Sir Alexander McKenzie Day School)
Hay River (St. Peter's)
Stringer Hall

Yukon Residential Schools

Carcross (Chooulta)
Yukon Hall (Whitehorse/Protestant Hostel)
Coudert Hall (Whitehorse Hostel/Student Residence - replaced by Yukon Hall)
Whitehorse Baptist Mission

SCHEDULE "D"
ADDITIONAL RESIDENTIAL SCHOOLS

Great Whale River
Port Harrison
George River
Panniqtuuq/Pangnirtang
Broughton Island/Qikiqtarjuaq
Cape Dorset/Kinngait
Eskimo Point/Arviat
Igloolik/Iglulik
Baker Lake/Qamani'tuaq
Pond Inlet/Mittimatalik
Cambridge Bay
Shingle Point
Lake Harbour
Belcher Islands
Payne Bay
Fort Smith - Grandin College

SCHEDULE "E"

TRUTH AND RECONCILIATION PRINCIPLES

Principles

The process will be guided by the following principles established by the Working Group on Truth and Reconciliation and Exploratory Dialogues in 1998-99 including: accessible; victim-centered; confidentiality (if required by the survivor); do no harm; health and safety of witnesses; representative; public/transparent; accountable; open and honourable process; comprehensive; inclusive; educational; holistic; just and fair; respectful; voluntary; flexible; and forward looking in terms of rebuilding and renewing the relationship between Aboriginal and non-Aboriginal Canadians.

The Truth and Reconciliation Commission will report to the Canadian public what happened in Indian Residential schools attended by First Nations, Inuit and Métis children, and the lasting legacy of these institutions.

Objectives

The goal is to develop a truth and reconciliation model that achieves or recognizes the following principles:

- Reconciliation is a process that will be ongoing on an individual level. It will require involvement from all affected institutions and individuals including former IRS students, their families, communities, religious entities, government and the people of Canada
- As complete an historical record as possible will be compiled of the IRS system and legacy. It will be archived and made accessible for future study and use
- The process should promote awareness and public education of Canadians about the IRS system and its impacts on human dignity on former IRS students
- Provide survivors and their family members with an opportunity to tell about their Residential School experience and the impact of Residential School in a culturally appropriate, safe forum

Composition

The truth and reconciliation body will have the following structure:

Indian Residential School Survivor Committee

- Composed of 10 representatives of various Aboriginal organizations, regions and survivor groups reflecting the percentage representation in Indian Residential schools (as defined in the Agreement in Principle)
 - Advise on the criteria for the community processes
 - Advise the commissioners on issues relating to the processes

Commission

- Composed of three commissioners. One of the three will be appointed Chairperson of the Commission. Appointments will be made out of a pool of candidates nominated through a board or committee that is comprised of former students, Aboriginal organizations, churches and government. Commissioners are not required to have any particular background but rather will be selected for their stature, respect, honesty and integrity. They need not be aboriginal although consideration should be given to having at least one of the three members as an Aboriginal person. The final decision will be determined by the Executive branch of the Federal Government in consultation with the AFN.

Regional Liaisons

- The national commission will liaise with regional representatives. These representatives will assist in the planning of the national events and act as liaisons for the communities in the region, to assist in planning the community reconciliation events, provide continuity on the national level and reporting mechanisms and assistance for community events.

Powers

The truth and reconciliation process is committed to the principle of voluntariness with respect to all participants.

The preferred mechanism for obtaining information and documents from all sources is through voluntary cooperation. In order to ensure the efficacy of the truth and reconciliation process, Canada and the churches will provide all relevant documents to and for the use of the Truth and Reconciliation Commission, subject only to overriding concerns about the privacy interests of an individual. In such cases, researchers for the Commission shall have access to such documents provided privacy is respected.

Parameters of the process

Timeline

Two year period for the following:

- The commission must prepare a budget within three months from being launched, under a budgetary cap provided in the Agreement in Principle
- Research and production of report on historic findings and recommendations after two years
- All national events completed within 2 years with the possibility of a six month extension.

Total of five year mandate required for the following:

- Completion of the community reconciliation events and statement taking

- Establishment of a research centre and archive to act as a resource for all Canadians, researchers and educational facilities who wish to include this historic material in curricula.
- Notwithstanding the five year mandate, survivors will be permitted to file a personal statement in the archive with no time limitation

Events

National Events

There will be seven national events in the different regions across the country where residential schools were situated. These national events will achieve the following purposes:

- sharing information from the communities
- providing context for the CEP
- engaging and educating the public through mass communications, and
- empowering former IRS students.

These events are a key mechanism through which the reconciliation process will engage the Canadian public and provide education about the IRS system, the experience of students and the lasting legacies of the institutions.

There would be certain components to the national event that would be consistent across communities. These common components are as follows:

- Each event will provide an opportunity for a sample number of former students and family members to share their experiences and for some communities in the regions to share their experiences as they relate to the impacts on communities and share insights from their community reconciliation processes. The events might provide opportunities for support and sharing of information between former students, communities, experts and church and government institutions.
- High level government officials and church officials would be present to participate in and bear witness at the final ceremony.
- Health supports and trauma experts during and after the ceremony for any witnesses and participants.
- Ceremonial transfer of knowledge in the form of transcripts of individual statements or community reports/statements to the commissioner
- Analysis of the short and long term legacy of the IRS system on individuals, institutions and groups as well as the intergenerational impacts of the IRS system

Community Events

Criteria for these processes will be developed by the national body during the first stages of the process, in consultation with the Survivor Committee. The criteria will be consistent with the mandate, objectives, and guiding principles and commitments of the process. Within these parameters communities will submit plans for their process to the

truth and reconciliation national body and receive funding for the processes within the limits of the body's budgetary capacity.

Community reconciliation/truth-sharing processes will not replace the individual statement-taking process or the national events. They are an opportunity for communities to create an appropriate and helpful community event around the individual truth-sharing process: These events will achieve the following:

- Provide a safe, supportive and non-interrogatory environment for individual statement-taking organized by the commission
- Empower the communities by encouraging the development of their own reconciliation practices
- Develop collective narratives about the impact of the IRS system on families and communities
- Create a record or statement of the community narratives for inclusion in the historical report including truths, insights and recommendations
- Educate the public and foster better relationships with local communities
- Allow for the participation from high level government and church officials

Resources

The budget for the truth and reconciliation process will be \$60 million.

SCHEDULE "F"
INUIT AND INUVIALUIT SCHOOLS
TO BE RESEARCHED

Frobisher Bay/Iqaluit
Coral Harbuor/Saglik
Spence Bay
Clyde River/Kamgiqtugaapik
Gjoa Haven
Port Burwell/Killinik Island
Thom Bay
Fort Chimo
Puvirmituq
Sugluk
Quartaq
Leaf Bay

SCHEDULE "G"
AIP IMPLEMENTATION

1. The parties agree to the implementation of this Agreement in Principle in the following manner.
2. The parties agree that they will seek to implement the AIP in accordance with the following schedule of target dates:
 - First Government Approval (November 23-24, 2005)
 - Informal/Preliminary Communication with Regional Judges (November 25, 2005)
 - Joint Press Release by Federal Government, AFN, Merchant, Baxter, other parties immediately following the announcement of the Prime Minister
 - Drafting of settlement agreement and related documentation including (January 31, 2006)
 - Settlement agreement;
 - Release;
 - Forms of orders;
 - Class composition;
 - Common issues;
 - Litigation Plan; and
 - Pleadings
 - Second (Final) Cabinet Approval (March 31, 2006)
 - Draft Motion Material – certification and settlement (March 31, 2006)
 - Further Informal Communication with Regional Judges (April 3, 2006)
 - Memorandum outlining proposed settlement
 - Provide draft Certification and Settlement Approval Materials
 - All Regional Judges teleconference (April 14, 2006)
 - Schedule approval hearings
 - Coordinate dates for rendering final orders
 - Discuss draft Motion Materials and amend as necessary
 - File Motion Materials in all regions (May 1, 2006)
3. The parties agree that all existing proposed class action statements of claim will be amended to create a common omnibus statement of claim incorporating a generic style of cause in which the churches will be named as defendants.
4. There will be no requirement for any defendant to file a defence.

