

## **CHIEF ADJUDICATOR DIRECTIVE 8**

### **CANADA'S ADMISSIONS OF STAFF KNOWLEDGE / SUPERVISION IN CASES OF ALLEGATIONS OF STUDENT ON STUDENT ABUSE**

#### **Background:**

The IAP Model states, at page 30:

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

#### **Rationale:**

The parties recognize the importance of transparency and a system for disclosures of Canada's admissions of IRS staff (a) knowledge of student on student abuse; and (b) supervision.

#### **Directive:**

1. In fulfilling its responsibilities with respect to admissions noted above, Canada will continue to provide admissions of staff knowledge and supervision in respect of the Indian Residential School in question for evidentiary packages provided to the Secretariat, Adjudicators and Claimant Counsel. Only admissions that are concurrent with or pre-date the allegations of abuse (or if dates of allegations are unclear then pertaining to the dates of the claimant's attendance) will be disclosed for consideration at the hearing or as part of the Negotiated Settlement Process: subject to this consideration, Canada will provide its complete admissions, with reference to the source of such admissions.
2. Should any new admissions as described in paragraph 1 become available before the release of the Decision or the entering into of a settlement under the Negotiated Settlement Process, Canada will supply such admissions to Case Management (for inclusion as part of the evidentiary package), Claimant Counsel and the Adjudicator, if any, assigned to the file.

3. In addition, Canada will share the Master List of all Admissions for all Indian Residential Schools with the Chief Adjudicator, who will distribute same to all Adjudicators. This Master List will be updated by Canada and shared with the Chief Adjudicator as new Admissions are added.
4. Adjudicators will undertake to keep this Master List confidential and not to share it with others, except as provided for in this Practice Directive.
5. At the request of Claimant Counsel or on the Adjudicator's own motion, an Adjudicator will compare Canada's admissions in the evidentiary package with the Master List to determine whether the admissions provided in the case may be incomplete. The Adjudicator may make such ruling in that regard as he or she deems appropriate, after providing the parties an opportunity to make submissions. Further admissions that the adjudicator considers may have potential relevance to the claim, whether provided to the parties for the purposes of allowing them to make submissions on the issue, or added by the adjudicator to the evidentiary package in the case after receiving such submissions, are subject to:
  - a) the usual undertaking on the part of Claimant Counsel not to circulate or use the admission(s) thereby provided except for the purposes of that particular case; and
  - b) the usual requirements of a confidentiality agreement signed by the Claimant.

This is a new Chief Adjudicator Directive.

*(Approved by IAPOC 9/21/10)*