

In the matter of the Cornwall Public Inquiry

**PHASE 1 WRITTEN SUBMISSIONS ON BEHALF OF THE
CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO**

EMOND#HARDEN LLP
Glebe Chambers, 707 Bank Street
Ottawa, ON K1S 3V1
Tel: (613) 563-7660
Fax: (613) 563-8001

Jennifer E. Birrell

Counsel for the Catholic District
School Board of Eastern Ontario

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I. OVERVIEW

1. On October 3, 2006, Commissioner G. Normand Glaude granted the Catholic District School Board of Eastern Ontario (the “CDSBEO” or the “Board”) full standing for Part I and Part II of the Cornwall Public Inquiry (“CPI”), limited to those issues that directly affected the Board’s interests.

2. The Board did participate in Phase I of the Inquiry with respect to witnesses who gave evidence on matters concerning the Board. Further, the Board presented evidence of the Board’s institutional response by way of a Factual Overview, which was marked as Exhibit 3336 and read into the record on January 28, 2009. The Board requests that the Commission take into consideration the Factual Overview in making its findings and recommendations. The Board relies on the Order-in-Council dated April 15, 2005, which provides that the Commission may refer and rely on factual overview reports prepared by any party, which would necessarily include Exhibit 3336.

3. The CDSBEO submits that the evidence from Phase I demonstrates that educational institutions such as the CDSBEO face a significant challenge in addressing historical allegations of abuse. Specifically, the circumstances in which the alleged abuse occurs and the reluctance of the alleged victims to bring matters forward to the educational institutions for action creates a significant barrier to an institutional response. The Board looks forward to receipt of the

Commission's recommendations which would assist in removing any barriers to having allegations of abuse addressed promptly and thoroughly by the appropriate institutions.

4. The following constitutes the Board's written submissions which are restricted to issues and evidence raised during the course of Phase I of the Cornwall Public Inquiry (CPI) concerning the CDSBEO's response to historical allegations of abuse. The Board will not be making any oral submissions.

II. CATHOLIC DISTRICT SCHOOL BOARD

5. During the course of Phase I evidence, the Catholic District School Board of Eastern Ontario ("CDSBEO" or "the Board") presented evidence to describe its geographic and statutory jurisdiction in light of the recent reorganization of school boards within the province following Bill 104, the *Fewer School Boards Act* S.O. 1997, c. 3.
6. In particular, Dr. Donaleen Hawes, a Superintendent of Education for the Board, gave evidence at the CPI and described, through reference to various corporate records, the history of the Board, the establishment and creation of new District School Boards and the transfer of assets and liabilities, including schools and employees following Bill 104 from the predecessor Boards to the newly created District School Boards.

Reference: CPI Transcript, September 12, 2007, evidence of Dr. Donaleen Hawes.

Exhibit 640-Book of Documents

7. Prior to amalgamation, the former Stormont, Dundas and Glengarry County Roman Catholic Separate School Board was responsible for both French and English Language instruction in Roman Catholic Schools in Cornwall.
8. Pursuant to Bill 104, the CDSBEO was established as a District School Board in 1998 and was the successor to the English sections of the former Stormont, Dundas and Glengarry County Roman Catholic Separate School Board, the Lanark, Leeds and Grenville County Roman Catholic Separate School Board, and the Prescott-Russell County Roman Catholic English-Language Separate School Board. The French Sections of the predecessor Boards was transferred to the “Conseil Scolaire de District Catholique de l'Est Ontarien” (“CSDCEO”).
9. The newly created CDSBEO became responsible for English language instructions in elementary and secondary Roman Catholic Separate Schools in Cornwall. Schools within the newly created CDSBEO in Cornwall included:
 - Bishop Macdonell Separate School
 - Holy Trinity Catholic Elementary School

- Holy Trinity Catholic Secondary School
- Immaculate Conception Separate School
- Sacred Heart School
- St Anne's School
- St Columban's Catholic Elementary School
- St Joseph's Secondary School
- St Matthew Catholic Learning Centre
- St Peter's School

Reference: Exhibit 640-Book of Documents

10. Schools within the newly created CSDCEO included l'école élémentaire catholique Marie-Tanguay, l'école élémentaire catholique Notre-Dame, l'école secondaire catholique La Citadelle, l'école élémentaire catholique Sainte-Thérèse and l'équipe Psycho-Sociale Centre de jour.

11. Further, on January 1, 1998, every employee of a predecessor board became an employee of one of the newly established District School Boards. By way of example, employees of the former SD&G Catholic Board received notices of their new assignments by way of letter dated December 1, 1997 and were transferred to either the CDSBEO or the CSDCEO.

Reference: Exhibit 3344

III. Allegations by Former Students

12. The CPI heard from witnesses who were former students of the former Stormont, Dundas and Glengarry County Roman Catholic Separate School Board (“SD&G Catholic Board”) who alleged abuse by their former teachers.

(i) David Silmser

13. Mr. Silmser alleged abuse by his former grade 8 teacher, Mr. Marcel Lalonde and others.

14. In his evidence, Mr. Silmser identified that he had been a pupil of the following schools within the SD &G Catholic Board: St. Anne’s, St. Columban’s and Bishop Macdonell schools. Mr. Silmser’s final year within the former SD&G Catholic School Board was the 1971-72 school year. In the fall of 1972, Mr. Silmser transferred to CCVS, a public school Board.

Reference: CPI Transcript, Evidence of Mr. Silmser on January 29, 2007, at pages 35-36.

15. With respect to his allegations against Marcel Lalonde, Mr. Silmer indicated that the alleged abuse took place at Mr. Lalonde’s home.

**Reference: CPI Transcript of January 29, 2007, at pages 46-47, Evidence
Mr. Silmsler.**

16. At that time, Mr. Silmsler did not report his allegations of abuse to the Board.

Reference: Exhibit 278 and Exhibit 316

17. Eventually, as an adult, Mr. Silmsler did speak with institutions including the Children's Aid Society ("CAS"). By way of letter dated July 28, 1994, the CAS requested further information concerning the allegations against Mr. Lalonde and suggested that Mr. Silmsler might share his "concerns with the relevant school Board". No such action was taken.

**Reference: CPI Transcript of January 30, 2007, at page 176-177, Evidence
Mr. Silmsler.**

Exhibit 721641, bates page 7081136 and Exhibit 277

18. It is respectfully submitted that the allegations against Mr. Lalonde were not brought forward to the Board by the alleged victim or otherwise. Accordingly, the Board was precluded from responding to Mr. Silmsler's allegations of abuse and taking any actions with respect to the teacher.

(ii) Ron Leroux

19. Mr. Leroux attended St. Columban's Boys' school from 1952-59.
20. Mr. Leroux alleged that he was abused by visiting priests while in grade 4/5 during confession at St. Columban's school.

Reference: CPI Transcript of June 26, 2007, at pages 75, Evidence Mr. Leroux.

21. At the CPI, Mr. Leroux alleged that at the time of the abuse, he told his father and "Brother John", the Vice-Principal or Principal of the school of his alleged abuse. Mr. Leroux suggested that he was given the strap when he disclosed the allegations to Brother John.

Reference: CPI Transcript of June 26, 2007, at pages 106-107 and 110, Evidence Mr. Leroux

22. However, Mr. Leroux also indicated that after he disclosed allegations to his father, his father reported to him that he had spoken with Brother John and Brother John had "said he would look out for [Ron Leroux]".

Reference: CPI Transcript of June 26, 2007, at pages 111, Evidence Mr. Leroux

23. Mr. Leroux' statement under oath at the CPI was contrary to a written "Witness Statement" signed October 10, 1996 wherein Mr. Leroux stated:

"I thought of telling Brother John at the school, but decided not to. I did tell my father, and he said, 'you are lying. These are men of the cloth."

Reference: Exhibit 563, Bates page 7070996

24. In a further written statement signed by Mr. Leroux and dated December 4, 1996, while Mr. Leroux referenced allegations of abuse surrounding confession and made note of a "Brother John" being the principal of the school; there is no reference anywhere in the document to having reported the matter to the school or to Brother John.

Reference: Exhibit 720040

25. In a videotaped interview with the Ontario Provincial Police ("OPP") and his legal counsel on February 7, 1997, Mr. Leroux again stated that his father's response to the allegations was "Oh they're men of the cloth, they wouldn't do

that”. There was no mention during the course of the interview with the OPP of any report of allegations of abuse to Brother John.

Reference: Exhibit 572, at Bates page 7048566.

26. The Board had no records dating back to the time of these events or the identity of “Brother John”.
27. The Board submits that the witnesses own evidence with respect of reports of allegations to the Board is so conflicting and so unreliable that it should not support any findings concerning the sufficiency of the Board’s institutional response.

(iii) Kevin Upper

28. Kevin Upper [C-6] was born in May of 1957 and was a student in the former English Sections of the SD&G Board. He attended St. Columban’s elementary school from kindergarten to grade 6 and thereafter, he attended Bishop Macdonell for grades 7 and 8. He left the Catholic system and attended grades 9 through 12 at the public school, St. Lawrence High School.

Reference: CPI Transcript of May 31, 2007, at pages 121-122, Evidence Mr. Upper.

Exhibit 3336, paragraph 48.

29. According to Mr. Upper, no abuse or alleged abuse took place during the Grade 8 year. Rather, during that school year, there was a normal student-teacher relationship in that environment during that school year. Other than class activities, such as a bottle drive and a car wash, there were no visits outside of school in Grade 8.

Reference: CPI Transcript of May 31, 2007, at pages 275, Evidence Mr. Upper.

30. Mr. Upper has alleged two separate incidents of abuse by his former teacher. Both incidents occurred at Mr. Lalonde's home. The first incident occurred during his grade 9 school year after Mr. Upper had left Bishop Macdonell and was no longer a student of Mr. Lalonde's. The second incident followed "maybe within the year". At that time, Mr. Upper was "fifteen (15) going on 16" and in high school, after Mr. Upper had left Bishop Macdonell and was no longer a student of Mr. Lalonde's.

Reference: CPI Transcript of May 31, 2007, p. 128, 129-130, 133, 135 and 276, Evidence Mr. Upper.

31. At the time, Mr. Upper told no one about either incident. He specifically did not advise the School Board of his allegations. The first time he told anyone of the alleged abuse was many years later when he told his wife.

Reference: CPI Transcript of May 31, 2007, p. 135, 138, 276. Evidence Mr. Upper.

32. Mr. Upper did report allegations to the Cornwall Police Services (“CPS”) on February 3, 1997. Mr. Lalonde was later arrested on April 29, 1997.

Reference: CPI Transcript of May 31, 2007, p. 138, 153-154, 262, 265, Evidence Mr. Upper. Exhibit 494

33. On the date of his arrest, the CPS contacted the CDSBEO to advise that Mr. Lalonde was arrested and charged with 16 counts of sexual assault and was being held on bail. At that time, Mr. Upper was not identified to the Board as one of Mr. Lalonde’s alleged victims.

Reference: Exhibit 3369.

34. The Board did request that the police provide copies of the April 29, 1997 charges against Mr. Lalonde. The Board was advised that due to privacy legislation, the

police could not provide these charges to the Board; however, the Board could obtain copies from the courthouse. The Board did attend the courthouse and obtain these copies; however, the victim names were blacked out.

Reference: Exhibit 3374, 3370, 3371.

35. On receipt of this information from the CPS, two Board representatives (Kevin Lydon, Lina Willsher), met with Marcel Lalonde's union representative on April 30, 1997 to discuss the new charges. At that time, Mr. Lalonde had been removed from classroom duties due to other criminal charges pending.

Reference: Exhibit 3373

(iv) Marc Latour

36. Marc Latour attended St. Peter's Catholic School From 1964 – 1971. Mr. Latour was assigned to Mrs. Gosselin's class for grades 2 and 4 (1966/67 and 1968/69 school years) and to Mr. Gilf Greggain's class for grades 3 and 6 (1967/68 and 1970/71 school years)

Reference: Exhibit 369.

37. Following St. Peter's, Mr. Latour attended Bishop Macdonell for part of grade 7. Thereafter, he left the SD&G Separate School Board and attended reform school in Alfred and St. Lawrence High School.

**Reference: CPI Transcript of March 26, 2007, p. 13-14, Evidence Marc Latour.
Exhibit 494**

38. Mr. Latour alleged that he was sexually abused in 1967 while in Grade 3 at St. Peter's school in Cornwall, by his former Grade 3 teacher, Mr. Giff Greggain. At that time, he was approximately eight years old.

Reference: CPI Transcript of March 26, 2007, p. 12, Evidence Marc Latour.

39. According to Mr. Latour's evidence, the alleged abuse took place after school while he and Greggain were alone in the classroom and there was "never anyone else present". At that time, Mr. Latour "never told anybody" about the alleged abuse.

Reference: CPI Transcript of March 26, 2007, p. 39, and March 27, 2007, at p. 16-17, Evidence Marc Latour.

40. According to Mr. Latour, the allegations of sexual abuse, were never raised with the school board at any time, back in the 60s, up until this Inquiry.

Reference: CPI Transcript of March 27, 2007, p. 119, Evidence Marc Latour.

41. Mr. Latour stated that the alleged abuse ended when his father discovered him after school one day. At that time, he did not tell his father about the alleged sexual abuse, only that “he keeps hurting me.” According to Mr. Latour, he “never told my father what happened to me”.

Reference: CPI Transcript of March 26, 2007, p. 40. and March 27, 2007, p. 124, 125, Evidence Marc Latour.

42. What followed, according to Mr. Latour, was a confrontation between Mr. Latour’s father and Mr. Greggain in the classroom. Mr. Latour could not recall if he was present for the discussions or if he was in the hallway. Other than Mr. Latour himself, there were no others present. It was a “private meeting” between Mr. Greggain and his father. The principal was not present.

Reference: CPI Transcript of March 26, 2007, p. 41 and March 27, 2007, p. 127, Evidence Marc Latour.

43. There was “no discussion in that confrontation, between the teacher and [his] father, about sexual abuse”.

Reference: CPI Transcript of March 27, 2007, p. 126, Evidence Marc Latour.

44. Several days later, a meeting was held between Mr. Latour, his mother and the principal. While Mr. Latour did not know how the meeting came about, the purpose of the meeting was to discuss Mr. Latour’s refusal to attend school. His father, who was present for the exchange with Mr. Greggain, did not attend the meeting.

Reference: CPI Transcript of March 27, 2007, p. 129, Evidence Marc Latour.

45. There were no discussions during that meeting with the principal of allegations of physical or sexual abuse. The purpose of the meeting was simply to get Mr. Latour back to school. Mr. Latour returned to the classroom without incident.

Reference: CPI Transcript of March 27, 2007, p. 130, Evidence Marc Latour.

Reference: CPI Transcript of March 26, 2007, p. 41 and 42, Evidence Marc Latour.

46. Mr. Latour was adamant in his evidence that his grade two (2) teacher, Mrs. Gosselin was not his grade four (4) teacher. Mrs. Gosselin was described as a trusted individual who was looking out for Mr. Latour. However, the daily attendance records show that Arice Gosselin was his teacher in September 1966 and again in 1968.

Reference: Exhibits 369, 3387, 3390.

47. Mr. Latour also believed that some time later, he attended a further meeting with the principal and his mother to discuss his teacher assignment for Grade 6, Mr. Greggain. According to Mr. Latour, the principal at that second meeting was one and the same as the principal in grade 3, Mr. Beaudette.

Reference: CPI Transcript of March 27, 2007, p. 3-4 and 135, Evidence Marc Latour.

48. However, while the principals for Mr. Latour's grade 3 and grade 6 school years shared the same surname, the principal at St. Anne's for the 1967/68 school year, Mr. Percy Beaudette, left St. Anne's school in 1970. Charles Beaudette became the principal of St. Anne's for the 1970/71 school year.

Reference: Exhibit 369, 3385 and 3386.

49. Mr. Latour did not tell Mr. Charles Beaudette of his allegations concerning events in grade 3. Further, Mr. Latour had no knowledge of what his mother told the principal either prior to or at their meeting. His understanding when he left the meeting was simply that he would “not be hurt” by his teacher.

Reference: CPI Transcript of March 27, 2007, p. 135 and 136, Evidence Marc Latour.

50. Mr. Latour had a “great year” and an “excellent year” in grade 6 when he was taught by Mr. Greggain for the 1970-71 school year. According to Mr. Latour, he had no detentions, and Mr. Greggain “was a great teacher for Grade 6. He involved me in all the sports programs.”

Reference: CPI Transcript of March 27, 2007, p. 4, Evidence Marc Latour.

51. Mr. Latour’s allegations were first reported to an institution in 2000 when Mr. Latour spoke with Sergeant Carroll of the Cornwall Police Services on June 23, 2000.

Reference: CPI Transcript of March 26, 2007, p. 33, Evidence Marc Latour.

Exhibit 358B

52. During that meeting, Mr. Latour was asked by CPS about the identity of the principal in grade 3 and he indicated that he didn't remember.

Reference: CPI Transcript of March 27, 2007, p. 32, Evidence Marc Latour.

Exhibit 358B

53. While the investigation was subsequently put on hold at Mr. Latour's request in August 2000, the matter was again re-opened on March 19, 2001. Mr. Latour was again asked at that time about his principal in grade 3 and he again indicated that he "didn't know".

Reference: CPI Transcript of March 27, 2007, p. 32. 33-34, Evidence Marc Latour.

Exhibit 358B, 359

54. On March 28, 2001, Cornwall Police Services sent a fax to Carol Flaro requesting information concerning Marc Latour's grade and teacher assignments while Marc Latour attended St. Peter's school. The request included Mr. Latour's consent and authorization for disclosure. The request did not indicate that the police were

making allegations of abuse as against Mr. Greggain or any other teacher of the Board.

Reference: Exhibit 3392

55. By way of letter dated May 9, 2001, the Director of Education of the CDSBEO confirmed that Marc Latour's name appeared in the Daily Register for Elementary Schools of St. Peter's School in Room 5 in September 1967 and the teacher's name was G. Greggain.

Reference: Exhibit 1681

56. At the time of the request, Mr. Greggain was not actively at work at the CDSBEO

Reference: Exhibit 3336, paragraph 34

57. When questioned by CPS about the matter, Mr. Greggain noted that during the relevant time frame, "the strap was still in the school". Further, while he may have disciplined a student, he "never put anyone over [his] knee" for a spanking.

Reference: Exhibit 1686B

58. In his evidence at the CPI, Sergeant Carroll did not state or suggest that CDSBEO was advised of Mr. Latour's allegations or of the CPS' investigation.

Reference: CPI Transcript of March 20-21, 2007, p. 34, Evidence Sergeant Jeff Carroll.

59. It is respectfully submitted that the Board could not have known of any allegations of inappropriate contacts between Mr. Greggain and Mr. Latour. No one was present at the time of the alleged abuse and none of the allegations of sexual abuse were brought to the attention of the Board by the student, parents or external investigating agencies. As Mr. Latour's parents were not, at that time, aware of the allegations, they could not have brought these matters forward to the Board.

60. With respect to his comments of receiving assurances that he would not "be hurt" it is unclear of the context insofar as no allegations of physical or sexual abuse were ever discussed. Further, Mr. Latour maintained that his allegations were never shared with his parents, his teachers or his Principals.

Part IV - CDSBEO's Response to Historical Allegations of Abuse

(a) Allegations Against Former Staff:

(i) Marcel Lalonde

61. While the complainants themselves did not report their allegations directly to the Board, the Board was advised through discussions with the OPP, and subsequently the CPS, of criminal charges against Mr. Lalonde. It is submitted that the CDSBEO acted cautiously and quickly by removing the teacher from the classroom pending disposition of the charges.
62. Specifically, the Board did not receive any notice of allegations of abuse concerning Marcel Lalonde until contacted by the police in late 1996. Prior to that time, Marcel Lalonde had no criminal record and had not been convicted of a criminal offence.

Reference: Exhibit 3362

63. Specifically, the OPP contacted the Board to give notice of its intention to charge Marcel Lalonde on January 7, 1997 for indecent assault against a minor contrary to the 1972 Criminal Code. None of the charges concerned actions at school or during school sponsored activities.

Reference: Exhibit 3336, paragraph 6, Exhibit 3362

64. Mr. Lalonde was immediately relieved of teaching duties and advised not to report for work until further notice. While Marcel Lalonde requested a re-assignment within the Board, this request was not granted by the Board.

Reference: Exhibit 3336, paragraph 9-11, Exhibit 3362, 3361 and 3364

65. The actions of removing Mr. Lalonde from the classroom was consistent with the protocol, as described in the evidence of Dr. Donaleen Hawes, a superintendent of schools for the CDSBEO. Specifically, Dr. Hawes noted that where allegations of abuse or sexual abuse were made as against a teacher, the Board would be required to remove that teacher from the classroom.

Reference: CPI Transcript of September 12, 2007, at pages 37, Evidence Dr. Hawes.

66. The Board worked cooperatively with the police to share information to the extent permitted by law. The Board made significant efforts to obtain information through the police, the accused and the Crown.

Reference: Exhibit 3336, paragraph 12, 13, 15, 1617, 19, 21 and 22 and the various exhibits referenced therein.

67. The Board did not receive disclosure of the names of the alleged victims by the police, Mr. Lalonde or his union representatives.

68. Prior to the disposition of charges, the Board was in receipt of Mr. Lalonde's resignation from the Board which was accepted at its meeting on November 21, 2000.

Reference: Exhibit 3336, paragraph 21, Exhibit 3348 and 3350.

69. The Catholic District School Board of Eastern Ontario advised the Registrar and Chief Executive Officer of the Ontario College of Teachers of Mr. Lalonde's criminal conviction by way of letter dated November 28, 2000. In reporting matters to the College of Teachers, the Board relied on information available through the media.

Reference: Exhibit 3336, paragraph 25, Exhibit 3349

70. In February of 2002, Marcel Lalonde was found guilty of professional misconduct by a panel of the Discipline Committee of the Ontario College of Teachers and his certificate of Qualification and Certificate of registration was revoked.

Reference: Exhibit 3336, paragraph 27, Exhibit 3383

71. The Board was precluded from undertaking its own investigation. By way of letter dated June 13, 2001, the Board advised that "these individuals came forward

as a result of the police investigation and did not present themselves to our Board.”

Reference: Exhibit 3336, paragraph 26, Exhibit 3353

(ii) Gilf Greggain

72. In contrast, no allegations of abuse or sexual abuse were brought to the Board’s attention until this Inquiry. At that time, Mr. Greggain had retired from the Board.

73. Specifically, unlike the previous example, there is nothing in Mr. Greggain’s employee file at the Board to suggest any allegations of inappropriate conduct.

74. Rather, his employment record indicates that Mr. Greggain received his Ontario Teaching Certificate in June 23, 1967 and his certificate remained in good standing until April 30, 2003 at which time it was suspended for non-payment of fees.

Reference: Exhibit 3336, paragraph 28, Exhibit 3384

75. Mr. Greggain was last actively at work in January of 2001, following which he began his sick leave and did not return to the Board.

Reference: Exhibit 3336, paragraph 34, Exhibit 3346 and 3338

76. There has been no contact with the Board by any institution concerning allegations of abuse/sexual abuse or of any inappropriate interactions with students.
77. Further, when the Board was contacted concerning student records for Mr. Latour, the request did not disclose that it was part of an investigation into allegations of historical abuse.
78. We further note that there is nothing exception in obtaining individual written consents in support of a request to disclose school records to third parties. Specifically, under the Education Act, R.S.O. 1990 c. E.2, “pupil records” are deemed to be privileged documents and individual consent is required to disclosed the contents of school records to someone other than a pupil or, in the case of a minor, the pupil’s parent or guardian. Subsection 266(2) of the *Education Act* provides:

A [pupil] record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record

- (a) *subject to subsections (2.1), (3), (5), (5.1), (5.2) and (5.3), is not available to any other person; and*
- (b) *except for the purposes of subsections (5), (5.1), (5.2) and (5.3), is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record, without*

the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil.

79. Further, the provisions of subsection 266(2) of the *Education Act* are applicable to historical records. Subsection 266(12) provides:

This section...applies with necessary modifications to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972.

80. Accordingly, there was no basis on which the Board knew or could have known of allegations of abuse as against its teacher, Mr. Greggain.

(iii) Others

81. Lucien Labelle was not employed by the CDSBEO or the former English section of the former Stormont, Dundas and Glengarry County Roman Catholic Separate School Board. The CDSBEO has no employee files for Mr. Labelle.

Reference: Exhibit 3336, paragraph 36.

82. Nelson Barque was not employed by the CDSBEO or the former English section of the former Stormont, Dundas and Glengarry County Roman Catholic Separate School Board. The CDSBEO has no employee files for Mr. Barque.

Reference: Exhibit 3336, paragraph 37.

83. At the Inquiry, there were examples of Board staff reporting concerns to the CAS. By way of example, Tannis Girard, a former principal of a school in Chesterville, contacted the CAS with respect to concerns about one of her pupils and Jean Luc Leblanc.

Reference: Exhibit 2333

V. Summary

84. The CDSBEO respectfully submits that the evidence demonstrated that the Board complied with its obligations in law with respect to reporting allegations of abuse.
85. Where allegations were made as against teachers, these allegations generally concerned events which took place outside of school and in all cases, in the absence of any witnesses. In none of the cases examined in Phase I at the Cornwall Public Inquiry were the allegations of sexual abuse brought forward to the Board or presented to managers at the Board for investigation or action. Rather, in each case, the allegations as against teachers came forward as part of criminal proceedings or through the Phase I evidence.
86. In these circumstances, the Board did not know and could not have known of these allegations and taken other action.

87. Further, in the absence of any reports or suspicions of abuse, the Board could not have undertaken an investigation of its employees or instituted discipline.
88. While the Board maintains that it has provided sufficient training, the Board would welcome recommendations which would enable the Board to provide further training on issues addressed during the course of this Inquiry.
89. The Board further submits that the Commission take into consideration the Board's statutory obligations under the *Education Act, Ontario College of Teachers Act, 1996*, S.O. 1996, c. 12, *Child and Family Services Act* and *Constitution Act, 1867* as summarized in Exhibit 640, in making its recommendations.

All of which is respectfully submitted this 19th day of February, 2009.

Jennifer E. Birrell

Counsel for the Catholic District
School Board of Eastern Ontario

EMOND#HARN DEN LLP
Glebe Chambers, 707 Bank Street
Ottawa, ON K1S 3V1
Tel: (613) 563-7660
Fax: (613) 563-8001