

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 45

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Tuesday, August 8, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Mardi, le 8 août 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Louise Mongeon	Registrar
Me Daniel Boivin	Cornwall Police Service Board
Ms. Suzanne Costom Dect.Staff Sgt.Colin Groskopf	Ontario Provincial Police
Mr. David Rose Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko Mr. Bob Keel	Mr. T. Rosaire Leger Upper Canada District School Board
Ms. Nadya Tymochenko Mr. Bob Keel	Mr. James Dilamarter Upper Canada District School Board

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Opening Remarks	1
T. ROSAIRE LEGER, Sworn/Assermenté	3
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	3
Cross-Examination by/Contre-interrogatoire par Mr. Allan Manson	59
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	60
Cross-Examination by/Contre-interrogatoire par Mr. Peter Chisholm	65
JAMES DILAMARTER, Sworn/Assermenté	72
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	72

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-52	Book of Documents - Upper Canada District School Board Rosaire Leger - Volume I - Tabs 1 to 10	5
P-53	Book of Documents - Upper Canada District School Board James Dilamarter - Volume I - Tabs 1 to 25	74

1 --- Upon commencing at 2:05 p.m./

2 L'audience débute à 14h05

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Good afternoon, all.

9 Mr. Engelmann, how are you doing?

10 **MR. ENGELMANN:** Good, thank you. Good
11 afternoon.

12 Mr. Commissioner, as in keeping with past
13 practice, I just wanted to introduce or reintroduce a
14 couple of lawyers whom you may have seen before;
15 Christopher Thompson is here from the Attorney General.

16 **THE COMMISSIONER:** Good morning, sir.

17 **MR. ENGELMANN:** And Daniel Boivin for the
18 Cornwall Police Service.

19 **THE COMMISSIONER:** Good morning, sir.

20 **MR. ENGELMANN:** And I don't think you've met
21 Bob Keel?

22 **THE COMMISSIONER:** No.

23 **MR. ENGELMANN:** Here for the School Board.

24 **THE COMMISSIONER:** Good afternoon, sir.

25 **MR. ENGELMANN:** And I think you have met his

1 colleague?

2 **THE COMMISSIONER:** Yes, good morning -- good
3 afternoon.

4 **MR. ENGELMANN:** All right.

5 Both Mr. Keel and Miss Tymochenko have been
6 working with Commission counsel over the last week or two
7 and I certainly appreciate their efforts in getting this
8 evidence together for this inquiry during the summer
9 months.

10 Mr. Commissioner, just before we start with
11 the evidence from the Upper Canada District School Board
12 and their corporate policy presentation, just a couple of
13 housekeeping matters, if I may?

14 **THE COMMISSIONER:** Yes.

15 **MR. ENGELMANN:** This week there is the
16 decision on Mr. MacLennan's standing and funding
17 application which I understand will be delivered Thursday
18 morning at the start of the session.

19 **THE COMMISSIONER:** That's right.

20 **MR. ENGELMANN:** And he is being notified of
21 that.

22 **THE COMMISSIONER:** Terrific.

23 **MR. ENGELMANN:** As well, we have four
24 witnesses scheduled for this week; three from the school
25 board. They are Rosaire Leger, James Dilamarter and David

1 Thomas, and then the last witness will be the one witness
2 for the Diocese's corporate policy presentation, and that
3 is the Bishop Paul-André Durocher. Bishop Durocher has
4 some commitments on Friday out of this jurisdiction and so
5 what I'm hopeful to do is to try and complete this evidence
6 over the next two and a half days. If that's not possible
7 his evidence may have to go into the fall but hopefully we
8 can do that.

9 **THE COMMISSIONER:** M'hm.

10 **MR. ENGELMANN:** And sir, with your
11 permission, I have canvassed counsel with respect to
12 starting at 9:30 tomorrow and also on Thursday and counsel
13 are available for that purpose.

14 So the first witness for the Upper Canada
15 District School Board is Mr. Rosaire Leger and he is
16 present.

17 If you could come forward, sir?

18 **ROSAIRE LEGER, Sworn/Assermenté:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
20 **ENGELMANN:**

21 **MR. ENGELMANN:** Good afternoon, sir.

22 **MR. LEGER:** Good afternoon.

23 **MR. ENGELMANN:** Mr. Leger, do you have a
24 Book of Documents close at hand?

25 **MR. LEGER:** M'hm.

1 **MR. ENGELMANN:** Okay. And what I would like
2 you to do, sir, if you could is just turn to Tab 2 of the
3 book.

4 **MR. LEGER:** M'hm.

5 **MR. ENGELMANN:** And by the way, as you're
6 looking at your documents you should see the same thing on
7 the computer screen.

8 **MR. LEGER:** On the screen, yes.

9 **MR. ENGELMANN:** Yes, and if one's a bit
10 behind if you could just wait a moment, but that doesn't
11 happen often.

12 So if we're looking at Tab 2 is it my
13 understanding that the "Backgrounder" is your biography?

14 **MR. LEGER:** Yes.

15 **MR. ENGELMANN:** And it's a summary of your
16 biography and some of the work you've done for predecessors
17 to the Upper Canada District School Board. Is that fair?

18 **MR. LEGER:** That's correct.

19 **MR. ENGELMANN:** All right.

20 And sir, at Tab 1 of the Book of Documents,
21 that is an outline of your evidence, as I understand it?

22 **MR. LEGER:** Yes.

23 **MR. ENGELMANN:** And this was prepared by
24 counsel for the Board but you were consulted and had input
25 into it?

1 MR. LEGER: Yes, I have.

2 MR. ENGELMANN: And sir, as I understand it,
3 Tabs 3 through 10 in the book are documents that are
4 referred to in your outline of evidence?

5 MR. LEGER: That's right.

6 MR. ENGELMANN: Okay.

7 Mr. Commissioner, if the "Book of Documents,
8 Upper Canada District School Board, Rosaire Leger" could
9 then be the next exhibit?

10 THE COMMISSIONER: Yes, that will be Exhibit
11 No. 52.

12 --- EXHIBIT NO./PIÈCE No. P-52:

13 BOOK OF DOCUMENTS - Upper Canada
14 District School Board - Rosaire Leger -
15 Volume 1 - Tabs 1 to 10

16 MR. ENGELMANN: Now, if we could just turn
17 to the Backgrounder, then, sir, at Tab 2 of Exhibit 52?

18 MR. LEGER: M'hm.

19 MR. ENGELMANN: And I just want to get a
20 little bit about your background. My understanding is that
21 you started teaching in 1952. Is that correct?

22 MR. LEGER: That's correct.

23 MR. ENGELMANN: And where was that, sir?

24 MR. LEGER: That was in Martintown, Ontario,
25 a little town just north of the city here.

1 **MR. ENGELMANN:** Okay. And I understand,
2 sir, that between 1952 and 1968, so approximately 16 years
3 you held a number of teaching and principal positions in or
4 around Cornwall?

5 **MR. LEGER:** Yes, that's right.

6 **MR. ENGELMANN:** Okay. And were those
7 positions all within the United Counties of Stormont-
8 Dundas-Glengarry?

9 **MR. LEGER:** Yes, they were.

10 **MR. ENGELMANN:** And I understand, sir, that
11 after your work as both a teacher and a principal that you
12 became an assistant superintendent with what was then
13 called the Cornwall Collegiate School Board?

14 **MR. LEGER:** That's right.

15 **MR. ENGELMANN:** And that was in 1968?

16 **MR. LEGER:** Yes, it was short lived.

17 **MR. ENGELMANN:** Okay. Can you tell us what
18 your responsibilities were in that short-lived position?

19 **MR. LEGER:** Well, first of all, it was only
20 three schools involved; St. Lawrence, CCVS and General
21 Vanier. There was a superintendent. My job during that
22 year, they selected me in order to be more or less
23 responsible for programs in the schools and not so much the
24 administrative side which the superintendent took care of.

25 **MR. ENGELMANN:** All right.

1 And that position was short lived because of
2 what? What happened?

3 **MR. LEGER:** Because in January '69 was --
4 came into effect the amalgamation of school boards. You
5 may recall at that time that there were in excess of 1,500
6 school boards prior to '69. Those were amalgamated into
7 160 or 70 some. And so then all those -- in this case here
8 the collegiate board became part of the Stormont, Dundas
9 and Glengarry County Board of Education.

10 **MR. ENGELMANN:** Okay. And I understand,
11 sir, that you held the position as area superintendent with
12 that new school board?

13 **MR. LEGER:** That's right.

14 **MR. ENGELMANN:** And that was for a few
15 months during the year 1969?

16 **MR. LEGER:** That's '69, January '69 to
17 August '69. It was short lived again. It seems as though
18 I had trouble holding a job.

19 **MR. ENGELMANN:** Yes.

20 **MR. LEGER:** But however ---

21 **MR. ENGELMANN:** I wasn't going to say it but
22 --

23 **MR. LEGER:** No, in August '69 I chose to
24 take a job with the Leeds-Grenville County Board as
25 superintendent of education there with the prime

1 responsibility for curriculum and curriculum development.

2 MR. ENGELMANN: All right.

3 So you went from the SDG, the new board, to
4 Leeds-Grenville?

5 MR. LEGER: That's right.

6 MR. ENGELMANN: And sir, you were the
7 superintendent of education there until approximately 1973?

8 MR. LEGER: That's right.

9 MR. ENGELMANN: Can you tell us a little bit
10 about what that entailed?

11 MR. LEGER: Yes. Well, a superintendent, as
12 I said, there was a jurisdictional responsibility which in
13 my case was curriculum development and curriculum
14 supervision. As well, each of the four superintendents at
15 that time had an area of responsibility for direct
16 administration and supervision of instruction. Usually,
17 those areas were determined by families of school; that is,
18 the secondary school and its elementary feeders. So I had
19 that kind of responsibility as well as the jurisdictional
20 one, which would represent about a quarter of Leeds-
21 Grenville jurisdiction.

22 MR. ENGELMANN: And sir, did the Stormont-
23 Dundas-Glengarry County Board of Education, did they also
24 have families of schools and similar responsibilities for
25 school boards?

1 **MR. LEGER:** Well, certainly after I came in
2 '73 the counties, yes, for supervision was definitely
3 organized along those lines.

4 **MR. ENGELMANN:** All right.

5 Well, let's go there then. As I understand
6 it, in 1973 you came back to this predecessor board,
7 Stormont-Dundas-Glengarry as the Director of Education and
8 secretary of the Board of Trustees.

9 **MR. LEGER:** That's right.

10 **MR. ENGELMANN:** And as I understand it, that
11 is the chief executive officer position for a school board.

12 **MR. LEGER:** It is.

13 **MR. ENGELMANN:** Is that fair?

14 **MR. LEGER:** It is.

15 **MR. ENGELMANN:** And can you just briefly
16 describe for us your role then or responsibilities in those
17 two roles as Director of Education and as the Secretary of
18 the Board?

19 **MR. LEGER:** Okay. Well, as Director of
20 Education it's -- I think the easiest way to understand it
21 is the chief executive officer. So your mandate of course
22 is to implement board policy but in education as well you
23 don't just have the board to guide you but also the
24 Ministry of Education with the *Education Act* and so on, so
25 that in a sense you take your cue from both; the supreme

1 one being the provincial Ministry of Education and then at
2 a more practical level you might say or day-to-day level
3 the policies that would be developed by the Board of
4 Education.

5 So your role as executive -- chief executive
6 officer, of course, it's the day-to-day administration as
7 well as the overall planning, supervision of instruction
8 and on the human resources side as well it encompasses the
9 general kind of operation of the school and the
10 accountability that goes with it.

11 **MR. ENGELMANN:** So you'd be responsible then
12 for hiring, placement, supervision of staff. Is that
13 correct?

14 **MR. LEGER:** That's right.

15 **MR. ENGELMANN:** Okay. And on the Secretary
16 of the Board of Trustee side of things?

17 **MR. LEGER:** Well, yes. Well, typical again
18 is to be secretary of the board and that meant that you
19 were although not a voting member that I was also an
20 integral part of the board as its secretary. It's
21 something that was preferred by most structures after '69
22 for obvious reasons, that usually, the CEO, or the director
23 was also secretary. It meant that the responsibility for
24 the preparation of board minutes, advising the board on
25 policies and so on; keeping the board informed as well as

1 ensuring that the policies were followed and be accountable
2 to the board on behalf of whatever the staff -- of course,
3 the CEO in an organization like that, you don't do
4 everything yourself. You depend on a host of people to
5 meet those objectives that are drawn out for you.

6 **MR. ENGELMANN:** And throughout your tenure,
7 sir, until 1988 ---

8 **MR. LEGER:** Yes.

9 **MR. ENGELMANN:** --- when you retired, was
10 there an elected board of trustees?

11 **MR. LEGER:** Oh, yes, they were always
12 elected and prior to 1980 -- well, I forget. Is it Bill
13 30, the separate school extension? Yes, I think so.

14 Prior to that, you know, in Ontario the
15 separate school system had no secondary level; that is,
16 recognized secondary level as far as provincial subsidy was
17 concerned so we of the public board had in secondary
18 schools Catholic students as well as French-language
19 students and as well as -- so you had elected trustees that
20 were elected by separate school supporters as well as
21 public school supporters which meant that in a sense you
22 had two -- you were operating kind of a dual -- in a dual
23 aspect. We had what we call business of the whole board
24 and that would be primarily secondary school business and
25 general business, like the general operations of the board

1 and then you had the public school sector which really
2 dealt with elementary schools only.

3 MR. ENGELMANN: All right.

4 And I understand that during your term as
5 the Director of Education you were away on a leave of
6 absence, if I can call it that, for a couple of years?

7 MR. LEGER: Yes.

8 MR. ENGELMANN: You were working over in
9 Germany for the Department of National Defence?

10 MR. LEGER: That's right.

11 MR. ENGELMANN: And you were the Assistant
12 Director of Dependents Education Overseas?

13 MR. LEGER: Yes, that's from August '81 to
14 August '83; two years.

15 MR. ENGELMANN: So would that have been work
16 with families of Canadian Forces personnel?

17 MR. LEGER: That's right.

18 MR. ENGELMANN: And sir, you then retired
19 from the board in 1988?

20 MR. LEGER: That's right.

21 MR. ENGELMANN: And as I understand it, in
22 retirement you continued to work for some time from 1991
23 till 1997. It's my understanding you oversaw a board that
24 was under supervision?

25 MR. LEGER: Yes.

1 **MR. ENGELMANN:** And that was provincial
2 supervision?

3 **MR. LEGER:** Yes, the provincial supervision
4 was a French language Ottawa-Carleton Public School Board.

5 **MR. ENGELMANN:** All right.

6 And that would have involved a contract
7 through the Ministry of Education?

8 **MR. LEGER:** Yes, yes. My arrangement -- the
9 arrangement was there -- was a contract as a supervisor and
10 I was not considered staff of the ministry.

11 **MR. ENGELMANN:** Okay. And sir, you also
12 mentioned aside from your educational background and a
13 Bachelor of Arts and a Masters of Education, you mentioned
14 that you had some involvement in the community?

15 **MR. LEGER:** Yes.

16 **MR. ENGELMANN:** Over the years. The first
17 reference is Commissioner on the Ontario Government
18 Planning and Implementation Commission on Separate School
19 Extension.

20 **MR. LEGER:** That's right.

21 **MR. ENGELMANN:** From '84 to '88. Can you
22 give us a sense as to what your role would have been then?

23 **MR. LEGER:** Well, a commission was formed
24 primarily -- you see, in '84 when the new policy was formed
25 a commission was formed in order to advise government on

1 the transition. As you know, it meant that the school
2 buildings, for example, as well as staff that went with it,
3 it would go from the public sector to the separate school
4 sector because now they were extending into secondary.

5 By and large this was a gradual thing that
6 occurred over a period of, I'd say, four to six years, but
7 in the interim the years that I served on the Commission
8 from '84, I think, to '88, it was primarily that. But that
9 kind of how do we get those two boards in that local
10 community to come together cooperatively and do what is
11 best for students?

12 **MR. ENGELMANN:** And this is something that
13 was rolling out across the province?

14 **MR. LEGER:** Yes. Yes.

15 **MR. ENGELMANN:** Okay.

16 **MR. LEGER:** Of course we looked at all
17 boards right across the province.

18 **MR. ENGELMANN:** And you've mentioned that
19 you're a Fellow of the Ontario Institute for Studies and
20 Education?

21 **MR. LEGER:** Yes.

22 **MR. ENGELMANN:** That was an honour that you
23 were ---

24 **MR. LEGER:** That's more of an honour that
25 people do this when you're retired.

1 **MR. ENGELMANN:** All right.

2 Well, not everybody who retires I'm sure is
3 a Fellow.

4 **MR. LEGER:** Thank you.

5 **MR. ENGELMANN:** Then, as well, sir, you
6 mentioned appointee to the Minister of Education's Review
7 Committee on Secondary School Education?

8 **MR. LEGER:** Yes.

9 **MR. ENGELMANN:** Another ---

10 **MR. LEGER:** Yes, that was a committee that
11 reviewed, at that time -- this would be in -- that's before
12 I went to Germany -- just the late '70s. It was, again, a
13 review of -- a kind of a commission that was where they
14 called it a committee to put together representative of
15 various levels of professionals in education, but also
16 representing the general public. You know, we had people
17 that were -- for example, a couple of them were executives
18 in large firms as well as people representing unions and so
19 on.

20 **MR. ENGELMANN:** And so I understand you've
21 been in retirement and you've continued to be involved in
22 community affairs?

23 **MR. LEGER:** Yes, yes.

24 **MR. ENGELMANN:** And that you're currently,
25 and have been for some time, a member of the local hospital

1 board?

2 **MR. LEGER:** Yes. I was with the General
3 Hospital and then with amalgamation recently. As a matter
4 of fact, I'm currently the Chairman of the Cornwall
5 Community Hospital Board.

6 **MR. ENGELMANN:** Sir, those are my questions
7 with respect to your background.

8 We've covered some of the jurisdiction and
9 organizational structure, which is the beginning of Tab 1
10 of your outline of evidence.

11 I just wanted to get a sense from you, in
12 your very first paragraph of the outline you talk about the
13 amalgamation of school boards and you've told us that there
14 were over 1,500 school boards in the province and that was
15 reduced to a number -- and I can't remember. I think you
16 said about 160.

17 **MR. LEGER:** Yes, somewhere between 160, 175;
18 you know, something like that.

19 **MR. ENGELMANN:** And so what did this mean
20 here in the Cornwall area; there was the creation of the
21 SDG, or Stormont-Dundas-Glengarry County Board of
22 Education?

23 **MR. LEGER:** Yes.

24 **MR. ENGELMANN:** Do you have a sense as to
25 how many school boards amalgamated into that board?

1 **MR. LEGER:** Well, let's say that I think it
2 was something like 20 elementary boards and I forget how
3 many ---

4 **MR. ENGELMANN:** There were a few secondary
5 boards as well?

6 **MR. LEGER:** Secondary boards as well, of
7 course, because in those days it was separate. So you have
8 to think too that, you know, you came from the era of very
9 small boards.

10 **MR. ENGELMANN:** Yes.

11 **MR. LEGER:** There was one board for one
12 school.

13 **MR. ENGELMANN:** Yes.

14 **MR. LEGER:** You see, when I started to teach
15 in 1952 it was a three-man board, and believe me they meant
16 man, in those days.

17 **MR. ENGELMANN:** Yes.

18 **MR. LEGER:** But however, so there was a one-
19 room school, one teacher, but there was a board for that
20 one school.

21 **MR. ENGELMANN:** Right.

22 **MR. LEGER:** So now you fold this in so you
23 look at these counties where you look at Glengarry County
24 had four townships. Each of those three counties had four
25 townships, and by and large, in the public school area each

1 township had their own public elementary school board.

2 MR. ENGELMANN: Okay.

3 MR. LEGER: So just doing quick math you can
4 see that there was quite a number of them.

5 The thing that's significant too is that
6 prior to '69, by and large, the school inspector, who was
7 of course a member of the Ministry of Education, pretty
8 well ran the schools when it came to program, teacher
9 supervision and the whole thing, because obviously those
10 small boards did not have -- they were just general public
11 people.

12 MR. ENGELMANN: Okay. So you had twenty-odd
13 elementary school boards.

14 MR. LEGER: Yes.

15 MR. ENGELMANN: A handful of secondary
16 school boards. How many actually here in the city of
17 Cornwall?

18 MR. LEGER: I beg your pardon?

19 MR. ENGELMANN: Do you recall how many there
20 were in the city of Cornwall that were involved in ---

21 MR. LEGER: The City of Cornwall had just
22 been actually amalgamated. Before that the city was only a
23 square mile. So in those days you had the City of Cornwall
24 Public School Board and the Township of Cornwall. That was
25 amalgamated so that in '69 you had the Cornwall Public

1 School Board and the Cornwall Collegiate Board that we
2 talked about before.

3 MR. ENGELMANN: Right.

4 MR. LEGER: So as far as Cornwall is
5 concerned -- plus there was the Cornwall Separate School
6 Board that dealt in the elementary panel. So that's what
7 you had in the City of Cornwall at the time of
8 amalgamation.

9 MR. ENGELMANN: All right.

10 So the one public elementary board and the
11 one public secondary board would have been rolled into SDG?

12 MR. LEGER: Yes.

13 MR. ENGELMANN: All right.

14 So this would have been a time of some
15 significant change after this huge restructuring?

16 MR. LEGER: Yes.

17 MR. ENGELMANN: Is that ---

18 MR. LEGER: Very significant.

19 MR. ENGELMANN: And were there any other
20 things that were happening provincially at that time that
21 affected how school boards ---

22 MR. LEGER: Well, I think there was a major
23 change and people maybe didn't realize that at the time --
24 don't forget this was just on the heels of the Hall-Dennis
25 Report that put out that -- it was a commission that put

1 out that famous document called "Living and Learning" and
2 it became, you know, a totally new philosophy of education.

3 Also, then you come in, in 1969, with the
4 amalgamation and a lot of the responsibility for
5 programming and supervision and so on now is relegated to
6 the boards and taken away from the Ministry of Education so
7 that sort of over night the inspectors disappeared. The
8 ones that are left that didn't get hired as superintendents
9 with the new boards by and large were made consultants, but
10 it was kind of a transitional era and they were -- you
11 know, now regional offices were created which played a
12 significant role during my tenure but now they're pretty
13 well, I understand, gone.

14 **MR. ENGELMANN:** So there was a transitional
15 period then in '69, '70, '71?

16 **MR. LEGER:** Yes. It was quite a
17 responsibility because, first of all, it was new, and it
18 was such an added responsibility compared to boards that we
19 had here before, you know, because you always had the
20 inspectors, you always had a much more provincially
21 supervised system, you might say.

22 **MR. ENGELMANN:** All right.

23 And just to get some sense as to the size of
24 the board and the number of students that you were
25 servicing. My understanding from your outline, and I'm

1 looking at the first page, about the middle of the page,
2 you say:

3 "There were approximately 54 schools
4 and a student population of
5 approximately 12,000 and a staff of
6 approximately 1,200."

7 **MR. LEGER:** Yes.

8 **MR. ENGELMANN:** Is that an average for
9 tenure or ---

10 **MR. LEGER:** Those are ballpark figures.
11 With the schools at a peak we had 54 schools. I think in
12 '88, because we suffered declining enrollment, in '88 we
13 were more -- I'm sure we were at least 10 schools fewer
14 than when I came.

15 **MR. ENGELMANN:** What about the number of
16 students, 12,000?

17 **MR. LEGER:** Well, the number -- see, again,
18 the 12,000 is more the kind of average or what was there in
19 '88, you see. Actually, it's even less now. It would have
20 been even less because -- let's say, that was before the
21 real extension of separate schools, okay. We had about
22 12,000 at the time that I left. At a peak though, we had
23 14,000 during my tenure.

24 **MR. ENGELMANN:** Okay.

25 **MR. LEGER:** So, again, as I said, it's more

1 of kind of a ballpark figure there.

2 MR. ENGELMANN: All right.

3 And on the 1200 staff, can you give us a
4 sense as to how many would be teaching staff and how many
5 would be others?

6 MR. LEGER: About two-thirds of that were
7 teachers.

8 MR. ENGELMANN: All right.

9 MR. LEGER: Of course the heavier -- the
10 larger number would be elementary because there were more
11 of them.

12 MR. ENGELMANN: Yes.

13 MR. LEGER: More students and secondary. So
14 I think somewhere 500 and something elementary and 300 and
15 something secondary.

16 MR. ENGELMANN: And then on top of that
17 you'd have your principals, your vice-principals?

18 MR. LEGER: Well, in those days principals
19 were ---

20 MR. ENGELMANN: Or were they counted?

21 MR. LEGER: --- part of staff. So we
22 counted them as staff.

23 MR. ENGELMANN: All right.

24 MR. LEGER: As school staff.

25 MR. ENGELMANN: All right.

1 **MR. LEGER:** Now, you had besides that, of
2 course, central administration, which was in addition too.

3 **MR. ENGELMANN:** And would you have
4 caretakers as well and ---

5 **MR. LEGER:** Yes, caretakers ---

6 **MR. ENGELMANN:** --- administrative support?

7 **MR. LEGER:** --- maintenance crews, and --
8 yes.

9 **MR. ENGELMANN:** Okay. And what about
10 transportation providers?

11 **MR. LEGER:** Although transportation was
12 mostly by contract, with the exception of, you know -- I
13 think we used to have between four and six buses that were
14 actually operated by our board. Apart from that, they were
15 all contracted out.

16 **MR. ENGELMANN:** All right.

17 **MR. LEGER:** But we still counted them as
18 people involved as a result of the board.

19 **MR. ENGELMANN:** All right.

20 Now, you say in the first page of your
21 outline -- I'm looking down at the third paragraph from the
22 bottom -- that you had administrative staff who reported to
23 you?

24 **MR. LEGER:** Yes.

25 **MR. ENGELMANN:** And as I understand it, some

1 of those administrative staff would include the
2 superintendent level?

3 MR. LEGER: Oh, yes.

4 MR. ENGELMANN: They would be direct reports
5 to you?

6 MR. LEGER: Yes. Yes, the superintendent
7 level, also who had each their own specific responsibility.
8 For example, you had a superintendent responsible for
9 special education.

10 MR. ENGELMANN: Right.

11 MR. LEGER: But in our special education too
12 we were a board that really always put a high priority on
13 special education. So we had quite a complement there of
14 psychologists, psychometrists, social workers, speech
15 therapists and the like.

16 So that from day one this board -- or at
17 least during my tenure -- it wasn't day one. It was -- I
18 came really after four years of existence. But the high
19 priority was to deal with the students who had -- that were
20 harder to serve or that had special needs.

21 MR. ENGELMANN: So there was a focus by the
22 board on special education?

23 MR. LEGER: Very much so.

24 MR. ENGELMANN: And sir, your
25 superintendents, did they have that dual role that you

1 talked about earlier?

2 MR. LEGER: Yes.

3 MR. ENGELMANN: They had an area of
4 responsibility ---

5 MR. LEGER: That's right.

6 MR. ENGELMANN: --- within Stormont-Dundas-
7 Glengarry?

8 MR. LEGER: That's right.

9 MR. ENGELMANN: And how did that break down?

10 MR. LEGER: Okay. The area of
11 responsibility was viewed by family of schools.

12 MR. ENGELMANN: Okay.

13 MR. LEGER: So let's say you identified --
14 if you took a school like North Dundas District High School
15 or Char-Lan District High School in Williamstown, well,
16 you'd have Williamstown Public School and Lancaster Public
17 School and Martintown Public School, so all the feeding in
18 that catchment area, the feeders to the secondary school
19 would belong to what we call the "family of schools".

20 Now, I didn't mean that the superintendent
21 had only one family of schools. He might have three of
22 them, you know, because by and large we tried to divide it
23 so that the area of responsibility, as we called it, was
24 about 25 per cent for each one of them -- there was four.

25 MR. ENGELMANN: So you had about four

1 superintendents?

2 MR. LEGER: Yes, by and large. When I first
3 came there were six but we dwindled down.

4 MR. ENGELMANN: All right.
5 And they also had their own special
6 jurisdictional responsibilities?

7 MR. LEGER: Oh, yes, yes.

8 MR. ENGELMANN: So you mentioned special
9 education for example.

10 MR. LEGER: That was one of them. And
11 another one would have more responsibility, vis-à-vis
12 curriculum and so on.

13 MR. ENGELMANN: Now, during your tenure
14 schools were run by or managed by principals?

15 MR. LEGER: Yes.

16 MR. ENGELMANN: And ---

17 MR. LEGER: The schools ---

18 MR. ENGELMANN: Sorry. And on occasion
19 would they also have vice-principals?

20 MR. LEGER: Yes, the larger schools. Of
21 course, there was kind of a formula. Vice-principals --
22 very few vice-principles in elementary because they weren't
23 that large.

24 MR. ENGELMANN: Yes.

25 MR. LEGER: But still you had them in the

1 intermediate schools ---

2 MR. ENGELMANN: Okay.

3 MR. LEGER: --- where they tended to be
4 centralized schools for a particular area. So as a result,
5 they got to be quite large and often there you had a vice-
6 principal.

7 In the case of secondary, again, it depended
8 on the population, and if the population -- for example,
9 some schools were in excess of 1,200 students, well, in
10 that case they might have two vice-principals.

11 MR. ENGELMANN: Now, with respect to
12 principals' responsibilities, you have a reference at the
13 bottom of the first page. Anything you would like to add
14 to that, sir? You say:

15 "They're responsible for the
16 administration of educational programs
17 within their schools, as well as the
18 supervision of teaching and
19 administrative staff, discipline
20 students, management and school
21 facility."

22 MR. LEGER: That's right. No, I have
23 nothing ---

24 MR. ENGELMANN: It's a good summary of their
25 responsibilities. And on occasion they would have, as you

1 say, vice-principals to assist in those functions?

2 MR. LEGER: Yes.

3 MR. ENGELMANN: And would vice-principals
4 also have teaching responsibilities or would that vary?

5 MR. LEGER: In some cases, yes. In the
6 smaller schools, you see, were -- they often would have
7 some teacher responsibility.

8 MR. ENGELMANN: Now, sir, what about
9 language? Your board provided education in English and it
10 also provided some education in French, as I understand it?

11 MR. LEGER: Yes.

12 MR. ENGELMANN: Can you tell us how that
13 happened?

14 MR. LEGER: Again, prior to 1984, Bill-30 --
15 and that's why you get a fellow like Rosaire Leger being
16 director of a public -- an English public board, you know,
17 if you know the history of this area. It's because we were
18 not only serving English public schools, we were serving in
19 secondary level French Catholic and public, English as
20 well.

21 MR. ENGELMANN: So the services you were
22 providing in French, were they second language services or
23 first language services?

24 MR. LEGER: Yes, okay, yes; that's a good
25 clarification because we had both. We had second language

1 -- in second language French instruction, we some in
2 elementary as well as secondary. French language first --
3 French as a first language we had it only in secondary
4 during my tenure. After I left, they expanded, but during
5 my tenure, we only had secondary and typically in Cornwall,
6 we had La Citadelle, which is our French language school
7 and in Alexandria we had two entities, one English and one
8 French, that were housed -- shared the same building, but
9 they definitely had their own turf and so on.

10 **MR. ENGELMANN:** All right.

11 And you've told us, sir, that towards the
12 end of you tenure, starting in approximately 1984, you had
13 this process of extension of full funding to Catholic
14 school boards?

15 **MR. LEGER:** Yes.

16 **MR. ENGELMANN:** And you referenced that at
17 the second to last paragraph on page 2 of your summary. Is
18 that correct?

19 **MR. LEGER:** I beg your pardon? Second
20 paragraph ---

21 **MR. ENGELMANN:** It's the fourth ---

22 **MR. LEGER:** --- oh, the transition; yes,
23 that's right. With the coterminous Catholic Board, yes.

24 **MR. ENGELMANN:** Yes. So as I understand it,
25 that process would have started in or around 1984?

1 **MR. LEGER:** Yes, we were one of the first
2 out of the blocks because when '84 came and that bill came
3 about, the Separate School Board had already started a nine
4 (9) and ten (10) at their Bishop Elementary School and so
5 they were about to go in to extend to Grade 11. So what we
6 did is offered them space at General Vanier. So we did
7 that and if you go to General Vanier now you'll see that
8 there has been quite an addition and St. Joseph's is still
9 housed there as well as General Vanier. The site is
10 cohabitated.

11 **MR. ENGELMANN:** Now, this process of
12 extension of full funding, at least the process here in the
13 Cornwall area, that took a number of years. Is that fair?

14 **MR. LEGER:** Yes, well, it was an evolution.
15 Now, some of them were more abrupt than others. You see,
16 when it came to English language students and teachers,
17 they had a choice. They could stay with the public or go
18 with the Catholic; both students and teachers. So in other
19 words, people had to vote to defeat.

20 In the case of French language as a first
21 language instruction, it was a non-block transfer.

22 **MR. ENGELMANN:** What do you mean by a "non-
23 block transfer"?

24 **MR. LEGER:** Well, la Citadelle, for example,
25 at a prescribed time became a -- was turned over in its

1 entirety; staff; building; equipment, everything was turned
2 over from the Public board to the Separate board, which is
3 the Catholic Board and so that was on a block. It wasn't a
4 matter there of a teacher saying, "I want to stay with the
5 Public Board", because they were being moved on block.

6 **MR. ENGELMANN:** All right.

7 And this whole process that you've talked
8 about, you've mentioned Bill 30 a couple of times. Is that
9 what we see at Tab 3 of your Book of Documents?

10 **MR. LEGER:** Tab 3?

11 **MR. ENGELMANN:** It's an Act to amend the
12 *Education Act*. I am looking at the second page in, sir.

13 **MR. LEGER:** Oh, yes. M'hm.

14 **MR. ENGELMANN:** This is the bill you have
15 been referring to dealing with the extension ---

16 **MR. LEGER:** Yes, yes.

17 **MR. ENGELMANN:** --- of the Catholic school
18 boards?

19 **MR. LEGER:** Yes, that's right.

20 **MR. ENGELMANN:** All right.

21 Sir, as I understand it, this transfer
22 continued even after your retirement?

23 **MR. LEGER:** Oh, yes. Yes, definitely.

24 **MR. ENGELMANN:** So your successor, Mr.
25 Dilamarter, had to finish that work.

1 MR. LEGER: Yes, that's right.

2 MR. ENGELMANN: Sir, if we could then turn
3 to the next page of your Outline and that page is entitled
4 "Reporting a Child in Need of Protection".

5 MR. LEGER: M'hm.

6 MR. ENGELMANN: We've had some evidence
7 about this from previous witnesses and, in particular, a
8 witness from the Children's Aid Society and other witnesses
9 that have come forward. Just for clarification, as I
10 understand it, you have a number of excerpts from various
11 renditions of the *Child Welfare Act*.

12 MR. LEGER: That's right.

13 MR. ENGELMANN: So for example, if we look
14 at Tab 4, that is the *Child Welfare Act*.

15 MR. LEGER: Yes.

16 MR. ENGELMANN: In its original form in
17 1965?

18 MR. LEGER: Yes.

19 MR. ENGELMANN: Then at Tab 5, as I
20 understand it, that is the revised *Statutes of Ontario* from
21 1970?

22 MR. LEGER: M'hm.

23 MR. ENGELMANN: And essentially no change
24 between those two. And then in 1978, we have an act to
25 revise the *Child Welfare Act*, and that's in your excerpts

1 at Tab 6. Correct?

2 MR. LEGER: That's right.

3 MR. ENGELMANN: Tab 7 again we have revised
4 Statutes of Ontario, 1980 ---

5 MR. LEGER: 1980 (Nineteen eighty); yes.

6 MR. ENGELMANN: --- with no change.

7 And then lastly, at Tab 8, as I understand
8 it, you have an amended version of the Child -- what's now
9 called the *Child and Family Services Act*; that's 1984.

10 MR. LEGER: Yeah.

11 MR. ENGELMANN: All right. We will just
12 take you through that briefly if I may.

13 To start with, back in 1965, and I'm just
14 looking at the second page in, sir, at section 41.

15 MR. LEGER: Yes.

16 MR. ENGELMANN: There's a reference to
17 "Every person having information" with a need to report to
18 the Children's Aid Society. And so we don't have a
19 reference to teachers or principals at this stage of the
20 game, do we?

21 MR. LEGER: No.

22 MR. ENGELMANN: Nor is there actually a
23 reference, as I understand it, to professionals?

24 MR. LEGER: I beg you pardon?

25 MR. ENGELMANN: Nor is there a reference to

1 professionals at this time.

2 MR. LEGER: No.

3 MR. ENGELMANN: Generally. And there is
4 also a reference to privilege being abolished. I just
5 wanted to ask you a question about that, sir. Would you
6 have had positions within the school board where you might
7 have had people receiving confidential information from
8 students or others?

9 MR. LEGER: Oh, I'm sure that in the day,
10 you know, people like guidance counsellors and, of course,
11 school teachers, administrators, would from time to time be
12 privy to particular information. No doubt that they would
13 be, yes.

14 MR. ENGELMANN: And would you ever have
15 social workers or psychologists as well on staff?

16 MR. LEGER: Definitely. As I said, stated
17 before about having a strong special services department is
18 that one thing that we communicated to principals and staff
19 that "You have help. You have professional help". You
20 don't have to feel alone here and think that you are the
21 only ones that are going to be confronted with particular
22 needs of a student or whatever, that you can seek help.
23 And we had, besides -- like we had a consultant that was
24 most active, trusted, very professional that worked within
25 that department as well, what we call a Special Ed

1 Consultant that was hired permanently with our board.

2 MR. ENGELMANN: Now, during the time you
3 were the director of education, we see a number of changes
4 to the *Child Welfare Act* and, for example, if we look at
5 Tab 6, and this is 1978, and I'm looking at page 757, and
6 it's paragraph 49.1 ---

7 MR. LEGER: Yes.

8 MR. ENGELMANN: --- there's a reference to a
9 similar section:

10 "Every person who has information on
11 the abandonment, desertion or need for
12 protection of a child or the infliction
13 of abuse..."

14 That seems to be new.

15 MR. LEGER: M'hm.

16 MR. ENGELMANN: The reference to children
17 who have been abused.

18 "... shall forthwith report the
19 information to a society."

20 MR. LEGER: Yes.

21 MR. ENGELMANN: Sir, there's a new
22 subsection (2) that talks about the duty of a professional
23 to report.

24 And then subsection (3) is still dealing
25 with the fact that privilege is abolished.

1 And then there is a provision, and I'm just
2 turning over the page at the bottom, "Offences" 94. And
3 94.1(f) on page 791 talks about an offence if someone
4 contravenes section 49(2).

5 So, sir, I am wondering, 49(2) refers to
6 professionals and their duty to report.

7 **MR. LEGER:** M'hm.

8 **MR. ENGELMANN:** Did school board employees
9 such as teachers and/or principals fall within that
10 category as professionals?

11 **MR. LEGER:** Definitely, yes.

12 **MR. ENGELMANN:** Okay. And can you tell us
13 who in the system would have communicated this particular
14 issue, this particular piece of legislation and the duty to
15 report to school board staff?

16 **MR. LEGER:** There were various methods.
17 First of all, albeit that we seemed to be quite a large
18 system, we very much operated as small towns do and you
19 know, for example, it was our practice as administrators
20 from the director superintendent to spend a lot of time in
21 the schools during the session. Okay.

22 Having said that, we also had regular
23 meetings as central staff with all principals of the
24 jurisdiction, and these were highly -- first of all, high
25 priority meetings with well planned, prepared agendas where

1 we used as major means of communication.

2 Also, so whether it would be the *Child*
3 *Welfare Act*, whether it would be curriculum, whether it
4 would be supervision, or whatever, those are issues that
5 were communicated and discussed in a collegial way. Okay?

6 **MR. ENGELMANN:** Okay.

7 **MR. LEGER:** Also the area superintendents of
8 course were another vehicle of communication at a more
9 intimate level to families and schools, as I've described
10 before.

11 **MR. ENGELMANN:** All right.

12 So you as the director of education would
13 have regular meetings with principals?

14 **MR. LEGER:** Definitely. The principals
15 meetings, for example, would never occur without the
16 presence of the director.

17 **MR. ENGELMANN:** All right.

18 **MR. LEGER:** That was kind of an unwritten
19 law. You don't have -- because it was structured that way.
20 Not because it was me, but that was the structure.

21 **MR. ENGELMANN:** Give us a sense as to how
22 often in a year you would have these meetings.

23 **MR. LEGER:** It would be once a month. So
24 you would have a minimum of eight to ten. You would have
25 eight to ten a year.

1 **MR. ENGELMANN:** All right.

2 And what about the area superintendents ---

3 **MR. LEGER:** --- Operating on a ten-month
4 year, of course.

5 **MR. ENGELMANN:** Yes, and what about the area
6 superintendents. Did they meet with their principals on
7 issues such as this?

8 **MR. LEGER:** Now, they -- yes, they would by
9 and large -- I'd say that they'd meet at least a minimum of
10 six or seven times a year on that area.

11 **MR. ENGELMANN:** Okay.

12 So this was a means by which you and
13 superintendents could communicate with principals?

14 **MR. LEGER:** That's right.

15 **MR. ENGELMANN:** Who then would communicate
16 with the teachers about the duty to report?

17 **MR. LEGER:** It was very much the duty of the
18 principal.

19 **MR. ENGELMANN:** Okay.

20 **MR. LEGER:** Now, we also had other
21 jurisdictional organizations that brought teachers
22 together, whether it was curriculum or special ed or what
23 not, that brought teachers together being representative
24 across -- representing a cross-section of the jurisdiction.
25 If it was program or if it was special ed or -- again, that

1 would be people who would be meeting on a special issue of
2 development. For example, we experienced the development
3 and the introduction of IPRC's to the assessment of, you
4 know, if a child had to be or was identified as a special
5 need, then you had the IPRC process and following that, it
6 was legislation at one point that placed the Board in an
7 obligation not only to identify a problem but to do
8 something about it. So even in the legislation that was in
9 there.

10 **MR. ENGELMANN:** All right.

11 Then, again with Tab 8, when we see the
12 changes in 1984, and I'm looking at page 134, paragraph 68
13 ---

14 **MR. LEGER:** Yes.

15 **MR. ENGELMANN:** We again have the reference
16 to "professionals".

17 **MR. LEGER:** M'hm.

18 **MR. ENGELMANN:** In section 68(3) and it
19 says, when there is:

20 "...reasonable grounds to suspect that a
21 child is or may be suffering or may
22 have suffered abuse shall forthwith
23 report the suspicion..."

24 So it seems to be broader again. And then
25 we have a reference to who that applies to, and we actually

1 have a reference, and I'm looking at page 136 at 4(b):

2 "...a teacher, school principal, social
3 worker, family counsellor, priest..."

4 et cetera.

5 **MR. LEGER:** M'hm.

6 **MR. ENGELMANN:** So several of those
7 occupations you might find on your school board staff.

8 **MR. LEGER:** Yes, absolutely.

9 **MR. ENGELMANN:** Again, would there have been
10 meetings, either principals meetings or other meetings, to
11 communicate these amendments to the school board staff, to
12 your knowledge?

13 **MR. LEGER:** Oh, yes. Yes, again, through
14 the general meetings as well as through our whole special
15 education network in meeting the needs of identified
16 children with special needs.

17 **MR. ENGELMANN:** Sir, from your experience
18 during your tenure, do you recall when cases were reported
19 to the CAS, who it was that would report it whether that be
20 the teacher or the principal?

21 **MR. LEGER:** Yes, actually, the ones that
22 came to me would have been cases where a teacher was being
23 accused, okay.

24 **MR. ENGELMANN:** All right.

25 **MR. LEGER:** That definitely had to come to

1 me and to the board.

2 MR. ENGELMANN: And the reason why that
3 would have to come to you at your level?

4 MR. LEGER: Well, first of all, as soon as
5 that was -- any accusation was made, that teacher would be
6 withdrawn from -- suspended with pay immediately pending,
7 you know, the CAS involvement and police or whatever.

8 MR. ENGELMANN: All right.

9 What about those cases where it didn't
10 involve a school board employee?

11 MR. LEGER: Okay. Then that ---

12 MR. ENGELMANN: Would you be involved at
13 all?

14 MR. LEGER: Well, no. Our system was that
15 the superintendent and especially the Special ED Group
16 would be involved as the major support staff to help the
17 teacher and principal in such a case. I speak now of a
18 case let's say where it's identified that someone outside
19 the school is abusing a child.

20 MR. ENGELMANN: Yes.

21 MR. LEGER: Okay. And of course, then that
22 is reported to CAS. Well, that did not come to the board,
23 okay, necessarily because first of all it didn't involve
24 accusing a teacher or a member of the staff. It was
25 someone outside. What we were concerned through our

1 Special ED Department was that indeed it was dealt with and
2 that the *Child Welfare Act* was indeed followed.

3 MR. ENGELMANN: Okay. I'm looking at the
4 third page of your outline near the bottom. You say,
5 "Principals were expected to review
6 with their teaching staff the duty to
7 report a child in need of protection to
8 CAS."

9 MR. LEGER: Yes.

10 MR. ENGELMANN: You say,
11 "In some cases, following a report to
12 the CAS, the Principal would inform
13 their Superintendent of Education."

14 MR. LEGER: Yes. I would say that by and
15 large, I'd safely that in most cases the area
16 superintendent and/or the superintendent responsible for
17 Special Education were informed in all cases.

18 MR. ENGELMANN: And you do say at the last
19 paragraph, I note, that most of those cases that were
20 reported to CAS would have been addressed at the Principal
21 level and would not have come to your attention at the
22 director level.

23 MR. LEGER: No. That kind of report, for
24 example, physical abuse or whether it was some neglect or
25 family problems and so on, no.

1 **MR. ENGELMANN:** Okay. One of the exceptions
2 would be if it was an allegation against a school board
3 employee like a teacher.

4 **MR. LEGER:** An employee, that's right.

5 **MR. ENGELMANN:** All right. So the next
6 section of your outline deals with student discipline. I'm
7 looking at page 4, sir.

8 **MR. LEGER:** Yes.

9 **MR. ENGELMANN:** And I note as well that
10 there's a reference to the *Education Act* at Tab 10.

11 **MR. LEGER:** Yes.

12 **MR. ENGELMANN:** But as I understand what
13 you're describing for us here in the outline is there are
14 different people responsible for suspensions and from those
15 who are responsible for expelling or expulsions.

16 **MR. LEGER:** That's right.

17 **MR. ENGELMANN:** And who does what?

18 **MR. LEGER:** Okay. First of all, only the
19 board can expel, okay. No one else can expel. Others can
20 suspend. Now, in the *Education Act*, if you look, there's
21 also, in the case of a suspension, the parents or guardian
22 are always made aware of that they have a right -- of their
23 rights to appeal.

24 **MR. ENGELMANN:** Yes.

25 **MR. LEGER:** Okay. And so that's done. Now,

1 therefore, you know, you could have a one day or two days
2 or three-day suspension and also it's given to appeal.
3 Very often, if and when there was an appeal, the suspension
4 had occurred and the student was back in school.

5 **MR. ENGELMANN:** All right.

6 **MR. LEGER:** Because, you know -- but that
7 occurred usually I'd say 99 per cent of the cases,
8 suspensions were dealt with. It might have involved a
9 superintendent or a social worker or whatever to support
10 the school, the teacher and the principal, but by and large
11 it was settled with the parents.

12 In some cases, suspensions were used too as
13 a tool to get the parent in.

14 **MR. ENGELMANN:** All right.

15 **MR. LEGER:** You know.

16 **MR. ENGELMANN:** Now, sir, with respect to
17 your role, the role at the director level, would you be
18 involved if there was a suspension appeal?

19 **MR. LEGER:** Yes. Yes, because the appeal --
20 part of the appeal process was to go to the board and as
21 secretary of the board, I am the one that prepared the
22 agenda.

23 **MR. ENGELMANN:** All right.

24 **MR. LEGER:** And so I had to make appropriate
25 arrangements either through a regular meeting or special

1 meeting of the board so that that appeal could be indeed
2 heard.

3 **MR. ENGELMANN:** As I understand it as well,
4 you would have been responsible at your level for the
5 expulsion of students?

6 **MR. LEGER:** Yes.

7 **MR. ENGELMANN:** But that didn't happen
8 during your tenure as I understand it.

9 **MR. LEGER:** We never expelled anyone during
10 my tenure.

11 **MR. ENGELMANN:** Now, sir, in your last point
12 on the page, you say that,

13 "Sexual assault and sexual molestation
14 between students would have been
15 considered disciplinable infractions by
16 principals and the Board."

17 So in other words, if one student sexually
18 assaulted or sexually abused another student, that would
19 have been grounds for either a suspension or expulsion?

20 **MR. LEGER:** Oh, yes.

21 **MR. ENGELMANN:** Sir, the next section of
22 your report deals with the employee hiring and termination.

23 **MR. LEGER:** Yes.

24 **MR. ENGELMANN:** And in it, you talk about
25 the requirement for a resume to be submitted and some form

1 of interview process and you say for "teacher candidates
2 and candidates for position of added responsibility".

3 MR. LEGER: M'hm.

4 MR. ENGELMANN: Can you tell us what you
5 mean by "added responsibility"?

6 MR. LEGER: Well, added responsibility would
7 be, in some cases, principal because teaching principals
8 exist.

9 MR. ENGELMANN: Yes

10 MR. LEGER: Vice-principals, department
11 heads in secondary schools. It could be also added
12 responsibilities of being consultant or, you know, having
13 other responsibilities than just one specific subject area
14 or classroom.

15 MR. ENGELMANN: All right.

16 And was there a policy or procedure in place
17 with the County Board of Education when you were the
18 director dealing with this process, the hiring process?

19 MR. LEGER: The hiring process?

20 MR. ENGELMANN: Yes.

21 MR. LEGER: Yes, definitely. The hiring,
22 first of all, there was a process that was clearly
23 communicated at all levels and we had even developed a
24 hierarchy of responsibility. For example, in the case of
25 hiring superintendents, principals -- but let's say

1 principals, vice-principals and the like, you always had
2 the director, a superintendent and one or two trustees,
3 depending.

4 The reason I say two sometimes is that if it
5 was, for example, a school principal that had both Catholic
6 and, you know, the French and English and Catholic, well
7 then you'd have a public school trustee and a separate
8 school trustee representative on that.

9 So always -- also the interview -- the
10 selection process was one that was quite demanding. First
11 of all, we had four sections: the oral interview -- well,
12 the curriculum vitae, the person's qualifications;
13 references; oral interview; and, written question that was
14 given and it was done anonymously and being corrected.
15 When you scored that written question, you didn't know who
16 you were scoring until after the whole thing was done.

17 So we tried to make it what it was that it
18 was -- it's not who you know but what you know and that's
19 how you got jobs. By involving the number of people as we
20 did, the "who you know" became practically impossible
21 because you would have -- the individual would have had to
22 know too many people.

23 **MR. ENGELMANN:** Okay. Was there a similar
24 process used for hiring teachers, sir?

25 **MR. LEGER:** Yes, in teachers which would be

1 done at school level also in many cases involving the area
2 superintendent. See the planning of -- the teaching staff
3 and especially in secondary school -- but in elementary as
4 well because elementary was smaller it was less complicated
5 but with the subject area and so on, secondary is a little
6 more complicated so that the superintendent involved and
7 responsible for personnel would be involved because
8 especially when we started experiencing declining enrolment
9 where it was a matter of having to -- someone might have
10 been redundant in school "A" but there was an opening in
11 school "B". So you don't go outside and hire someone for
12 school "B" until you've placed the one in school "A".

13 So that kind of thing meant that it wasn't
14 something that a principal went out and decided on Monday
15 morning who he was going to hire.

16 **MR. ENGELMANN:** What kind of reference
17 checks were done for either teachers or others with added
18 responsibility?

19 **MR. LEGER:** We always advocated direct
20 reference. Like, you know, personally I never read or
21 seldom read, you know, these people that come around with a
22 reference letter that they hand to you. To me it's not
23 worth the paper it's written on. The real reference is
24 when you call the predecessor employers and you speak to
25 them by phone in most cases and not just necessarily in a

1 letter.

2 MR. ENGELMANN: Yes.

3 MR. LEGER: I think you get a lot more
4 because, you know, people are conscious -- like very
5 cautious of the fact that, as they say in French, "les
6 écrits restent puis les paroles s'envolent", you know. So
7 when one is writing, they are much more careful to couch
8 things in such a way that it might be a little more
9 oblique.

10 MR. ENGELMANN: Okay. And, sir, this --
11 your tenure predates criminal background checks and things
12 of that nature?

13 MR. LEGER: Yes, of course.

14 MR. ENGELMANN: You weren't doing that?

15 MR. LEGER: No. No, we weren't actually
16 going out and saying, "Do you have a criminal record", no.

17 MR. ENGELMANN: Now, you also say that,
18 "Teachers were ... required to have
19 certificates of qualification."

20 MR. LEGER: M'hm.

21 MR. ENGELMANN: And that is like a
22 certificate from whom?

23 MR. LEGER: Well, the Ministry of Education.
24 First, people had a basic teaching licence. You know, it
25 was elementary school teacher certificate was my first

1 certificate.

2 MR. ENGELMANN: Yes.

3 MR. LEGER: You know. Then you had the --
4 you had the secondary school -- high school assistant
5 certificate was another one and so on. But as I said,
6 today it has changed with the College of Teachers and so
7 on. It's quite different. Because of the -- we witnessed
8 declining enrolment but we also at the beginning had
9 teacher shortage and so there were positions that could not
10 be filled with qualified teachers. At that time, then you
11 may have hired what you thought was the best available to
12 fill the mandate but at that point you had to apply to the
13 Ministry for a letter of permission.

14 MR. ENGELMANN: All right.

15 Now, the whole issue of certificates of
16 qualification and letters for permission, they're set out
17 in the *Education Act*. Is that correct?

18 MR. LEGER: That's right.

19 MR. ENGELMANN: And if we look at Tab 9, for
20 example, ---

21 MR. LEGER: Yes.

22 MR. ENGELMANN: --- which is a version of
23 the *Education Act 1974*, you've referred to the special
24 letters.

25 MR. LEGER: M'hm.

1 MR. ENGELMANN: And I'm looking at page 782.

2 MR. LEGER: Yes.

3 MR. ENGELMANN: It's (i). So that would be
4 8(1)(i).

5 MR. LEGER: Yes, and (j), yes.

6 MR. ENGELMANN: All right.

7 So you've got granting a letter and you've
8 also granting a temporary letter.

9 MR. LEGER: Yes.

10 MR. ENGELMANN: And then on ---

11 MR. LEGER: See, the letter of permission is
12 very specific. Like it was for a specific assignment and
13 so the principal couldn't apply for this person to have a
14 letter of permission to teach math and then assign him
15 English the next day. You know, it wasn't ---

16 MR. ENGELMANN: Okay. So I'm just trying to
17 find this on the screen. Right at the bottom here now, (i)
18 is the granting of a letter and if we flip to the top of
19 the next page ---

20 MR. LEGER: M'hm, and then (j).

21 MR. ENGELMANN: --- we see the remainder of
22 that.

23 MR. LEGER: Yes.

24 MR. ENGELMANN: The letter of permission is
25 effective only for a period not to exceed one year. Then

1 there is the temporary letter of approval.

2 **MR. LEGER:** That's right.

3 **MR. ENGELMANN:** And then you mentioned that
4 can be withdrawn or can be suspended, cancelled, et cetera,
5 and I'm looking at (k) and (l).

6 **MR. LEGER:** Yes.

7 **MR. ENGELMANN:** That was all with the
8 Ministry of Education.

9 **MR. LEGER:** Yes, and it was very specific.
10 For example, you had to prove that you had advertised in a
11 provincially circulated paper for at least three times and
12 found no one before you could apply. That was part of the
13 requirements. Sorry, am I not ---

14 **MR. ENGELMANN:** All right.

15 So the Ministry of Education, according to
16 the section we just looked at, had the power to suspend,
17 cancel and/or reinstate these particular certificates and
18 teachers required certificates to be employed as teachers
19 with school boards.

20 **MR. LEGER:** M'hm.

21 **MR. ENGELMANN:** Am I correct?

22 **MR. LEGER:** Yes.

23 **MR. ENGELMANN:** All right.

24 Now, what -- you say in the third paragraph
25 of your outline at page 5, you comment on the board's

1 practice if a board employee who might have contact with
2 children during the course of their employment gets charged
3 with an offence that might indicate that they're a risk to
4 children.

5 Can you tell us if the policy that's set out
6 there was the policy of the SDG County Board of Education
7 throughout the time you were the director?

8 **MR. LEGER:** Yes. Yes, although, you know,
9 certain records would make allusion to it, I don't recall
10 of a specific written policy in those terms but that
11 certainly was the underlying practice that was used.

12 **MR. ENGELMANN:** All right.

13 So once the board became aware that a staff
14 person had been charged with some kind of an offence that
15 might have indicated a risk to children, you did what?

16 **MR. LEGER:** Immediately, without any
17 question, the person was removed from the school or
18 anyplace where that person would be exposed to children or
19 students and sent home or whatever with pay, okay, and then
20 you -- then of course you ensured that, first of all, the
21 CAS had been brought in -- reported, that it was reported
22 to the CAS and, of course, then in some cases, it would be
23 the police laying charges as well.

24 **MR. ENGELMANN:** All right.

25 So the individuals were essentially

1 suspended from those duties with children?

2 MR. LEGER: Yes.

3 MR. ENGELMANN: With pay?

4 MR. LEGER: With pay.

5 MR. ENGELMANN: And that would be that way
6 until the criminal charges were resolved one way or the
7 other?

8 MR. LEGER: That's right.

9 MR. ENGELMANN: And do you recall what would
10 happen if the criminal charges did not result in a
11 conviction or did you have that experience?

12 MR. LEGER: I didn't have that experience.
13 I understand my successor did, but I didn't. In the cases,
14 the few cases that we had they were both convicted and ---

15 MR. ENGELMANN: And they ---

16 MR. LEGER: --- never came back.

17 MR. ENGELMANN: So they were not reinstated
18 then?

19 MR. LEGER: I beg your pardon?

20 MR. ENGELMANN: They were not reinstated?

21 MR. LEGER: No, no, no.

22 MR. ENGELMANN: Okay. All right.

23 And sir, if we could turn to the page
24 dealing with transportation providers?

25 MR. LEGER: Yes.

1 **MR. ENGELMANN:** I think you mentioned this
2 to us earlier, but you said that there were a number of
3 ways that children were transported to schools. They were
4 primarily private contractors or private transportation
5 providers?

6 **MR. LEGER:** Yes.

7 **MR. ENGELMANN:** What about the Cornwall
8 transit system? Were they used as well?

9 **MR. LEGER:** Yes. For Cornwall schools,
10 especially secondary schools and most of the elementary,
11 but except we had special provisions for younger children
12 like junior kindergarten and kindergartened children -- but
13 apart from that, what we did is issue passes to the
14 schools.

15 **MR. ENGELMANN:** All right.

16 **MR. LEGER:** And so that the student could
17 board the bus. It was very convenient because they could
18 board the bus anytime between 7:00 in the morning and 6:00
19 at night.

20 **MR. ENGELMANN:** All right.

21 And you say as well that your -- the Board
22 had a few buses that transported ---

23 **MR. LEGER:** Yes.

24 **MR. ENGELMANN:** --- a small percentage of
25 students?

1 **MR. LEGER:** A half a dozen at the most, yes,
2 about that.

3 **MR. ENGELMANN:** Half a dozen buses?

4 **MR. LEGER:** Yes.

5 **MR. ENGELMANN:** Okay. And in your outline,
6 it says it was the board's expectation that its
7 transportation service providers conducted appropriate
8 interviews, et cetera. Was there any actual formal
9 requirement for that?

10 **MR. LEGER:** No. Actually -- again, you
11 know, one has to appreciate the times and the history.
12 Busing when it first came in when we replaced the one-room
13 school -- the first job that I had with the yellow bus --
14 it was a very local thing. So it was mostly farmers, you
15 know. In the summer, the cows brought in the revenue and
16 in the winter the bus did. And so, it was very much a
17 local issue that everybody knew who was driving. Most of
18 the time, it might have been the farmer's wife driving the
19 bus. And so you had operators, and we stuck to that so
20 much that our Board had a policy limiting the number of
21 buses that one operator could have. And it's only after
22 that that Travelways and whatever, those big companies came
23 into being. How they did is they bought out little
24 operators and then the policy was changed.

25 **MR. ENGELMANN:** Did that happen during your

1 tenure, sir?

2 MR. LEGER: No, there was still a limit
3 during my tenure.

4 MR. ENGELMANN: All right.

5 And are you aware, sir -- you mention in
6 your outline that if the board -- was there someone, an
7 employee or a position at the Board that would deal with
8 these various transportation providers?

9 MR. LEGER: Oh definitely. Yes. We had a
10 transportation officer, okay, who dealt and worked very
11 closely with -- you know, coordinated the whole thing,
12 whether it was making decisions about weather conditions in
13 wintertime and so on as well as supervision of the quality
14 of performance. We had definitely a safety program where
15 the operators had to go through the safety, train their
16 operators -- their drivers -- accordingly and so on.

17 So the transportation officer would
18 coordinate that as well as be involved in the contracting
19 or signing of the contract.

20 MR. ENGELMANN: Now, did you have any policy
21 or procedure whereby you would -- if your transportation
22 officer was notified of charges against one of the drivers
23 that might have been a risk to children? Was there any
24 policy or procedure similar to that of the Board with its
25 own employees?

1 **MR. LEGER:** It would be the same; it would
2 be the same. Immediately, the operator would be forced to
3 remove that driver.

4 **MR. ENGELMANN:** I'll just be a moment, sir.

5 **MR. LEGER:** Sure.

6 **MR. ENGELMANN:** Are you aware of that
7 circumstance ever arising during your tenure?

8 **MR. LEGER:** Not during my tenure. Now,
9 there were many circumstances where the question of
10 discipline on the bus, for example, where a driver as a
11 result was replaced or dismissed because he or she had lost
12 control of the bus. In that case, the principal, the
13 teacher -- of course, the transportation officer was
14 involved and tried to rectify the situation. It's a
15 challenging job, you know, to say the least when you think
16 of the responsibility and the safety aspect of driving a
17 bus and having 45 kids behind you raising hell, you know.
18 It's not easy.

19 **MR. ENGELMANN:** I'll refrain from
20 commenting, but I have heard some stories.

21 Mr. Leger, those are my questions. Thank
22 you very much.

23 **THE COMMISSIONER:** Oh, is that your
24 biography you were going to come up with, Mr. Engelmann?

25 **(LAUGHTER/RIRES)**

1 THE COMMISSIONER: Thank you very much.

2 MR. ENGELMANN: Past talents.

3 THE COMMISSIONER: Thank you.

4 MR. ENGELMANN: Sir, do you want to start --

5 -

6 THE COMMISSIONER: Yes, let's do the ---

7 MR. ENGELMANN: --- some questions.

8 All right.

9 Mr. Leger, counsel for some of the parties
10 may have questions for you and when they come forward I
11 just ask that they introduce themselves and indicate who it
12 is they represent.

13 MR. LEGER: Thank you.

14 THE COMMISSIONER: Exactly.

15 So Mr. Manson.

16 MR. MANSON: Yes.

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

18 MANSON:

19 MR. MANSON: Mr. Leger, my name is Allan
20 Manson. I'm counsel with the CCR, the Citizens for
21 Community Renewal. I have one question for you.

22 MR. LEGER: I beg your pardon, who do you
23 represent, sir?

24 MR. MANSON: The Citizens for Community
25 Renewal.

1 MR. LEGER: Oh, yes, okay. Thank you.

2 MR. MANSON: I take it that until you left
3 the Board in 1988, the Board had no policy dealing with
4 screening of bus drivers?

5 MR. LEGER: No.

6 MR. MANSON: Thank you.

7 THE COMMISSIONER: All right.

8 Mr. Lee.

9 MR. LEE: Good afternoon.

10 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

11 MR. LEE: Good afternoon, Mr. Leger. My
12 name is Dallas Lee. I represent the Victims Group.

13 MR. LEGER: For the which group?

14 MR. LEE: The Victims Group.

15 MR. LEGER: Oh, yes. Thank you.

16 MR. LEE: I have a few questions for you.

17 I would like to start; Mr. Engelmann brought
18 you earlier today to the different versions of the *Child*
19 *Welfare Act* that you reproduced in your materials and then
20 later on the *Child and Family Services Act* and, as he
21 explained, eventually it became that teachers and
22 principals were specifically noted in the *Act* as someone
23 who has a duty to report and in an earlier version, it was
24 expanded to include professionals before that. But the
25 earliest versions simply say "every person".

1 Would it have been your understanding during
2 the timeframe that the *Act* simply referred to "every
3 person", that that would include teachers and principals?

4 **MR. LEGER:** Oh, definitely.

5 **MR. LEE:** So you didn't need the further
6 clarifications of professionals and then teachers and
7 principals were included? "Every person" was sufficient to
8 make you understand you had a duty; is that correct?

9 **MR. LEGER:** Yes, definitely.

10 **MR. LEE:** Now, I'd like to -- on page 3 of
11 your outline; again, dealing with the duty to report and
12 the child in need of protection, the second-last paragraph
13 of your outline on page 3 reads that:

14 "Principals were expected to review
15 with their teaching staff the duty to
16 report a child in need of protection
17 to CAS".

18 And you went through with Mr. Engelmann the
19 fact that there would be meetings. It would be dealt
20 within a collegial way; as you said, principals meetings
21 and things like that. Was there any kind of logging or
22 tracking of once the principals left the principals meeting
23 and went back to their school of what they explained to
24 teachers? Was there a form to fill out for example that
25 says on such and such a date, I explained to my staff what

1 the duty to report is?

2 MR. LEGER: No, you see, when you're
3 involved with so many people you communicate as best you
4 can, and you have never any assurance that when that person
5 leaves they are going to do exactly what you expect. The
6 follow up to that is called supervision, okay? And it goes
7 with -- the rest of the responsibilities that you give a
8 principal or that the principal accepts to do. So the one
9 thing about the reporting to CAS and so on, that was very
10 much a front and centre thing. And also, you have to
11 remember that because we had such an emphasis on dealing
12 and identifying students with needs and having that
13 professional backup, I feel very confident that even if
14 there wasn't a written protocol that was posted in every
15 hallway, that it was indeed being done because of that,
16 because of that personal kind of commitment and
17 communications that occurred as well as the support for the
18 people to perform their duties in that regard.

19 MR. LEE: So as far as you're concerned at
20 the time that you were at the Board, was there any need,
21 for example, for a formal reporting system whereby the
22 teachers would report -- or the principal would report to
23 the superintendent that, okay, we've completed what we were
24 supposed to do in terms of education?

25 MR. LEGER: Oh, yes. Yes, there was --

1 again, if you were privy to minutes of our principals
2 meetings and so on, you could find that. Okay, that there
3 was definitely an expectation, and it was stated very
4 clearly that they -- you know, that be reported, any case
5 that would involve the abuse of children and so on to a
6 superintendent, especially the special education group.

7 **MR. LEE:** Okay. Well, I would suspect that
8 at some point, we may be privy to those minutes, so we'll
9 certainly look into that.

10 **MR. LEGER:** Yes.

11 **MR. LEE:** And finally, going back to
12 something you said a moment ago about -- I don't remember
13 your exact words, something about you didn't need the acts
14 posted in the hallway in long form. Was there any kind of
15 -- in the teacher's lounge, for example, were there binders
16 that contained relevant materials during your period there?
17 I mean, obviously, there wasn't an internet set up when you
18 were there. Was there anything set up whereby teachers
19 could access materials?

20 **MR. LEGER:** No, I predate the internet. We
21 didn't have internet.

22 Yes, definitely there were -- as I said,
23 another thing that we had that became an important document
24 was a planning -- an annual planning document, okay, that
25 covered the various aspects of the operation from

1 curriculum, supervision, special education, continuing
2 education and so on, and there would be outlined the plan
3 and the strategies that were and the involvement and so on.

4 **MR. LEE:** Was this at the board level or at
5 the school level?

6 **MR. LEGER:** This would be at the board
7 level.

8 **MR. LEE:** Was it then decided ---

9 **MR. LEGER:** But it was something that was --
10 you see, it wasn't something that I sat at home and devised
11 myself. It was a culmination of submissions and
12 involvement of people in the schools; the principal being,
13 of course, the main representative there of that school.

14 **MR. LEE:** And would, therefore, all the
15 principals in the board have access to the annual planning
16 document?

17 **MR. LEGER:** That's right.

18 **MR. LEE:** And it was just a standardized
19 document that all principals would have the same annual
20 document; is that correct?

21 **MR. LEGER:** Oh, yes, and also the important
22 thing was that the general -- the representative of the
23 general public, the elected trustee, okay, had that and it
24 was their basic document to make decisions. It was a pre-
25 budget planning session, we called it. So that it was

1 based on the realities of what was going on in school with
2 an opportunity for various levels to feed into it and from
3 that the trustees could make decisions about how they were
4 going to spend the money.

5 **MR. LEE:** Thank you very much, Mr. Leger.
6 Those are my questions.

7 **MR. LEGER:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 Mr. Cipriano.

10 **MR. CIPRIANO:** I have no questions.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Chisholm.

13 **MR. CHISHOLM:** Thank you, Commissioner.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
15 CHISHOLM:

16 **MR. CHISHOLM:** Mr. Leger, my name is Peter
17 Chisholm. I'm counsel for the local Children's Aid
18 Society. I'll just ask you a couple of questions, please.

19 Going back to your evidence this afternoon,
20 you spoke of the family of schools and you used Char-Lan as
21 an example, having within its family, Martintown Public
22 School and Williamstown.

23 **MR. LEGER:** And Lancaster, yes.

24 **MR. CHISHOLM:** I'm familiar with that area
25 but I don't know if my friends would be. The family of

1 schools would be in large part based on the geography, the
2 local geography; is that right?

3 MR. LEGER: Yes, yes. It was probably based
4 as where the grade 8 students were going to, okay.

5 MR. CHISHOLM: But you wouldn't see a
6 student in Martintown end up in North Dundas?

7 MR. LEGER: That's right.

8 MR. CHISHOLM: And secondly, the T.R. Leger
9 School, what family would that be in, sir?

10 MR. LEGER: Oh, it was independent. The
11 T.R. Leger School was formed primarily at first with the
12 notion to serve dropouts, and it was started from there.
13 Of course, it grew into being continuing education and so
14 on, which is something I think that has served this area
15 very well. Not my doing because I've long since retired
16 but, as you know, it's now extended throughout the eight
17 counties of the Upper Canada Board.

18 MR. CHISHOLM: But you are the "T.R. Leger"?

19 MR. LEGER: Yes, I'm T.R. Leger.

20 MR. CHISHOLM: If I could ---

21 MR. LEGER: It was just an honour thing when
22 I retired because we instituted it during my tenure.

23 MR. CHISHOLM: If I could take you to page 3
24 of your outline, and that is the duty to report. The first
25 paragraph under the heading "Reporting and Child in Need of

1 Protection", you stated while you were director it was a
2 practice of the Board to orally communicate the duty of
3 teachers and principals pursuant to the *Child Welfare Act*
4 and subsequent *Child and Family Services Act*, to report a
5 child in need of protection.

6 Can you tell me who within the board would
7 communicate the duty contained in the legislation? I take
8 it you told us the principals would have the obligation to
9 tell their teachers, and you told us that that was done
10 throughout the school year. Is that right?

11 **MR. LEGER:** Oh, yes.

12 **MR. CHISHOLM:** Can you tell me who it was
13 that would have -- who within the board would have advised
14 the principals of the duty to report?

15 **MR. LEGER:** First of all, the communication
16 is done through principals meetings and other kinds of
17 communication, but -- what's the last part of your
18 question?

19 **MR. CHISHOLM:** I'm trying to determine if
20 you could shed any light on who it was within the board
21 that was advising the principals ---

22 **MR. LEGER:** Oh!

23 **MR. CHISHOLM:** --- of the duty to report.

24 **MR. LEGER:** Oh, well, again, the
25 superintendent, but especially the special-ed department,

1 you know, the superintendent special-ed and his group of
2 professionals, which as I said before, included social
3 workers, psychologists, psychometrists and the like, as
4 well as our special-ed consultant.

5 **MR. CHISHOLM:** Can you tell me where the
6 board was getting the information from in terms of
7 information relating to the duty to report? Who is
8 advising the board?

9 **MR. LEGER:** Well, it would be, again,
10 through different mechanisms, the regular board meetings,
11 as they occurred.

12 **MR. CHISHOLM:** When I say the "board" I'm
13 not necessarily referring to the Board of Trustees.

14 **MR. LEGER:** Ah!

15 **MR. CHISHOLM:** How were you acquiring the
16 information of the duty to report your information with
17 respect to the legislation?

18 **MR. LEGER:** Oh, well, through the Ministry
19 of Education, et cetera, that was of course -- it was the -
20 - don't forget at that time too there was a very active
21 regional office of the Ministry of Education. So that
22 became kind of the local or Eastern Ontario pipeline was
23 the Ottawa office and that, again, was continuing. We had
24 regular meetings of directors with the personnel at the
25 regional office, and by in large, anything that emanated

1 from the province they would have a specific mandate to
2 flag this and make sure that it was distributed and
3 understood.

4 **MR. CHISHOLM:** To the various boards?

5 **MR. LEGER:** Yes.

6 **MR. CHISHOLM:** Apart from Ministry of
7 Education, did you have any other entities assisting the
8 board with respect to enlightening the board with respect
9 to the duty to report?

10 **MR. LEGER:** Well, of course, like you always
11 do, various people, for example, communicated regularly
12 with CAS people, you know. And I remember if I even go
13 back when I was a guidance counselor at CCVS, and that's a
14 long time ago, but we had a loose kind of voluntary
15 organization that brought together family services, CAS,
16 probation officers and so on, and we used to meet over
17 lunch once a month, and a lot of good communication went on
18 there.

19 We got to know each other. We felt free to
20 consult one another when a problem confronted us and so on,
21 and that kind of thing continued. And I think, for example
22 -- I don't know, I can't speak for the last -- my God it's
23 nearly 20 years now, but certainly before if you look at
24 the people in CAS or Family Service Bureau and so on and
25 the people in our special-ed and superintendents would have

1 -- they know each other and they would have continuous
2 contact.

3 **MR. CHISHOLM:** Thank you, sir.

4 Those are my questions.

5 **MR. LEGER:** Thank you.

6 **THE COMMISSIONER:** Thank you.

7 From Probation and Corrections, Mr. Rose or
8 Lawless?

9 **MR. ROSE:** No questions.

10 **THE COMMISSIONER:** Thank you.

11 From the Attorney General, Mr. Thompson?

12 **MR. THOMPSON:** No questions.

13 **THE COMMISSIONER:** Thank you.

14 Cornwall Police, Maître Boivin?

15 **MR. BOIVIN:** No questions. Thank you.

16 **THE COMMISSIONER:** Thank you.

17 And OPP?

18 **MS. COSTOM:** No questions. Thank you.

19 **THE COMMISSIONER:** OPPA?

20 **MR. CARROLL:** No, thank you.

21 **THE COMMISSIONER:** All right.

22 Any re-examination by the Upper Canada
23 School Board?

24 **MR. KEEL:** No, thank you.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Engelmann?

2 **MR. ENGELMANN:** No questions.

3 **THE COMMISSIONER:** All right.

4 **MR. ENGELMANN:** And I just want to thank Mr.
5 Leger again for taking the time out to meet with us and
6 tell us some of his evidence.

7 Thank you, sir.

8 **THE COMMISSIONER:** Thank you very much, sir.

9 **MR. LEGER:** Thank you.

10 I hope that my contribution has been helpful
11 to you, Mr. Commissioner.

12 **THE COMMISSIONER:** It will be, and I'll have
13 your notes and the transcripts to remind me.

14 Thank you very much.

15 **MR. LEGER:** Thank you.

16 **THE COMMISSIONER:** We'll take a short break.

17 I take it that we're in a position to begin
18 the next witness after the break?

19 **MR. ENGELMANN:** We are, sir.

20 **THE COMMISSIONER:** Thank you.

21 **THE REGISTRAR:** Order; all rise. À l'ordre;
22 veuillez vous lever.

23 The hearing will reconvene at 3:40 p.m.

24 --- Upon recessing at 3:25 a.m./

25 L'audience est suspendue à 15h25

1 --- Upon resuming at 3:47 p.m./

2 L'audience est reprise à 15h47

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. Please be seated. Veuillez vous
7 asseoir.

8 **MR. ENGELMANN:** Mr. Commissioner, the next
9 witness on behalf of the Upper Canada District School Board
10 is Mr. James Dilamarter.

11 Mr. Dilamarter, if you could come forward,
12 please.

13 **JAMES DILAMARTER, Sworn/Assermenté:**

14 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
15 **ENGELMANN:**

16 **MR. ENGELMANN:** Mr. Commissioner, Mr.
17 Dilamarter is Mr. Leger's successor ---

18 **THE COMMISSIONER:** Yes.

19 **MR. ENGELMANN:** --- at the Upper Canada
20 District School Board, and again, then known, sir, as the
21 Stormont-Dundas-Glengarry County Board of Education, and
22 only at the very end of your term as the Upper Canada
23 District School Board. Is that correct?

24 **MR. DILAMARTER:** That's correct.

25 **MR. ENGELMANN:** Mr. Dilamarter, do you have

1 a copy of a Book of Documents with your name on it? It
2 should be just to your right.

3 **MR. DILAMARTER:** Yes, I do.

4 **MR. ENGELMANN:** I just want to ask you a
5 couple of questions before I ask that it be marked.

6 At Tab 2, is that a biography that sets out
7 a summary of some of the positions you held up until your
8 retirement?

9 **MR. DILAMARTER:** Yes, it is.

10 **MR. ENGELMANN:** All right.

11 And sir, at Tab 1, is that an outline of
12 evidence that would have been prepared by counsel in
13 consultation with yourself?

14 **MR. DILAMARTER:** Yes, it is.

15 **MR. ENGELMANN:** All right.

16 And sir, as I understand it, at Tabs 3 right
17 through to the end, and I think there are about 25 tabs, we
18 have a number of excerpts that are referenced in your
19 outline of evidence?

20 **MR. DILAMARTER:** Yes.

21 **MR. ENGELMANN:** Okay.

22 Mr. Commissioner, if that might be Exhibit
23 53?

24 **THE COMMISSIONER:** Yes.

25 Thank you.

1 --- EXHIBIT NO./PIÈCE No. P-53:

2 BOOK OF DOCUMENTS - Upper Canada
3 District School Board - James
4 Dilamarter - Volume 1 - Tabs 1 to 25

5 MR. ENGELMANN: Mr. Dilamarter, I'm just
6 going to refer briefly to your Backgrounder and ask you a
7 few questions about your background. My understanding is
8 that you graduated from teachers college in 1964; is that
9 correct?

10 MR. DILAMARTER: Yes, I did.

11 MR. ENGELMANN: And that you obtained a BA
12 from the University of Western Ontario in 1971?

13 MR. DILAMARTER: Yes.

14 MR. ENGELMANN: And in 1981 you received
15 your Masters of Education from the University of Western
16 Ontario?

17 MR. DILAMARTER: Yes, that's true.

18 MR. ENGELMANN: Okay. And can you tell us
19 when you began your career as a teacher?

20 MR. DILAMARTER: I started teaching in 1964.

21 MR. ENGELMANN: And where was that, sir?

22 MR. DILAMARTER: I started teaching in
23 Ingersol, Ontario, which is in Oxford County.

24 MR. ENGELMANN: And Oxford County is where?

25 MR. DILAMARTER: Near London, Woodstock.

1 **MR. ENGELMANN:** Okay. I'm still trying to
2 figure out Ontario, sir. I've been here many years.

3 Sir, I understand that after a number of
4 years of teaching you became a principal?

5 **MR. DILAMARTER:** It was two years of
6 teaching in those days.

7 **MR. ENGELMANN:** All right.

8 **MR. DILAMARTER:** I guess that's a number,
9 yes.

10 **MR. ENGELMANN:** After a couple of years of
11 teaching, and that you were a principal in approximately
12 five different schools?

13 **MR. DILAMARTER:** Yes, I was, throughout
14 Oxford County in various schools.

15 **MR. ENGELMANN:** And that was over a period
16 of 16 or 17 years?

17 **MR. DILAMARTER:** Yes. A total of about 16
18 years.

19 **MR. ENGELMANN:** All right.

20 And that takes us to approximately 1983?

21 **MR. DILAMARTER:** Yes.

22 **MR. ENGELMANN:** All right.

23 And I understand at the beginning of 1983, you were the
24 Superintendent of Education with the Stormont, Dundas and
25 Glengarry County Board of Education?

1 **MR. DILAMARTER:** Yes, I was.

2 **MR. ENGELMANN:** So you moved from Oxford
3 County to this area at that time?

4 **MR. DILAMARTER:** I moved from Oxford County
5 in August of 1983 and assumed my duties shortly thereafter.

6 **MR. ENGELMANN:** All right.

7 Then from 1983 to 1986, I understand that
8 your area -- sorry, your jurisdiction as a superintendent
9 was that of curriculum?

10 **MR. DILAMARTER:** Yes. I was in charge from
11 a complete board standpoint with the curriculum.

12 **MR. ENGELMANN:** All right.

13 And can you give us a sense of what that
14 involved?

15 **MR. DILAMARTER:** It involved, as Rosaire
16 indicated earlier, a lot of program implementation of new
17 programs that were coming from the Ministry or that we were
18 developing ourselves, whether it consulted a staff, it
19 involved in-servicing teachers and relationship to those,
20 making sure that the program expectations that we had set
21 as a board was being met by the schools and it encompassed
22 all of the schools, both elementary and secondary within
23 SD&G.

24 **MR. ENGELMANN:** All right.

25 And during that time, during those three to

1 four years, did you also have an area of responsibility
2 within the board?

3 **MR. DILAMARTER:** Yes, each of us had a
4 supervisory area and mine was the North Dundas -- the
5 Dundas area.

6 **MR. ENGELMANN:** All right.

7 And he used the term "family of schools".

8 **MR. DILAMARTER:** Family of schools, family
9 of North Dundas High School, family of Tugwi, those
10 schools.

11 **MR. ENGELMANN:** All right.

12 Then in 1986, sir, I understand that your
13 jurisdiction changed?

14 **MR. DILAMARTER:** Yes. With the retirement
15 of the superintendent of special education, in consultation
16 with Rosaire, I became the superintendent of special
17 education.

18 **MR. ENGELMANN:** All right.

19 And can you give us a sense of what that
20 entailed? And I know he told us a little bit about the
21 focus on special education here in Stormont-Dundas-
22 Glengarry.

23 **MR. DILAMARTER:** I was very -- having come
24 from Oxford County where we had, I thought, an excellent
25 special education staff, I was very impressed with what we

1 had here, and really we had -- as Rosaire said,
2 psychologists, psychometrists. We had coordinators. We
3 had an excellent staff of support people in special
4 education. We had that through my tenure as Superintendent
5 of Special Education and through my tenure as Director of
6 Education.

7 **MR. ENGELMANN:** All right.

8 And do you recall, sir, during that period
9 of time, '86 through '88, your area of responsibility?

10 **MR. DILAMARTER:** I'm sorry?

11 **MR. ENGELMANN:** Do you recall, sir, during
12 that period of time when you were responsible for special
13 education, did you also have an area of responsibility?

14 **MR. DILAMARTER:** I would have had an area of
15 responsibility. I know one of them was the feeder school
16 of North Dundas, but being a special education
17 superintendent, I was in every school and I cannot recall,
18 to be perfectly honest with you, which other school, family
19 of school I was responsible for.

20 **MR. ENGELMANN:** That's fine. I assume then
21 you would have visited all of the schools in the board?

22 **MR. DILAMARTER:** I was in every school
23 except the French language schools.

24 **MR. ENGELMANN:** Okay. So all of the English
25 language schools. And no doubt the French language schools

1 had some form of special education?

2 MR. DILAMARTER: They had their own support
3 staff of some sort, yes.

4 MR. ENGELMANN: All right.

5 Now, in 1988 you became the Director of
6 Education and the Secretary of the Board of Trustees for
7 the SD&G County Board of Education; correct?

8 MR. DILAMARTER: Yes, I did.

9 MR. ENGELMANN: And sir, my understanding is
10 -- and that would you agree with the previous witness, that
11 is the CEO position, if I can call it that?

12 MR. DILAMARTER: Yes, it is a CEO and Chief
13 Executive Officer and we used to refer to it as well as a
14 Chief Educational Officer responsible for implementing
15 everything within the system that pertained to education.

16 MR. ENGELMANN: All right.

17 And I understand, sir, that you held that
18 position until November of 1997?

19 MR. DILAMARTER: That's true, yes.

20 MR. ENGELMANN: And that position also
21 involved the role on the Board of Trustees as secretary?

22 MR. DILAMARTER: I assumed the same role
23 that Rosaire had, both Director and Secretary of the Board,
24 and being secretary then I was responsible for agendas and
25 minutes of the board meeting, correspondence that came to

1 and from the board.

2 **MR. ENGELMANN:** And as I understand it, sir,
3 from December of 1997 until the end of February or
4 thereabouts, 1998, you were the Interim Director of the
5 Upper Canada District School Board?

6 **MR. DILAMARTER:** M'hm.

7 **MR. ENGELMANN:** Correct?

8 **MR. DILAMARTER:** That's true. I had
9 informed the board, the new board, that I was going to
10 retire. At that time I expected it would be 1999, and they
11 needed a director for a longer length of time, someone who
12 could give them a commitment of five or six years.
13 Therefore I would assume the interim job if they wished
14 until such time as we could appoint a new director. And I
15 did and went through the search process for them and at the
16 end of February we completed that process and I no longer
17 was the director.

18 **MR. ENGELMANN:** All right.

19 So you were one of four directors of
20 education?

21 **MR. DILAMARTER:** Yes.

22 **MR. ENGELMANN:** Because there were four
23 boards that were amalgamated?

24 **MR. DILAMARTER:** Leeds-Grenville, Lanark,
25 Prescott-Russell and ourselves. There were four of us.

1 **MR. ENGELMANN:** And you were able to find a
2 new director of education for this new amalgamated board?

3 **MR. DILAMARTER:** Yes, we were.

4 **MR. ENGELMANN:** And I understand that was
5 not Mr. David Thomas; that was someone before him?

6 **MR. DILAMARTER:** No, in those days the
7 approach that we were told was necessary was to go within
8 the system if at all possible, and we had two young people
9 that really were going to be with the system for a long
10 time and they were vying for the job.

11 **MR. ENGELMANN:** And who was then appointed
12 as the director of education?

13 **MR. DILAMARTER:** Gino Giannandrea was
14 appointed at the end of February.

15 **MR. ENGELMANN:** And sir, as I understand it
16 from March until August of 1998 you continued to work, you
17 didn't go off on retirement?

18 **MR. DILAMARTER:** I had this vision that I
19 would be an advisor to the board and sort of sit around and
20 give them advice, but I received a call from the Deputy
21 Minister and asked if I would go to Toronto and work in the
22 Mowat Block until the end of August and I consented. I
23 thoroughly enjoyed the job. Got a chance to see the
24 province and to see the province from an educational
25 perspective and be part of their decision-making process.

1 **MR. ENGELMANN:** And then you did retire,
2 sir, at the end of August?

3 **MR. DILAMARTER:** I retired -- we got the
4 opportunity to retire early and I retired as of August of
5 1998.

6 **MR. ENGELMANN:** Sir, I understand -- and I'm
7 looking at your backgrounder again at the bottom of the
8 page -- that you've been actively involved in the community
9 and some of that active involvement is listed on this
10 summary.

11 **MR. DILAMARTER:** Yes, I have, and probably
12 have even more so since I retired.

13 **MR. ENGELMANN:** That seems to be part of
14 retiring.

15 **MR. DILAMARTER:** Yes. It's part of the
16 process, yes.

17 **MR. ENGELMANN:** All right.

18 I want to ask you about -- so you were
19 involved with the Rotary Club and Big Brothers and Big
20 Sisters here in the Cornwall area?

21 **MR. DILAMARTER:** Yes, I was.

22 **MR. ENGELMANN:** All right. And was that for
23 a number of years, sir?

24 **MR. DILAMARTER:** I was -- from the time
25 about 1994 -- 1984, rather, I was in the Rotary Club of

1 Cornwall and I can't recall the exact years that I was
2 President of the Big Brothers/Big Sisters Association of
3 Cornwall and District but it was somewhere -- it would be
4 during my tenure as superintendent rather than when I was
5 director. I worked with that organization and the great
6 people that are part of it.

7 **MR. ENGELMANN:** All right.

8 Sir, I'm particularly interested in the last
9 item that's mentioned there, especially given our mandate
10 here. Can you give us a sense as to -- you mention you
11 were the "Founding President of the Children's Treatment
12 Centre" and you say "(Pres. 1996 to 1999)". Can you tell
13 us what the Children's Treatment Centre is?

14 **MR. DILAMARTER:** It's probably one of the
15 things that I'm most proud of as an educator and an
16 individual who has worked in the community. Up until 1991,
17 the Children's Aid Society received funding for an abuse
18 counselling program for young people. The funding was lost
19 in 1991.

20 In 1992, a group within the community led by
21 our friend Gilles Métivier, tried to receive matching funds
22 from the local area and the government agencies to
23 establish a centre and that was met with frustration and
24 they did not receive that. So in 1996 one of the people --

25 -

1 **MR. ENGELMANN:** Let me just stop you for a
2 minute back in '92. Mr. Métivier, was he your counterpart
3 at the county board?

4 **MR. DILAMARTER:** He was, and this was just,
5 I believe, after Gilles retired as director with the
6 separate school board.

7 **MR. ENGELMANN:** And the attempt to get the
8 government to fund was there -- was there an effort through
9 pledges from community organizations and individuals at
10 that time?

11 **MR. DILAMARTER:** Yes. Yes, there was and
12 including our board, which made a commitment of \$10,000, so
13 that when Mr. Métivier and the group from the committee
14 went to Toronto, they could say, "We have raised this
15 amount of money locally and we would like you to match it"
16 and they did receive a good response from the community but
17 they didn't receive a good response for the province, as
18 far as I know. I was not part of that other than to be on
19 the peripheral supporting the idea.

20 **MR. ENGELMANN:** So nothing really took place
21 then after '92 until '96?

22 **MR. DILAMARTER:** No.

23 **MR. ENGELMANN:** And what happened in 1996?
24 How did this get going again?

25 **MR. DILAMARTER:** A good friend of mine who

1 at the time was just retiring from the Children's Aid
2 Society came to me and said, "Jim, we need to try to
3 establish an abuse centre for children who are abused to
4 get some counselling because we don't have the resource
5 here in the area. Would you be interested in chairing a
6 committee to see if we could raise the money locally?" And
7 I said I would.

8 We sat down and chose a group of board of
9 directors to put together and brainstorm and eventually
10 came up with how we were going to approach the community
11 and set a date to open in June and this being January, we
12 had to raise a hundred and somewhat thousand dollars. We
13 did that.

14 That centre has existed now for 10 years.
15 It has now a budget of \$333,000 and every cent of it is
16 raised locally.

17 **MR. ENGELMANN:** All right.

18 And do you have some sense as to how many
19 children have been treated?

20 **MR. DILAMARTER:** There have been over 1,200
21 children treated at the centre over the course of the last
22 10 years.

23 **MR. ENGELMANN:** And these would be children
24 who were victims of either physical or sexual abuse?

25 **MR. DILAMARTER:** It was designed for

1 children who had been physically, sexually or emotionally
2 abused and there was staff provided for dealing with those
3 individuals and for counselling.

4 **MR. ENGELMANN:** And the services that are
5 provided; are they provided by staff or are they provided
6 on a contract basis?

7 **MR. DILAMARTER:** No, they're provided by
8 staff, staff that the centre hires and we -- I keep saying
9 "we". Even though I've been away from it so long, I still
10 feel part of it. There is a psychologist on staff, in
11 essence on call as needed.

12 **MR. ENGELMANN:** Yes. And was the school
13 board involved in that initial fundraising effort?

14 **MR. DILAMARTER:** No, no school board
15 participated in the funding effort. We relied upon
16 community individuals, community organizations, clubs and
17 my own Rotary Club, for instance, put in \$5,000.

18 **MR. ENGELMANN:** All right.

19 Sir, then I'd like to go to your outline of
20 evidence and the first page starts with the caption
21 "Jurisdiction and Organizational Structure". And I think
22 you've told us that you certainly, during your work
23 experience, have worked throughout the geographic area that
24 is represented by the board, and when I say the board, the
25 Stormont, Dundas and Glengarry County Board of Education.

1 **MR. DILAMARTER:** Yes.

2 **MR. ENGELMANN:** Do you know if your areas of
3 responsibility actually ever included the City of Cornwall?

4 **MR. DILAMARTER:** They did as they relate to
5 special education. I know that for a fact because we
6 obviously had special ed students in every single one of
7 our schools. As I said, I can't recall if I ever had. I
8 don't believe I ever had an area with my family of school
9 that was in Cornwall but I certainly spent a lot of time in
10 Cornwall schools and in schools in Dundas and Glengarry.

11 **MR. ENGELMANN:** Now, you've told us a little
12 bit about your responsibilities as director of education
13 and they're summarized to some extent in the third
14 paragraph. Is that fair?

15 **MR. DILAMARTER:** Yes, that sums it up quite
16 adequately. Policy -- of course, policy issues were the
17 prerogative of the board and I worked with the board in
18 establishing and developing policy and anything that
19 related to governance and the day-to-day operation of the
20 schools; program and what not were our responsibilities as
21 director and the superintendents and principals.

22 **MR. ENGELMANN:** All right.

23 And the fourth paragraph, there is some
24 description about your reporting structure. Give us a
25 sense as to who is reporting to you, sir.

1 **MR. DILAMARTER:** The superintendents were
2 all responsible directly to me and I was responsible of
3 course to the board. Most of the superintendents had some
4 sort of consultative staff. The curriculum people had
5 consultants for periods of time depending on our financial
6 ability to provide them. The special education department
7 and the special education superintendent had a team, as
8 Rosaire described, which we maintained in place throughout
9 the tenure that I was there, a great part of that. So
10 there were other people that reported to them.

11 **MR. ENGELMANN:** And that team for special
12 education; was that located in a central spot or would that
13 have been throughout the board?

14 **MR. DILAMARTER:** It was located -- the team
15 support staff was located in the board office in Cornwall
16 but they spent most of their time out of the board office,
17 in the schools testing, supporting, doing what they needed
18 to do to support the children.

19 **MR. ENGELMANN:** Mr. Leger told us a little
20 bit about the role of principals and vice-principals during
21 his tenure. Is that essentially the same during yours or
22 were there some changes?

23 **MR. DILAMARTER:** Exactly the same. There
24 were, of course, because of retirements, changes in the
25 principalships that had occurred or were going to occur but

1 we did have principals. We had some vice-principals as he
2 described and they ran the schools on a daily basis and
3 were responsible to their area superintendent and also to
4 me.

5 **MR. ENGELMANN:** All right.

6 And he mentioned as well that the board
7 hired contractors from time to time and I recall, for
8 example, for the transportation services or transportation
9 purposes.

10 **MR. DILAMARTER:** Most of our transportation
11 was done through contracts, yes.

12 **MR. ENGELMANN:** All right.

13 So that continued to be the case?

14 **MR. DILAMARTER:** Yes.

15 **MR. ENGELMANN:** Now, he also referred to the
16 extension of Catholic education. Did that continue at the
17 beginning of your tenure, sir?

18 **MR. DILAMARTER:** It certainly did. When
19 Rosaire left, he had described the process that was leading
20 up to the -- or as part of the extension of funding to
21 separate school boards and I inherited that process and the
22 ability to work with both boards to do cooperative ventures
23 and also with the French language section of our board and
24 with the French language section of the Roman Catholic
25 board as they headed towards the en bloc transfer. So '88

1 and '89, we're involved in a lot of discussions related to
2 facilities, cooperation and with both the French panel and
3 the English panel.

4 **MR. ENGELMANN:** All right.

5 And at Tab 3, I think we have the same
6 reference to an Act to amend the *Education Act*. Is that
7 the Bill 30 that we've heard about before?

8 **MR. DILAMARTER:** Yes, it is.

9 **MR. ENGELMANN:** All right.

10 So you carried on with some of that work
11 that had been started. Do you have a sense, sir, as to how
12 long that carried on?

13 **MR. DILAMARTER:** It seemed like forever but
14 actually it wasn't. It ended approximately 1989 with the
15 en bloc transfer in February which went very smoothly, the
16 transfer of La Citadelle, which is the high school, to the
17 separate school board including new furnishings and
18 pictures and the whole thing went, including its students
19 from ESRG which is the French part of Glengarry High
20 School. That went very smoothly.

21 And then we were working cooperatively with
22 the committee from the Catholic school board, as indicated
23 in some of this package, to try to stress cooperative
24 ventures such as purchasing and more things we could do
25 together and busing and their school, which was now being

1 housed -- this is the English section -- their school was
2 being housed in General Vanier; St. Joseph's at one end,
3 and we were letting them use space and it was continuing to
4 grow and they were continually anxious to add spaces and
5 room to that particular facility.

6 **MR. ENGELMANN:** So if we want to get a sense
7 as to the work that was being done on this extension, if we
8 wanted to take a look at Tab 4, for example, would that
9 give us a good summary of this committee and the work it
10 was doing in some of the minutes?

11 **MR. DILAMARTER:** It does and it starts off
12 in November of '84 and goes right through the process and
13 it talks about who the trustee groups were from both
14 boards.

15 **MR. ENGELMANN:** So if we take a look at that
16 page that has got a "2" at the bottom right, I think that's
17 the page right there.

18 **MR. DILAMARTER:** Yes.

19 **MR. ENGELMANN:** We have an idea of who is
20 involved on the committee at the top of the page?

21 **MR. DILAMARTER:** That's true.

22 **MR. ENGELMANN:** And this is back in '84. So
23 this predates ---

24 **MR. DILAMARTER:** This predates me.

25 **MR. ENGELMANN:** Yes, at least as director of

1 education. You're a superintendent at this point, correct?

2 **MR. DILAMARTER:** I was the superintendent,
3 yes.

4 **MR. ENGELMANN:** And the mandate of that
5 committee is set out at the bottom of that page?

6 **MR. DILAMARTER:** Yes, and this was -- and
7 Rosaire talked about being on the implementation, planning
8 and review committee and these were expectations of that
9 committee that we would together towards this.

10 **MR. ENGELMANN:** All right.

11 And throughout this tab we have sort of
12 minutes of the meeting of the joint committee of these two
13 boards.

14 **MR. DILAMARTER:** That's what they are and
15 you'll notice that there are representatives from both
16 boards. Besides trustees, you have financial people,
17 purchasing people, and I think in some cases
18 transportation.

19 **MR. ENGELMANN:** And I think you told us the
20 timeframe was from late 1984 until either 1989 or '90.

21 **MR. DILAMARTER:** It went on for a number of
22 years where we met cooperatively. Things probably became
23 difficult for both boards when the separate school board
24 really wanted and were demanding a facility of their own.
25 And at that stage of the game, we ended up going into a --

1 an arbitrator was appointed and it again began to pick up
2 momentum and with the support of the ministry a conclusion
3 was reached in around '89 that we had created with the St.
4 Joseph's/General Vanier School, with General Vanier in one
5 end, which would be the north end, St. Joseph's in the
6 middle and the community section of the school; a first
7 class solution for everyone. The government would put
8 money into -- for both boards to renovate their section of
9 the school and we went through creating a school that was -
10 - sections were owned by separate boards, the separate
11 board on the south and the public board on the north and
12 then a joint facility in the middle.

13 **MR. ENGELMANN:** Okay. So this transition
14 obviously occupied or preoccupied ---

15 **MR. DILAMARTER:** It sounds a lot easier than
16 it really was, yes.

17 **MR. ENGELMANN:** Okay. So there were
18 officials from your board and there were officials from the
19 new Catholic board here that were working this out for a
20 number of years.

21 **MR. DILAMARTER:** Yes.

22 **MR. ENGELMANN:** And you talk in your
23 outline, and I'm on the second page of Tab 1 now, that
24 there was a further significant change to education towards
25 the end of your tenure. Can you tell us a little about

1 that? I'm looking at the second paragraph on page 2.

2 MR. DILAMARTER: Oh, this is towards 1997-
3 1998.

4 MR. ENGELMANN: Yes.

5 MR. DILAMARTER: Yes. Rosaire talked about
6 1969 when there were 1,500 school boards reduced to 170.
7 Well, towards the end of my tenure in 1998, the *Fewer*
8 *School Boards Act* came into effect which reduced that 160-
9 some school boards in the Province of Ontario down to a
10 much smaller number of school boards which, of course,
11 encompass our Board, Leeds, Grenville, Lanark and Prescott-
12 Russell became the Upper Canada District School Board.

13 MR. ENGELMANN: Now, sir, in your outline
14 you give some approximates with respect to number of
15 students, and I'm just looking at the last paragraph on the
16 second page.

17 MR. DILAMARTER: Yes.

18 MR. ENGELMANN: And you had on the first
19 page talked about -- and just looking near the bottom -- 11
20 to 12,000 students. You're now up to about 34,000 students
21 with the amalgamation.

22 MR. DILAMARTER: A major change and, plus a
23 very large jurisdiction, which was created.

24 MR. ENGELMANN: And yes, you've got 12,000
25 square kilometres.

1 MR. DILAMARTER: Yes.

2 MR. ENGELMANN: And you also -- I note you
3 don't reference the number of employees and numbers of
4 schools, but would it be fair to say that they are
5 significantly higher than the 800 to 1,000 employees you
6 reference on the first page ---

7 MR. DILAMARTER: It seems to me in that
8 short tenure that I was director, we had a lot of exciting
9 things happen, including an ice storm in Eastern Ontario.
10 And I got to know a few of the schools -- but there were
11 approximately 120 facilities that the Board, the new Board
12 inherited to deal with across those number of counties that
13 we were dealing with.

14 MR. ENGELMANN: And sir, the reference to
15 the *Fewer Schools Act* that's found at Tab 5 of your Book of
16 Documents, is it?

17 MR. DILAMARTER: Yes.

18 MR. ENGELMANN: And there's a reference to
19 the purpose at para 1?

20 MR. DILAMARTER: Oh, Tab 5, I'm sorry, where
21 are we?

22 MR. ENGELMANN: Tab 5.

23 MR. DILAMARTER: Yes.

24 MR. ENGELMANN: Of the Book of Documents.

25 MR. DILAMARTER: Yes, amendments ---

1 **MR. ENGELMANN:** --- *Fewer School Boards Act*
2 *1997.*

3 **MR. DILAMARTER:** Yes.

4 **MR. ENGELMANN:** And I just note about a
5 third of the way down the page it says "purpose of action".

6 **MR. DILAMARTER:** Yes, yes.

7 **MR. ENGELMANN:** And as one of the purposes
8 it says:

9 "Permit the transition to a new
10 system of education and governance in
11 Ontario, under which there will be
12 fewer school boards..."

13 Et cetera.

14 **MR. DILAMARTER:** We went to 72 school boards
15 in the Province of Ontario from the 170 that we had before.

16 **MR. ENGELMANN:** Do you have some sense, sir,
17 is that all school boards?

18 **MR. DILAMARTER:** It's all school boards. It
19 includes about 31 Public, 40 or so, 39 Roman Catholic.
20 There were four French Language Public and eight French
21 Language Catholic that were created, I believe, under the
22 new system.

23 **MR. ENGELMANN:** And just to get some sense
24 as to those boards, if we want to look at Tab 6 and/or Tab
25 7 a number of them are set out, are they not? And in

1 particular, I'm looking at Tab 6, the eleventh page in.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: If we go down to number 28
4 what is that referring to?

5 MR. DILAMARTER: We were, I think, in those
6 days at one point, we were called District School Board 28.
7 I'm not sure if that -- we named ourselves the Upper Canada
8 District School Board, and it defines the counties that
9 were amalgamated to create those particular schools. Our
10 school board -- our particular school board of the County
11 of Lanark, the United Counties of Leeds and Grenville,
12 United Counties of Prescott-Russell and the United Counties
13 of Stormont, Dundas and Glengarry.

14 MR. ENGELMANN: All right.

15 And then if we -- this is -- if we then turn
16 to Tab 7, just the front page for a moment, it is referring
17 to the fact that this is dealing with the English Language
18 Public District School Boards, this particular regulation?

19 MR. DILAMARTER: Yes.

20 MR. ENGELMANN: And that there are 31 of
21 them now?

22 MR. DILAMARTER: Thirty-one (31), I believe,
23 yes.

24 MR. ENGELMANN: Yes. And if we were to look
25 at -- I think it's page 11 again, you seem to have a

1 slightly longer definition of your area of jurisdiction at
2 number 28.

3 **MR. DILAMARTER:** I'm assuming that the
4 reason for the change in this is because they wanted to
5 make sure that people understood that the City of
6 Brockville and Cornwall and Gananoque and Prescott and
7 Smiths Falls were all part of that jurisdiction. If you
8 remember, if you go way back to prior '69, we had the
9 Cornwall School Board or Cornwall District School Board for
10 the high school itself. So I think there was more
11 clarification of what it included. It didn't just include
12 the ones here, the county. It included the cities as well
13 that were part and parcel of that.

14 **MR. ENGELMANN:** All right.

15 So that was a significant change and with
16 that type of change is there a period of transition for the
17 new board?

18 **MR. DILAMARTER:** There was. There
19 definitely would be and, in fact, there were many weeks and
20 months before that that we had lobbied that the size of the
21 Upper Canada District School Board was far too large. It
22 was three times the size of Prince Edward Island and
23 there's -- you know, it's bigger than a lot of the states
24 in the United States and bigger than someone's country. So
25 we lobbied unsuccessfully, but they did create the Upper

1 Canada District School Board. They made it very
2 challenging, of course, to put that school board together,
3 but it's been put together and put together well, and I
4 give credit to the people who were involved.

5 **MR. ENGELMANN:** Okay. So when you were
6 lobbying, presumably you were lobbying for more than one
7 school board for that geographic area?

8 **MR. DILAMARTER:** We were lobbying to split
9 the school board at least east-west so that Prescott-
10 Russell and ourselves would be together and Leeds,
11 Grenville and Lanark, which we thought from both a cultural
12 and a geographical standpoint would make far more sense.

13 **MR. ENGELMANN:** Sir, if we could then turn to
14 page 3 of your outline of evidence. This is "Reporting a
15 Child in Need of Protection". Mr. Leger spoke to us a
16 little bit about this, and he was referred to some of the
17 provisions in the *Child Welfare Act* and then the *Child and*
18 *Family Services Act*. I think the provision that we have
19 got here at Tab 8 is actually from the *Child and Family*
20 *Services Act* from 1999. So if I want to just take you back
21 if you -- I don't know if you have a copy of Mr. Leger's
22 Book of Documents? It's Exhibit 52. It should have his
23 name on the front cover. It's a thinner book. If you
24 could turn to Tab 8?

25 **(SHORT PAUSE/COURTE PAUSE)**

1 MR. DILAMARTER: Yes.

2 MR. ENGELMANN: This is the 1984 Act and,
3 sir, I believe this would have been the Duty to Report that
4 you would have been dealing with.

5 MR. DILAMARTER: Yes, it was.

6 MR. ENGELMANN: When you became the director
7 in 1988?

8 MR. DILAMARTER: That's correct.

9 MR. ENGELMANN: All right.

10 So at that time, just looking at section 68
11 of Tab 8, there was a reference to the Duty to Report at
12 68(2). There was the -- the reasons or duties to report
13 where there were reasonable grounds to suspect that a child
14 is or may be suffering from some form of abuse in 68(3);
15 and you also have the reference to the professionals and
16 their official duties. And you were aware, of course, at
17 this time, sir, in 68(4) that teachers, school principals;
18 social workers were all listed as professionals?

19 MR. DILAMARTER: Absolutely, yes.

20 MR. ENGELMANN: And you heard some of the
21 questions or you may have heard some of the questions even
22 before then. They were part of the "every person" category
23 as far as the duty to report?

24 MR. DILAMARTER: Yes.

25 MR. ENGELMANN: And do you recall, sir, any

1 in service or other training that was provided to either
2 principals and/or staff as part of school board policy or
3 procedure? And I'm thinking even before you became the
4 Director of Education dealing with the duty to report.

5 **MR. DILAMARTER:** My memory, unfortunately,
6 doesn't go back that far everyday, but I do recall once we
7 had reinstated that policy in written form, which is
8 exactly what Rosaire described and which had been in
9 unwritten form before, but we instituted that policy with
10 the assistance of people from CAS that we did in service in
11 the same way as Rosaire described at principals meetings,
12 with our support staff, our specialized support staff, at
13 area principals meetings, and we did a lot of work to
14 clarify exactly what we expected of our staff.

15 **MR. ENGELMANN:** So you actually formalized a
16 written protocol or policy?

17 **MR. DILAMARTER:** Yes, we did.

18 **MR. ENGELMANN:** And is that what we see at
19 Tab 10, sir, of your Book of Documents?

20 **MR. DILAMARTER:** Yes, Tab 10 at the first
21 page is the Board policy.

22 **MR. ENGELMANN:** Okay. So the Board policy
23 is the sentence we see in the middle of that page?

24 **THE COMMISSIONER:** Hold on a second. I
25 think we are seeing the *Education Act* here.

1 **MR. ENGELMANN:** I'm at Tab 10 of Exhibit 53.

2 I apologize. That's Mr. Dilamarter's book.

3 **THE COMMISSIONER:** Right.

4 **MR. ENGELMANN:** That's the document.

5 All right. So just to go back to the first
6 page for a moment, the policy is what's described where we
7 see, "It is the policy of the board"?

8 **MR. DILAMARTER:** Yes. I felt when I -- this
9 is '89, of course, and I felt that when I came into this
10 system as director, because I was new and because a lot of
11 the principals were changing and because things in the
12 world were changing, that it was going to be important to
13 have some of those policies that we used before actually
14 written down. In Oxford, I was used to using a policy
15 booklet. It helped everyone understand whether you were in
16 Dundas, Glengarry or Cornwall exactly what the expectations
17 of the Board are.

18 So we devised a booklet, and we put what we
19 had collected in '89 before the Board, and this was one of
20 the more important ones I felt, given the *Child and Family*
21 *Services Act*, and the Board then established the policy
22 that they would have a way to deal with this particular
23 issue with conformity. And then the staff, our staff, had
24 created a protocol as to how we would carry it out. This
25 was done in conjunction with CAS and with a lot of good

1 input from CAS as well to make sure that we were both
2 understanding what needed to be done and doing it in a
3 correct way.

4 **MR. ENGELMANN:** All right.

5 So the front page has the policy. The
6 remainder of Tab 10, then, is the child abuse protocol or
7 guidelines.

8 **MR. DILAMARTER:** And that would have been
9 the exact -- those would have been the exact documents that
10 we took to the principals.

11 **MR. ENGELMANN:** All right.

12 **MR. DILAMARTER:** For in service.

13 **MR. ENGELMANN:** Now, you have talked about
14 the fact that you wanted to create similar policy books or
15 manuals that you had at the previous board that you had
16 been at or words to that effect. Is that what we see at
17 Tab 9 where it says "policy manual"?

18 **MR. DILAMARTER:** Yes, and if you read the
19 introduction it talks about how trustees can become
20 involved with the creation of policies and how we were
21 going to structure the policies and so forth. It was -- to
22 me, it was a useful document as the Chief Executive Officer
23 of the Board and the Secretary of the Board to convey to
24 the principals and to the teachers of our system exactly
25 what our expectations were, both the expectations of the

1 Board from the standpoint of policy and my expectations as
2 Director.

3 MR. ENGELMANN: So you compiled all of the
4 written policies that existed. You also codified some of
5 those that weren't written?

6 MR. DILAMARTER: And we left spaces in case
7 we had others that we needed to include, yes.

8 MR. ENGELMANN: All right.

9 And you created a manual or booklet?

10 MR. DILAMARTER: We created a manual of
11 operations, if you want to call it.

12 MR. ENGELMANN: And who got those manuals?

13 MR. DILAMARTER: Every principal received a
14 copy. Every school had a copy. So in reality there were
15 two copies in each school. All of our special education
16 staff departments had a copy of those documents. We had --
17 anyone that had anything directly to do with our school
18 system had a copy within that particular facility whether
19 it be the transportation department or the purchasing
20 department. So everyone who had anything to do with our
21 system had a copy of the policy booklet.

22 MR. ENGELMANN: If we look at the third page
23 you start your index; is that correct?

24 MR. DILAMARTER: Yes, we do.

25 MR. ENGELMANN: And it says -- it situates

1 the contents of the policy manual. It does so by subject
2 section and applicable policy number rather than by page,
3 correct?

4 **MR. DILAMARTER:** Yes.

5 **MR. ENGELMANN:** And then as well, I'm just
6 looking further down the page, you say "Each document in
7 the manual is also classified and coded to provide the
8 following information".

9 **MR. DILAMARTER:** And we colour-coded the
10 whole thing, so the personnel was one colour and school
11 operations was another colour; so it made it easy for
12 people, principals, teachers to find a particular policy if
13 we had it.

14 **MR. ENGELMANN:** All right.

15 So you have all of that information in each
16 of these policies?

17 **MR. DILAMARTER:** Yes.

18 **MR. ENGELMANN:** And then if we want to know
19 what's in the index, we see them listed over the next three
20 or four pages and, in fact, if we turn to the index for
21 550, we find the Child Abuse Protocol. Correct?

22 **MR. DILAMARTER:** That's correct.

23 **MR. ENGELMANN:** And so in keeping with that
24 information that's supposed to be in those policies, if we
25 go to Tab 10 we have a date for the Child Abuse Protocol

1 which is April of '89?

2 **MR. DILAMARTER:** Yes, and that's when the
3 Board approved most of the ones that we had collected. It
4 doesn't mean that policy didn't exist before. It's just
5 it's when they approved all of the written policies that we
6 had collected over the last year and a half. And then
7 subsequent to this, a board could create another policy and
8 add it to the booklet.

9 **MR. ENGELMANN:** All right.

10 So more policies could be created. What
11 about amendments to existing policies?

12 **MR. DILAMARTER:** Yes. Any trustee who felt
13 an amendment was necessary could bring an amendment before
14 the Board.

15 **MR. ENGELMANN:** All right.

16 And who was it then that would approve new
17 policies and/or amendments to existing policies?

18 **MR. DILAMARTER:** The Board of Education
19 would approve the policy.

20 **MR. ENGELMANN:** And that would be your Board
21 of Trustees?

22 **MR. DILAMARTER:** Yes, the Board of Trustees.
23 It would be my responsibility to implement the policy.

24 **MR. ENGELMANN:** All right.

25 Now, aside from the reasons you have given

1 for wanting to have a policy manual, was there any
2 particular impetus for this specific policy on child abuse
3 protocol?

4 **MR. DILAMARTER:** There was no particular
5 impetus for it. I think that probably because of my
6 background in special education that I felt that it was
7 important and most certainly because the *Child and Family*
8 *Services Act* was there. And thirdly, probably because we
9 had a large jurisdiction, and you had to make sure that
10 people in Dundas understood that we handled things the
11 exact same way in Dundas as you handled them in Matilda
12 Township. So it was important to be all singing from the
13 same hymn book and knowing exactly what needed to be done
14 to protect the children.

15 **MR. ENGELMANN:** All right.

16 This particular protocol then that we are
17 looking at attached to the policy, who prepared it? Who
18 drafted it?

19 **MR. DILAMARTER:** This would be a committee
20 of our mostly specialized staff. A specialized
21 superintendent would have been involved. The CAS; we had
22 great assistance in this from CAS because we are not or
23 were not experts on *Child Family Services Act*, and they
24 were extremely helpful on how it should be working and how
25 we should direct what was going to be happening within our

1 schools. So we found them to be very helpful and, in fact,
2 they helped with the in servicing of this. I remember them
3 being at principals meetings.

4 **MR. ENGELMANN:** But when you were training
5 the principals and the staff ---

6 **MR. DILAMARTER:** When we were training the
7 teachers, the principals, yes.

8 We also took it to -- we had a number of
9 committees that would be meeting; things like the
10 Affirmative Action Committee; we had a council that met
11 with all of the Federation representatives, and they met on
12 a regular basis with the director and all of these things
13 would be presented to them as well.

14 **MR. ENGELMANN:** When you talk about the
15 Federation, you mean representatives of Teachers Unions?

16 **MR. DILAMARTER:** Yes. We had a meeting, it
17 went, you know, five or six times a year we would meet and
18 talk about issues that were important that they needed to
19 be aware of, so that when we started talking about this
20 particular policy or another policy, they would be aware of
21 it and they would also be able to help from their
22 standpoint with teachers within their organizations.

23 **MR. ENGELMANN:** Sir, did you have any
24 involvement or direct involvement in the preparation of the
25 document?

1 **MR. DILAMARTER:** Not that I recall other
2 than to be satisfied with it when it came to the board --
3 or before it came to the board and to take it to the board.

4 **MR. ENGELMANN:** Now, in the document itself,
5 there is a reference to, and I'm looking at the second
6 paragraph,

7 "...the school employees being in daily
8 contact with children are in an
9 excellent position to identify abuse or
10 neglect."

11 And it says,

12 "Last year alone statistics for the
13 three United Counties show that 149
14 cases of child abuse were reported."

15 Do you know who is being referred to there?
16 Reported to whom?

17 **MR. DILAMARTER:** This would be data that we
18 gathered from CAS. You have to remember that at this
19 particular point in time, in the late '80s and the early
20 '90s, Cornwall was experiencing a real depression and they
21 needed assistance, they needed support. But then one time
22 I remember another statistic that we were using, there were
23 37 per cent of people on some sort of social assistance.
24 And I recall working with the new director, and it must
25 have been in '93, Roger Davidson, and going to Toronto to

1 ask for funds to support this community. It was a very
2 depressing time for the city, and it's a good city and
3 there are good people, and there were a lot of people
4 working together to help it.

5 **MR. ENGELMANN:** Just going through the
6 protocol briefly then, sir, you have some definitions of
7 various forms of abuse on page 2.

8 **MR. DILAMARTER:** Taken right from the Act,
9 yes.

10 **MR. ENGELMANN:** All right.

11 And the principles that are set out, those
12 were principles that the Board developed?

13 **MR. DILAMARTER:** They were principles that
14 the group that created this policy believed in firmly and
15 that we should go in and our teachers should be aware that
16 this is what we assume from the beginning.

17 **MR. ENGELMANN:** Do you know why, for
18 example, we see the first principle?

19 **MR. DILAMARTER:** We felt that our
20 responsibility under this policy was to report and as
21 teachers within the system or principals within the system
22 you report what you hear, and you cannot assume a child is
23 not telling the truth because that's not starting in a
24 positive light. You've got to start assuming the child is
25 telling the truth and go from there. And this was an

1 attempt to do that and to make sure everyone understood we
2 are assuming the children are telling the truth.

3 **MR. ENGELMANN:** What about point number
4 four, principle number four, how does that come into play
5 for a school board employees?

6 **MR. DILAMARTER:** Well, it was vital that we
7 convey to our staff that the concept of confidentiality did
8 not exist when it came to abuse. I mean that's -- it's
9 stated in the Act and it -- and it was not uncommon for a
10 teacher who had a good rapport with a student to have that
11 student come to him or her and confide in him
12 confidentially. And what we were trying to tell the
13 teachers is that there is no such a thing as
14 confidentiality when it relates to an abuse situation.

15 **MR. ENGELMANN:** What about psychologists,
16 social workers, guidance counsellors or others who may
17 have, at least often when they deal with students, a
18 confidential-type relationship or an expectation of
19 confidentiality?

20 **MR. DILAMARTER:** All of those people,
21 including the guidance counsellors at our high schools,
22 were clearly informed that although that's perhaps a nice
23 thing at some time, it's not a nice thing when it comes to
24 abuse. That confidentiality does not exist and in fact our
25 special education staff were very much behind the whole

1 concept that this was something that they, you know, may
2 have been used to confidentiality in certain circumstances,
3 but it did not apply when it related to abuse.

4 **MR. ENGELMANN:** And anything more that you
5 could provide on principle number six.

6 **MR. DILAMARTER:** One of the things that I
7 found coming to SDG from Oxford is that there was a great
8 cooperative relationship amongst the various service
9 providers for children, including -- although we seem to be
10 fighting between the Catholic Board and the Separate School
11 Board -- the Catholic Board and the Public School Board for
12 spaces, there was a lot of things being done together and
13 we did a lot of things together with CAS. We did a lot of
14 things together with the police and, in essence, what that
15 is saying effective response requires a full cooperation
16 and coordination of all systems. Specialization of core
17 personnel is necessary to promote sensitivity, consistency
18 and collaboration, and that's what we were really talking
19 about. It's making sure that the right people were allowed
20 to do their work.

21 **MR. ENGELMANN:** And over the next two pages,
22 you have a caption saying "Identification, Physical Abuse,
23 Emotional Abuse and Neglect".

24 **MR. DILAMARTER:** They were taken from the
25 Act as well.

1 **MR. ENGELMANN:** All right.

2 So (e) then, at page 5, says "School
3 procedure". Is this something that was developed for the
4 school board?

5 **MR. DILAMARTER:** Yes. We developed it. The
6 committee developed it in consultation with CAS. We
7 developed -- what we're really saying here is that if
8 there's a teacher, for instance, who believes that -- has a
9 reasonable grounds that a child is being abused in some
10 fashion or another, that teacher has a responsibility to
11 report that incident. And our policy stated that you'd
12 report it first to the principal, and it sort of the
13 principal was the manager of the school and the principal
14 was going to have to deal with the issues that came out of
15 it. So the principal then would make the report to CAS.
16 And it was a general procedure that was effective, but we
17 told the teacher, "The principal will get back to you after
18 you've told her that or him that and if you're not
19 satisfied, you still have an obligation to make that
20 report. If you still -- when the principal has decided
21 that 'I don't think it is a case of reasonable grounds',
22 and you still believe so, you still are obligated to make
23 that report, and we will support you if you have to."

24 **MR. ENGELMANN:** And that's the reference at
25 paragraph 5 on the following page?

1 MR. DILAMARTER: That's correct.

2 MR. ENGELMANN: Where it says:

3 "The employee retains primary responsibility"?

4 MR. DILAMARTER: Yes.

5 MR. ENGELMANN: So you have the Act, which
6 says that teachers and principals, and social workers, and
7 others have the duty to report to Children's Aid.

8 You have a policy or procedure that says
9 with the teacher; is it also the case with other employees?

10 MR. DILAMARTER: Yes.

11 MR. ENGELMANN: So whether it's the teacher,
12 the social worker or psychologist, you have a policy or
13 procedure that says they must report to the principal or
14 the principal's designate?

15 MR. DILAMARTER: That's correct, yes.

16 MR. ENGELMANN: How did this -- I don't know
17 if you can give us examples, but you say the teacher
18 maintains that responsibility to report if the principal
19 and/or designate decides that it's not necessary.

20 Is there a conflict there between teacher
21 and principal in some circumstances?

22 MR. DILAMARTER: We never had any that I
23 recognize. I think most of our teachers realized that a
24 principal was in a decision-making process within a school,
25 and I would -- I have no statistics to back this up, but I

1 would expect that if the teacher had, in all good
2 conscience, made a recommendation or indicated to the
3 principal that abuse was taking place or that she felt or
4 he felt that there was grounds for an investigation, that
5 we would immediately phone CAS.

6 **MR. ENGELMANN:** Why the extra check? Why
7 have the principal or designate involved?

8 **MR. DILAMARTER:** Because the principal is
9 the manager of the school and throughout that process of
10 what happens next, the principal is going to be the key
11 person that has to facilitate that happening.

12 **MR. ENGELMANN:** And I think you give certain
13 responsibility to the principal if, in fact, the Children's
14 Aid Society is contacted. Is that correct?

15 **MR. DILAMARTER:** Yes.

16 **MR. ENGELMANN:** And what responsibility is
17 that, sir?

18 **MR. DILAMARTER:** The principal and anyone
19 within our system is not to duly investigating. The
20 principal is to in an unobtrusive manner as possible trying
21 to make sure that the allegation is reasonable, but they
22 are not to investigate. The investigation is to be done by
23 the people who are trying to do it and do it properly. So
24 that's the key message we give to the principal; is
25 basically report, get out of the way and let the people who

1 know what they are doing do their work.

2 **MR. ENGELMANN:** Sir, you have a procedure or
3 steps of the school procedure that are set out on page 7
4 and how, if at all, do they connect with the chart on the
5 following page, page 8?

6 **MR. DILAMARTER:** All of this document was
7 used in our in servicing with principals and we wanted to
8 make sure that they understand inter-familial 1 and inter-
9 familial 2, and extra-familial 1, and that was fairly
10 straight forward. We also wanted them to understand that
11 if it was an alleged in-school molestation by someone
12 within the school themselves, that it was absolutely
13 imperative that the superintendent be informed immediately
14 to make the report. Not that the others would not be
15 informed. They obviously would be informed, but it was
16 going to be the superintendent's and my responsibility to
17 take some action against that particular teacher and as was
18 described earlier, that teacher would be immediately
19 suspended once the allegation would be made, suspended,
20 removed from the classroom and either told to work at home
21 or given a job away from children until the investigation
22 was completed and charges been laid or whatever occurred
23 after that.

24 **MR. ENGELMANN:** Okay. So the policy or
25 procedure of placing an employee who might be dealing with

1 children who was charged with something that would suggest
2 a child might be at risk remained the same?

3 MR. DILAMARTER: Yes, it did.

4 MR. ENGELMANN: All right.

5 Is that reduced to writing in this document
6 or other documents or did that just continue to happen on
7 an informal ---

8 MR. DILAMARTER: To the best of my
9 knowledge, we -- I guess because we considered that a
10 common sense thing to do, that if a teacher was accused of
11 abuse then we would immediately get that teacher out of
12 that situation, report it, and let the authorities do their
13 work, and I think it was something that Rosaire had done
14 before. I was -- this particular piece of legislation was
15 dealing with the reporting in the school, at the school
16 level and mainly I was dealing with a child coming to a
17 teacher or to a principal and saying, "You know, my dad has
18 been beating me or I've been sexually molested" or whatever
19 it happened to be.

20 The other was a common-sense policy that
21 really would -- I think any board of education would take
22 in such circumstances.

23 MR. ENGELMANN: Did you have to apply that
24 policy or procedure on occasion?

25 MR. DILAMARTER: We never did from the

1 standpoint of this policy. In other words, we never did in
2 a case where abuse had been reported to us of something
3 that was happening within the system. We did have to apply
4 that policy in situations where the police had informed me
5 that they were going to be laying a charge against an
6 individual within our system who was the teacher for an
7 incident that happened a long time ago or an incident that
8 happened outside the school setting and we did apply that
9 policy. Immediately, the teacher was suspended. I
10 presented him with a letter of suspension. They were
11 removed from the classroom until such time as the case was
12 heard and a resolution determined.

13 **MR. ENGELMANN:** Now, on page 9, you talk
14 about -- and I'm looking under "Investigators may seek
15 access to pupils in the school". You say:

16 "In all cases of alleged child sexual
17 abuse within a school perpetrated by a
18 staff member the protocol should be put
19 in the hands of the superintendent and
20 director to ensure impartiality in
21 determining access and protection of
22 the pupils."

23 Tell us why you said that?

24 **MR. DILAMARTER:** I guess because of the fact
25 that you would have perhaps had a teacher who had been in

1 your system and perhaps in your school for 25 years. As a
2 principal you may have been in that same school for 10
3 years and you knew that teacher all too well. Then you
4 would find it more difficult to believe that allegation,
5 and somebody who could look at it more objectively and take
6 the action, it was essential that they take the action. So
7 we did have the superintendent and myself being informed.
8 The superintendent would contact CAS. It never occurred.
9 It never did happen under my tenure to the best of my
10 knowledge.

11 **MR. ENGELMANN:** And if teachers were accused
12 of criminal acts, and I think you've mentioned two or three
13 examples where that might have happened, did the school
14 board provide them with counsel in the circumstances?

15 **MR. DILAMARTER:** No. The federation may
16 have. I don't know. The school board did not provide them
17 with counsel, no.

18 **MR. ENGELMANN:** But the school board did
19 continue its policy or practice of suspending with pay?

20 **MR. DILAMARTER:** Yes, they did.

21 **MR. ENGELMANN:** And removing any contact
22 with students until the matter was resolved?

23 **MR. DILAMARTER:** Removed them from contact
24 with the student and also monitoring the court process. We
25 had representatives in court so that once the determination

1 was made, the board still had a decision to make. Do you
2 put that individual back -- and let's say the person was
3 acquitted ---

4 **MR. ENGELMANN:** Yes.

5 **MR. DILAMARTER:** Are you able to put that
6 individual back in that classroom or in that school because
7 they've been acquitted or are there reasons that the board
8 should take action against that teacher to either fire them
9 or take further action.

10 **MR. ENGELMANN:** So the board's policy was to
11 monitor those court proceedings ---

12 **MR. DILAMARTER:** Yes, it was.

13 **MR. ENGELMANN:** --- and to keep informed?

14 **MR. DILAMARTER:** Yes.

15 **MR. ENGELMANN:** And sir, there's a reference
16 on page 10 to coordination of investigations, and that's
17 the second last paragraph "CAS and the police".

18 **MR. DILAMARTER:** Yes. We insisted, and I
19 think with the support -- I know with the support of both
20 the CAS and the police that we as a school board had an
21 obligation to report the allegation and the CAS and the
22 police had an obligation to investigate the allegation.
23 And the less onerous and difficult and challenging you made
24 that for the child involved was much better. You wanted to
25 make it as less frightening as possible for that individual

1 child. So we said "No, let's coordinate, let's make sure
2 we're coordinated." You'll see later on when that area,
3 sexual abuse protocol, comes out, that's exactly what they
4 were doing.

5 **MR. ENGELMANN:** I note it says you're making
6 efforts so that there's no duplication or intimidation with
7 the interviewing experiences.

8 **MR. DILAMARTER:** That's right.

9 **MR. ENGELMANN:** So let's go back to page 5
10 for a minute. I want to understand the context of the
11 principal or designate gathering information, because it
12 talks about two things there. It says:

13 "Consultation with staff members who
14 have interaction with the child in
15 question and interviewing the child."

16 Can you explain what the purpose of that
17 interview is and whether that's an investigation or not?

18 **MR. DILAMARTER:** It was not an investigation
19 and it was to be done -- and we really had to emphasize
20 this clearly with the staff, is that you're not
21 investigators, you're not designed to investigate, you're
22 designed to find out is there reasonable grounds. So you
23 had to do it as gently as you could with the child, whether
24 it be the principal doing it or whether it be the teacher,
25 and all you were to determine, all you were trying to

1 determine is there a reasonable ground, and if you felt
2 there was, a report would be made. Then any interviewing
3 that would be done would be done by the trained
4 professionals who could deal with it through CAS and the
5 police.

6 **MR. ENGELMANN:** Mr. Commissioner, this might
7 be an appropriate time to break for the day ---

8 **THE COMMISSIONER:** Yes.

9 **MR. ENGELMANN:** --- because I'll be turning
10 to new matters.

11 **THE COMMISSIONER:** Terrific. Thank you.

12 Thank you, sir. We'll see you at 9:30
13 tomorrow morning then.

14 Thank you.

15 **THE REGISTRAR:** Order; all rise. À l'ordre;
16 veuillez vous lever.

17 The hearing is now adjourned. L'audience
18 est ajournée.

19 --- Upon adjourning at 4:46 p.m./

20 L'audience est ajournée à 16h46

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM