

IN THE MATTER OF the *Public Inquiries Act*, R.S.O. c. P-41;

AND IN THE MATTER OF the Order in Council 558/2005, establishing the Commission with the Honourable G. Normand Glaude as Commissioner, ("The Cornwall Public Inquiry");

AND IN THE MATTER OF an Application for Standing by the Upper Canada District School Board;

**Written Submissions for
Phase 1 of the Cornwall Public Inquiry
Upper Canada District School Board**

Filed Thursday, February 19, 2009
Cornwall Public Inquiry
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Executive Summary

1. The Upper Canada District School Board (the “UCDSB”) is a publicly funded school board with responsibility for English-language public students in the geographical areas of the County of Lanark, the United Counties of Leeds and Grenville, the United Counties of Prescott and Russell and the United Counties of Stormont, Dundas and Glengarry. It is the result of the amalgamation in 1998 of the county school boards of each of those regions, including the Stormont, Dundas and Glengarry County School Board (“SD&GCSB”), who are referenced hereinafter together as the “Public School Board”.
2. There are three perpetrators, all of whom were charged and convicted, who are relevant to the Public School Board, they are: Robert Sabourin, Jean-Luc Leblanc and Gilles Deslauriers.
3. The issues for the Public School Board and these perpetrators are:
 - (a) whether or not the Public School Board took appropriate steps to screen or to have screened adults in contact with students;
 - (b) whether or not the Public School Board provided adequate supervision;
 - (c) whether or not the Public School Board took adequate steps to train employees regarding allegations of sexual abuse;
 - (d) whether or not the Public School Board took adequate steps to report incidents of children in need of protection;
 - (e) whether or not the Public School Board took adequate steps to investigate and act on allegations of sexual abuse; and
 - (f) whether or not the Public School Board took adequate steps to provide support services for victims of abuse.
4. It is respectfully submitted that, although the Order in Council dated April 14, 2005 refers to “allegations of historical abuse of young people” and not “sexual” abuse, the mandate of the Cornwall Inquiry has been to review allegations of sexual abuse, not allegations of physical or emotional abuse of children and youth. As such, the Public School Board respectfully submits that this is not the proper forum to review whether or not instances of alleged physical abuse of Jeannette Antoine, Cathy Sutherland, Roberta Archambault and Andre Bissonnette were appropriately addressed by the institutions.

Robert Sabourin

5. Robert Sabourin was charged, pled guilty, was convicted of gross indecency and sentenced on April 12, 1999 in relation to acts against Alain Seguin, Andre Lavoie.
6. Robert Sabourin was a teacher at La Citadelle/ St. Lawrence High School (the "School") from September 1967, when hired by the City of Cornwall's Collegiate Institute Board, which later amalgamated to become the SD&GCSB, until August 1976, when he resigned for medical reasons.
 - (a) It is respectfully submitted that there is no evidence to suggest that the Collegiate Institute Board did not conduct a proper interview and contact references when hiring Robert Sabourin.
 - (b) It is respectfully submitted that there is no evidence to suggest that Robert Sabourin had been convicted of any offence prior to his hiring date in 1967 or that there might have been an independent method of identifying such a conviction.
 - (c) It is respectfully submitted that there is no evidence that could reasonably lead to the conclusion that Robert Sabourin was not an appropriate candidate for a teaching position and that he should not have been hired by the Collegiate Institute Board.
7. Ms. Jeannine Seguin was the Principal of the School from 1973 until 1980. Jean Paul Scott was her Superintendent.
8. Alain Seguin testified that while he was a student of Jean XXIII School in grade 7, he was introduced to Robert Sabourin who befriended Alain Seguin and his family by inviting Alain Seguin to come to the School for lunch and taking him on photography excursions. The abuse by Robert Sabourin began approximately one month later and took place in the School in Robert Sabourin's office area during lunch breaks on school days as well as in Robert Sabourin's home office in Cornwall.
 - (a) During the period of abuse, Alain Seguin did not disclose the abuse by Robert Sabourin to his family, to the police, to teachers or guidance counsellors at the school, to his drug counsellor or to friends. Alain Seguin disclosed his abuse as an adult during the Project Truth investigations.
9. Andre Lavoie was a student at the School between 1967 and 1972, and Mr. Sabourin was one of his teachers. Andre Lavoie's abuse began at Robert Sabourin's home and continued throughout

his attendance at the School and shortly thereafter. The abuse occurred both at the School in Robert Sabourin's office area "dark room" and at other locations outside the school.

- (a) Robert Sabourin was never caught abusing Andre Lavoie at the School, as he used the excuse that he had exposed photography film in the room.
 - (b) Robert Sabourin became a close friend of Andre Lavoie's family including his parents, lived in their rooming house and shared meals with them. At no time did Andre Lavoie's parents suspect that he was being abused by Robert Sabourin.
 - (c) Andre Lavoie never reported the abuse to his parents, school authorities, his teachers or other students, even those who he believed were also being abused by Robert Sabourin.
10. C-112 was a student of the School and testified to two incidents of sexual abuse by Robert Sabourin.
- (a) He testified that following the second incident he told his mother that he didn't want to go back to Robert Sabourin's class. He didn't identify to her why he did not want to return.
 - (b) C-112 testified that he did not communicate to Jeannine Seguin what occurred nor did she communicate to him her understanding of what occurred. C-112 testified that he simply told her that Robert Sabourin was a pervert. Jeannine Seguin asked to speak with C-112 and told him that he could complete Sabourin's class in the library.
 - (c) C-112 never told any other teachers or other administrators at the School what happened.
11. In the spring of 1976 Mrs. Sabourin, Robert Sabourin's wife, advised Jeannine Seguin that Robert Sabourin was having sexual relations with students. Jeannine Seguin responded to her that she could not do anything without evidence and that Mrs. Sabourin should assist in trying to convince Robert Sabourin to resign for medical reasons.
- (a) Robert Sabourin provided Jeannine Seguin with a letter of resignation for medical reasons on or about May 31, 1976 and his resignation went to the Board of Trustees and was accepted by them as a mutually acceptable resignation for medical reasons as of August 31, 1976.
 - (b) Jean Paul Scott testified that Jeannine Seguin informed him of the allegations after she had accepted Robert Sabourin's resignation for medical reasons. He did not recall

whether or not he informed the Director of Education, Rosaire Leger, of the circumstances of the resignation.

12. Jeannine Seguin denied having any prior knowledge of Robert Sabourin's inappropriate actions. She denied that any students disclosed information to her or that anyone else brought information to her attention.
 - (a) It is respectfully submitted that there is no evidence that, prior to Mrs. Sabourin's meeting with Jeannine Seguin, the administration of the School or the Public School Board were aware of Robert Sabourin's abuse of students.
 - (b) It is respectfully submitted that C-112 never specifically communicated to Jeannine Seguin the nature of his concerns. There is no evidence that C-74 communicated to Jeannine Seguin the details of the incidents between C-112 and Robert Sabourin. It is respectfully submitted that the concern communicated by C-112 to Jeannine Seguin, namely that Robert Sabourin was a pervert, could reasonably have been interpreted by her to be a concern about Robert Sabourin being homosexual.
 - (c) The evidence of both Andre Lavoie and Alain Seguin was that they did not disclose their abuse to anyone while they were students of the School.
 - (d) It is respectfully submitted that no conclusion can be made that Jeannine Seguin had knowledge of the incidents between Robert Sabourin, C-112, Andre Lavoie or Alain Seguin.
13. The undisputed evidence indicates that Robert Sabourin was never caught by staff or the administration of the School in the act of abusing a student. The evidence indicates that Robert Sabourin always had excuses for being with students. The evidence also indicates that Robert Sabourin was a manipulative individual who had created a persona of being a caring adult interested in the welfare of children.
 - (a) It is respectfully submitted that there is no evidence that suggests that Robert Sabourin's actions should have led administrators of the School or the Public School Board to believe that he was lying about his activities and to suspect that he was abusing students.
14. It is respectfully submitted that the evidence is insufficient to infer that the administration of the School should have concluded that because Robert Sabourin locked his office doors he was sexual abusing students.

- (a) It is respectfully submitted that the administration of the School provided supervision consistent with the supervision provided at other schools of the Public School Board.
 - (b) It is respectfully submitted that, given the period of time and lack of knowledge about the prevalence of sexual abuse there was no reason to suspect that such supervision was not adequate.
 - (c) It is respectfully submitted that there is no evidence to suggest that further classroom monitoring and supervision of Robert Sabourin by administrative staff would have resulted in uncovering Robert Sabourin's deception.
15. It is respectfully submitted that it is not reasonable to conclude that teachers and administrators in the School or administrators of the Public School Board with only a professional relationship with Robert Sabourin should have suspected that he was sexually abusing students when the parents of the abused students did not suspect abuse, despite their close, personal relationship with Robert Sabourin.
16. Jean Paul Scott believed that he had no grounds to proceed further with the allegations brought to Jeannine Seguin's attention. The allegations were not investigated by the School or the Public School Board or reported to the police or to the CAS.
- (a) It is respectfully submitted that the decision by Jeannine Seguin to accept Robert Sabourin's resignation for medical reasons without reporting the matter to CAS and/or the police, without reporting it to the Director of Education and Board of Trustees and without further investigation by the Public School Board was not consistent with the expectations of the Director of Education.
 - (b) It is respectfully submitted that there is no way to determine what the outcome of an investigation of the allegations against Robert Sabourin in 1976 by CAS and/or the police and the Public School Board would have concluded, nor is it possible to conclude whether or not there would have been sufficient grounds for discipline or to terminate Robert Sabourin or sufficient evidence for a hearing by the Ministry of Education to remove Robert Sabourin's teaching certificate.

Jean-Luc LeBlanc

17. In January 1986, a disclosure of sexual abuse by an individual, Jean-Luc Leblanc, who was not related by employment or association to the Public School Board, was made to a teacher of the Public School Board, Dawn Raymond, by two of her former students, Jason Tyo and Scott Burgess.

18. This was the first disclosure and experience with child sexual abuse that Dawn Raymond had in her career. Following these disclosures, Dawn Raymond spoke to her principal, Ivan St. John, and he advised her to consult with the special education consultant, Dave Hill, who referred her to Lorne Lawson, her Superintendent of Education. Upon hearing the details of the disclosure Lorne Lawson he contacted Children's Aid Society (the "CAS") and a CAS and police investigation were initiated.
- (a) It is respectfully submitted that Dawn Raymond's report of the abuse to her Superintendent of Education, Lorne Lawson, who contacted CAS immediately, was consistent with the existing legislation at the time of the incident.
19. Constable Payment's notes indicated that there was approximately 2 weeks between the initial disclosure of abuse and Dawn Raymond's report to CAS. Constable Payment indicated that, while the delay was a concern, if the victim hesitated he could understand why there might have a hesitation reporting. The issue of delay was never raised by Constable Payment with Bruce Duncan of the Children's Aid Society. Although Dawn Raymond understood her duty to report a child in need of protection with respect to physical abuse and/or neglect, she did not fully understand how that duty applied to sexual abuse, because sexual abuse could not be visually confirmed. In reviewing why the lapse of time occurred, Dawn Raymond indicated that, since she had never encountered such abuse, she had been trying to decide what to do and perhaps trying to get further evidence.
- (a) It is respectfully submitted that, given that the Badgley Report had only just been issued in August of 1984, and it was the first significant Canadian research on the incidence of child sexual abuse, particularly sexual exploitation of male children, it is not reasonable to expect that Children's Aid Societies and school boards in Ontario would have had an opportunity to train school administrators and teachers about child sexual abuse and the expectations of reporting a child in need of protection resulting from sexual abuse.
- (b) Nor is it reasonable to expect that Dawn Raymond would have been familiar with the process and standards for reporting a child in need of protection resulting from sexual abuse.
- (c) Despite two weeks passing between the first disclosure and her decision to report, it is respectfully submitted that there was no failure on Dawn Raymond's part to do what was necessary to assist these students

20. The School's decision not to permit Constable Brian Payment to interview Scott Burgess at the School without his mother or father consenting was a common practice and did not concern Constable Payment at that time, as he understood why such a practice was in place.
- (a) It is respectfully submitted that there is no evidence that this practice in any way hindered the investigation, given that the School facilitated the CAS interviewing Scott Burgess immediately.
21. Lorne Lawson, the Superintendent responsible for the special education support services of the Public School Board, offered to provide Scott Burgess, Jason Tyo and Jody Burgess psychological assistance.
- (a) It is respectfully submitted that these were appropriate support services to have offered the students.
22. Jean-Luc Leblanc pled guilty to two (2) counts of gross indecency on November 6, 1986 and received a suspended sentence and three (3) years probation as a sentence.
23. In or about October 1998, Jean-Luc Leblanc was hired by Rory Evans for Evans Bus Lines to provide transportation for students of the Public School Board contrary to the expectation of the Board's Hiring Guidelines. The evidence indicates that Rory Evans should have notified Carol Tyrell, Transportation Manager of the Public School Board, of Jean-Luc Leblanc's conviction, but failed to do so. Rather Rory Evans accepted Jean-Luc LeBlanc's explanation that he had been "cured" and hired him.
- (a) It is respectfully submitted that Rory Evans' failure to comply with Public School Board's requirements to report Jean-Luc Leblanc's criminal conviction and his lapse in judgement in accepting Jean-Luc Leblanc's explanation could not have been anticipated; thus, the Public School Board had no reason to have requirements in place that could prevent such an error.
- (b) Following the error the Public School Board prepared and implemented Standards of Performance in January 1999 applicable to its transportation providers, which included, among other things, that transportation service providers obtain a criminal reference check from all bus driver candidates and submit them to the Public School Board.

Father Gilles Deslauriers

24. Father Deslauriers was assigned by the Diocese of Alexandria (the Diocese) in 1977 to become Chaplain of La Citadelle High School following the request by Jeannine Seguin of Bishop LaRocque.
- (a) It is respectfully submitted that the evidence indicates that Jeannine Seguin requested Father Gilles Deslauriers to be Chaplain at La Citadelle based on his positive reputation. There is no evidence to suggest that at the time her request was made of Bishop LaRocque that there was any information known to either the Diocese or to the Public School Board that Gilles Deslauriers had ever sexually abused children and/or youth.
25. Benoit Brisson, a former student during the late 1970s of La Citadelle High School, when he was 17 years old met Father Deslauriers at school and got to know Father Deslauriers much better through the RCube movement (R3), which was a program under the Diocesan plan for youth. Benoit Brisson was introduced to R3 by his sister. Eventually Benoit Brisson's contact with Father Deslauriers increased to include 'therapy', and in January 1979 Benoit Brisson was abused by Deslauriers at the St. John Bosco Rectory where Father Deslauriers maintained an office and residence.
- (a) Neither the School nor the Public School Board was responsible for R3 and its supervision. Neither the School nor the Public School Board was responsible for Father Deslauriers' therapeutic program and its supervision. Neither the School nor the Public School Board was responsible for supervising Father Deslauriers when he was at Father John Bosco rectory or on retreats with R3.
- (b) It is respectfully submitted that the abuse that was perpetrated by Father Deslauriers took place off School property in the rectory of Father Bosco Church when youth came to visit Father Deslauriers for 'therapy'. It is respectfully submitted that there were no supervision mechanisms that could have been employed to ensure that Father Deslauriers was not abusing students off school property
26. Following Benoit Brisson's disclosure of abuse in May 1986 many other victims came forward and informed the Diocese of Alexandria of their experiences with Father Deslauriers, and as a result Bishop LaRocque asked Father Deslauriers to leave the Diocese. The Diocese did not report the abuse to CAS or inform the School or the current or former School Administration of the reasons that Father Deslauriers was asked to leave the Diocese.

27. Father Deslauriers was subsequently convicted of four (4) counts of gross indecency, reduced from 8 counts, and sentenced to a suspended sentence with 2 years probation with conditions.
28. At no time while Benoit Brisson was attending school did he disclose the abuse by Father Deslauriers, nor did he make his abuse more widely known to the public until May 1986. During her tenure as Principal of La Citadelle, Jeannine Seguin never received any complaints from any students about Father Deslauriers. The Diocese at no time informed the School or the Public School Board of Father Deslauriers abuse of youth.
- (a) It is respectfully submitted that it is not reasonable to anticipate that staff or administration of the School would suspect that Father Deslauriers was perpetrating such sexual abuse off school property with students of the school.
- (b) It is respectfully submitted that it is not reasonable to conclude that the administration of the School should have suspected that Father Deslauriers was abusing students off school property.
29. It is respectfully submit that when not in the School, Father Deslauriers was not the responsibility of the School or the Public School Board. It is respectfully submitted that at the same time that Father Deslauriers was a Chaplain in the School he was also a priest and responsible to the Diocese for his behaviour, regardless of whether his actions were connected to his work as a Chaplain, or as a priest of the Diocese and R3 leader.

Nelson Barque

30. It is respectfully submitted that there are no allegations of wrong-doing involving Nelson Barque while he was an occasional teacher for one month at La Citadelle or prior to his time spent at La Citadelle.
31. It is respectfully submitted that there is no evidence that Nelson Barque was ever placed in a school or provided services to a school under the jurisdiction of the Public School Board while he was employed by Psychosocial Department (also known as Equip Psychosocial).
32. It is respectfully submitted that there is no evidence of wrong-doing by Nelson Barque in any of the Public School Board's schools.

PHASE 1 SUBMISSIONS OF THE
UPPER CANADA DISTRICT SCHOOL BOARD

A. Background Facts Regarding the Upper Canada District School Board

Structure & Governance

1. The Upper Canada District School Board is a publicly funded school board and corporation established in accordance with the *Education Act*, R.S.O. 1990, c.E.2 with responsibility for English-language public students in the geographical areas of the County of Lanark, the United Counties of Leeds and Grenville, the United Counties of Prescott and Russell and the United Counties of Stormont, Dundas and Glengarry. The Board serves approximately 21, 000 elementary students in approximately 79 elementary school sites and 13,000 secondary school students in approximately 24 secondary school sites. An additional 2,500 students attend its alternative and continuing education programs.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 91, lines 1-10.

2. The Upper Canada District School Board (“UCDSB”) is the result of amalgamation in 1998 of the Stormont, Dundas and Glengarry County Board of Education (“SD&GCSB”), the Prescott-Russell County Board of Education, the Leeds-Grenville County Board of Education and the Lanark County Board of Education pursuant to the *Fewer School Boards Act*, 1997 S.O. 1997, c.3.

Exhibit 53, Book of Documents of the Upper Canada District School Board, James Dilamarter, vol. 1, Tabs 1-25; Evidence of James Dilamarter, Transcript vol. 45, p. 94, lines 5-12.

3. The SD&GCSB resulted from an amalgamation of school boards in the Province of Ontario during the late 1960s and served the needs of students living in the United Counties of Stormont, Dundas and Glengarry, including the City of Cornwall. The SD&GCSB was responsible for providing services to elementary and secondary English language and French language students, as well as Catholic secondary school students.

Exhibit 52, Book of Documents of the Upper Canada District School Board, Rosaire Leger, vol. 1, Tabs 1-10; Evidence of Rosaire Leger, Transcript vol. 45, p. 7, lines 3-9; p. 11, lines

11-25.

4. In the City of Cornwall, the French language secondary school students of the SD&GCSB were predominately of the Catholic faith. The process of extension of full funding to Catholic school boards and the transition from public school boards to Catholic school boards of the responsibility for services for secondary school students of the Catholic faith began in 1984 when the announcement of full funding was made by Premier Bill Davis. Legislation, Bill 30, came into force in 1986 and the process of transfer continued until approximately 1990, when all of the Board's transfer agreements were completed.

Exhibit 52, Book of Documents of the Upper Canada District School Board, Rosaire Leger, vol. 1, Tabs 1-10; Evidence of Rosaire Leger, Transcript vol. 45, p. 11, lines 11-25; p. 12, lines 1-2; Exhibit 53, Book of Documents of the Upper Canada District School Board, James Dilamarter, vol. 1, Tabs 1-25; Evidence of James Dilamarter, Transcript vol. 45, p. 89, lines 18-25; p. 90, lines 1-3.

5. The corporate structure of the SD&GCSB and the successor school board, the UCDSB, were similar. Both school boards operated with a Director of Education who reported to elected Trustees. The Director of Education was the Chief Executive Officer of the Board and Secretary to the Board of Trustees. Administrative staff reported to the Director of Education. The operational issues of both school boards, including the administration of all educational programs, hiring, placement and supervision of staff as well as contracting with service providers were the responsibility of Administrative staff. Policy and governance issues were the responsibility of the Board of Trustees. Superintendents, who were Supervisory Officers pursuant to the *Education Act*, reported directly to the Director of Education and were responsible for supervising the management of the elementary and secondary schools in their respective regions, as well as specific issues such as human resources, curriculum development and special education, as assigned. Elementary and secondary schools were managed by Principals, who in some cases were assisted by Vice Principals, depending upon student populations. Principals were responsible for the administration of educational programs within their schools as well as the supervision of teaching and administrative staff, discipline of students and management of the school facility.

Exhibit 52, Book of Documents of the Upper Canada District School Board, Rosaire Leger, vol. 1, Tabs 1-10; Evidence of Rosaire Leger, Transcript vol. 45, pp. 9-11; Exhibit 53, Book of Documents of the Upper Canada District School Board, James Dilamarter, vol. 1, Tabs 1-25; Evidence of James Dilamarter, Transcript vol. 45, p. 87, lines 15-21; pp. 88-89; Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 93, line 25; pp. 94-95.

Student Transportation

6. For both the SD&GCSB and the UCDSB, student transportation (as well as other services) was provided by various third party transportation providers. The SD&GCSB also had a small fleet of buses that provided some transportation for students.

Exhibit 53, Book of Documents of the Upper Canada District School Board, James Dilamarter, vol. 1, Tabs 1-25; Evidence of James Dilamarter, Transcript vol. 45, p. 89, lines 5-11; Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 95, lines 3-10; p. 132, lines 21-25; p. 133, lines 1-10.

7. Ontario Regulation 340/94, Drivers' Licenses, pursuant to the *Highway Traffic Act*, R.S.O. 1990, c.H.8 prohibits the granting of licenses to school board bus drivers in circumstances where they have been convicted of specific Criminal Code offences within the last five years, which include sexual offences involving minors or where the candidate for a license would not be suitable to transport children. Moreover, it has been the UCDSB's expectation since at least 1999 that its transportation service providers conduct appropriate interviews, reference checks, including Criminal Reference Checks, and on-going evaluations of their employees.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, pp. 133-134; p. 135, lines 1-2; Exhibit 3428, Ontario School Bus Newsletter dated August 1999; Exhibit 3429, Correspondence from Frank D'Onofrio, Acting Assistant Deputy Minister to Richard Donaldson, Executive Director, Ontario School Bus Association, dated June 30, 1999; Exhibit 3400, Transportation Contract, 1998-2000 (Draft Copy); Exhibit 3401, Transportation Standards of Performance, 2008-2009; Overview of Documentary Evidence, Carol Tyrell, Transcript vol. 344, pp. 285-289.

Employment & Employees

8. The UCDSB's hiring practices require that teacher candidates prepare the on-line teacher application form. Teachers are required to be registered members of the College of Teachers or have approval from the College, and must provide references. Those candidates being considered for employment are interviewed by UCDSB staff, inquiries are made by staff into references and a Vulnerable Persons Criminal Reference Checks must be submitted by each teacher candidate.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 127, lines 18-25; p. 128, lines 1-22; p. 175, lines 5-25; p. 176, lines 1-4.

9. Criminal Reference Checks are required of all UCDSB employees pursuant to Regulation 521/01, Collection of Personal Information. It is the UCDSB's practice to require a Vulnerable Persons Reference Check for all new hires, which is a higher standard than that which is required by Regulation and includes not only convictions but also charges and occurrences.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 128, lines 24-25; p. 129, pp. 175-176.

10. In accordance with the Regulation 521/01, in addition, each year, an offence declaration must be executed by UCDSB employees. The Regulation also requires that service providers working at school sites, which would include cafeteria workers, maintenance workers and construction and repair technicians, provide Criminal Reference Checks. This requirement has become a policy of the UCDSB; as well it forms a term of the UCDSB's tenders and Requests for Proposals, where appropriate. The UCDSB has contracted with the Ontario Education Services Corporation (OESC) to provide Criminal Reference Check Services for the UCDSB. OESC assists in the screening and adjudication of Criminal Reference Checks, as more fully outlined in the UCDSB's Criminal Reference Checks Procedures and the Agreement between the UCDSB and OESC. This service ensures that the standard of evaluation employed by the UCDSB is consistent with that of other school boards. Screening by OESC includes not only convictions for sexually based offences, but any offence that might put a student at risk. The UCDSB, as a result of its involvement in the Cornwall Inquiry, is also currently working with stakeholders to seek continued declarations that individuals continue to be in good standing.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, pp. 130-131; p. 176, lines 14-25; pp. 177, lines 1-14; vol. 344, p. 194, lines 1-4.

11. In addition, although not required by the Regulation, the requirement for a Vulnerable Persons Criminal Reference Checks is a policy requirement of the UCDSB for volunteers who may be in contact with students.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 131, lines 22-25; p. 132, lines 1-10.

12. The UCDSB relies on the Ontario College of Teachers' Professional Advisory, Professional Misconduct Related to Sexual Abuse and Sexual Misconduct, dated September 27, 2002, as a standard in which to evaluate the behaviour of teachers employed by UCDSB. The Advisory

prohibits sexual misconduct, which is defined in the Advisory to include any criminal acts, as well as sexual harassment and grooming behaviours. The Advisory also cautions teachers, among other things, not to communicate on a one to one basis with students electronically, or to touch students in any way.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 144, line 25; p. 145, lines 1-3; Exhibit 3393, Chart prepared by the Upper Canada District School Board of Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 and the Board's implementation efforts; Evidence of Dave Thomas, Transcript vol. 344, p. 166, lines 10-16.

13. While it is the responsibility of the CAS and police to investigate children in need of protection, following an investigation of an employee of the UCDSB, action is taken by the UCDSB, which may include discipline up to an including termination. The UCDSB is developing an entry level training program that will be used to support principals and managers with investigations of employee misconduct, including sexual misconduct. However, in depth investigations for UCDSB purposes, i.e. significant employee discipline or dismissal is conducted by the human resources department by individuals trained to conduct investigations and often in consultation with legal counsel. Responses by the UCDSB to sexual misconduct may include oral counselling for minor infractions, such as counselling teachers not be alone in a classroom or other room with a student. Any misconduct of a sexual nature would include a written record and could result in a recommendation for termination and a report to the Ontario College of Teachers.

Exhibit 3393, Chart prepared by the Upper Canada District School Board of Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 and the Board's implementation efforts; Evidence of Dave Thomas, Transcript vol. 344, p. 208, lines 10-22.

14. Legislative requirements that came into force following the release of the Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 require the UCDSB to report to the Ontario College of Teachers when a teacher employed by a school board has been terminated for reasons related to sexual misconduct or when a teacher employed by a school board has resigned their employment during an investigation into allegations of sexual misconduct or as a result of an investigation leading to a recommendation for termination as a result of sexual misconduct.

Exhibit 3393, Chart prepared by the Upper Canada District School Board of Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 and the Board's

implementation efforts; Evidence of Dave Thomas, Transcript vol. 344, p. 260, lines 12-25.

Multi-Party Child Protection Protocol

15. Prior to the issuance of the Robins' Report, but consistent with Recommendation #50 of the Report that school boards enter into protocols with local Children's Aid Societies and policing agency, the SD&GCSB became a signatory in 1992* to a joint protocol between local school boards, Children's Aid Societies and policing agencies for the reporting and investigation of alleged sexual abuse, Child Sexual Abuse Protocol: A Coordinated Response in the United Counties of Stormont, Dundas & Glengarry (the "Protocol"), which was revised in 2001 to incorporate Eastern Ontario under the jurisdiction of the UCDSB. This Protocol addresses the roles of the various signatories, including the duty to report a child in need of protection, the conduct of investigations within schools and review and update of the Protocol. The UCDSB's Superintendent with responsibility for safe schools is the senior management liaison between the UCDSB and local Children's Aid Societies and policing agencies, and is responsible to the UCDSB for advising of the need for appropriate updates to the Protocol.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 111, lines 2-25; pp. 112-13; p. 115, lines 1-4 and 17-25; p. 116, lines 1-3; and vol. 344, p. 178, lines 8-16.

16. The Protocol outlines UCDSB employee responsibilities to report a child who is suspected to be in need of protection. It provides information regarding steps that will be taken by the Children's Aid Society ("CAS") and/or local police once a report is made, and it provides assistance to teachers and others who might suspect that a child is in need of protection by outlining appropriate questions that can be asked of students and comments that can be made if a child discloses information that requires a report to CAS. It clarifies that the role of investigating a child in need of protection is that of the CAS and police and not the responsibility of school board employees.

Exhibit 54, Book of Documents of the Upper Canada District School Board, David Thomas, vol. 1, Tabs 1-25; Evidence of Dave Thomas, Transcript vol. 46, p. 111, lines 24-25; p. 112, lines 1-2; p. 115, lines 1-3 and 17-25; p. 116, lines 1-3; Exhibit 53, Book of Documents of the Upper Canada District School Board, James Dilamarter, vol. 1, Tabs 1-25; Evidence of James Dilamarter, Transcript vol. 46, p. 4, lines 4-21.

* Please note in Exhibit 3393 Upper Canada District School Board Recommendations of Sydney Robins outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000, the chart mistakenly identifies the year 1989 as the year the Joint Protocol was created. The correct year is 1992. In 1989 the Board created a Child Abuse Protocol Policy and Child Abuse Protocol Guidelines.

17. Training regarding the Protocol and the duty to report is provided for new UCDSB Principals and Vice-Principals as part of their orientation. Principals, through staff meetings, review the Protocol and the duty to report a child in need of protection with school staff twice per year. Additional training may also be provided through Professional Development days. Training opportunities, such as principals being trained along side police officers, have also been employed by the UCDSB. Contact information for reporting a child in need of protection is provided for teachers in their Teacher Handbooks. Information with respect to reporting a child in need of protection is also available in schools near public phones and staff rooms.

Exhibit 3393, Chart prepared by the Upper Canada District School Board of Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 and the Board's implementation efforts; Evidence of Dave Thomas, Transcript vol. 344, p. 169, lines 18-25; p. 170, lines 1-3; p. 181, lines 11-18; p. 182, lines 11-25; p. 183, lines 12-20; p. 185, lines 9-12; p. 187, lines 10-18.

18. The UCDSB has and does provide counselling for victims who have suffered sexual abuse by former employees, including victims of historical sexual abuse, consistent with recommendation 90 of the report by Justice Sydney Robins, Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000.

Exhibit 3393, Chart prepared by the Upper Canada District School Board of Recommendations of Sydney Robins J. outlined in Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000 and the Board's implementation efforts; Evidence of Dave Thomas, Transcript vol. 344, p. 213, lines 4-17; p. 214, lines 13-20.

B. Context Evidence

19. The Badgley Report, issued in August of 1984 is the first significant Canadian research on the incidence of child sexual abuse. The Committee did very extensive research and made recommendations for policy and legal change. The research was conducted by sociologists, social workers, psychologists and lawyers. The Badgley Report, published in 1984 begins by indicating that, "*Child sexual abuse is a largely hidden yet pervasive tragedy that has damaged the lives of tens of thousands of Canadian children and youth.*"

Transcript vol. 5, p. 131, lines 4-23; p. 132, lines 16-22; p. 137, lines 16-21; Exhibit 17P(a), Book of Documents – Vol. I of II, Tabs 1-8; Exhibit 17P(b), Book of Documents – Vol. II of II, Tabs 9-17.

20. In his evidence, Dr. Bala indicates that the Badgley Report was “. . . *one of the first major works in the world and certainly in Canada to start to document the extent to which boys had been sexually exploited.*”

Transcript vol. 5, p. 135, lines 19-21.

21. Legislative changes resulting from the Badgley Report took place in 1988 pursuant to Bill C-15 which amended the *Criminal Code* and the *Canada Evidence Act*.

Transcript vol. 5, p.144, lines 5-25; p. 145, line 1.

22. Dr. Bala indicated in his evidence that during the mid 1980s there was a growing recognition that changes to the law were going to be “*only a small part of the solution to the problem of child sexual abuse and that training – the provision of adequate resources is as or more important than simply changing the law.*” As a result, the Institute for the Prevention of Child Abuse was established in 1985 by the Ontario Government as a training organization. The mandate for the Institute for Child Abuse was in the child welfare field, i.e. Children’s Aid Societies, as well as police officers, crown prosecutors and those working in the criminal justice system.

Transcript vol. 5, p. 146, lines 16-25; p. 148, lines 9-13.

23. At the same time that the criminal law was changing in the late 1980s and more training was being provided, there were also changes in the common law. In addition, the Hughes Inquiry began into the Mount Cashel tragedy, and according to Dr. Bala that Inquiry “*really heightened public awareness, political awareness, professional awareness about the issues of sexual exploitation of boys in various institutions.*”

Transcript vol. 5, p .156, lines 1-16.

24. Dr. Bala commented that,

I think by the late 1980s in Canada there was a recognition that child serving institutions, youth-serving institutions had to have a protocol, a set of policies in place to deal with allegations of abuse in both the cases where children were disclosing.

Transcript vol. 5, p. 211, lines 7-12.

25. Prior to 2000, the *Child and Family Services Act*, R.S.O. 1990, c.C.11 did not require the reporting of a child in need of protection directly. Therefore, a teacher could fulfill the duty to

report by informing her/his principal. Similarly, there was no on-going duty to report where a further instance occurred subsequent to the initial report of a child in need of protection.

Transcript vol. 6, p. 198, lines 17-25; p. 199, lines 1-6.

26. Dr. Bala also commented on the impact of the Robins Report, Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools, 2000, he stated:

it is clear from the Robins Report - - Justice Robins wrote this report - - that many schools until this time, many public schools, high schools, particularly elementary school also, were ignoring issues of child sexual abuse, that they would - - if an allegation would come forward, rather than phoning the police or having a big investigation or firing a teacher, they would say, 'Well you better move on here. We've had this concern.' And so the teacher would move on and they would not deal appropriately with those allegations.

And again, the legal ramifications of not doing that, schools start to dramatically change what they were doing, I believe ---

Transcript vol. 5, p. 188, lines 9-24.

C. Robert Sabourin

Factual Background

27. Robert Sabourin began his employment as a teacher in Ontario in September 1967 with the City of Cornwall's Collegiate Institute Board, a high school board. The Collegiate Institute Board through amalgamation with other school boards became the SD&GCSB on January 1, 1969, and Robert Sabourin's employment was transferred to the new SD&GCSB. He was not hired by or known by Jeannine Seguin or Jean Paul Scott at the time of hiring. He was hired by the Collegiate Institute Board and was not yet a certified Ontario teacher and was teaching on a letter of permission issued by the Ministry of Education. Robert Sabourin's personnel file was destroyed on February 12, 1996 in accordance with the record retention policy of the Public School Board.

Exhibit 3235, Transcript of Examination for Discovery of John Beveridge, October 22, 1999, pp. 4-5; Exhibit 93 Andre Lavoie – Victim Impact Statement and Crown Brief Synopsis; Exhibit 3239, Interview of Seguin re Andre Lavoie and C-112 dated March 17, 1998; Transcript 344, p. 52, lines 13-25.

28. Robert Sabourin was charged, pled guilty and was convicted of gross indecency in relation to acts against Alain Seguin and Andre Lavoie, who both testified during Phase 1 of the Cornwall Public Inquiry. Robert Sabourin was sentenced on April 12, 1999.

Exhibit 94, Robert Sabourin – Transcript of Sentencing Hearing, Reasons for Judgment, April 12, 1999; Transcript vols. 58 & 59.

29. Alain Seguin testified during Phase 1 of the Cornwall Public Inquiry that, while he was a student of Jean XXIII School in grade 7, he had friends at La Citadelle /St. Lawrence High School (“the School”), a split English and French secondary school operated by SD&GCSB, who introduced him to Robert Sabourin, at teacher at the School. Robert Sabourin was never one of Alain Seguin’s teachers.

Transcript vol. 58, p. 5, lines 9-14; p. 9, lines 8-23.

30. Robert Sabourin befriended Alain Seguin and his family by inviting Alain Seguin to come to the School for lunch and taking him on photography excursions. The abuse by Robert Sabourin began approximately one month later and took place in the School in Robert Sabourin’s office area during lunch breaks on school days as well as in Robert Sabourin’s home office in Cornwall.

Transcript vol. 58, p. 11, lines 8-25; p. 12, lines 1-8; p. 14, lines 10-18; p. 16, lines 20-25; p. 17, lines 1-9.

31. During the period of abuse, Alain Seguin did not disclose the abuse by Robert Sabourin to his family, to the police or to teachers or guidance counsellors at the school nor did he disclose the abuse to his sisters or any friends. He did not feel that he could disclose the abuse. Robert Sabourin had ingratiated himself with Alain Seguin’s parents. His parents were approving and were made to feel comfortable by Robert Sabourin about Alain Seguin spending time with Robert Sabourin. At no time did Alain Seguin’s parents suspect that he was being abused by Robert Sabourin because they trusted Robert Sabourin.

Transcript vol. 58, p. 122, lines 8-20; p. 123, lines 3-20.

32. When approximately 15 years old, Alain Seguin was referred for counselling by his parents because he began to experiment with drugs. He did not feel comfortable disclosing the abuse by Robert Sabourin to his counsellor.

Transcript vol. 58, p. 126, lines 6-25.

33. With respect to the issue of disclosing abuse, Alain Seguin stated,

I couldn’t disclose it at that time. I was living my life in fear of being --- of someone brining it even up to me in a word or anything. I was constantly looking over my shoulder, wondering, “Does any body know? Does anybody know? What does that make me?” So no, I didn’t disclose at that time.

Transcript vol. 58, p. 127, lines 15-20.

34. Alain Seguin's disclosure of abuse took place much later in his adult life during the Project Truth investigations when he read in the paper that Robert Sabourin had been charged in relation to abuse of other former students.

Transcript vol. 58, p. 39, lines 7-25; p. 40, lines 1-10.

35. Andre Lavoie also gave evidence during Phase 1 of the Cornwall Public Inquiry. He was a student at the School between 1967 and 1972, and Mr. Sabourin was one of his teachers each year he attended. Andre Lavoie's abuse began at Robert Sabourin's home following Christmas of his first year at the School and continued throughout his attendance at the School and shortly thereafter. The abuse occurred both at the School in Robert Sabourin's office area "dark room" and at other locations. Robert Sabourin was never caught abusing Andre Lavoie at the School. When someone approached the room they occupied, Robert Sabourin used the excuse that he had exposed photography film in the room.

Transcript vol. 58, p. 150, lines 15-20; p. 151, lines 19-21; p. 157, lines 15-25; p. 158, lines 1-6; p. 159, lines 22-25; p. 165, lines 3-8.

36. Robert Sabourin became a close friend of Andre Lavoie's family, including his parents. He lived in their rooming house and shared meals with them. Andre Lavoie's parents had opportunities to observe their son's interactions with Robert Sabourin. Robert Sabourin was manipulative and made excuses about why he needed Andre to accompany him on an excursion. At no time did Andre Lavoie's parents suspect that he was being abused by Robert Sabourin. Andre Lavoie commented that,

He [Robert Sabourin] had developed a persona on which he had worked for many, many years. He had developed this modus operandi to a fine art and it worked beautifully for him. He would gain the confidence of individuals in the community. He would gain the confidence of the children of those people that would give him their trust and, by extension, any other family that would gravitate around there was also fair game.

Transcript vol. 59, p. 79, lines 10-25; p. 80, lines 1-25; p. 81, lines 1-20.

37. Robert Sabourin was perceived by Andre Lavoie's parents very favourably. He described their perception of him as follows:

On my God! A role model. He was a great, great man who chose to take of his own time to look after the children in the house and to encourage their studies, et

cetera. I mean, for my parents it was like delegate this form of care to Sabourin and everything is great.

Transcript vol. 59, p. 137, lines 10-15.

38. Andre Lavoie never reported the abuse to his parents, school authorities or his teachers, he stated:

Oh my God! From the age of 14 on, I was living what you might describe as a reign of terror. I was terrorized. I was going through this abominable situation over which I had no control and he was extremely manipulative and he had ingratiated himself with my family, my friends. I mean, you're carrying this dirty little secret. At best, I figured I'm there; I'm going to deal with it myself. But it took quite a toll.

Transcript vol. 58, p. 168, lines 6-23.

39. Nor did Andre Lavoie disclose his abuse to other students, even those who he believed were being abused by Robert Sabourin, for the following reasons:

No. With the experts that you have heard for the last six months or so, you know about the silence of the victims and that it takes a strong trigger for victims to come out and actually to say, "Excuse me, I think I have been abused." It takes a strong trigger and other than that, you will deny, deny, deny, reflect and as you grow up, "I think that I have dealt with it, you know. I'm an adult. I can cope with this. It's over." Not so over.

Transcript vol. 58, p. 180, lines 12-20.

40. Ms. Jeannine Seguin was the Principal of the La Citadelle High School from 1973 until 1980, when she was seconded to a provincial position and subsequently retired.

Exhibit 1883, Will Say Statement, Sergeant Herb Lefebvre; Exhibit 1875, Will Say Statement, Sergeant Ronald Lefebvre; Transcript vol.339, p. 310, lines 6-7.

41. C-112 testified to two incidents of sexual misconduct involving Robert Sabourin. Following the second incident, he testified that, without disclosing why, he told his mother that he didn't want to go back to Robert Sabourin's class. He testified that he only told his mother that Robert Sabourin had upset him. C-112 testified that he got the impression that his mother understood that the issue was of a sexual nature, but C-112's mother's never communicated the understanding to C-112. C-112 indicated that his mother called the School; however, he was not present when she made a phone call regarding this matter. Following his mother's phone call regarding this matter C-74 came to speak to C-112. C-112 presumed that C-74 was sent by the School, but that was his presumption.

Transcript vol. 92, pp. 20-21, lines 2-9.

42. C-112 disclosed to C-74 in detail what Robert Sabourin had done. He indicated that he was comfortable doing so, because it was not unlike confession for him. C-112 did not communicate to his mother what he disclosed to C-74.

Transcript vol. 92, p. 23, lines 1-15.

43. The day after his meeting with C-74, Jeannine Seguin asked to speak with C-112 in the office. C-112 testified that Jeannine Seguin said to him that there was apparently an incident in Robert Sabourin's class and for that reason C-112 did not want to return to class. She then asked C-112 whether or not he was prepared to testify to that in court, and he responded no. She then indicated to him that he could complete the class in the library and that the matter was considered over. C-112 testified that he did not indicate to Jeannine Seguin what occurred nor did she communicate to him her understanding of what occurred. C-112 testified: "*Elle semblait savoir, mais je ne lui en ai pas parle. . . .Aucun detail, seulement pour dire que Sabourin c'est un pervers, puis que je refusais de retourner dans sa classe.*"

Transcript vol. 92, pp. 27-28, lines 6 – 2.

44. C-112 never told any other teachers or other administrators at the School what happened.

Transcript vol. 92, p. 29, lines 16-19.

45. Jeannine Seguin provided a witness statement to Constable Heidi Sebalj as part of the investigation into Robert Sabourin. Jeannine Seguin was also interviewed as part of a civil action against the UCDSB and her statement was recorded in the Transcript of Discovery of John Beveridge. In both the witness statement and the transcript of her interview, Jeannine Seguin recounted a meeting in which Mrs. Sabourin, Robert Sabourin's wife, met with Jeannine Seguin at the school and advised her that Robert Sabourin was having sexual relations with students. When Mrs. Sabourin was asked by Jeannine Seguin what proof she had, Mrs. Sabourin indicated that her son had found pictures, but that they were destroyed. Jeannine Seguin indicated that she could not do anything without evidence and that Mrs. Sabourin should assist in trying to convince Robert Sabourin to resign for medical reasons.

Exhibit C-333, Statement dated October 30, 1997; Exhibit 3235, Transcript of Examination for Discovery, dated October 22, 1999; Exhibit 3239, Interview of Jeannine Seguin re: Andre

Lavoie and C-112 dated March 17, 1998.

46. Jeannine Seguin informed the Vice Principal of the School, Jules Renaud, and her supervisor who was the Superintendent of Education, Jean Paul Scott, of the allegations that came to her attention. Robert Sabourin resigned on or about May 31, 1976 by providing Jeannine Seguin with a letter of resignation for medical reasons and his resignation went to the Board of Trustees as a mutually acceptable resignation for medical reasons as of August 31, 1976 and was accepted by the Board of Trustees.

Exhibit C-333, Statement dated October 30, 1997; Exhibit 3235, Transcript of Examination for Discovery, dated October 22, 1999; Exhibit 3239, Interview of Jeannine Seguin re: Andre Lavoie and C-112 dated March 17, 1998.

47. Jeannine Seguin in her witness statement to Constable Heidi Sebalj, as well as in her interview as part of a civil action against the UCDSB, denies having any prior knowledge of Robert Sabourin's inappropriate actions. She denies that any students disclosed information to her or that anyone else brought information to her attention.

Exhibit C-333, Statement dated October 30, 1997; Exhibit 3235, Transcript of Examination for Discovery, dated October 22, 1999; Exhibit 3239, Interview of Jeannine Seguin re: Andre Lavoie and C-112 dated March 17, 1998.

48. In her interview as part of a civil action against the UCDSB, she also indicates that her Vice Principal, Jules Renaud, had never indicated to her that he knew of the abuse.

Exhibit 3239, Interview of Jeannine Seguin re: Andrew Lavoie and C-112 dated March 17, 1998, p. 20, p. 22.

49. Jean Paul Scott identified in his evidence that he often visited the School as part of his Supervisory Officer duties.

Transcript 344, p.53, lines 6-15.

50. Jean Paul Scott in his evidence indicated that Jeannine Seguin informed him of the allegations after she had accepted Robert Sabourin's resignation for medical reasons. He did not recall whether or not he informed the Director of Education, Rosaire Leger, of the circumstances of the resignation. Details of the circumstances of the resignation were not included in Robert Sabourin's personnel file, nor were details provided to the Board of Trustees when the resignation submitted for their approval.

Transcript vol. 344, p. 94, lines 8-12; p. 103, lines 24-25; p. 104, line 1; p. 122, lines 15-25, pp. 123-125; p.69, lines 5-12

51. Jean Paul Scott did not believe that Jeannine Seguin had received any allegations about Robert Sabourin prior to Mrs. Sabourin meeting with Jeannine Seguin.

Transcript vol. 344, p. 128, lines 1-12.

52. In his evidence, Jean Paul Scott identified that Jeannine Seguin had asked Robert Sabourin to remove the locks from his door, but Jean Paul Scott was not aware of her reasons, and he indicated that Jeannine Seguin never raised concerns about Robert Sabourin locking the doors to his offices.

Transcript vol. 344, p. 113, lines 14-25; p. 115, lines 3-6.

53. Jean Paul Scott believed that he had no grounds to proceed further with the allegations brought to Jeannine Seguin's attention, including confronting Robert Sabourin with the allegations. Neither he nor Jeannine Seguin investigated the allegations of Mrs. Sabourin nor did they try to speak to Robert Sabourin's son, they did not report the allegations to the police or to the CAS and there was no investigation conducted by the Public School Board.

Transcript vol. 344, p. 94, lines 19-25; p. 95, lines 23-25; p. 96, lines 1-13; p. 133, lines 10-14; p. 134, lines 4-14.

54. Rosaire Leger was the Director of Education of the SD&GCSB when Robert Sabourin resigned from his employment. While he was Director, it was his expectation that area superintendents would meet with principals 6-10 times per year and that they would review with their principals the duty to report a child in need of protection to the CAS during one or more of those meetings. Similarly, principals were expected to communicate to their school staff the duty to report a child in need of protection to the CAS.

Transcript vol. 45, p. 37, lines 12-25; p. 38, lines 1-18.

55. It was the expectation of Rosaire Leger that allegations of teachers abusing students would come to his attention and to the attention of the Board of Trustees, and that the teacher would be suspended with pay immediately and there would be CAS and police involvement.

Transcript vol. 45, p. 40, lines 21-25; p. 41, lines 1-10.

Submissions

56. The evidence indicates that Robert Sabourin was hired in September 1967 by the City of Cornwall's Collegiate Institute Board on a letter of permission pending receipt of his Ontario teaching credentials. There is no evidence to suggest that the Collegiate Institute Board did not conduct a proper interview and contact references when hiring Robert Sabourin. There is no evidence to suggest that conducting a criminal reference check was possible in 1967 or that there would have been convictions to uncover had a criminal reference check been done. There is no evidence to suggest that Robert Sabourin had been convicted of any offence prior to his hiring date in 1967. There is nothing to suggest that the Collegiate Institute Board should not have relied on the Ministry of Education's letter of permission for Robert Sabourin when hiring him. It is respectfully submitted that there is no evidence that would have led to a conclusion that Robert Sabourin was not an appropriate candidate for a teaching position and that he should not have been hired by the Collegiate Institute Board.
57. The undisputed evidence indicates that Robert Sabourin was never caught by staff or the administration of the School in the act of abusing a student. The evidence indicates that Robert Sabourin always had excuses for being with students. The evidence also indicates that Robert Sabourin was a manipulative individual who had created a persona of being a caring adult interested in the welfare of children. There is no evidence that suggests that Robert Sabourin's actions should have led administrators of the School or the Public School Board to believe that he was lying about his activities and to suspect that he was abusing students. The evidence was that Jean Paul Scott provided supervision to School as he did with other high schools. There is no evidence to suggest that further classroom monitoring and supervision of Robert Sabourin by administrative staff would have resulted in uncovering Robert Sabourin's deception. It is respectfully submitted that the administration of the School provided supervision consistent with the supervision provided at other schools of the Public School Board. It is respectfully submitted that, given the period of time and lack of knowledge about the prevalence of sexual abuse there was no reason to suspect that such supervision was not adequate. It is respectfully submitted that there is no evidence to suggest that further classroom monitoring and supervision of Robert Sabourin by administrative staff would have resulted in uncovering Robert Sabourin's deception. It is respectfully submitted that Robert Sabourin was successful in concealing from staff and administrators at the School and the Public School Board his inappropriate behaviour and intentions towards students, including Alain Seguin, Andre Lavoie and C112.

58. The evidence indicates that the parents of Alain Seguin and Andre Lavoie allowed Robert Sabourin to take their child on excursions. The parents of Alain Seguin and Andre Lavoie considered Robert Sabourin their friend and a friend of their child. They had opportunities to watch him interact with their children, they shared meals with him and they allowed him to live in close proximity to their children. The undisputed evidence indicates that the parents of Alain Seguin and Andre Lavoie trusted Robert Sabourin. It is respectfully submitted that it is not reasonable to conclude that teachers and administrators in the School or administrators of the Public School Board who supervised Robert Sabourin in the course of his teaching duties and had only a professional relationship with Robert Sabourin should have suspected that he was sexually abusing students when the parents of the abused students did not suspect abuse, despite their close, personal relationship with Robert Sabourin.
59. It is respectfully submitted that there is no evidence that, prior to Mrs. Sabourin's meeting with Jeannine Seguin, the administration of the School was aware of Robert Sabourin's abuse of students. Neither the Principal, Jeannine Seguin, nor the Vice-Principal, Jules Renaud, identified having knowledge of the abuse of students by Robert Sabourin. There is no evidence to suggest that the Superintendent, Jean Paul Scott, had been informed of allegations of abuse by Robert Sabourin before being informed by Jeannine Seguin.
60. The evidence of both Andre Lavoie and Alain Seguin was that they did not disclose their abuse to anyone while they were students of the School. It is respectfully submitted that C-112 never specifically communicated to Jeannine Seguin the nature of his concerns. There is no evidence that C-74 communicated to Jeannine Seguin the details of the incidents between C-112 and Robert Sabourin. Jeannine Seguin denies that any students, including C-112, ever complained to her about Robert Sabourin. It is respectfully submitted that there is insufficient evidence upon which a conclusion can be made that Jeannine Seguin had knowledge of the incidents between C-112 and Robert Sabourin.
61. It is respectfully submitted that the concern which C-112 says he communicated to Jeannine Seguin, namely that Robert Sabourin was a "*pervert*", could reasonably have been interpreted by her, in both the temporal and religious context to be a concern about Robert Sabourin being a homosexual. It is not unreasonable to infer that her reference to C-112 testifying in court may have been a reference to a board of arbitration, should Robert Sabourin have been terminated on the grounds that, by virtue of being a homosexual teacher, he did not uphold the standards of the profession as was required pursuant to subsection 229(1)(c) of the *Education Act*, S.O. 1974 c.109. Subsection 229(1)(c) states:

It is the duty of a teacher and a temporary teacher, to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and

the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues.

It is respectfully submitted that the evidence of Jeannine Seguin is that no students disclosed abuse to her, and it is unknown what her interpretation of the comments by C-112 may have been.

62. It is respectfully submitted that the evidence does not disclose why Jeannine Seguin requested that Robert Sabourin not lock his office doors or that he remove the locks from his office doors. It is respectfully submitted that there is insufficient evidence to infer that the administration of the School concluded that Robert Sabourin's locked office doors were facilitating his abuse of students. There is no evidence supporting a conclusion that staff or the administration of the School should have concluded that the locked office doors were facilitating the sexual abuse of students.
63. The evidence indicates that Superintendents and principals were made aware of their duty to report a child in need of protection to the CAS and that it was an expectation that principals inform school staff of their duty to report a child in need of protection to the CAS. It is respectfully submitted that the decision by Jeannine Seguin to accept Robert Sabourin's resignation for medical reasons without reporting the matter to CAS and/or the police was not consistent with the expectations of the Director of Education.
64. The evidence indicates that the Director of Education expected his employees to provide him with notice of any allegations of misconduct against teachers and the allegations regarding Robert Sabourin should have come to his attention. The evidence indicates that the Director of Education expected teachers facing such allegations to be removed from their duties with pay so that an investigation could be undertaken. It is respectfully submitted that the decision by Jeannine Seguin to accept Robert Sabourin's resignation for medical reasons without reporting the matter to the Director of Education was not consistent with the expectations of the Director of Education. It is respectfully submitted that the decision by Jeannine Seguin to accept Robert Sabourin's resignation for medical reasons without a further investigation by the Public School Board was not consistent with the expectations of the Director of Education.
65. It is respectfully submitted that it was the expectation of the Director of Education that the Board of Trustees would be informed of an investigation of abuse by a teacher. It is respectfully submitted that the decision by Jeannine Seguin to accept Robert Sabourin's resignation for medical reasons without reporting through the Director of Education to the Trustees the results of the investigation was not consistent with the expectations of the Director of Education.

66. It is respectfully submitted that there is no way to determine what the outcome of an investigation of the allegations against Robert Sabourin in 1976 by CAS and/or the police and the Public School Board would have concluded, nor is it possible to conclude whether or not there would have been sufficient grounds for discipline or to terminate Robert Sabourin nor whether or not there would have been sufficient evidence for a hearing by the Ministry of Education to remove Robert Sabourin's teaching certificate.

C. Jean-Luc LeBlanc

Factual Background

Report by Dawn Raymond to CAS

67. In January 1986, a disclosure of sexual abuse by an individual, Jean-Luc Leblanc, who was not related by employment or association to the Public School Board, was made to a teacher of the Public School Board, Dawn Raymond, by two of her former students, Jason Tyo and Scott Burgess.

Exhibit 98, Dawn Raymond, Will Say Statement, undated.

68. Jason Tyo, and another Public School Board student, attended the school of Jason Tyo's former grade 5 and grade 6 teacher, Dawn Raymond, who was teaching at Gladstone Public School, to speak to her. Jason disclosed to her that Jean-Luc LeBlanc was doing "that" to Scott Burgess. To make Jason more comfortable Dawn Raymond suggested that he and his friend accompany her to McDonald's Restaurant so that they could discuss the matter further. While at McDonald's, Jason described some of the abuse between Jean-Luc Leblanc and Scott Burgess. Initially, when Jason was asked by Dawn Raymond during their meeting at McDonald's whether Jean-Luc Leblanc was also abusing him, he denied any abuse, but at a later date did acknowledge to Dawn Raymond that he was also being abused.

Transcript vol. 62, p. 20, lines 11-25; p. 22, lines 10-25; p. 23, lines 2-14.

69. During his testimony, when Jason Tyo was asked why he chose to disclose to Dawn Raymond, he indicated that she was his schoolteacher, that their relationship was good, that he could not ask for a better friend, and that in January 1986 he trusted Dawn Raymond more than anyone else in the world. He also identified that he had asked her to support him through this process.

Transcript vol. 61, p. 57, lines 9-15; p. 58, lines 2-10; vol. 60, p. 124, lines 5-14.

70. Following the disclosure by Jason Tyo that Scott Burgess was being abused, Dawn Raymond spoke to Scott, to determine whether Scott would agree with the disclosure that Jason had made to her, at which time Scott confirmed that he was being abused. During his oral evidence, Scott confirmed that, after he disclosed the abuse to Dawn Raymond, he was never abused by anybody else again.

Transcript vol. 62, p. 26, lines 1-12; transcript vol. 60, p. 59, lines 19-25; p. 60, lines 1-12.

71. Following these disclosures, Dawn Raymond spoke to her principal, Ivan St. John, and he advised her to consult with the special education consultant, Dave Hill, who referred her to Lorne Lawson, her Superintendent of Education. When speaking to Lorne Lawson, he invited Ivan St. John and Dawn Raymond to attend the Board offices that lunch hour to discuss the disclosure. After Dawn Raymond described the disclosure to Lorne Lawson, he contacted CAS and Bruce Duncan from CAS came to the Board offices. Bruce Duncan spoke to Dawn Raymond at the Board offices and a decision was made to attend Central Public School, where Scott Burgess and Jason Tyo attended school.

Transcript vol. 62, pp. 30-33.

72. Dawn Raymond and Bruce Duncan attended Central Public School together; they removed Scott Burgess from class and began to question him about the abuse. Dawn Raymond asked Scott questions that Bruce Duncan identified for her to ask. Despite Scott being reluctant, embarrassed and scared about disclosing the abuse, because he had been threatened by Jean-Luc Leblanc, he did speak to them with reassurances from Dawn Raymond that he was not responsible for the abuse.

Transcript vol. 62, p. 34; p. 35, lines 1-11.

73. Constable Brian Payment, who had been contacted by CAS regarding the disclosure, was not permitted to speak to Scott Burgess at Central Public School, because the principal of Central Public School requested that there be parental consent before the police questioned a student. He acknowledged that, where familial abuse was not suspected, a parent could offer suggestions regarding the circumstances in which a student might feel most comfortable answering questions, and he acknowledged that he understood that a principal would want to inform the parents of a student before an investigation starts so that they too feel comfortable.

Transcript vol. 224, pp. 187-189.

74. Following the interview at Central Public School, Dawn Raymond and Bruce Duncan attended Scott Burgess' home, where Constable Brian Payment and another officer were waiting for them. While there, Dawn Raymond was asked to write a statement for the police.

Transcript vol. 62, p. 36, lines 2-20; p. 40, lines 19-25.

75. Constable Payment's notes indicated that there was approximately two (2) weeks between the initial disclosure of abuse and Dawn Raymond's report to CAS. Constable Payment indicated that, while the delay was a concern, if the victim hesitated he could understand why there might have been a hesitation reporting. Nevertheless, the issue of delay was never raised by Constable Payment with Bruce Duncan.

Transcript vol. 224, p. 19, lines 5-19.

76. Although Dawn Raymond understood her duty to report a child in need of protection with respect to physical abuse and/or neglect, she did not fully understand how that duty applied to sexual abuse, because sexual abuse could not be visually confirmed. Approximately two weeks elapsed between the initial disclosure by Jason Tyo and her communication with her principal, her superintendent and the report to CAS. In reviewing why the lapse of time occurred, Dawn Raymond indicated that, since she had never encountered such abuse, she had been trying to decide what to do and perhaps trying to get further evidence.

Transcript vol. 62, p. 42, lines 3-10; p. 87, lines 20-25; p. 88, lines 1-9.

77. The duty to report a child in need of protection was communicated to principals through meetings with superintendents and the Director and to teachers through their principals, as well as through jurisdictional meetings of teachers.

Transcript vol. 45, pp. 35-40.

78. Dawn Raymond indicated that she was not aware of any procedures regarding the duty to report a child in need of protection, and she identified that she would have appreciated further training from CAS regarding her duty to report.

Transcript vol. 62, p.28, lines 22-25; p. 29, lines 1-3; p. 92, lines 5-9.

79. Lorne Lawson, the Superintendent responsible for the special education support services of the Public School Board, offered to provide Scott Burgess and Jody Burgess (who the Public School Board knew was also a victim of Jean-Luc Leblanc) psychological assistance.

Exhibit C-99, File Recording for CAS re Burgess Family.

80. Scott Burgess came to live with Dawn Raymond in the spring of 1987, and on May 29, 1987 she and her husband received custody of Scott, and he remained in their care until he was 20 years of age.

Transcript vol. 60, p. 37, lines 2-14; vol. 62, p. 57, lines 5-8.

81. Jean-Luc Leblanc pled guilty to two counts of gross indecency on November 6, 1986 and received a suspended sentence and three (3) years probation as a sentence.

Exhibit 1561, Information of Cst. Brian Payment dated January 27, 1986.

Transportation Service Provider

82. In or about October 1998, Jean-Luc Leblanc was hired by Evans Bus Lines to provide transportation for students of the Upper Canada District School Board. When questioned by Rory Evans, owner operator of Evan's Bus Lines at the time of hiring about the conviction for "sexual assault", Jean-Luc Leblanc responded that he had been cured.

Exhibit 3396, Overview of Documentary Evidence Carol Tyrell; Exhibit 3398, Letter from Schaffer with attachments, dated January 15, 1999 (correct date being January 7, 1999).

83. According to the UCDSB's Hiring Guidelines, Rory Evans should have notified Carol Tyrell, Transportation Manager, UCDSB, of Jean-Luc Leblanc's conviction.

Exhibit 3396, Overview of Documentary Evidence Carol Tyrell; Exhibit 3405, Transportation Safety Committee Minutes of November 25, 1998; Exhibit 3398, Letter from Schaffer with attachments, dated January 15, 1999 (correct date being January 7, 1999).

84. Rory Evan's decision to hire Jean-Luc Leblanc came to the attention of Carol Tyrell on January 5, 1999 following Jean-Luc Leblanc's arrest, which also prohibited him from driving a school bus. Shortly thereafter, on January 7, 1999, Carol Tyrell, Rory Evans, Gary MacDonald, Charlene Cardinal and Patsy Evans met. Rory Evans indicated at that meeting that Jean-Luc Leblanc had informed him that he had attended counselling and had been cured and that Jean-Luc Leblanc's assurance that he was cured had satisfied Rory Evans. Rory Evans was warned that his failure to inform the Transportation Manager of the former conviction was contrary to the UCDSB Hiring Guidelines and that a further breach could result in a termination of his contract with the Board.

Exhibit 3396, Overview of Documentary Evidence Carol Tyrell; Exhibit 3398, Letter from Schaffer with attachments, dated January 15, 1999.

85. During the fall of 1998, it was the UCDSB's expectation that all bus driver applicants identify on their application forms with bus operators whether or not they had any criminal convictions. As well, Criminal Records Checks were conducted by the Ministry of Transportation for those who were applying for a class "B" license (the licence necessary to drive a school bus). The scope of the Ministry of Transportation checks were not well understood by UCDSB and other school boards, but were subsequently clarified.

Exhibit 3396, Overview of Documentary Evidence Carol Tyrell; Exhibit 3398, Letter from Schaffer with attachments, dated January 15, 1999; Exhibit 3405, Transportation Safety Committee Minutes of November 25, 1998; Exhibit 3399, Standards of Performance for School Bus Operators; Exhibit 3428, Ontario School Bus Newsletter dated August 1999; Exhibit 3429, Letter from Frank D'Onofrio to Richard Donaldson, dated June 30, 1999.

86. The UCDSB instituted Standards of Performance for School Bus Operators in January 1999, requiring school bus operators to conduct Criminal Reference Checks for all new drivers and remit them to the UCDSB Transportation Department.

"Ensure that before hiring a bus driver to transport students, a criminal record check is completed by a police authority and provide a copy to the Transportation Department."

Exhibit 3396, Overview of Documentary Evidence Carol Tyrell; Exhibit 3398, Letter from Schaffer with attachments, dated January 15, 1999; Exhibit 3399, Standards of Performance for School Bus Operators.

87. The UCDSB Standards of Performance for School Bus Operators, 2008-2009 continue to require that School Bus Operators conduct Criminal Reference Checks for all new drivers, and further measures, such as declarations for existing bus drivers, are currently being considered by the UCDSB.

Exhibit 3401, Standards of Performance for School Bus Operators, 2008-2009; Transcript vol. 344, p. 193, lines 23-25; p. 345, lines 1-4; Exhibit 3396, Overview of Documentary Evidence, Carol Tyrell.

Submissions

Report by Dawn Raymond to CAS

88. In 1986, at the time of Scott Burgess and Jason Tyo's disclosure of sexual abuse by Jean-Luc Leblanc, the standard for reporting a child in need of protection set out in the *Child and Family*

Services Act, S.O. 1984, c.55 was that of “reasonable grounds to suspect”. The Badgley Report, which was the first significant study into the incidents of child sexual abuse and exploitation perpetrated on boys, had only recently been published. Training for protection workers by the Institute for the Prevention of Child Abuse regarding issues of child sexual abuse and exploitation was just beginning. The CAS had not provided training to teachers regarding the duty to report a child in need of protection arising from sexual abuse. School Boards had not yet begun entering into protocols with CAS. The duty to report a child in need of protection was communicated by principals to teachers; abuse resulting from physical abuse and/or neglect was believed to be much more common and it was easier for teachers to understand. Because teachers could visually satisfy themselves of the need to report to CAS in the case of neglect or physical abuse, arguably it was easier for teachers to comply with their duty to report to CAS in such cases. Dawn Raymond testified that it was more difficult for her to satisfy herself of the sexual abuse, because the scars of sexual abuse were not something that she could see. Moreover, Dawn Raymond had never encountered such a disclosure and was hesitant to disclose the abuse to CAS without being satisfied that her duty to report had been triggered. It is respectfully submitted that in all these circumstances and the context of 1986, Dawn Raymond’s lack of knowledge about sexual abuse and when a disclosure from a student was sufficient to be reported to CAS was reasonable.

89. It is respectfully submitted that the steps taken by Dawn Raymond, a teacher of the Public School Board, assisted Scott Burgess and Jason Tyo to disclose their abuse at the hands of Jean-Luc Leblanc. The trusting teacher-student relationship she developed with both Scott and Jason enabled them to come forward to disclose their abuse. It is respectfully submitted that the abuse by Jean-Luc Leblanc of Jason Tyo and Scott Burgess at the time of disclosure ceased, because Dawn Raymond appropriately counselled them not to see Jean-Luc Leblanc again.
90. The *Child and Family Services Act*, S.O. 1984, c.55 did not require that professionals reporting to CAS that a child was in need of protection make the report themselves. The duty to report at that time could be delegated. It is respectfully submitted that Dawn Raymond’s report of the abuse to her Superintendent of Education, Lorne Lawson, who contacted CAS immediately, was consistent with the existing legislation at the time of the incident.
91. It is respectfully submitted that Dawn Raymond’s further cooperation and assistance with the initial investigation, for example attending Central Public School to ask Scott Burgess the questions being posed by CAS, assisted Scott Burgess to be forthcoming about his abuse.
92. It is respectfully submitted, that Constable Brian Payment understood why the duty to report might have taken as long as two weeks. It is respectfully submitted that he was not so concerned as to raise the issue of delay with the CAS.

93. The School's decision not to permit Constable Brian Payment to interview Scott Burgess, without his mother or father's consent, was a practice used at that time (prior to a multi-institutional protocol) by many schools within the Public School Board to ensure that both parents and students were comfortable with such investigations. It is respectfully submitted that Constable Payment understood why the school took this position and appreciated the reasons for their decision. It is respectfully submitted that Constable Payment did not share any concerns with this practice, if he did have such concerns. It is respectfully submitted that Central Public School complied with the duty to report a child in need of protection and facilitated the investigation by permitting Bruce Duncan of the CAS to interview the student victims. Constable Payment subsequently interviewed the victims in their homes once the victims' parents were informed of the abuse. It is respectfully submitted that there is no evidence that the School's practice in any way hindered the investigation.
94. It is respectfully submitted that the Public School Board offered to provide psychological assessment and counselling services to the victims, Scott Burgess, Jody Burgess and Jason Tyo, despite the abuse being stranger abuse and not school related. It is respectfully submitted that these were appropriate support services to have offered the students. It is respectfully submitted that based on the evidence regarding the receipt of support service, it is not clear whether or not such services were provided or refused.
95. It is respectfully submitted that the important role and impact that Dawn Raymond on Scott Burgess' life is evidenced by him subsequently residing with Dawn Raymond and her husband, and she and her husband being awarded custody of Scott on May 29, 1987. He continued to reside with them until he turned 20 years old.
96. It is respectfully submitted that the evidence provides the picture of a very caring teacher who, before sexual abuse was well known or understood by the public, in a difficult circumstance made the right decision to disclose sexual abuse to the CAS and to support the student victims. Despite two weeks passing between the first disclosure and her decision to report, it is respectfully submitted that there was no failure on Dawn Raymond's part to do what was necessary to assist these students.

Transportation Service Provider

97. The Public School Board delegated the responsibility for transportation services to many transportation providers throughout the Board's very large territory, as had the Public School Board. The Public School Board provided transportation providers with a standard application form to use with applicants for driver positions, which required candidates to identify whether or not they had ever been convicted of a criminal offense. The Public School Board expected

transportation providers to communicate to the Transportation Department of the Board if any drivers applying identified that they had criminal convictions.

98. One of the Public School Board's third party transportation providers was Evans Bus Lines. Evans Bus Lines, like the Public School Board's other transportation providers, was required to report any criminal convictions identified by school bus driver candidates to the Manager of the Public School Board's Transportation Services Department. Rory Evans, owner operator of Evans Bus Lines, however, deliberately chose not to comply with this responsibility to report Jean-Luc Leblanc's prior criminal conviction. Instead, Rory Evans, contrary to Public School Board's expectations, inquired with Jean-Luc Leblanc about the circumstances of his criminal conviction. He was told by Jean-Luc Leblanc that he had been convicted for 'sexual assault' that he had attended therapy and was 'cured'. And, Rory Evans mistakenly deemed this explanation to be a satisfactory basis upon which to hire Jean-Luc Leblanc as a bus driver in October 1998.
99. Later that fall, Jean-Luc Leblanc was arrested by police and as a condition of his recognizance was not able to drive a school bus. Rory Evans was informed of the restriction and informed the Public School Board. The Public School Board upon being informed that Jean-Luc Leblanc had a prior criminal conviction and an outstanding charge took immediate steps to meet with Rory Evans to determine how Jean-Luc Leblanc had been hired by Evans Bus Lines as a school bus driver. The Public School Board provided a warning letter to Evans Bus Lines that should such an inappropriate judgement call occur again, the Public School Board's contract with Evans Bus Lines would be terminated.
100. The actions of Rory Evans were not only contrary to the Public School Board's expectations, but they also showed a significant error in judgement. It is respectfully submitted that Rory Evans' deliberate decision not to report Jean-Luc Leblanc's criminal conviction to the Transportation Department and his deliberate decision to hire Jean-Luc Leblanc despite the criminal conviction could not have been anticipated by the Public School Board. It is respectfully submitted that the Public School Board had no reason to believe that Rory Evans would deliberately disregard his obligations to not only the Public School Board, but also the students who rode on his buses. It is respectfully submitted that there was no reason, prior to this deliberate action by Rory Evans, for the Public School Board to have requirements in place that could prevent such behaviour.
101. It is respectfully submitted that school boards must be able to delegate responsibilities, such as transportation, cafeteria services, and the like, to third party contract service providers. The ability to contract with third parties assists to create an effective, efficient education system. It is respectfully submitted that school boards must be able to rely on those service providers to uphold their duties. To require school boards to supervise third party service providers as they do

their own employees would negate the purpose of having such relationships and would prove to be onerous, expensive and inefficient.

102. It is respectfully submitted that unanticipated actions by service providers will occur from time to time and institutions impacted by such errors must be given an opportunity to subsequently implement processes to prevent such errors in the future.
103. Following Rory Evans' behaviour, the Public School Board prepared and implemented Standards of Performance in January 1999 applicable to its transportation providers, which included, among other things, that transportation service providers obtain criminal reference checks from all bus driver candidates and submit them to the Public School Board. The Public School Board no longer relied on the criminal reference check process being undertaken by the Ministry of Transportation as part of the class B licensing process, nor did they rely on candidates to identify whether or not they had been convicted of an offence, nor did they rely on the transportation service providers to provide notice of a conviction, rather the Transportation Department ensured that it could satisfy itself that a potential driver did not have any convictions.
104. The Public School Board continues to seek ways of improving student safety by requiring vulnerable person sector criminal reference checks for all candidates for employment, all new employees of service providers who have access to students and all volunteers with access to students. Further, the Public School Board is investigating a method to implement a meaningful declaration process for existing employees and service providers with access to students.

D. Father Gilles Deslauriers

Factual Background

105. In 1977 Jeannine Seguin had consulted with Rosaire Leger, the Director of Education, to see whether she could have a Chaplain at La Citadelle, and following this discussion she requested that her department heads reduce their budgets to enable her to have funds to pay for a Chaplain. She then contacted Bishop LaRocque to request a Chaplain.

Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 1883, Will Say Statement of Herb Lefebvre; Exhibit 1785, Will Say Statement of Ronald Lebevre.

106. Father Deslauriers was assigned by the Diocese of Alexandria (the Diocese) in 1977 to become Chaplain of La Citadelle High School following the request by Jeannine Seguin of Bishop

LaRocque. At the time of the request by Jeannine Seguin, Bishop LaRocque in his evidence stated:

Well, its just that he [Father Deslauriers] was already chaplain a the high school in Alexandria and doing a good job there, and I would imagine that would have had some influence in them asking for him for La Citadelle.

Exhibit 3238 Lettre d'Eugène LaRocque à Gilles Deslauriers datée le 29 jul, 1977; Transcript vol. 270, p. 201, lines 16-25; p. 202, lines 21-25; p. 203, lines 1-5;

107. During her tenure as Principal of La Citadelle, Jeannine Seguin never received any complaints from any students about Father Deslauriers.

Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 1883, Will Say Statement of Herb Lefebvre; Exhibit 1785, Will Say Statement of Ronald Lebevre.

108. Benoit Brisson, a former student of La Citadelle High School during the late 1970s, met Father Deslauriers at school when he was approximately 17 years old and got to know Father Deslauriers much better through the RCube movement (R3), which was a religious movement in which Father Deslauriers and other clergy had involvement. R3 met outside of school usually and it held retreats at various locations for youth who were in their late teens. The program was under the Diocesan plan for youth.

Transcript vol. 271, pp. 141-144; Exhibit 77, Benoit Brisson Will Say Statement; Exhibit 78, Benoit Brisson Witness Statement dated December 26.

109. Benoit Brisson was introduced to R3 by his sister and eventually his contact with Father Deslauriers increased to include 'therapy' at the St. John Bosco rectory, where Father Deslauriers maintained an office and residence. In January 1979, Benoit Brisson was abused by Deslauriers in the offices of the St. John Bosco rectory.

Transcript vol. 55, p. 123, lines 19-25; p. 124, lines 1-25; p. 125, lines 1-4; Exhibit 77, Benoit Brisson Will Say Statement; Exhibit 78, Benoit Brisson Witness Statement dated December 26.

110. At no time while Benoit Brisson was attending school did he disclose the abuse by Father Deslauriers nor did he make his abuse more widely known to the public until May 1986. When asked what circumstances might have made it possible for him to disclose such abuse, he commented:

Bein, c'était pas mal difficile parce que Gilles Deslauriers était un homme avec assez d'autorite dans le Diocèse et puis juste le fait qu'il était ami avec les deux

*familles, c'était difficile pour moi de divulguer qu'est-ce qui s'était passé . Donc, disons que je voulais pas brasser les affaires.
La raison pourquoi je l'ai dit a Denyse c'était qu'on s'tait séparé. On était sur le point de se séparer et puis j'avais plus rien à perdre. C'était la raison pourquoi je l'ai dit.*

*. . .
C'est difficile à dire. Dans ce temps-là, je pense pas qu'il y avait d'intervenants pour ces genres de choses-là et puis je pense qu'on n'était pas trop, trop éduqué quand ça venait à l'abus sexuel.
Donc, c'est difficile pour moi de commenter sur ça parce que la situation est différente aujourd'hui qu'elle était auparavant.*

Transcript vol. 55, p. 125, lines 13-23; p. 126, lines 15-24; p. 127, lines 9-15.

111. Benoit Brisson came forward in January 1986 to disclose to the Diocese sexual abuse that he had suffered at the hands of Father Deslauriers. Other individuals later also came forward to disclose sexual abuse by Father Deslauriers. The sexual abuse took place at St. John Bosco rectory by Father Deslauriers under the pretence of being 'therapy'.

Exhibit 76, Regina v. Gilles Deslauriers – Case History (undated).

112. Following Benoit Brisson's disclosure of sexual abuse, many other victims came forward and informed the Diocese of Alexandria of their experiences with Father Deslauriers, and as a result in February 1986, Bishop LaRocque asked Father Deslauriers to leave the Diocese. This matter was not reported to CAS by anyone at the Diocese. Nor did the Diocese inform the School or the current or former School Administration of the reasons that Father Deslauriers was asked to leave.

**Transcript vol. 269, p. 194, lines 4-25; p. 195, p. 196, lines 1-16;
Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 1883, Will Say Statement of Herb Lefebvre; Exhibit 1785, Will Say Statement of Ronald Lefebvre.**

113. During the same evening that he was asked to leave the Diocese, Father Deslauriers went to see Jeannine Seguin at her home. He indicated to her that he was asked to leave the Diocese, but he did not disclose to her the real reasons that he was asked to leave. She called Bishop Proulx, whose sister she lived with, and arranged for Father Deslauriers to stay at the cottage. She also called Dr. Corbeil because she feared that Father Deslauriers was having a mental breakdown.

Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 76, Regina v. Gilles Deslauriers – Case History (undated).

114. Later that year, Jeannine Seguin assisted Father Deslauriers by driving him to Montreal to get a Quebec drivers' licence. During her drive with him, he disclosed to her that he was not

responsible for doing what he was being accused of. While in Montreal, Jeannine Seguin assisted him by contacting a lawyer on his behalf and by taking him to a treatment centre.

Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 1883, Will Say Statement of Herb Lefebvre; Exhibit 1785, Will Say Statement of Ronald Lebevre.

115. Father Deslauriers was convicted of four (4) counts of gross indecency and sentenced to a suspended sentence with two (2) years probation with conditions.

Exhibit 2951, Letter from R. Masse to D. Johnson re: *R. v. Gilles Deslauriers*, November 19, 1986.

Submissions

116. It is respectfully submitted that the evidence indicates that Jeannine Seguin requested Father Gilles Deslauriers to be Chaplain at La Citadelle based on his good reputation working with students. There is no evidence to suggest that, at the time her request was made of Bishop LaRocque, there was any information known to either the Diocese or to the Public School Board that would have made Father Gilles Deslauriers an inappropriate Chaplain. It is respectfully submitted that there is no evidence to suggest that a criminal reference check was possible in 1977 or that Father Gilles Deslauriers had any criminal convictions.
117. It is respectfully submitted that there is no evidence that Father Gilles Deslauriers sexually abused students on school property. It is respectfully submitted that the evidence indicates that the abuse that was perpetrated by Father Deslauriers took place off School property in the Rectory of Father Bosco Church when youth came to visit Father Deslauriers for 'therapy'. It is respectfully submitted that it is not reasonable to conclude that additional supervision of Father Deslauriers while he was in the School would have prevented him from sexually abusing students at St. John Bosco Rectory.
118. The evidence indicates that at no time did any students of the School, including Benoit Brisson, come forward to disclose that they had been abused by Father Deslauriers. Even the Diocese when it required Father Deslauriers to leave, as a result of numerous disclosures from parishioners that Father Deslauriers had abused them, did not disclose to the School or to the Public School Board that former students had been abused. It is respectfully submitted that it is not reasonable to conclude that the administration of the School should have suspected that Father Deslauriers was abusing students off school property.

119. It is respectfully submitted that neither the School nor the Public School Board were responsible for R3 and its supervision. The evidence indicates that this was a Diocese program. Neither the School nor the Public School Board was responsible for Father Deslauriers' therapeutic program. There is no evidence to suggest that Father Deslauriers informed the school staff or administration that "therapy" services were being offered to students off school property. Nor, would it have been within their scope of authority of the School to forbid Father Deslauriers from providing services off school property. Neither the School nor the Public School Board was responsible for supervising Father Deslauriers when he was at the St. John Bosco Rectory or on retreats with R3. It is respectfully submitted that there were no supervision mechanisms that could have been employed to ensure that Father Deslauriers was not abusing students off school property.
120. It is respectfully submit that when not in the School, Father Deslauriers was not the responsibility of the School or the Public School Board. It is respectfully submitted that at the same time that Father Deslauriers was a Chaplain in the School he was also a priest and responsible to the Diocese for his behaviour, regardless of whether his actions were connected to his work as a Chaplain, or as a priest of the Diocese and R3 leader.

E. Nelson Barque

Factual Background

121. Nelson Barque worked as a substitute teacher at La Citadelle for one month, September to October, in 1971 prior to his employment with the Ministry of Correctional Services. He identified Jeannine Seguin as his immediate supervisor. Jeannine Seguin was not a principal at the time that Nelson Barque was a substitute teacher.

Exhibit 3234, Overview of Documentary Evidence of Jeannine Seguin; Exhibit 881, Application for Employment, Nelson Barque; Exhibit 1883, Will Say Statement of Herb Lefebvre; Exhibit 1785, Will Say Statement of Ronald Lefebvre; Exhibit 888, Application of Nelson Barque to Ministry of Correctional Services.

122. Pierre Landry, Managing Director of the Psychosocial Department (also known as Equip Psychosocial) testified that the Department used space at John XIII Middle School and that Nelson Barque worked for the organization from 1982 to 1986 and was placed at two elementary schools, Nativity School and Saint Francois de Salle School.

Transcript vol. 169, p. 272, lines 7-25; p. 273, lines 1-8; p. 276, lines 5-9; p. 298, lines 4-10.

Submissions

123. It is respectfully submitted that there are no allegations of wrong-doing involving Nelson Barque while he was a substitute teacher for one month at La Citadelle or prior to his time spent at La Citadelle. His time as a substitute teacher predates his employment with the Ministry of Corrections. It is respectfully submitted that, the Principal of La Citadelle in 1971 was not Jeannine Seguin, and the principal of the School, not Jeannine Seguin, would have been responsible for supervising all substitute teachers, including Nelson Barque. It is further submitted that there is no evidence that the principal of the School failed to properly supervise Nelson Barque while he was an occasional teacher for one month in 1971.
124. John XIII Middle School, Nativity School and Saint Francois de Salle School are not schools under the jurisdiction of the Public School Board. It is respectfully submitted that there is no evidence that Nelson Barque was ever placed in a school or provided services to a school under the jurisdiction of the Public School Board. As such, it is respectfully submitted that the Public School Board could not have failed in its duty to supervise the work of third party service providers, namely Nelson Barque.

F. Physical & Psychological Abuse

125. It is respectfully submitted that the mandate of the Cornwall Inquire is to review the institutional response to allegations of sexual abuse of children and youth by individuals in positions of trust or authority.

With respect to the mandate, I would like to discuss the mandate of the Cornwall Public Inquiry. The mandate sets out two primary tasks. The first task is to find out how public institutions in Cornwall responded in the past to any allegations of sexual abuse that were brought to their attention.

We will also look at the way institutional responses and the capacity of institutions to respond have evolved over time and how the responses could be improved in the future. This will be the subject of Phase 1 of the inquiry.

Transcript vol. 4, p.4 lines 5-15.

126. It is respectfully submitted that, although the Order in Council dated April 14, 2005 refers to “allegations of historical abuse of young people” and not “sexual” abuse, the mandate of the

Cornwall Inquiry has been to review allegations of sexual abuse, not allegations of physical or emotional abuse of children and youth. As such, the Public School Board respectfully submits that this is not the proper forum to review whether or not instances of alleged physical abuse of Jeannette Antoine, Cathy Sutherland, Roberta Archambault and Andre Bissonnette were appropriately addressed by the institutions.

127. Jeannette Antoine did not recall ever providing notice to anyone at Cornwall Collegiate Vocational School ("CCVS"), a high school under the jurisdiction of the Public School Board, that she had suffered sexual abuse in her group home.

Transcript vol.113, p.77, lines 21-25.

128. It is respectfully submitted that there is no evidence to suggest that staff of CCVS or the Public School Board knew or ought to have known of the sexual abuse suffered by Jeannette Antoine in her group home.
129. The evidence of Cathy Sutherland was that she never disclosed to staff of the schools she attended or the Public School Board the sexual abuse that she suffered for fear that she would suffer further abuse in retaliation.

Transcript vol.111, p.184, lines 15-19

130. It is respectfully submitted that there is no evidence that Roberta Archambault disclosed sexual abuse to staff of the schools that she attended or the Public School Board. Moreover, it is respectfully submitted that there is no evidence to suggest that staff of the schools that she attended or the Public School Board knew or ought to have known of the sexual abuse suffered by Roberta Archambault.
131. It is respectfully submitted that there is no evidence that Andre Bissonnette disclosed sexual abuse to staff of the schools that she attended or the Public School Board. Moreover, it is respectfully submitted that there is no evidence to suggest that staff of the schools that he attended or the Public School Board knew or ought to have known of the sexual abuse suffered by Andre Bissonnette.

G. Conclusion

132. The submissions of the Upper Canada District School Board are summarized in the Executive Summary and set out in detail in the Submissions.

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

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