

## Claiming for abuse by other students

The Independent Assessment Process (IAP) is a claimant-centered, non-adversarial, out-of-court process for the resolution of claims of sexual abuse, serious physical abuse, and other wrongful acts suffered at Indian Residential Schools (IRS). The IAP also supports healing and reconciliation among former students, their families, communities and Canadians.

### Claiming compensation for abuse by other students

To receive compensation for abuse by another student, there are some special rules that apply:

- The abuse by another student must have occurred on school premises.
- For physical abuse and some sexual abuse your claim must show that:
  - an adult IRS employee knew or reasonably should have known about the abuse or abuse of the kind at the school; and,
  - staff did not take reasonable steps to prevent the abuse.
- For more serious predatory or exploitative sexual assaults, you can be compensated unless the Government of Canada or the church that ran your IRS proves there was “reasonable supervision” in place at the time.

Based on your claim, the adjudicator will determine how much compensation you will receive based on compensation rules in the Settlement Agreement. These rules include a scale that recognizes both the abuse and the effects of the abuse on your life.

### Will the alleged perpetrator be contacted about my claim?

Alleged perpetrators, including former students accused of abuse, have the right to know about allegations made against them in any IAP claim. Here's how it works:

- If the alleged perpetrator is deceased or cannot be located, your hearing will go ahead without the participation of the alleged perpetrator.
- The Government of Canada will attempt to locate and contact alleged perpetrators. If an alleged perpetrator is found and wants to participate, the alleged perpetrator must provide a witness statement and agree to appear at an alleged perpetrator hearing to provide oral testimony.
- If the alleged perpetrator chooses to participate, the government will provide a summary of your claim's allegations. This summary will include your name, but not your current address or the effects of the abuse on your life.

- If the alleged perpetrator wants to give evidence, a separate hearing will be held. You and the alleged perpetrator will not meet unless you want to. You do not have to attend the alleged perpetrator hearing, but you have the right to attend if you want to hear the alleged perpetrator respond to the allegations.
- The alleged perpetrator does not have the right to attend your hearing.
- An independent adjudicator asks all questions during the hearing. There is no cross-examination.
- If an alleged perpetrator participates, they will receive a copy of the adjudicator's findings about them. The alleged perpetrator will not be told the amount of any compensation awarded to you.

### **Do I need a lawyer for my claim?**

The IAP involves complex legal concepts and processes. This is why all of the parties who signed the Settlement Agreement recommend that claimants hire a lawyer to help them with their IAP claim.

Once you have legal counsel, it is the lawyer's responsibility to present everything needed to support your claim. If you need help finding a lawyer, there is a referral service available at <http://www.residentialschoolsettlement.ca/lawyers.html> or you can call **1-877-635-2648** to be transferred to an IAP Claimant Support Officer who can provide a list of lawyers accepting referrals for IAP claimants.

### **Is there anything else I need to know?**

You can get more information by visiting <http://www.iap-pei.ca> or calling toll-free 1-877-635-2648.