

SUPERIOR COURT OF JUSTICE

5 B E T W E E N:

LISA CAVANAUGH, ANDREW HALE-BYRNE,
RICHARD VAN DUSEN, TIMOTHY BLACKLOCK
and MARGARET GRANGER

10 Plaintiffs

- and -

15 J. ALASTAIR HAIG, MARY HAIG,
GRENVILLE CHRISTIAN COLLEGE,
THE INCORPORATED SYNOD OF THE DIOCESE OF ONTARIO,
CHARLES FARNSWORTH, BETTY FARNSWORTH
and JUDY HAY

20 Defendants

T R I A L P R O C E E D I N G S

25 BEFORE THE HONOURABLE JUSTICE J. LEIPER on
September 19, 20, 23, 2019, at TORONTO, Ontario

APPEARANCES:

30 L. MERRITT Counsel for the Plaintiffs
S. LOMBARDI Counsel for the Plaintiffs
G. ADAIR Counsel for the Defendants
D. BOGHOSIAN Counsel for the Defendants
N. READ-ELLIS Counsel for the Defendants

(i)

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25

30

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THURSDAY, SEPTEMBER 19, 2019

U P O N R E S U M I N G:

5 THE COURT: First, one matter I was going to deal
with before we continue with Ms. Mayberry. So, I
propose to prepare my reasons on the motion on
Monday. So, this is the ruling on the
admissibility of documents. I'm not going to
include the citations, but I will provide you
with a copy of this afterwards.

10

R U L I N G

LEIPER, J. (Orally)

15 At the start of the trial in this matter, the
plaintiffs brought a motion for rulings on the
admissibility of a set of documents. The
documents were produced to the plaintiffs by the
defendants in accordance with the *Rules of Civil
Procedure*.

20

The plaintiffs make three arguments for the
admissibility of these documents.

25

(a) As business records under s. 35 of the
Ontario Evidence Act, and or where the evidence
tendered as for a hearsay purpose as allowed by
the principled exception to the Hearsay Rule.
Alternatively, where the evidence is tendered for
a hearsay purpose as statements against interest.

30

Other records filed on the motion have either
been a subject of agreement or set aside, pending

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further foundation evidence being called to establish their admissibility.

5 There was no evidence tendered on this motion. Counsel made submission on the documents which were filed in a supplementary exhibit book. I will address each document in turn. First, I will set out the legal principles that apply to the analysis.

10 The fact that a document has been produced for inspection or a disclosed by a party, is not an admission that the document is relevant or admissible. Rule 30.05 Rules of Civil Procedure.

15 This is the starting point because the plaintiffs have argued that the inclusion of records in the defendants' affidavit of documents renders these documents relevant. While this may often be the case, Rule 30.05 reminds the Court that it must apply its independent judgment to questions of relevance and admissibility. Documentary discovery is not a shortcut to admissibility.

20 Where a statement is made by a person who is not a witness at trial, and the statement is tendered to establish the truth of the statement, the rule against hearsay will generally exclude this statement. (*R. v. Khelawon.*)

25
30 The central reason for the hearsay rule is the difficulty in testing the reliability of such

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statements. (*Khelawon* para 2.)

5 The common law recognizes certain exceptions to
the Hearsay Rule. These are the traditional
exceptions to the Hearsay Rule, such as dying
declarations, and statements against penal
interest. The plaintiffs have relied first on
the traditional exception to the Hearsay Rule
10 that allows for the admission of statements for
the truth of their contents that are against the
pecuniary or proprietary interests of a person
who is now deceased. *Saint Alair and Kravitz v.*
Sec.

15 The exception for statements against interests is
based on the notion that statements against one's
interests are not likely to be false, giving the
statements additional reliability. In
determining whether the statement is against the
20 interest of the declarant, the Court should look
at the contents of the statement. See *R. v.*
Sebolka (ph).

25 A self-serving statement which
is admitted into evidence as
concomitant to a statement which
is only marginally against the
declarant's interests, does not
have the same underlying
30 credibility.

(Sopinka, Lederman & Bryant, *The Law of*

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5 unavailable. In appropriate cases, the proponent of the evidence may be required to show that reasonable efforts were made to secure the evidence of the declarant. (*R. v. Khelawon*)

10 *Smith* applies a flexible definition of necessity; it is not an absolute concept. A Court may find that it is reasonably necessary to admit an out-of-court statement, even where the witness is physically available.

15 The reliability analysis of the threshold admissibility stage considers any motive to lie, the relationship between the declarant and the narrator of the statement, the possibility of mistake, the state of mind of the declarant at the time the statement was made, and in some cases the contents of the statement.

20 The reliability analysis may consider in appropriate circumstances corroborative evidence which shows that the only likely explanation for the hearsay statement is that the declarant was being truthful. The corroborative evidence must
25 itself be trustworthy. (*R. v. Bradshaw*)

ADMISSIBILITY OF BUSINESS RECORDS

30 Business records are admissible under the *Evidence Act* and at common law. Under the *Evidence Act* a business is defined by s. 35.1 of the *Act* to include every kind of business,

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profession, occupation, calling, operation, or activity, whether carried on for profit or otherwise. (*Manta Priz*) (ph).

5 Records include any information that is recorded or stored by means of any device.

10 Business records are admissible pursuant to s. 35(2) any writing or writing made of any act, transaction, occurrence or event is admissible as evidence of such act, transaction, occurrence or event if made in the usual and ordinary course of any business, and if was an usual and ordinary course of such business to make such writing or record at the time of such act, transaction, occurrence or event, or within a reasonable time thereafter. The lack of personal knowledge of the maker of the record does not affect its admissibility, but instead is applied to the weight to be given into the writing. S. 35(4) of the *Evidence Act*. As such, business records may include admissible hearsay.

25 The statutory provisions eclipse but do not replace the common law. There are some components of the common law exception that are more generous than the statutory exception, including the ability to provide evidence that could be termed opinion. (see *Pacheco and Stesser* (ph) on p. 181.)

30 In a school context, business records have been

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5 found to include letters sent by school
officials, report cards, and credit counseling
summaries. *Hadreezi v. Ottawa Carleton School*
Board. In that case, the foundation for the
admission of the school records was established
through evidence from a former principal and
superintendent familiar with the *Education Act*,
and the provisions in the *Act* relating to the
duty to keep certain student records. Although
10 the witness did not have personal knowledge of
the preparation of each specific document, he was
familiar with and able to testify to the role,
place and purpose of the documents in the context
of the business of the Board. Where the report
15 cards included the opinions and professional
judgment of teachers, in addition to the facts
recorded there, the Court held that these
opinions were admissible at common law, according
to the principles articulated in *Arens and Benner*
20 (ph).

THE APPLICATION OF THE PRINCIPLES TO THE
DOCUMENTS IN ISSUE

25 Documents in issue were filed in a volume
entitled "Plaintiffs' Supplementary Exhibit Book"
with 49 tabbed documents. Only those in issue
are listed and discussed here, using the original
tab numbers in the brief filed by the plaintiffs
30 for cross referencing.

TAB 3, THE JT RECORD

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5 Tab 3 is a one-page record with a name at the top
of the page. There is no school insignia or
letterhead. Most of the document is type written
with some handwritten notations. The subject
matter is student assessment, including a section
on academic courses and marks. A line at the
bottom of the page asserts that the named student
10 will receive secondary high school graduation
diploma June of 1977. The content also refers to
how the student has been doing "in the last
week". One note under the heading "Social"
refers to the willfulness and idolatry of the
student. There is no evidence called as to
15 whether this is the format of report cards used
at Grenville Christian College, also referred to
as the "School," or whether the inclusion of
handwritten notes was used on final records.

20 There was no evidence as to the person who had
the duty, if one existed, for making this record.
There is no title on this note as to whether this
is a report card or some other record. The only
title on the page is the name of the student.

25 The plaintiffs submit that this record is
admissible as either a business record under s.
35 of the *Evidence Act*, or alternatively as
necessary and reliable hearsay evidence necessary
30 because the school is closed and the Headmasters
are deceased. Reliable, because the record
appears on its face to be made by school

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officials to describe the progress of the named student.

5 The defendants argue that with an unknown author and no evidence of any duty to keep this record, the plaintiffs have not established this to be a business record. They submit there is a complete absence of context or purpose for this document. Further, the record contains more than facts, it 10 includes opinions. I conclude that the plaintiffs have not laid an adequate foundation for the admissibility of document Tab 3 as a business record. It appears to be a student assessment, including marks. There was no 15 evidence called about the circumstances of its creation, whether it is a final or draft document, or the source of any duty to make this document. I agree that it could be such a document, given its format; the inclusion, 20 opinions or assessments of student progress is not a bar based on the reason articulated in *Ares* and *Benner* as applied in *Hadreezi*.

25 However, the other preconditions to admissibility as a business record have not been established. I find that the document is not admissible as a principle of the exception to the Hearsay Rule. It may be that the closing of the School and the death of the two Headmasters during the relevant 30 time meet the criteria for necessity. However, there's no evidence to establish that the Tab 3 document's reliable, no evidence as to how it was

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5 created, whether it was reviewed or whether this
was a final document or a draft. In the absence
of this information, I'm not prepared to conclude
from the content of this document, in isolation
that this is a reliable record of student
assessment. The fact that it was produced by the
defendants and appears to be an assessment of the
student, without more is insufficient to make
10 this record admissible. Subject to further
evidence, establishing a foundation for its
admissibility, Tab 3 will not be admitted into
evidence.

15 Tabs 5 and 6, Discussion of Teaching Values at
Grenville Christian College "Disciple is not a
dirty word".

20 These documents are similar to each other. Tab 5
is a three-page undated, untitled and unsigned
discussion or speech on the values at Grenville
Christian College. The theme of the discussion
is about the necessity of a strong, solid wall
around teenagers and for scholar authority
figures in the lives of teenagers. Tab 5 quotes
25 from an educator from England who visited the
School and extolled the virtues of the
disciplined environment, chapel service and the
sense of family there.

30 Tab 6 is marked for immediate release and is
titled "Discipline is not a Dirty Word." It is
undated and unsigned. It is not on letterhead --

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5 any letterhead. Tab 6 begins with a quote from "The Rev. Alastair Haig, Headmaster of Grenville Christian College in Brockville." The theme of the document is the need for discipline and refers to other speeches made by Alastair Haig, for example to the Rotarians, "recently".

10 The plaintiffs submit that these documents are relevant to establish the school's sense of itself. They are relevant business records. The content of the records can be used to conclude they were written by one of the Headmasters at the school. Tab 6 was described as promotional material.

15 The defendants argue that these documents amount to reflections of an unnamed person at an unidentified time. There is no indication that either Tab 5 or Tab 6 are business records, nor is there evidence as to their reliability.

20 I agree that the conditions for admissibility for Tab 5 and Tab 6, as either a business record or as a principled exception to the Hearsay Rule have not been established by the plaintiffs. These are undated, unsigned records. There is no record of any duty to keep them. Subject to further and better foundation evidence Tabs 5 and 6 will not be entered -- admitted into evidence at this time.

30 TAB 12 AL HAIG, TAPE RECORDINGS TITLED "THE STORY

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Leiper, J. (Orally)OF GCC THE WAY I SEE IT"

5 The tape recording and a transcript of excerpts
from the tape is tendered. It is admitted that
this is a tape of a discussion with the defendant
Alastair Haig, who is now deceased. The
conversation discusses the ideas for setting up
the school, and the financial issues of building
the school. The excerpts describe the arrears
10 the school faced, efforts to raise money and the
philosophy of the school after the first four
years of GCC. Alastair Haig describes the visit
to the school from Mrs. Cay Anderson and Mrs.
Judy Sorenson, as the quote "biggest miracle in
15 all of the history of GCC". Ms. Cay Anderson and
Ms. Just Sorenson are the Directors of the
Community of Jesus, a Community in the United
States.

20 Among other topics, the taped conversation
describes the benefits of the changing culture,
how the students have excelled in sports, and
learned to accept correction. There is also
discussion about the school's success in
25 attracting teachers willing to work at tremendous
financial sacrifice.

30 The defendants challenge the admissibility of the
tape recording of Alastair Haig on the basis that
it is not a business record and as a statement of
his beliefs and opinions, it is not a deceased
declaration against interest.

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5 The plaintiffs submit that the recording is
admissible either as a business record or because
it meets the criteria as a principled exception
to the Hearsay Rule, given that Mr. Haig is
deceased. In the third alternative, the
10 plaintiffs submit that the recording is a
declaration against interest made by person or by
a party.

15 I agree with the defendants that there has been
no foundation laid for the tape to be considered
as a business record. There is no evidence as to
the circumstances of its making, any duty to make
such a recording as part of or any duty to make
such a recording as part of the operation of the
school. The tape contains statements that are
hearsay of tendered for their truth, including
20 the implied use of an out of court statement to
establish how this defendant "sees it". If
Alastair Haig were to testify as to his
philosophy of the school, he could be
cross-examined on his beliefs on his beliefs and
philosophies. However, he is deceased, and this
25 document is being tendered to establish those
beliefs. In that sense, it is being tendered for
a hearsay purpose. Is it admissible as a hearsay
exception, either as a declaration against
interest or as a principled exception to the
30 Hearsay Rule? I conclude that the tape is not
admissible as a declaration against proprietary
or pecuniary interest made by a declarant who is

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5 now deceased. This is a narrow exception which applies to non-parties. *Choco v. Stacer* (ph). A statement made by a party should instead be assessed as a party admission. This (indecipherable) admissibility is discussed below.

10 In turning to the principled exception to the Hearsay Rule, this document meets the criteria of necessity. Alastair Haig is the named defendant in an action that concerns allegation of systemic breaches of judiciary obligations and duties of care to residential students at the school. The school's activities and policies during the
15 period of time addressed by this litigation is relevant. Alastair Haig was one of the leaders in directing minds at the School. He is deceased and not available to testify as to his approach towards the school's operations, students and
20 staff.

25 In reviewing the content of the extracts from the tape recording provided by counsel, I am satisfied that this document is reliable. It is largely a statement of personal views and philosophies concerning the subject matter of this litigation. It is a recorded statement, which has been preserved. The declarant is in the best position to describe his philosophies.
30 There is an internal consistency to the declaration. The themes repeat themselves. The declarant's values are articulated clearly, and

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5 there is no suggestion that the maker was under any condition that would undermine its reliability. This is the best evidence of what the defendant Alastair Haig believed had been, and was being accomplished at Grenville Christian School.

10 An alternative route to admissibility mentioned in reply by plaintiff's counsel also supports the admission of the tape as an admission by the party.

(Sopinka & Lederman, 3rd Edition.)

15 Evidence which would otherwise be considered hearsay is admissible at common law, under the Party Admissions Rule. Some cases and commentators have concluded that this removed this kind of evidence from the ambit of hearsay and a necessary reliability analysis is not
20 required. See *R. v. Foreman* at paragraph 37, *R. v. Osman*.

25 This rule also applies in civil matters. See *Becker v. Alberta, Director of Employment Standards, Shoe Checkman Blackmont Capital Inc.* Unlike declarations against interest by a non-party declarant, party admissions do not need to be against interest at the time they were
30 made. A party cannot complain of the unreliability of his or her own statements. *R. v. Evans*.

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5 Mr. Haig is deceased. The estate of Mr. Haig is
the named defendant. If I am incorrect in
concluding that the previous statements by Mr.
Haig to be party admissions and that this
document amounts to hearsay evidence, I have
concluded above that the evidence remains
admissible under the principled approach. The
10 tape recording at Tab 12 and the transcript
extract will be admitted into evidence.

TAB 16 HOW DO WE NURTURE CHRISTIAN VALUES IN OUR
CHILDREN

15 Tab 16 is the text of a speech or talk, dated
March of 1981. The speech discusses theories of
teaching, morality, and discipline at the school.
It is unclear who made this speech.

20 The plaintiffs submit that this is a reliable and
necessary document that is probative as to the
issues at trial.

25 The defendants challenge the admissibility of
this document pending knowing what statements
from this document are proposed to be used and
for what purpose. Pending further agreement by
counsel as to how this document might be used, I
conclude that Tab 16 does not meet the criteria
30 for a business record under s. 35 of the Evidence
Act, nor is it a common law business record. The
maker of the speech is not identified. On the

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5 same basis, I am not able to conclude that
necessity and reliability have been established
to justify its admission as a principled
exception to the Hearsay Rule.

TABS 19 AND 21

10 Tabs 19 and 21 are letters from parents outlining
concerns of practices and describing events that
took place relating to their children while at
Grenville. The plaintiffs tendered these for the
truth of their contents; that is to establish
that the discipline described in the letter took
place. The letters have double hearsay. They
15 contain an account from a parent about something
a child's reported to them. The plaintiffs
submit that it is impractical to call the
witnesses to testify to these events. They
submit this equates to the necessity component of
20 the principled exception to the Hearsay Rule.

The letters offered by the parents are not
business records under the formulation in s. 35
of the *Evidence Act*. While they may have been
25 kept as part of school records, there is no
evidence that they were made by someone acting
under a business duty, contemporaneously with the
events recorded in the documents.

30 I am not satisfied that the two letters meet the
necessity or reliability requirements to be
principled exceptions to the Hearsay Rule. There

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5 is no evidence of availability of the witnesses to the events or any reasonable efforts have been made to locate the two witnesses, those being the children who experienced the discipline methods described in these letters.

10 Further, there is no way to know whether the incidents were described accurately to the parents, or whether the declarant in each case was motivated or able to be accurate or truthful about these events. Subject to further evidence on the foundation for the admissibility of Tabs 19 and 21, these documents will not be admitted at this time.

15 CONCLUSION

20 Several of the documents originally filed on the motion are either being admitted as a result of agreement among counsel or await further discussion. These efforts are acknowledged.

25 I will complete the hard copy and circulate those to counsel later today. So at some point then we should mark the tape and the extract as exhibits on the trial proper and I don't know if you want to take those from the motion materials, or you have a separate key, but if you want to do that at some point today, that would be fine.

30 MS. LOMBARDI: Perhaps you could do it at the end of the day.

THE COURT: That would be fine.

M. Mayberry - in-Ch.
(Ms. Lombardi)

MS. LOMBARDI: Thank you.

THE COURT: All right. So, if the witness could
be brought in?

5 MARGARET MAYBERRY: PREVIOUSLY SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI: Cont'd

Q. Good morning, Ms. Mayberry.

A. Good morning.

10 Q. I just wanted to pick up from where I left
off yesterday, I just have a -- a few more questions to ask you.
Yesterday, we talked a little bit about the spirit of the
school, and behaviors and attitudes with respect to the spirit
of the school. What I want to ask you this morning, to start,
15 is how were those behaviours, attitudes -- those attitudinal
issues addressed with students?

A. I -- I'm not sure what you mean? Whether --
how are they addressed?

20 Q. If there were attitudinal issues with
students...

A. Yes.

Q. ...were they addressed?

A. Oh, yes.

Q. How so?

25 A. Well, they would be put on discipline, usually.

Q. Okay. Which -- which attitudes as a teacher,
when you're wearing your teacher hat, because you held many
roles, which attitudes were you on the lookout for, in your
classroom, if I may?

30 A. I -- I don't think I was.

Q. Okay.

A. Yeah.

M. Mayberry - in-Ch.
(Ms. Lombardi)

MR. ADAIR: I'm sorry?

MARGARET MAYBERRY: I was not look -- I mean, we were -- I was just teaching and they were learning, and we worked together.

5 MS. LOMBARDI: Q. Okay -- okay. And as a dorm supervisor were there specific attitudes or behaviours that you needed to be alert to in that role?

A. No.

10 Q. Okay. I'd like to take you to the agreed statement and facts in this case. I think we were there yesterday, that is Exhibit 3.

A. Thank you.

Q. If you could turn up Tab 2, page 8. Let's start at page 7.

15 A. Okay.

Q. So, these agreed facts state that -- that the philosophy of the Community of Jesus that was set out at paragraph 17, are implemented through various behaviours. The first subparagraph is titled "Living in the Light". If we turn over, we see subparagraph B "Admonishment", C is "Chastisement".
20 Were either of these -- were either of these something that existed at GCC -- that were used at GCC?

A. Yes.

Q. Can you give an example?

25 A. Well, at -- at least for us staff members, we were expected to live in the light with each other, meaning to -- sorry, be honest and open with each other.

Q. Mm-hmm. And what about admonishment, was that something that was...

30 A. Yes, people...

Q. ...implemented at Grenville?

A. Sure, people frequently would correct another

M. Mayberry - in-Ch.
(Ms. Lombardi)

person or -- or...

Q. Just -- just to differentiate maybe. You're saying people, that is that staff or students can...

5 A. I'm -- I'm talking about among the staff members.

Q. Among the staff, okay.

A. I mean, Charles did this certainly with the students.

10 Q. Char -- you say Charles did this with the students?

A. Yes.

Q. Can you give an example of that?

15 A. Well, he -- when he felt that there was some problem with the attitude of the student body, he would call the whole student body to the chapel and -- out of class and sometimes for hours, and stand different students up and accuse them of whatever he had on his mind, and so they would be publicly corrected.

Q. And how often would this happen?

20 A. I don't recall, exactly, but probably every couple months.

Q. Can you say that they could last hours?

A. Yes.

25 Q. And so, what would happen to class time during this?

A. Exactly. I mean, we lost the class time, unless a teacher -- it was difficult to make -- make up that time.

30 Q. And where -- where would these sessions take place?

A. Usually in the chapel, occasionally in the dining room, but usually in the chapel.

M. Mayberry - in-Ch.
(Ms. Lombardi)

Q. And so, who -- who would all attend these sessions?

A. Well, the student body would be there and usually some or most of the dorm supervisors, but not the other staff.

Q. And so you attend -- did you ever attend any of these?

A. Of course.

Q. Can you give me an example of one that you attended?

A. I -- I mean, there were -- there were lots of them -- it was 19 years, so this, you know, I just remember that we had them and we would be standing in the back of the chapel.

Q. Okay. Do you recall how you felt during these assemblies?

A. I remember feeling -- feeling very badly for the students that were singled out.

Q. We spoke yesterday about conversations with the female students at Grenville, can you describe conversations with those girls involving sexuality, and I wanted to ask you how did you feel in those sessions with those girls?

A. You're talking about what I -- talked about the fact that Charles would have meetings with these girls in the evening after study hall?

Q. Yes.

A. It was awful. It was awful.

Q. What -- what were you observing in terms of how the students were reacting, if anything?

A. I mean, they were -- they were often very upset, but they wouldn't talk about it, at least not with me.

Q. When did you leave Grenville?

A. I left in June of '99.

M. Mayberry - in-Ch.
(Ms. Lombardi)

Q. And why did you leave?

A. I had -- I had to stop teaching in November of '98, because I was clinically depressed and I could barely function.

5 Q. I'd like to take you to one last exhibit and that is in loose form. It was previously included in the supplementary exhibit book at Tab 38 and -- and it was inadvertently left out of the third volume. It should have made its way in and I apologize for this inconvenience. Do you
10 recognize this document?

A. Yes.

Q. And what is this document?

A. It's a letter I wrote to Charles in 2001, which was a -- a couple of years after I left. He had written
15 to me prior to this.

Q. Okay. And could you read the third paragraph of that letter for us, please?

A. "It is Christ's command to me to forgive you. I do know that your intentions were usually not malicious." I
20 don't agree with that anymore, but anyways, that's what I said then. "But the gravity of the damage you inflicted is enormous, since you were our spiritual authority, our boss, our representative of Cay and Judy to us, and a father figure to many adults. Daily, I continue to face the demons inflicted
25 after years of living under your repressive leadership. I am relearning that God does love me, and that I am worthy as a Child of God, and that my individuality is not a sin, but a gift from God."

30 MS. LOMBARDI: Thank you. I'd like to mark that the next exhibit, if I may?

CLERK REGISTRAR: Exhibit 11, Your Honour.

THE COURT: Sorry what verse?

M. Mayberry - in-Ch.
M. Mayberry - Cr-Ex.

MS. LOMBARDI: Exhibit 11.

THE COURT: Thank you.

5 EXHIBIT NUMBER 11: Letter dated December 13,
2001 to Charles Farnsworth from M. Mayberry -
produced and marked

MS. LOMBARDI: Q. And why did you write this
letter to Father Charles Farnsworth?

10 A. I had written to him previously and -- that
he finally responded to the letter and -- and he didn't -- he
didn't respond to some of the things that I had said, so I wrote
him again.

MS. LOMBARDI: Those are all my questions for
15 this witness at this time, subject to re-exam.

CROSS-EXAMINATION BY MR. ADAIR:

Q. Tell me, Ms. Mayberry -- I'm sorry, Ms. or
Mrs.?

20 A. It doesn't matter.

Q. All right. Ms. Tell me, Ms. Mayberry, I
thought I heard you just say, but I -- I want to make sure I
have it correctly, did you tell me that in -- in your role as a
dorm supervisor you wouldn't have to do something with respect
25 to students who were put on D?

A. Well, when I was assistant Dean of Women for
a few years, it was my responsibility to organize their day,
that the work was supervised by someone else, but I had to find
prefects to eat with the student and...

30 Q. Okay. And I gather -- I thought I heard you
just say, and again, please let me know if this is correct or
not, but I thought I heard you just say that -- that would

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happen on -- on average of about once a month?

A. Students on discipline?

Q. Yeah.

A. It was actually more frequently than that.

5 If I said that before, I misspoke.

Q. Well, I'm may not have had your evidence correct.

A. No, it's...

Q. That's why I wanted to clarify. How often?

10 A. I'm -- I don't remember exactly, but, I mean...

Q. Once every two weeks?

A. At least.

15 Q. Okay. And the letter, Exhibit 11, if we could have that in front of the witness, please?

A. This one that we just did?

Q. Yes. In the third paragraph there, you are addressing the gravity of the damage Farnsworth inflicted on the adults; right?

20 A. Yes.

Q. And in fact, I -- I read your letters back and forth with Farnsworth that are in the book, and that was the subject of all of them; correct?

A. Yes.

25 Q. The abuse the adults suffered...

A. Yes.

Q. ...and the damage he'd done the adults. And the -- tell me one thing, Betty Farnsworth -- Ms. Farnsworth, did she have a drinking problem?

30 A. I -- I don't know.

Q. Well, you would have known, wouldn't you?

A. No.

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Q. Well, if she was...

A. They lived at a separate house from the rest of us...

Q. Yes.

5 A. ...and we saw them at mealtimes.

Q. But if she -- she wasn't, by any stretch of the imagination, to your observation at meals or whatever, anybody who would warrant the words "falling down drunk", was she?

10 A. Not that I ever witnessed, no.

Q. No. And tell me, the -- you -- you commented in your evidence that you were a teacher you weren't looking out for attitudinal issues?

A. Correct, I was not.

15 Q. And I mean, it -- it's kind of a common sentencing, isn't it, that you're a teacher; if there's an attitude problem, it's there and it has to be addressed; right?

A. Yes.

20 Q. And -- and it -- it might result in any number of things, depending on the vast range of attitudinal problems, I guess. It might result in you saying -- speaking to the student. It might result in being put out of the class for a period. It might result in speaking to the administration. It might result in discipline.

25 A. I mean, generally speaking the students were very, very well behaved.

Q. Yeah.

A. I don't -- I never had a problem with anybody in my classroom.

30 Q. Okay. And you seemed to me -- it may be hard to say, but you seemed to me to have been -- just listening to you and hearing you, a very caring teacher?

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A. I -- I tried to be.

Q. Yeah. And you -- you -- you didn't have to be on the lookout for attitudinal issues, because it's human nature, you see them if they're there; right?

5 A. Correct.

Q. And nobody was telling you that you should go after students and pound away at them or break them down, were they?

A. No...

10 Q. No.

A. ...but the -- the people who -- who were responsible for addressing the issues with the students were the deans and Charles...

Q. Okay.

15 A. ...not teachers.

Q. Yeah and not the dorm supervisors?

A. No.

Q. And on the whole the staff, that were the teachers and dorm supervisors, on the whole, did you regard them as caring, compassionate people?

20 A. The other staff members?

Q. Yeah.

A. Yes.

Q. And that's the way they treated the students?

25 A. Yes.

Q. And...

A. Except for Charles.

Q. Sorry?

30 A. Except for Charles, he wasn't caring and compassionate?

Q. No, no, and the -- Joan's -- Joan Childs -- is it fair to say that she was right up there as one of the

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meanest of the mean?

A. I don't know about that, but she was one of the ones that Charles told to do his dirty work.

5 Q. And in -- in -- I'm sorry -- in -- these students -- Grenville had a lot of activities, like any schools do, plays, sports, drama, debating, public speaking, all those things -- wide range of things, and do you agree with me that the people at Grenville, when -- when somebody was good at something, they celebrated?

10 A. Who -- who do you mean by they celebrated?

Q. Well, they -- it would be in the GCC news and...

A. No.

Q. No?

15 A. I mean when I was coaching, for example, if a -- if a student did well in a race, for example, you know, we would -- we would congratulate him on the team, but it was never brought to the community in general.

20 Q. Okay. And it would be fair -- tell me if you agree with me -- it would be fair to describe Grenville as a strict school?

A. Yes.

Q. And the rules were well known and well publicized.

25 A. Yes.

Q. And do you agree that by and large the students who could follow the rules were fine?

A. Yes.

Q. Okay. And...

30 A. Except that people were -- people were put on discipline, as I said earlier, for things that Charles judged they had a bad attitude about something. So even though they

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were obeying the rules, they might still be put on discipline.

Q. Yeah and some of them might or might not have had a bad attitude.

A. Yeah, exactly.

5 Q. Yeah. Okay. And -- one last thing. It -- it was -- or it is very disturbing to think of young girls to be called "bitches in heat", "Jezebels" or "whores".

A. It was awful.

10 Q. It was awful. And I'm -- I'm going to suggest to you and I want you to think carefully about this, because it's been 20 plus years since you've been there. And I want to ask you two things about then, was it not the case, that what was being -- the message being conveyed to them was don't act like whores and Jezebels and bitches in heat? Don't act
15 like that. Don't be that.

A. No, I would say that he said that they were that.

Q. Okay. And do you know what would spark these?

20 A. He was obsessed with sex.

Q. Okay. All right, but -- so, you're -- you're sure that he said those things?

A. Oh yes.

25 Q. All right. Bear with me for one moment, please, Your Honour. These light sessions in the chapel with the student body, you -- you indicated in your evidence that they would be held when Charles believed there was some problem with the student body that needed addressing; right?

A. Yes.

30 Q. And I'm aware of a couple of light sessions over the years. I'm not suggesting for a moment I know about all of them. I'm just about to give you a couple of examples

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and ask if you remember them. One was Tim Haig dating a girl, it was in -- that may have been before you got there; do you remember that at all?

5 A. Tim Haig was a -- a senior when I -- the first year I was teaching.

Q. Okay. Do you remember that at all?

A. The thing about him dating, no.

Q. Sorry?

A. No.

10 Q. Okay. And -- and -- and then there was a -- a light session with Don Farnsworth, when he and other boys had burned down some shed or something.

A. That was years before I got there.

15 Q. Oh okay. All right. But these were things Farnsworth thought, whether he was right or wrong, were issues that needed to be addressed with the student body?

A. When he had these light sessions, yes.

Q. Yeah. And did -- may I have your indulgence for a moment, Your Honour?

20 THE COURT: Certainly.

MR. ADAIR: Thank you, Ms. Mayberry, those are my questions.

THE COURT: You may re-examination?

MS. LOMBARDI: We cannot, Your Honour.

25 THE COURT: Okay. Thank you very much, Ms. Mayberry for your attendance today. Are you in a position to continue with the next witness, or...

MS. LOMBARDI: We are, Your Honour. Great.

30 R E C E S S

U P O N R E S U M I N G:

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MS. LOMBARDI: Your Honour, if I could just address one matter, just before the witness is brought in?

5

THE COURT: Sure.

MS. LOMBARDI: So, the witness suffers from dyslexia and may require accommodation. If we could simply give him a piece of paper and a pen, just so that he could make notes as the questions are put to him to -- to keep track? He advised us that would be helpful for him.

10

THE COURT: Any concerns at all of having the witness be able to make a note?

MR. ADAIR: Well, it -- it's an odd request, but at present, no. We'll see how it goes with respect and I may have a later or directed objection.

15

THE COURT: Thank you. So, do you propose one piece of paper and a pen?

MS. LOMBARDI: Just an empty notepad, maybe?

20

THE COURT: All right.

MS. MERRITT: We're not sure if we'll need it, but he asked it be available, in case.

MS. LOMBARDI: Thank you very much, Your Honour, and to my friend.

25

THE COURT: Counsel, again, for this examination if you can make sure that silver mic is close enough to you, or you are close enough to it, to amplify...

MS. LOMBARDI: I keep trying to find the -- the right position for the mic.

30

THE COURT: ...the perfect spot. That's --

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that's very good. Thank you.

MS. LOMBARDI: This is good?

ANDREW JAMES HALE-BYRNE: SWORN

5

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good afternoon, Mr. Hale-Byrne.

A. Hello.

Q. Would you please let us know where you live?

10

A. I live in the City of Westminster, in London,
in the United Kingdom.

Q. And what do you do for a living?

A. I'm a civil servant currently working for the
British Government.

15

MR. ADAIR: Sorry, I'm having trouble hearing the
witness.

MS. LOMBARDI: Civil servant, British Government.

20

THE COURT: Mr. Hale-Byrne, there is a microphone
in front of you that should amplify your voice,
so we just want to be sure you can be heard.

This courtroom seems to absorb sound.

MR. HALE-BYRNE: Okay.

THE COURT: That's better.

MR. HALE-BYRNE: Perfect.

25

MS. LOMBARDI: Q. Thank you.

A. I said I'm a civil servant, working for the
British Government.

Q. And when did you attend Grenville Christian
College?

30

A. I first went to Grenville Christian College
in the spring of 1988. My parents -- I was 17 as I recall, and
I took up -- started in the September of 1988 and continued

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there for two years until June of 1990.

Q. And what grades were those two years for you at Grenville.

A. 11 and 12.

5 Q. And which school did you attend prior to coming to Grenville then in -- in the earlier grades.

A. The Rich Hill School, in Rich Hill, Connecticut.

Q. And why did you leave Rich Hill School?

10 A. I had been in -- been a good student from kindergarten up to -- up and through grade 9, in special ED classes, for someone with dyslexia and other neuro-diversity issues and I asked my parents to -- at grade 10 if I could -- what was called mainstreamed and be in normal classes with
15 normal kids, because I wanted to be normal; and it didn't work out.

Q. Did you have any input then, with your parents, with respect to which school you would attend after Ridge Field?

20 A. Yes, we visited several schools, actually and of all the schools we attended, I chose Grenville. I said please send me here.

Q. Why did you choose Grenville?

25 A. It was beautiful. Right there on the Saint Lawrence River. It looked over my mother's country club. It was stunning. I just said please send me here.

Q. So, where did you reside when you started attending Grenville?

A. I lived in Rich Hill, Connecticut.

30 Q. Sorry, when you were at Grenville --

A. When I was at -- in -- in -- in the school...

Q. Yes.

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A. ...you mean? I lived in the boy's dormitory, the Frank E. Case Memorial Boy's Dormitory.

Q. And how many roommates did you have?

5 A. It changed. We moved rooms every couple of months, but there were six beds and they were on top of each other -- two on top of each other, bunk beds. If the room was full, then it would be six boys to a bed, but sometimes I was in a room where there were not six -- it wasn't full.

10 A. Okay. And who were the dorm supervisors for your residence area?

Q. Dorms -- the deans were Mr. Mintz, the Dean of Men was Mr. Don Farnsworth. Mr. Dave Pothe (sic), Mr. MacNeil, Mr. Bob Bails -- Mr. Bill Bails, they also lived in the dormitory with us -- they actually -- at one point in a room
15 right next to mine. I think that was about it.

Q. Okay. Can you describe the -- the timetable for students at Grenville; when would you first wake up?

20 A. We would get up before dawn and then we would have chores. Clean the bathrooms, the toilets, the room -- Hoover, make our beds, shower, get dressed, uniform inspection from prefects and then we would -- then we would go to the dining room for breakfast, which was followed by chapel service. A service of morning prayer, or sometimes it was a full commune service, which would be slightly longer...

25 Q. Okay.

A. ...and then we'd go to class.

Q. Can you -- can we just go back to the dining room at breakfast? What was the setup in the dining room for breakfast?

30 A. There were myriad of round tables and then there was a stage with two round tables, one for Father Farnsworth and Betty Farnsworth and another one for Mr. Ken

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MacNeil, the principle, and Mrs. MacNeil.

Q. And who would serve the food at breakfast?

A. The students.

5 Q. And what would happen at the end of
breakfast?

A. At the -- the end of breakfast, we would go
to -- we would go to -- actually breakfast was -- was first and
then chapel was afterwards and then we would go to class up
until lunch.

10 Q. And where did you go for lunch?

A. We -- in the dining room.

Q. And who would serve lunch?

A. The students.

Q. And what would you do after lunch?

15 A. And then we had more classes and that would
take us up to the end of the class day. And at the end of the
last class we would clean the room that we were in, so all rooms
were cleaned, Hoover, wash the windows, but also on some days,
without notice, the schedule would be turned upside down and
20 we'd have your first class last and the last class first. So,
if for example you get a study hall, you couldn't plan to have
the study hall right before a test so you could study, because
it was unpredictable. It would sort of -- we would always --
they'd say "We're having an upside down day today".

25 Q. Okay. How often would upside day -- upside
down day happen?

A. They were regular occurrences that happened
throughout the semester, unpredictable. Some weeks we wouldn't
have one. Some weeks we would -- would have -- would have them.

30 Q. Were you involved with any extracurricular
activities at Grenville?

A. Yes. We had a -- I was in a sport after

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class, after cleaning the room, go to the dormitory to change, go to cross-country running and I did that. And then after that, I would grab -- go back to the dormitory, quickly shower, change and then go to dinner.

5 Q. Okay. And again, dinner -- who served the dinner?

A. The students and prepared the meals.

Q. And what table did you sit at...

10 A. And we would have work jobs to do as well to do.

Q. Okay.

A. So, sometimes it would be my turn to do -- serve the dinner.

15 Q. I see. And so, the students would take turns taking on these...

A. Yes.

Q. ...various work job tasks?

A. Yes, mm-hmm, yes.

20 Q. And at dinner, you -- you described the -- the layout for me at breakfast, was it the same at dinner or was it different? In terms, sorry, the dining room.

A. It was just round tables and there was a stage and there were two high tables there, so it would be the same setup with...

25 Q. Okay.

A. ...with the Farnsworths at one tabletop.

Q. And -- and who did you sit with when you were at the dining room?

30 A. We were assigned to a table. And again to be, you know for a couple of months at a particular table, and then that would change, but we -- a staff member or their family at a particular table with students, so there was a staff member

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-- at least one at every table and -- but that would change.
Rotate.

Q. Would the staff rotate, or would the students rotate to different tables? How did that work?

5 A. The staff didn't rotate. I would be at -- I would once at the Gillis table, and then the next time I was at the Ms. Jackie Farls table. Then I was at the Izola table.

Q. Okay. Thank you. And how long would dinner last?

10 A. An hour.

Q. And what would you do after dinner?

A. Then I would go to my other extracurricular which was the choir.

15 Q. Okay. And what would you do after choir practice?

A. Then we would go to study hall.

Q. And how long was study hall?

A. I suppose it was about an hour. I don't exactly remember.

20 Q. Okay. And was there anything after study hall, or was it straight to bed?

A. No. Then we would have another chapel service -- service compline.

25 Q. And can you just describe for us what compline is?

A. Compline is a -- is a service within the Anglican liturgy; so, it's evening prayer.

Q. And how long with the compline service last?

A. Half an hour, maybe.

30 Q. Okay. And what would happen after compline service?

A. And then we could go to bed.

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Q. And about what time in the day is this in terms of going to bed?

A. It was late at night. I don't exactly remember exactly what the hour was offhand.

5 Q. Okay.

MR. ADAIR: Sir, I didn't hear the last part of that answer.

MS. LOMBARDI: He said he doesn't exactly remember.

10 MR. ADAIR: What?

THE COURT: Can you repeat your answer, please?

ANDREW HALE-BYRNE: Sure. I don't exactly remember the -- how -- when compline ended we would -- when we exactly to bed. I do have all schedules in files, but I don't have them with me.

15 MS LOMBARDI: Q. Okay, fair enough. Thank you. I just want to talk a little bit more now about the extracurricular activities, so you said you sang in the choir?

20 A. Yes.

Q. Did you enjoy singing in the choir?

A. No.

Q. And why didn't you enjoy singing in the choir?

25 A. Because it was a regular light session by Mrs. Cheryl Farnsworth and other members of the staff.

Q. And can you describe what would happen?

30 A. I'd be yelled at, screamed at for my bad attitude, not smiling properly. I was told that although my singing may have sounded good to me, and others, that it was actually angels in the air that made the singing good and that I actually perform badly. So, I wasn't even allowed to take

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5 credit when I performed well. Haughty, arrogant, and it would -- it could spiral out of control, as you defended yourself. I learnt that was the way it spiraled. They wanted you to simply admit that they were right, but certainly when I was new I would defend myself, and then it would just get I'm demonic, this is a -- they would say this a -- a integral ministry of the school. We sang in the chapel. And so we had to be, you know, good Christians and I was told I was not. I was told I was demonic, that I absolutely was not a Christian, even though I told them I was. And it got very ugly and using hateful names.

10

Q. And so can you describe for us just a little bit who is yelling at you in these choir sessions?

A. It was let in the choir -- it was led by Cheryl Farnsworth, but Charles Farnsworth would often sit in on these, as did other members of his A-team staff, Daniel Ordolani. Bunny Ordolani sang in the choir with us, in a student uniform, as did Mr. MacNeil. And Judy James also wore a uniform and sang in the choir with us. So, you had staff in the choir interspersed with the students.

15

20

Q. So, how did you feel when these sessions would happen?

A. All the attention is -- is on me and I felt shamed and humiliated.

25

Q. Did you stay with the choir to the end of your time at Grenville or did you quit?

30

A. I tried to quit, on a number of occasions, but when I tried to quit, my attitude was, I -- I tried to explain to Mrs. Farnsworth if you don't want me in your choir, then I'll just leave and I can have -- do something else. But she said that I was being rebellious and -- and also they had -- it would -- the choir I think was more popular, logistically, with -- with the girls, and they just had, I think, a difficult

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time getting boys to join the choir, so they wanted to keep the few that they had.

Q. I see.

5 A. And so when I requested to leave, she would scream at me and the usual routine would ensue and of course eventually result in discipline.

Q. So, what kind of discipline would be imposed after one of those -- you said screaming things with -- with Cheryl Farnsworth in the choir?

10 A. I would be taken out of class. I would be asleep in a room above the chapel -- sorry, next to the -- above the gym, there's a corridor on the -- on the floor above it, up and next to the gym, with windows you could actually look down on the gym, as I recall, and there were two -- these two
15 bedrooms that were like dorm rooms with bunk beds and I'd be quite asleep in there, administered by a number of staff, or student -- staff appointed student prefect or student leader, and they would sleep in the bed opposite or in a chair, watching you. You would be doing various disciplines during the day and
20 not going to class and you never knew when this would end. It could last for days. It could last for weeks in my case and sometimes only removed from the discipline in time to sit a test or exam that I had not been given a chance to prepare for.

25 Q. Okay. Thank you. And so how did this discipline make you feel?

30 A. Students could see me working outside, doing various tasks, some serving a purpose, others not serving a purpose, like cutting the grass with scissors, or digging rocks out of the ground with my bare hands. I must have cleared an entire field over the course of time I was there. You were out of uniform. You were not allowed to speak unless it was to the staff appointed student prefect or leader who was administrating

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your discipline -- guarding you, or a member of staff who was doing the same. And often light sessions and discipline would be inter, you know light sessions would take place whilst you were on discipline.

5 Q. Can you give me an example of that, where a light session happened while you were on discipline?

A. Well, as I'm bending over picking rocks out of the ground with my bare hands or cutting the grass with scissors, I've got some person, either a member of staff, 10 potentially more than one, plus student prefect -- student leader, yelling at me, and light sessioning me whilst I'm doing this.

Q. And what are -- what are they yelling at you, while you're on discipline, picking rocks and cutting the grass?

15 A. "You think you're special". "You're not special". "You're ugly". "You're disgusting". "You spend too much time on your appearance". And if you defended yourself, it would get more heated and it would get out of hand with more hateful words. The hate was palpable, and it was just 20 traumatizing.

Q. Thank you.

A. And I saw it happen to others, which was -- I experienced vicarious trauma to watching other people suffer this.

25 Q. So, how -- how did you watch other people suffer this?

A. Well, light sessions took different forms, so I've just described to you individual light sessions, but they could be impromptu light sessions in the dining room during a meal, when Father Farnsworth is sitting at the head table and just stand someone up starts to lay into them and denigrate 30 them, in front of the entire student body, and that was our

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breakfast theater at times, that was our dinner theater, it was our lunch theater.

Q. And how would he go about denigrating them at these sessions in the dining room?

5 A. I mean, there were so habitual and systemic that they -- at times they all blurred into one, but I remember one that specifically sticks out in my mind and haunts me to this day. There was a very nice girl -- pretty girl by the name of Suzanne Reid, who we had congratulated for going to a
10 competition outside the school with other schools. She was in track and field, and I think she did shotput, discus and javelin throw, and she was proud, she was happy. And we used to have a massive brunch after chapel.

15 It was quite a warm day, she was wearing a white dress and she looked pretty and she was beaming. She -- she had these little awards and accolades, and she was happy and Charles Farnsworth, during the brunch after Mass, called her name out and asked her to stand up, and said you think you're -- he says you're -- you think you're very proud and haughty and -- and
20 you've got a big head, and it's not ladylike that you -- you're such a good athlete. This is what boys are supposed to do. You'd make a much better man than a woman. And it got out of hand again and he would just -- he would escalate it and then say you're ugly and disgusting and -- and she would -- she
25 cried. And I was just sitting there at breakfast, looking around waiting, thinking -- I was just traumatized by it. I was just -- it -- it was -- it was -- it was deeply upsetting for me and I can only imagine how upsetting it was -- was for her.

Q. Thank you.

30 A. And then afterwards, I saw her -- there was a track behind the boy's dormitory like and then she was -- later on on discipline, and she was running around with a large bag of

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rocks on her back, whilst she -- whilst staff members screamed at her, like Judy James, and -- and -- and -- and it was just traumatizing to watch.

5 Q. So, you said there were different types of light sessions, and this was an example of something that might happen in the dining room and be...

10 A. An impromptu light session in the dining room. And then another example would be, what I call, en mass light sessions that happened in the dining room or the chapel, where we would be called specifically to the chapel for a en mass light session and that was -- they were again habitual, systemic practices. I think maybe a couple times a semester, so maybe four or four -- four or five times a year.

15 Q. And so what were the topics of these sessions?

20 A. Well, some had -- usually it was about the spirit of the school. I mean, there were rules, like don't steal or -- or the big rules really that they emphasize (indecipherable) about sex. I mean, sex seemed to be the thing that Charles Farnsworth was most interested in, but those were the big ones -- big taboos, sex. But then there were these -- what I call, moving targets and I could never sort of pin down, like attitudinal sins, attitude problems. They would say they could tell what we were thinking; sinning in our mind, thought crimes was another word that was used by Charles and his A-Team. 25 And I didn't really understand those. So, there was a lot of light sessions that -- that just -- I didn't quite get what -- what seminal thing triggered it, but there's -- I think the one that I just -- that stands at my mind the most was there was 30 actually one, which actually was triggered by actual human behaviour, someone had actually done something. And that was when a student by the name of Sarah Jones went into the boy's

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dormitory, which is obviously breaking the rule, and she met her boyfriend, Dan Shea, and the staff said that they had engaged in sexual relations.

5 And so I remember Charles being away for some time and all of a sudden we were called to the chapel, and I remember this one, because it was specifically -- it was way over the top, and he got worse in my second year, so this was in my -- this second year, in the second half of the year and we were all called in and we were singing hymns, and Joan Charles
10 and Gordon Mintz are running up the center aisle making sure everything's appropriate and everything's in place, and this went on for a while until -- Charles had been away, came in from the back of the chapel, read out a Bible verse, and then proceeded to go to the front of the -- the chapel and he
15 announced very loudly that we had been in the constipation, and that we were now in the diarrhea. And I had not heard him say that before and it definitely sticks in my mind.

And there was a girl by the name of Lisa Neshack
(ph) who asked Father Farnsworth what he meant and she was new,
20 and I remember thinking oh, just be quiet, you're going to get in trouble. And he said ask Nurse Rossen, and Nurse Rossen said it's a loosening of the bowels and the staff laughed at her. And Charles then explained that all the sin of the school would be released like diarrhea for all to see. And he proceeded to
25 tell us that Sarah Jones' visits to the boy's dormitory could have -- he explained that boys could not help themselves with women, and that women were in charge and responsible for men's lust, and that there was no such thing as rape, as we know it, because a woman just had to look at what she was wearing, and
30 how she had enticed men. And he said we wouldn't be able to help ourselves and that this incident could have enveloped into group sex with boys taking turns on her. And he screamed out

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this could have become a gang rape and he ranted and raved and screamed and yelled and then we were told the following day that we would -- we were -- we were now on silence, and the following day we would be back in the chapel for this session again.

5 And so we went to bed and then the following morning we got up, we went to breakfast in silence, and then we went back to the -- to the chapel, where students -- some students had been suddenly expelled, like obviously Sarah Jones and Dan Shea. Other people who knew about it and didn't tell on
10 them were expelled as well, and other people were stood up in the chapel in civilian clothes, plain clothes, not their student uniform and he proceeded to explain how horrible this was. He laid into the students that were there.

I remember one of them was Brad Mersom. He also
15 explained that Sarah Jones' roommate in the girl's dormitory, who knew that she had been -- Jennifer Man was her name, and she knew that Sarah Jones had been going to the boy's dormitory and that she held the same scar. That she had fornicated with Dan Shea, as well, even though she wasn't present because she knew
20 about it, and did not tell on them. So, she -- she'd committed that sin, as well and that she was a slut and a whore; just like Sarah Jones, and those words were used to describe the women not the men.

And then they laid into Brad Mersom. I remember
25 he was crying and this went on for a long time. And then we had a bathroom break, and then we all came back in and we -- he came -- we obviously had lunch in silence and this carried on, and then he -- Charles eventually opened it up to the rank and file students to stand up and to lay into the students who were
30 already stood up and destroyed by the staff, who had done this. And I remember people like Meredith Darling, who didn't like Brad and -- and had an axe to grind -- she stood up and said:

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"Brad Mersom, you think you're an artist, but you're nothing but a con artist. I think you're disgusting." And people stood up and say you're disgusting. And it got really, really ugly and I think a lot of people -- a lot of people actually then stood up
5 and joined in, because if you didn't, you could potentially be the next person on the hot seat, so it was to your advantage to join in, or others like myself who would just sort of sink out, you know, try to sink down in the chair and duck, and try not to get noticed and fly under the radar screen.

10 Someone sitting next to me, Eric Strideman, reached into his pockets and started chomping on codeine and self-medicating with that. And it -- it was -- it was traumatic. And then other people felt they just had to say something, so even if they didn't say something attacking the
15 people standing up, they were just confess things, real or imagined, and say "Oh, if it wasn't for Grenville, I'd be on the streets", and it just got absurd. And one girl stood up and said "My mother almost attempted suicide" and started talking about that. Like -- it was just -- it -- it -- it had nothing
20 to do with what Sarah Jones and Dan Shea had allegedly done. And -- and then -- it just -- it developed into this sort of vortex of, you know, insanity and -- and then we just -- it -- it -- and then the love bomb dropped at the end. The staff started -- did a total role reversal and tell us how much they
25 loved us and this had cleansed the school.

 And all of a sudden people started hugging each other, and they had one of the students -- prefects from the year book started taking photographs of this. And at the end of the year there was a photograph montage and there were pictures
30 of students at the end of this light session hugging each other. Cindy Charles was -- was in that Light -- that montage, hugging another student. And there were no pictures of students being

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light sessioned or destroyed, it was just the happy pictures and you sort of jumped into this love bomb thing at the end, because that was what you were supposed to do, and then it was over until the next one.

5 Q. And so how long did this, I guess second day session go on for?

A. It lasted all day.

Q. All day.

10 A. When we were taken out of class, I mean there was no class at all for these things.

Q. Right.

A. There was no class at all.

15 Q. You mentioned in -- in giving us these examples, of the experiences that you had that -- about the rules, you had said, you know, it -- it's obvious, you know, that some things were against the rules. What was your under -- how -- how were these rules communicated to you, as a student?

20 A. With regards to the sex rules, I mean, six inches at all times. We couldn't walk down the driveway. I remember one -- my first run, walked on the driveway with another female student, Meredith Darling, and she said oh we've gotta to be six inches, and then we all see this third person. So, she used to grab this much younger boy called Robin Black -- Robin Black and she'd say -- she called him his moniker was baby
25 robin and she'd say, baby robin come walk with us, because you'd had to be in odd numbers. It was wrong, you couldn't be just twos, because that would -- could envelope into something sexual and of course, six inches.

30 So, we had no -- nothing in common with Baby Robin, but we'd have him there just as a third party, so we could walk down the driveway. So, there was a lot of rules that -- sex was -- anything to do with, or seem to be about sex, was

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just the most important -- important rules of all.

Q. Thank you. You -- you mentioned having to cut the grass with scissors and rocks -- and pick up rocks.

A. Mm-hmm.

5 Q. Can you describe for us how it came about that you were given those disciplines?

A. In a light session, when you're -- you defend yourself you potentially might not get discipline at the end, if you simply agree with them. And I did learn to do that, as time
10 went on, just to -- not have the -- even though I knew it was untrue. I would just -- and eventually, after being there for a while I just agreed with them that I was garbage, filth, trash, down to hell and that was all I deserved.

But I remember when I first arrived, my very
15 first discipline that took place, because I didn't know the school and I how this was supposed to be, and so I -- I had -- a friend of mine was wearing a t-shirt, as my parents had purchased for me and it was an Iron Maiden rock t-shirt and the Bales brothers saw him wearing it in the dormitory. They lived
20 in the room right next to mine, and they came and said what on earth are you wearing? And he was getting into trouble.

And so I said -- actually, I jumped forward and said that's -- that's my t-shirt, so then all of a sudden -- all of a sudden that transferred onto me and so they took me to the
25 -- they took me to the boy's locker room of the gym and I was seated on a bench whilst Bob Bails and Bill Bails proceeded to light session me. And they were about a foot away from me and eventually, as this went on, they brought in Don Farnsworth and eventually Charles Farnsworth and I made the mistake of
30 defending myself and saying it's not that bad, my parents purchased this for me. They said my parents were immoral people, not Christian, evil Liberals, and that I wasn't to be

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like them.

5 And it just -- as I defended myself -- sorry,
I've got the cord around my leg -- just as I -- as I kept
defending myself, it got worse and worse. It's a -- they would
attack my appearance -- they'd say look at the way you're --
10 look at the way you're -- you're -- you're -- you're -- you're
holding yourself. You're holding yourself like a queer. And --
and -- and I'd say just like my father, you know, I'd invoke my
-- he said and your father looks like a queer as well. And you
15 look like a faggot. And it got uglier and uglier and I was just
in a state of shock. My knee jerk reaction was just to say no,
no, this is all wrong. How Christian is this? And -- and it --
it got way out of hand, and they said -- I said, look my mother
packed the -- the -- the shirt in my luggage for me. Your
20 father, you know should never have allowed her to do that, if he
was a real man, your mother -- she's -- she's a prostitute. And
it just got absurd, as it went on, as I defended myself. And
you think you're special, they would say, but you're not
special. You're ugly. You're, you know, you're -- you're
nothing but a pig, and it got totally offensive, and -- and
these names were used.

25 And then of course I was then -- then put on
discipline, where I was sent out. This was about a Saturday
morning of the weekend. I think when it first happened, so I'd
already been in civilian clothes and so I was sent out to the
field behind the school and I was made to dig rocks out of the
ground with my bare hands. And they would say we want the rocks
to be this big, not this big, or this big, and so it was a
particular size, which was incredibly aggravating and irritating
30 and I had to fill up these buckets. And to me it served no
purpose, but it -- so I was doing that, digging rocks out of the
ground with my bare hands.

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5 And then, obviously, they would have -- staff would take turns, you know, as I was doing this, maybe bring me back in for a light session, stand over me and yell at me. When they needed a break, they'd bring a prefect or staff appointed prefect or student leader in this process to work alongside them in this process and actively participate. And then I would -- I remember during these -- this weekend, I had to clean out an infested dumpster behind the school with a toothbrush.

10 And -- and -- and then of course at night, I had to sleep in Hotel D, D for discipline, in this room next to the gym and with one of the -- a staff member or a prefect or a student leader in the bed opposite -- sometimes they would sit in the chair. And whilst I was trying to sleep at night, they would periodically wake me up and ask me to read something, or
15 yell at me, ask me to read the BCP...

Q. Sorry, what's that?

A. So, sorry the Anglican Book of Common Prayer or their student handbook, and then go back to bed and sleep and -- and then they'd wake me again. And this sort of was how I
20 was supposed to sleep at night, with these interruptions. And then the -- I remember during -- whilst these -- these light sessions, I would defend myself saying look, what I have done is not that bad, this is totally, you know, it's just not that bad. Other students, I invoked other students to try to deflect the
25 tension from me...

Q. Yeah.

A. ...have done far worse. And I said Michael Rellie has a -- a rock t-shirt with a sacrilegious picture on
30 it. And I -- I said that -- at -- at the time I didn't give his name, I just said a student has that. And then I said -- I just made something up -- I said -- this was actually fabricated. I said, another student has a box of condoms, because of course

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5 anything to do with sex was so serious, so I thought -- someone has a box of condoms, and then he went oh, well who? And then of course it got even worse, so instead of deflecting the attention, it became worse, I had to turn them in. And so, I'm thinking -- so, I knew one of them was Michael Rellie, but I quite liked him and I didn't want to get him in trouble and have him suffer this sort of audience, so I -- I resisted, and it just continued until I broke down.

10 And I was told -- and so, I remember I -- I eventually did and I told them Michael Rellie had this t-shirt and I -- I lied and I said -- I made it up. I said George Blakely, who had always been in trouble for a long -- a long -- a lot, I said he had a box of condoms. And I -- and -- and -- and subsequently they were both expelled and it was shocking to me, all of it was. And I was brought before -- at the end of 15 it, I was brought into the Sacristy, a room behind the chapel where there was an illuminated picture of the Shroud of Turin and I -- Don Farnsworth was there, Charles Farnsworth was there, and -- and they told me that I had done well. I was told they found the -- the t-shirt, didn't find the box of condoms. And 20 -- and -- I was on my way to becoming a prefect or student leader and -- and -- they wanted me to continue to turn other students in and it was my first baptism into this sort of process, these practices.

25 MS. LOMBARDI: Thank you. However, Your Honour, would you like to pause now for lunch?

THE COURT: Yes, we'll take the lunch break and please return at 2:30.

30 R E C E S S

U P O N R E S U M I N G:

A. Hale-Byrne - in-Ch.
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5 MS. LOMBARDI: Q. At the beginning of the day, Mr. Hale-Byrne, you indicated that while you were at Ridge Field, you were attending special education classes there, with respect to dyslexia. So my question for you is what -- what were your grades like at Grenville?

A. They were very poor, horrible.

Q. Okay. And did you seek out any help to improve your grades?

10 A. Yes, but also I had extra time and accommodation, which my parents assured me I would receive for my learning difficulty. And instead of that I was told that my dyslexia was the product of unconfessed sin, which invited Satan into my life to cause that dyslexia. Indeed, I suffered exorcisms at the hands of Charles Farnsworth to rid me of that and other such demons. I was also on discipline a lot, and when
15 I'd be on discipline I would be out of class and then have a very difficult time trying to catch up when I returned to class.

Q. Okay, thank you. What teachings or instructions about sexuality did you receive at GCC, if any?

20 MR. ADAIR: Could you speak up a little, please?

MS. LOMBARDI: Q. What teachings on sexuality did you receive at GCC, if any?

25 A. Charles Farnsworth would wake us up in the middle of the night, the lights would be turned on, we'd have to congregate in the boy's common room of the dormitory and he'd told us that boys had to be very careful, because we -- our lust was controlled by the females. He said women held an evil power over men, which came from Eve and the Garden, as a scar of Eve, the Temptress and that all women were temptresses and that we
30 were not responsible for anything we did with them of a sexual nature, and that there was no such thing as rape. He said when a girl comes to me and tells me such things, I just tell her to

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look what's she's wearing. And I just remember being so shocked by this.

Q. And how often were these messages imparted to you?

5 A. The -- girls were regularly called sluts, whores, bitches in heat, pieces of meat, and when people got in trouble for something of a sexual nature, it was the girl who was more to blame than the boy.

10 Q. So, you described a session in the boy's dorm; how often would those sessions with just the boys occur?

15 A. Periodically, he would just come in unannounced and we'd be dragged, you know, the lights would come on, prefects and staff would say assemble in the common room. And they weren't always about sex, sometimes they'd be about something else. I remember that the United Church of Canada had -- was debating whether or not homosexuality should be accepted within the Church, and he talked about that in one of these sessions. So, that was -- I guess that would be an example of more sex education.

20 Q. And what did he teach you about homosexuality in that session?

25 A. Oh that they were evil and damned to hell, and he was cruel towards them, and very hateful names were used. And I do appreciate that different people have different views on the subject matter, but I think all Christians would agree that it's wrong to be cruel to people, regardless what one's views are.

Q. So how many boys would be in this session?

A. It would be the entire dormitory.

30 Q. And -- and how many students -- male students would that be, approximately?

A. It's however many were students in -- in --

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in -- in -- in -- in -- in the dormitory at the time, excluding obviously day students. So it would be boys from ages -- grade 7 up to grade 13 O.A.C. and I don't know an exact number...

Q. Okay.

5 A. ...but we were all -- we -- we packed out the common room.

Q. Right. And how long would one of these sessions typically last?

10 A. They could last a very long time or less -- it -- it just -- I think it depended on Charles and how long he wanted to -- it was at his whim. They were not -- there was not sort of set schedule about it.

15 Q. Okay. What were the reactions of -- of the boys? Did you observe any reactions of the other students at these sessions?

A. I -- I was -- I think I just internalized it and I was just in a state of shock. I wasn't necessarily observing other people. I was just -- it was how it was affecting me.

20 Q. Right. And how was that affecting you?

A. I found it traumatizing. I came from an environment where my parents and people I knew, in my -- the world I lived in, didn't use words like -- like that and didn't identify people in that way. You know my parents were happy for me to have a girlfriend, and -- and my mother took me on, you know and they actually encouraged it. They thought it would be abnormal if I wasn't interested in -- in that at that age.

25 Q. Okay. So, what would happen after these lectures?

30 A. Then we'd just go back to bed and try to sleep.

Q. Okay. When did you leave Grenville?

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A. I left Grenville in June of 1990.

Q. And why did you leave Grenville in June of 1990?

5 A. Because my grades were so horrible and I knew that I couldn't get into a decent university of my choice in the United Kingdom or Canada. It was -- and -- or the United States, and -- so -- and that was my parent's primary concern. I couldn't articulate what was happening at Grenville at that age and I -- but they saw my grades were faltering and they were 10 paying a lot of money for this, so they thought, well, this isn't working out so we're gonna send you somewhere else. So I went to -- it was decided that I would go to -- I wanted to go to Marianopolis College in Montreal.

15 I applied, but I couldn't get in because my grades at Grenville were so horrible. It's a private saga in Wayne Westmount, Mount Royal. And so I ended up going to the West Island saga, College which had a minimum entrance requirement. And it was there that my marks shot up dramatically and I doubled up in courses and I basically 20 concealed my two years at Grenville at John Abbot by doing so well, putting all my efforts into my studies, not suffering light sessions and had time to do the work I needed. And -- and then of course after that I was able to apply to the University of Western Ontario and I gave me -- and I gave them my -- my -- 25 my marks from saja, but I never showed them my Grenville marks. I got an acceptance from Western before they even asked for it.

Q. Okay.

30 A. They didn't even ask for it. So, it was a -- it was a huge relief. And then, of course after that I had a successful year at Western and then I had enough time -- academic space between myself and the Grenville debacle that I could go back and apply for universities in the United Kingdom.

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5 And I applied for several universities; St. Andrew's being my first choice and my second choice being the University of Edinburgh. But that voice in my head, at Grenville, saying you're not worthy enough to go to St. Andrew's, was drummed into my head, so to my father's anxiety, I didn't -- I rejected the offer -- the first offer I got from my -- his school university of choice and mine, and I choice St. -- the University of Edinburgh, instead.

10 Q. Okay, thank you. How would you describe the general atmosphere of GCC during your time there?

A. It was an environment of constant fear, and intimidation. Constant fear and intimidation. Whether it was happening to me directly, or I was constantly -- I was watching it happen to others, both were equally traumatizing.

15 Q. And so how would you describe your experience?

20 A. It was like waking up in a horror film. I've said that many times before, and that's just what I compare it to. And even -- although horror films weren't allowed at Grenville, we were forced to watch videos of a cert -- videos the same as on Satanism, so there was sort of a horror element to it as well. Where we were taken out of class and required to watch a sensational tabloid news program by Geraldo Rivera on Satanism, and then of course we would go back to class. And I
25 remember my French teacher, Gale Hamilton Gill, talking about the efficacy of this, in class, and, you know whilst we're supposed to be learning French. And she's apologized to that -- for that to me. She said -- she said well, that's the place it was. These things even bled through to the classroom on
30 occasion.

MS. LOMBARDI: Thank you. Those are all my questions for this witness.

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5 THE COURT: Counsel, we had a meeting in chambers about the schedule, and as I understand it that due to the fact that a -- a different witness was expected this afternoon, counsel have asked for some time today and to start their cross-examination tomorrow. Having heard the end of the evidence in-chief, is -- is that still your wish, Mr. Adair?

MR. ADAIR: Yes, I...

10 THE COURT: All right.

MR. ADAIR: ...I continue the request.

THE COURT: Counsel, do you have any submission on that request?

15 MS. LOMBARDI: No -- no we don't. I -- I was just hoping we could -- before we could wrap up for the day, deal with just a few other little housekeeping matters, such as the -- the introduction of evidence.

20 THE COURT: Sure. Well, let's let Mr. Hale-Byrne then be excused, in that case.

MS. LOMBARDI: Of course.

25 THE COURT: Mr. Hale-Byrne, thank you for coming today. If you could please be back here at 10 o'clock sharp tomorrow, we will continue there, and Mr. Adair will have some questions for you.

ANDREW HALE-BYRNE: Thank you, Your Honour.

30 THE COURT: Thank you. Yes, we do have a number of housekeeping matters, so we will use some of the rest of the time in the afternoon to deal with that, and then get things back on track. So, first one then, I now have copies of the ruling that I read into the record today for

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counsel.

MS. LOMBARDI: Is the top one the original?

THE COURT: Yes. I have copies for all of you
and I believe a copy for the registrar, so three
to each side and one for you Madam Registrar.

All right, Ms. Lombardi you had some other
materials to file, as well?

MS. LOMBARDI: Only, Your Honour, we have the --
the transcript of the audio tape that is subject
to Your Honour's ruling that we can submit to go
along with the actual audio recording. If that's
helpful, we can hand those up. And so we should
also mark that as an exhibit.

THE COURT: So, it would be the memory stick with
that does -- do you have the two volumes from the
motion? The Court copy? Is counsel content if I
take out the -- the stick and put it in as a
separate exhibit?

MS. LOMBARDI: I thank you, Your Honour.

THE COURT: All right. So, let's -- let's make
this document, and perhaps, Madame Registrar, if
we can attach the hard drive in that book to this
document and make it the next exhibit, at Tab 12.
I believe it's Tab 12, and this will be Exhibit
12. So, the memory stick, plus the time stamps
and transcripts will be Exhibit 12. Very good.
Thank you.

EXHIBIT NUMBER 12: Transcript of audio tape and
Index of the Stamps - produced and marked

MS. LOMBARDI: If it's helpful, Your Honour,

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we've just given a page that has the envelope so the stick can.

5

THE COURT: Perfect, so we'll have to put all that together; staple it all together, that will be Exhibit 12. Perfect. All right. Any other matters?

MS. LOMBARDI: Only a confirmation of the time Your Honour would like to meet with us in chambers tomorrow?

10

THE COURT: Yes, I think it's a good idea to discuss any other scheduled matters at 9 o'clock in chambers and the deputy will bring you to the office, where we'll be meeting and we'll use the library here on this floor and I will see you all there at 9 o'clock tomorrow morning.

15

MS. LOMBARDI: Thank you, Your Honour.

THE COURT: Anything else?

20

MR. ADAIR: Actually, yeah. I'm just wondering if it might not be beneficial to everyone to do that now, if Your Honour wishes?

THE COURT: Is there anything overnight that will need to settle?

25

MR. ADAIR: I doubt it. I can't think of any issues...

THE COURT: All right.

MR. ADAIR: ...at all, anyways.

30

THE COURT: All right. The room -- we booked the room for tomorrow at nine, it's not available right now. I suppose we could use some -- if you -- if you prefer, we can -- we can go into chambers again and have our discussion.

MR. ADAIR: I would be happy to do that.

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THE COURT: Does that suit, counsel?

MS. LOMBARDI: Sure.

THE COURT: All right, very good, let's use some
time today. All right, we will do that, so in a
few minutes? We'll come back and we'll meet
there.

...ADJOURNED TO SEPTEMBER 24, 2019

FRIDAY, SEPTEMBER 20, 2019

U P O N R E S U M I N G:

ANDREW JAMES HALE-BYRNE: PREVIOUSLY SWORN

CROSS-EXAMINATION BY MR. ADAIR:

Q. Mr. Hale-Byrne, you may not remember the
precise dates, but do you recall that you have given evidence
under oath in this case on three previous occasions?

A. Yes, Mr. Adair in 2008, 2011 and in 2015.

Q. Yes. And I take it, you've read those in
preparation to give evidence?

A. Yeah, I - I skimmed them, yes. I read
through them, yeah.

Q. Yeah. And what I want to do is see if we can
fairly summarize your Grenville experience as you've related it
in all of your testimony, yesterday and on previous occasions,
okay. And I gather that Grenville in your view, was basically a
house of horrors or a horror show?

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A. I've said that it was like waking up in a horror film.

Q. Yeah. And one regular and frequent practice perpetrated on you and others was the calling of seriously derogatory names?

A. Yes.

Q. And they included things like pig, pervert, faggot, filth, stupid, trash and the like?

A. Yes, yes.

Q. And if you were not on the - if - if - if a student was not on the receiving end, at least the rest of the students knew about this practice?

A. We all saw it in the dining room and various other places.

Q. Yes. And you described it on one occasion with the words, it was systemic?

A. Yes.

Q. And another practice was that students would be dragged out of bed in the middle of the night and according to you, flashlight in their eyes and led off, or what I'll call a confrontation session?

A. Yes.

Q. And in your words, it happened to all of us or we were aware of it. Do you stand by that?

A. Yes.

Q. And you also have testified that students would be called out and humiliated in front of the entire student body, on mass in chapel or the dining room on a frequent basis?

A. Yes.

Q. And you called it, it was our breakfast theatre and our lunch theatre on one occasion?

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A. And dinner theatre.

Q. And dinner theatre. And then another practice perpetrated on you and others at Grenville according to you, was the practice of degrading punishments?

5 A. Yes.

Q. And by that I don't mean punishments that had some purpose whether right or wrong, they had some purpose such as cleaning pots and pans, I'm referring to things like being forced to dig out rocks with your fingers?

10 A. Yes, with my bare hands.

Q. And being forced to cut the grass with scissors?

A. Yes.

Q. And having to pick up leaves without a rake?

15 A. Yes, I saw that happen to other students.

Q. Yes. All the while with staff screaming abuse at you?

A. Yes.

20 THE COURT: Sorry, because I sneezed, I didn't hear the answer to the question about picking up leaves without a rake.

A. I saw other students have to pick up leaves...

THE COURT: Oh.

25 A. ...without a rake, with their hands.

THE COURT: Oh, thank you. Okay. Thank you.

MR. ADAIR: Q. And you described this form of degrading punishment as, well known to all and habitual. Do you stand by those words?

30 A. Yes.

Q. And another thing that happened at least to you, was being berated and humiliated almost every choir

Andrew Hale-Byrne - Cr-Ex.
(Mr. Adair)

practice?

A. Yes.

5 Q. And then when you're - when you were not under oath in a sort of a book you wrote, you described other things such as, a culture of rape in the - in the boy's dormitory?

A. I described a - a BDSM culture of rape.

Q. And what are those initials?

10 A. Bondage sadomasochism.

Q. Sorry?

A. Bondage, B-D-S-M, bondage sadomasochism.

Q. All right. So, a certain culture of rape?

A. Yes, sexual assault rape.

15 Q. Yes. And so all around it was a horrible experience?

A. Yes.

Q. And oddly enough on one occasion, you reached out to a teacher by the name of Gail Hamilton and she told you that she did not remember any of this, correct?

20 A. Yes, but if you read the complete e-mail, she says it all sounds very much like Charles Farnsworth's reign of terror. And she apologized for and I'm quoting, "For reinforcing French for Satanism in French class".

Q. She what?

25 A. She apologized in the e-mail for reinforcing Satanism in French.

30 Q. Okay. Well, let's just have a look at your so-called book here. Put a copy in front of you. I don't intend to have it marked, but if you could give that to the witness.

A. This is not my final draft, as I - I don't think this is my final draft because my final draft was 365

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pages and it's a published book which is just sitting over there. This is only 126, so this would be an earlier draft...

Q. Well, in the earlier draft you quote her e-mail on page 122.

5 A. But I also have other e-mails from her in my full book, where I - where she's apologized for reinforcing Satanism in French.

Q. Well, let's just read the one e-mail we have, okay?

10 A. What page is this?

Q. 122. Do you agree with me that her words are, sorry about reinforcing the Satanism in French. I don't remember this. Is that what she said?

A. Yes, she did.

15 Q. Thank you.

THE COURT: I don't know what the, I don't remember, refers to.

MR. ADAIR: This.

THE COURT: What's this?

20 MR. ADAIR: Well, sorry about reinforcing the Satanism in French. I don't remember this.

THE COURT: I see. Referring to the Satanism in French.

25 MR. ADAIR: Well, it's the only thing it can refer to, it's a sentence.

THE COURT: Okay. All right.

30 MR. ADAIR: Q. Well, let me - let me read it so we're perfectly clear on this. The sentence reads - in fact it's a paragraph, Sorry about reinforcing the Satanism in French. I don't remember this. Or the film for that matter. Have I read that accurately?

A. Yes.

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Q. Okay. Now, you also reached out to Margaret Mayberry, right?

A. Yes.

5 Q. And do you agree with me she emphatically said that she was unaware of the abuse of students?

A. Yes, but then later on in the book, if you read further, she - I then ask about what happened to David Smith and she said, "Oh, that was horrible."

10 Q. Yes.

A. And I think the point there is that at Grenville, many people have said to me, I don't - I remember people being hauled up on a stage and being publicly shamed and humiliated, but I don't remember any abuse...

15 Q. Mr....

A. ...because our concept of what abuse was so jaded.

Q. So, they didn't know what abuse was?

A. I think that they had normalized some very terrible practices.

20 Q. Well....

A. We all did.

25 Q. You - you've got your theories and just so we understand the rules, you're not here to make a point, you're here to respond to my questions. You reached out to Margaret Mayberry and she emphatically said she was unaware of the abuse of students, correct?

A. Yes.

Q. Thank you. And you know that many of your fellow students deny any such abuse.

30 A. Yes, former prefects, student leaders, children of wealthy donors and local Brockville professionals.

Q. The question is, you know that many of your

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fellow students deny any such abuse?

A. I think many is a subjective term, but yes, there are people who denied.

Q. And you call them nay-sayers, right?

5

A. Yes.

Q. And the fact is, Mr. Hale-Byrne, that your story is way over the top and a huge exaggeration, isn't it?

A. No, we're all at a different place of a pre-sitting what happened in this mind-control cult.

10

Q. So, you explained people who don't agree with you as being in a different phase and having repressed memories and not knowing what abuse is and things like that, right?

A. That's how human being survived in situations like that.

15

Q. I see. Now, you yourself I take it, normalized or repressed much of what happened to you?

A. I spent years being very conflicted, swinging back between rage and anger, and then just accepting that I was garbage, filth, trash and everything they called me.

20

Q. Well, I'm going to suggest to you that you to use your word, normalized the behaviour inflicted on you at Grenville?

A. Yes.

25

Q. And normalized means thinking about it as normal or ordinary practice?

A. Yes, much of it.

Q. Yes. Typical private school behaviour.

A. At the time I was there over the two years, I gradually normalized it...

30

Q. Yeah.

A. ...as the staff gradually normalized it for years whilst they were they.

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Q. Yes. And you said on one occasion, I'll help refresh your memory and see if you stand by it, but you said on one occasion that you had normalized everything that happened at Grenville?

5 A. I think by - by the end, I had normalized most of it, how could you not? I mean I lived there for two years. And then of course you leave and then you go through a very gradual process of trying to, you know, reacclimatize yourself to the outside world.

10 Q. Yeah. And you in fact thought for a long time that you were one of the few people that abuse happened to, right?

A. Up until 2007 when I start - 2006 when I started reading FACT-Net and of course the media brought us all - the new media brought us all together, I was able to read other people from different years at the school, from the seventies, eighties and the nineties, and they were saying all this happened. In that point, the memories start flooding back. And even as late as 2015 when I was at the Grenville property for the filming of W5, memories of things I hadn't remembered since, you know, when I was at Grenville as a student, came back to me.

25 Q. Sure. So, the - the bottom line is, that you normalized everything that happened at Grenville for a long period of time and you thought for the longest time that you were one of the few people it happened to, right?

A. I went through periods of thinking that, yes.

Q. Well, let me read you...

30 MR. ADAIR: I have an extra copy for my friends if they don't have them and a copy for the Court.

THE COURT: Thank you.

MR. ADAIR: Q. This is....

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MS. LOMBARDI: Quoting the page.

MR. ADAIR: Sorry.

MS. MERRITT: The page.

MR. ADAIR: Yeah. I'm just about to, right over
here.

5 Q. This is your - from your cross-examination -
wait a minute.

MR. ADAIR: Sorry, this is - would you mind
10 giving the witness that and I'll give the Court a
copy too.

Q. Go to the - let me make sure I've got this
right, yes. 2011 transcript, page 13, okay?

A. I don't have - sorry, what?

MS. MERRITT: Is this an impeachment, Your
15 Honour, because it doesn't seem to be following
the usual procedure for impeaching a witness?

THE COURT: I'm waiting to see if counsel is
going to ask the witness to either adopt
something he said or to impeach.

MR. ADAIR: Exactly.

MS. MERRITT: Okay.

THE COURT: One or the other.

MR. ADAIR: Has the witness got the 2011 and has
Your Honour got a copy?

25 THE COURT: No, I just provided mine to the
witness.

MR. ADAIR: Uh-huh.

Q. I want to show, if you will, to the witness.
Question 44 and I'll read it and then we'll give you a chance to
30 comment. Question 44:

QUESTION: I gather that you

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then started communicating
through that medium with others
about your experiences and
commenting on those of others?

5

ANSWER: Yes, it was extremely
upsetting and disturbing,
because I had thought that I was
- I had normalized everything
that happened at Grenville, I
10 thought I was one of the few
people it happened to.

10

And there's much more of the answer. You can
read it if you want, but what I want to know is, do you stand by
15 the words I read to you?

15

A. Well, I - I said that, yes.

Q. Yes. Thank you. So, that the bottom
line....

20

A. What line is - what line is that, Mr. Adair?

Q. Sorry?

A. What line are you talking about here?

Q. No, I said the bottom line.

A. Oh.

25

Q. So, the bottom line with respect, is that you
either considered all these things at Grenville normal for many
years or you forgot about and or repressed them, am I right?

A. Yes.

30

Q. And one of the things you forgot about for
example, was the practice of dragging people out of bed at night
and with this light and confronting them after, you convinced
yourself that had not happened, right?

A. I don't think if I convinced myself it didn't

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happen. I went back to the United Kingdom. I was geographically separate from Canada for many years. I had totally new people in my life and I didn't contact Grenville people. And over time these things become distant. And when you have - I would have flashbacks and you would try to repress them. I was very conflicted about this place for many years and I didn't have anyone to talk to about it until 2006, when this was all being exposed on FACT-Net and Joan Childs apologized.

Q. Well, that may be, but you may well have separated yourself geographically and didn't have people to talk to about it, but I am suggesting to you that you started to convince yourself that it did not happen, didn't you?

A. Or I repressed it or I was not thinking about it or - I mean I certainly remember the place and the incidences and got very angry, upset and had nightmares for - for years after Grenville. And then you wake up and you sort of just try to put it behind you and say, oh, well, it wasn't that bad, or I was just, you know, a bad kid, I deserved it. I mean those voices that they gave me at Grenville are still in my head.

Q. Well, that may be, but do you agree that with respect to the pulling out of bed at night, you started to convince yourself that it did not happen?

A. When?

Q. No, you don't agree or yes, you do?

A. Well, those are huge spans of time we're talking about.

Q. Mr. Hale-Byrne, all the years...

A. Mm-hmm.

Q. ...up until you went on FACT-Net, that's what I'm talking about, 2006. Now did you or did you not?

A. I'm sure I remembered it from time to time.

Q. Okay. And do you agree with me that with

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respect to that experience, it was only after you went on FACT-Net that you realized it wasn't just you who had had that experience?

5 A. When we went on FACT-Net, people were talking about all sorts of experiences. I don't think I was just - I mean, I don't think you can just pick one little experience and say was I emphasizing just being dragged out of bed. FACT-Net brought all this information flooding out, and it just - it was hugely validating. It was just, oh, my gosh, this is all coming
10 back to me and all these people who some before I've never met before, most of them, from different years of school, are saying the exact same thing.

Q. And all these repressed memories of your experience at Grenville were coming back to you, were they?

15 A. They were coming back to me and flooding back to me. And I was...

Q. Flooding back?

A. ...and I was trying to and - great difficulty...

20 Q. Yeah.

A. ...focusing on so much.

Q. And it was only after you started to converse with people on FACT-Net, that you realized these experiences did not just happen to you, correct?

25 A. Certainly over the years, I obviously must have remembered this happening to me or happening to others, but it was reading FACT-Net brought it all together and the final validation that this was wrong.

30 Q. I'm not asking what brought it all together and I'm not asking about final validation.

A. Mm-hmm.

Q. The proposition I am putting to you, sir, is

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it wasn't until you went on FACT-Net that you realized the experiences you had didn't just happen to you, correct? Yes or no?

5 A. I got a full realization of it in - in - in 2006.

Q. Well, you got a realization of it, right?

A. Yes - yeah.

10 Q. All right. Now, so notwithstanding the fact that all these practices were habitual and widely known according to you, and happened to lots of people and if they weren't on the receiving end all kinds of people knew about it, you'd forgotten all that, right?

A. I had gone on with my life and did other things, yes.

15 Q. Yeah. So, the...

A. Tried to.

Q. ...answer to my question is, yes then, is it?

A. Yes.

20 Q. Thank you. And in fact, you went to the point where you were a nay-sayer, weren't you?

A. Yes, I went through periods of - of nay-saying, yes indeed.

25 Q. I didn't say you went through periods of nay-sayer, I said for all those years up until FACT-Net, you were a nay-sayer?

A. No, I wouldn't agree with that.

Q. I see.

30 A. I said - I specifically did say, that I went through periods of being conflicted and wavering back and forth from side to side. I was very conflicted.

Q. I don't care how conflicted you were. A nay-sayer is someone we talked about earlier, who denied the

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abuse and I'm suggesting to you, sir, that up until you started reading the experiences of others, you were a nay-sayer?

5 A. I was not consistently a nay-sayer from 1990 up until 2006. I went through periods of being a nay-sayer and being in denial.

10 THE COURT: Excuse me, counsel, just be careful when you say things to the witness, like I do not care if - it - it goes beyond asking a question and it may sound argumentative. So, I'm just drawing a line under that and asking you to ask questions and not make statements to the witness about your opinion of what you care about.

MR. ADAIR: Okay, Your Honour.

THE COURT: Thank you.

15 MR. ADAIR: Q. For example in 2002 and 2003, do you were - agree you were, a nay-sayer at that time?

20 A. I don't remember. 2000 - no, 2002 and 2003, I think actually perhaps it was around that time I actually recommended Grenville to a disabled son of a friend of mine. A dyslexic - he had a dyslexic son.

Q. Yes, at that time you were a nay-sayer, weren't you?

A. Yeah.

25 Q. And in fact you were denying a lot of the things that had happened to you?

A. I had repressed them and I normalized them.

Q. Sir, you were denying a lot of the things that had happened to you at that time, yes or no?

30 A. I do not agree that I was consciously denying everything that happened to me in 2002 and 2003.

Q. My precise question was, you were denying a lot of the things that happened to you?

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A. Yes.

5 Q. So, then when you come here and talk about everything you talked about, about Grenville, all the terrible experiences, all the abuse that you and everybody else knew about, by and large, sir, these are all memories that have flooded back to you since you started actively reading the posts of other people, correct?

A. Yes, when I started focusing on this.

10 Q. Spoken to them.

A. When I started focusing on this.

Q. Oh sorry, I misheard your words since you...

A. Started...

Q. ...focused in on...

A. ...started focusing on this.

15 Q. All right. Fine. Now, and as I understand it, you watched and read the FACT-Net posts for quite some time before deciding to get involved?

20 A. I started reading FACT-Net in 2006 and then FACT-Net carried on through 2007, and then I think eventually it was archived.

Q. All right. And so again, the bottom line is when we - well, on the subject we're talking about I take it, is that you forget a lot of the things that happened to you at Grenville, or normalized them...

25 A. Or blocked them out.

Q. ...or blocked them out, or repressed them, or whatever you want to call it for quite a long time. And what we're hearing today is the product of a lot of revived memory, right? What we're hearing yesterday and today?

30 A. Yes.

Q. And when you compare - when you talk about other people who are nay-sayers, I suppose your view is that

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they just haven't had - been lucky enough yet, to have a revived memory?

A. Yes, they're at a different place.

5 Q. Oh, thank you. And then once you got involved in the FACT-Net posts and speaking to people, you seized on this situation of alleged abuse at Grenville as your mission to correct, right?

A. Sorry, could you - could repeat the question?

10 Q. Well, once you started to read these FACT-Net posts and started to talk to some people and think about it, you seized on validating people's experiences or bringing justice to this situation. You seized on it as your mission, correct?

A. No, not immediately. Indeed, I did so reluctantly as I stated to you previously. I was asked by 15 Michael Phelan if I would use my - he'd read in the alumni notes, he said that I had been a government press officer in the administration of Tony Blair...

Q. And....

20 A. ...and he asked me to do this, and I initially told him, no. I said, go to the Bishop, the Anglican -- and I said, go to the police.

Q. And if you turn to - if you don't have it in front of you let us know, the joint exhibit book Volume 2, it's the yellow or buff cover.

25 THE COURT: Tab?

MR. ADAIR: Tab 132, Your Honour.

THE COURT: Thank you.

30 MR. ADAIR: Q. This is a letter that you wrote to Stephanie Ashton, one - a former student of Grenville, correct?

A. Yes, it was a series of communications and this is only one of them in response to her.

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5 Q. Okay. Well, let's deal with this one that we have in front of us then, shall we? And if I - what I'd like to do is I'd like to direct your attention to the first page where there's a heading, background to involvement in the Grenville class action. And your letter says:

10 As a direct result of a handful of whistleblowing communications, I am directly responsible for the exposure of all the scandals emanating from this matter, the Anglican Church inquiry, the police investigation and the class
15 action lawsuit.

And you go on to say:

20 You were mistaken when you suggested I and others are unhappy. To suggest that one would go to this trouble for reasons of personal bitterness is quite frankly grotesque. I
25 had a civic and moral duty to expose Grenville and I consulted the advice of clergy before doing so. It is with prayerful consideration that I have taken
30 this difficult and self-sacrificing course of action for others. I could not

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5 have lived with myself if I had
not used my many contacts to
bring the weight of the media,
the Anglican Church, the police
and the law down on Grenville in
an effort to bring about justice
and restitution."

10 Now, the question I want to ask you about this,
sir, is don't you think that's a little grandiose view of
yourself there?

A. Well, I did do those things, Mr. Adair.

Q. Yeah.

15 A. And I did - as I also go on to say, I did it
- I did so reluctantly, upon the request of Michael Phelan.

Q. And in fact, as sort of a person who was
bringing down the full weight of the church and the police and
the Courts, you held yourself out as being a pretty important
person, didn't you?

20 A. I've done a lot of human rights activism,
yes.

Q. Yes, you for example, held yourself out as
having a long history of human rights and social justice
advocacy, right?

25 A. Yes, and my parents, yes.

Q. Well, you held yourself out that way, didn't
you?

A. Yes.

30 Q. And you held yourself out as having a career
working in British intelligence, didn't you?

A. I did not say that and hear that I worked for
British intelligence in this letter. Did I say British

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intelligence?

Q. Well...

A. No.

5 Q. ...sir, let's just double check that to make
sure. Yes, going back to your draft of your book at page 60.

A. Mr. Adair, that was not my published book and
that's not the final draft and that does not appear in the final
draft.

10 Q. I don't care whether it was your published...

THE COURT: No.

MR. ADAIR: Sorry, Your Honour.

Q. Mr. Hale-Byrne, we're talking about this
draft. This is your work, right?

15 A. Yes. Well, the first ones went through many,
many, you know, incarnations as it - until I got the final
product. I didn't put that...

20 THE COURT: Mr. Hale-Byrne, just - I think it'll
be better if you listen to the exact question.
If something needs to be clarified - if the - if
the question is, did you describe yourself as
British Intelligence in the draft of your book?
And the answer is, yes, then that's the answer.

25 THE WITNESS: Well, I didn't in my published
book.

THE COURT: Right, but you're not being asked
about the published book. So, if you could
kindly answer the questions put to you by
counsel, it - argument is a matter for counsel,
not for the witness.

30 THE WITNESS: Sure.

THE COURT: Your job is to answer the questions
truthfully.

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THE WITNESS: Okay.

THE COURT: Thank you.

MR. ADAIR: Q. And do you agree, sir, in that
draft that you said, it was years later in my career working in
5 British intelligence. You used those exact words, didn't you?

A. I wrote those words, yes.

Q. Yes. And you didn't have a career working in
British intelligence, did you?

A. I had a career working as a senior
10 intelligence analysis and a defensive intelligence staff.

Q. And...

THE COURT: Sorry, I want to get it down
properly, as a senior?

THE WITNESS: I worked as a senior intelligence
15 analysis and a defence intelligence staff,
tracking people indicted for war crimes by the
International Criminal Tribunal for the former
Yugoslavia.

MR. ADAIR: Q. Sir, you just said about 60
20 seconds ago that - you said, well, I didn't use the words
British intelligence, did I?

A. I was referring to my final book. I don't -
didn't, you know, I didn't re-read the - these early drafts, of
my book.

25 Q. No.

A. And - and I was - I've written, you know, for
the - I'm referring to what I actually published.

Q. And you held yourself out as a press officer
in Tony Blair's government, didn't you?

30 A. I said in Prime Minister Blair's
administration.

Q. You what?

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A. My final work says, Prime Minister - I remember Prime Minister Blair's administration. I was a government press officer.

5 Q. And you held yourself out as having media experience at the UN and as a result you had, your media contacts were allegiant. You held yourself out that way, didn't you?

A. It was through that that I met Michael Volpe, yes.

10 Q. Well, Michael Volpe, sir, wasn't even one of your contacts, was he?

A. He was a friend's contact.

Q. Yes.

A. So, I called...

15 Q. Yeah, a friend told you to call him. He wasn't your contact.

A. And I state that in my book.

20 THE COURT: I'm having a hard time following the evidence, because it is becoming a little bit argumentative and I'm not sure if you're asking about the book, a recollection or a draft? So, can you just orient me, that would help.

25 MR. ADAIR: The question was I just said he held himself out as having media experience at the UN and as a result media - his media contacts were allegiant. He agreed with that and then he said something about if I was referring to Michael Volpe or referring.

30 THE COURT: Well, my notes don't quite fit with that, but let's continue and I'll try not to interrupt your questions.

MR. ADAIR: Q. All right. And I want to make it

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very clear, sir, that Michael Volpe was not your contact at all, was he?

A. He was Carolyn Moll's contact.

Q. Right.

5 A. Who I knew through the United Nations, as I published. Can I say that - you said, I held myself out. That draft was never published, it was between myself and my editor and I wrote things down very quickly and you go over things. That was not something I held out or circulated to you or to the
10 public or published.

Q. Okay.

A. And as you write a book, things go through many drafts and you go back and say well that's, you know different - I'll, you know, that's not exactly accurate, so you
15 change things. That was an early draft of a book, which went through many, many drafts.

Q. I - I understand that, and I think we have your point very clearly.

A. Mm-hmm.

20 Q. But what I'm suggesting to you, sir, is that you are prone to making grandiose statements about yourself?

A. I disagree, because you said that I held myself out and I have not publicly held myself out as - in - in the things you said, not publicly held myself as British
25 intelligence.

Q. Well, okay. Let's not quibble over held self out. Let's just say, you wrote the statements at one point in time in a draft, and I'm suggesting to you, sir, that you have a habit of making grandiose statements about yourself?

30 A. I disagree.

THE COURT: I think the witness is - I think the witness has answered the question and it is

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becoming argumentative, so if we can move on,
please.

5 MR. ADAIR: Q. Now, the - the reality of your
background, sir, I take it and correct me if I'm wrong, that you
graduated from the University of Edinburgh. What year was it
'03 or '04?

A. No, that was 1995.

10 Q. Oh, all right, then I'm mixed up. In any
event, when you finished your education, I take it your first
job was with John Murray Limited?

A. He - I didn't finish my education at the
University of Edinburgh.

Q. Sorry?

15 A. I did not finish my education at the
University of Edinburgh.

Q. All right. And I'm mistaken about that. I
take it back. Your first job after your education, or your
first job was with John Murray Limited?

A. Yes.

20 Q. And that was a part-time job, right?

A. Yes.

Q. For a distillery?

25 A. They - they, yeah - they - they made
products. I wouldn't call them a distillery. They did a lot of
import and export, but they made a couple products.

Q. Yeah, they made some kind of liqueur.

A. Yes.

30 Q. And then that went on for two years, am I
right?

A. I don't remember, I'd have to look at my
resume.

Q. Approximately?

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A. Perhaps, I don't remember.

Q. Okay. And then you had an internship with the - I'm probably not going to get the name right, but the Scottish Conservative Party?

5 A. The Scottish Conservative and Unions Association.

Q. All right. You had an internship with them, right?

A. Yes.

10 Q. And then how long did that last for?

A. I remember it ended, I left before the 1997 election wipeout.

Q. All right. So, that was before John Murray or after?

15 A. I'm going to say, I don't remember.

Q. All right. Then in the summer of 2006 you had an internship for the president of something called the Wellness Foundation?

A. No, that would have been 1996, I think.

20 Q. '96, okay. And that was for a couple of months?

A. In Istanbul, Turkey.

Q. Sorry?

A. In Istanbul, Turkey.

25 Q. I apologize, I just didn't clearly catch your answer.

A. The - it was in Istanbul, Turkey.

Q. Yeah - yeah. And that lasted for a couple of months?

30 A. Yes.

Q. And then you - yeah, sir, that was in the summer of 2006, correct?

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A. No, that was in - that was in the nineties, that was in - it was the Habitat II Conference on Human Settlements in Istanbul, Turkey. The United Nations Habitat II Conference and that was in 1996.

5 Q. Okay.

A. I think the first Habitat was in 1968 in Vancouver.

Q. All right. So, it's 1996?

A. Yes.

10 Q. And then your next job I take it, was for a congressman in the United States, Tom Lantos?

A. Yes, he was the Chairman of the International Relations Committee.

Q. And you were a legislative assistant?

15 A. Yes.

Q. And that was in what, '97 and '98?

A. Thereabouts, I can't remember the exact dates. It was the late nineties.

20 Q. And after that do I understand that you studied international Human Rights Law at Oxford?

A. I read a degree in security policy at the George Washington University and completed them. As a part of that, I went and did a graduate certificate in International Human Rights Law at Oxford New College.

25 Q. Yes.

A. In - yeah.

Q. Okay. And I understand that was a...

A. For....

30 Q. ...two year degree program, but you only completed a year so you got a certificate?

A. And then I got credit for that at the George Washington University.

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Q. Yes. And then you were - after that, you were unemployed for about two years?

A. I don't recall being unemployed for two years. I - I don't recall that. I think I was - when I finished the degree, perhaps there was a period of time. I did - I remember I was a contractor at the State Department for a little while, which is a temp job in the Office of Financial Controls. And then I worked for the Deputy Speaker of the British House of Lords, Baroness Cox. And I don't know the exact dates, but then I ended up going to my first what I would call, my first, you know, permanent, you know, really good job was when I sat the Civil Service Selection Boards for the fast stream in the graduate recruitment program. And that's when I started working at the Ministry of Defence and I remember the day specifically because it was the day before 9-11 and my second day on the job was the day that the towers came down.

Q. Okay. Well, that's good, that helps us pin down when you started at the Ministry very nicely. Do you agree, sir, that when you had finished at Georgetown and Oxford that what you did was some temporary work at the State Department very briefly and then you were unemployed for quite some time?

A. I don't agree that I was unemployed for quite some time.

Q. Okay. Well, if you could go to your transcript from 2011, question 174, page 43.

QUESTION: When you had finished at Georgetown and at Oxford what was your next full time paying job?

ANSWER:

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A. Sorry, what - what - what - sorry, we're on page 143?

Q. No, sorry, page 43...

5 A. Oh.

Q. ...question 174. And then, sir - well, I'll read the question again:

10 QUESTION: When you had finished at Georgetown and at Oxford what was your next full-time paying job?

15 ANSWER: I went through a very difficult time, actually. I did some temp work where I was a contractor at the State Department very briefly and then I was unemployed for quite some time.

20 Q. Do you stand by that answer, sir?

A. I clearly forgot about the work I did for Baroness Cox at the House of Lords.

25 Q. I see. And then what after that, the civil service job?

A. The civil service job started the day before 9-11, 2001.

Q. 2001.

30 A. Oh, sorry, it says, and then in 2000 I got the job for the World Committee on Disability. I'd forgotten about that one.

Q. All right. And that was for as I understand

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it, not even a year?

A. I - I'd have to check my records.

Q. Okay. And then you started in with the
British government on September 10th, 2001?

5 A. Yes.

Q. And you were there right up until 2008 when
you resigned for medical reasons, I understand it?

10 A. I went on - as I - I went on as I recall
occupational sick pay and then I formally left, I think it was
actually in February of 2009, if I'm correct.

Q. Yes. And how long were you off for?

A. I think I was on - then I - then I was on
incapacity benefit, which is a disability benefit.

Q. Yeah.

15 A. But I was allowed to do part-time work. And
I did part time work for the Data Solutions and Technology and I
did some part time work for Wedgewood Investment Group. I think
that would take me up 'till 2015.

20 Q. Yes. And are you - perhaps I misunderstood,
but are you not back working for the British government now?

A. I am, indeed.

Q. Yeah, so you went - went back to the civil
service?

25 A. I went full time working for Wedgewood
Investment Group and then I returned - I went - I started
working for the Department for International Trade on - what was
it? I think it was perhaps June 2017. I'll have to check my
resume.

30 Q. Okay. Now so, have we covered the work
history then?

A. Yes.

Q. Now, sir, once you got on this job of

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bringing the full weight of the police and the media and whatever else down on Grenville, I'm going to suggest to you that whoever disagreed with you, you did what you could to hurt them, didn't you?

5 A. No, I don't agree with that.

Q. Well, for example, sir, did you write a letter in 2016 to the Archbishop of Toronto about Reverend Byron Gilmore?

10 A. Yes.

Q. And how well did you know Byron Gilmore?

A. He's one of - he's a defence witness.

Q. He's what?

A. He's a defence witness who went to Grenville.

Q. Yeah.

15 A. Yeah.

Q. At the same time you did?

A. No.

Q. No. Had you ever met Byron Gilmore before 2016?

20 A. No. No, I take that back, I met him at the closing celebration in 2007.

Q. All right. Is that a fairly brief handshake type of thing?

25 A. He was actually on the stage giving the prayers and....

Q. All right. And I'm going to suggest to you, sir, that you didn't really know anything about what kind of person Byron Gilmore is, do you?

30 A. No, what precipitated that letter, Mr. Adair, is that in the summer of 2016, one of Byron Gilmore's - Gilmore's contemporaries, John Ward purchased boxes of my book without my knowledge, I just noticed I had a huge bunch of

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sales, and gave one to every single parish in the diocese of Toronto. He said his wife was an Anglican priest and they were adamant that he should not become bishop and a number of people wrote to the diocese.

5 Q. Well, what I know, sir, is that you took it upon yourself to write the Archbishop, right?

A. Yes.

10 Q. And you did it solely because you wanted to do everything you could to see Byron Gilmore not to have an opportunity to be elected a bishop?

15 A. I think it would be terrifying to have him as - as - as - as a bishop, given that he denies - he's never met me, but he's denied my experience at Grenville. And I think that's terrifying, particularly given historic institutional abuse cases in the church.

Q. Yeah. So, if he disagrees with you by saying these things didn't happen at Grenville in his experience, then you reach out and try to personally hurt him?

A. No, I don't agree with that. No, Mr. Adair.

20 Q. Well, you said what he failed to mention referring to Byron Gilmore, was that he was a prefect who performed the cult practices on its fellow students. That's what you said, isn't it?

25 A. Indeed, and that's what his contemporaries reported to me.

Q. That's what?

A. That's what his contemporaries reported to me.

30 Q. Yeah. So you took some third hand or second-hand information and decided to really do what you could to stick it to Reverend Gilmore, didn't you?

A. I have genuine concerns about Reverend

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Gilmore becoming a bishop and he - he chose to go and be, you know, defendant - be part of the defence, and he has been very adamant that these things didn't happen.

5 Q. Yes. And you said in your letter in part, I do not blame Byron Gilmore, he lived in a mind control cult for years and it is obvious that he normalized too much of that abuse and now denies it, diminishes it and makes excuse for it. I was just like him, before I went through therapy and processed the suffering that I witnessed all around me. Many people drank
10 the Kool-Aid and became jaded. You said that to the Archbishop, didn't you?

A. I did, indeed.

Q. And you don't know anything about Byron
Gilmore?

15 A. Yes, I do.

Q. Do you know that he was a police officer for several years after Grenville?

A. Yes.

20 Q. And do you know he's been a rector at the Anglican Church, the same church in Brampton for some 13 years?

A. Yes.

Q. And that he has a family?

A. Yes.

25 Q. And that he cares about his calling in life as a minister?

A. Yes.

Q. And wanted to be a bishop?

A. Yes.

30 Q. And you felt it appropriate on the basis of second-hand information to reach out to the Archbishop and in effect say, he isn't fit to be a bishop, he used to perform cult practices on students?

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A. And I also read his sworn affidavit, as well.

Q. Wow. And you think - let me ask you a question. Do you think that's appropriate behaviour on your part, to do that to someone you don't even know? Excuse me.

5 THE COURT: Is there an issue?

MR. ADAIR: There's a witness just nodding her head and towards Mr. Byrne and we can't have that, with respect.

THE COURT: Oh, I did not...

10 MR. ADAIR: Yeah.

THE COURT: ...see that, but I will...

MR. ADAIR: It's all right, I...

THE COURT: ...ask people to make gestures...

MR. ADAIR: Yeah.

15 THE COURT: ...when a witness is testifying.

I'll ask the witness to look at counsel and answer the question so that will make sure we get the best evidence.

20 MR. ADAIR: Q. Do you think that is appropriate behaviour?

A. I stand by everything I wrote in that letter.

Q. Okay. And then in so many words, you did exactly the same thing to Reverend Gordon Mintz when he applied for - to be chaplain in the armed forces, didn't you?

25 A. When he applied to be a chaplain in the armed forces, other people wrote to - to the chaplain general, I did not.

Q. Other representative plaintiffs, right?

A. I'm aware of one...

30 Q. Yeah.

A. ...representative plaintiff and other Grenville students. I did not when he - I was actually

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surprised when he became a chaplain.

Q. And do - do you not regard what you tried to do to Reverend Gilmore, as even a little bit off-side?

A. I stand by everything I wrote in that letter.

5

Q. Okay.

A. And I might add that Gordon Mintz abused me.

10

Q. Yeah. I'm wondering - and I'll - I'll wrap it with this question, but I'm wondering how you can stand by every word, including what Gilmore failed to mention was that he was a prefect who performed the cult practices on a fellow student, how can you stand by that when you have no personal knowledge of it?

A. His contemporaries told me that...

Q. Well...

15

A. ...and said, this is what he did to me. They were very concerned and upset that he was a, you know, deny what he did to them.

Q. Okay. That's your story and you're sticking to it, right?

20

A. Absolutely. I think when you're becoming a bishop there is a period in which the public is encouraged to report anything they may know, and there's a public process and I participated in that, as did others.

25

Q. You actually looked for opportunity. You don't have anything to do with the diocese of Toronto, do you?

A. I didn't even know he was becoming a bishop, until John Ward told me and bought a copy - a box of my book and gave it out to every parish in the diocese of Toronto and he did that without even telling me. It all came as a surprise in the summer of 2016.

30

Q. Yeah. But your letter didn't come as a surprise, you wrote that?

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A. And I had genuine concern...

Q. Yes.

A. ...and I stand by everything I wrote in that letter.

5 Q. You're full of moral outrage, aren't you?

A. I have genuine concern about Byron.

10 Q. Yeah. All right. Let's examine your story about Grenville a little more closely. We'll mercifully leave the topic of your conduct towards Reverend Gilmore. And let's take a look at some of the things you've said about Grenville. To start with, you made a big point of saying your marks at Grenville were terrible?

A. They were.

15 Q. And inferred that they were the worst of your marks?

A. Yes.

Q. And that isn't true at all, is it?

A. That's my understanding from looking at - comparing transcripts.

20 Q. Well, I want to make sure I quote this correctly, but you said, "I achieved my worst academic average while suffering abuse at Grenville."

A. Yes.

Q. And do you stand by that, sir?

25 A. Yes.

Q. Fine, let's take a look.

MR. ADAIR: If we could show the witness, Exhibit 1 on the motion?

THE COURT: Which tab?

30 MR. ADAIR: Tab 7.

THE COURT: Can I just have a look at that before it goes to the witness? All right. Yes.

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MR. ADAIR: Q. This, sir, is your academic transcript from Ridgefield, the school you were at before, right?

A. Yes.

5 Q. And when we look your Grade 10 marks, what does W-F stand for?

A. That's a - that's a - a withdraw/fail.

10 Q. Withdraw/fail. You got - you got a W from the orchestra, a W-F in geometry, you got a C in English and a C in, I guess it is bio-something, an F in French and a C-plus in, what's P-E?

MR. BOGHOSIAN: Physical education.

A. That's - no, no, no, that's history.

15 MR. ADAIR: Q. You got an F in algebra and a C-plus in world history. So, those were your marks at Ridgefield, correct?

20 A. No, that's not true, Mr. Adair. If you go right there, it's A, B, C-plus, C-plus, B, D, B-plus, C-plus, C-plus, B at the top of the page. You've only referenced the bottom of the page.

THE COURT: Could I have a copy of what you're all looking at?

MR. ADAIR: I'm sorry?

25 THE COURT: Do you have a - do you have a loose copy of what you're looking at? I'm having trouble following along.

MR. ADAIR: Oh.

30 THE COURT: And if it's - I don't know if you plan to make an exhibit, maybe not, but at least I could follow along so I can understand the evidence.

MR. ADAIR: Probably should.

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THE COURT: Thank you. Sorry, I think counsel has this one. All right. Sorry about that.

MR. ADAIR: Q. Mr. Hale-Byrne you're referring to your marks in Grade 9, right, sir?

5 A. Yes.

THE COURT: Oh.

MR. ADAIR: Q. And...

THE COURT: Sorry, I'm - I don't know if I have the right page. I see Grade 11 and Grade 12. Is that - oh, I see Grade 10 - Grade 9 and 10 on the left. Okay, so we're looking - thank you. I see where you are.

MR. ADAIR: If you've got the secondary school record from Ridgefield, Your Honour? It says Ridgefield in the right-hand corner?

15 THE COURT: I have the right document.

MR. ADAIR: All right.

Q. And in Grade 9....

CLERK REGISTRAR: I think he's writing on the....

20 THE COURT: Oh, please don't write on the exhibit, Mr. Hale-Byrne.

A. Oh, sorry.

THE COURT: Do you need - do you have a paper you can write on?

25 A. Yes, yeah.

THE COURT: Thank you. All right. Sorry, Mr. Adair, please continue.

MR. ADAIR: I'm sorry, Your Honour. Am I mixing things up here?

30 THE COURT: No, no, I think we're back on track. I see where you are and I think I understand what's going on, but I'll just let you pose your

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question.

MR. ADAIR: All right.

Q. So, Mr. Hale-Byrne, what I read out were the marks from Grade 10.

5 A. Yes, but you said those were my marks at Ridgefield...

Q. Oh.

A. ...and that's - that's incomplete.

10 Q. I'm sorry. They were your leaving marks from Ridgefield, the last grade you were there?

A. Yes.

Q. Now....

A. And if you add them together to - that - they - they are better than the two years at Grenville?

15 Q. Okay. Well, then let's add them together in Grade 9, or - or let's look at Grade 9 that you want to direct me to. Out of a total of ten courses, you had four C-pluses and one D, right?

A. Yes.

20 Q. And, sir, if you go to the joint - sorry.

MR. ADAIR: May we mark this as the next exhibit?

A. Mr. Adair...

THE COURT: And just...

A. ...but that's again incomplete.

25 THE COURT: ...just a minute, Mr. Hale-Byrne. If you - if you - counsel can ask you questions in re-examination if your answers aren't complete and they're making notes. But your job is to answer the questions being asked without arguing
30 with counsel. And so, right now, my job is to accept this document and it may be that - to be fair to you, Mr. Adair may ask you another

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question. If he hears you say it's not complete,
but - just please try to answer the question
you're asked at the time.

A. Sure.

5

THE COURT: There will likely be more.

MR. ADAIR: All right. And thank you.

THE COURT: So, you'd like this - this transcript
from Ridgefield High School - is this Exhibit 12,
13?

10

COURT REGISTRAR: Number 13.

THE COURT: Exhibit 13.

EXHIBIT NUMBER 13: Mr. Hale-Byrne's marks from
Ridgefield High School - produced and marked.

15

THE COURT: And, in fact....

20

MR. ADAIR: Q. Just - we'll give you a chance,
just relax. Now, I don't want any hint of unfairness to you, so
you say these are incomplete. Let me explain to you the problem
I have is, sir, is we've asked for your transcript and this was
what was produced.

A. Yes, but you didn't reference the A's or the
B's.

25

Q. No, quite so. I set out at ten courses you
had four C-pluses and one D.

A. And then I had one A...

Q. Yes, in orchestra.

A. ...and then...

Q. Right? Right?

30

A. ...I had an A in orchestra. I got a B in
science, I got a B-plus in - was it - so, no. Actually, yeah, I
got a B-plus in - in - in literature English.

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Q. Yeah.

A. I got - sorry, have to go back. So, I got A in orchestra, B-plus in - B in French, I got a B in ancient history, I got a B-plus in comprehensive literature and I got a B-plus in gym.

Q. In gym, right. So, now do we have the whole picture fairly, in your mind?

A. Yes.

Q. Okay. And the fact remains that out of the eight academic courses, excluding orchestra and gym, you had four C-pluses and one D, right? Right?

A. Four - four C-pluses and?

Q. One D.

A. As well as one A, a B, two Bs and two B-pluses.

Q. Okay. Now, take a look at the joint book Volume 2, Tab 61.

THE COURT: Before you go there, and because we seem to have had a lot of evidence about what these might mean, I need to ask one clarification question about the document. And I don't know if the witness can answer it. And normally, I would wait until the end, but because it's technical I propose to ask it now and if you have any questions. To the right of the letter grades are a column of numbers that range from .25 to 1. Mr. Hale-Byrne, can you help me understand what those refer to?

A. .25 to 1?

THE COURT: You'll see there's - to the right of the A for example from orchestra, there's a 1.00 and then for French there is a 1.00, do you know

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what those refer to?

A. No, I have no idea.

THE COURT: Thank you.

MR. ADAIR: It's a credit, I gather.

5 THE COURT: That's what I thought it might be,
but I thought I would ask...

MR. ADAIR: Right.

THE COURT: ...the person that it related to.

10 MR. ADAIR: Q. And you - you go to Tab - sorry,
where am I here? I may have misplaced the right
Tab.

MR. ADAIR: Excuse me, Your Honour...

THE COURT: Sure.

MR. ADAIR: ...may I just have your indulgence.

15 THE COURT: Sure. I wonder if this would be an
opportune time to take the morning break?

MR. ADAIR: It will, thank you.

THE COURT: All right. Very good. We'll take 20
minutes.

20 COURT SERVICES OFFICER: Order, all rise.

THE COURT: Mr. Hale-Byrne, you're under
cross-examination, so, please don't discuss your
evidence with anyone. Thank you.

25 R E C E S S

U P O N R E S U M I N G:

THE COURT: Thank you very much. Okay.

30 MR. ADAIR: Thank you, Your Honour.

Q. Mr. Hale-Byrne, go to Tab 61 of Exhibit 1,
joint - joint book, Volume 2.

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A. Joint - joint exhibit book, 61.

Q. Okay. It's in Volume 2, Tab 61. And if you go over to 1, 2, 3, fourth page, you'll see what appears to be a transcript of marks. Do you have it?

5 A. Yes.

Q. And that is, I take it, a transcript of the marks you received at Grenville?

A. Yes, but my gym class isn't shown.

Q. I'm sorry?

10 A. My gym class doesn't appear.

Q. All right. And other than that, it's a transcript of the marks you received at Grenville?

A. Yes.

15 Q. And those marks to - I would suggest, that while they're not fabulous by any means they are certainly every bit as good or better than your Grade 10 marks at Ridgefield, aren't they?

A. I don't agree with that.

20 Q. All right. Tell me, were you socially challenged and without any friends for at least a year after you left Grenville?

A. Yes.

25 Q. And I'm going to suggest to you, sir, that - tell me, you went right from Grenville in June or so to SigEp (ph) the following September?

A. Yes, I went to John Abbott College in Montreal.

Q. John - John Abbott?

A. Yes, where I received all A and B grades.

30 Q. Yes. And that - that was a school with very low admission requirements...

A. I....

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Q. ...I think you've said?

5 A. I - it was - I wanted to go to Marianopolis College, which was a private SigEp in Montreal and I couldn't get in because of my Grenville marks. So, I went to John Abbott, which had a lower admission requirement.

Q. All right. And I'm going to suggest to you, sir, that your evidence of being socially challenged and not having friends in the year after Grenville is just not true, is it?

10 A. I disagree, Mr. Adair.

Q. Well, tell me, isn't it the case that in the summer before you went to SigEp, the summer you left Grenville you spent the summer or much of the summer carousing with your friend Eric Steinman?

15 A. But I didn't see him at all from - when I went - he was - the entire time I was at SigEp, which is what I was referring to, he was not there and I didn't speak to him once.

20 Q. Well, sir, you were asked about the effects of this on you and one of the things you said was you didn't have any friends for the year after you left Grenville and that you were socially challenged and that's just not true, is it?

25 A. I - I disagree, Mr. Adair. I - at John Abbott College, I didn't have a single friend. I didn't socialize with anyone and all I did was eat my meals, study, go to class. I didn't have a single friend at John Abbott College.

30 Q. Okay. Well, then we'll just let the two propositions stand where they are. I'll just ask you this again. You said for at least a year after Grenville I had no friends, and you said, you said you were socially challenged. You did testify to exactly that, right?

A. Yes, I was referring to the academic year...

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Q. Okay.

A. ...at John Abbott College.

Q. Sir, your words were, for at least a year
after I left Grenville, I had no friends, I was socially
5 challenged.

A. Yes.

Q. And then you have acknowledged in this today,
that you were friends with Eric Steinman in the summer of your
leaving of Grenville?

10 A. Yes.

Q. And you also had a friend named Lisa Belanger
that summer?

A. Yes, we....

Q. Thank you.

15 A. Well, I - I met her twice, actually.

Q. All right. Now, let me ask you about one
thing in particular at Grenville. You testified about having to
pull rocks out of the ground with your hands?

A. Yes.

20 Q. And how often did that happen?

A. I - I can't quantify it.

Q. Well....

A. I mean, that was - that was my - that was my
- that was my usual discipline. I must have cleared an entire
25 field whilst I was at Grenville.

Q. Several times?

A. Yes.

Q. And so, ten?

A. I - I can't - I honestly could not give you a
30 number that I - I just - I just can't.

Q. Well, can you help us at all with how many
times?

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A. No.

Q. I see. And on these occasions, it would be staff that would be over you - watching over you, and hurling abuse?

5

A. Yes, and prefects and student leaders.

Q. And prefects and student leaders. And this type of thing all people had to do on a number of occasions was look out the window and see this kind of degrading punishment?

A. From the boy's dormitory, yes.

10

Q. Right. And this happened to a number of students?

A. Yes.

Q. And this was widely known, this degrading type practice?

15

A. Yes.

Q. And, sir, do you agree with me that in an affidavit of yours sworn on June 12th, 2008, I'll put it in front of you. Paragraph 42 on page 10, do you agree with me that in describing...

20

MR. ADAIR: Well, I should provide Your Honour with a copy just so you can follow.

THE COURT: Thank you.

MR. ADAIR: Q. Do you agree with me, sir, that in your affidavit in describing...

25

MR. ADAIR: Excuse me, Your Honour, may I have your indulgence for a moment?

THE COURT: Sure.

MR. ADAIR: Things are probably disarrayed. Oh, here it is.

30

Q. All right. Do you agree with me, sir, in your affidavit in 2008 in describing punishment and discipline, you said on one occasion, as punishment for sins I was made to

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dig rocks out of the ground with my bare hands in winter and my fingers would bleed?

5 A. Yes, but I also dug rocks out of the ground in other seasons when the ground was moist and it wasn't winter where the ground was frozen. The point I was making there was that this was severe, because I wasn't wearing gloves and it was wintertime. That's why I mentioned the winter episode.

10 Q. And, sir, you were questioned about this page 64, question 259. I'll read it to you...

A. Well, can I....

15 Q. ...from your 2008 transcript. Sir, question 259, you were asked this question:

20 QUESTION: And you had to personally cut the lawn with scissors?

25 ANSWER: Yes, and not only that, the actual incident of digging rocks out of the ground with my hands this would not have been the same time because it was not the winter as I recall it, so it would not have been on that occasion in which I dug the rocks in the ground with my hands.

30 Q. Were you asked that question and did you make that answer?

A. I was referring to a different event.

Q. Yeah.

A. I was emphasizing this document...

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(Mr. Adair)

Q. Well....

A. ...the severity of winter without gloves.

Q. Sir...

5 THE COURT: Please listen to the question and
answer the question.

A. Sorry.

10 MR. ADAIR: Q. You were asked about the rock
digging and you said, the actual incident of digging the rocks.
You never said a word on this occasion about multiple rocks,
digging episodes, did you?

A. I don't have the full transcript in front of
me, so I don't know exactly what was said in the full
transcript.

15 Q. All right. Now, you agree with me on another
topic in your draft of your book that I placed before you....

20 A. If I can respond - sorry to interrupt. If I
can respond to the other one? As I recall in 2008, you were
asking me about my first light session and when I had to dig
rocks the first time, and that was in the autumn and that was
the specific event I was talking about, because it wasn't winter
because it was my first discipline and light session when I did
- when I dug rocks.

25 Q. Your third light session. One rock digging
is all you every mentioned.

A. There were others.

30 Q. All right. Now, another thing you did was
you said on your discovery transcript - discovery, that Betty
Farnsworth was a falling down drunk, right?

A. I said that's what students called her.

Q. Well, no, sir. You said you saw....

THE COURT: Can we put the actual...

MR. ADAIR: Yeah.

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THE COURT: ...excerpt to the witness?

MR. ADAIR: Sorry, Your Honour.

THE COURT: Do you have the actual excerpt? Are you putting it to the witness?

5 MR. ADAIR: Yes.

THE COURT: And giving a reference?

MR. ADAIR: Q. Page 37.

A. I don't have the document.

Q. You what?

10 A. I don't know which document you're referring to and I don't have it in front of me.

Q. Well, we'll get you one here, if we can.

THE COURT: Okay.

15 MR. ADAIR: All right, here's a copy. Your Honour, I - I'm only going to read one question and answer. I regret that we've reached the stage where the wheels have moderately fallen off and I don't have another copy.

20 THE COURT: It's all right. I can keep up with one question.

MR. ADAIR: I'll make sure the Court has one.

Q. It is page 37. Sorry, page 36, question 151:

25 QUESTION: All right. And then if you go over to page 7, the discussion about Betty Farnsworth being visibly intoxicated...

30 A. Sorry, I'm - I'm looking at 151 - that was where you started?

Q. Sorry?

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A. I'm looking at 15 - question 151 on page 36?

Q. Right.

A. And then do you want me to read that?

Q. No, no, I'm reading it to you.

5

A. Okay.

Q. It says:

10

QUESTION: All right. And then
if you go over at page 7, the
discussion about Betty
Farnsworth being visibly
intoxicated - and just for your
information here we're talking
about a draft of your book - a
draft of your book...

15

A. Yes.

Q. (Reading):

20

...being visibly intoxicated and
often slumped in a chair next to
him, she often needed to be
assisted when walking, because
she was a fall down drunk. Now,
Betty Farnsworth, of course, was
there when you were there?

25

ANSWER: Yes.

QUESTION: And she was a
prominent figure at Grenville?

30

ANSWER: She was sitting up on
the stage in the dining room.

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A. Sorry, I don't know where you are because one
- you - you - you - you've changed and you refer to my book now,
so we're no longer in this document?

5 Q. No, we're still in the document. Follow the
document, you don't have the transcript. We're at question...

A. Okay. So, we started at 151 on 36.

10 Q. Yes, we read 151, now we're going to read
152.

A. Oh.

10 Q. Okay?

QUESTION: And was she a
prominent figure at Grenville?

15 ANSWER: She was sitting up on
the stage in the dining room
quite often.

QUESTION 153: And did you see
her in this state?

20 ANSWER: Yes. And I saw boys
having to hold her up on either
side.

QUESTION 154: All right.

25 ANSWER: And help her in and out
of the car, et cetera.

QUESTION 155: And...

30 ANSWER: And Joan Childs said
she was a drunk fall - you know,
Joan Childs said she was a fall
down drunk.

QUESTION 156: And so, you were
personally aware of then that
she was frequently intoxicated?

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5

ANSWER: The student said she was and looking back at it now, having been to rehab myself, alcohol rehab, I've been to rehab and I now obviously look back and see the behaviour and say, ah, that's alcoholism. At the time, if I was - I'd never been around an alcoholic before - students called her booze hound Betty, that was the nickname students called her at the time, but now looking back the behaviours were obviously intoxication, yes.

10

15

See those questions and those answers?

A. Yes.

20

Q. So, you called her a falling down drunk on the basis of observations you made?

A. And I have photographs of - of her behaviour.

Q. Yeah. Of her being drunk?

A. Of her being held up by two boys.

25

Q. Yes. And you - you went on to say, that one of the people who told you she was a falling down drunk was Margaret Mayberry. Go over to page 37 - sorry 38, question 163.

A. But I said I - but I couldn't quote them.

Q. Yes, but you were asked who on the staff told you that?

30

MS. MERRITT: This is not fair to the witness.

MR. ADAIR: Oh, let him read question 162 to 164, if you're concerned.

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MS. MERRITT: Yeah, and that's the problem.

THE COURT: So, read....

MR. ADAIR: Well, all right. I'll read it to the witness.

5 THE COURT: Read the whole thing...

MS. MERRITT: Yeah.

THE COURT: ...and then ask the question and if we can build it one step at a time.

MR. ADAIR: Yeah.

10 THE COURT: Frankly, it's hard for me to keep track of where you're at.

MR. ADAIR: Q. Question 162:

QUESTION: And over on...

15 ANSWER: Could I just add to that. Since then I've had conversations with former staff who say, oh, yeah, she was drunk all the time.

20 QUESTION: All right. Who on the staff told you that?

ANSWER: Margaret Mayberry, Joan Childs, possibly the Irvines, but I couldn't quote them, but I definitely remember Joan Childs, oh, she was a drunk. And then Margaret Mayberry actually called her white trash.

30 Q. Do you read - did you - do you see those - make those - sorry, were you asked those questions and did give those answers?

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A. Yes.

Q. And you said there, sir, that Margaret Mayberry was one of the people who told you she was a drunk all the time?

5 A. But I said I couldn't quote them, but I definitely remember Joan - Joan Childs.

Q. I see. Now, tell me something, in 2002 or 2003, sir, a friend of yours a Reverend Lyndsley, I think it's spelled L-Y-N-D-S-L-E-Y, am I correct?

10 A. Yes.

Q. Asked you for a recommendation as to what school he might send his dyslexic son to?

A. I - he wrote a letter in 2000, 2003.

Q. Yeah.

15 A. But I don't know if that was when the recommendation was made, I don't remember.

Q. Well, he wrote a letter to you?

A. Yes.

Q. Asking for a recommendation?

20 A. He didn't write a letter to me, he asked me. Or he wrote a letter confirming what happened.

Q. All right. He wrote...

A. But I don't recall exactly when I recommended this.

25 Q. Okay. Well....

A. When the school was exposed, he said why did you - in 2007, why did you recommend this?

Q. Yes. I understand that he wrote that letter. Let's just see if we can get the time right.

30 MR. ADAIR: Sorry, can you bear with me for a moment, Your Honour?

THE COURT: Yes.

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MR. ADAIR: Q. What year do you think it was that you made the recommendation?

A. Maybe the late nineties. I mean it's obviously before he wrote that letter.

5 Q. Yeah.

A. I - I don't - I don't honestly remember it at this point in time, but I'm sure he could tell us.

10 Q. All right. Well, then let's - let's call it that for a moment. At some point, maybe in the late nineties your friend Reverend Lyndsley asked you for a recommendation as to where he could send his dyslexic son to school?

A. I recommended Grenville.

Q. Yes...

A. No, but....

15 Q. ...I'm about to ask you that.

A. Yeah.

Q. You recommended Grenville to Reverend Lyndsley.

20 A. Yes, but he said - he asked me for a reference.

Q. Oh, all right. Yet the subject must have come up in some way?

A. It did.

25 Q. And you recommended that he send his son - his dyslexic son, to Grenville?

A. I did and I said, just send him to Grenville.

Q. And you would never have done that, sir, if you remembered any of this supposed horror that you yourself underwent at Grenville, would you?

30 A. At that time when I recommended it, at that point in time, either I was just very jaded, and probably repressed it, blocked it out.

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Q. Yeah, I know. So, you had blocked it out because it stands to reason, sir, if you remembered anything seriously wrong with Grenville you would never have made that recommendation, would you?

5 A. I can't exactly comment in detail about what was going on in my mind at that point in time, when I don't even remember when exactly it was, but the point was that I recommended because I was conflicted over a number of years and would remember things and then repress the memories and they'd
10 come back.

Q. Yes, sir. And I'm not asking what was going on in your mind. I'm putting the - what I hope is the common-sense proposition to you - that if at that time, you had remembered anything seriously wrong with Grenville you would
15 never have made that recommendation, would you?

A. I - I just can't comment on what was exactly going through my head at that time in which I did it.

Q. Sir, I'm not interested in what was going through your head. Once again, I'm asking you what I hope is a
20 common-sense proposition, that if you remembered something seriously wrong about Grenville then you would never have made the recommendation, would you?

A. I was very jaded after Grenville and I honestly don't know the answer to that question.

25 Q. Well, are you telling us that if you remembered abuse at Grenville, you still might have made the recommendation? Is that your story?

A. As I told you, the whole gravity of the abuse didn't really come to a full realization until 2006, when I
30 -process of it starting in 2006...

Q. Yeah.

A. ...and then following up in 2007. So, I just

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wasn't in a place to be making these sorts of recommendations at the time, and I - and I told him I regretted making it.

Q. Yeah.

A. When he reminded me of it.

5

Q. And that's all very well. Again...

A. Yeah.

10

Q. ...I'm not asking that. I'm suggesting to you and let's try this once more and try to give me a straight answer. Did you or - sorry - do you agree that if you had remembered anything seriously negative about Grenville you would never have made such a recommendation, yes or no?

A. At that state of mind I was in, very, very unwell, I don't know what I would have done.

15

Q. You don't know. So, at that state when you were very, very unwell, even if you had remembered the abuse you still might have recommended Grenville, is that what you're saying?

A. I did not have a full realization of the abuse...

20

Q. Yeah.

A. ...when I made that recommendation.

Q. You didn't have any recollection or you never would have made that recommendation, did you? None, zero?

A. I respectfully disagree, Mr. Adair.

25

Q. I see. So, that notwithstanding the fact, your evidence under oath today is, that notwithstanding the fact that you remembered some of the abuse at Grenville, you still said to a friend with a dyslexic son, oh, send him to Grenville?

A. I'd blocked a lot out.

30

Q. Well, sir, you keep telling me you didn't agree you blocked everything out. Now you're saying, well, I did block everything out, which is it?

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A. I just can't give you a definitive answer what my state of mind was at that point in history.

5 Q. Sir, you knew from day one if I can accept some of your words, that as of the time you left Grenville, your mission was going to be to walk out of the school and someday come back to expose the school as a cult?

A. What - I did - I've never sworn to that statement? Is that really - where is that?

10 Q. All right. Well, then let's look at page 70 of your draft of your book.

A. Oh, I'm sorry, Mr. Adair, these were thoughts I was having in my head in 2015. And, you know, I was quickly writing stuff - this is - this was a work in progress. And I do recall people in the town of Brockville calling Grenville a
15 cult. I didn't know exactly what it was at the time. And I do recall saying something like this place should be exposed as a cult, but I - I - I - I am sorry, that is a - that is not an affidavit, and I - I was just writing thoughts down on a paper without cross referencing them with anything.

20 Q. These weren't some scratchy thoughts. These were you trying to write a book.

A. Actually, as I told you before, Mr. Adair, that's not true. The initial document...

Q. All right.

25 A. ...the - no, this - this draft, was written as a piece for me to collect everything in one document that I thought was relevant. It was never intended for a book at that point, and I stated that previously in cross-examination. And then subsequent to that as there were further drafts and then
30 when I started working with the producers of W5 and came up with a much further draft down the line, they said this is very, very good you should publish, but the thought in my mind of

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publishing this at the time as a book, never.

Q. Okay.

A. This is a draft that was a private document for myself.

5 Q. All right. Well, then, just so we're clear, let's go to page 70 of your draft and read the passage.

MR. ADAIR: Does Your Honour have that draft?

THE COURT: I do not, no.

10 MR. ADAIR: All right. I'm sorry, I thought we passed it up to you. Here we go and it's a bound document. I...

THE COURT: All right.

MR. ADAIR: ...I am so sorry, Your Honour.

15 THE COURT: No, it's fine. I've been following the questions on this document.

MR. ADAIR: You don't have it?

MS. MERRITT: We don't have it, no.

MR. ADAIR: I gave it to you. Right here.

MS. MERRITT: Okay. Yeah, yeah.

20 MR. ADAIR: Well, the witness has it, you can share mine - there you go, there's another copy.

MS. MERRITT: Thank you.

25 MR. ADAIR: Q. Page 70, Mr. Hale-Byrne, first full paragraph. On my - page 70, Your Honour. First full paragraph, on my last day at Grenville, I walked out of the school and said that I would someday expose this school for being a cult.

A. That is a dream I had of doing that, I never did that.

30 Q. That is a what?

A. This is a private journaling document for myself. It is not my book and these were just thoughts I was

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writing on a paper of things I had wished I had done and happened. These are - this is - this is not an affidavit and I never would have signed it as an affidavit, and it's - it's just a private document that - that - a journaling exercise.

5 Q. Sir, I - I have to give you - I have to be fair to you in my questions. And I want to make sure that I am hearing the best explanation you have for not saying, oh, I had a dream, but for saying, on my last day at Grenville, I walked out of the school and said that I would someday expose the school for being a cult. Now, have I got your very best answer?

10 A. When I wrote this, these were things I wished I had done.

Q. Yeah.

A. And I didn't.

15 Q. Well, you didn't say, I wish I had done this, you stated a fact.

A. I did not state a fact, and this document is not fact. This is a private journaling document where I'm writing my thoughts down.

20 Q. So, the fact of - on my - the statement, on my last day at Grenville, I walked out of the school and said I would someday expose the school for being a cult, is just some sort of random thought that popped into your head and you wrote it down, and there was utterly no foundation to it, is that the idea?

25 A. I'm just saying that these were thoughts in my head at the time without cross-referencing anything. I mean the next paragraph where it mentions my parents, I certainly never, you know, these were just stuff I was, you know....

30 Q. Do you need cross - do you need to cross reference things to be able to tell the truth?

A. When you are writing things down randomly in

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a journal you don't expect other people to eventually see them.

Q. Yeah.

A. And I was just writing thoughts down.

Q. That's the....

5

A. This was a private - this was a private document, writing things down to start collecting things, you know - I was going through boxes of stuff and getting memories back and this me collecting my thoughts.

Q. See the problem with this line is this, sir.

10

A. Mm-hmm.

Q. It seems to me with respect, to put the lie to your whole story of 20 years of normalizing and blocking out and forgetting, when you say in your diary or your thoughts or wherever, on the day I left the school, I was going to expose them as a cult. It puts the lie to your whole evidence, doesn't it?

15

A. I disagree, Mr. Adair.

Q. Well, I'm willing to bet if I ask you that question 600 times you'd disagree 600 times, am I right?

20

A. Yes.

Q. Thank you.

MR. ADAIR: Those are all my questions. Thank you, Your Honour.

THE COURT: Any re-examination?

25

MS. LOMBARDI: Yes, Your Honour.

RE-EXAMINATION BY MS. LOMBARDI:

Q. Mr. Hale-Byrne, from the moment you left the school up until today, have your feelings and thoughts about Grenville changed?

30

A. Yes, numerous times.

Q. Thank you. I'd like you to go back to your

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Grenville transcript, please.

5 MR. ADAIR: Excuse me. Sorry for closing the
barn door after the horse cart - horse is gone,
but I would say that that question my friend just
asked was terribly leading. This is
re-examination.

MS. LOMBARDI: I apologize. I should have
perhaps asked it in a - in a better way.
10 THE COURT: I - I'm not sure that was leading.
It's - there was a lot of cross-examination about
the state of mind of the witness...

MR. ADAIR: Your Honour....
THE COURT: ...and what he believed. I'm not
sure - I'm not sure it suggests the answer,
15 but...

MR. ADAIR: Your Honour - sorry.
THE COURT: ...the counsel seems to be willing to
not repeat that kind of question. So, you may be
right, the horse may be well running down the
20 road at this point.

MR. ADAIR: Yeah. The reason I raised it is not
because it doesn't - it isn't an appropriate
question that clarifies something that arose
in-Chief, but because it's leading.

25 THE COURT: I appreciate that.

MR. ADAIR: One cannot lead on re-examination.
THE COURT: I appreciate that. Well, counsel do
your best not to lead. I'm not sure I wholly
agree with that, but it - it's not open-ended
30 either. So, let's see where you go next.

MS. LOMBARDI: Okay. If we could please - thank
you, Your Honour.

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Q. If we could please move to the Grenville College transcript, which is in Exhibit 2 of the joint exhibit book, Volume 2 at Tab 61.

A. Is it joint exhibit book?

5 Q. Volume 2, Tab 61, is the Grenville Christian College transcript.

A. Yes.

Q. Do you have that?

A. Yes.

10 Q. So, I just want to look at the column to the left of the description of the courses outlined in this transcript. We see just starting from the top, 9, 11, 10, 9, 9, 11, 11, 10, 12. So we see...

15 THE COURT: Sorry, what page are you on, counsel?
I - I....

MS. LOMBARDI: I'm sorry. The transcript is at page - it's - it's the seventh page, if you're counting front and back.

THE COURT: I see. Okay. Yes, I found it.

20 MS. LOMBARDI: Q. Okay. So, those numbers in that column there, can you - do you know - it says, OAC 12 12, what those are referring to?

A. So, that would be nine, would be a class in Grade 9.

25 Q. And so, in 1989, which is the - the furthest column to the left - it says 89-01, then we see nine and then keyboarding and then we go over to your mark at 72. In 1989, what grade were you in at Grenville?

30 A. I was supposed to be in Grade 12. Or, sorry, no, Grade 11 - Grade 11. I'm sorry.

Q. And can you tell us why you're taking Grade 9, ten courses in Grade 11, or? So, if I can just draw your

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attention to...

A. I - I....

Q. ...the French classes...

A. Yeah.

5 Q. ...the Grade 9 French class. Why were you
taking a Grade 9 French class in Grade 11 at Grenville?

A. Should I guess, hazard a guess?

THE COURT: Don't - don't guess.

MS. LOMBARDI: Q. Do you know?

10 THE COURT: Don't...

A. I do.

THE COURT: ...if you don't know, the answer is,
I don't know.

A. I don't know.

15 THE COURT: All right.

MS. LOMBARDI: Q. Okay. My one final question
for you, Mr. Hale-Byrne. At the time of the recommendation that
you made to your friend with respect to his dyslexic son, did
you consider the acts at Grenville to be abusive or normal or
20 something else?

A. I think at that point in my life, I was
incredibly jaded because I normalized so much of Grenville,
blocked a lot out and also, I believed that I was all those
things at Grenville and I think it's a combination of that.

25 MS. LOMBARDI: Okay, thank you. Those are all my
questions.

MR. ADAIR: Your Honour, before the witness
leaves and I understand if my friend would
obviously - if you grant me what I'm going to ask
30 for a right to further re-examination. I have a
- a question for the witness that I forgot to put
- that I could read in from a discovery, but it

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wouldn't be as fair as putting it to him now and it is very important.

THE COURT: All right. Ask the question and I will open it up to counsel to re-examine if they wish.

5

CROSS-EXAMINATION BY MR. ADAIR:

Q. All right. The question that I want to ask is and I can tell my - Your Honour and my friends - if you go to.....

10

MR. ADAIR: Do - I am so sorry, Your Honour, do you now have a copy of the discovery transcript?

THE COURT: I don't believe I do. I have cross-examinations in 2/11 and 2/8, but I do not have the discovery transcripts files or as a reference.

15

MR. ADAIR: Well, perhaps what I could do - somehow, I guess we managed to make one less copy than was needed. What I can do is refer my friends to this. And I can hand up to the Court just without putting it to the witness yet until Your Honour rules. It's from his discovery page 9. Questions 37 to and including 40, and I'll pass this up for Your Honour right now. Oh, I got a - got it on a - some kind of electronic thing here, 37 through 40 and there it is, I've side barred it. If Your Honour wants to take a moment to read it. Question 37 is the important one. And if one goes back to question 8 one will see that we are talking about the very draft....

20

25

30

THE COURT: This is the draft that you were cross-examining on?

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MR. ADAIR: Yeah. And I wanted to put it to the witness for the purpose it was created given his evidence and I thought reading it after he's gone would not nearly be as fair as giving the opportunity to...

THE COURT: Yes.

MR. ADAIR: ...clear it and offer any explanation, so I would ask for permission to do that.

THE COURT: I agree.

MR. ADAIR: Thank you, Your Honour.

Q. Mr. Hale-Byrne, do you have the examination for discovery transcript in front of you?

A. Yes.

Q. And if you go to question 37, sir. And we are talking about the very draft that you and I have been reviewing today, the 126 page draft.

A. Mm-hmm.

Q. And the question was:

QUESTION: And one of the purposes at least - one the purposes of creating this document was to be able to refresh your memory?

ANSWER: Yes.

QUESTION: Through this process?

ANSWER: Yes.

QUESTION: And in the last few weeks or so, did you consult the latest version of this document

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to refresh your memory?

ANSWER: The last time I think I
read this was and it's not at
some point, it was before two
5 weeks ago maybe three weeks ago.

QUESTION: All right. And that
was to get ready for this
process?

ANSWER: Yeah. And then I meant
10 to read it again, but then I
ended up reading these and these
took so long. And so, I thought
and I was told that this was
more important.

15 Q. So, you - you saw those questions and
answers. And do you agree, sir, that this document, the one you
have repeatedly said was just your jottings and your notes and
prepared for yourself, was actually prepared in part at least to
20 refresh your memory for the litigation process?

A. No, because as I told you in the
cross-examination, I wasn't sure which draft this was. And
though - so the draft that I was looking at in preparation,
would have been a much later draft and like I said, I didn't
25 know which one this was...

Q. Well....

A. ...or how you'd obtained it.

Q. Well, sir....

30 A. So, initially there were initial - the very
first draft was, the purpose was to journal and collect my
thoughts and then as the time progressed there were further
drafts. And I don't - and I said - told you at the time, I

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didn't know which one this was or if it had been amended or changed in any way by anyone else between - between the time it came from me to you.

5 Q. Sir, go back to page 2 of that transcript, question eight:

QUESTION: All right. And I just received...

10 A. Sorry, I'm on the wrong page. What - what page are you on?

Q. Page 2 question 8:

15 QUESTION: All right. And I just received this late yesterday. Can you tell me, is this the document that you authored?

20 ANSWER: I obviously can't say it's a document that I've offered, all - authored, all 126 pages - but I have reported the document stolen to the Ontario Provincial Police.

25 Q. Do you see that...

A. Yes.

30 Q. ...question and answer? And do you agree, sir, that the document we've been looking at, your draft, is 126 pages?

A. Yes, because I - I looked at it when you gave it to me...

Q. Yeah.

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A. ...in the Court - in the Court reporting office and I noticed it was 126 pages.

Q. And my point is, that's the document we're talking about when I'm asked if you prepared it partly for the process of refreshing your memory in this litigation and you said, yes.

THE COURT: Mr. Adair, I think in fairness to the witness and to be clear about what we're looking at, if you go down on page 2 to line 11, there seems to be an exchange between you and the witness about the date, whether it's been updated. So, my question to you is, was the document that the questions in this transcript cover filed and marked for identification?

MR. ADAIR: I'm sorry, where is Your Honour?

THE COURT: So, looking at page 2 at line 11.

MR. ADAIR: Question 11 or line 11?

THE COURT: Sorry, question 11. My apologies, question 11. There appears to be an exchange at the bottom of page 2 and into page 3 between you and the witness. And the witness talks about the fact that there'd been several drafts, the date didn't change. So, my question just so that I can understand and in fairness to the witness, was the document that's the subject of these questions filed on the discovery so that it can be known exactly what it was that everyone was looking at? I don't know if it's what we were looking at earlier.

MR. ADAIR: It was produced to us and the transcript - or - or of the book at that time, the one we're talking about. There's only that

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one, that was the only one we got that was produced was that very draft which we have here today.

5 THE COURT: So, you have the draft and I heard evidence that there's a book. Do you have a book as well?

MR. ADAIR: No. Well, there's a - apparently some sort of soft cover book.

10 THE COURT: So, that - there's a published book and then there's this which is an unpublished document by this witness.

MR. ADAIR: Exactly.

THE COURT: All right. All right, thank you.

15 MR. ADAIR: Okay. Those are all the questions I have, thank you.

THE COURT: Thank you. Is - is there any re-examination based on that?

MS. LOMBARDI: No, Your Honour.

20 THE COURT: I have one question, Mr. Hale-Byrne. Yesterday you talked - you used the word, "exorcism."

THE WITNESS: Yes.

25 THE COURT: I don't know what that means in the context that you used it. Can you tell me what you meant by exorcism?

30 THE WITNESS: Charles Farnsworth would take students individually and collectively to a small chapel on the - near his office, it's not the main chapel. And he would perform an exorcism for the casting out of demons that were inhabiting people bodies. And in my case, it was he was casting out demons which were in my body

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because of unconfessed sin, which invited the demons into my body to cause the dyslexia. But they also had group exorcisms with the choir as well.

5 THE COURT: And can you explain to me what happens in order to cast out the demons?

10 THE WITNESS: He would speak to the demon that was inside of me not me directly and he would throw holy water around. He would jump around the room. He would speak in tongues. It - he was very emotional. He was yelling at and screaming at what was inside of me. If he threw holy water on me and I jumped that would be a negative reaction to holy water. It was - it was
15 a lot of drama.

THE COURT: Thank you for clarifying. Are there any questions arising from my question?

MR. ADAIR: No, Your Honour.

20 THE COURT: All right. Mr. Hale-Byrne, thank you very much. You're free to go. And we'll hand back the various volumes that have not been made exhibits for references.

25 MR. ADAIR: Well, they're - they're - Your - they're clearly not to be filed as exhibits or anything, but I'm - I'm wondering it may be - may well be that they'll be referenced to various things in final argument and I'm wondering if the Court should...

30 THE COURT: Oh, all right. Then perhaps we'll just keep them for reference.

MR. ADAIR: Yeah - yeah.

THE COURT: Madam Registrar will assist me.

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MR. ADAIR: Just to be able to refer to the parts
that matter.

THE COURT: Thank you.

MR. ADAIR: If necessary.

5 THE COURT: All right. Next witness?

ROSEMARY BARNES: AFFIRMED

EXAMINATION IN-CHIEF BY MS. MERRITT:

10 Q. Good afternoon.

A. Afternoon.

Q. Dr. Barnes, I understand that you are a
psychologist?

A. Yes, that's correct.

15 Q. And you received your Bachelor of Arts degree
from Colorado College in 1970 and did a Ph.D. at McMaster in
1976?

A. Yes.

20 Q. And between '76 -- sorry, '75 and '76 you
were a research assistant at McMaster?

A. Yes.

Q. And you did post-doctoral fellowship work at
the psychology department of the Clarke Institute in '76 and
'77?

25 A. Yes, that's correct.

Q. And you're currently registered with the
Ontario College of Psychologists?

A. Yes.

30 Q. All right. And I would like to talk about
some of the professional positions you've had. Between 1980 and
'86 you were a lecturer for the Canadian Back -- sorry, Canadian
Back Education Unit?

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A. Yes.

Q. And between '84 and '86 you were the staff psychologist for the AIDS screening clinic at the Toronto General Hospital?

5

A. Yes.

Q. And between '77 and '86 you were a staff psychologist at the self-harm assessment research and education program at the Toronto General Hospital?

A. Yes.

10

Q. And between '87 and '90 you were the coordinator for the AIDS/HIV infection support at Women's College Hospital?

A. Yes.

15

Q. And between '90 and '92 you were a consultant at the sexual assault care centre at Women's College Hospital?

A. Yes.

Q. And between 1986 and 1992 you were the chief psychologist at Women's College Hospital?

A. Yes.

20

MS. MERRITT: I apologize, Your Honour, I didn't specifically refer you to but, of course Dr. Barnes' curriculum vitae is in the exhibit brief if you wish to follow along there and not make the notes, I'm --

25

THE COURT: Would you just locate it for me? Which tab is it?

MS. MERRITT: It's the green book. We have extras if you need one.

THE COURT: Yes. I have it here. Thank you.

30

MS. MERRITT: Okay. So if you look to Tab 1 is Dr. Barnes' report, and then at Tab A is her CV.

THE COURT: Do you plan to file the CV as part of

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the record?

MS. MERRITT: I -- I would.

THE COURT: I'll leave it to you then, 'cause presumably you're not filing the expert report.

5 It's there as a matter of an aid to me.

MS. MERRITT: Q. And from 1992 to the present time you have been a psychologist in independent practice, correct?

A. Yes.

10 Q. I'll ask you a bit about your clinical experience in a moment, but with respect to academic appointments between 1981 and '83, you were a lecturer in the department of psychology at the University of Toronto?

A. The department of psychiatry, yeah.

15 Q. Sorry, department of psychiatry. Thank you.

A. Yes.

Q. And between '86 and '87 a lecturer at the Ontario Institute of Studies in Education, also known as OISE?

A. Yes.

20 Q. And between '81 and '88 a lecturer in the psychology department at York University?

A. Yes.

Q. And between '89 and '93 an adjunct faculty member in the graduate program in psychology at York?

25 A. Yes.

Q. And between '86 and '88 a member of the research committee in the department of psychiatry at the University of Toronto?

A. Yes.

30 Q. And between '84 and '92 an assistant professor in the department of psychiatry at the University of Toronto?

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A. Yes.

Q. And between '96 and 2000 an associate member in the graduate department of education at OISE?

A. Yes.

5 Q. And -- at U of T?

A. Yes.

10 Q. All right. And you've also had extensive community and government involvement over the last 35 years, including between '83 and '86 being a member of the advisory board sexual orientation and youth project in Central Toronto Youth Services?

A. Yes.

15 Q. And between '83 and '86 a member and consultant for the AIDS Committee of Toronto, known as ACT?

A. Yes.

Q. And between '85 and '86 a consultant with the Elizabeth Fry Society in Toronto?

A. Yes.

20 Q. All right. And in June of 1989, you became a Fellow of the Canadian Psychological Association?

A. Yes.

Q. Can you tell us what that is?

A. It's an honorary position that the association gives in recognition of professional achievement.

25 Q. So an award of sorts?

A. Yes.

30 Q. All right. And I understand that you've written extensively on a number of topics, and in the interest of time I won't take you through all of those, but I would like to just highlight a couple of things you wrote. One is an article published in the Canadian Journal of Psychology in 2006 on residential schools called "Impact on Aboriginal Students"

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Academic and Cognitive Development"?

A. Yes.

Q. And you've also written articles for -- for the Psychological Injury and Law Journal on the "Forensic Assessment of Adults Reporting Childhood Sexualized Assault Developmental Analysis as well as Risk, Resilience and Impacts"?

A. Yes.

Q. All right. And you also have an article published in Canadian Psychology on the "Indian Residential Schools in Canada: Persistent Impacts on Aboriginal Students' Psychological Development and Functioning"?

A. Yes.

Q. All right. And in doing that, what sorts of practices would you have been considering?

A. In --

Q. In writing that article on the persistent impacts on Aboriginal students' psychological --

A. I was considering the -- the conditions of the Indian residential schools and the -- looking at the -- the various aspects of the way that the schools operated, how it affected the students' psychological functioning. So, for example, the separation from parents for extended periods of time, the -- the racism in the schools, the exposure to maltreatment and trauma that many students experienced and so on.

Q. All right. And you've also given numerous presentations on various topics, including a number of presentations on forensic assessments of adults who report childhood or adolescent abuse and the long-term damages of childhood abuse?

A. Yes.

Q. All right. And now turning for a moment, if

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I may, to your clinical experience, your clinical experience, I understand it, includes cognitive and personality assessments and treatment of inpatients and outpatients referred from psychiatry, medicine, family practice disciplines as well as from sexual assault centres and neurology experts?

A. Yes.

Q. All right.

MR. BOGHOSIAN: Excuse me. We are prepared to accept the qualification of this witness. My friend and I had an email exchange last night about the slightly revised area of expertise qualification. I will likely have questions in my cross-examination on her qualifications, but we will accept her as -- as qualified to be the expert in the field that's been advised.

MS. MERRITT: All right, well, I'm almost done. I just had two more questions I wanted to ask, particularly in light of the fact that my friend is going to ask some questions on the qualifications, but I appreciate that concession.

MS. MERRITT: Q. So over the course of your professional career, Dr. Barnes, I understand you've assessed and/or treated hundreds of men and women who have experienced a variety of boundary violations and trauma-related issues, including sexual harassment?

A. Yes.

Q. Sexualized assault?

A. Yes.

Q. Childhood sexualized and physical assaults?

A. Yes.

Q. Domestic violence?

A. Yes.

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Q. And professional sexual misconduct?

A. Yes.

Q. And -- and psychological abuse?

A. Yes.

5 Q. And how often do you see a history of maltreatment in individuals with mental health problems that you've assessed or treated?

A. It's common among individuals who have mental health problems that there's some history of maltreatment.

10 Q. And you've conducted numerous expert assessments and reports for legal purposes on sexual harassment, sexual assault, physical assault, psychological abuse and childhood trauma?

A. Yes.

15 Q. And you've done assessments with respect to abuse in institutions such as schools --

A. Yes.

Q. Indian residential schools? Correctional facilities?

20 A. Yes.

Q. Group homes? Churches?

A. Yes.

Q. Scouting organization?

A. Yes.

25 Q. Children in the care of the Children's Aid Society?

A. Yes.

30 Q. And would those assessments include individuals who have suffered psychological abuse and/or physical abuse?

A. Yes.

Q. And in terms of the effect on children or

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impact, what can you tell us about the similarities, if any, between the impacts of sexual abuse, physical abuse and psychological abuse?

5 MR. BOGHOSIAN: Your Honour, isn't this getting to the substance of the testimony?

MS. MERRITT: Okay, I'm concerned that my friend may try to suggest that Dr. Barnes is a sexual abuse expert, as opposed to a psychological abuse expert, and if it's all the same thing, then that's part of her qualification.

10 THE COURT: So are you still qualifying, rather than looking at generally the actual opinion?

MS. MERRITT: Yes.

15 THE COURT: So perhaps the question should be more pointedly phrased in a way that it's clear it's drawing out -- rather than do people experience different or the same things if they have these kinds of abuse? That sounds more opinion. But have you seen in those different areas -- are those all areas of expertise for you?

20 MS. MERRITT: Q. All right. So would it be fair to say that you have expertise in the areas of dealing with the impacts of sexual abuse, physical abuse and psychological abuse?

25 A. Yes.

Q. All right. And you've been qualified as an expert on numerous times, including eight occasions in the Superior Court of Ontario or the Ontario Court of Justice?

A. Yes.

30 Q. All right. And I understand you've also provided psychotherapy treatment to individuals who attended the -- the Indian residential schools?

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A. Yes.

Q. And, of course, co-authored a paper on the psychological impact of what went on there?

A. Yes.

5

MS. MERRITT: All right. At this time I'd like the court to qualify Dr. Barnes as an expert in psychology, and in particular, the abuse of children, including institutional abuse and the impacts of childhood abuse, maltreatment and trauma. And I'd like to then mark her report as the -- or, sorry, her CV as the next exhibit.

10

THE COURT: I didn't quite get the whole statement. Qualify as an expert in psychology and particularly, abuse of children --

15

MS. MERRITT: Including institutional abuse.

THE COURT: All right.

MS. MERRITT: And the impacts of childhood abuse, maltreatment and trauma.

20

THE COURT: All right. Thank you. So the CV will be the next exhibit.

MR. BOGHOSIAN: Well, Your Honour, just -- just give me one moment 'cause that sounds a bit different from what my friend and I discussed last night.

25

THE COURT: Well, I -- I am definitely going to turn to you, Mr. Boghosian, and ask you if you have -- wish to cross-examine or make submissions on the statement that is being put forward as to what the expert evidence would consist of. But we've gone through the -- the CV, so I'll mark it.

30

MS. MERRITT: I think I wrote it exactly in an

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email to my friend last night. Perhaps he didn't see it.

MR. BOGHOSIAN: No, I did, and I responded. I just want to make sure and I pulled up the email and that is what we discussed last night and we will accept that qualification.

THE COURT: Thank you.

MR. BOGHOSIAN: I will have questions in cross-examination going to specifics of that qualification, but the overall qualification is not contested.

THE COURT: So the admissibility of the evidence is not contested, but you will test the weight and as to what it means?

MR. BOGHOSIAN: Correct.

THE COURT: All right. So -- sorry. All right. So the CV of Rosemary Barnes, Exhibit 14. Thank you.

EXHIBIT NUMBER 14: CV of Rosemary Barnes - produced and marked.

MS. MERRITT: Okay. I'm just wondering now, before I begin the actual opinion, would now be the convenient time to break for lunch? It just seems like a natural stopping point.

THE COURT: I think that -- that makes sense, rather than start for five minutes and go down again. All right. 2:30.

MS. MERRITT: Thank you.

R E C E S S

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U P O N R E S U M I N G:

5 THE COURT: Before we continue with the evidence,
I have one question for counsel by way of
clarification about the agreements as to the
duties. I was looking at this this morning and
in the agreement respecting duties of care,
10 Exhibit 3, the second page of the agreement, the
admission is styled as an admission of GCC. So
my question was whether as in relation to the
individual defendants are the existence of the
duties a matter in dispute, or is that a matter
of agreement and it just has not been reflected
15 in the agreement?

MR. ADAIR: I had actually not thought about that
and it's hard for me to think that the defendants
who were administrators would have any different
responsibility. I think we intended it to apply
20 to them as well.

THE COURT: That's helpful. Thank you. I just
thought I'd --

MR. ADAIR: Yeah.

THE COURT: -- make sure it was clear. Okay.

25 MR. ADAIR: Yeah.

THE COURT: Yeah.

MR. ADAIR: Thank you, Your Honour.

THE COURT: Thank you. Thank you. Ms. Merritt?

30 MS. MERRITT: Q. Dr. Barnes, you've been
retained to provide an opinion in this case?

A. Yes.

Q. And would you please summarize that opinion

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for us?

5 A. The -- my overview is that Grenville Christian College was clearly an institutional setting whose primary purpose was to foster child and adolescent development through education and boarding experiences. The school provided instruction for students who were all children or adolescents. The students who were residing at the school had ongoing contact with the staff for long periods of time, for months or years. As a result of this arrangement, the students were reliant on -- completely reliant during the time that they lived at the school on the staff -- the school's staff for care, protection, guidance, instruction and discipline.

15 The -- because of this arrangement, the -- the staff who acted inappropriately with students had an opportunity to do so on a number of occasions. Many -- many of the class members -- many of the students at the school experienced instance of maltreatment or trauma while attending Grenville Christian College, including physical abuse, sexualized abuse, cruel or inappropriate treatment, neglect of physical or mental health needs, and emotional abuse, including such forms of abuse as spurning, terrorizing, isolating or exploiting.

20 The -- to -- to the extent that individual students were -- or former students were subject to such maltreatment or trauma, these individuals are -- were at later risk for an increased likelihood of developing multiple psychological difficulties that might include problems in relational attachment, problems in psychological development, a variety of mental health conditions and negative changes in their life trajectories. The Grenville Christian College also functioned to a large degree as a total institution, where the -- the staff subjected many of the class members to coercive control.

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MR. ADAIR: To what?

A. Coercive control.

MR. ADAIR: Thank you.

MS. MERRITT: Q. Thank you. We're going to
5 unpack that quite a bit, but I just wanted to give a bit of an
overview. Dr. Barnes, I understand that in preparing your
opinion, you reviewed the statement of claim in this action and
you also reviewed affidavits of the following individuals:
Andrew Hale-Byrne, Lisa Cavanaugh --

10 A. Yes.

Q. Margaret Granger?

A. Yes.

Q. Richard Van Dusen?

A. Yes.

15 Q. Tim Blacklock and Don Farnsworth?

A. Yes.

Q. You also had an opportunity to review
transcripts of cross-examinations of a number of individuals,
and I'll just that list: Andrew Hale-Byrne, Annie Glynn, Byron
20 Ross Gilmore, David Webb, Don Farnsworth, Elizabeth Graham,
Katie Lee, Ken McNeil, Lisa Cavanaugh, Margaret Granger, Maureen
Graham, Richard Van Dusen, Robert Creighton, Rudolph Reindol,
Simon Best, Tim Blacklock and William Newell?

A. Yes.

25 Q. All right. And you also, I understand,
relied on professional literature in the -- in areas including
institutional abuse, child and adolescent development,
relational attachment, developmental psychopathology,
maltreatment, trauma and mental health conditions, and those
30 matters are -- have all been set out in your report, yes?

A. Yes.

Q. All right. What, if anything, did you rely

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on for defining and understanding maltreatment?

5 A. Well, for defining maltreatment I relied on the -- the document that's produced by the Ontario Children's Aid Society, the Ontario child welfare eligibility spectrum, the most recent edition that was available to me at the time, which was the 2016 edition.

10 Q. All right. And I would like to ask you some questions about the eligibility spectrum. Your Honour, I'm not sure if you're following along in the report, but this is addressed at page 17. Dr. Barnes, can you tell us what is the Ontario child welfare eligibility spectrum?

15 A. Yes, this is a document that was developed by the Children's Aid Societies in Ontario for the purpose of providing guidance to front-line workers who have to make decisions about whether children should be taken into care because they -- their -- their caregivers are not providing adequate care.

20 Q. All right. And what purpose does the spectrum serve?

A. The spectrum helped -- helps to or defines in very specific terms various forms of maltreatment and lays out guidelines for how to judge the severity and when to make decisions about taking a child into care.

25 Q. And when you say taking a child into care, can you just explain what that -- what you mean by that?

A. I mean that they -- the child would be removed from their -- from their -- their family or other caregivers and taken into the custody of the Children's Aid Society.

30 Q. All right. And how was the spectrum developed?

A. It was developed based on the -- an extensive

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review of the professional literature and also input from a number of front-line workers. It's been revised a number of times over the years.

5 Q. All right. And why is the spectrum an appropriate tool for defining and understanding maltreatment for our purposes?

10 A. It's helpful in providing definitions of various forms of maltreatment and also in terms of providing some -- some means for evaluating the seriousness of incidents of maltreatment or patterns of maltreatment.

Q. Thank you. Do you have a copy of the spectrum with you?

A. I do.

15 MS. MERRITT: Okay. I think David said he has it, but -- Your Honour, I am going to refer to the spectrum and I'm wondering if I can have the spectrum marked as an exhibit.

THE COURT: Fifteen.

CLERK REGISTRAR: Exhibit 15, Your Honour.

20 MS. MERRITT: Thank you.

EXHIBIT NUMBER 15: Spectrum document - produced and marked.

25 MS. MERRITT: Q. Turning for a moment -- I'll come back to the spectrum in a little bit, but turning for a moment, Dr. Barnes, to the idea of institutional abuse, can you -- Your Honour, this is at page 18 and 19 of the report. Dr. Barnes, how, if at all, does institutional abuse differ from
30 other forms of abuse?

A. Oh, the -- the term institutional abuse is used to describe abuse that takes place in some kind of a -- an

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5 organized setting and it's used to distinguish this kind of
abuse from abuse that takes place in a family setting, for
example, or in a more public or informal setting, such as a
stranger in a park or an assault in a shopping mall or other --
other kinds of settings where children might be mistreated in
some way.

Q. And what are the important features of
institutional abuse?

10 A. The important features of institutional abuse
are that the -- the children -- and I guess when I say children
I'm also meaning to include adolescents as well. I'll just
maybe say that for -- for the sake of brevity when I -- I'm
talking, that -- that in institutional settings children are
usually involved in the institutions because there's -- the
15 institutions are -- have been developed to promote child
development in -- in some way in the domains of -- of intellect,
cognitive development, emotional development, social
development, physical development, and so on.

20 The -- typically when children are involved in an
institutional setting, the involvement is on an ongoing basis
and during the time the child is involved with the institutional
activities or program the child is typically in the care of
adults, not -- not their parents or family members, but other
adults within the institution who are responsible for
25 supervising the child's care. These -- in institutional
settings, typically the involvement with other adults is on an
ongoing basis over -- as children are often involved in the
institutional settings over an extended period of time, for
example, with schools or churches or sports organizations. As a
30 result of the -- of this ongoing involvement with the -- with
the adults in the institution, they -- there are many
opportunities for adults who behave inappropriately with

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children to behave inappropriately with the children who are engaged in the institutional setting.

Q. Thank you.

5 A. Oh, maybe I can just mention one other thing, that during the time that the children are involved in the institutional setting, they're away from -- typically away from their parents and thus reliant on the supervising adults for care, protection, guidance, instruction and discipline during the time that they're engaged in the activities of the
10 institutional setting.

Q. All right. And what's the significance, if any, of the ongoing contact between the child and the -- the perpetrator of the maltreatment in the institutional context?

15 A. Well, the -- as I was just mentioning a few minutes ago, because of the -- in many of the institutional settings they -- the child's in the care of the supervising adult at the institution over extended periods of time, so there are a number of opportunities for an adult who's acting inappropriately to -- to do so during the period of the child's
20 involvement. It's also -- well, and the child -- the child is in that time relying on the adult for, as I said, the care, protection, guidance, and so on, and so the adult is particularly important. It's different from an adult who's a random stranger in that way.

25 Q. Thank you. And do -- do children or adolescents who are abused by an adult in some way typically immediately disclose that fact?

30 A. No, children who have been abused by an adult usually do not immediately disclose the experience and there -- there are a variety of different reasons why they -- why they don't. For one -- one -- so I'll just go through some of the reasons. The -- for one, the -- the young person often blames

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him or herself for the actions of the adult. They feel that they have been involved in some kind of wrongdoing and they are reluctant to disclose that to -- to other adults for fear that they'll be seen as in -- in the wrong and perhaps even punished.
5 The -- the adult themselves may have instructed the young person -- the adult who's perpetrating the abuse may have instructed the young person not to disclose to other people and even promised rewards or threatened -- threatened something upsetting to the child if they do disclose.

10 The young person -- another reason is that the young person may fear being shamed, humiliated or not believed if he or she does disclose to other people, so he -- will be reluctant to disclose for that reason. The young person may also fear that if they disclose, they'll lose some care or
15 relationship that they're relying on or have found valuable to them in some way because the adult supervisors may be providing things that the young person finds helpful or beneficial or necessary at the same time that they are subjecting the young person to maltreatment. The -- and finally, the -- the young
20 person may feel too confused or emotionally overwhelmed to feel able to disclose. They may feel that they'll break down or be completely overwhelmed and if they -- if they try to bring this up with someone else.

25 Q. And -- and what happens as a consequence of the non-disclosure in some instances?

A. Well, the -- the non-disclosure can -- can mean that they -- that the adult who's involved in the maltreatment has an opportunity to continue with the maltreatment over an extended period of time, may even be
30 perceived by others as being particularly beneficial to the child or --

Q. What are the increased risks, if any, for a

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child who has been institutionally abused?

5 A. There -- the institutional abuse places the
an affected child or adolescent at risk for a variety of
psychological disturbances. There's first the -- the distress
that may be cause by the abusive incident itself. And there are
also a number of complicated ways in which the abuse
detrimentally -- can detrimentally affect the relationships and
experiences that the child should be having that are critical to
10 or adolescent is young and still maturing, they're unlikely to
disclose the abuse experiences and less than likely to receive
immediate relief or help. Institutional abuse or the impacts of
institutional abuse can persist for a long time after the time
of the actual abusive instances -- incidents, and in many cases
15 they can alter the young person's later life trajectory for the
worse.

Q. I'd like to ask you some more questions about
impact in a moment, but for now I'd like to ask you this: would
Grenville Christian College qualify as an institution in terms
20 of the use of that phrase in the context of institutional abuse?

A. Yes. It was clearly an organization that was
devoted to children's development and education. The students
who were residing at the school had contact with -- were in the
care of adults other than their parents for extended periods of
25 time and -- and were reliant on those adults at the -- the
school staff for care, protection, guidance, instruction and
discipline for extended periods of time and --

Q. I'd like to ask you now some questions about
the features of a total institution. Your Honour, this topic is
30 addressed at the report at page 20 to 22. Firstly, can you tell
us how a young person -- a child or adolescent's life is
governed or overseen in a total institution?

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5 A. In a total institution there's a single authority that has control over all aspects of a person's life, so it's something to be distinguished from other institutional settings in the sense that if a child goes to school, for example, they go home and they're -- it's not a boarding school. They go home and they're with their family. If they're involved in a sporting organization, they go home and they go to school. They're with -- they're with their family. In a total institution, every aspect of the child's life, work, play and
10 sleep, is under the governance of the single institution.

15 Q. All right. And I understand that in preparing your report you also reviewed and made reference to a document prepared by the Law Commission of Canada called Restoring Dignity. Can you tell us a little bit about what that's about?

20 A. Yes. The Restoring Dignity was a Law Commission report that investigated institutional abuse in Canadian government-run total institutions that included schools for the deaf and blind, orphanages, training schools, Indian residential schools, reformatories and mental institutions.

Q. And what typically would be the living arrangements for a child in a total institution?

25 A. In a total institution, the children live separated from their parents and families for extended periods of time and therefore, as I was mentioning before, completely reliant on the institutional staff for their care, guidance, protection, instruction and discipline.

Q. And how are children socialized in a total institution?

30 A. Well, the law commission investigation found that total institutions -- included as part of their definition of total institutions those that were attempting to re socialize

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5 students by instilling new rules, skills or values, using
practices that included breaking down the barriers that
ordinarily separate the work, play and sleep. And they -- they
noted that in total institutions, and I'm quoting now from the
Law Commission report:

10 Those in charge hold all formal
power. Rules govern almost all
aspects of daily life and
residents have little to say
about how these rules are
administered. More dangerously,
15 life inside institutions may at
times be governed by more by
arbitrary and unpredictable
orders than by established
rules. In such a situation, the
possibility of effective
20 protests or appeals is
inhibited.

Q. And what are the conditions experienced by
children in a total institution?

25 A. Well, the Law Commission report noted that in
-- in the total institutions that they investigated that they
these institutions all tended to impose conditions of
disconnection, degradation and powerlessness on the children in
their care.

30 Q. All right. And I'd like to ask you now some
questions about how all of this applies to our situation here at
Grenville. Was Grenville Christian College a single authority?

A. Yes. Now, from the documents that I

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reviewed, the -- Grenville Christian College functioned as -- as a single authority in relation to the students' lives.

Q. All right. And were the students isolated?

5 A. Yes, the students who resided at Grenville Christian College were living separated from their parents and families for extended periods of time.

Q. And were the students re-socialized?

10 A. Yes, the -- all of the students were expected to conform to the Grenville Christian College rules and staff direction. They -- the -- the documents that I reviewed indicated that the students described the staff as very closely involved with every aspect of their day and night time routines. Several of the former staff described -- also described the staff as closely involved with students and the students and staff together as forming a close-knit community. Both the
15 former students and staff describe the staff as having high expectations for good behaviour and employing strict discipline for the purpose of socializing the children to adhere to the Grenville Christian College staff views concerning values and
20 behaviour. And several of the -- several of the individuals mentioned the -- that the school staff encouraged the students to submit to God's will as interpreted to them through the -- by the staff.

25 Q. Thank you. And can you tell us, what is the significance, if any, of the physical location of the school?

A. The school was in a rural location which made it very difficult for students to leave the school or have contact with other adult authorities outside of -- their families or adult authorities outside of the school without the
30 assistance of school staff.

Q. And to what extent, if any, did Grenville Christian College impose conditions of either disconnection,

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degradation or powerlessness on the students?

5 A. The -- the reports that I read indicated that many former students described living in a state of constant fear while they lived at Grenville Christian College. They experienced the staff as administering punishment that was arbitrary, unpredictable, unjustified or excessively harsh. And as a result of these experiences, many of the students felt very -- extremely disconnected, degraded and powerless.

10 Q. And what, if any, psychological barriers were there to the students either leaving or communicating with parents or other adult authorities when they were either at or away from Grenville?

15 A. The -- well, many -- many of the former students reported very significant barriers the -- to communicating with their parents either while they were at the school or while they were even -- when they were visiting with their parents during summer breaks. The -- many former students reported that staff had told them that they were sinful and they deserved the punishment that they had received at the school, 20 that they were not to tell their parents about the school punishments, and the school -- school staff -- some former students reported that school staff had threatened them with severe consequences, for example, an inability to attend university, occupational failure, homelessness, or burning in 25 hell if they returned -- if they failed to return to the school or to comply with staff directions.

30 The plaintiffs -- the former students were also aware that Grenville Christian College was visited by the Anglican bishop and other respected authorities and they may have likely perceived these visits as a public endorsement for the Grenville Christian College staff practices. Another reason was that several of the former students report being quite aware

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5 that their parents had paid substantial sums of money for their private school education and they felt guilty about failing to meet their parents' expectation and perhaps their own expectations of success in the school environment. Some -- some individuals did -- some students did try to talk to their parents about their dislike of Grenville Christian College or the disturbing staff practices, but they found that their parents were unresponsive to their concerns, that they didn't believe that their concerns were that serious or they encouraged
10 the -- the child to stay at the school despite the -- the child's unhappiness or distress.

The -- several -- several of the students mentioned that the staff monitored -- while they were at the school that the staff monitored their communications with their
15 parents, both their phone calls and their letters, and required them to give only positive descriptions of their experiences at the school. So all these -- all these were barriers to being able to communicate with parents about their experiences.

20 Q. And is the re-socialization related to the Grenville Christian College staff commitment to the Community of Jesus, and if so, how?

A. Yes, the -- from the documents that I read, it sounded like the -- the -- description was that the staff were very involved -- required to be very involved with the
25 Community of Jesus in terms of their own personal lives, that they had dedicated themselves to the Community of Jesus teachings and practices and that they expected the -- the students to -- to adopt the values and outlook of the Community of Jesus.

30 MR. ADAIR: Sorry, expected the students to --

A. Adopt the --

MS. MERRITT: Adopt the values.

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A. Adopt the -- the values and outlook of the Community of Jesus.

5 Q. What is the concern, if any, about the staff being closely involved with all aspects of the students' lives and focusing on ensuring the -- the students' good behaviour?

10 A. Well, the -- that kind of close staff involvement, it could be -- could be a positive thing to have have adults who are really taking an interest in how the students are doing and being very involved in their lives. And it's possible that that could have been a positive and maybe at times was a positive influence at Grenville Christian College. But what was problematic was that the students -- the former students require -- described many instances where the staff provided care, instruction and discipline that was -- in a way
15 that was inappropriate rather than in a way that was appropriate. The former students reported indications that the staff subjected them and other students to repeated, varied and severe forms of maltreatment and trauma.

20 Q. And what, if any, commonality was there in the total institutions investigated by the Law Commission in terms of emotional harm?

25 A. Well, as I was mentioning earlier, the -- the conditions that the Law Commission identified as being present in the total institutions that they investigated, that is, the conditions of disconnection, degradation and powerlessness, these conditions are all aspects of emotional harm and it's a form of maltreatment that's been widely researched and is clearly defined in the child protection laws and policies.

30 Q. And what is the significance, if any, of disconnection, degradation and powerlessness?

A. Well, the -- the Law Commission points out that -- that even when these -- these conditions, disconnection,

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5 degradation and powerlessness, are not experienced by every
child, that these kinds of conditions facilitate and perpetuate
the infliction of abuse, including physical and sexualized abuse
and they are -- what the Law Commission says in their report,
and I quote, is that:

10 Once the sense of unchecked
power of those in authority is
firmly established, an
atmosphere of insecurity and
fear pervades the institution.
Children do not have to
15 experience arbitrary or
excessive punishment to want to
avoid it. They just have to
witness enough of it to
understand that they could be
next.

20 Q. And does this apply to Grenville Christian
College, and if so, how?

A. Yes, the -- many of the students who were
living at Grenville Christian College experienced the staff as
administering punishment in ways that were arbitrary,
25 unpredictable, unjustified and excessively harsh, and that led
them to experience severe disconnection, degradation and
powerlessness.

30 Q. And I'd like to ask you some questions about
conditions of captivity and coercive control. Your Honour, this
is discussed at -- at pages 23 and 24 of Dr. Barnes' report.
Let's start, Dr. Barnes, if you would, by explaining to us what
are conditions of captivity and coercive control?

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A. Okay. Well, the -- whether either by design or by happenstance, institution can -- institutions can operate in ways that subject the children in their care to what are, in effect, conditions of captivity and coercive control.

5 Correctional facilities are clearly designed to -- to hold the residents within the correctional facility and designed and operated to confine and control the residents.

10 However, children or adolescents who are residing in other types of institutions are often unable to leave or communicate concerns due to their immaturity and dependence, and sometimes due to the physical location of the facility. And in this kind of total institutional setting, the children and adolescents who reside in the setting are, in this sense, captive and thus easily subject to coercive control for the
15 period of their stay.

Q. Has coercive control been studied?

A. Yes, the -- coercive control has been studied in a variety of situations of captivity, including prisons, concentration camps, families where a spouse or parent is highly
20 controlling and abusive, and religious cults.

Q. And what are the -- the psychological implications of coercive control?

A. Well, the -- the psychological interactions between the perpetrator and the victim are broadly similar
25 across these various kinds of situations of captivity and coercive control. The -- for the individual who's in captivity, the perpetrator becomes the most powerful person in the victim's life and heavily influences the victim's psychological functioning. The perpetrators typically establish coercive
30 control over the victims by -- by means of repeated infliction of psychological maltreatment or trauma for the purpose of instilling terror and helplessness and destroying the victim's

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sense of self in relation to others.

Q. And how, if at all, does this apply to Grenville Christian College?

5 A. Well, the -- the Grenville, as I -- the Grenville Christian College staff practices subjected many of their students at the school to this form of coercive control by subjecting them to maltreatment or trauma, including physical abuse, cruel or inappropriate treatment, neglect of physical or mental health needs, sexualized abuse, and multiple forms of
10 emotional harm.

Q. Are rewards ever part of coercive control?

15 A. Yes, in -- that's another feature of these situations of captivity and coercive control. The perpetrator may use intermittent, unpredictable rewards to persuade the victim to maintain a connection to the perpetrator in spite of the maltreatment and trauma -- trauma and degradation inflicted by the perpetrator. And specifically at Grenville Christian College, the -- the staff -- several of the former students mentioned that the staff occasionally showered students with an
20 outpouring of gifts and affection that one -- one person described as a love bomb. And this -- at Grenville Christian College this practice may have helped the staff to maintain the appearance of providing affectionate care and also encouraged the staff members to -- sorry, the students to -- to view the
25 staff as sources of both affection and care as well as fear and punishment.

Q. You understand, Doctor, that there were no fences or they weren't actually held captive there?

30 A. No, I'm using captivity in the sense that I understand that there were no fences, that it was not a prison situation, there were no guards. But I'm -- I'm saying that the students were in effect captive because of the geographical

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location of the institution and their own immaturity and dependence on staff care.

5 Q. Okay. Thank you. We've heard evidence that students were required to disclose the misbehaviour or misdeeds of their peers or that students joined with staff in disparaging other students. What would be the effect of these sorts of practices?

10 A. Well, these sorts of practices are typical of another third aspect of conditions of captivity and coercive control. The -- in these kinds of situations, the perpetrator might heighten his or her domination and control by forcing the victim to behave in ways that violate the victim's moral values or significant human attachments. So when -- when exposed to coercive control for extended periods, the victim often submits
15 to such violations of their values and relational attachments and often experiences a high degree of shame and self-loathing for doing so, and these kinds of circumstances can leave the victim feeling completely broken by the perpetrator.

20 So the practices that you were mentioning at Grenville Christian College where the staff required students, and especially the student prefects, to participate in practices that at least some of the students found to be a violation of their own values or relationships that were important to them, these kinds of staff expectations of the students were
25 distressing to the students and -- and was -- is an example of this -- this kind of forcing the student -- or forcing the victim to violate their own moral codes or relational -- behave poorly in relation to significant people in their lives.

30 Q. I'd like to now ask you some questions about childhood abuse and neglect and its consequences and -- and we'll start maybe with some definitions first. Your Honour, I'm now, for your reference, at page 24 to 25 of the report. Dr.

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Barnes, what is child maltreatment?

A. Child maltreatment is generally identified as sort of broadly the four different categories of -- of abuse. Physical -- physical abuse, sexualized abuse, neglect and psychological maltreatment or emotional maltreatment.

Q. Does the Ontario Children's Aid Society definitions contain anything other than those four?

A. They also mention -- the Ontario Children's Aid Society definitions also list cruel or inappropriate treatment as a form of maltreatment and they use some -- they use the term emotional harm rather than psychological maltreatment.

Q. All right. And what is the recognized difference, if any, in the impact of physical abuse, sexualized abuse, neglect or psychological maltreatment?

A. Well, the -- the current research indicates that really all of these forms of maltreatment are generally equivalent in terms of their impact so there's not any one form of maltreatment in -- in a general sense that's more likely to be harmful than any other. They're all equally harmful.

Q. And --

A. Or equally likely to be harmful.

Q. Thank you. And what, if anything, makes emotional harm unique?

A. Well, emotional harm is sometimes overlooked or minimized as a distinct and serious form of maltreatment. It's -- unlike physical abuse or neglect, it doesn't cause physical injury, and unlike sexualized abuse, it doesn't break a social taboo. It can be covert and difficult to detect. However, despite all of -- despite these differences, the research currently available indicates that emotional harm is likely equivalent to physical abuse, sexualized abuse or neglect

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in the extent to which it increases risk for later psychological difficulties.

5 Q. I notice, Doctor, that you corrected yourself or -- or clarified something you said about increasing the risk of difficulties, as opposed to causing difficulties. Can you just take us through that distinction?

10 A. Yes. I'm talking about increasing the risk because the -- for any one individual there are many different factors that will influence the -- the presence or absence and the severity of psychological difficulties that they experience as a result of being subject to maltreatment or trauma.

15 Q. Thank you. And so then what is the impact of more frequent, more severe, more prolonged maltreatment, as opposed to lesser forms of those things?

20 A. Well, the -- among individuals who have been exposed to maltreatment, the more -- the more frequent their exposures have been, the more severe the incidents or the more prolonged -- the longer the period of time over which the individual was exposed to maltreatment, the greater the risk that the individual will experience later psychological difficulties.

25 Q. Thank you. And what, if any, is the impact of a child experiencing different forms of maltreatment, as opposed to just one?

30 A. The -- the studies of adults who report having experienced maltreatment in childhood indicate that the more different forms of maltreatment that an individual has experienced, the more likely they are to develop psychological difficulties and the more severe those psychological difficulties are likely to be. And it's a broad range of possible -- when I talk about psychological difficulties, there's a very broad range of difficulties that can develop.

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There can be what are called internalizing problems with withdrawal, physical symptoms, anxiety and depression, or externalizing problems with -- so, for example, problems with breaking rules, behaving aggressively or antagonistically, being disruptive with peers, and so on.

5 Q. All right. And I'd now like to ask you about trauma. And, Your Honour, this is addressed in Dr. Barnes' report at page 25 and 26. Let's start, Dr. Barnes, what is trauma?

10 A. Oh, the -- I'm -- when I talk about trauma I'm speaking about kinds of experiences that are described as traumatic in the DSM 5, which is the -- the mental health diagnostic manual that's widely used. The DSM 5 definition of trauma is exposure to threatened or actual serious injury, 15 witnessing serious injury or violence, or developmentally inappropriate sexualized experiences, even if there has not been any threatened or actual injury or violence.

20 Q. So the DSM 5, I just want to clarify that. You said it's a mental health diagnostic manual. Who publishes that?

A. The American Psychiatric Association.

Q. All right. And is that sort of similar to the DSM 4, only the DSM 4 is for --

25 A. It's the most recent edition. It's the -- it's the -- the latest version of the DSM. The DSM 4 was the earlier version, yeah.

Q. Okay. Thank you. Just some of us may be more familiar with the earlier one. What risks, if any, are increased by exposure to trauma?

30 A. Well, exposure to trauma, especially at a young age, increases the risk for disrupted psychological development, a poorer developmental trajectory and multiple

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later psychological difficulties, post-traumatic stress disorder, but also a variety of other kind of psychological difficulties.

5 Q. What, if any, other factors increase the risk for post-traumatic stress disorder or other psychological difficulties?

10 A. Well, the -- the risk for psychological difficulties is higher when the person has experienced more severe trauma or a larger number of traumatic events. The risk for later difficulties is higher when the trauma has been inflicted by another person, as opposed to trauma that's experienced as a result of a natural disaster, for example, a hurricane or an earthquake.

15 The risk for later psychological difficulties is higher if the trauma is inflicted not only by a person but by a trusted person, as opposed to trauma that is inflicted by a strange person or an unknown person. The risk for later psychological difficulties is higher if there are multiple perpetrators have initiated traumatic trauma against the victim.
20 The risk for later psychological difficulties is higher if the traumatic -- if the trauma is associated with violence, injury or physical intrusion.

25 The risk of psychological difficulties is higher if the traumatic events extend over a longer period of time, as opposed to being relatively short in duration. The risk for later psychological difficulties is higher if the individual associates a negative or disturbing meaning with the traumatic experience.

30 Q. Can you give us an example of that?

A. The -- an example would be that an individual who is sexually assaulted believed -- if a young woman who is sexually assaulted believed that she was -- had -- was immoral

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and not a virgin and that her life was therefore ruined and would be completely different as a result of this experience. That would be an example of the meaning that would be highly disturbing and would increase the risk of later psychological difficulties.

5

Q. And --

A. And then finally, the last thing that I wanted to mention is if there's --

Q. Sorry.

10

A. -- a lack of support from others in relation to the trauma, that lack of support is associated with a greater risk for later psychological difficulties.

15

Q. All right. Thank you. I'd like to now turn to some of the abuses that the former students at Grenville Christian College say that they have endured, and this, Your Honour, is at page 26 of Dr. Barnes' report. Let's start first, Dr. Barnes, if we can, with physical abuse. What is physical abuse?

20

A. Physical abuse involves -- well, and I'm going closely with the -- the definitions that have been given by the -- the Ontario Children's Aid Societies. It involves the use of either generally acceptable -- a generally acceptable mode of physical punishment, but in a way that's overdone, prolonged unduly or involves excessive force. Or it can be --

25 involve -- physical abuse can involve the use of generally unacceptable or inappropriate modes of physical punishment, such as a continual or lengthy beating, shaking, slapping, flipping or hitting with a fist.

25

30

Q. We've heard evidence that some students were hit with a paddle, a wooden instrument. Would that constitute physical abuse of a child?

A. Yes, that -- a paddle that was hard enough to

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-- yes, that would constitute physical abuse.

Q. All right. And I'd like to ask you then about cruel or inappropriate treatment. And I guess my first question is what is cruel or inappropriate treatment?

5 A. Well, the -- the -- the Children's Aid Society document gives a number of examples of cruel or inappropriate treatment. The ones that I focused on in particular because they seemed most relevant to the information that I had to review was -- involved the child labour and also
10 students being required to -- to exercise to the point of being physically exhausted, ill or in physical pain.

Q. We've heard some evidence about being required to pull rocks from the ground with bare hands or scrubbing a dumpster with a toothbrush or cutting grass with
15 scissors or picking up leaves one by one. Would you consider that cruel or inappropriate treatment?

A. Yes.

Q. All right. And you've said a -- a few times now the term sexualized abuse. Can you tell us why you use the
20 term sexualized abuse?

A. Well, I've used the term sexualized because I -- I realized when I was doing this work that -- that people -- and also from reading in the -- in the literature that -- that often people described what had taken place in the context of
25 this sexualized assault using the language that is used in consensual adult sexual relations, so they would talk about hugging or kissing or that sort of thing. And what I -- from what I read and was thinking about I realized that such language creates the impression that what -- what's happening is
30 consensual and mutually gratifying in -- in the way that sexual relations between consenting -- willing and consenting adults is mutually gratifying. So what I've -- I've tried to change my

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own language to reflect the fact that a child's experience is often -- is -- when an adult initiates sexual behaviour with them is quite a bit different from the experiences of an adult entering into a consenting sexual involvement. And I've -- so
5 -- and one way of trying to change the language that I've used, I've decided to use the term sexualized assault to emphasize the fact that this is not a sexual interaction in the way that sexual interactions occur between willing and consenting adults and are mutually satisfying and gratifying.

10 Q. Thank you. I understand the distinction now. We either have heard or may hear -- and when I say may hear, I'm putting this now to you as a hypothetical subject to be proven by facts not yet proven, evidence to be called in the -- by future witnesses. But I'd like to give you a list and then ask
15 you if, in your opinion, this would constitute sexualized abuse. Requiring children to make confessions about sexual -- children or adolescents, of course -- confessions about sexual thoughts or activities, comments to the effect that women or girls are sexual temptresses and responsible if they are assaulted,
20 punishing appropriate interest in the opposite sex in the age of adolescence, for example, or -- or questioning children or adolescents in detail about their sexual activity?

A. Yes, those would be instances of sexual abuse.

25 Q. Thank you.

A. Sexualized abuse, yes.

Q. Now, I'd like to turn, if I may -- or unless Your Honour intends an afternoon break, this is a slightly new topic. Or I could --

30 THE COURT: Perhaps we'll take a -- a five-minute health break just to give everyone a chance to stretch.

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R E C E S S

U P O N R E S U M I N G:

5 MS. MERRITT: Q. Thank you, Your Honour. Dr. Barnes, I'd like to now ask you some questions about neglect of physical or mental health needs. What -- what is -- oh, Your Honour, that's at page 29 and 31 of Dr. Barnes' report. Dr. Barnes, what is neglect of physical and mental health needs?

10 A. Neglect of physical and mental health needs involves harming a child physically or emotionally or placing a child at risk for physical -- or emotional harm, either by failure to inadequately -- failure to adequately care for, provide for, supervise or protect the child, or due to a pattern
15 of neglect in caring for or providing for or supervising or protecting the child.

Q. And where does that definition come from?

A. That comes from the Ontario Children's Aid Society eligibility child welfare -- eligibility spectrum.

20 Q. Thank you. And we've heard some evidence that there were some teachings to the effect that health problems are caused by sin or performance of an -- an exorcism for a learning disability and we -- we may, in fact, hear some evidence about working in unsafe conditions. In your opinion,
25 would each or any of those constitute neglect of physical or health needs?

A. Yes, any of those would constitute neglect of physical or health needs.

30 Q. All right. And now I'd like to ask you about emotional harm. Your Honour, this is at page 31 to 36 of the report. Dr. Barnes, what is emotional harm?

A. Emotional harm involves a repeated pattern of

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caregiver behaviour or extreme incidents that encourage the individual to believe that he or she is worthless, flawed, unloved, unwanted, endangered, or of value only in meeting another's needs. The caregiver behaviours that constitute emotional harm include spurning, terrorizing, isolating, exploiting, denying -- or denying emotional responsiveness.

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Q. I actually want to stop you there for a second and take you to Exhibit number 11 -- no, sorry, 16. Fifteen. That's the eligibility spectrum, Dr. Barnes. And specifically I'd like to have you turn to page 58 of the eligibility spectrum so we can go through some of these things. If we could start -- this is the large pink box on page 58. Have you got that in front of you, Dr. Barnes?

Okay. Thank you. Can you start by reading for us the first three paragraphs -- sorry, if you just turn back to page 57, this is caregiver causes and/or caregiver responses to child's emotional harm or risk of emotional harm, so we're talking here about emotional harm. Can you read the first three paragraphs in the pink box at the top of page 57?

A. Okay.

Although some degree of emotional harm underlies all types of maltreatment, emotional maltreatment is not an isolated incident. Rather, emotional or psychological maltreatment is a pattern of negative behaviours or repeated destructive interpersonal interactions by the caregiver to the child. Emotional harm can be the most

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5 difficult type of harm to define
 and clinical concern may precede
 legal intervention. A repeated
 pattern or extreme incidents of
 the conditions described below
 constitute psychological
 maltreatment.

10 Q. All right. Can we then go through each of
 those headings, the first one being spurning (hostile
 rejecting/degrading). Can you tell us what that is?

15 A. Spurning includes -- well, I'm just
 continuing to -- to read here [indiscernible]. In the -- in the
 CAS documents, spurning includes verbal and non-verbal caregiver
 acts that reject and degrade a child. I've -- in my report have
 gone a little bit further. I describe this a bit further,
 including -- spurning includes the caregivers belittling,
 degrading or other forms of overtly hostile or rejecting
20 treatment; caregivers shaming or ridiculing the child for
 showing normal emotions, such as affection, grief or sorrow; the
 caregiver consistently singling out one child to criticize and
 punish, to perform most of the household chores or to receive
 fewer rewards; or the caregiver exposing the child to public
 humiliation.

25 Q. And we've heard evidence in this case so far
 that there were public light sessions or assemblies where a
 child would be stood up and made an example of for breaking
 rules or having a bad attitude or, in one case, for wetting the
 bed. Would that be an example of spurning?

30 A. Yes.

 Q. All right. And we've heard also that
 students were typically disciplined by being denied the

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5 privilege of wearing the school uniform, being not allowed to attend classes, having to sleep in separate quarters, not being allowed to communicate openly, talk to their -- their peers and such, and would those practices of being placed on discipline in that matter be an example of spurning?

A. Yes.

10 Q. And there were examples or we've heard evidence of a practice of -- of putting people on silence, some or many. Would that be a -- so they're not allowed to speak or be spoken to. Would that be an example of spurning?

A. Yes.

15 Q. All right. Thank you. Just a moment, if I may. Sorry about that. The -- the next heading here, Dr. Barnes, is -- is terrorizing. Can you read that for us?

A. (Reading):

20 Terrorizing includes caregiver behaviour that threatens or is likely to be -- to physically hurt, kill, abandon or place the child or the child's loved ones or objects in recognizably dangerous situations.

25 And I talked about terrorizing in my report as including placing a child in unpredictable or chaotic circumstances; setting rigid or unrealistic expectations with the threat of loss, harm or danger if they are not met; and threatening or perpetrating violence against a child.

30 Q. Now, we've heard some evidence in this case that there were private light sessions where -- where children were taken out of bed or at least one child was taken out of bed

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-- I think we'll hear more of them -- and confronted in a in
an aggressive manner about their wrongdoings or sins. Children
were taken down to the boiler room and -- and shown the -- the
flames in the boiler and told that those were the flames of hell
5 and talked to about Satanism and required to watch a Geraldo
Rivera television show on Satanism. Would those be examples of
terrorizing children?

A. Yes.

10 Q. Okay, and the next heading here, isolating.
Can you tell us what isolating is? Can you just read that for
us?

A. (Reading):

15 Isolating includes caregiver
acts that consistently deny the
child opportunities to meet
needs for interacting or
communicating with peers or
adults inside or outside the
20 home.

25 Q. And we've heard evidence in this case of
students frequently changing their dorm rooms or their -- or
their -- not the dorm room -- their rooms within the dorms,
different roommates all the time, every -- frequent -- frequent
room changes. We've heard of the children, as I told you
before, being put on silence. We've also heard that students
were encouraged to inform on or tell on -- report the misdeeds
or behaviours of other students and I expect we're going to hear
30 some evidence about the censoring of mail or monitoring of phone
calls. And we've heard about students when they're on
discipline being required to sleep in -- in what was referred to

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as Hotel D, which were some rooms above the -- the gymnasium and as well being required to eat separately from their peers.

Would these be examples of isolating?

5 A. Yes, these would all be examples of isolating.

Q. Thank you. And if I can have you turn over to page 59 in the eligibility spectrum and if you could please read the -- the paragraph on exploiting there?

10 A. (Reading):

Exploiting or corrupting includes caregiver acts that encourage the child to develop inappropriate behaviours, for example, self-destructive or antisocial behaviours, criminally -- criminal behaviours, deviant or other maladaptive behaviours.

20 Q. Now, we've heard some examples in this case that there were instances where -- where friendships were strictly controlled or certainly opposite-sex relationships were -- were prohibited. There was evidence of dorm searches for non-regulation underwear or contraband such as rock music t-shirts. And we've heard about the imposition of some pretty strong views on sexuality, gender and sexual orientation which I think it's fair to characterize as -- as inappropriate views. Would those be examples of exploitation?

30 A. Yes.

Q. All right.

A. And I should add to -- just to expand a bit

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5 on the -- or summarize some of the information in the Children's Aid Society document, the exploiting includes encouraging or coercing the -- the abandonment of developmentally appropriate autonomy through extreme over-involvement, intrusiveness and/or dominance, and the -- for example, allowing little or no opportunity for support for the child's views, feelings or wishes, or micromanaging the child's life.

Q. Thank you.

10 A. So I have that in mind when I'm responding to your questions about particular examples.

15 Q. Thank you. I'd like to ask you some questions now about sustained abuse and the characteristics of the class members as a group and -- and in the context of -- in which the abuse occurred over time. This, Your Honour, is at page 37 to 40 of Dr. Barnes' report. Dr. Barnes, can you explain the relevant characteristics of the class members as a group?

20 A. Well, the -- the class members as a group all attended and resided at Grenville Christian College during their years of primary and/or secondary school, and some were also the children of parents who were employed at Grenville Christian College and lived on the school property. All of these individuals were thus subject to and reliant upon the authority, beliefs and practices of the GCC staff during their childhood and/or adolescent years. This is particularly important because 25 these years are critical to psychological development, relational attachment and thus to the individual's developmental trajectory in later life.

Q. What is psychological development?

30 A. Psychological development is -- refers to the maturation process that's understood as a progression through a series of stages that begin at birth, progress hierarchically

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and -- and unfold in conjunction with physical maturation. In the course of childhood and adolescence as the -- the individual faces a series of age and stage appropriate developmental tasks that provide opportunities to acquire competencies that improve
5 adaptation to the environment.

In the course of development, the individual normally acquires progressively more advanced competencies in three interlocking domains: individual abilities and attributes such as emotional regulation, sense of self and intellectual
10 ability is one area; a second area is relationships including attachment to significant others; and a third area is -- has to do with significant life activities such as school and religion. Developmental progress and trajectory are influenced by the individual's success in completing earlier developmental tasks,
15 the challenges posed by the current tasks, and the individual's adaptability.

Q. What influences this developmental progress?

A. Well, the -- the ability of an individual to continue to progress adequately is dependent on their ability to
20 successfully acquire the -- the competencies -- the knowledge and competencies that are associated with each stage in development.

Q. Can you give us an example of that?

A. Yes. In -- in terms of self-control, for
25 example, one doesn't expect an infant to have very much self-control as all, but as a child becomes a bit older they become a bit more aware of their own feelings and behaviour and more and progressively more and more able to -- to control their own feelings and behaviour until ideally they reach an
30 adult stage where they have a large degree of control over their -- over their feelings and behaviour.

Q. Hopefully.

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A. Hopefully.

Q. And why is adequate progress important?

5 A. Well, adequate progress in these various developmental tasks is important to prepare the -- the -- the young person to assume adult responsibilities when they reach the adult age, so to assume adult responsibilities in relation to employment, intimate relationships and parenting, the community, and so on.

10 Q. And -- and how does exposure to maltreatment impact this development, if at all?

15 A. Exposure to maltreatment, including the physical abuse, sexualized abuse, neglect, emotional harm, can disrupt or delay the successful completion of age-appropriate developmental tasks, and for these reasons maltreatment can jeopardize the individual's subsequent developmental trajectory and ability to function adequately in adult life.

Q. Can you tell us a little bit more about how that works exactly?

20 A. Well, a child, for example, to use my example of emotional control, typically a child becomes more and more able to be aware of their feelings and to control their feelings and behaviours as they become older. But a child who's been maltreated or subject to poor examples or not had opportunities to practice learning to identify and -- and manage their
25 feelings and behaviour will become less skilled at doing that and therefore poorly prepared to have the kind of adequate self-control that's expected of an adult.

30 Q. All right. And what is the importance, if any, of any prior adversity, any pre-existing condition or difficulty the child may have had before they experienced these types of harm or interruptions we're talking about?

A. At Grenville Christian College, well, I -- I

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5 don't know anything about the background of the students who
came to the school. I know something from what was said in the
-- in the -- in the records that I had an opportunity to review,
but I think it's fair to say that the students probably had a
variety of different backgrounds. Some were probably
progressing very well in terms of their development. Many were
probably progressing normally. Some may have been having
difficulties before they came to the school. The -- the ones
10 who were having difficulties before they -- in their development
before they came to the school would have been particularly
vulnerable at the time that they arrived at the school and they
would have been in particular need of appropriate adult care,
protection and guidance, instruction and discipline to help --
hopefully help them to -- to correct the earlier problems to --
15 to catch up and to get back on a -- a better -- a better
trajectory in terms of their -- their maturation.

Q. So -- so how would staff maltreatment impact
those with that pre-existing or particular vulnerability as you
described it?

20 A. Well, the staff maltreatment would have
increased the risk for later psychological difficulties for all
of the individuals who experienced that maltreatment. The
individuals who were -- came to Grenville Christian College with
already having difficulties would have been at an additional
25 increased risk for disrupted psychological development,
significant later psychological difficulties and a less
favourable developmental trajectory.

Q. Have you ever heard the term thin skull
plaintiffs?

30 A. Yes, I have.

Q. Is that what you're talking about here?

A. Yes, from my understanding of the concept,

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yes.

5 Q. Thank you. I'd like to ask you now about relational attachment and this is at page 38 and 39 of your report, Doctor -- or, Your Honour. What is relational attachment, Doctor?

10 A. Relational attachment refers to emotional bonding to other people. It's critically important to development. It's the foundation, in fact, for psychological development and maturation. Any disruptions in relational attachment adversely affect overall development and functioning, and if I can say a little bit more about the research in this area has indicated that people -- that individuals develop in the course of their relationships with caregivers attachment styles.

15 An attachment style refers to the enduring mental and behaviour patterns that form and become established in the context of the -- the child's significant emotional bonds and relationship experiences. When primary caregivers are adequately available and sensitive in times of need, the child
20 develops a secure attachment style which is characterized by positive perceptions of self and other and behaviour indicating adequate trust in others.

25 When primary caregivers are repeatedly unavailable or unresponsive, the child may develop an insecure -- or an insecure attachment style characterized by negative perceptions of self or mistrust of others. When caregivers are abusive or threatening, a child may develop a disorganized attachment style characterized by negative perceptions of self and other and disorganized behaviour in relation to others. The
30 attachment style that forms during a child's early relational experiences with primary caregivers is usually stable across the lifespan and significantly influences then other -- other

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relationships with -- later relationships with peers, intimate partners and children.

5 However, there is research that's indicated that a securely -- a child with a secure attachment style can shift to an insecure or disorganized attachment style, that is, the kind of attachment style that's characterized by mistrust and negative perceptions of self or others. In -- this kind of shift can take place if a child with a secure attachment is exposed to significant negative experiences with caregivers.

10 Q. Okay. And what can you tell us about the experience for class members living at GCC after living with their parents or in other living situations, as opposed to the staff kids?

15 A. Well, again, the -- the students whose parents were not employed at Grenville Christian College or living on the school property probably came to the school with a variety of different attachment styles that had developed prior to their enrollment in GCC. Some were likely securely attached to their parents or other adult caregivers. Others may have had
20 insecure, avoidant or disorganized attachment styles. These class members with problematic attachment styles prior to their enrollment at Grenville Christian College were particularly in need of adequate and trustworthy adult care and guidance and particularly vulnerable in the face of maltreatment by GCC
25 staff.

 Q. And what, if any, would be the effect of class members who -- who -- or students, I should say, who depended on the staff if the staff behaved in unreliable or threatening or abusive ways?

30 A. Well, the staff who behaved in unreliable, threatening or abusive ways placed the students at increased risk for serious problems in relational attachment, significant

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later psychological difficulties and a less favourable developmental trajectory.

5 Q. And -- and what about the students whose parents lived and worked at GCC? How would their relational attachments be affected?

10 A. Well, the -- the class members who -- or students whose parents were employed at GCC and lived on the property, at least in one instance, were subject to some very unusual caregiving arrangements. The -- the senior leaders appear, at least in some cases, to have required the staff members' children to live separately -- to live repeatedly and for extended periods of time in the care of adults other than their parents, even though their parents were able and available to provide care to them. And from the documents that I read,
15 the GCC senior leaders justified these -- these kinds of caregiving arrangements as necessary to ensure that both the parents and the children loved God more than family members.

Q. And what would be the impact of that?

20 A. Well, the -- these kinds of arrangements where a child is in the -- is exposed to a series of adult -- primary adult caregivers and is discouraged from developing strong emotional bonds with parents or with any caregiver is -- it's the kind of situation that can occur in institutional settings such as orphanages, and it has the impact of
25 discouraging the child from forming selective attachments to individual adults, and it also discourages the adult caregivers to committing themselves to individual children. And this kind -- these kinds of care arrangements -- the studies of these kinds of care arrangements have indicated that they have very
30 deleterious effects on young children and they -- these kinds of caregiving arrangements interfere with the children's development of a secure relational attachment and therefore

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interfere with their subsequent relationships with others.

5 Q. Thank you. I'd like to now turn you to the concepts of risk and resilience. Your Honour, this is at page 39 and 40 of the report. Dr. Barnes, what are risk and resilience?

10 A. Well, there are certain life experiences, including the kind that we've been talking about, maltreatment experiences, that can increase an individual's risk, which -- which I mean to say their vulnerability to later psychological difficulties and delayed or disrupted psychological maturation or development. Resilience, there are other experiences that can increase resilience, and by resilience I mean the individual's capacity to adapt, to remedy earlier disruption or deficits and thus to minimize the likelihood of developmental
15 delay or disruption.

Q. So what sorts of things would enhance resilience?

20 A. The kinds of factors that can enhance resilience is resilience is greater in individuals who have good cognitive and self-control or self-regulation skills. Resilience is better in individuals who have positive views of themselves and are self-confident. Resilience is greater in individuals who have strong relationships with competent and caring adults in the family and community. Resilience is
25 greater in individuals who have strong peer relationships. And resilience is greater in individuals who are well motivated to be effective in school, work or social environments.

Q. And how, if at all, is the fact that maltreatment occurs in an institution relevant to resilience?

30 A. Well, the -- children who experience maltreatment in an institutional setting, and particularly in a total institutional setting of the kind that we talked about

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earlier, are less likely than young people who experience abuse in other settings to have access to relationships or experiences that might increase their resilience, that is, that might buffer them against the adverse impacts of maltreatment. Their -- so, for example, a young person who's abused not in an -- or not in a total institutional setting, a young person who's abused by a teacher at school might find escape, solace or development-enhancing experiences at home or elsewhere outside of the school setting.

In contrast, a young person who's in the care of a total institution has, or as was the case for the Grenville Christian College students, had no access to relationships or experiences aside from those provided or supervised by the institutional staff and the result of that is that the -- these students had few, if any, means to avoid or compensate for the adverse effects of staff maltreatment.

Q. Thank you. I'd like to now turn to your assessment of the likely impacts of the forms of abuse we've been discussing. And, Your Honour, this is at pages 40 to 47 of the report. Can you tell us, Dr. Barnes, what the likely impacts would be of the type of abuse that we've been discussing?

A. Well, the --

Q. Or at least the -- the risk, as you've told us?

A. The -- yes, the -- the students who experienced maltreatment or trauma during their stay at Grenville Christian College were increased risk for a variety of kinds of difficulties, including mental health conditions, disrupted or impaired psychological development --

Q. Can I stop you on that one?

A. Yeah.

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Q. Can you -- can you tell us what the three main types of impaired psychological development might be?

A. Yes. The -- the impairment in psychological development would -- would have to do with the -- the individual having difficulty developing competencies in these areas that I mentioned earlier, in relation to individual abilities and attributes such as self-control, sense of self and intellectual ability, and also their -- their development of knowledge and competencies in relationships with others, including their attachment to significant others.

Q. Can you --

A. And finally, would interfere with their ability --

Q. Sorry.

A. -- to progress in relation to significant life activities, such as school and religion.

Q. And just turning back for a moment to the -- the sense of self, can you give me some examples of what difficulties an individual might have with respect to their sense of self or what -- what risks they would have?

A. Oh, well, in -- in relation to --

Q. What areas?

A. -- sense of self, the kinds of -- there are a variety of ways that maltreatment can -- or trauma can impair the development of a more mature sense of self. They can -- they can leave the individual feeling -- having only negative beliefs about themselves or largely negative beliefs about themselves in relation to others. They can interfere with the individual's ability to develop a clear sense of self at all, so the individual can -- may be kind of uncertain about what their own feelings and wishes and needs and interests are and are easily influenced by other people. Another possibility in terms

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of a disruption of sense of self is that the individual can move
in a -- between extremes of sort of feeling extremely helpless
and powerless or feeling extremely powerful, grandiose, even,
and being sort of unstable in terms of their sense of self in
5 that way. So there are a number -- these are some examples of
how trauma or maltreatment can impair sense of -- development of
a -- of an adequate sense of self.

Q. And I just don't know if I -- I wrote down
correctly. Did you tell us it could impact life trajectory?

10 A. That -- that a sense of self --

Q. No, no, not sense of self.

A. Sorry.

Q. Sorry, I'm going back to just the general
impact. You told us -- I think you said mental health
15 conditions, disrupted psychological --

A. Yes, that it could -- well --

Q. Let me --

A. Well, in general the impacts of certainly
exposure to maltreatment or trauma for -- if a child or
20 adolescent is exposed to maltreatment or trauma it can certainly
negatively influence their -- it can increase their risk for a
variety of kinds of psychological difficulties and increase the
risk of a -- a more -- of negative changes in their life
trajectory.

Q. Okay. Thank you. And would you expect the
impact of the -- the -- the things that happen -- let's say, you
know, multiple children were -- were placed on discipline and
subjected to the things that I described that that would
include. Would you expect those children to have the same or
30 different reactions to those things in terms of the impacts?

A. I think the -- children are -- people are
very individual. Children -- children are people and they're

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5 also very individual, so -- and it would -- it would depend on the -- the particular constellation of risk and resilient factors -- risk and resilience factors in that particular child's life, sort of what their -- what their reactions were to any particular incident or experience of maltreatment.

Q. And what, if any, harm can come to children who don't actually experience maltreatment, but rather witness others suffering maltreatment or abuse?

10 A. Well, the -- this is -- this can be a way that children are -- are terrorized. It's a form of maltreatment to be exposed to -- to others -- to see other children or -- or adults, for that matter, maltreated. And I should also mention in relation to trauma, the -- it's -- part of the definition of trauma is witnessing -- the DSM definition
15 involves not only experiencing trauma, but witnessing someone else's trauma. So in both -- both in relation to trauma -- the trauma literature and the maltreatment literature, witnessing is considered to be very problematic and to increase the risk for later psychological difficulties.

20 Q. And -- and can you just explain a little bit about how the individual's risk and resilience might be -- how those factors determine the outcome for a particular child?

A. Well, the -- the more risk factors the child's been exposed to, so the more -- the more instances of
25 maltreatment, the more severe the maltreatment, the more relational disruption they've been exposed to, the greater their -- their -- in a general way, the greater the risk of later psychological difficulties and more severe psychological difficulties. On the other hand, the more resilience factors
30 that have been present in the child's life in terms of, for example, supportive relationships or their own attributes, such as very good intellectual functioning or self-confidence, the

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more risk -- and access -- the most -- probably the most
important is access to supportive adults. The more resilience
factors there are in the child's life, the more likely they are
to be able to either avoid or minimize the severity of
5 psychological distress or difficulties. Or, if they experience
difficulties, to be able to recover.

Q. So is what you're saying the actual outcome
or the risk of a bad outcome for an individual -- sorry, the
risk of a bad outcome would be higher for an individual with
10 more risk factors and fewer resilience factors?

A. Yes, that'd be -- yes, that'd be fair to say.

Q. All right. And in a total institution like
Grenville Christian College, was there -- were there more risk
factors generally for all of the students?

A. Yes, the -- there seemed to be a variety of
15 in the reading that I did, a variety of staff practices that put
the students at risk for various forms of maltreatment on a
repeated basis.

Q. Thank you.

A. Over an extended period of time.

MS. MERRITT: Thank you. Those are my questions.

25 MONDAY, SEPTEMBER 23, 2019

U P O N R E S U M I N G:

30 ROSEMARY BARNES: PREVIOUSLY AFFIRMED

THE COURT: Good morning.

THE COURT: Good morning, Dr. Barnes.

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THE WITNESS: Good morning.

THE COURT: Thank you for returning. Good morning, Mr. Boghosian.

MR. BOGHOSIAN: Good morning, Your Honour.

5 THE COURT: So, I believe we're at the beginning of your cross-examination.

MR. BOGHOSIAN: Thank you.

CROSS-EXAMINATION BY MR. BOGHOSIAN:

10 Q. Good morning, Dr. Barnes.

A. Good morning.

Q. Can I have Exhibit 14 put to the witness, please? Dr. Barnes, I see under Professional Positions on the first page of your CV which is Exhibit 14, that you are currently a psychologist in independent practice.

15 A. Yes.

Q. And you've been a psychologist in independent practice since 1992?

A. Yes.

20 Q. And that's for the last 27 years, approximately.

A. Yeah, well, I'll trust your math.

Q. Okay. And that means you're a clinical psychologist involved in seeing patients in your office?

25 A. Yes, that's correct.

Q. Okay. And you don't have any hospital. Appointments at the present time?

A. That's correct.

30 Q. And from your resume, it doesn't appear that you have had since 1992?

A. No. When I left the hospital, left the hospital work, the -- well, that's not true. I taught at the

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Ontario Institute for Studies and Education in the 1990s.

Q. I was speaking of hospital appointments
whether it be a....

5 A. Oh, sorry, no, not a hospital appointment,
no.

Q. A medical hospital or a psychiatric hospital,
you've had no appointments like that since at least 1992?

A. That's correct.

10 Q. And I don't see anywhere on the resume any
indication that you've ever been a psychologist treating
patients on a contract basis or an employment basis in any
correctional facility.

A. That's correct.

15 Q. Or any school for disadvantaged people for
the deaf or the blind.

A. That's correct, yes.

Q. You've never had an appointment where you
acted as a psychologist to such an institution?

A. Sorry, to....

20 Q. You've never had an appointment where you
have been a psychologist treating residents of such an
institution?

25 A. No. The only thing that was somewhat related
to what was being a consultant with the Elizabeth Fry Society
but I -- but not in a -- not in the -- not in a correctional --
not in a prison facility.

Q. Okay. But you weren't actually treating
patients of correctional -- inmates of correctional facilities
in that role, were you?

30 A. No, I was not.

Q. Okay. And you haven't been a psychologist to
a private boarding school?

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A. No.

Q. You haven't been a psychologist on retainer by the CAS?

A. That's -- yes -- no, I have not.

5 Q. In fact, you've never had an appointment where you've seen patients in an institutional setting at all, have you?

A. Well, in the hospital setting, but -- but not in other institutional settings.

10 Q. Just a hospital setting. So, essentially everything that you have testified about regarding institutional abuse and total institutions comes from your review of the literature on the subject, correct?

15 A. And -- and my experience in hospital settings.

Q. Treating on-off patients who have been victims of one sort of abuse or another?

20 A. Well, treating particularly in the psychiatric setting where people -- well, actually in other settings, too, doing obviously psychological evaluations of people who were in the hospital who had in whatever setting brought them to the hospital. They may have experience maltreatment in the past.

25 Q. Okay. But in terms of your knowledge of institutional abuse in total institutions, I'm suggesting to you that the sum total of your knowledge comes from what you've read in the literature as opposed to your personal experience of treating residents of institutions.

30 A. Well, as I'm saying, I worked in hospital settings that are -- which are institutional settings and can be -- and some of the kinds of abuse that and some of the conditions that I've talked about are present in hospital

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settings.

Q. Okay. If we take medical hospitals off the table...

A. Right.

5 Q. ...you have not, I take it, had any personal experience treating residents of institutional settings.

A. In other settings -- in settings other than hospitals, no.

10 Q. And if we look at your report -- Your Honour, is it marked as a lettered exhibit or is it -- it's part of the brief?

15 THE COURT: I believe it's been -- no, we have not made it part of the record. I have a brief that I've been following along with and it has not been tendered as an exhibit.

MR. BOGHOSIAN: I'm not sure what tab it is. I just have a loose copy of the report.

THE COURT: That's fine. I've got the report in front of me and if you need me to follow along.

20 MR. BOGHOSIAN: Q. If we look at your report, Dr. Barnes, at the bottom of the first page, the last sentence starts, "In the course of her professional career..." Do you see that at the third last line?

25 A. Yes.

MR. BOGHOSIAN: Your Honour, do you see where I am?

THE COURT: In the course -- yes, thank you.

30 MR. BOGHOSIAN: Q. At the very bottom, okay, toward the end of the third last line:

In the course of her

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5

professional career Dr. Barnes has assessed and/or treated several hundred women and men who have experienced a variety of boundary violation and trauma-related issues, including sexual harassment, sexualized assault, childhood sexualized and physical assault, domestic violence and professional sexual misconduct.

10

Have I read that correctly?

A. Yes.

15

Q. Is it fair to say that the vast majority of your experience and exposure has been with sexualized assault? That's really your bailiwick, isn't it?

20

A. Well, it's all these -- it's all these areas, but that's -- but many of the cases have involved sexualized assault of either that the person either experienced in childhood or as an adult.

Q. Isn't it fair that most of your experience in terms of abuse has been dealing with sexualized abuse of one form or another?

25

A. Much of experience has but much of -- I've also been involved in assessing other forms of childhood maltreatment.

Q. And you've testified in other cases besides this one?

30

A. Yes.

Q. And we've actually pulled those cases. I don't know -- how's your memory for your prior....

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A. We'll see. I'm sure you'll be finding out.

Q. So, there's a case called K.T.V. and Vranich.

Do you remember that one?

A. Yes.

5

Q. From 2011?

THE COURT: Do you need the spelling? If you could spell that, please.

MR. BOGHOSIAN: Q. K-period-T-period-V-period
V-R-A-N-I-C-H, and that was in 2011, and that was a sexual
10 assault case?

A. Yes, a sexualized assault case, yes.

Q. And you testified about the psychological
impacts of the sexual assault, correct?

A. Yes.

15

Q. And you were qualified as an expert in
sexualized assault.

A. Yes.

Q. And Jane Doe and Metropolitan Toronto 1998,
this was another sexual assault case, civil action?

20

A. Yes.

Q. And you were qualified as an expert in
sexualized assault in that case, correct?

A. Yes.

Q. And nothing more.

25

A. Yes, probably.

Q. And then R. v. Simon in 2000, you testified
about the concerns of requiring a sexual assault victim to
testify in person at trial?

A. Yes.

30

Q. And you were qualified as an expert on
sexualized assault in that case, correct?

A. Yes.

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Q. And in S-period-L-period-V-period Prince, 2015, you were once again involved in a sexual molestation case, is that correct?

5 A. I'm not familiar with this case. You don't have any other details about the case there in front of you that would prompt my memory?

10 Q. The plaintiff sexually molested as a child by a long-time family friend priest, 2015. No recollection? I'm suggesting that you were qualified as an expert in sexualized assault in that case.

A. Yes.

Q. Would you like to see -- I have a copy if you want to see the decision to refresh your memory.

15 A. Yeah, thank you. All right, okay. Yeah, I know the case now.

Q. All right. So, you were qualified as an expert in a sexualized assault?

THE COURT: Sorry, I didn't hear the answer, Dr. Barnes.

20 THE WITNESS: I'm just -- I don't know if there's any way to tell here, but I'm -- I'm not sure that I appeared in court in this case. My -- I think the -- I think my report may have been entered. I don't know if that's possible, but...

25 MR. BOGHOSIAN: Q. Okay. You don't think you appeared?

A. In which case I was qualified isn't something that...

Q. Okay.

30 A. ...that I actually know.

Q. All right. And just stopping there, I forgot to ask you in the K.T. Vranich and the Jane Doe case and the R.

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v. *Simon*, as well as this *S.L.V. Prince* case, in none of those cases did the abuse occur in an institution, did it?

5 A. Well, the abuse by a priest is -- didn't occur in the -- an institutional setting but certainly the charge is an institution and the priest a representative of that institution and they're -- they're aspects of the charges in institution that were important to the impact of the abuse.

Q. So, the first three, *K.T. Vranich*, was an assault at a nightclub, correct?

10 A. Yes.

Q. Jane Doe was an assault in the person's own home.

A. Yes.

Q. *Simon* was an assault on the street.

15 A. Yes.

Q. *S.L. Prince* was a number of activities that occurred involving a family friend who was also a priest, but they did not occur necessarily in a church atmosphere.

20 A. They did not occur in the church but his -- his position as a priest was very important to his relationship to the family.

Q. Okay. He wasn't a resident of an institution where the priest worked?

A. No.

25 Q. *J.K.* and *Alfred* was a child victim of sexual abuse by a former physician?

A. Yes.

Q. All right. And that wasn't in an institutional setting?

30 A. That's correct.

Q. And you were qualified in that case as an expert on sexualized assault?

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(Mr. Boghosian)

A. Yes.

Q. And *Hislop and Canada*, you were qualified to opine on gay and lesbian relationships?

A. Yes.

5 Q. Is that right?

A. That's correct.

Q. So, you weren't qualified in that case as an expert in institutional abuse?

A. That's correct.

10 Q. And there was no institution involved in that -- the *Hislop and Canada* case?

A. That's correct.

Q. *K. and B.*, 1995, you testified as an expert on homosexual parenting?

15 A. Yes.

Q. Didn't have anything to do with institutional abuse in that case.

A. That's correct.

20 Q. *M.V.H.*, 1996, qualified to opine on the psychological effects of discrimination against homosexual couples.

A. Yes.

Q. And that had nothing to do with an institution?

25 A. That's correct.

Q. Nothing to do with abuse.

A. That's correct.

Q. And *Bhatt and Yajnik*, 1994...

30 THE COURT: Would you spell the names of that one?

MR. BOGHOSIAN: Bhatt, B-H-A-T-T, Yajnik

Y-A-J-N-I-K.

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THE COURT: Thank you.

MR. BOGHOSIAN: Q. In that case, a woman was injured in a motor vehicle accident and you opined on the psychological effects of that plaintiff returning to work following the accident.

5

A. Yes.

Q. Nothing to do with an institution, correct?

A. Correct.

Q. Nothing to do with abuse.

10

A. Correct.

Q. And, in fact, this is the first case where you've been qualified to opine on institutional abuse.

A. Yes.

15

Q. And this is the first time you have been qualified to testify about abuse other than sexualized assault.

A. Yes.

20

Q. If we look at your CV, Exhibit 14 -- I'm not sure how I misplaced mine already. Under Publications, on page two going onto page four and then the next section Presentations, I count four papers, or two papers rather, that you've written on Indian residential schools.

A. Yes.

Q. The earliest one being dated 2006.

A. Yes.

25

Q. Is that correct? And the -- under Presentations there are a number about residential school experience and the impact of residential schools on student psycho-educational development and psychological impacts. There are a number of presentations you gave over the period 2004 through 2011 about the residential school experience, correct?

30

A. Yes.

Q. And am I correct that in the most recent

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paper, I guess, that you wrote on residential schools in Canada was this year, 2019?

A. Yes.

5 Q. All right. And I have a copy of that paper.
I believe I have a copy of that paper.

A. Thank you.

Q. At the first page there's a little footnote sort of section or...

A. Yes.

10 Q. ...footnotes. And in the third of the footnotes, you say:

15 We thank Susan Vella, Rochon
Genova LLP and Elizabeth Grace
Lerners LLP for encouragement in
initiating this project.

Did I read that correctly?

A. Yes.

20 Q. And I understand that Susan Vella is a lawyer at Rochon Genova.

A. Yes.

Q. And she, among other things, does class action lawsuits.

25 A. Yes.

Q. And am I correct that that firm was handling a class action lawsuit involving aboriginal residential school survivors?

30 A. Possibly, I don't know. It wasn't something I was involved in.

Q. You were not involved?

A. No.

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Q. Well, I guess I'm curious as to....

A. Well, was involved. I did -- I did a couple of assessments. I don't know if they were related to Indian residential school experiences or civil assessments. I don't
5 remember if it was related to a class action, but I don't -- I'm not really sure.

Q. You did assessments for her?

A. But I did assessments for Susan Vella related to Indian residential schools or....

10 Q. And was that commencing back in the mid-2000s in the 2004 period?

A. The early 2000s maybe, yeah. It was before the -- it was before the arrangements were made for the compensation process to -- to unfold.

15 Q. And is it fair to say that your interest or your -- the turning of your attention to Indian residential schools, as you describe it in the title of this paper, was -- the genesis of it was your retainer by Ms. Vella to do these assessments of the residential school survivors?

20 A. It was that and we were also asked to -- to prepare a kind of an overview of what the psychological impacts of the Indian residential schools might be as well as to do -- and I was asked to do some individual assessments.

25 Q. Okay. And that was by Susan Vella asked you to do this larger look at the psychological effects?

A. I think it was Susan Vella, Elizabeth Grace, and I know I did assessments for Elizabeth Grace in respect to those, to the Indian residential schools.

30 Q. So, the genesis of your -- the turning of your attention to the Indian residential school situation psychologically stemmed from your retainer by these lawyers in conjunction with residential school survivor compensation.

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A. Correct.

Q. You haven't been retained by a commission of inquiry or a public inquiry or any sort of commission to -- they haven't retained you to do a study on institutional abuse?

5

A. No.

Q. Your only experience with institutional abuse has been doing assessments for lawyers?

A. Well, and the -- the professional reading in the papers that I've done and the presentations that I've made.

10

Q. Okay. The professional reading stems from your initial involvement through being retained in legal process.

A. Well, I've done quite a bit more reading since then, but that was when it started.

15

Q. I didn't hear the....

A. I've done quite a bit more reading and investigation since then, but that's when it started.

Q. But you haven't had any retainers by commissions of inquiry or public inquiries or any other government body or agency to study...

20

A. That's correct.

Q. ...psychological impacts of residential schools or any other institution, correct?

A. That's correct.

25

Q. And how many Indian residential school survivors have you examined?

A. Maybe ten.

Q. Ten?

A. Yes.

30

Q. And how many residential school victims are there nationally?

A. Oh, thousands.

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Q. Thousands and thousands. Tens of thousands perhaps?

A. Possibly, yes.

5 Q. And it's fair to say that you've drawn heavily, in the report you've done in this case and the evidence you've given in this court, from your readings about the Indian residential school experience, correct?

A. And another reading about institutional abuse.

10 Q. Okay.

A. Well, and a variety of dealings, a broad spectrum of the psychological literature in the -- all the professional literature generally.

15 Q. But I'm suggesting that the focus of your investigations and interests have been in the Indian residential school environment as opposed to orphanages or school for the deaf and blind.

A. Yes, that -- in terms of the readings that I've done in relation to institutional studying's have been primarily in relation to the Indian residential schools.

20 Q. And you've never taught any courses or programs on institutional abuse?

A. No, I have not. Well, except in the -- in the sense of giving these presentations.

25 Q. I'm sorry?

A. Except that I've given these professional presentations that are listed in the -- in my resume.

30 Q. Okay. There's these presentations which stem from your work on the lawsuits involving Indian residential school survivors but you haven't actually taught courses at Wasey (sic) or the University of Toronto on -- on that subject?

A. No, not specifically related to that subject,

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no.

Q. So, if we can look at your report, I want to take you to page 20, and in Section 1(b), if you're there, you talk -- you're talking about total institutions.

5 A. Yes.

Q. And you write, "These institutions..." I'm in about the middle of the paragraph, the sixth line, right in the middle of the sixth line from the top of that section.

10 These institutions had in common
that children live separated
from their parents and families
for extended periods and thus
completely reliant on staff for
15 care, guidance, protection,
instruction, and discipline.
The Law Commission Report
identifies as total institutions
those that attempted to
20 re-socialize students by
instilling new roles, skills or
values using practices that
included breaking down barriers
that ordinarily separate three
25 spheres of life, work, play, and
sleep.

A. Yes.

30 Q. And the report, the Law Commission Report
that I refer to is called Restoring Dignity.

A. Yes.

Q. Okay. And it's a very big document and I

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don't intend to put the whole thing to you, but I have excerpts from it and I'm going to give you the opportunity to just verify that the pages I've excerpted -- and I'll leave you the full book so that if I misquote something or there's something...

5 A. Thank you.

Q. ...else. But if you can just -- can I just make sure that that's not the one I highlighted?

A. Oh, sure.

Q. There you go.

10 A. Thank you.

Q. So, if you want to check to ascertain the pages I've excerpted are in fact from -- from this report. Oh, that's my copy. Sorry.

MS. MERRITT: Not the actual book.

15 MR. BOGHOSIAN: Hmm?

MS. MERRITT: That's not the actual book.

MR. BOGHOSIAN: Q. Have you been able to verify?

20 A. The -- well, I see that the page 21 in the large book that you've given me is the same as page 21 on the -- in the smaller document, yeah.

25 Q. What I've given you are pages 21 through 50. So, if you can just tell me if pages 21 through 50 of the excerpt that I provided you corresponds to pages 21 to 50 in the -- in the complete Law Commission Report entitled Restoring Dignity.

A. Yeah, all these look like -- yeah.

Q. Yes?

A. Yes.

30 Q. You relied quite heavily on the Law Commission Report entitled Restoring Dignity as a basis for your report in this case?

A. For understanding characteristics of total

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institutions, yes.

Q. And if you look at page 22 of the report, there's a heading, number two, Life in a Total Institution.

A. Yes.

5 Q. And then if we go down to the eighth line under that heading that starts, "Such -- such institutions..." It says:

10 Such institutions break down the barriers that ordinarily separate three spheres of life, work, play, and sleep.

A. Yes.

15 Q. All right. And it does not say there, unlike what you wrote in your report, that these institutions, that practices that include breaking down the barriers that ordinarily separate those three spheres of life. It just says these institutions break down the barriers. It doesn't --
20 doesn't have that word that you added included.

A. No, I wasn't quoting from the report at that point.

Q. And nowhere in this case is there any evidence of separating work, play and sleep.

25 A. Sorry, nowhere in?

Q. In the evidence in this case that you've seen, is there any evidence of separation?

A. You're talking about the Grenville Christian College situation?

30 Q. Yes.

A. No, I think there was evidence of that actually.

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Q. Okay. Tell me what you consider evidence of that.

5 A. Well, I think when -- when children are woken at night for -- and to have mis -- what the staff considers to be misbehaviour or inappropriate behaviour pointed out to them and subjected to light sessions, then you're -- then there's -- you're breaking down the -- the barriers between -- the separations between work, play, and sleep.

Q. Okay. So, that's one example.

10 A. That's one example.

Q. Any other examples from the evidence that you've seen?

15 A. Sounds like the -- you know, a sports activity like swimming, I know one of the -- in one of the examples that I read the -- the young woman was asked to -- to swim a large number of laps of the pool within a certain short period of time. Something like swimming that might ordinarily be a sports activity, or a fun activity is being apparently used as a -- some kind of a disciplinary activity or in a very
20 different way.

Q. Okay. But how does that amount to breaking down the boundaries between work, play, and sleep?

25 A. Well, they're activities that might be done for fun or for sport that are being with the child's -- that the staff is requiring the child or the adolescent to do for different purposes, and to my mind, that breakdown breaks down barriers or separations that ordinarily exist.

Q. Are you aware of the class period, like what period of time this litigation encompasses, like Grenville?

30 A. Yes.

Q. What is that period of time?

A. I believe it's from 1973 up to 2007.

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Q. 2007. And what is your understanding of the extent of the students that are included in the class?

A. All the students residing at the school.

Q. All the students residing at the school.

5

A. Yes.

Q. Okay. So, the example you just gave of the swimming excessively, involved someone who was not a student at the school at the time, then that really wouldn't qualify as -- as being abuse for the purpose of this case, would it?

10

A. If it's a student residing at the school, it would qualify as abuse in this case.

Q. Okay. And if it wasn't a student residing at the school who was subjected to that at the time, then that would not....

15

A. It would not be a class member in relation to this case would have been my understanding.

20

Q. If we go to page 23 of the Restoring Dignity paper by the Law Commission of Canada, at the very top it says -- sorry -- do you have any other examples of this breaking barriers between where clients sleep other than the two that you've mentioned?

A. Those are the ones that come to mind.

Q. Those are the only two that come to mind?

A. Yeah.

25

Q. At the top of page 23 of the Restoring Dignity report:

30

Residential schools for
aboriginal children, reformatory
schools for the deaf, blind,
orphanages, training schools and
mental institutions tended as

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total institutions to impose the following conditions on their residents: disconnection, degradation, and powerlessness. While all the children in all institutions did not necessarily experience them, each condition played a part in facilitating and perpetuating the infliction of abuse.

Have I read that correctly?

A. Yes.

Q. And these are the hallmarks, if you will, of -- of a total institution, correct?

A. Well, they're saying that...

Q. Disconnection....

A. ...these are the conditions that they've -- they've observed in all these institutions, yes.

Q. And you agree with that, correct?

A. Yes.

Q. These are the hallmarks of total institutions, right?

A. Yes.

Q. So, let's look at the first heading which starts immediately after what I just read, A Disconnection.

Disconnection means experiencing a sense of both physical and psychological isolation.

A. Yes.

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Q. (Reading):

Aboriginal children, for
example, were often taken to
residential schools far removed
from their home communities.

A. Yes.

Q. And you understand that that means hundreds
and hundreds of miles from their community, correct?

A. Oh, yes, no, I understand.

Q. All right. And you don't have any evidence
that that's the case here, that kids were hundreds and hundreds
of miles from their natural home?

A. Oh, sometimes they were. Some of the
families lived outside of Canada from what I've read.

Q. Some. But how many -- how many students do
you understand to be in the class in total?

A. I -- I don't know the exact number. It was
over 1,000 students, I believe, that were in the class in total.

Q. And how many?

A. It's over 1,000 that I understand to be in --
in the class in total.

Q. And of those 1,000 that you believe were in
the class, how many were far removed from the home community
while at Grenville?

A. I don't know. I don't have any analysis of
the -- where the parents lived in relation to the students with
the class as a whole.

Q. You have no idea?

A. I had no idea, but I know some students lived
very far away from there -- were attending school very far away
from their families and I know other students were -- the

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families lived close by.

Q. Close by?

A. In other cases, I know that....

Q. I think it would help if you move the mic.

5 Even standing here, I sometimes lose a few words.

A. Okay.

Q. Or miss a few words.

A. I'm very happy to do that.

Q. Sorry, Dr. Barnes, just...

10 A. No, no.

Q. ...acoustics are as bad as I can -- that I've
ever experienced in this court. Okay. And then:

15 Many did not see their families
during the entire school year;
they returned home only in the
summer.

20 A. You're reading from the -- from the Law
Commission Report?

Q. Yeah, the Law Commission Report, the very
next sentence after the one I just read. I'm going to keep
going through this. Do you see where it says that?

A. Yes.

25 Q. And, of course, in this case, are you aware
that the students went home for spring break, they went home for
Thanksgiving, they went home for Christmas?

A. Yes.

30 Q. And, indeed, the ones that lived local, which
were many, I think you agreed, were able to go home even every
weekend.

A. Well, I don't know the number who lived

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locally, and I don't know -- I don't know -- I don't know how often they were able to visit.

Q. You didn't know that.

5 A. But the students -- I know that the students, from the reports that I read, there were many students who said that they felt that they were unable to communicate with their -- who were expected to write letters to their parents and were -- that were reviewed by the school staff and that were not allowed to contain any negative information about their
10 experiences at the school.

Q. Okay. Well, let's go one at a time. I'm sure we're going to get to that point, but I'm just on the point that many did not see their families during the entire school year. If the evidence turns out to be that the students
15 overwhelmingly went home Thanksgiving, Christmas, spring break, in addition to the summer, that's different than what the Law Commission is describing here.

A. It may be different. As I said, some students, at least some students, had families who lived outside
20 of Canada, so I assume that they didn't go home every weekend or -- and might not have gone home on breaks, I don't really know. But I know that it's possible, as you're saying, that for some, and maybe many of the students, that they were in a different situation than the students who attended Indian residential
25 schools in terms of the -- how close their families were.

Q. Okay.

A. Physically close -- whether they can communicate or not is, I think, another -- another question.

Q. And would become even further removed from
30 this -- this criteria, this -- this characteristic in the case of local kids, if we assume the evidence is that they were free to go home every weekend, right?

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A. I'm sorry, what's the question? The....

Q. The question is we become even further removed from the scenario being described in the sentence I've read to you and that we're discussing if the evidence turns out to be that kids live within a reasonable distance were able to go home every weekend.

A. Well, in the sense of the physical accessibility of their homes, we're talking about a different situation. But the crucial issue is what kind of communication they were able to have with their parents about their experiences, and as I've mentioned earlier, there were, I believe, aside from how physical -- physically accessible their parents were or not, I believe there were a number of barriers to communication with parents that might have left students, even those whose families lived very close by, feeling quite isolated during the time that they were residing at the school.

Q. Okay. And this is based on -- Her Honour is obviously going to make the ultimate findings of the evidence, right?

A. I'm sorry, the....

Q. Her Honour's going to make the ultimate findings of the evidence. These are just things that you've read here and there.

A. That I've read in the documents that were provided to me, yes.

Q. And you've read documents that encompass a small fraction of the 1,350 class members, is that fair?

A. That's probably fair, yes.

Q. And many of the accounts that you read did not endorse this inability or difficulty communicating with their parents?

A. Some -- some individuals felt that they were

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able to communicate with their parents. Many felt that they had difficulty communicating with their parents.

Q. That's many of the small fraction of the class members evidence that you read.

5 A. Yes.

Q. And in the residential schools, the children were forbidden to speak their native language.

A. Yes.

10 Q. And that certainly doesn't apply here, does it?

A. No.

Q. They were taught to reject their home, their heritage -- their home and their heritage, correct?

15 A. Did the students at the Indian residential schools were taught to reject their homes and heritage, that's your question?

Q. Yes.

A. Yes.

20 Q. And they were subjected to physical deprivation in the form of inadequate food and poor physical living conditions.

A. In some cases, yes.

Q. There was psychological isolation in the form of censoring mail in the residential school situation.

25 A. For some students experienced that, yes.

Q. I'm saying the residential school. That's what the Law Commission is saying at the very paragraph on page 23.

A. Yes.

30 Q. Do you see that?

A. And you're saying that there were some students here that you've read information on who claim that

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their mail was censored?

A. Yes, that's correct.

Q. And I think you'll agree with me that it certainly wasn't a widespread report from the students whose evidence you've read, is it?

A. I don't have the -- I have the reports of individual students about the staff practices. I don't know of any analysis of the -- the students as a group.

Q. And they indicate that outside visits are strictly controlled or were in the Indian residential school environment.

A. The....

Q. Outside visits were strictly controlled in the environment that is being discussed in the last paragraph on page 23 of the Restoring Dignity report.

A. Yes.

Q. And there's no evidence of that in this case that you ever run across, is there?

A. Well, one of the -- actually, one of the class members said that he -- his parents had been told when he first came to the school that they shouldn't visit him, that he needed time to adjust to the school, so that suggests to me that there was some staff guidance or instruction to the parents to -- to limit visits at times when they might have wanted to visit their child in the school.

Q. You read that the case of one out of 1,350 class members?

A. Yes.

THE COURT: Mr. Boghosian, I don't know, if your mic on? I'm also having a hard time hearing some of your questions when your voice drops.

MR. BOGHOSIAN: I think it is.

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THE COURT: Oh, yes, okay.

MR. BOGHOSIAN: I will talk louder.

THE COURT: That's better. That's better, thank
you.

5 MR. BOGHOSIAN: Q. In the residential school
situation, if you continue in the last paragraph on page 23,
telephones were nonexistent. Do you see that in the second
sentence, second line?

10 A. In the -- you're in the second line of page
-- in the last paragraph? Oh, yes, okay, I got it.

Q. I'm in the last paragraph...

A. Yes.

Q. ...second line, "Telephones are nonexistent
or are located in public areas."

15 A. Yes.

Q. All right. And that was not the case in
Grenville, right?

20 A. There were telephones at Grenville. My --
again, the -- the telephones appear to have been in -- in areas
that were subject to staff monitoring according to the reports
that read so that...

THE COURT: Can you start over again, there was a
noise?

THE WITNESS: Oh, it's okay.

25 THE COURT: Is that coming from outside or inside
the courtroom? It's outside construction. Oh,
it's construction. Not much we can do about
that, I guess.

THE WITNESS: Okay, well, I'll try to....

30 THE COURT: We'll just proceed through and if you
hear banging and you want to stop, just take a --
a break.

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THE WITNESS: Okay.

THE COURT: Okay, so...

THE WITNESS: Okay, thank you. There definitely
were -- from the accounts that I read there were
certainly telephones at Grenville Christian
College. From the accounts that I read, the --
the telephones appeared to be in areas that were
subject to monitoring by the staff or by the
prefect at the school, and certainly several --
several of the accounts that I read students
described staff or prefects listening to their
phone calls and objecting when they conveyed
information about the school that the staff or
prefect considered to be negative. So, in that
sense, the communication, even though phones were
available, appears to have been for at least some
students controlled.

MR. BOGHOSIAN: Q. All right. So, there were
telephones, as we know there were, and they were -- privacy was
accorded and that doesn't account, if that turns out to be the
evidence, that that's inconsistent with the residential school
situation.

A. I'm sorry, what did you say about privacy in
your question?

Q. I said if the evidence turns out to be...

A. Yes.

Q. ...that phones were available...

A. Yes.

Q. ...and privacy was accorded when using the
phone, then that's a different situation than is being described
here as part of the disconnection.

A. If that was true for every student, my....

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Q. I'm not asking you to weigh the evidence.

A. Right.

5 Q. I'm saying if, hypothetically, if that turns out to be the weight of the evidence, then that's a different situation than the residential school experience, correct?

A. Yes.

10 Q. I'm not asking you to argue the evidence. I'm just asking that assuming that the evidence turns out to be as I've indicated, the mat falls outside of this condition that contributes to the disconnection that the Law Reform Commission is talking about, correct?

A. Yes.

15 Q. And if we go on the top of page 24, life -- first paragraph, first sentence, "Life in a total institution is a world cut off from family and community." Correct? That's what it says?

A. Yes.

20 Q. All right. And to the extent that the students had access to visiting and going home to and speaking with their family, that takes that out of this -- this condition?

A. Well, your -- yes, your condition is a big one to the extent that the students had -- had access. I -- presumably that's what the evidence will address.

25 Q. Yeah, and...

A. But....

Q. ...I don't -- you're not here to weigh the evidence.

A. Correct, yes.

30 Q. I'm just asking you to assume if that is the evidence that there was free access to family, spring break, Thanksgiving, Christmas, summer holidays, and all the while in

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between through phone calls and visits from family, then that certainly would be a very different experience than in the residential school environment, correct?

A. Yes.

5 Q. And if kids were freely allowed to go to Brockville down the road to shop and on social outings like skating, then that certainly would be a very different situation than being cut off from the community, right?

10 A. Well, again, it depends on what kind of oversight there was by school staff or prefects for those outings, but -- but they -- but, again, to -- assuming the qualification that you've put on that, yes, I agree.

Q. And second paragraph begins with the sentence:

15

The experience of disconnection
can be particularly acute for
children with disability.

20

A. Yes.

Q. There were no widespread condition of children with disabilities at Grenville that you've read about, have you?

25

A. Well, it -- it wasn't an institution for children with disabilities. There may have been some students who had disabilities, but -- but I'm assuming this report is referring to an institution, institutions for the deaf and blind, for example, and Grenville was not an institution that was set up to serve a group of children with disabilities in particular.

30

Q. In any event, that's not our situation with Grenville.

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A. Correct.

Q. And if you can go to the last paragraph on that page 24:

5

Children with intellectual disabilities may have difficulty interpreting the difference between appropriate and inappropriate behaviour.

10

And that is not the setting that we have in Grenville. You're not aware of any widespread intellectual disability on the part of students at Grenville?

15

A. It wasn't an institution for children with intellectual disabilities, I agree with that, yeah.

Q. So, that criteria of disconnection wasn't present at Grenville.

20

A. For the students as a whole. There may have been some students where that wouldn't be applicable. I don't -- I don't -- that has to be considered.

Q. Certainly, a tiny minority of the entire student body that's part of the class, based on your reading.

25

A. Based on my reading, that I didn't -- I think other kind of intellectual disabilities that the Law Commission had in mind, I didn't run a cross an example of that in my reading.

Q. You did not?

30

A. I did not. And just to clarify, because I think what the Law Commission has in mind are children who are significantly mentally retarded or delayed which was not something that I ran across in my reading, although there were obviously -- there were at least one student with learning

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disabilities, so there may have been other kinds of intellectual -- in that very broad term of intellectual disabilities, there may have been some students who had some difficulties.

5 Q. But, generally speaking, that -- that added concern with disconnection wasn't present at Grenville.

A. Not in the way that I think the Law Commission was describing it here, no.

10 Q. All right. So, total institution is essentially one where the students are subjected to institutional control 24/7, 365 days a year.

15 A. Well, I think that's -- the 365 days a year that I -- the total institution, the children may not as they -- was the case in the Indian residential school for some students, the students -- some students may go home over the -- over summer periods and that sort of thing, so I don't think the 365 days a year is part of the definition of a total institution, but a substantial -- a substantial part of the -- the student's year is under the control of the total institution would be a statement that I would be comfortable with.

20 Q. In other words, the entire year or perhaps all the year except the summer.

25 A. Well, you know, I think the fact that, as you mentioned, there are spring breaks or Christmas breaks and so on, and I think the -- it doesn't change, the fact that there are other breaks aside from the summer, it still doesn't change the fact that for a substantial part of the year the children's lives are in the control of the institution. So, but with those qualifications, I could accept that statement.

30 Q. And if we can go to page 30. This is again dealing with total institutions, correct?

A. Page 30 is part of the report, yes.

Q. Part of the discussion the total

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institutions, correct?

A. Yes.

Q. And on page 30, second paragraph, it's
talking about residential schools for aboriginal children,
5 correct?

A. Yes.

Q. And it reads:

10 Therefore, aboriginal children
in residential schools suffered
a special and especially
damaging form of abuse. They
were deprived of their language,
their culture, their families,
15 and the community.

I'm suggesting that that is a far cry from the
situation at Grenville Christian College.

20 A. Well, there were aspects of the students stay
at Grenville Christian College that are -- they're similar. The
students were certainly away from their families for extended
periods and their communities for extended periods of time. The
-- whether the students all spoke the English language before
they came, I don't -- I don't know. Some students came from
25 other religious backgrounds and the -- so, in that sense,
they're -- they may have been -- had difficulties in sustaining
those religious commitments at Grenville Christian College given
the -- given the school's commitment to a very particular kind
of focus on -- on religious beliefs.

30 Q. But you haven't read a single complaint about
that, have you?

A. No. One -- one person said that they had

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been baptized in the United Church and they were at Grenville Christian College, they were expected to be baptized again within the Anglican Church.

5 Q. Any other examples of -- of being unable to practice your religion or culture than that one example that you've read about?

10 A. There was -- the only other thing that comes to mind is there was a more general statement that the -- that the college presented itself as being respectful of a variety of religious backgrounds, but in fact, that when the students came that they were expected to adhere very closely to the very specific religious practices at Grenville Christian College, but I don't have other individual examples, no.

15 Q. You haven't read anywhere that, for example, a Muslim child was not able to practice their beliefs? You never read anything like that?

A. No, I didn't read that, anything like that.

20 Q. You've never read anywhere that any student was prevented from practicing their religious beliefs?

A. Well, the -- not -- not prevented from practicing their religious -- religious beliefs, but certainly required to participate in religious activities that were unfamiliar to them.

25 Q. And you understand that it was widely publicized by Grenville that it was an Anglican-based faith school?

A. Yes, I understand that that was their presentation to the public, yes.

30 Q. So, the parents knowingly sent their kids with having that information.

A. Yes, although some of the practices seem to be practices that would have been -- the parents might have not

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expected their children to be participating in.

Q. Then the next sentence in that same paragraph says:

5 In short, they were deprived of
any emotional and support
resources that could have
assisted them in resisting
10 physical and sexual abuse.

Do you see that?

A. Right. Yes, I see that.

Q. And you've read in this case that at least
one student -- at least one student who wanted to undergo
15 psychiatric -- psychological treatment was given permission to
do so by the school while in residence there. Do you recall
reading that?

A. No, I don't actually.

Q. Well, if I ask you to assume that a child who
20 wanted to seek out psychological treatment and was given
permission by the school to go off campus to do so, that would
certainly be inconsistent with being deprived of any emotional
and support resources, wouldn't it?

A. Yes.

Q. So, I want to take you to the Indian
25 Residential School paper that you authored; it's from 2019.
Your Honour, did I give you a copy? Did I give you...

THE COURT: No, no, sorry, you didn't hear me.
That acoustics. I did not get a copy of that
30 paper.

MS. MERRITT: I'm just wondering if my friend
intends to mark these as exhibits, it might be

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helpful to do that just so we can keep track
of....

5

THE COURT: So, perhaps the excerpt from the Law
Commission, since it was referred to extensively,
should be marked as an exhibit just on the basis
that that's what it was used for. Does that make
sense?

10

MR. BOGHOSIAN: Yeah, I'm happy also to make the
other document because I am going to be making
fairly significant use of it as well.

THE COURT: The paper?

MR. BOGHOSIAN: Yes.

15

THE COURT: All right. So, let's make the
package What Children Experienced from the Law
Commission of Canada the next exhibit.

COURT REGISTRAR: Exhibit 16.

THE COURT: Exhibit 16.

20

EXHIBIT NUMBER 16: Document: What Children
Experienced from the Law Commission of Canada -
produced and marked.

25

THE COURT: And the paper written by Dr. Barnes,
Indian Residential Schools in Canada will be
Exhibit 17, Madam Registrar.

COURT REGISTRAR: Exhibit 17.

THE COURT: Thank you.

30

EXHIBIT NUMBER 17: Paper written by Dr. Barnes,
Indian Residential Schools in Canada - produced
and marked.

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MR. BOGHOSIAN: Q. If we can refer to your --
the Exhibit 17 paper that you co-authored.

A. Yes.

5 Q. I want to refer to page 66 in the top left
corner.

A. Yes.

Q. And you wrote in the first full paragraph on
the right column, "Based on these findings..."

A. Yes.

10 Q. (Reading):

15 Based on these findings, we
identified four factors that
were central to the functioning
of all IRS's [that's Indian
Residential Schools] where the
direct results are government
policy affected almost all IRS
20 students and were likely to have
psychological impacts on IRS
students. Parental loss,
institutional care, forced
acculturation, and acculturation
stress and discrimination
25 racism.

A. Yes.

30 Q. So, if we look at -- you start to -- and
these are hallmarks of the total institution nature of these
residential schools, correct?

A. Well, they're -- they're -- some -- the
separation from parents is typical of or is a characteristic of

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a total institution. The....

Q. Deprivation of culture and language, we read in the Law Commission report that that's a hallmark of a total institution.

5 A. Well, that was in respect of Indian residential schools, but the Law Commission was -- was talking about total institution.

THE COURT: Dr. Barnes?

THE WITNESS: Okay.

10 THE COURT: I'm concerned that Madam Reporter won't be able to hear any of that when the machinery's operating.

THE WITNESS: Yeah, fair enough, yeah.

THE COURT: So, could you start again, I'm sorry?

15 THE WITNESS: Yes. The sections that you read from the -- the Law Commission report had to do with Indian residential schools, but when they're in their definition of total institutions they were including other -- other institutional settings that -- where the loss of culture wouldn't have been a significant a concern.

20 MR. BOGHOSIAN: Q. All right. But parental loss is certainly a hallmark of a total institution.

A. Parental loss, yes.

25 Q. And that....

A. Well, or separation from parents for extended period of time which -- yeah.

Q. And you talked -- you discussed parental loss on page 67 in the left column, halfway down, of this article.

30 A. Yes.

Q. You're on that page it's just at the bottom. So, under parental loss, if we count one, two -- six lines down

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toward the right side of that line that starts, "Many students...", do you see that?

A. Yes.

Q. (Reading):

5

Many students had almost no contact with their families because of the school's distance from their home and school policies that limited or prohibited letters or visits.

10

A. Yes.

15

Q. That's an indicia of a total institution, right?

A. It was a characteristic that separation from parents is a characteristic of a total institution, yes.

Q. As you've defined it there.

20

A. Well, it can happen in -- the separation from parents is what's important psychologically and it can -- the parents don't have to -- to live at a huge distance from the school to be separated from their children for an extended period of time. That was -- in most of the Indian residential schools that was the case that schools are actually -- were deliberately physically located at some distance away from where the parent -- where the students' families lived, but it's -- the critical thing for a total institution isn't so much the school's geographical distance or proximity to the parents, it's the -- it's the parents -- the students' ability to interact with their parents and to sustain positive ongoing relationships with their parents that's important.

25

30

Q. Okay. And getting to make telephone calls,

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getting to go home at Thanksgiving and Christmas and spring break, I'm suggesting is not a separation from an extended period of time from a parent. Fair?

5 A. Well, they're still -- they're living at the school, so the visits are certainly something that help but it doesn't change the fact that the students are living at the school and that they are under the authority of other caregivers for extended periods of time.

10 Q. All right. We're looking at examples in the residential school context, there was almost no contact with families by the children, right, in that scenario?

A. It depended on the school, but in many cases that was -- that was true.

15 Q. And there was prohibited letters or visits or telephone calls in those institutions.

A. In many -- for many students, yeah.

Q. And at the bottom of page 67 you talk about forced acculturation and acculturation stress.

A. Yes.

20 Q. And you talk about how, at the very last line on page 67, in the right column:

25 The language, culture, religious beliefs, food and way of life at residential schools was profoundly different from what aboriginal children had experienced in the previous homes.

30

A. Yes.

Q. And that certainly can't be said in the case

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of Grenville compared to these students home environments.

A. I think it depends on to what extent the students -- I'll start over again.

THE COURT: Thanks.

5 A. I think the extent to which there were...

THE COURT: Can we have any information about how long this noise will be ongoing? I think we'll take an early morning break and see if we can negotiate some clear times that won't interrupt the -- the evidence.

10 MR. BOGHOSIAN: Yeah, I'm surprised that they're allowed to do this during the day because my experience with commercial buildings is they only allow this to happen after say five o'clock at night.

15 THE COURT: Yes, and they certainly are noisy before eight in the morning I've noticed. But let's take the morning break, see if we can improve conditions, and thank you for your patience. We'll take 20 minutes.

R E C E S S

25 U P O N R E S U M I N G:

THE COURT: So, thanks to the good offices of a Court Services Officer we've agreed on a schedule. It's pretty much our usual schedule but we'll be a little more careful to take our afternoon break at 3:20 so that they can work around us and not interfere. So, thank you for your patience and thank you Dr. Barnes.

30

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5 MR. BOGHOSIAN: Q. Dr. Barnes, we were going through your article on Indian residential schools, 2019, and I believe I had gotten up to forced to culturature, ration and acculturation stress, and at the very bottom of page 67 in the right column, it reads:

10 However, the language, culture, religious beliefs, food, and way of life at IRS were profoundly different from what aboriginal children experience in their previous homes.

15 And I had suggested that that is very much in contrast to the situation at Grenville where the environment was very consistent with the upbringing that these students had had in terms of food, way of life, language, culture.

20 A. Yes, I certainly don't want to -- I'm -- appreciate that the Indian residential schools in terms of their -- their goal to re-socialize the students was -- was asking students, in some cases, to move from an indigenous culture to a Euro-Canadian culture which was a profound kind of cultural shift. However, the -- the Law Commission talks about total institutions as re-socializing and in settings other than the
25 Indian residential schools and where the -- the focus on re-socializing, it sometimes did involve way of lives, so I'm thinking for -- so, from I -- the information that I read about the students at Grenville Christian College, they were -- I don't know that their food or perhaps -- I don't know if their
30 food changed or their way of life in some ways changed in the ways that they did for students at Indian residential schools. I certainly agree with that.

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On the other hand, I think they may have been expected to adopt religious beliefs and in sometimes ways of life that were unfamiliar to them from their experiences outside of the school.

5 For example, the -- the students were expected to
adopt the -- in many cases, to adopt the ideas of the community
of Jesus that they were -- that they were sinful, that they
needed to focus entirely on the will of God as interpreted to
10 them by the school staff, that that involved things like that
they shouldn't be listening to any rock music, they shouldn't be
-- have any interest in romantic relationships or shouldn't
express any interest in romantic relationships, they shouldn't
develop even friendships with other students at the school and
so on. And in those ways I think the -- the way of life that --
15 the kind of world view and life that they were expected to adopt
represented a kind of a re-socialization that was -- was one of
the goals of Grenville Christian College.

Q. And then in that first full paragraph on page
68, you write:

20 When aboriginal children first
arrived, IRS authorities
typically removed, sometimes
forcibly, all reminders of their
25 previous lives and
individuality.

And you'll agree with me that certainly cannot be
said for Grenville.

30 A. Not to the same extent, but again there were
-- there were ways that that applied with Grenville. They --
the student, for example, who had a t-shirt with a certain

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content on it wasn't allowed to wear that t-shirt, and in fact was disciplined for it even though his parents had given it to him. The students were expected to wear school uniforms and so on.

5 Q. School uniforms, we see they're ubiquitous.

A. Yes.

Q. Aren't they?

A. They are.

10 Q. That's hardly a indicia of a total institution, is it?

A. By itself it's not, but it's one -- one characteristic.

15 Q. And children's hair was cut short or completely shaved. You've read nothing about that in Grenville, right?

A. No.

Q. Their clothes....

20 A. Although the -- the students dress in their -- I'm trying to remember -- there may have been something about hairstyles, certain makeup, certainly were expectations that the school had about hairstyles, dress, makeup, and so on, but their heads weren't shaved, no.

25 Q. There may have been dress codes. There may have been dress clothes that included hair length, but students' hairs were not cut short or completely shaved off as a rule.

A. No, they were not.

Q. And their belongings that they brought with them were not confiscated except in certain rare circumstances where they breached school rules, right?

30 A. In certain circumstances they were confiscated, but not -- not as -- I don't get the impression that it was to the extent that was the case in Indian

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residential schools.

Q. All right. You can only give us one ad hoc example of confiscation of -- of a piece -- an article of clothing or a belonging of a student in everything you've read.

5 A. There was a -- I think there was music or a radio. There was also -- there were some -- there's at least one other incidents, not only -- not just clothing but at least one other incident of a student losing something.

10 Q. So, you're aware of two instances, in all the reading you've done about the evidence in this case, over 24 years involving 1,350 students, two isolated examples of confiscation?

15 A. Well, as you pointed out, I didn't have access to the information from all of the -- all of the students who were in the school. I only had the -- the documents that were given to me about a certain -- from a certain number of students.

20 Q. Yes, and I'm saying based on what the limited information that you've been given, you saw nothing, no evidence of that except these two isolated cases.

A. No, evidence other than these.

Q. Am I right? Is that correct?

25 A. I'm sorry, I missed one of your words. No evidence other than?

Q. The two isolated examples that you just recited.

A. I'd have to go back through all the evidence just to be sure that those are the only two because they're the only two that come to mind at the moment.

30 Q. Okay. The only two over 24 years involving 1,350 students.

A. Well, as I say, from -- this is based on the

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-- the small -- the information from a small number of students to which I had access.

Q. But you were given the information by my friend class counsel, correct?

5 A. Yes.

Q. And you can assume that you were given the most damning information, isn't that fair?

10 THE COURT: I'm not sure that that's -- it feels like you're sort of trying to get the witness to agree is to what's in the evidence that underlies the opinion. I wonder if you're straying a bit away from cross on the opinion per se. Maybe you can help me understand the line of questioning.

15 MR. BOGHOSIAN: Q. Students were not allowed to speak their native language in the residential schools.

A. Yes.

Q. All right. That's certainly not the case....

A. If it was an indigenous language, yes.

Q. Certainly not the case in Grenville.

20 A. Not -- no.

Q. All right. There was rampant racism and discrimination in residential schools, wasn't there?

A. Yes.

25 Q. You see no evidence of that at Grenville, correct?

A. No, not....

Q. Grenville was a private school?

A. Yes.

Q. The parents had to pay for.

30 A. Yes.

Q. You would assume that by and large the parents of students of this school were reasonably affluent.

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5 A. The -- I don't -- I don't know, actually, to the extent that there were scholarships or -- and I know some of the students were the children of parents who worked at the school. So, some students certainly came from affluent households. I don't know -- I don't know the economic background of the student body as a whole.

10 Q. All right. Well, you certainly aren't in a position to say that the parents of the students at Grenville were disempowered, disenfranchised, and marginalized by Canadian law, regulation, and practices, can you?

A. Are you reading from something?

Q. I'm reading from page 69 of your article.

A. Right.

15 Q. The first paragraph under Operational Problems.

A. No, the parents at -- the parents at Grenville Christian College, as a group certainly didn't mix, weren't disempowered and to the extent that indigenous parents were disempowered in relation to their children at the Indian residential schools.

MADAM REPORTER: Sorry, I didn't understand what she's saying.

THE COURT: So, if you could slow down.

THE WITNESS: Oh, sorry, okay.

25 THE COURT: Speak directly into the mic.

THE WITNESS: Yes.

THE COURT: That would assist us both, I think.

THE WITNESS: Okay, sorry.

30 MR. BOGHOSIAN: Q. I'm suggesting, Dr. Barnes, that you have absolutely...

THE COURT: Sorry, counsel, I'm going to have to ask Ms. Barnes to repeat her answer because I

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don't think the court reporter caught it.

THE WITNESS: Okay. The -- the parents at Grenville Christian College were not as disempowered or disenfranchised to the extent the parents of indigenous students were in the Indian residential schools.

5

MR. BOGHOSIAN: Q. And with residential schools -- I'm still in that same paragraph -- disclosing maltreatment to parents was almost impossible, correct?

10

A. Yes, if that's what it says in that paragraph.

Q. And that's a hallmark or a total institution.

15

A. The separation from parents is a hallmark of total institutions and the -- and the disconnection and degradation and powerlessness, how that's -- for the reasons that I've explained, I believe that that was the case at Grenville Christian College, although it happened in somewhat different ways than was the case at the Indian residential schools.

20

Q. You used the term parent -- children separated from their parents for an extended period -- periods of time, right?

A. Yes.

25

Q. And that's a very subjective criteria, isn't it, extended?

A. Well, I don't have a number attached to it, so that's in subjective, yes.

30

Q. And there's no articles that you cite that set out the length of time that students would have to go without being able to communicate with their parents that would qualify as extended.

A. Well, as I've said, the separation from

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5 parents partly had to do with the fact that the students were residing at the school for the entire period of the school year with the exception, as you've pointed out, for at least some students at times when they would be able to visit their parents on Christmas holidays or spring break. But the isolation from parents partly has to do with the physical separation and it also has to do with the psychological barriers to communication with parents.

10 Q. So, if the students who were local were able to go home for weekends to see their parents, that would tend not to qualify as parental separation, would it?

15 A. I think it's -- I think the -- when the students have been instructed by the staff not to communicate with their parents when they've been told that they'll be negative consequences if they communicate with their parents about negative experiences at the school. Those sorts of -- those sorts of interventions by the school staff suggest to me that even when students were physically in the presence of their parents, they may have had difficulty communicating any concerns about the school.

20 Q. And you're aware in the record at this trial that there are -- there's ample evidence of complaints by parents of various goings on at Grenville that were communicated to them by their -- their children? Are you aware of that?

25 A. Am I aware of what's been said at this trial in respect to....

Q. Are you aware that that evidence is in the record at this trial?

30 A. I don't know that I've had a summary of that evidence.

Q. If it is, that would tend to undermine your belief that the students did not communicate issues to their

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parents regarding Grenville.

A. It's hard for me to give a statement about evidence that I haven't seen, but I -- it's just hard for me to make a blanket statement without evidence I haven't seen.

5

THE COURT: I didn't hear that.

A. Sorry, I....

THE COURT: For some reason, you both seem to be mumbling and I don't know why.

A. Yeah, I'm sorry.

10

THE COURT: Maybe your energy's getting low.

THE WITNESS: It's hard for me to make a statement about evidence that I haven't seen, to give a conclusion about evidence that I haven't seen.

15

THE COURT: Okay, thank you.

MR. BOGHOSIAN: Q. Now, if I could take you to page 26 of your report. Under item three, Overview of Abuses, do you see that on -- toward the top of page 26?

A. Yes.

20

Q. And in the first sentence under that heading, you write:

In outlining the ways in which GCC staff subjected class members to abuse, I use the categories and definitions developed by the Ontario Association of Children Aid Societies.

25

30

A. Yes.

Q. And you cite from their 2016 manual.

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A. Yes.

Q. Eligibility Spectrum.

A. Yes.

5 Q. And I suggest that you used the criteria in
the Children's Aid Society document so that you would have an
objective basis for evaluating whether there had been abuse
taking place at Grenville.

A. Yes.

10 Q. So, that it wouldn't be resorting to your
own, or anyone else's, subjective views of what constitutes
abuse.

A. Well, I'd have their -- yes, I'd have their
guidelines to -- to use in terms of looking at individual
instances.

15 Q. And that's one of the reasons you used their
guidelines so that it wouldn't just be some subjective
impression of what abuse entails.

A. Yes.

20 Q. Now, if you can -- can I have Exhibit 15 put
to the witness? This is a 2016 publication.

A. Yes.

Q. It reflects the values and ideals and notions
of abuse as of 2016.

A. The most current ideas, yes.

25 Q. And if we can go to page 125 of Exhibit 15,
it says, History of the Eligibility Spectrum.

A. Yes.

Q. (Reading):

30 The Ontario Child Welfare
Eligibility Spectrum, originally
called the Intervention

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5 Spectrum, was first developed by
Mary Ballantyne and George Leck
of Simcoe CAS in 1991 with early
and ongoing support from
Margaret Morrison of Halton CAS.
Original construction of the
10 spectrum incorporated some of
the Magura and Moses 1986 Child
Wellbeing Scales categories and
descriptors which have since
been considerably modified.

15 And then the last sentence of this paragraph
says, "In 1995..." I'm reading from the fourth last paragraph,
"...a major revision of the spectrum occurred." Do you see
where it says that?

A. Yes, I see that.

20 Q. I'm suggesting that we are dealing here in
this case with notions of abuse that occurred 40 -- 20, 30 or
even 40 years ago, right?

A. In some -- in some cases, yes, possibly.

25 Q. And I'm suggesting to you that notions of
what constitutes abuse, particularly psychological or emotional
abuse, have evolved considerably in those 20 or 30 or 40 years,
up till 2016 when these guidelines were issued.

A. I guess the ideas have evolved.

30 Q. And you have not indicated anywhere in your
report whether these 2016 guidelines reflect the values with
respect to abuse that existed in the 70s or 80s, have you?

A. I haven't tried to make a determination in
the report about that.

Q. If I can take you to -- go back to Exhibit

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17, which is your 2019 paper.

A. Okay.

Q. Page 69, under the heading near the top of the right column, Physical Assault.

5

A. Yes.

Q. It reads, "During most years of IRS operations, strapping on the hands was a widely accepted form of discipline in Euro-Canadian culture, including public schools.

A. Yes.

10

Q. You wrote that. And I'm suggesting that spankings were similarly acceptable forms of corporal punishment.

15

A. There were -- there was certainly a period of time when spanking might have been an acceptable form of punishment.

Q. I beg your pardon?

20

A. There's a -- there's -- there may have been times in the past when spanking, if it was -- if excessive force wasn't use, might have been seen as an acceptable form of punishment.

Q. Acceptable form?

A. Yes.

Q. Yes, it was an acceptable form, and I'm suggesting strapping means using a belt or a leather thing.

25

A. Leather strap, yes.

Q. Sometimes a piece of wood or a ruler.

A. I don't believe -- I never read strapping defined as using a piece of wood or that being acceptable for strapping.

30

Q. Well, I'm suggesting to you that in the 1970s and 80s, at least, paddling was a commonly accepted form of discipline in a scholastic environment.

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THE COURT: Can I just ask, are you using spanking and paddling as the same thing?

MR. BOGHOSIAN: No.

5 THE COURT: Okay. So, maybe we could just define what those terms -- as you are using them and as the witness is responding because I want to be sure it's clear.

MR. BOGHOSIAN: All right.

10 Q. Paddling -- spanking I meant to refer to using an open hand. Is that a fair definition?

A. Okay, yes.

Q. And strapping would be using a leather belt or something similar?

A. Yes.

15 Q. And paddling would be using a piece of wood, like a ruler or a paddle?

A. Yes.

20 Q. All right. And I'm suggesting to you that paddling was a acceptable form of discipline in the 70s and 80s, subject to the severity and the degree.

A. As -- as long as it wasn't -- yes, subject to the severity. Beyond a certain point, paddling was considered unacceptable.

25 Q. And, in fact, the CAS guideline, Exhibit 15, kind of makes this point, if you can refer to that.

A. On page -- sorry, which page?

Q. Page 13.

A. Yes.

30 Q. It's -- there's a heading toward the bottom, Physical Harm versus Corporal Punishment.

A. Yes.

Q. And the last paragraph on the page starts,

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"Corporal punishment..." and that's punishment using physical assault, if you will, correct?

A. Yes.

Q. (Reading):

5

...is characterized by external control and can at times involve force or coercion. Corporal punishment combines control force and physical pain to get children to behave in acceptable ways. It is based on parental power.

10

15

And CAS is distinguishing between physical harm and that type of corporal punishment, aren't they?

A. Yes.

20

Q. Now, if you assume, Dr. Barnes, that Grenville at all times had a nurse and an infirmary and treated -- treated the children's ailments, there was no neglect of their physical or mental health needs.

A. Well, from what I read, there were some instances of neglect of their physical and mental health needs, even with a presence of the nurse.

25

Q. Well, I'm not asking you to weigh the evidence. I'm asking you if hypothetically it's found that there was a nurse and infirmary and regular medical treatment provided, then there's no neglect of physical needs.

30

A. Well, I think the other step is that's missing in your proposal is that the -- that the services of the nurse were always made available to the students in instances where they had physical or mental health needs that required

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professional care, and that part I'm not so sure about.

5 Q. And whether the school taught that illnesses caused by sin or not, if in fact they were getting appropriate medical treatment, then you cannot say there's neglect of physical needs, can you?

10 A. If the children always received appropriate physical treatment for physical health problems, then the -- the fact that they were told that their problems were the result of sin might be another form of maltreatment, but it wouldn't be a form of neglect.

15 Q. And if, for example, a student who was suffering from stress or anxiety issues was permitted to see a psychologist to address them, that would certainly demonstrate due regard for the student's mental health needs, wouldn't it?

20 A. Assuming that the -- I'm not assuming that it was a medically qualified professional and that their professional recommendations were implemented by the school, yes.

25 Q. Like a psychologist such as yourself?

30 A. Sorry, that the....

35 Q. Like a -- if they were allowed to see a psychologist like yourself, for example, that would be appropriate, right?

40 A. Well, I'm a child psychologist, so it wouldn't be appropriate in that way, but assuming they saw an appropriate qualified psychologist, that would be for a mental health need, then that would be -- yes, that would be an appropriate treatment or an appropriate intervention.

45 Q. If I can refer you to page 27 of your report, the last heading at the bottom 3(c), Sexualized Abuse.

50 A. Yes.

55 Q. And you set out a definition that comes from

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the Ontario Children's Aid Society manual or guideline, correct?

A. Yes.

Q. And, once again, you've relied on the guideline, the Ontario Children's Aid Society guideline to provide you with objective standards, at least that were in effect in 2016.

A. Yes.

Q. So, the current -- most current up-to-date standards.

A. Yes.

Q. And if I can refer you to page 25 of the Exhibit 15 manual, the CAS manual. In the grey box on page 25, there's a definition of sexual abuse, sexualized abuse.

A. Yes.

Q. And if we look at the definition, we see extreme sexual abuse, sexual activity with violence, sexual intercourse, sexual molestation, sexual exhibitionism. That would be an adult exhibiting themselves to the child sexually.

A. Yes.

Q. Sexual harassment, which is defined as harassing, encouraging, pressured or proposition to perform sexually without sexual activity actually having occurred.

A. Yes.

Q. Sexual suggestiveness, provocative comments are made to a child or a child is shown pornographic photos. That's the definition of that. Sexual abuse imagining and exploitation. Sexual abusive activities such as exploitation for the purpose of pornography, voyeurism, observation of adult sexual behaviour, grooming activities. That's what sexual abuse imaging and exploitation.

A. Yes.

Q. And then encompasses all form of imaging and

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social media related to child sexual abuse for the purpose of engaging children for the gain and gratification of others.

A. Yes.

5 Q. So, those are all the subcategories of sexualized abuse that the CAS identifies...

A. Yes.

Q. ...in 2016.

A. Yes.

10 Q. And I'm suggesting to you that none of these definitions encompass the confession of sexual thoughts or activities. Is that right?

A. No. They don't say that explicitly but that's -- but it's -- but it strikes me that this is a form of sexual abuse, that's it's a way of trying to elicit from the
15 child a description of sexual activities that would be not in the best interests of the child and for the gratification of the adult.

20 Q. So, you're suggesting that if it was for the gratification of the adult that it might form sexualized abuse, right?

A. That -- well, that asking the child to do that is inappropriate, yes.

Q. Well, it's inappropriate if there is some gratification motive on the part of the adult, right?

25 A. You know, I think it's -- it's not in the -- in the way that you're -- in the list here it would be inappropriate if it's a gratification on the part of the adult. It's another form of maltreatment if the adult is not gratified but is asking the child to -- you know, some of the
30 maltreatment, the psychological maltreatment, has to do with undermining the child's autonomy and micromanaging their lives. So, this -- although this particular behaviour that you're

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5 talking about might -- you know, we can argue or discuss whether or not it fits in the -- strictly in the category of -- of sexualized abuse. If it doesn't fit in that category or if it's hard to establish whether the adult is gratified or not gratified by that activity or doing it for that purpose, then my -- my -- I feel that it would -- it would nevertheless fit into another category of maltreatment, the psychological maltreatment.

10 Q. Well, we haven't -- we haven't -- let's just stay with sexualized abuse. It doesn't fit into any of the categories that CAS has identified, does it?

A. It doesn't in the way that they are stated here, no.

15 Q. And referring to women as temptresses and other derogatory sexism terms, that doesn't not fit into any of these definitions of sexualized abuse, does it?

A. No, it does not.

20 Q. And prohibiting male/female student relationships does not fit into any of these definitions of sexualized abuse, does it?

A. No.

Q. And questioning....

A. Although all of these, I think, would fit into other categories of maltreatment.

25 Q. I beg your pardon?

A. I think all of the examples you're giving fit into other categories of maltreatment.

30 Q. And questioning students about their sexual activity that they've engaged in does not fit into any of these definitions unless there's a gratification motive, does it, if it's to establish where the rules have been breached.

A. Right.

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Q. That does not amount to sexualized abuse, does it?

A. Well, it depends on the rules and how appropriate they are for the child's developmental stage.

5 Q. Well, I'm suggesting to you that a private Christian college does not want to -- would want to discourage as much as possible sexual activity that could lead to teen pregnancies on their campus. Isn't that fair?

10 A. There are many ways to do that that don't necessarily involve detailed questioning of an individual child about their sexual thoughts or feelings or activities.

Q. Well, I'm suggesting to you that it's not all that unreasonable to prohibit sexual relations on a Christian college campus because of the concerns I've just mentioned.

15 A. You know, again, it depends on the age of the child, of the adolescent.

Q. Right. And insisting on conservative attires for female students does not fit into the category of sexualized abuse, does it?

20 A. Well, again, depends on what the conservative -- that's, as a blanket question, that's difficult to -- to answer because some of the school uniform, for example, might have been not appropriate conservative attire. Some of the things that were done to -- for example, swimming attire and that sort of thing might have been -- might have been
25 inappropriately intrusive or inspecting the female students' underwear and so on.

30 Q. I think we're losing focus, Dr. Barnes. My question to you was does insisting on conservative attire for women amount to sexualized abuse under any of the subcategories identified by the CAS in Exhibit 15?

A. No.

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5 Q. Would it be fair to say that in the literature that I've read since preparing -- starting to prepare for your examination that the professionals in your field use terms like emotional harm, emotional abuse, and psychological abuse interchangeably?

A. Yes.

10 Q. Okay. And I read in one of the papers you cite, three times in fact in your report, it's a paper by a gentleman, the lead author was David Vachon.

A. Yes.

Q. From 2015.

A. Yes.

15 Q. And he quotes a statistic, and if I -- I have a copy for you if you need me to -- if you want to verify this, that worldwide prevalence of emotional abuse of children is -- represents 36.3 percent of all children according to the emotional abuse statistics that are kept. Is that right?

A. He said that in the article, yes.

20 Q. So, 36.3 percent of children internationally have been subjected to emotional abuse?

A. Yes, according to his findings, yes.

Q. And you regard this as an authoritative paper?

A. I do.

25 Q. And that's why you quoted it three times in your report?

A. Yes.

30 Q. And if I can take you to page 31 of your report, you wrote emotional harm -- this is at the very top, 3(e) Emotional Harm.

Emotional harm involves a

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repeated pattern of caregiver
behaviour or extreme incidents
that encourages the individual
to believe that he or she is
worthless, flawed, unloved,
unwanted, endangered, or a value
only in meeting in other's
needs.

5

10

A. Yes.

Q. And that is a definition from one of the
places from the CAS manual?

A. Yes. Well, and the -- in this other
reference that I've cited there.

15

Q. And what's critical in this passage, I'm
suggesting, is that there needs to be a repeated pattern of
caregiver behaviour.

A. Or extreme incident.

20

Q. Or extreme incident toward any particular
individual, a child.

A. Yes.

Q. And you provide subcategories through pages
31, 32, 33, and 35, which continues over to page 36 of four
subcategories of emotional harm.

25

A. Yes.

Q. All from the CAS manual.

A. Yes.

Q. One of them is spurning.

A. Yes.

30

Q. Another is terrorizing.

A. Yes.

Q. Another is isolating.

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A. Yes.

Q. And the last is exploiting.

A. Yes.

5 Q. And I'm suggesting that with respect to actions that fall within these subcategories, you would need to see a repeated pattern of this behaviour spurning, terrorizing, isolating or exploiting in order for it to raise to the level of emotional abuse of any given child.

10 A. Well, either a repeated pattern or an extreme incident.

Q. Well, you said extreme incident, singular?

A. Well, incident or it could be incidents.

Q. Okay.

15 A. I mean, they could be singular or plural as the -- what I was trying to convey there.

Q. All right. So, you wrote this -- you wrote this report in March, it's dated March 2018?

A. Yes.

Q. Approximately 2018 it was written.

20 A. Yes.

Q. If I can take you to Exhibit 17, page 69...

A. Yes.

Q. ...right column, about halfway down, you have a heading Psychological Abuse.

25 A. Yes.

Q. Now I understand this article was written -- well, on the first page, 65, it says, "This article was published online July 8, 2018.

A. Yes.

30 Q. So, it was written pretty much contemporaneous with your writing of the report for this case, right?

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A. Yes.

Q. And if you look at page 69, Psychological Abuse, you write:

5 Psychological abuse is defined
as a repeated pattern of
caregiver behaviour involving
terrorizing, isolating,
10 exploiting, corrupting, and
denying emotional responsiveness
that encourages the child to
believe that he or she is
worthless, flawed, unloved,
unwanted, endangered, or a value
15 only in meeting another's needs.

Did I read that correctly?

A. Yes.

20 Q. And what I want to draw your attention to is
the complete absence in that definition, for the purpose of this
paper, to -- or extreme incident, bracket S, closed bracket.

A. Yes.

Q. That appears nowhere in this paper...

A. Yes.

25 Q. ...that you published in a scholarly journal.

A. Yes.

Q. But it does appear in the report in this
case.

30 A. Yes, in this case I was trying to follow more
closely along the guidelines of the Ontario Children's Aid
Society guidelines and they -- extreme incidents is following
their wording.

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Q. So, you've used the term in this paper
"extreme incidents", correct?

A. Yes.

5 Q. And the definition of emotional harm requires
a repeated pattern of one of these four subcategories of harm,
correct?

A. Yes.

Q. Toward the same individual child, right?

A. Yes.

10 Q. Or extreme incidents toward the same
particular child.

A. Or an extreme incident or incidents, yes.

15 Q. And it also must encourage the child to
believe that he or she is worthless, flawed, unloved, unwanted,
endangered, or a value only in meeting needs of others.

A. Yes.

Q. So, all those elements have to come together
before we can say there's emotional abuse.

A. Yes.

20 Q. Now, I wasn't here on Friday and I was going
by Mr. -- my friend, Mr. Reid Ellis' notes, which I'm sure are
fantastic. However, did I read correctly that you categorized
private light sessions as terrorizing?

A. Yes.

25 Q. All right. And if you assume that a private
light session was nothing more than a stern talking to, I'm
suggesting to you that that hardly warrants the categorization
of terrorizing, would it?

30 A. It depends on what's said. It depends on the
child's...

Q. Exactly.

A. ...reaction, the....

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THE COURT: Sorry, I couldn't hear the last part of the sentence.

MR. BOGHOSIAN: I apologize.

THE WITNESS: Sorry, it depends on what's said.

5

It depends on the child's reaction.

MR. BOGHOSIAN: Q. Well, the child's reaction may or may not be valid, but it certainly would depend, I suggest, on the severity of the message, right?

10 A. And the timing. The -- some of these private light sessions, the students were woken up, as I understand, in the middle of the night.

15 Q. Okay. So, there's the middle of the night supposed sessions, but if private light sessions have been expanded to include any time a staff person takes someone aside in a room and chastises them for a particular behaviour that they did that breaks the rules, that's hardly terrorizing, is it?

A. Again, it depends on what was said.

20 Q. Yes. It all depends on the particular circumstances of that session, doesn't it?

A. Yes.

Q. You can't simply say that anything labelled private light sessions is automatically terrorizing, can you?

25 A. No, I agree, depends on what was -- what was said and the timing and....

Q. And the circumstances.

A. And the -- yes, the circumstances.

Q. And there would need to be a repeated pattern of that behaviour for it to constitute emotional abuse, right?

30 A. It would, unless -- unless one of the -- unless there was an extreme incident.

Q. It would have to be a repeated pattern of

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that behaviour toward the same child in order to constitute....

A. Either a repeated pattern or an extreme incident or incidents with a child.

Q. And extreme incident.

5

A. Yes.

Q. And you define isolating on page 34 of your report, about halfway down.

A. Yes.

10

Q. And that definition also comes from the CAS manual?

A. Yes.

Q. Right? And, in fact, the definition -- now, I read in my friend's notes that you characterized changing dorm rooms is a form of isolating.

15

A. Sorry, I didn't quite -- changing?

Q. Dorm rooms.

A. Yes.

20

Q. All right. So, I'm suggesting, Dr. Barnes, that moving a student periodically to live with other students who they can interact and communicate with is not isolating.

A. Well, again, it depends on -- it depends on how it's done, but if it's -- if it's done frequently enough and in ways that discourage the formation or continuation of friendships among students, then it's problematic.

25

Q. You write in the definition:

30

Isolating includes caregiving -- caregiver acts that consistently deny the child opportunities to meet needs for interacting or communicating.

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Is that correct, that's the definition?

A. Yeah, it's what I've written there, yes.

5 Q. All right. And so, the gist of this is taking away their ability to interact or communicate with other students. That's really the gravamen of this -- this subset of....

A. Or interfering with their -- I don't think -- yes, interfering with their ability to interact and communicate with other students, I'd agree with that.

10 Q. So, moving someone to another room where they have other roommates is not interfering with their ability to interact and communicate with their peers.

A. It's interfering with the development of -- or continuing -- it has the potential to interfere with the development of the continuation of particular friendships within the school, and in that sense it's something that has the potential to be detrimental to the child.

20 Q. That student would still be free, I'm asking you to assume, to interact with these same people he used to room with in the general school environment during classes, after school, during sports, right?

A. Yes.

25 THE COURT: It's not coming -- I think you could come up with hypotheticals where people could see friends or not see friends. So, I'm feeling we're maybe drifting towards talking about the evidence, but, help me understand.

MR. BOGHOSIAN: I probably am not asking the question very well, and I will --

30 Q. The point is that the gravamen of this isolating is denying consistently the child opportunities to meet needs for interacting and communicating, correct?

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A. Yes.

Q. All right. And that's not a very difficult technical concept to get, is it? It's pretty straightforward.

5 A. The denying -- denying or interfering with the student's ability to interact?

Q. Yeah, what is and isn't interact -- denying interaction or communication with others is not a difficult concept to get, right? You don't need to be a psychologist to understand that.

10 A. Probably not, but -- but it can be done in some -- in -- in ways that are more avert or less avert and the -- some of the subtler ways might be -- might be overlooked.

15 Q. All right. And you've cited no literature to support your position that changing rooms periodically is a form of isolating?

A. No, I have not cited any literature on that specifically, no.

Q. And you're not aware of any?

A. No.

20 Q. If we look at the definition of exploiting, page 35, and that definition is:

25 Exploiting includes encouraging
or coercing abandonment of
developmentally appropriate
autonomy through extreme
over-involvement, intrusiveness,
and/or dominance.

30 A. Yes.

Q. And, in fact, if we go to page 59 of Exhibit
15.

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A. Fifteen is that -- is that this?

Q. Yes, I'm sorry.

A. Okay.

5 Q. There's a grey box that has the exploiting
definition at the top of that page in the grey box.

A. Yes.

Q. And I'm suggesting that the entire definition
is:

10 Exploiting, corrupting includes
caregiver acts that encourage
the child to develop
inappropriate behaviours,
self-destructive, antisocial,
15 criminal, deviant, or other
maladaptive behaviours.

Examples include...

So, that's really the big
picture look at exploiting
20 [indiscernible] that encourage
the child to develop
inappropriate behaviours.

Right?

25 A. Yes.

Q. And then sub bullets of that are:

30 Modelling, permitting or
encouraging antisocial
behaviour, prostitution,
performance or participation in
sexual abuse imaging and/or

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5 inappropriate use of social
media, initiation of criminal
activities, substance abuse,
violence to or corruption of
others.

A. Yes.

Q. Next bullet:

10 Modelling, permitting or
encouraging development to the
inappropriate behaviour, AG
parentification (sic),
15 infantilization, living the
caregiver's unfulfilled dreams.

A. Yes.

Q. That's what it says here. Next bullet:

20 Encouraging or coercing
abandonment of developmentally
appropriate autonomy through
extreme over-involvement
25 intrusiveness and/or dominance:

Correct?

A. Yes.

Q. And then the last bullet, "Restricting or
interfering with cognitive development."

30 A. Yes.

Q. All right. So, that -- the totality of that
list really gives us a flavour of the sorts of activities that

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fall within the definition of exploiting, right?

A. Yes.

Q. And I'm suggesting, Dr. Barnes, that when we look at the definition of exploiting in context, it's a stretch
5 in the extreme to characterize mass searches of dorms to check for contraband to be a form of exploitation.

A. Well, the -- I think the kinds of things that I've cited here fit -- are mentioned in the Children's Aid Society document in the -- one of the parenthesis here that
10 there's the encouraging or coercing, abandonment of developmentally appropriate autonomy, and then examples of that are allowing little or no opportunity or support for the child's views, feeling and wishes, micromanaging the child's life. So, the kinds of examples that I've given in the -- and cited in my
15 report I think are examples of that kind of exploiting in that sense of the Children's Aid Society definition.

Q. Well, the point I'm trying to make, Dr. Barnes, is that you've taken extremely literal view of this definition that's not in keeping with the obvious broader
20 concern that we see when we look at the totality of the definition of exploiting. Isn't that fair?

A. No, I don't really -- I do not agree with that. I think I've cited examples that are within the scope of the definition.

Q. I'm suggesting that mass searches of
25 possessions looking for contraband, which I believe is one of the things you cited to be exploiting your evidence on Friday, is that -- is that right?

A. Yes.

Q. Is rather Mickey Mouse when we look at the
30 totality of what is encompassed by exploiting, wouldn't you -- wouldn't you agree?

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5 A. Well, it's not the totality that's the criteria for the definition. These are examples. So, the -- the examples are just to give an idea of the scope of the definition but it's not necessary for all of the aspects that are cited in the examples to be present in a particular instance of exploiting.

Q. And I'm suggesting to you that mass preaching on views regarding sexuality and sexual orientation is hardly exploitive of any particular student, is it?

10 A. Mass preaching on sexuality or sexual orientation....

Q. Right. It's hardly exploitive, I'm suggesting, of any particular student.

15 A. Well, again, it depends on what was said, on the context in which it was said. It's -- I mean, that's kind of a -- it's kind of a general statement that -- that you've made and I'm not sure how to respond to it.

20 Q. I'm asking you if you agree or not that mass lectures or preaches, sermons on views regarding sexuality and sexual orientation is not exploitive under this definition, in fairness.

25 A. Whether it's exploitive or not would depend on what was said, the timing, the -- who said it, what was -- yeah. So, without knowing those details, it's hard to -- it's hard to say.

Q. And prohibiting relations between the opposite sex is hardly -- hardly fits fairly within the overall definition of exploiting, does it?

30 A. It fits within the definition of micromanaging or interfering with developmentally important kinds of tasks or activities, so in my view, it does fit with the definition of exploiting, depending of course always on the

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age of the child and what the particular prohibitions or restrictions are.

5 Q. And that bullet you're referring to, I take it, is the third of the four bullets under the CAS definition on page 59 of exploiting.

A. Sorry, I'm on page....

Q. I'm on page 59, where we were before under the definition of exploiting, corrupting, I referred you to the third bullet.

10 A. Yes. So -- and, sorry, your question again is?

Q. My question is that prohibiting -- prohibiting relation -- intimate relationships or romantic relationships between male and female students hardly fits comfortably within that particular definition of exploiting.

15 A. Well, I guess, again, I think, depending on the -- the age of the student and the particular circumstances, I can imagine circumstances in some of the examples that I read did fit within the scope of the definition or that example that's given for exploiting.

Q. And the reference in that paragraph is to extreme over-involvement, intrusiveness, and/or dominance.

A. Yes.

25 Q. I'm suggesting that prohibiting relations between opposite sex in an adolescent boarding school is hardly behaviour that was out of keeping with the running of any co-ed boarding school back in the 70s and 80s.

A. To prohibit sexual relations...

Q. Yes.

30 A. ...between the students. Well, again, it depends on how you define sexual relations. If it's -- if it's something like holding hands or having an arm around the other

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student, then it seems even for that time somewhat extreme. If it has to do with sexual intercourse in that -- I'd agree with you that might be more -- that's more in keeping with what the expectations were during that time period.

5 Q. Well, at some point -- at some point, you have to draw the line, don't you, to achieve the objective?

A. Yes.

10 Q. And you don't cite any literature in your report that characterizes prohibiting relations between opposite sex adolescents of a romantic or intimate nature as emotional abuse? You don't....

15 A. I don't set any references for that. I don't think they'd be hard to define. It's in adolescence, that's one of the developmental tasks of adolescence is to develop a more adult understanding of sexuality and to -- to begin the process of incorporating sexual and romantic interests into relationships with peers.

20 Q. All right. I'm suggesting that you're not able to cite a single paper that supports that position that it amounts to emotional or psychological abuse to prohibit intimate or romantic relationships between adolescents at a private boarding school.

25 A. I don't have a paper on the tip of my tongue but any developmental psychology texts would point out that these -- that developing an understanding, a more adult understanding of sexuality and beginning to incorporate that into relationships with peers is an important and, well, an essential and normal part of the adolescent development process.

30 Q. And I think you said on Friday that a risk in resilience analysis is critical to determining the actual impact of any of the activities complained of on any particular student.

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A. It would -- it would help in terms of identifying the -- making more specific statements about the level of risk for any individual student, yes.

5 Q. And you carried out no such analysis of either of these factors with respect to any of the Grenville students?

A. That's correct. I did not do individual. Assessments of any of the individual Grenville students.

10 Q. You never met with or interviewed any of the class members?

A. That's correct.

MR. BOGHOSIAN: Thank you, Your Honour. Those are my questions.

15 THE COURT: Thank you, Mr. Boghosian. Any re-examination?

MS. MERRITT: Yes, I have a few questions. If we could put Exhibits 1 and 2 in front of the witness, please.

20

RE-EXAMINATION BY MS. MERRITT:

25 Q. Dr. Barnes, my friend asked you some questions about the children being local or not local. I'd like you to turn, if you would, to Exhibit Number 1, that's the Joint Exhibit Book, Volume 1, at Tab 8, and you have to flip in there about eight pages. It's numbered two at the top in the middle.

A. Yes.

Q. All right. If you could read for us the first two lines there of item 14.

30 A. It says that 25 percent foreign students, 12 percent United States students.

Q. So, what would be the relevance if -- if 25

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(Ms. Merritt)

percent of the students at Grenville were foreign and 12 percent of the students were from the United States. What would be the relevance of that in terms of the factors you were discussing?

5 A. Well, the -- what this suggests is that a substantial proportion of the student body were living at the school and at some considerable distance from their parents, so it was unlikely that they would have been visiting parents on -- on weekends. Some might have had difficulty visiting parents even on more extended holidays.

10 Q. Right, thank you. And if I can then turn your attention to Exhibit Number 2, which is the Joint Exhibit Book, Volume 2, at Tab 97, and if we go over to page 18, could you read item seven there, please?

15 A. (Reading):

We expect students, regardless of their first language, to speak English. This will enable them to learn English more quickly. They will be allowed to use their native language in the free time after dinner in the dining room.

25 Q. And we will hear some evidence about the extent to which that rule was implemented, but if you could just help us, what is the significance of allowing somebody to speak their native language or not?

30 A. It's important for -- what I learned in doing the work with the -- on the Indian residential schools is that it's important for children to, where their first language is not English, to have an opportunity to speak their -- their

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(Ms. Merritt)

first language and to continue to develop in their skills to use their first language and that development actually facilitates both their development of English and their larger overall cognitive development.

5 Q. Thank you. And my friend asked you some questions about the prevalence of emotional abuse and he cited a paper -- I didn't write it down, but my question is this. Are you familiar with the statistics on the prevalence of sexual abuse in females?

10 A. I don't have the number at the tip of my tongue.

Q. No.

A. But it's -- I would say it's -- I'd say it's probably around 25 percent or something like that.

15 Q. Yes. And do you know for males?

A. I think it's like maybe 10 or -- 10 or 15 percent.

20 Q. Thank you. And my last question, Dr. Barnes. Is witnessing other children being subjected to harmful behaviours a form of maltreatment?

A. Yes.

MS. MERRITT: All right, thank you. Those are all my questions.

25 THE COURT: Thank you. I have one question about the bullet points that Mr. Boghosian was showing you at page 59 of the spectrum document, which is Exhibit 15. The second bullet under the definition for exploiting and corrupting talks -- he gives a list of developmentally inappropriate
30 behaviour, e.g. parentification, infantilization, living the caregiver's unfulfilled dreams. I think you referred to that. What is

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(Ms. Merritt)

parentification?

5 THE WITNESS: Well, it's when the child is expected to act as a parent to the adult caregiver rather than having -- and basically kind of assume parental responsibilities for the adult.

10 THE COURT: Thank you. That was the only clarification I had. Thank you for attending, Dr. Barnes.

10 THE WITNESS: Thank you.

MS. LOMBARDI: Your Honour, there seems to be some debate. Would Your Honour prefer that we continue with the next witness or take an early break?

15 THE COURT: Is -- is there...

MS. LOMBARDI: We're certainly ready to proceed.

15 THE COURT: ...well, I -- I see that all counsel aren't here. I'm -- I'm not sure which counsel would be -- who's your next witness?

20 MS. LOMBARDI: Beth Granger.

THE COURT: Beth Granger? And is there any difficulty with beginning now, Mr. Boghosian?

MR. BOGHOSIAN: No.

THE COURT: No?

25 MR. BOGHOSIAN: I am going to be cross-examining the witness...

THE COURT: Very good.

MR. BOGHOSIAN: ...Elizabeth Granger.

30 THE COURT: All right. So, is everybody content if we start the evidence and we'll continue after lunch?

MR. BOGHOSIAN:

M. Granger - in-Ch.
(Ms. Lombardi)

THE COURT: Yes?

MS. LOMBARDI: That's fine, Your Honour.

THE COURT: All right.

MS. LOMBARDI: Thank you.

5 THE COURT: Yes, we have 20 minutes. We can use
it.

MARGARET ELIZABETH GRANGER: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

10 Q. Good afternoon, Ms. Granger.

A. Good afternoon.

Q. Would it be okay if I referred to you as
Beth?

A. Yes, that's what I was called from day one.

15 Q. Okay, thanks. Can you tell us where you
reside right now?

A. I currently live in Kemptville, Ontario.

Q. And what is your occupation?

A. I'm a public school teacher.

20 Q. What grades do you teach?

A. I've taught grade one's, two and three, one,
two and three.

Q. And for how long have you been a teacher?

A. This is my 17th year.

25 Q. And for the record again, what is your maiden
name?

A. Gillis, G-I-L-L-I-S.

Q. And where were you born?

30 A. I was born in Brockville. My parents were
teachers at Grenville Christian College; well, it was Berean
Christian School when I was born, in 1970.

Q. And where did you live then while you were

M. Granger - in-Ch.
(Ms. Lombardi)

growing up?

5 A. I lived on campus the entire time, for almost 30 years, and on the campus, I was moved from family to family on numerous occasions. I also lived in the dorm when I was a high school student.

Q. Okay. With respect to your parents, what did they do at Grenville?

10 A. When -- okay, so they initially were teachers. My father was a [sic] English teacher and he also was a -- the director of music for many years. My mother was a French teacher until I was -- in my high school years she was demoted and not allowed to teach anymore.

Q. And what was she demoted to?

15 A. She was demoted to doing housekeeping and working in the kitchen.

Q. Okay, thank you. So, over the 30 years that you resided at Grenville, what was the time period during which you were a student there?

20 A. I started as a student in nursery school, so probably 3 years old, and I graduated from high school when I was 19, so in 1989.

Q. Thank you. And when did you first begin to work at Grenville?

A. The -- the summer of 1989 when I was 19.

25 Q. And when did you leave Grenville?

30 A. I left in stages. I -- when you worked at Grenville, you had to commit to working there for life. You had to be a life-time vowed member, and so -- and you had to live on campus. So when I was deeply unhappy by the time I was 28, and scared that I couldn't leave without a job or a career, I got special permission from the administration to move into Brockville but to continue working in the business office until

M. Granger - in-Ch.
(Ms. Lombardi)

I could figure out what I was going to do next.

Q. And so....

A. And I worked in the business office for another two years before I finally left completely.

5 Q. And so while you're living off-campus, you're -- are you just working at Grenville?

A. Yes.

Q. I'm sorry, when do you finally leave?

A. I believe actually it was June of 2001.

10 Q. And what did you do in June 2001, now that you'd left Grenville?

A. I had received my acceptance to Queen's University for the -- the year-long teacher's degree. I already had my undergrad by then, so in June I -- I left Grenville. It
15 might have been mid-summer actually now that I think of it. I -- I worked right up till I left for -- to -- to commence my year at Queen's for, which would have started in September. So somewhere in that -- that summer, I left Grenville as a worker.

20 Q. And so when did you earn your undergraduate degree exactly?

A. So, I was -- I was working full-time at Grenville from the age of 19 until I left, and we were allowed to take part-time courses once a week kind of thing. We would travel to Queen's and on -- in the summers we would sometimes
25 take one or two courses on top of all our duties as staff at Grenville.

Q. Okay, thank you. Are you familiar with the Community of Jesus?

A. Very much so.

30 Q. Were you a member of the Community of Jesus?

A. When I was 21, I took vows to be a life-time member of the Community of Jesus.

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Q. And what were your vows that you made?

A. Well, it was a long vow service. We -- we -- but -- and I can't remember it off the top of my head. But the gist of it was that we were committing to be life-time members and we were committing to obey explicitly everything that Mother 5 Judy or Mother Cay or the leader of the Community, which also became Mother Betty Sorensen -- but Mother Betty -- hmm, I can't remember her last name, sorry, Mother Betty -- we were to obey everything that they told us to do. And I also understood by 10 then that Father Farnsworth was their kind of representative at Grenville, so he took their teachings and their directives and applied them to the staff at Grenville.

MS. LOMBARDI: Okay. If I could have Exhibit 3 put before the Witness.

THE WITNESS: Thank you.

MS. LOMBARDI: Q. This document is the 15 Agreements and Issues Brief. Tab 2 are the agreed statements of fact, chronology and definitions that we've -- we've agreed to in this proceeding. And if you flip to paragraph 17 of Tab 2, 20 it states there that the Community of Jesus philosophy is described as:

Covenanting together to live in openness and honesty and giving and receiving correction, allowing the power of the Cross of Christ to transform many of our former ways of 25 living and thinking and that to live in community is to live in obedience.

Is that a fair description of your understanding of what living in community and with the Community of Jesus was?

A. Yes. I was taught at a very early age that 30 living in obedience, living in -- giving and receiving of correction, we were -- that was modelled to me from the time Mother Judy and Mother Cay came to Grenville when I was very

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young, and then when we started going down to the Community on a -- at least twice a year, we would live-in at the Community of Jesus and -- for a week at a time, and we would -- the ways that we would see this in action, you would be at a, basically a
5 light session at every meal. I -- so I experienced that from a very young age, and then I also experienced actually firsthand seeing the Mothers preaching to us at -- when they would come to Grenville for retreats, and even as a teenager I went down to the Community for retreats, as young as, I remember -- my first
10 one I think I was 14.

Q. And can you give us an example of that -- of that first retreat or one of the -- the times that you were visiting the Community, your experiences there?

A. There are so many, but one that sticks out to
15 me, when I was 14, I went down for a mother-daughter retreat with, so obviously I went with my mother. And it was a -- a frightening time for me because I had never -- I think it was the first time I actually witnessed a retreat in action and it was like a grand light session that we had at Grenville, but
20 extended for three long days.

You never knew who was going to be stood up and chastised, or publicly humiliated and sure enough, my mother and I were -- were singled out and it seemed like forever we were humiliated and yelled at, and then the Mothers said we were so
25 full of sin and so full of haughtiness that we needed to be I guess re-educated if you will. And we needed to stay at the Community for that purpose, and I was terrified of that. It's a -- and so for that whole night, it was a Saturday, that whole night I -- I was scared to death that they were going to keep us
30 at the Community and -- and this was not an uncommon thing. This had happened to other staff that I -- it was not something that I'd never heard of, so I was very afraid.

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5 But the next day they actually did change their mind and they said we could go back to Grenville on probation as long as we submitted to certain disciplines. My mother's discipline was that she was to gain 20 pounds, and my discipline was that I was not allowed to see my grades from that moment on. And school was very important to me so that was a very difficult pill to swallow. I went back to the Community many other times but that was the first retreat that I recall.

10 Q. Thank you. Just sticking with the Community of Jesus if we can just for a moment, can you describe what this Community looks like for us?

15 A. Yes. It was located on -- right on Cape Cod Bay, and there was a large church. It's actually been much - it's much bigger now, but back then it was a large church and there was a meeting hall attached to it. And there were dormitories for the -- the -- the nuns and dormitories for the monks, and then when you walked away from the church, you just walked into a -- basically a -- a lovely Cape Cod neighbourhood and all the big - the houses were very large. They would
20 accommodate at least two or three families. And -- and yeah, I -- I think there were at least 20 houses, maybe 30, that were associated with the Community.

25 Q. And when you would visit, where would you stay?

30 A. I never knew where I was going to stay. We would ride by bus and then we would wait to be told. Everybody was sort of put in different houses all around the Community. I was almost never with my parents or with my brothers, and we stayed in dorms. We slept in dorms while we were there but then we would live in the houses that we were assigned to.

Q. And how -- how would you live in these houses that you were assigned to?

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5 A. So, we only went to the dorms probably at nine o'clock at night, slept, and then got up and went straight to the houses and we would spend all day there except when you were in church. And in the houses, they had us doing housework and eating meals and having light sessions.

10 Q. And so you described a discipline that you received at a light session at C of J. In terms of your everyday working in these houses and doing the housework, you said they would do light sessions. What were those like? How do they compare to the one example that you gave us?

A. Well, the only difference is that they were smaller. You would be at a table of maybe 20 people, 10 to 20 people, depending on the size of the household.

Q. Mm-hmm.

15 A. And because we were visiting for a week usually, we were the targets of most of the light sessions. But we also saw -- I also saw -- so I -- I would see other staff members. I would be young and I'd watch other staff members from Grenville being chastised and diminished right in front of
20 my eyes, and -- and then I'd wait for my turn. We were always asked to confess whatever sins the spirit had revealed to us, and sometimes I would try to make things up just to get through it.

25 Q. And so I think you're painting a picture, but how did all of this make you feel?

A. I was terrified at the Community of Jesus, and felt so much shame, and felt so out of control, that was the other thing. I never knew what to expect.

30 Q. And so were any of the practices or experiences at the Community of Jesus similar to, or different from, the practices and experiences at Grenville, in terms of your community living?

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5 A. There were a lot of similarities. In fact, I
-- a lot come to mind. So, there was a preaching of the
doctrine that the Mother Cay -- Mother Cay and Mother Judy,
their doctrine was also communicated to us with tapes that we
had to listen to all through my childhood. And then Father
Farnsworth would take those doctrine -- those premises if you
will, those teachings, and he would continually indoctrinate the
10 students at -- at Grenville. So, he'd be sitting either at his
table in the dining room preaching those -- those teachings or
he would teach them at his official sermons, or he would bring
them to light sessions with the whole student. And to further
that, the focus on the doctrine was focussing on your sin,
focussing on needing to change, focussing on -- on how
15 inherently bad you were. So that -- that message was brought to
the students continually.

On top of that, people were always required to
confess. So, and not only that, you had to -- the -- the -- the
Mothers were always making us write confession notes. So, we
had to do that as staff and staff kids to the Farnsworths. But
20 students were required to confess their sins and then your
confessions would be used against you. Sometimes you'd confess
something in private and then it would come up in a public
setting, or you would be disciplined because you confessed
something.

25 Other things like that were people were spying on
each other all the time. You were supposed to -- if you -- if
you wanted to become a prefect or somebody that was in good
standing with the administration, you had to turn people in for
their sins or misdeeds. And at light sessions, it was basically
30 a spy reporting on each other. It -- even if you had nothing to
go by, you had to kind of come up with something that was sinful
about the person across the table and try to attack them, so you

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weren't on the hot seat.

Then we had harsh disciplines. Those came right from the Community of Jesus. And they extended to the students at Grenville, they extended to the staff kids, and I have lots
5 of that to talk about. And then there was the fear of hell and the fear of evil in the world that they focused on -- Farnsworth focused on continually. He even brought the students and myself down to the wood chip boiler to view the fires of hell. He would open the boiler and make us get as close as possible to
10 feel the heat. And the - I - the other thing I can think of is "shunning." The -- if -- we were told explicit...

THE COURT: I have a feeling it's lunch time.
I'm so sorry to cut you off...

THE WITNESS: I....

15 THE COURT: ...in the middle.

THE WITNESS: Can I just finish this one....

THE COURT: Finish your sentence.

THE WITNESS: I don't want to forget this.

THE COURT: Sure.

20 THE WITNESS: There was a fear of, or not -- not just a fear. We were told to shun anyone who was disobedient or anyone who left because they didn't believe in whatever was being preached. So, students who were on discipline, we were
25 instructed to shun them and treat them like social pariahs. And people who left the Community or left GCC, we were not allowed to talk about them or communicate with them.

MS. LOMBARDI: Q. Okay, thank you Beth.

30 A. That's all I can think of.

THE COURT: Okay. We'll take a lunch break till 2:30.

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MS. LOMBARDI: Thank you.

THE WITNESS: Okay.

CLERK/REGISTRAR: Court will recess until 2:30.

5

R E C E S S

U P O N R E S U M I N G:

10

CLERK/REGISTRAR: Court has resumed. Please be seated.

THE COURT: Welcome back, Mr. Adair.

MS. LOMBARDI: Q. Good afternoon, Beth.

A. Good afternoon.

15

Q. So, I just wanted to go back to some of the things that you said before the lunch break.

A. Okay.

Q. You had mentioned being at the Community of Jesus on a mother-daughter retreat...

A. Yes.

20

Q. ...and both of you being subjected to a light session that resulted in some disciplines?

A. Yes.

25

Q. I believe you told us that your mother was disciplined to gain 20 pounds. Can you - can you provide any context as to how that discipline related to what was happening in the light session?

30

A. Yes. It seemed to me, well, at the time, I -- it was -- my mother was routinely as was I and many others, we were routinely shamed for our sins and in this case, her sin, as I understood it, was pride and a determination to look good. So, they wanted her to gain 20 pounds so that she wouldn't be so preoccupied with how well she looked, or her appearance. It

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also felt to me at the time that they were directly trying to punish me, because at that time I was anorexic and it really hurt me to see that my mother was subjecting herself to be force-fed, if you will.

5 Q. And you were also given a discipline at this session.

A. Yes.

10 Q. You said that you were no longer allowed to see your grades. Can you provide us the -- the context for that discipline coming your way?

15 A. Yes. I had routinely been shamed and called "haughty" growing up. That was a sin that many people were told that they should not be haughty, and in my case, grades were something that I wanted to -- I wanted to do well in school. And I was -- I was so worried about being haughty previous to this discipline, that I would actually tell my -- my -- my -- my fellow students that I'd gotten lower grades than I actually got. And they would tell me that they'd turn over their papers and -- over my papers to see that actually I got a higher grade.

20 I was afraid to be haughty up till then, and at that mother-daughter retreat, it was confirmed by the Mothers that I was haughty and proud, and I needed to be unable to see my grades so that I could feel good about myself.

25 Q. Okay. Thank you for providing that explanation. Also, before the break, we had been discussing some of the practices between the Community of Jesus and Grenville that you say resembled each other. And you gave us quite a list, and so I wonder if we can just go back and talk about each one individually.

30 A. Okay.

Q. So, one of the first I guess practices or features that you noted was similar between the two communities,

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was confession.

A. Yes.

Q. Can you -- so -- so how was the confession similar?

5 A. In a light session, which were also happening in both the Community and Grenville, you were not only told all of your sins, you were often told to confess more sins. So, they'd say to me and others, you know, "You are this sin, you're -- you know, you're this sin and you're that sin and here's how
10 we know it." Plus, "We know you're hiding more sins and we need you to confess them right now." So, in a light session, you would be feeling the need to confess. And also there were official rules for staff and staff kids where we had to write letters of confession to the Mothers and to Father Farnsworth on
15 a regular basis.

Q. How often is a "regular basis"?

A. When I was a staff member, it was every two weeks for the Farnsworth's notes, "pastor's notes" we called them. And for the Mothers, it was a lot less frequent. It
20 might have been only twice a year, but it was something - there was a -- a requirement because I remember being at a retreat as a staff member, we got to the Community of Jesus, and anyone who hadn't written a -- a -- a note to the Mothers in a recent -- by the recent deadline were publicly humiliated for that
25 infraction.

Q. Okay. And can you give us an example of one of these confessions that you would have given to -- to Charles Farnsworth? Does any one stick out in your mind?

A. A lot stick out, but one particularly
30 devastating one was -- and when I say "confessions were used against you," this one, I - I was around 23, I think, and I confessed to him that I had -- by then I had a -- an eating

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disorder that had started back in my early teens and I -- it developed into bulimia and I was confessing a bulimic episode when I ate a whole box of chocolates and I threw them up. I confessed that in my letter to him, and he then called me to his office and I was yelled at for all my sins that revolved around this episode, and he basically said, "You have lost the privilege of being a staff member. We cannot have you working around the students, and you cannot be paid, indefinitely."

So, I had to move out of the dorm. I had to go live in -- with Jim and Judy MacNeil's family and the Childs family, and I had to work in seclusion indefinitely. I basically took care of their children and cleaned their house, and that was as a result of a bulimic episode. It lasted for over six months. I did not get paid.

Q. Thank you. Another one of the practices that you noted were similar between the two places, were the harsh -- was harsh discipline. Can you -- can you provide an example?

A. Yes. As a staff member?

Q. Yes, please.

A. Okay. When I was about -- I was almost 25, it was the December when I was 24, and Betty Pugsley was the -- the leader of the Community of Jesus by then. She would routinely come to Grenville to have retreats with the Grenville staff where she would root out sins and people who needed to be disciplined, and on this occasion, she met with several groups of staff and I was met -- I was a part of a group of young staff women. There were about 12 of us and we had a -- a long extended meeting with her, a light session, where each of us was singled out for our sins and such.

And then the next day, we were met with -- by the Farnsworths and put on a discipline called "boot camp" and the reason given was that after that light session, Betty Pugsley

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5 and the Farnsworths had decided that all of us young women had so many sins collectively that we needed to be punished severely. The sins that I recall were that we were full of self, ungrateful, bitches in heat, a den of vipers, and as a result, we needed to be brought low so we could reconnect with Jesus.

10 So, they told us what would happen and here's what it was. We had to move out of our different places of residence. We were all in different staff apartments. We were told to pick two outfits which we'd wear for the rest of the winter. We were told to not bring any makeup, any hair products. We'd just have a brush, no hair dryers. We had to get our sleeping bags out of storage, and when we moved, we all -- we -- we were to live at -- in Judy James' apartment, all 12
15 of us, in the living room. They gave us army cots that Farnsworth had stored from his army days, I don't where he had them. Anyway, they brought them back from the cottage, I heard. And we set them up just a few days before Christmas.

20 We were not allowed, further, to shower. We were given buckets so that we could have sponge baths instead of showering. We were assigned locations where these sponge baths were taken. My location was in the laundry room of the girls' dorm. When I'd be in my underwear having my shower sponge bath, girls from the -- the -- the student boarding students would
25 come in to do their laundry and I'd be there washing my hair in the dump sink and using a sponge bath bucket.

30 We weren't allowed to read, and we weren't allowed to watch TV, and we had non-stop light sessions. And this discipline ended up lasting for a year. Interestingly, we were so brainwashed by then, that I didn't even think about leaving the school. I was 24 and 25 and I had \$40,000 in the bank that my grandfather had given to me upon his death, that I

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didn't even consider leaving, if you can imagine.

Q. And so how did you feel after a year's long discipline as you just described?

5 A. I was utterly demoralized, drowning in shame, confused, yeah.

Q. Another one of the practices that you mentioned again before the break, that was similar between the Community and Grenville, was "shunning."

A. Yes, yes.

10 Q. So, can you -- can you give us an example of shunning at Grenville?

A. As part of Farnsworth's teaching, he would often refer to people who were in need of being shunned. Specifically, people who -- who left Grenville Community and moved away. But also anyone who was in trouble on discipline, were meant to be shunned. We were not allowed to talk to them. They were completely isolated and separated, and they were out of uniform, so it was obvious that something -- that they -- it was made obvious that they had done something terribly wrong.

20 Q. Thank you. So how was it that you came to work at Grenville after you graduated in 1989?

A. All growing up, Farnsworth had preached to the staff kids that we were called by God to spend our lives working at Grenville and he told us that we were - we had a special call in our lives and we should be - we should feel very, like an elite group of Christians. So, it was -- so it was sold to us as a privilege. And I never expected to do anything else but stay at Grenville and work there, or the Community of Jesus. It was either-or.

30 Q. Okay. Where did you live while you worked at Grenville?

A. I lived all over the place on the campus.

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When I say, "all over the place," staff were routinely moved. One time I was moved eight times in a year. We would be in staff apartments. We could be in the staff apartments that were in the dorms or in the staff apartments links. I, one time,
5 lived in Father Farnsworth's house with three other staff women. We were moved all the time.

Q. And so what position did you hold as a staff member at Grenville?

A. I started out working in the laundry room and
10 I did all -- I cleaned all the -- the students' clothing and folded it and delivered it back to them. I did that for a year or two. Then I worked in the kitchen for at least a year. I think I worked as a -- a daycare provider for the staff children, and I mean, I -- I know I did that, it's just I don't
15 remember how long. And eventually I worked in the offices, administrative jobs, and I ended working in the business office for the last at least five years, I would say, well, yeah.

Q. And were those your...

A. Oh and...

20 Q. All your....

A. Sorry, I was just -- that -- those were my day jobs, if you will, and then I was a dorm supervisor at least from about, I think, age 23 or so till I left, till I moved out.

25 Q. And, again, you were 28 years old when you left?

A. Twenty-eight when I moved out.

Q. Okay. So. I'd just like to talk a little bit about some of the duties in these various roles. What can you tell us about your duties working in the administrative offices?

30 A. Well, it was -- for a while I answered the phones. Any -- any person who called the school went through the switchboard, and I operated the switchboard. I worked in

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5 the fundraising office for the grand draw that we held. I --
and then as a business office person, I helped the students with
the -- their money needs. If they needed to get money to go to
town, I helped accounts receivable basically. That was the main
job I was trained in, in the business office.

Q. And so in operating the switchboard, was that
incoming calls or were you also assisting with the making of
outgoing calls as well?

A. It was all incoming calls.

10 Q. Okay. And so how would students make
outgoing calls at Grenville?

A. There were a few phones located in public
areas. On the lower floor where everybody walked, there were
about three phones, and there was a phone on each floor, I
15 believe in the -- in the dorm, and students would need to get
permission from a staff on a permission slip. And it wasn't
just any staff, I believe you had to get a dean or -- or a don
supervisor to give you permission to make a phone call.

20 Q. And do you recall what the -- what the
criteria were for obtaining that permission, for making those
calls?

A. Not specifically. I do know that if a child
was on discipline, they wouldn't just -- they wouldn't be given
permission, for one thing. That would be completely up to the
25 dean, the dean of men or the dean of women. And you wouldn't be
given permission to make a call, you know, during study hall or
that kind of thing. So, there were only different times of the
day that you could get permission. I -- I can't speak to the --
the ins and outs of who would say "No." I'm sure people were
30 told "no" but I -- I can't speak to specifics.

Q. Okay, thanks. Just going back to you being,
moving around and living in -- in different locations at the

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campus. What was your understanding for the reasons for these -- these moves and just changing living arrangement?

5 A. I - I just understood that basically one -- we were always meant to not want to control our lives. So, we were -- one of our sins would be trying to be in control. So, to address that sin, I felt that's why they kept moving us, because you were supposed to be open and flexible and accepting of every directive. And the more you were moved, the more you had to show that you could do that. I -- I -- I don't know if
10 I'm explaining it correctly, but it's -- basically, we were meant to stay out of control.

Q. I see.

A. And hang on.

15 Q. So, if we can just go back to some of the roles that you held. You told us a little bit about the admin office role. Could we talk a bit now about your dorm supervisor role? What were some of the duties that you had as dorm supervisor?

20 A. Okay, so there were a lot of duties, but in general terms, we -- just to specify the general duties first, it -- we were in charge of the students when they were in the dorms, so before breakfast, after study hall at night, and every weekend, all weekend long, we were supervising. We also supervised every evening after dinner until study hall. So, any
25 time the students were not in class or in study hall, we - we were roaming the campus to make sure that they were following all the rules. And yeah, so that's the general piece of that. Now did you want me to tell like what we were looking for?

30 Q. Sure, if you have some examples of some of the more specific duties, how you carried out these general duties, I think that would be helpful.

A. Okay. So, I'll start with before breakfast.

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We were to make sure that the girls, boys and girls but I did the girls, got up on time, were -- all the girls had to have all their showers by seven o'clock in the morning. They had to get up by 6:30. They had to be dressed and look extremely neat and tidy with all their uniform in shape, plus they had to clean their -- their bedrooms and the dorm floor and the bathrooms in the dorm, and the stairwells in the dorm. All that had to be done by 7:20, and then we would inspect their rooms and inspect their -- their uniforms before they could get down to flag raising which was outdoors and then go to breakfast from there.

And then on the weekends, we had to inspect whatever they chose to wear and make sure it fit all the clothing guidelines, which were numerous. And if I ever missed something and left a girl go to -- out of the dorm, I was in a lot of trouble from the dean of women. What have I missed?

Q. So, let me ask you this. Was all of your supervisory duties restricted to the dorms?

A. Oh no. We had -- we were in charge of supervising the students when they had free time after dinner, every night, and also all through the weekends. So, we had to be on supervision and we were looking for a number of kinds of things while we wandered the halls.

We would look to make sure that their clothing was all acceptable, that their -- you know, I mean we -- we've talked about the student handbook, there were a lot of rules to watch out for. But on top of the clothing, we were to make sure that nobody was in couples anywhere, no girl-boy couples were talking together or walking together.

We had to make sure that students who had been targeted for any kind of discipline previous in the year, we had to keep a closer eye on them. We were instructed who those students were. So, for example, students who were in trouble

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5 for being in too close friendships either with boy-girl or it could be girl-girl, there were sometimes we were told, this -- these two girls are not supposed to talk together because they're getting too close, or same with boys, and we had to make sure that we didn't see them together.

10 We had to make sure that people weren't speaking negatively in terms of the school. They, not just -- yeah, negative speak, rebellious speak, talking, you know, singing lyrics to rock songs. It was like we were trying to find dirt on students. And if -- if we ever did see infractions, we were expected to write them down on a binder that was an ongoing infractions binder in the dean's office.

15 We also had to monitor the students when they went to Brockville, to the mall. If you wanted to go shopping, you had to get permission. You had to sign up, then the deans would have to decide if you -- if you could go or not, so if you were in any kind of trouble, you would not get to go. If you were allowed to go, they would put you in strategic groups. Mrs. -- like Judy James would take all the girls who had signed up, and she would make groups of three to five students. And 20 each group would be led by a student leader or prefect. And then she would strategically place people in groups who weren't friends, so they couldn't get up to any kind of mischief, I guess.

25 And then when they -- we as supervisors would accompany the busload to -- to town where we would make sure they kept in full dress uniform, and they did not do -- there were a few stores in the Brockville Mall they were not allowed to enter. One was the bookstore because I guess the magazines 30 that they could buy there, but maybe books in general. Anyway, and there was a smoke shop that had magazines and smokes. So, I had to make sure that no one would enter those. And I also had

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to keep the list of the groups and make sure that every time I saw somebody, they were with the appropriate group or they could get in a great deal of trouble.

5 Q. And when you say, "a great deal of trouble," can you just give us an example of what that might mean?

10 A. Well, they were told that if they were not -- they had to -- I can't remember how it was worded, but basically when you're off campus, you have to be -- you uphold every rule from Grenville or you'll get in even more trouble than if you were back at Grenville.

15 And I should add that as a staff supervisor, we were under a lot of pressure to -- to notice any and all infractions, to the point where -- there was an incident where some cigarettes were found in the girls' dorm just before break, and there was a huge light session assembly where they tried to find out all the people involved in this infraction, plus many people were stood up for various other alleged crimes. I don't remember all of it, but I remember the cigarettes. And then
20 once all of the -- oh, and -- if this ever got -- if this ever happened before break, the people who got in trouble did not get to go home. They were kept back on break on discipline. So, there were often these kinds of searches, dorm searches, before breaks, and assemblies and light sessions before breaks.

25 But what happened to me was that I had paid several thousand dollars to go as a supervisor on the Europe trip the next day. It was a March break, and Judy James kept us -- us -- us staff members back, us dorm supervisors back after the whole assembly, and we were in so much trouble, she was so angry with us that we didn't know about the cigarettes, that we
30 were in the spirit and God hadn't told us about them what have you, that she threatened to not let me go on this trip to Europe, and I spent that whole night not knowing if I was going

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to get to go. I did -- I actually get to go but it was -- I was terrified that that would occur.

5 Q. And so you mentioned "negative speak" and "rebellious speak." Can you just give us some examples of what that might constitute?

A. Well, I mean, that was a huge infraction. You couldn't -- you couldn't speak ill of any staff or especially Farnsworth without having hell to pay. And anyone who thought ill of any of the rules or any of the - the kinds of policies that were happening or even if they thought it was 10 crazy what was going on, they -- they better not speak it out loud because a staff member like in my position was supposed to report that to the deans.

15 Q. Okay. And so how did you feel carrying out this kind of supervision on the students?

A. I felt really uncomfortable, especially since I knew what it was like to be a student, and I wanted our students to actually like Grenville. So, I mean it was my living. I wanted enrollment to not drop off, so I - I did 20 not -- on the other -- okay so I was uncomfortable. I did not like seeing kids getting in too -- into trouble, and I didn't like having to impose these kinds of rules that were really intense.

25 Q. So how did you come to have the various positions you did at Grenville? Did you apply for each of these positions?

A. No, the positions at Grenville were entirely decided by Father Farnsworth and by extension, Mother Betty or the Mothers Cay and Judy. In fact, growing up, I knew I was 30 going to be a staff member, but I really wanted to be a teacher. My parents were teachers, I was a good student. It was the only thing that I thought I would enjoy, and I'll never forget

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Farnsworth telling me when I was in Grade 13, that he said,
"I'll never let you be a teacher at Grenville,
because you'll be too haughty and you will not need to rely on
God, and I don't see that as a good fit for you."

5 And that was devastating to me. I just -- all I
wanted to be was a teacher and I knew I was a good student, so
-- and it also -- it made me angry because I even continued to
take, as I told you, I took Queen's courses and even though I
knew I wasn't going to get to shine or be -- I don't know how to
10 say this. I -- I really wanted to be doing well academically,
and I got course after course after course under my belt and
people even -- I was in trouble for having the ambition to
actually graduate from Queen's because most of the -- the -- the
other young staff did not graduate.

15 And when I did graduate, I -- and I -- and I
showed up for graduation at Queen's University, I was awarded
with the highest academic average, and that still didn't --
wasn't enough for Farnsworth to let me become a teacher.
Actually, it didn't surprise me because he didn't want to make
20 me look good or acknowledge that I did well, but I wanted so
badly to contribute with my ability in -- in academics.

 Q. So, in your -- your various roles at
Grenville, when you were a dorm supervisor, who did you report
to? You mentioned carrying out all this supervision and -- and
25 wrote some things down in a binder. Was that the extent of it?

 A. No. Well, it was -- we were directly
reporting to Judy James.

 Q. And -- and her....

 A. For the -- for the girls anyway.

30 Q. And so her position was?

 A. She was the dean of women.

 Q. Dean of women.

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A. While I was a staff.

Q. And do you happen to know who the deans of boys were, at the time while you were there?

5 A. I'm not entirely remembering. I know Dan Ordolani was when I was a student, I believe. Don Farnsworth was for some of those years in there. Probably he was most likely when I was a staff as well. Jim MacNeil though was more -- Jim and -- Judy James and Jim MacNeil were the staff, the deans for most of the time that I was working.

10 Q. And were any of these deans part of the -- the top administration?

A. Yes. Jim MacNeil, Don Farnsworth, Judy James, Dan Ordolani, they were all in the A-Team, as well as Joan Childs, Ken MacNeil, and later on, Susan Steinbach and Susan Farnsworth added to the team.

15 Q. And who did those -- those deans report to then?

A. Father Farnsworth.

Q. Okay.

20 A. Charles.

Q. In your role as dorm supervisor, did you receive any training with respect to carrying out that role, and dealing with children, how to carry out the supervision?

25 A. It was an extension in my understanding, of being a prefect. I was only a prefect for one month, but I knew what all the responsibilities were. We were well trained as -- as members of staff kids growing up. But yeah, I mean, we were -- we were given direct instruction just before the school started, what to look for, and when we carried out dorm searches, they would tell us exactly what to look for.

30 Q. So, can you walk us through what a typical day as a dorm supervisor might -- might look like for you? I

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think you mentioned the -- the checks and the patrolling the grounds. Was this every day that you would do all of those things?

5 A. We took turns. I would probably be on morning duty, two or three times a week, and the evening duty the same, two or three times a week. The weekends we took blocks of, you know, two or three hours each, on each day of the weekend. We had to juggle those responsibilities with our other jobs.

10 Q. Okay. And you mentioned "dorm searches." Can you just describe how a dorm search would come about, what it would look like, what it would consist of?

15 A. Yes. So, any time the deans suspected that there had been infractions to the school rules, they would conduct a dorm search. These sometimes happened right after a break, right before a break or anytime between. If it happened during -- it usually happened when the students were at study hall or during their classes, so that we would be asked as a -- as a junior staff member, I was usually manning one of the --
20 the entrances to the dorm, making sure no one entered even if they needed something necessary, we weren't -- we would not let them in.

25 And inside the -- the dorm, they would have access to the kids' locks, and their lock combinations and so everything was searched. And they were looking for anything clothing related that wasn't approved of, from underwear to t-shirts with some sort of popular culture on, you know, rock band or something on it. They would look for medication, sometimes diet pills were found. They've looked for smokes,
30 cigarettes, lighters, anything to do with music. If you had tapes, Walkmans, headphones, CD's.

What else? Anything to do with relationships, so

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5 if they were looking for letters between couples, or any
evidence that somebody had gotten a gift from someone else that
was romantically inclined, romantic nature. Contraceptives, and
I'm trying to think, I -- I may have forgotten something, but
those kinds of things were searched for.

10 And I'll never forget -- I feel so terrible about
this, but I -- I had to search the -- the luggage room, which
was locked, and we had to search all the girls' luggage at one
time, and I found something I didn't know what it was, but it
looked kind of like a medical thing. Turned out it was a
diaphragm contraceptive, and I turned it into Judy James,
15 thinking, I didn't know what it was, but I thought maybe I
better check, and also I wanted brownie points. And I'm so
ashamed to say this, but the girl who had that hidden in the
luggage room, it was locked, she was sent away. I don't
remember if it was for -- I think she was expelled. It may have
been a suspension, but she was sent away.

20 Q. And you mentioned that one of the things that
would be searched for, would be letters. Do you know what would
happen with those letters if they were found?

A. Well, it would be evidence of -- if it was
evidence that somebody was -- had a feeling for somebody else,
then they would be in big trouble, put on discipline
immediately.

25 Q. And so were those letters read?

A. Oh yes. I -- I mean, those were letters that
had already been opened by the student, but I had times where
letters were read before they got to me. That's when I was a
student, and I had light sessions as a result.

30 Q. Okay. We'll -- we'll get to when you were a
student in just...

A. Okay.

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5 Q. ...a moment. I'd like to show you a document right now, just to see if you can give us any information on it. This document can be found in Exhibit 1, Tab 43. Joint Exhibit Book Volume 1, Exhibit 1, Tab 43. If I could have you turn up page 17 of that document. The numbers are found at the bottom centre of each page. And I'm just looking at the section entitled "Off Campus." And I'm going to read the last paragraph to you in that -- in that section.

10 Students may leave the campus with adult relatives only with the permission of the deans, and at times when there are no other commitments. The number one school uniform is to be worn whenever a student leaves campus. On Sundays, the normal Sunday dress may be worn.

15 Can you -- can you enlighten us as to the criteria of receiving permission in order to have, I guess, visits or -- or leave the campus with a relative?

20 A. Well, as it says here, you had to get permission of Judy James or Jim MacNeil in my case when I was a supervisor, or any -- anyone who was in the dean position, and they used this "at times when there are no other commitments" as their kind of catchall for reasons that they could say, "No, you can't go with your parents." So, it was not easy to get permission, and if you were in any kind of trouble, or if you were in sort of in the crosshairs of the deans, they -- they
25 often denied children to go out with their parents.

30 Q. Okay, thank you. I have one other document that I'd like to take you to. It's in Exhibit 2, which is Volume 2 of the Joint Exhibit Book. And if I can ask you to turn up Tab 97 of that Volume. And if you could turn up page 18 of that document, again the -- the numbering is at the bottom centre of those pages. And just to give it a bit of context, maybe we should turn the page over to page 17. The heading of

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this section of the handbook of 96/97 is called "General Rules," and I just want to flip this back to 18 now and look at number 7.

5 "We expect students regardless of their first language, to speak English."

Was this something that was enforced at Grenville? How -- how was it enforced?

A. Oh, yes. The -- the rest of this is actually a surprise to me, but -- but because it says.

10 "They will be able to use their native language in the free time after dinner in -- in the dining room."

I don't remember them ever being able to use their native language. Was this 96/97?

Q. Yes.

15 A. So that was the year that Farnsworth was in the process of -- about to retire and they were starting to ease up on some of the rules. But previous to that, I don't -- I remember students always being told to stop talking in their -- their language, their native language, whether it would be
20 French -- I -- I had some girlfriends who were French and they weren't allowed to talk to each other in French -- Chinese, Arabic, it -- it was all the same, they were not allowed to, and that was another rule that as staff supervisors, we were to
always remind them to stop talking in their language.

25 Q. Okay, thank you. So, you indicated that you were in this position of dorm supervisor until 1998 approximately?

A. Approximately.

30 Q. And so what brought about the end of this role for you?

A. Well, I think it started when I was in boot camp in '95, I started to get more and more unhappy being at

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5 Grenville. I -- it -- it was a gradual process, and by 1998, I just could not imagine the rest of my life working there and I did not come -- I didn't understand that Grenville had been abusive for me or any students. I didn't understand that. That took a long time after I left.

10 But what I did know was that I was unhappy and I did not like my three choices, which were: I could either stay at Grenville full-time for the rest of my life as a married woman and marry someone who also was -- they also had to have vowed to stay for their lives, that was what it was expected, or I could be a single woman at Grenville and you also had to take vows to be single for the rest of your life; and I could go down to the Community and be a nun and take vows for the rest of my life as a nun, which my brother did and is still there right
15 now.

20 So, I just could not -- I couldn't reconcile it anymore, and by 1998, I asked for permission to -- to move out and to keep working there. And that actually had never been granted that I knew of. That was something really bold for me to ask, and they granted it to me, and I was very grateful.

25 Q. And you mentioned much earlier that ultimately you left in 2001. So, what happened between 1998 when you moved off campus, but were still working at Grenville and 2001?

30 A. Well, I was -- I didn't know anyone from the outside world, so I met a few people in Brockville who became friends with me and helped me kind of start seeing the rest -- what the rest of the world was like. I basically spent -- I primarily focused on trying to figure out what a career could be for me and what I was marketable for, and it -- and I -- it took me about a year but I realized I wanted to be a teacher. I mean, I knew I had always wanted to be a teacher, but I realized

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I actually had a shot at being one, and it took another year to get the acceptance letters and all of the applications in for university, and yeah, it just -- I -- I was just focussing on trying to survive really.

5 Q. Okay. While you were a staff member, you mentioned being put on the boot camp discipline. Was that the only discipline that you were put on as a staff member at Grenville?

10 A. I think I mentioned earlier that I was fired for being bulimic, so that was another discipline...

Q. Right.

15 A. ...big one. But no, we were -- I was disciplined for so many things. I mean, even -- they would -- one time I was -- I was disciplined for having CD's, which staff were allowed to have music, unlike students. But I had a CD of the Sister Act soundtrack, and I got a huge light session because that had a beats of music, which was worldly and sinful, so I had to pass in my Sister Act CD. And there were just -- there were a lot of disciplines. Moving was another thing I've
20 mentioned. That -- that felt like a discipline to me, because you never got settled or you never felt comfortable, and you're often living with people. I lived with Judy James several times. Believe me, that was not comfortable. So, there were a -- many, many ways we could be disciplined.

25 Q. And so you said that that wasn't comfortable. How was that not comfortable, in particular, with Judy James?

30 A. Well, Judy James was a -- she was a frightful person who -- her -- her -- her light sessions scared the bejeebies out of me, and she -- she was particularly frightful for staff and students, and especially as a student, I -- I endured many disciplines and light sessions with her. So, there were some staff that they just -- well, she was a member of the

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A-Team, so she was directly speaking to Father Farnsworth with everything that she knew, and....

5 Q. And so who were some of the -- the people that were implementing these disciplines on you as a staff member? You mentioned Judy James, was she the only staff member that would do this?

10 A. No, the -- well, the A-Team was -- was aware of all the disciplines that were being meted out. But you could get any -- any fellow staff member would -- would be able to light session you, and I was often -- well, we had weekly light sessions with a couple of the members of the A-Team, they kind of varied, and every single light session, something would be brought up about your sin and then you often had a discipline attached to it.

15 Q. How long would those weekly light session meetings last?

A. An hour to an hour and a half about. They were usually during lunch, sometimes they'd go longer.

20 THE COURT: Ms. Lombardi, I -- I note that although the hammering hasn't started, we advised the work crew we would probably take our break around this time. Are you at a good spot to....

MS. LOMBARDI: Just fine, Your Honour. Thank you.

25 THE COURT: All right. So, we'll take ten minutes for a short break.

CLERK/REGISTRAR: Court will recess for ten minutes.

30 R E C E S S

U P O N R E S U M I N G:

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5 MS. LOMBARDI: Q. Just before the break, we were speaking of the staff light sessions that you explained lasted between one to one and a half hours. I was just wondering if you could provide me with an example of one of these light sessions that you attended.

MR. BOGHOSIAN: I'm sorry, could my friend -- I didn't catch the first part of the question.

10 MS. LOMBARDI: Q. I was just recapping that before the break, we were speaking about light sessions, that you would have attended back as a staff member.

A. Mm-hmm.

15 Q. You said they were regularly scheduled, they lasted anywhere from one to one and a half hours. And I'm wondering if you can just provide us an example of what one of those light sessions was like, who was involved, what was said?

20 A. Well, mind you, this is just -- the scheduled light sessions. There were many more that were random ad hoc, but a typical one would involve all the staff -- young staff, getting together. We were called the "CC Group," Corpus Christi they called us, and -- which means Group of Christ I think. And we would - we -- the -- the -- the A-Team members like Judy James, Dan Ordolani and Father Farnsworth, usually there were three of them, would attend, and they would bring up any
25 concerns they had, and usually target several of us during any week-long, week session.

30 And then the floor was open and we were expected to chime in and notice anything about our friends and speak up to their sin, and you'd better speak up. If you -- if you didn't, you would be -- you would be called out for having not contributed.

And a lot of times, disciplines would ensue. I

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5 was often in trouble for my eating disorder, which they didn't consider a disorder, they considered a sin. So, I -- I had a lot of disciplines around that one. I had -- my friend Karen Rosen was -- was made to follow me 24/7, and another time Judy James instituted an excessive exercise routine discipline where I had to go the pool every day and swim 72 laps. And the goal was that I should do that in 25 minutes, and I wasn't a swimmer per se. I'd never taken Bronze Cross, but she thought that -- that I needed to be able to do it that fast to, I don't know, get rid of my -- my gluttony and greed and smarten up, I guess.

10 Q. And so generally speaking, how would these light sessions make you feel?

15 A. They were frightening. I was paranoid all the time, never knew if I was going to be in trouble that week or how I was going to contribute to any of the light sessions, and I was afraid basically all the time. And in the light sessions, they were terrifying.

Q. And to your observation, how would the other people that were participating in the light session respond?

20 A. We were all afraid. We all felt intimidated and worried. You couldn't show that, though. You had to pretend that it was okay with you, what was going on.

Q. So now I'd like to shift gears a little bit and talk about your life at Grenville as a student.

25 A. Okay.

Q. So, in addition to being a staff member, you told us that you attended pre-school all the way to Grade 13 in 1989. And so being a -- a staff kid, a staff student, where did you reside at Grenville?

30 A. From an early age, I was moved out of my parents' house. I remember as early as five, living with another family, the Rosens. I lived with the Steinbachs; I

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lived with the Bushnells; I lived with Judy James when I was in Grade 2. I lived with -- the list goes on. I sometimes lived with my parents. It was -- it was always being changed, and then by the time I got to Grade 9, I was allowed to move into the dorm. And I was in the dorm, Grade 9, Grade 10, Grade 12 and Grade 13 on and off, mostly in the dorm, but sometimes if I was in trouble, I'd be moved back into a certain staff apartment.

10 Q. Can you describe the dormitory that you lived in, off and on?

A. Sure. The -- in the girls' dorm, there were two beds to the room, or up to four beds, so dependent on the room size. The smallest rooms had two beds, largest were four, in two -- two sets of bunk beds. There was one bathroom per floor that all the girls shared, and yeah.

15 Q. How many girls would be on the floor?

A. About 30, 35 girls per floor. If the dorm was full, it was about 90 to 100 girls.

20 Q. Okay. What was your timetable like as a student?

A. We were to get up by 6:30, no later. Often, you'd get up earlier if you had breakfast, perhaps you'd need to be in the -- breakfast prep was one of the duties that you could be assigned a couple times a week. So, you had to be to the kitchen by 6:00 a.m., but if you didn't have breakfast prep, you would be getting ready between 6:30 and 7:20.

30 As I mentioned earlier, you had a lot to do in that time frame. You had to get a shower in, have your hair completely dried, blow dried. Your -- your uniform had to be pristine, no wrinkles in your kilt. Your room had to be vacuumed, polished and your dorm duty, you had -- like one of the duties -- one of the rooms you would have to do was as large

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as sweeping the entire stairs, the -- the east stairs from top to bottom. So, these were not easy chores, so it was rush, rush, rush to get ready for breakfast.

5 Then you were inspected, and if you passed inspection by a dorm supervisor, you got to go down to flag raising. We all stood outside the -- the flagpole even in the winter and sang the national anthem while the flag was raised. Then we filed into the breakfast dining room and had breakfast from 7:30 to 8:00. At 8:00 we had chapel every day. It would
10 be either in the chapel or in the dining room, and it varied. Sometimes it was communion, sometimes it was a -- a sing along of Christian songs, sometimes it was Farnsworth preaching.

And then school began at around 8:45 or 9:00 depending on how long chapel lasted. And we had classes
15 straight through till 4:00 p.m. with a lunch break of about half an hour.

At 4:00 everybody was required -- I -- I can't remember if you were required to be in an extra-curricular activity. I think so. I always was, but anyway, those lasted
20 from 4:00 till 5:30. If you were in a -- a -- a sports team, they let you out at 5:15 and you had to race to the dorm across campus, have a shower, get dressed, be on time to -- to lunch, I mean to dinner in 10 minutes. If you weren't, you got a demerit. Dinner was at 5:30 till 6:00. From 6:00 to 7:00,
25 there were extra-curricular activities again like choir or band or play practice. Then from 7:00 until 9:00 was study hall. Again, every single one of these, if you were late, you got a demerit, and three demerits meant you had to work extra work jobs.

30 So study hall went till 9:00, then we went to -- directly to the chapel for a half an hour of Compline Service, and then after Compline you could proceed to the dorm and you

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5 had to have lights out by, I think it was 10:15 or 10:30. And if you had extra homework which most of us did, you'd go to "late lights," so you'd have to get permission to get to late lights, which was a supervised study hall in the -- in the -- in the school.

Q. And how would you get that permission?

A. You -- you had to have your -- your permission slip signed by a teacher of some kind. It wasn't too hard to get permission as -- as I recall.

10 Q. Okay. And you mentioned that the meals were in the dining room. Can you just describe the dining room for us?

A. Yes. Well, in the 70's, the dining room was located in a different area until they built the new dining room. So, in the 70's, the dining room was the lower hall, a long -- where the library, the new library was. It was basically the bottom floor of the school. It was all a long hallway dining room. But then they built the new dining room, I think around 1980 or so, and the new dining room was a big open room where all the tables were round, wooden. And then there was a big platform, kind of like a stage, with a fireplace at the wall, and on the stage were two tables: One was Reverend Farnsworth, Father Farnsworth's table. He and his wife would sit there, and the other table was for Ken MacNeil, the principal and his wife, and...

25 Q. And where did you...

A. ...yeah.

Q. ...sit in the dining room?

A. We sat -- as a student?

30 Q. Yes.

A. We were assigned tables and the deans carefully picked where students would sit and they'd change the

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student -- the table assignments every couple of months. So after most breaks, you'd come back and you'd find out you were at a new table with a different staff member. Staff members always ate with students and they -- they oversaw the conversation at the table, they made sure of manners, they made sure everybody was eating all their food, that sort of thing.

5

Q. When you said that the students were carefully placed at these tables, can you just explain what you mean by that?

10

A. Yes. They -- it seemed to me that they would make sure there were no friends sitting with friends -- kind of no close relationships were fostered, especially in -- in assignments of tables or assignments of groups going to town, as I'd mentioned. So, you would often be sitting with someone you had no idea who they were, and you were encouraged to learn how to converse with strangers, if you will.

15

Q. Okay. So now I'd like to talk a little bit about what kind of student you were. Can...

A. Okay.

20

Q. ...can you tell us what kind of student you felt you were?

A. That's a loaded question. Early on, I realized I really liked school. What I mean that, in the elementary grades, I -- I really liked school. I loved to read, I loved taking tests. I felt good as a student, and I also liked -- I had a lot of interests. I was at Grenville and I wanted to be involved. I saw -- I idolized the older students and I saw them doing things like acting in school plays and singing in the choir and doing sports. I wanted to do it all. And I had a lot of passions that I wanted to explore. And I was a good student. I -- I did well in all my tests, and I had always high grades.

25

30

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Q. Can I -- can I ask you to turn up Tab 37 in Exhibit 1, which is Volume 1 of the Joint Exhibit Book, please?

A. Tab 37?

5 Q. There are three paragraphs on this first page, and the -- the bottom one reads, "Outstanding Academic Achievement, Junior Division, Elizabeth Gillis, 1982 to 1983." Is that you?

A. Yes. And I -- I would've been 12 or, well I would have been 13 when I...

10 Q. Okay.

A. ...got that.

Q. If we turn the page, we'll see at the top it says, "Grenville Christian College Activity and Awards Summary, name Beth Gillis." Have you every seen this -- this before?

15 A. It's a -- sort of. I mean, I - I think I wrote my name on it and I think some of those are in my handwriting, and some of the other things are not.

Q. Okay. And so if we look at the column, "1982 to 1983," it says "Grade 7"...

20 A. Yes.

Q. ...and the first box underneath that, in the first row, "Subject awards in history and English." If we jump down another couple of rows to "other awards," we see "highest average in Grade 7 and 8." And I believe -- is that what we were -- is that what was referred to in terms of outstanding academic achievement that we read off page 1, that highest average?

25 A. Yes, you'd get a special award at graduation if you were the highest academic -- if you achieved the highest standing in academics in your division.

30 Q. Okay. And how would you receive those awards?

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5 A. Now that's actually a good memory for me. I -- I remember clearly at graduation all -- it wasn't just for the Grade 12 and 13. Every student attended and I got to go to the front and receive plaques for -- I basically came away with an armload of plaques for all the -- the different awards that I got, especially the highest standing.

10 Q. Okay. If I can ask you to just flip the page one more time, go past the chart, I guess, two more times, see what looks like a typewritten page. At the top it says, "Gillis, Margaret Elizabeth, private school Grenville Christian College, 8409," and then it -- it lists some OAC and Grade 13 courses. Do you see that page?

A. Yes.

15 Q. And you're -- I mean, can you read off your marks for us, starting with Canada North American Perspective?

A. I got 86; in Biology, 88; Geography, 83; French, 80; Functions and Relations, 88; and English, 82.

20 Q. And if we look at the next page, it appears to be your grades from Grade 9 to 12 there. And please correct me if I'm wrong, but I don't -- I don't see anything there that's under 80 percent.

A. That's right.

25 Q. That's right. So, if we turn back to the chart that we were looking at earlier, sorry to go back and forth here. I particularly want to draw your attention to the columns, "Grade 10" and the one beside it which doesn't have a grade number, but it says "1986 to 1987." Those boxes are blank. Do you recall receiving awards in those years?

30 A. I do not, which would make sense because I was not allowed to see my grades after grade -- in the middle of Grade 9.

Q. So, at that graduation ceremony that you

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described, at least that one time coming out with an armful of awards...

A. Yes.

Q. ...how many times did you experience that?

5

A. I remember that in Grade 7 and in Grade 8, and then it stopped. I -- I might have gotten the odd award. I think in Grade 9, it looks like I got an award, but after that, graduations were not something to look forward to, for me.

10

Q. In the "Grade 8" column, if we follow it all the way down into the second page, the very bottom we see the row heading "Other"...

A. Yes.

15

Q. ...and then it says, "Honour Roll." What were the requirements in order to make the Honour Roll at Grenville?

A. You had to have a -- a - a grade of 80 or higher. They also had a -- they had a published Honour Roll on the walls where it was a big, huge wooden like a -- wooden boards that were really fancy and made of gold lettering...

20

Q. Mm-hmm.

25

A. ...a gold design all around the outside, and each year, they would paint the names of people who were on the Honour Roll and then they would write their actual final marks. And everybody wanted their names on the -- the -- you would walk by every day as you walked to chapel. And from whenever I was not allowed to see my marks, from that day forward, I was never on that Honour Roll, like published in the hallway.

30

Q. Okay, thank you. You mentioned earlier about wanting to be involved in -- or being interested in extra-curricular activities at Grenville. Which did you end up taking up when you were a student?

A. I -- I actually rode the horses, until they

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5 sold them when I was around 14, in the riding club. I -- I did
basketball, cross-country skiing and track and field. I was in
choir. I have a very -- very musical family and I -- the -- my
main love was singing, and so I was in choir and I aspired to be
in the Gilbert and Sullivan productions three years in a row,
10 Grades 11, 12 and 13. I auditioned and I got the -- one of the
lead roles in each one of those productions. And I never got to
actually perform those roles for three years in a row. I was --
I lost the role because of sin or getting in trouble for some
15 reason in each case. And then one year I not only lost the role
in -- in Mikado, I was further disciplined by having to sew the
costumes on my free time. And I'd go to the sewing room every
day at 4:00 and sew the costumes for the people who were in the
play.

15 Q. Do you remember what sins were -- were being
explained that you had exhibited, that would cause you to lose
these roles each and every year?

20 A. It's really so painful I can't remember all
the sins. I just remember haughtiness, it was the main one. I
did get in a lot of trouble in Grade 11 which I think we're
going to get to, so that was one of the reasons I'm -- I -- in
Grade 11 I know exactly why I -- I lost the role, but in Grade
12 and 13, it was being haughty and full of myself.

25 Q. Well let's talk then about Grade 11.

A. Okay.

Q. What occurred in Grade 11 that brought this
about?

30 A. It's a long story. I -- in Grade 11, I had
feelings for a boy. It started in Grade 10. I really started
to have a crush on him. He -- he wrote me a letter in Grade 10
in the summer, between 10 and 11. I never received the letter
until I was landed into a light session and were -- because they

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5 had intercepted the letter, censored it and read it to me, got in all kinds of trouble. So, I knew to keep my feelings for him very secret. The following December he gave me a -- a gold ring with a heart in gold, and I was thrilled but didn't want to tell anyone. We, by the way, had never even kissed. I hugged him when he gave me the ring and that was the extent of ever getting close to him.

10 So eventually I just couldn't help myself and I told a good, I -- I thought a good friend who was a staff girl, who also had a crush on a boy, so I thought I could trust her. She actually married a boy that she had a crush on so -- I really thought I could trust her but she eventually turned me in by January and told the deans -- I don't know who she told -- but I found myself into a -- one of the worst light sessions I can remember, being stripped apart and -- by Judy James, and I think, there was another man there but I don't remember who he was. And just absolutely shamed and accused of every possible lustful seductive act that I could possibly have done to -- to 15 this boy, to reel him in with my lustful ways. I don't remember everything she said. I was mortified and scared out of my mind. She made me get the ring and took it. I've never seen it since, and then I was immediately put on discipline. I was in so much trouble that I stayed on discipline for 29 days.

25 During that time, I was so mortified and so ashamed and so afraid of going to hell because I kept being given light sessions by Father Farnsworth, Joan Childs, Judy James, and they -- not only was I obviously in trouble for having feelings for this guy, but they wanted to know every sin I'd ever had thought of, or every sin I'd committed.

30 They -- they pressured me so much I felt like I was a -- being interrogated by the SS, and I finally came up with the courage to tell them that I had tried shoplifting. I

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had stolen a bra that year 'cause I needed one for sports, and I was afraid to ask my parents who were penniless. And I'd also stolen a chocolate bar from another store, and I felt horrendous and I knew I was in deep trouble with the -- with God if I didn't confess. I was never caught for these but I-- I just felt so guilty.

So I brought this up finally after almost a month on discipline, and as a result, I was in more trouble obviously 'cause now they had something to really pin on me, and I was told that I could no longer be a student at Grenville; I was so -- I was such a shame on the staff kids; I was a terrible example.

And after they took me to make restitution at the stores and to completely -- to confess to the store managers, and to make payments, they decided that I needed to be sent to the Community of Jesus and expelled from Grenville, as I wasn't allowed to be a student, indefinitely. So it was -- it was the beginning of February that year and I had to go down and live in the Community of Jesus. I didn't know for how long. I wasn't allowed to contact my parents, either by letter or by phone, and I worked as a maid essentially in one of their -- their houses.

I said I didn't get to do any school.

Q. And how long were -- did you end up being at the COJ?

A. They finally let me go back to Grenville seven months later at the beginning of September '87. They also put me on a diet down there because I was having trouble with bulimia. They have a diet that they marketed called the 3D Diet. You can find it on Amazon. They -- they actually authored it down there and marketed it, and that was their way of treating my eating disorder, among other sins.

Q. What was the 3D Diet?

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5 A. Diet, discipline and discipleship. So basically, you were on a diet while you were examining your sin and attending light groups that were all focused on diets -- light sessions, light groups, that's the same thing. So, also while I was there, I -- I -- I got to -- "I got to" -- I had to sit through endless light sessions.

Q. If we can just go back to before you ended up at the Community, you spoke of a 29-day discipline. Can you tell us what that discipline consisted of at Grenville?

10 A. Yes. I was not allowed to wear the uniform. I was -- and so I felt ashamed because every single student got to see that I was in trouble. And being a staff kid, that was even more kind of curious because we were supposed to be the best examples in the school. I didn't go to school or classes.
15 I was taken out of all extra-curricular activities.

I worked primarily in the kitchen doing very hard labour. For example, cleaning out grease traps in the -- the -- the kitchen floor, the dish room floor, or doing pots and pans, or cleaning out the ovens, or cleaning out the cooler or the
20 freezer, which you could walk into. I even had to clean the dumpsters and remove all -- to do that I had to remove all the garbage bags that were in the big industrial dumpsters, throw them over the side. There was a dead crow -- freaked me out. And then tried to scrub the crud off the inside of the dumpsters
25 for a day.

Q. And you said this lasted 29 days?

A. 29 days, until I was shipped off to the States.

30 Q. And to your observation, was this type of discipline the same as other students, or was this special for staff kids?

A. It was the same, only that I felt worse

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5 because I -- I don't know. I -- I saw many -- many students on discipline for long periods of time. In fact, at the time that I was in trouble, many students were also being -- getting in trouble, specifically for relationships. It was kind of like a big crackdown that year, and anybody who was known to have a crush on somebody was in -- was disciplined along with me. There were a lot of us on discipline. I just had to spend, I think extra time because I was a staff kid and I -- I had higher expectations on my behaviour.

10 Q. And so how did you go about making up the class time that you missed over those 29 days?

15 A. I never did, because I didn't get to go back to class. But if I had been on discipline, I just would've had to -- I mean, I was on discipline other times and you just had to kind of try to catch up.

20 Q. I think before we were -- we got into this discipline, we were talking about extra-curricular activities, and you mentioned being on a number of sports teams, trying out for, getting the role in the Gilbert and Sullivan production. Were there any other extra-curricular activities that you participated in?

25 A. There were a few minor ones that I -- I had opportunities because I was good at certain -- I was good at certain public speaking events, well, not events. We -- we had these challenges every year where people in English class had to present a poem and present a speech, and then teachers would -- would pick the -- a couple of representatives from each of their classes to go compete in the school. So, I -- I can remember being -- competing primarily with poetry recitation, and on a couple of occasions, I was picked in Grade 12 and 13 to go
30 represent the school at some public speaking competitions.

Q. And where was that?

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A. Oh, one was in New York and one was in Montreal.

Q. And what were those competitions like?

A. Well, pretty scary. I -- I didn't really --
5 it wasn't my -- I don't know. I mean, I -- I was picked, I
wasn't -- in those cases, I wasn't somebody who said, "I want to
go, I want to go". They just told me I was going, and actually
it kind of scared me. But it was -- it was kind of memorable I
guess, because it's kind of a scary thing to be put on the spot
10 for three days.

But the one in Montreal actually ended in a light
session when I got back, so it's not a really good memory for
me. I went with Kevin Craig and Amy Steinbach who were Grade 12
students. I think we were in Grade 12, yeah, and this is a
15 ridiculous story, but Dr. Hamilton was our -- our -- our staff
supervisor and she was required to do some judging. So, she had
to work near the end of the -- the tournament for two hours and
we had time to kill. So, she asked us to just walk around
Montreal, just nearby the school that we were at, and -- and
20 just wait for her.

So, we walked the streets of Montreal in the area
that the school was in, and we were all members of the choir, so
I remember clearly singing in three-part harmony, the songs that
we were learning in choir. And it started to rain. So, we
25 eventually made it back to get into the car that we had come in
- it was a Caravan -- and we just sort of killed time and talked
while we were in there.

And somehow this story got back to Judy James,
and she called me in for a light session and accused me of all
30 kinds of nefarious, lustful acts with this boy, Kevin Craig, and
I was shocked because I didn't know where she was coming from.
She basically accused me of having seduced him in the car, and

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nothing of the sort happened. And I remember, I couldn't -- I couldn't just say, "No, this didn't happen." She grilled me and made me feel incredibly ashamed and dirty even though nothing had happened. It was -- I don't remember the words she used again, 'cause she scared me so much, I -- I basically have blocked her words out.

Q. Okay, thank you. You've spoken a lot about sins and -- and some rules. You mentioned a dorm search for cigarettes, for example. What were some of the rules at Grenville?

A. Some of -- some of the rules?

Q. Mm-hmm.

A. Well, there was a student handbook which outlined, very clearly, rules that you needed to follow if you wanted to stay out of trouble. The obvious would be don't -- no possession of alcohol or drugs or cigarettes or music or, yeah, no cheating on tests, no stealing, and no -- and then they had all the rules about relationships. You were not allowed to have an exclusive relationship with, a girl-boy relationship, and there were a lot of -- a lot more than that but that's off the top of my head, were the written rules.

Q. Okay. And [indiscernible] them, the written rules were what you had to live by?

A. Oh no, not at -- no, not at Grenville. So, there were the written rules which they presented during a [sic] initiation sort of assembly at the beginning of the year. But there were a lot of unwritten rules that students had to acclimatize themselves and become aware of. They ranged anywhere from special clothing restrictions or expectations that weren't written, to attitudes that you -- you know, you could get in trouble for having a bad attitude, you could get in trouble for being rebellious, as it was seen by the -- the

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leaders.

Q. Can you give us an example you said, the special clothing expectations that were not written?

A. Okay.

5 Q. What's an example of that?

A. Yes.

Q. Okay.

10 A. Wow. Well, given that girls were made to feel ashamed of their bodies, there were a lot of clothing rules that weren't necessarily in the -- in the student handbook. For example, bathing suits. It got more and more strict as the 80's went on, and by 1987, I believe it was, if you looked in the handbook, what is in the handbook is not what was actually enforced. So, we were expected to wear a bathing suit that was
15 very supportive, i.e., foam cups, not too high cut. And then on top of that, you had to wear a T-shirt and shorts to swim, even when you were just with the girls. They often had "girls only" swimming. You still had to wear all of those components.

20 And I -- that reminds me of a light session that took place at that time. I had never worn a -- a regular bathing suit because prior to that we had always had to wear skirt bathing suits, and when they instituted that rule, I was -- we were told we had to get a regular bathing suit so it could go on underneath the t-shirt and shorts. So I was sent on a
25 clothing -- a bathing suit shopping trip with a junior staff -- or a -- a staff member, Donna Bellasado (ph), and she helped me find a bathing suit that would support my girls, and that wasn't easy. And I had never actually tried on a bathing suit in front of anyone, and I was really ashamed of my body for obvious
30 reasons, because well, I'll get to that.

Anyway, we finally found a bathing suit that it seemed to work and when I got home, Donna was asked to show the

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5 bathing suit to Judy James. And they hung -- they looked at it on the hanger and decided it was not appropriate. So I was pulled into a light session with Judy James, Susan Steinbach, Donna Bellasado and Joan Childs, where they tore a strip off me for being rebellious enough to buy a high-cut bathing suit, and a low-cut bathing suit, and what was I trying to do with my lustful demon flesh.

10 And I sit there -- stood there feeling terrified, and then they made me go put the bathing suit on in the nearby bathroom and march back in with nothing but the bathing suit on. And by the way, I had been brought up to never show more than shorts and a t-shirt or -- or a skirt bathing suit, so this was very humiliating. And then they made me bend over, touch my toes facing them, to see if they could see cleavage, and then 15 they made me turn around, touch my toes to see how much of my butt would show. This is all for a bathing suit that I would be wearing under shorts and under a tank top.

Q. And were those bathing suit restrictions only applicable to staff children like yourself?

20 A. No, this was for the students, the regular students. They had to wear -- the girls. And then the boys also had to wear, that year they had to wear t-shirts. They were not allowed to wear just trunks, or shorts, bathing suit shorts, whatever.

25 Q. You mentioned when we were talking about the unwritten rules, you said "bad attitudes" was also something that was part of the rules. So how -- how would those bad attitudes be determined, by whom, and then how would they be communicated to students?

30 A. I saw more students get in trouble for their attitudes than I did for actual breaking rules, in my time there from when, as the elementary student all the way up. It was --

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it -- it was like the deans and Farnsworth were kind of sniffing out anyone who would have even like -- I don't know how they did it, I mean it was so random and they -- they would target students and just decide that they had a bad attitude.

5 It -- it got so bad that there was a time in -- when I was in high -- Grade 12 and I think -- I think it happened two years but it's unclear. I remember very much in Grade 12, they -- they instituted a special discipline for those people who had "collective bad attitudes." And what I mean by
10 that is, well, first of all, they gave it a special name, called "Cold Grits." Farnsworth was from the South and he thought that grits were best served hot and if they were cold, they were distasteful. And he made these -- these students -- he -- they decided that all these students on Cold Grits and I think it was
15 about 10 to 15 girls, and when I say "girls," it wasn't just girls, it was girls and boys, but we were not -- we were -- we had assemblies separately.

 And the girls in Cold Grits what I recall, were chosen because they -- and this is what they said in the
20 assembly, "They're not breaking the rules, but they're sinning in their mind. And we know this." And then they would give examples of how they thought that they were sinning in their mind, and they stood each one up -- of them up in the front of us -- at chapel and yelled at each one in turn.

25 And then they instituted a discipline that was specific for this Cold Grits group, and the discipline lasted for a long time. It was weeks, if not months where they had to get up early in the morning and do a boot camp kind of exercising, running the track for the boys, and running inside,
30 I think, for the girls. They had -- they had -- they were not allowed to go to anywhere in the school without their prefect who was assigned to each one of them, and they couldn't even go

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between classes without being escorted. They had extra work jobs to do whenever they were not in class, and they were on silence discipline. They weren't supposed to be talking to anyone in the entire time they were on discipline.

5 And I remember it being so confusing because, well, by then I was used to all kinds of people being on discipline, but I just thought in this case, what did they actually do, you know? It was very -- it was really scary to watch.

10 Q. Thank you. So, you mentioned that this happened at a -- a girls' assembly?

 A. The girls that were put on Cold Grits were publicly shamed and humiliated in front of the girl -- all the girls in the school, and the boys had a similar assembly that I
15 didn't witness.

 Q. Were boy-girl assemblies a normal thing that happened at Grenville?

 A. Usually they were mixed, yes, co-ed.

20 Q. And were the co-ed assemblies different than what you just described as happening at the girl assembly?

 A. No, they were -- it was the same format. You were brought into usually the -- the chapel, sometimes it happened in the dining room, and whoever the deans or Farnsworth wanted to make an example of, or deal with publicly, they would
25 announce that student, make them stand up, come to the front of the -- the church or chapel, or the front of the dining room, and stand up and then they would yell at the student and -- and publicly shame them for whatever sins or infractions or both. And they would often then open it up to the rest of the students
30 to -- to see if anyone else would like to join in. If you joined in with the staff who were publicly shaming someone, you kind of got brownie points with the leaders, and so therefore,

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people learned to -- to join in.

Q. How long would those assemblies usually last?

A. Oh, they were hours and hours. It was -- if it was a -- a -- the big full school assemblies would often last all day. If -- and I remember a few of them lasting more than a day. And between, let's say if it wasn't finished and we had to go off to dinner, they would just automatically say, "Everyone's on silence, there's no talking," and you're on silence until the next morning, until it would resume with the next session.

10 Q. And sorry, that was everyone attending the assembly?

A. Yes.

Q. How did you feel during these assemblies?

A. They were terrifying. I -- you -- you did not want to be called and you did not want to -- they were terrifying. It was just -- it was scary, intimidating, and confusing, but mostly terrifying.

Q. And to your observation, how did other students respond to these assemblies?

20 A. People would cry. I could see people looking with big eyes to each other, trying not to be noticed, trying to slump in their seats. It -- it was really scary.

Q. How often in any given year would these assemblies occur?

25 A. They were random, you never knew when they would happen. I don't think they happened any more than five times a year, or less than two. I mean, there were always some, like one in each half of the year type thing. It's kind of how Farnsworth seemed to establish his authority on the students, and make sure, and the deans too, and it was kind of like
30 instill the fear of God in everyone, type thing.

Q. And when the -- and when these assemblies

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lasted all day, what would happen to the class time?

A. There would be no class. It would just -- they'd have to -- teachers would have to catch up the time in some way.

5 Q. And you indicated that if the assemblies carried on past a mealtime, or into another day, everyone would be put on silence?

A. Yes. I remember many times when the whole student body was put on silence, and it wasn't just in following these assemblies, but almost always after these assemblies, there would be a long period of silence, and when I say "long," it would be at least a day, maybe more. But I remember Farnsworth often preaching just from his perch in the dining room, and he would start in on a topic and have some doctrine that he wanted everyone to pay attention to, and then he would say,

"This is so important, I want everyone to be on silence for at least today and I'll let you know tomorrow."

20 That kind of thing, like it was -- it was a regular occurrence, more so than the mass light sessions.

Q. We've talked about prefects and student leaders a little bit. Can you -- can you tell us how a prefect or student leader was chosen?

A. That was tricky, because as a staff kid, it was one of my goals to become a prefect by Grade 11. I was hoping, because we were expected to be examples for the students of excellent behaviour and all of that. But I actually never managed to get a prefect pin till I was almost graduated, a month before I graduated.

30 But the reason why I mention that is, you could be following all the rules and still not be chosen as a prefect. It seemed to me that you had to get on the -- a good side of --

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of the leaders and you had to do -- you had to -- you had to
sort of buy into the whole spying on people in many cases
anyway, where you had to be one of those people who would turn
someone in for something they knew on them or -- or the -- well,
5 that's -- that's exactly what it was. And it wasn't always
that, but that was definitely a way to get to be a prefect.

Q. And is there a difference between "prefect"
and a "student leader"?

A. A student leader is like a junior prefect.
10 You had to be one in order to become a prefect.

Q. I see. And how did everyone know who the
prefects were at the school?

A. Well, any time there was a prefect pinning,
it was a big kind of announcement and kind of a ceremony if you
will, in the dining room, and they'd come -- they'd get the pin
15 in a public sort of way. Farnsworth would extol the student and
make sure that everybody knew that they -- they were proud of
them and -- There was -- there were a few times where all of the
prefects and student -- well, there was one time that all the
20 prefects and student leaders lost their pins. They were taken
away because Farnsworth thought there was too much sin in the
school, and they all had to -- they were told that they'd have
to earn them back.

Q. And other than that one instance, if you were
25 a prefect, were you a prefect for life, or how did that work?

A. Oh no, if you -- if you were -- you had to
follow the rules very carefully and also if you had -- if you
were found out that you had feelings for someone else, you would
definitely lose your pin immediately. People lost their prefect
30 pins for, like, often.

Q. And how would they lose the pin?

A. Well, like I said, if they -- if they broke

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any kind of rules, or if they were found out to have a negative attitude, just like any student who got on discipline. They were held to a higher standard.

5 Q. And so how were students informed, who were the prefects and who weren't the prefects?

A. I don't remember -- I don't remember. You wore a prefect pin...

Q. Mm-hmm.

10 A. ...for one thing, and a student leader pin, and like I said, that they would have a public ceremony to -- to -- to -- to present whoever had been picked.

Q. Was it ever public when they were deselected?

15 A. Well, if -- if -- if they were demoted in a light session, a big mass light session, that happened several times. But it could also be behind closed doors as well.

Q. Okay. So, you were a prefect for, you said, one month before you graduated?

A. Yes.

20 Q. What were -- what were your responsibilities as a prefect?

A. I had actually been running the whole -- the junior dorm for most of that year, which meant I was in charge of all the Grade 7 and 8 boarding students. So, I was doing the -- and you couldn't get that job without being a prefect. But I
25 was given the job anyway. So, I did the job without the pin.

Q. Mm-hmm.

A. And then they finally recognized that I'd been doing a good job, one month before I graduated.

30 Q. And what were some of your duties as prefect in - in running that dorm?

A. Well, I was -- in that job, I was kind of like a dorm mother for the Grade 7/8 girls. I remember I had to

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be in charge of making sure they -- they were taking care of
anywhere from you know, making sure they're -- they had what
they need for their -- for their room, I mean for their uniform,
they had -- I had to make sure they had -- I -- I -- okay.

5 Prefects would be the ones who inspected the -- their jobs in
their rooms, so I was always inspecting their rooms. And you
would get a room score every day, and it was the room that got
the highest score would win a prize of some kind every month.
But I -- I would get up in the middle of the night if they were
10 vomiting and clean up their vomit. You know, I did -- I did
what a mom does, for a mom does. Girls were wetting the bed
then and I took care of that as well.

MS. LOMBARDI: I wonder, Your Honour, if this is
the time to break...

15 THE COURT: Yes.

MS. LOMBARDI: ...for the day.

THE COURT: How much longer do you think you'll
be?

MS. LOMBARDI: Maybe another hour.

20 THE COURT: All right. That's just given me a
sense of what to expect tomorrow. All right, we
will adjourn till 10:00 a.m. tomorrow.

CLERK/REGISTRAR: Court is adjourned till
tomorrow at 10 a.m.

25 ...WHEREUPON THESE PROCEEDINGS WERE ADJOURNED

30

Certificate

Evidence Act, Subsection 5(2)

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I, Octavia Cumberbatch, certify that this document is a true and accurate transcript of the recording of Lisa Cavanaugh et al. v. J. Alastair Haig et al., in the Superior Court of Justice held at 330 University Avenue, Toronto, Ontario, on September 23, 2019, taken from Recording No. 4899_8-2_20190919_093111__10_LEIPERM.dcr, 4899_8-2_20190920_092321__10_LEIPERM.dcr, 4899_8-1_20190923_094944__10_LEIPERM.dcr, which has been certified in Form 1.

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July 3/20

Cumberbatch

Octavia Cumberbatch

Octavia@ROCRreporting.ca

647-907-6282

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