

Schedule “D” – Claims Protocol (Experience Payments)

Claims Process Principles

1. The following principles shall govern the Claims Administrator and the Parties throughout the Claims Process (the “Claims Process Principles”):
 - a) the Claims Process shall be expeditious, cost-effective, user-friendly, accessible, culturally sensitive, and trauma-informed;
 - b) the Claims Process shall minimize and mitigate the burden on the Claimants in pursuing their Applications for Experience Payments, including the risk of re-traumatization;
 - c) the Claims Administrator shall assume that a Claimant is acting honestly and in good faith unless there is reasonable evidence to the contrary; and
 - d) the Claims Administrator shall draw all reasonable and favourable inferences that can be drawn in favour of the Claimant.

Experience Payment Eligibility Criteria

2. A Claimant will submit only one Application per Survivor Class Member. The Claims Administrator will pay Experience Payments to Approved Claimants as follows:
 - a) for each Survivor Class Member who attended at the Île-à-la-Crosse School for fewer than five School Years, the Claims Administrator will pay one Experience Payment of up to ten thousand dollars (\$10,000); and
 - b) for each Survivor Class Member who attended at the Île-à-la-Crosse School for five or more School Years, the Claims Administrator will pay one Experience Payment of up to fifteen thousand dollars (\$15,000).

Attendance for any part, including a single day, of a School Year will be treated as one School Year.

Submitting Applications for an Experience Payment

3. There will be an Experience Payment Claim Form (the “Claim Form”), to be agreed upon between the Plaintiffs, Canada and the Claims Administrator.
4. The Claim Form will be standard and there will be variant annexes for each type of Claimant: one for Survivor Class Members, one for Personal Representatives of Survivor Class Members who are Persons Under Disability, and one for Estate Representatives of Deceased Survivor Class Members.
5. The Claim Form will state that the Claimants should include copies of any Supporting Documents when submitting an Application. Submission of original Supporting Documents will be accepted but discouraged. Supporting Documents include any documents that may be relevant to the issues of whether and for how long a putative Survivor Class Member attended as a student or for educational purposes at the Île-à-la-Crosse School. Supporting Documents can include, but are not limited to:
 - a) photographs;
 - b) correspondence;
 - c) school attendance records and/or yearbooks;
 - d) Survivor Class Members’ recorded audio or video statements regarding their attendance at the Île-à-la-Crosse School;
 - e) Survivor Class Members’ solemn declarations regarding their attendance at the Île-à-la-Crosse School;
 - f) other individuals’ sworn statements regarding the Survivor Class Member’s
 - g) attendance at the Île-à-la-Crosse School; or
 - h) corroborating evidence filed by other Survivor Class Members in their Applications.

6. To make an Application for an Experience Payment, a Claimant must submit a Claim Form and any Supporting Documents to the Claims Administrator before Experience Payment Claims Deadline, which will be one year following the Implementation Date.
7. Applications will not be accepted by the Claims Administrator after the Experience Payment Claims Deadline, save for Claimants who submit Applications within the six (6) months following the Experience Payment Claims Deadline (the “Extension Period”) along with a reasonable explanation for their inability to file the Application by the Experience Payment Claims Deadline. Assessment of the reasonableness of the late-filing of Applications within the Extension Period will be completed by the Claims Administrator, with no right of further assessment, review, reconsideration or appeal. Applications will not be accepted for initial submission after the Extension Period under any circumstances.
8. The Claims Administrator will review each Claim Form and Supporting Documents for completeness. A Claim Form will be considered complete if all required information is submitted to the Claims Administrator. Required information will be identified clearly on the Claim Form. If the Claim Form is determined as complete, the Claims Administrator will provide the Claimant with confirmation of receipt of the Application. If any required information is missing from the Claim Form and/or Supporting Documents, the Claims Administrator will contact the Claimant in writing and request that the Claimant provide the missing information. Missing information must be provided by the Claimant no later than: the Experience Payment Claims Deadline or, if approved, within the Extension Period, or, if later, 60 days following the date of the request for missing information.
9. If a Claim Form is not completed before the Experience Payment Claims Deadline or, if approved, the Extension Period or 60 days following the Claims Administrator’s request for missing information (as applicable), the Application will be:

- a) assessed on the basis of the information provided, if the Claims Administrator, in its sole discretion, deems that assessment is possible; or
- b) not admitted into the Claims Process if the Claims Administrator, in its sole discretion, deems that assessment is not possible.

Initial Screening of Applications for an Experience Payment

- 10. The Claims Administrator shall not admit into the Claims Process any Application submitted with respect to an individual who died on or before December 8, 2003, or an individual who is not alleged to have attended the Île-à-la-Crosse School (the “Initial Screening”).
- 11. The Claims Administrator will inform, in writing, every Claimant whose Application is not admitted into the Claims Process as a result of the Initial Screening. The Initial Screening non-admittance letter will:
 - a) provide clear reasons explaining that the application was not admitted into the Claims Process as a result of the Initial Screening; and
 - b) advise the Claimant that, if the initial Application does not meet the Initial Screening eligibility criteria, there is an opportunity to correct or supplement the Application before the Experience Payment Claims Deadline. The Claimant will be able to correct or supplement their Application in response to the Claims Administrator’s Initial Screening non-admittance letter by the later of: the Experience Payment Claims Deadline or, if approved, the Extension Period, or no later than 60 days following the date of the Initial Screening non-acceptance letter.
- 12. If an Application that is not admitted into the Claims Process by the Claims Administrator as a result of the Initial Screening is not corrected or supplemented before the Experience Payment Claims Deadline or, if approved, the Extension Period, or, if later, 60 days following the date of the Initial Screening non-admittance letter (as applicable), the non-admittance decision will become final. The Extension Period referred to in section 7 does not apply to Applications that

are not admitted into the Claims Process because they are made in respect of an individual who died on or before December 8, 2003, or who is not alleged to have attended the Île-à-la-Crosse School.

Assessment of Experience Payment Eligibility

13. For each Application that is admitted into the Claims Process following the initial screening, the Claims Administrator will assess each Claimants' entitlement to an Experience Payment, and the quantum of the Experience Payment, as follows:
 - a) the Claims Administrator shall establish a "Document Database", for the exclusive use of the Claims Administrator, that shall be deemed to be applicable to all Applications that are admitted into the Claims Process, comprising:
 - i) any attendance information that may be provided to the Claims Administrator by Canada, Saskatchewan, or Class Counsel, that assists in determining eligibility as a Survivor Class Member; and
 - ii) any documents produced by any third parties by their own volition and/or pursuant to Court order in the Consolidated Action;
 - b) the Claims Administrator will review and assess the entire Application, including:
 - i) the Claim Form;
 - ii) any Supporting Documents submitted by the Claimant; and
 - iii) the Document Database;
 - c) based on review and assessment of the entire Application, the Claims Administrator will determine, on a balance of probabilities, whether the putative Survivor Class Member attended the Île-à-la-Crosse School during the Class Period and, if so, for how many School Years.
14. In conducting its assessment, the Claims Administrator shall follow and be bound by the following evidentiary guidelines:

- a) the Claims Administrator will accept all positive evidence of a putative Survivor Class Member's attendance at the Île-à-la-Crosse School that is contained in the Document Database, as determinative. For example, if the Saskatchewan Ministry of Education's records state that an individual attended the Île-à-la-Crosse School for the 1970-71 School Year, the Claims Administrator will accept that fact as proven on a balance of probabilities without need for further assessment in respect of the 1970-71 School Year even if the individual's Claim Form includes alternative or contradictory information; and
 - b) the Claims Administrator will disregard any absence of evidence of a putative Survivor Class Member's attendance at the Île-à-la-Crosse School in the Document Database. For example, if the Saskatchewan Ministry of Education's records do not state that an individual attended the Île-à-la-Crosse School for the 1970-71 School Year, the Claims Administrator will not consider this absence of evidence in its assessment. For greater clarity, any evidence in the Document Database that an individual did not attend the Île-à-la-Crosse School will be considered as part of this Claims Process.
15. For each Application where the Claims Administrator's initial assessment is to wholly dismiss the Application, the Assessor (as defined in the Settlement Agreement (Saskatchewan)) shall be provided with the initial assessment file for secondary assessment. The Claims Administrator shall adopt the Assessor's secondary assessment as its final determination of the Application.
16. The Claims Administrator will inform Claimants in writing of one of the following ("Assessment Letter"):
- a) Approval: the approval of their Application for an Experience Payment. If an Application is approved for more School Years than claimed, the Assessment Letter will provide clear reasons explaining the determination and advising that further documentation is not required.

- b) Wholly Dismissed: the dismissal of their Application, with clear reasons explaining the determination and advising the Claimant there is an opportunity to supplement their Application by submitting additional Supporting Documents by the later of: the Experience Payment Claims Deadline or 60 days after the date of the Claims Administrator's Assessment Letter.
 - c) Partially Dismissed: approval for fewer than five School Years of attendance when five or more School Years of attendance are claimed in the Application. This Assessment Letter will provide clear reasons explaining the determination and advising the Claimant that there is an opportunity to supplement their Application by submitting additional Supporting Documents before the latter of: the Experience Payment Claims Deadline and or 60 days after the date of the Claims Administrator's Assessment Letter.
17. If a wholly or partially dismissed Application is not supplemented with additional Supporting Documents before the Experience Payment Claims Deadline or 60 days following (as applicable), the Claims Administrator's determination will become final.
 18. If an Application is supplemented with additional Supporting Documents before the Experience Payment Claims Deadline or 60 days following (as applicable), the Claims Administrator will review and assess such additional Supporting Documents to generate a final determination. The principles set out in sections 14 and 16 will apply to any reassessment and final determination.
 19. The Claims Administrator's final determination will be communicated in writing to each Claimant.
 20. The Claims Administrator's final determination will not be subject to any further assessment, review, reconsideration, or appeal.

Persons Under Disability

21. An eligible Claimant who is a Person Under Disability may have their Application filed by a Personal Representative. A Personal Representative may include an individual appointed by a court representation order, an individual named as Power of Attorney, a Public Guardian and Trustee, or the Administrator of Property where one has been appointed by Indigenous Services Canada.
22. The Personal Representative must fill in all sections of the Claim Form that apply to the Claimant, and also all sections that apply to them as a Personal Representative.
23. The Personal Representative must provide sufficient and appropriate documentary evidence of legal appointment as Personal Representative over the Claimant's property/finances. Examples include: a signed Power of Attorney or protection mandate, a Provincial or Territorial court appointment order (including appointment of a Public Guardian and Trustee) or a Federal Appointment Order for the Administrator of Property.
24. An Application submitted by a putative Personal Representative shall be reviewed by the Claims Administrator upon receipt. The Claims Administrator shall not, without direction from the Parties or an order of the Court, admit into the Claims Process any Application submitted by an individual who is not a valid Personal Representative of an eligible Claimant.
25. If only one Application in respect of an eligible Claimant is received by the Claims Administrator by the expiry of the Experience Payment Claims Deadline, the Claims Administrator shall review and assess the Application.
26. If more than one putative Personal Representative submits an Application in respect of the same eligible Claimant, the Claims Administrator will determine which, if any, of the putative Personal Representatives has the right to act as Personal Representative in the Claims Process. The Claims Administrator will assess the Application filed by the valid Personal Representative and notify any

other person who submitted an Application in respect of the same eligible Claimant of their decision.

27. The Claims Administrator will make reasonable efforts to determine the validity of each Application submitted by a Personal Representative within four months of receipt of a completed Application with all required information. The Claims Administrator will then notify the Personal Representative in writing if the Application has been determined to be valid.
28. The assessment of whether a person is a valid Personal Representative of an eligible Claimant forms part of the Initial Screening of an Application.
29. The Claims Administrator will inform every putative Personal Representative who submits an Application that is deemed invalid and not admitted to the Claims Process, in writing. This Initial Screening non-admittance letter will provide clear reasons explaining the decision regarding invalidity and, except in the case of a competing Application submitted by a putative Personal Representative as set out in section 26, advising the putative Personal Representative that there is an opportunity to submit additional information in support of the validity of their claim to Personal Representative status. Missing information must be provided by the putative Personal Representative no later than: the Experience Payment Claims Deadline or, if approved, within the Extension Period, or, if later, 60 days following the date of the request for missing information.
30. If an Application submitted by a putative Personal Representative that has been deemed invalid is not supplemented with additional information in support of validity within the stipulated timeframe, the Claims Administrator's determination of invalidity will become final.
31. If an Application submitted by a putative Personal Representative is supplemented with additional information in support of validity within the stipulated timeframe, the Claims Administrator will review and assess such additional information to generate a final determination regarding validity. The Claims Administrator's final

decision on validity, and therefore whether to admit the Application into the Claims Process, will be rendered within four months of receipt of the additional information, and communicated to the putative Personal Representative in writing.

32. Compensation issued for Claimants who are Persons Under Disability will be made payable to the Claimant, to the attention of the Personal Representative, unless otherwise prescribed by the applicable appointment order.
33. Additional requirements, guidance and instructions relating to Persons Under Disability may be included in the Claim Form.

General

34. No Applications, Supporting Documents, Application re-submissions, or any other documents in respect of Experience Payments will be accepted for submission after the Ultimate Claims Deadline under any circumstances.
35. The Claims Administrator shall seek guidance or clarification from the Parties as to the interpretation of the Settlement Agreement and Claims Process, or issues that may arise in the process. The Parties will not be consulted, nor may they take part in determinations made by the Claims Administrator, regarding individual claims.
36. Where this Protocol refers to a communication in writing from the Claims Administrator to a Claimant, if the Claimant has designated a person to receive copies of written communications, the Claims Administrator shall also send a copy of the communication to that designated person.