

## SCHEDULE C

### CLAIMS PROCESS FOR DAY SCHOLAR COMPENSATION PAYMENT

#### ***Principles Governing Claims Administration***

1. The following principles shall govern the Claims administration (“Claims Process Principles”):
  - a. the Claims Process shall be expeditious, cost-effective, user-friendly, culturally sensitive, and trauma-informed;
  - b. the Claims Process shall minimize the burden on the Claimants in pursuing their Claims;
  - c. the Claims Process shall mitigate any likelihood of re-traumatization through the Claims Process;
  - d. the Claims Administrator and Independent Reviewer shall assume that a Claimant is acting honestly and in good faith unless there is reasonable evidence to the contrary;
  - e. the Claims Administrator and Independent Reviewer shall draw all reasonable and favourable inferences that can be drawn in favour of the Claimant.
2. The above Claims Process Principles shall be applied throughout the Claims Process, including in any reconsideration.

#### ***Eligibility Criteria***

3. Pursuant to the Settlement Agreement, a Claimant is entitled to a Day Scholar Compensation Payment, and their Claim shall be approved, if the Claimant satisfies the following eligibility criteria:
  - a. the Claim is made with respect to a Day Scholar who was alive on May 30, 2005;

- b. the Claim is made with respect to that Day Scholar's attendance at an Indian Residential School listed in Schedule E during all or part of a School Year for which the Day Scholar has not received a Common Experience Payment under the IRSSA, has not and will not receive compensation under the McLean Settlement, and has not received compensation under any other settlement with respect to a school listed in Schedule K to the McLean Settlement; and
- c. the Claim is delivered to the Claims Administrator prior to the Ultimate Claims Deadline.

### ***Intake***

- 4. To apply for a Day Scholar Compensation Payment, a Claimant must complete a Claim Form and deliver it to the Claims Administrator prior to the Claims Deadline, through either the electronic or hard copy processes established by the Claims Administrator.
- 5. Notwithstanding the Claims Deadline, a Claimant may submit a Claim Form along with a request for a Claims Deadline extension to the Claims Administrator after the Claims Deadline but before the Ultimate Claims Deadline. Under no circumstances will the Claims Administrator accept any Claim Forms after the Ultimate Claims Deadline, except as specifically provided for herein and in the Estate Claims Process set out in Schedule D.
- 6. The Claims Administrator will provide the Claimant with confirmation of receipt of the Claim.
- 7. The Claims Administrator will digitize all paper applications and maintain electronic copies for use only as provided for by this Agreement.
- 8. The Claims Administrator will review each Claim for completeness. If any required information is missing from the Claim Form that renders it incomplete, including a request for a Claims Deadline extension, the Claims Administrator will contact the

Claimant and request that the Claimant provide the missing information or resubmit the Claim Form. The Claimant will have 60 days from the date of the resubmission request to resubmit their Claim Form, notwithstanding that the Ultimate Claims Deadline may have elapsed.

9. The Claims Administrator shall, without taking any further action, dismiss any Claim made with respect to an individual who died on or before May 29, 2005.

***Information Provided by Canada***

10. The Claims Administrator will provide a copy of each Claim made with respect to an individual alive on May 30, 2005, to Canada for use only as provided for by this Agreement.
11. Canada will review the Claim against any information in its possession for the purposes of:
  - a. determining whether the individual at issue in the Claim or their executor, representative, or heir who applied in place of the individual received a Common Experience Payment pursuant to the IRSSA for any of the same School Years set out in the Claim;
  - b. determining whether the individual at issue in the Claim or their executor, representative, or heir who applied in place of the individual was denied a Common Experience Payment claim pursuant to the IRSSA for any of the same School Years set out in the Claim;
  - c. determining whether the individual at issue or their executor, representative, or heir who applied in place of the individual received compensation under any other settlement with respect to a school listed in Schedule K to the McLean Settlement, for any of the same School Years set out in the Claim;
  - d. determining whether the individual at issue attended a school not listed in List 1 or List 2 as set out in Schedule E for any of the same School Years set out in the Claim; and

- e. any other information that may be relevant to a Claim with respect to a school listed in List 2 of Schedule E.
12. In order to ensure that the Claim is not denied by reason only of the Claimant having been mistaken as to the School Year(s) of attendance as a Day Scholar, Canada will review the attendance records at the identified Indian Residential School(s) with respect to which the Claim was made for the five School Years before and after the School Year(s) identified in the Claim. If, as a result of this process, it is found that the individual at issue was a Day Scholar in (a) School Year(s) not claimed, this information shall be provided to the Claims Administrator and the Claim will be assessed as if it included that/those School Year(s).
  13. Canada may forward to the Claims Administrator any information/documentation that supports or contradicts the individual at issue's attendance as a Day Scholar within 45 days of its receipt of a Claim from the Claims Administrator but will endeavour to do so as quickly as possible so as not to delay the determination of any Claim.

***Assessment by the Claims Administrator***

14. Where the Claim is with respect to an individual who was denied a Common Experience Payment claim pursuant to the IRSSA for any of the same School Years set out in the Claim on the grounds that they attended but did not reside at the Indian Residential School(s), regardless of which Indian Residential School(s) are named in the Claim, the Claims Administrator will consider the Claim to be presumptively valid, subject to the provisions below.
15. For all other Claims, the Claims Administrator will first make a determination whether the Claim is made with respect to a Day Scholar, in accordance with the following protocol:
  - a. where the Claim is with respect to one or more Indian Residential Schools listed in List 1 of Schedule E within any time periods specified in that list, and the Claim Form states positively that the Claim is with respect to an

individual who attended the School as a Day Scholar, the Claims Administrator will consider the Claim to be presumptively valid, subject to the provisions below;

- b. where the Claim is with respect only to one or more Indian Residential Schools listed in List 2 of Schedule E within any time periods specified in that list, and the Claimant provides a statutory declaration stating that the individual with respect to whom the Claim is made was a Day Scholar and identifying where the individual resided during the time they were a Day Scholar, the Claims Administrator will review the Claim and any information provided by Canada under ss. 11 – 13 above. Unless Canada has provided positive evidence demonstrating on a balance of probabilities that the individual was not a Day Scholar, the Claim will be considered presumptively valid, subject to the provisions below; and
  - c. where the Claim does not name any Indian Residential School listed in Schedule E, the Claims Administrator shall make best efforts to determine if there is any possibility of mistake or misnomer in the name of an Indian Residential School, including, where necessary, by contacting the Claimant. The Claims Administrator shall correct any such mistakes or misnomers. Where the Claims Administrator is satisfied that the Claim is not regarding any Indian Residential School listed in Schedule E, the Claims Administrator shall dismiss the Claim.
16. The Claims Administrator will review any information provided by Canada pursuant to ss. 11 - 13 above and any information in its possession as part of the McLean Settlement. If the Claims Administrator finds that there is positive evidence demonstrating on a balance of probabilities that, for all of the School Years set out in the Claim Form, the individual at issue or her/his executor, representative, or heir who applied in place of the individual:
- a. Received a Common Experience Payment under the IRSSA;

- b. Received compensation under the McLean Settlement;
- c. Received compensation as part of any other settlement with respect to a school listed in Schedule K to the McLean Settlement;
- d. attended a school not listed in Schedule E; or
- e. any combination of (a), (b), (c), or (d).

the Claims Administrator shall dismiss the Claim.

17. The Claims Administrator shall inform any Claimant whose Claim is dismissed by delivering a letter to them, via the Claimant's preferred method of communication:
- a. providing clear reasons why the Claim has been dismissed;
  - b. in cases where the Claimant has a right to seek reconsideration:
    - i. informing the Claimant of their right to seek reconsideration, the process for seeking reconsideration, and any applicable deadlines;
    - ii. informing the Claimant of their right to assistance from Class Counsel at no cost and their right to assistance from another counsel of their choice at their own expense; and
    - iii. attaching copies of any information and documents that were considered as part of the Claims Administrator's decision to dismiss the Claim.

### ***Reconsideration***

18. A Claimant whose Claim is dismissed because:
- a. it is in relation to a school that the Claims Administrator is satisfied is not an Indian Residential School listed in Schedule E; or
  - b. it is on behalf of an individual who died on or before May 29, 2005,

has no right to seek reconsideration.

19. A Claimant whose Claim is denied for any other reason has a right to seek reconsideration before the Independent Reviewer. Notice of intent to seek reconsideration must be delivered to the Independent Reviewer within 60 days of the date of the Claims Administrator's decision.
20. Canada has no right to seek reconsideration under any circumstances.
21. Claimants seeking reconsideration have the right to be represented by Class Counsel for the purposes of reconsideration at no cost to them or to retain another counsel of their choice at their own expense.
22. The Independent Reviewer will provide the Claimant with confirmation of receipt of the notice of intent to seek reconsideration and will provide Canada with a copy of the notice of intent to seek reconsideration.
23. The Independent Reviewer will advise the Claimant that they have a right to submit new evidence on reconsideration. The Claimant shall have 60 days to submit any new evidence on reconsideration, with such further reasonable extensions as the Claimant may request and the Independent Reviewer may grant.
24. The Independent Reviewer will provide Canada with any new evidence submitted by the Claimant and Canada will have the right to provide additional information to the Independent Reviewer that responds to any new evidence provided within 60 days.
25. The Independent Reviewer shall then consider each Claim, including its supporting documentation, *de novo*, and render a decision in accordance with the Claims Process Principles set out above. In particular, the Independent Reviewer shall:
  - a. assume that a Claimant is acting honestly and in good faith, in the absence of reasonable grounds to the contrary; and

- b. draw all reasonable and favourable inferences that can be drawn in favour of the Claimant.
- 26. If the Independent Reviewer decides the Claim should be accepted, the Claims Administrator and the Claimant will be informed, and the Claims Administrator will pay the Claimant forthwith.
- 27. If the Independent Reviewer decides the Claim should be dismissed, they will inform the Claimant by delivering a letter to them, via the Claimant's preferred method of communication:
  - a. providing clear reasons why the Claim has been dismissed; and
  - b. attaching copies of any information and documents that were considered as part of the Independent Reviewer's decision to dismiss the Claim.
- 28. All requests for reconsideration shall be resolved by the Independent Reviewer within 30 days of the receipt of any responding material provided by Canada or the expiry of time for Canada to provide responding material, whichever is sooner. If the Claimant does not file any new evidence on reconsideration, the Independent Reviewer shall resolve the reconsideration within 30 days of the expiry of time for the Claimant to provide new evidence. The timelines within this section may be modified by agreement between Class Counsel and Canada in consultation with the Independent Reviewer.
- 29. The decision of the Independent Reviewer is final without any further right of appeal or judicial review.