

# **COMMON EXPERIENCE PAYMENT**

## **PROCESS & ASSESSMENT**

February 15, 2008

# Acronyms

AP	Advance Payment
CARS	Computer Assisted Research System
CEP	Common Experience Payment
DR	Daily Register
ER	Enrolment Return
IRS	Indian Residential School
NAC	National Administration Committee
QR	Quarterly Return
SA	Settlement Agreement

## Common Experience Payment – Process & Assessment

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# 1 Executive Summary

For many former students of Indian Residential Schools (as defined in the Settlement Agreement and referred to as “IRS”), the Common Experience Payment (“CEP”) will be their entry point into the services provided by the broader Settlement Agreement (“SA”). To ensure that the spirit of reconciliation and healing that is the ultimate aim of the SA is reflected in the delivery of the CEP, the Courts have approved Assessment principles to ensure that every eligible Applicant receives the correct amount of compensation and that this compensation reaches the intended recipients. At the same time, Assessment must be fair, objective, timely, and practical, minimize the onus placed on Applicants, be efficient, and executed with a minimum of errors.

The Assessment of CEP applications poses many complex challenges for the Trustee of the CEP funds (i.e., the Government of Canada), namely the sheer volume of applications and service standard requirements. Essential to the ability to respond to these challenges is the deployment of the Computer Assisted Research System (“CARS”). This expert system was developed in-house for the express purpose of capturing the expertise of a researcher. CARS consistently deploys this expertise at a fraction of the time and cost of manual research. This step was necessary in order to meet the anticipated volume of applications to be received.

The Trustee is implementing an escalating Assessment process for assessing eligibility of Applicants. CARS deploys many advanced techniques to enable initial processing of applications. To support this capability, CARS will be supplemented by a team of expert researchers who will manually determine inconclusive or incomplete findings by CARS.

## 2 Definition of Terms

Ancillary Documents:	All other Student Records that are not considered Primary Documents are considered Ancillary Documents.
Applicant:	A former student applying for a CEP, including those represented by a Personal Representative as defined in the SA.
Attendance:	The Applicant attended the educational program at the school, participated in activities at the IRS (although not a student there), or ate lunch at the IRS. Attendance neither confirms nor negates residency.
Denial / Rejection:	Refers to a CEP Application which is refused either in whole or in part in that the CEP payment approved and paid is less than that requested by the Applicant.
Document Gap:	A period of one or more Unconfirmed Years for which there are incomplete Primary Documents or for which the Primary Documents do not apply to the Applicant as in the case of Applicants who were not Status Indians (e.g. non-status Indian, Métis, Inuit, and non-Aboriginal).
Eligible Year:	A School Year, or part thereof for which an Applicant's Residence is confirmed.
Ineligible Year:	A School Year for which an Applicant's Residence has been denied.
Inference:	Refers to a calculation of duration of stay where Residence is confirmed, and either a start or end date is confirmed, but due to a Document Gap, the duration is unknown. In this instance, the duration of stay is calculated based on the model set out in Appendix B.1. (see Appendix B for a discussion of Inference).
Interpolation:	The approval of Unconfirmed Years occurring where there is a Document Gap for any School Years between Eligible Years (see Appendix B).
Middle-Year Indicator	Probability distribution model used to infer the likelihood that an Applicant should appear on Primary Documents had they been in Residence at any time. This model is set out in Appendix B.2 (see Appendix B for a discussion of the Middle-Year Indicator).
Primary Documents:	<p>A document is considered primary if the document was created for the purposes of being a complete list of all status residential students and subject to audit by the Federal Government. These documents are Quarterly Returns and Enrolment Returns.</p> <p>Quarterly Returns ("QRs") were intended to be comprehensive lists of all (status) students who Resided at the IRS, and as such, they are the primary documents used for Assessment of Residence. They were filed for calendar quarters ending on March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup> and December 31<sup>st</sup>. They listed the students who were in Residence in order to obtain the per capita grants paid to IRSs. Usually, the students are listed with their registration number, their band and date of birth; often, their date of admission is also noted.</p>

Effective September 1971, Enrolment Returns (“ERs”) replaced the QRs; they were issued twice a year, in March and September, but had essentially the same purpose. Primary Documents are considered to be complete if there are full QRs or ERs for all the School Years that the Applicant requests. Primary Documents were used by most IRSs and principally used for former students who were status. Persons who were not Status Indians may not have been reported in the same manner.

Some Quarterly Returns also list day school students (or students who received lunches at the IRS), but they are identified separately from the resident students.

**Reasoned Assumption:** Refers to the situation where Assessment of Residence is not possible due to Document Gaps, but through use of contextual information and based on the totality of the information available, conclusions can be drawn. (see Appendix B).

*e.g., Where Assessment of Residence is not possible due to Document Gaps, but the Applicant was found to have attended the IRS, and it has been confirmed that the specific IRS did not have day school facilities for the specific period, the Trustee will make the Reasoned Assumption that the Applicant was Resident at the IRS while he or she attended.*

**Residence:** The Applicant resided overnight at an IRS for one or more nights in a School Year and may have attended classes at the IRS, a public school or a federal day school.

**School Year:** A School Year is defined as September 1<sup>st</sup> of any given year to August 31<sup>st</sup> of the following year.

**Student Records:** Any records or documents that identify one or more former IRS students by name that may assist with the Assessment of an Applicant’s Residency and/or duration at an IRS. These records may include Primary, Ancillary or other types of documents.

**Assessment** Assessment refers to the determination of an application, whether resulting in approval or denial of the application period.

**Unconfirmed Year** A School Year for which the Applicant has applied for CEP but for which Residence has not been determined.

### 3 CEP Process Flow

The CEP is a lump-sum payment that recognizes the experience of residing at an IRS, and its impacts. Upon Assessment, each eligible former student who applies for the CEP will receive \$10,000 for the first School Year or part thereof of Residence plus an additional \$3,000 for each subsequent School Year or part thereof after the first School Year (subject to deduction if the Applicant received an Advance Payment (“AP”). All former students who resided at an IRS who were alive on May 30, 2005 will be eligible for the CEP. Those eligible include but are not limited to First Nations, Métis, and Inuit former students.

The process begins with collecting Applicant information, confirming its completeness and performing a preliminary assessment by verifying the Applicant’s identity against the required identity documents (see Section B of the Application Form at Appendix C).

The Trustee will implement an escalating Assessment process for assessing the eligibility of Applicants (illustrated in Appendix A). This Assessment process will assess two elements: Residence at an IRS, and duration of Residence. This process relies on the available records which are more complete for some categories of Applicants than others. Therefore, it is important for the Applicant to self-identify on the application form that they were Status, non-Status, Métis, Inuit or non-Aboriginal while at IRS to ensure proper Assessment of their application form.

In cases of Personal Representatives applying on behalf of former students, and where basic information is not available from the former student (e.g., name of school), the Trustee will communicate with the Personal Representative to seek specific information that will assist in the validation of identity and/or Assessment of Residency.

The Trustee will also quality control a random sample of all CEP applications to ensure the accuracy of the CEP research process and results. The files to be quality controlled will be randomly selected and the results verified by research prior to forwarding findings to the Applicant. The planning assumption for the sample amount has been set at 10% of all applications but will be raised or lowered based on a more detailed statistical analysis to ensure the appropriate sample. Quality control reports, including any variance to the 10% sample, will be provided to the Trustee and to the Court Appointed Monitor.

#### STAGE 1: CARS

Initial processing of applications will be performed by CARS. For School Years where all Primary Documents are available, CARS may Assess CEP applications without requiring manual involvement. In the cases where there are Document Gaps, Assessment of applications by CARS will be based on Interpolation or using the Middle-Year Indicator. (See Appendix B.2)

#### STAGE 2a: Manual Review

Generally, where CARS cannot Assess and/or Document Gaps exist, manual review will result. Assessment by manual review will involve:

1. Analysis of Ancillary Documents and additional information that CARS did not consider (e.g. a date of admission on a later Primary Document);
2. Reasoned Assumption where Assessment of Residence is not possible due to Document Gaps, but a Reasoned Assumption can be made based on contextual information from the totality of the information available;
3. Where the analysis of the Ancillary Documents and additional information warrants, Interpolation will be applied; and/or,
4. Mathematically-based Inferences can be made to calculate the duration where Residence is confirmed and either a start or end date is confirmed.

## STAGE 2b: Request for Additional Information

The Trustee intends to seek documentation and/or information from Applicants that will enable Assessment of eligibility in instances where there is a complete gap in the Student Records or Residence cannot be Assessed after manual review, Inference, Interpolation and Reasoned Assumptions are considered. Where information provided by Applicants can be verified against time-specific information known about each relevant IRS (e.g. the Applicant is able to provide the name(s) of their dorm supervisor(s), or name(s) of other staff and/or students who were at the IRS at the same time and this is corroborated by the historical records), such supplementation would permit Assessment at this stage to be performed according to the same standards used for Stages 1 and 2a. This process will be applied where the Student Records are incomplete or Residence cannot be Assessed so that the benefit of the doubt will be given to the Applicant in Assessment of Residency.

## STAGE 3: Reconsideration

Applicants will be offered by the Trustee the opportunity to initiate Reconsideration of their application in instances when their application is Denied. Applicants whose claims have been Denied will be advised in writing of the specific reasons for the Denial, that they have six (6) months to request a reconsideration in writing, and that applying for reconsideration is a precondition for appeal to the NAC. The 6-month period may be extended by the Trustee, acting reasonably. Within 60 days of receipt of the request for reconsideration, the Trustee will send a letter to the Applicant advising of receipt of the request for reconsideration and providing a date on which his or her request for reconsideration will be finalized. If the Trustee still Denies the claim after reconsideration, the applicant will be advised in the decision following reconsideration that he or she has 12 months from the receipt of the reconsideration denial to appeal to the NAC.

## STAGE 4: Appeal

Applicants whose request for Reconsideration has been Denied may appeal to the National Administration Committee ("NAC") for a determination.

All Applicants having sought and been denied their claim after Reconsideration will have the right of appeal except in cases where:

1. The school for which they have applied is not an IRS as defined in the SA; or,
2. The person for whom the application is made died prior to May 30, 2005 or, for Cloud Class Members died prior to October 5, 1996.

The appeal procedure shall be in writing. The NAC will not hold oral appeals. An Applicant shall not be entitled to more than one appeal in respect of an Application. An appeal to the NAC of a decision by the Trustee may be brought as of right within 12 months from the receipt of the reconsideration denial. Appeals to the NAC may be brought after that period only with leave of the court or with leave of five members of the NAC as set out in the Appeal Protocol.

## TRANSITIONAL PROVISIONS

All CEP Applicants who have been denied their claim and sent a decision letter by the Trustee prior to the Court approval of the present Protocol shall be informed in writing by the Trustee as soon as possible that their right to a Reconsideration of their denial is available to them within the then next six (6) months from the receipt of the written Advisory, respectively, without the requirement to supply new evidence or documentation.

Applications from denial decisions mistakenly addressed directly to the NAC shall be treated by Trustee as if they had been correctly sent for reconsideration.



## 4 CEP Assessment Principles

The principles by which CEP Assessment will be conducted are as follows:

1. Assessment is intended to confirm eligibility, not refute it;
2. Assessment must accommodate the reality that in some cases records may be incomplete;
3. Assessment must be based on the totality of the information available concerning the application;
4. Inferences to the benefit of the Applicant may be made based on the totality of the information available concerning the application;
5. If information is ambiguous, interpretation should favour the Applicant;
6. This principle (6) shall apply to Applicants who identify themselves as having been status Indians at the time of residency in a residential school. The absence of such an Applicant's name from the lists comprising all status Indian residential students in a given year at the school in question shall be interpreted as confirmation of non Residence that year. An Applicant whose application is denied on this basis may seek reconsideration;
7. Where an application is denied, the Applicant will be advised of the reasons and may seek reconsideration. The Applicant may provide additional information that relates to his or her claim, including :
  - photographs;
  - other documentary evidence of a connection with the school;
  - affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school;
  - an affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events;
8. An application will not be approved based on the applicant's bare declaration of Residence alone.

## **5 CEP Assessment Process**

### **5.1 STAGES OF REVIEW**

#### **5.1.1 Stage 1: Computer Assisted Research System (CARS): Electronic Search of Records in Accordance with CARS Business Rules**

- At Stage 1, all available Primary Documents for the IRS (s) cited in the application within 10 years on either side of the period cited are reviewed for possible matches to the Applicant (based on name(s), date of birth, age, and/or gender).
- When there are complete Primary Documents for each IRS and School Year requested by an Applicant who was Status Indian, the result yielded by CARS determines the Assessment of the application, in whole or in part (applications by persons who were not Status Indians will generally require further investigation).
- Where there are Document Gaps, CARS applies Interpolation. An example would be when an Applicant states that they were in Residence from 1960 to 1968. CARS is able to Assess 1960 to 1963, and 1967 to 1968. Residence cannot be Assessed between 1964 and 1966 due to Document Gaps. In this instance, CARS will approve the School Years that fall in the period of the Document Gap (i.e. 1964 to 1966), allowing Assessment of all years cited..
- CARS can only confirm Eligible Years during this stage when an Applicant is found on a Primary Document, or when Residence can be Interpolated.
- If there are issues in matching, an application is flagged for Manual Review. An example would be where there are multiple dates of birth, inconsistent student numbers, or two potential name matches in a given School Year.
- In accordance with Assessment Principle 6, CARS will determine a School Year to be an Ineligible Year where an Applicant who was Status Indian, is:
  - not found on a Primary Document when records for the School Year(s) applied for are complete;
  - not found on the Student Records and any Document Gaps are small enough that there is high certainty (20:1) the Applicant was not Resident (see Appendix B.2);
  - found on a Primary Document but is listed as a day student; or,
  - found on a Primary Document but identified as being absent for the entire School Year.
- For Applicants who were not Status Indians during the time they resided at IRS, CARS can confirm Residence if he/she appears on Primary Documents; however, CARS cannot deny the Applicant at this stage and will instead flag the application for manual review.
- Any application not determined at Stage 1 will be sent to Stage 2a, with the exception of:
  - where there is a complete gap in the Primary Documents and the Applicant is not found on any Ancillary Documents for the School Years of the IRS requested, CARS will flag the application for Request for Additional Information. (Stage 2b).

#### **5.1.2 Stage 2: Manual Review**

##### **5.1.2.1 Stage 2a: Manual Review**

- At Stage 2a, the Trustee may determine an application based on information contained in any Student Record, not only on Primary Documents as in Stage 1.
- If flags were raised during Stage 1, the output of Stage 1 is analyzed by an expert researcher.
- The expert researcher will endeavour to confirm Residence in the following ways:
  - assessment of the content and/or context of the Student Records (e.g. a discharge form that gives initial date of entrance);
  - assessment of whether the content and/or context of the Student Records enables a Reasoned Assumption to be made with respect to Residence (e.g. a laundry list only includes residential students);
  - assessment of whether day students attended the IRS in question; and/or
  - assessment of other sources of information.

“Other sources of information” refers to additional resources that may be available to the Trustee. An example of this might be where an Applicant’s home community was situated at such a distance from the IRS it precludes reasonable daily commuting to and from the IRS, in which case, a Reasoned Assumption can be made the Applicant was resident at the IRS.
- During the Manual Review process, all available Primary Documents and Ancillary Documents will be analyzed. Reasoned Assumptions, Interpolation and Inference will be applied as appropriate.
- If one or more School Year(s) is determined to be Eligible, the application is processed for payment for the Eligible Year(s). The Applicant will also be advised of any School Year(s) deemed to be Ineligible Years and provided with information explaining the Stage 3 – Reconsideration process.
- After Stage 2a Manual Review, where Assessment of Residence is not possible, the Applicant is contacted and more information is requested.

### **5.1.2.2 Stage 2b: Request for Additional Information**

- At Stage 2b the Applicant will be able to establish Residence by providing two pieces of information that confirm Residence and this can be verified against time-specific information known about the IRS. The Applicant will be contacted and given opportunity to:
  - provide information in a written form (no need for it to be sworn, but affidavits will be accepted if sent) that helps confirm they lived at the IRS; and/or
  - answer questions by telephone regarding their memories from their time at the IRS.
- Applicants are not expected to provide perfect information about events that, in most cases, happened several decades ago. The kind of information that will be particularly helpful will be information about dorms, night staff, various evening routines, travel to and from school, etc. The focus in reviewing this information will be looking for information that is consistent with what is already known about the school and community. Keeping in mind that this process applies where the document record is insufficient, the benefit of the doubt will be given to the Applicant in the Assessment of Residence.
- Once Residence is confirmed, Interpolation, Inference and Reasoned Assumption will be applied to determine duration.
- Particular attention will be paid to Applications from Personal Representatives at this Stage.

- If the Applicant is deemed ineligible for one or more Schools Year(s) requested or Residence cannot be confirmed, the results will be communicated to the Applicant who will be advised of the Reconsideration process.

### 5.1.3 Stage 3: Reconsideration

- Reconsideration is available to all Applicants regardless of their status except in cases where:
  - The school for which they have applied is not an IRS as defined in the SA; or,
  - The person for whom the application is made died prior to May 30, 2005 or, for Cloud Class Members, prior to October 5, 1996.
- Reconsideration will be initiated by the Applicant. As per Assessment Principles 7 and 8, an Applicant will be given an opportunity for reconsideration when their application is denied and, if he or she wishes to do so, the applicant may provide additional information **but is not required to do so**. Examples of such additional information could include:
  - additional names or nicknames that the Applicant may have used while at IRS;
  - photographs;
  - other documentary evidence of a connection with the school;
  - affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school
  - an affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events;
  - An application will not be approved based on the Applicant's bare declaration of Residence alone.
- The Trustee will review any and all information and documents provided by the Applicant. New information will be reviewed in the context of all available information (per Principle 3). Where a clear discrepancy arises between the information provided and other material previously reviewed such that there is a balanced case supporting either approval or rejection, the Assessment will be made in favour of the Applicant.
- Applicants may appeal to the NAC from the reconsideration decisions denying their claim, and will be so informed by the Trustee of this right of Appeal

## 6 Documents Provided by Applicants Which Might Be Used to Confirm Residence

These documents will be examined in order to evaluate if they can confirm either Residence or Attendance, depending on the context. These records are reviewed with the totality of findings and contextual knowledge about the IRS, and the Applicant's information is incorporated into the assessment. For example, if it is known that there were no day school students present during the Applicant's time at an IRS, a document need only show Attendance at the IRS. Many of the types of records listed have been provided by Advance Payment ("AP") Applicants. This list is not meant to be exhaustive.

- Documents from other government sources, which reference Applicant's place of Residence being an IRS (Children's Aid Society records, RCMP records on truancy, Social Services records, etc.)
- Counsellors' monthly reports
- Medical records, physical exams
- Newsletters, yearbooks, journals
- Photographs (sent with enough contextual info on photo or archival description itself [e.g., name of student and date clearly listed], and always reviewed alongside other documents and knowledge about the school)
- Student Records
- School Ledger
- Vocational Class Lists
- Correspondence (from school, government, student, or parents in which date and/or postage is present)
- Class reports
- Transportation Lists
- Contemporaneous secondary source documents (articles from local newspapers)
- Census records
- Band Membership Lists
- Inuit Disc List
- Affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school
- An affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events

## 7 Guidelines to Assess Applicant's Documents

Documents provided by Applicants will be analyzed by the Trustee. The content of the document is equally important as the type of document provided. Ultimately, final decisions are within the Trustee's authority, subject to appeal to the NAC and the court.

The following guidelines, though neither exhaustive nor universally applicable, are meant to give an overview of the type of information that will be looked for, in order to assess whether or not the new document will confirm Residence for the School Year(s) in question:

- Does the document speak specifically to Residence at the IRS, rather than just Attendance?
- What is the source of the document? Is it an original copy or a certified copy provided by another level of government, Church, or perhaps a Band or Community Repository?
- Does the document list the Applicant's name?
- Does the document list the name of the IRS?
- Does the document contain a contemporaneous reference to the date?
- If the document was created after the time period it covers, was it created prior to commencement of negotiations for the SA?
- If the document does not specify Residence on its own, can it be reviewed in light of IRS-specific knowledge (e.g. does the Trustee know there were no day students at the IRS, when the document was created) to confirm Residence?
- If the document does not specify Residence on its own, can it be reviewed in light of information provided by the Applicant (e.g. does the Trustee know that the Applicant's home was too far from the school in question to allow for Attendance as a day student?) to confirm Residence?

## 8 Reasons for Denial

Based on the rules set out in this document, an application may be denied if one of the following is found:

- The Applicant's Residence could not be confirmed.
- An Applicant who was a Status Indian is not found on documents but the Primary Documents are complete (or sufficiently complete, as explained in Appendix B.2, Middle-Year Indicator) for all School Year(s) requested.
- The Applicant applied for a school that is not an IRS.
- Where the Applicant submitted multiple application forms, the duplicate will not be approved. If a duplicate includes a changed claim the changed claim will be addressed as an amendment to the original application to the extent that it refers to a claim for years in residence not previously applied for.
- The IRS was not open during the time periods specified by the Applicant.

## **9 Threshold for closing file**

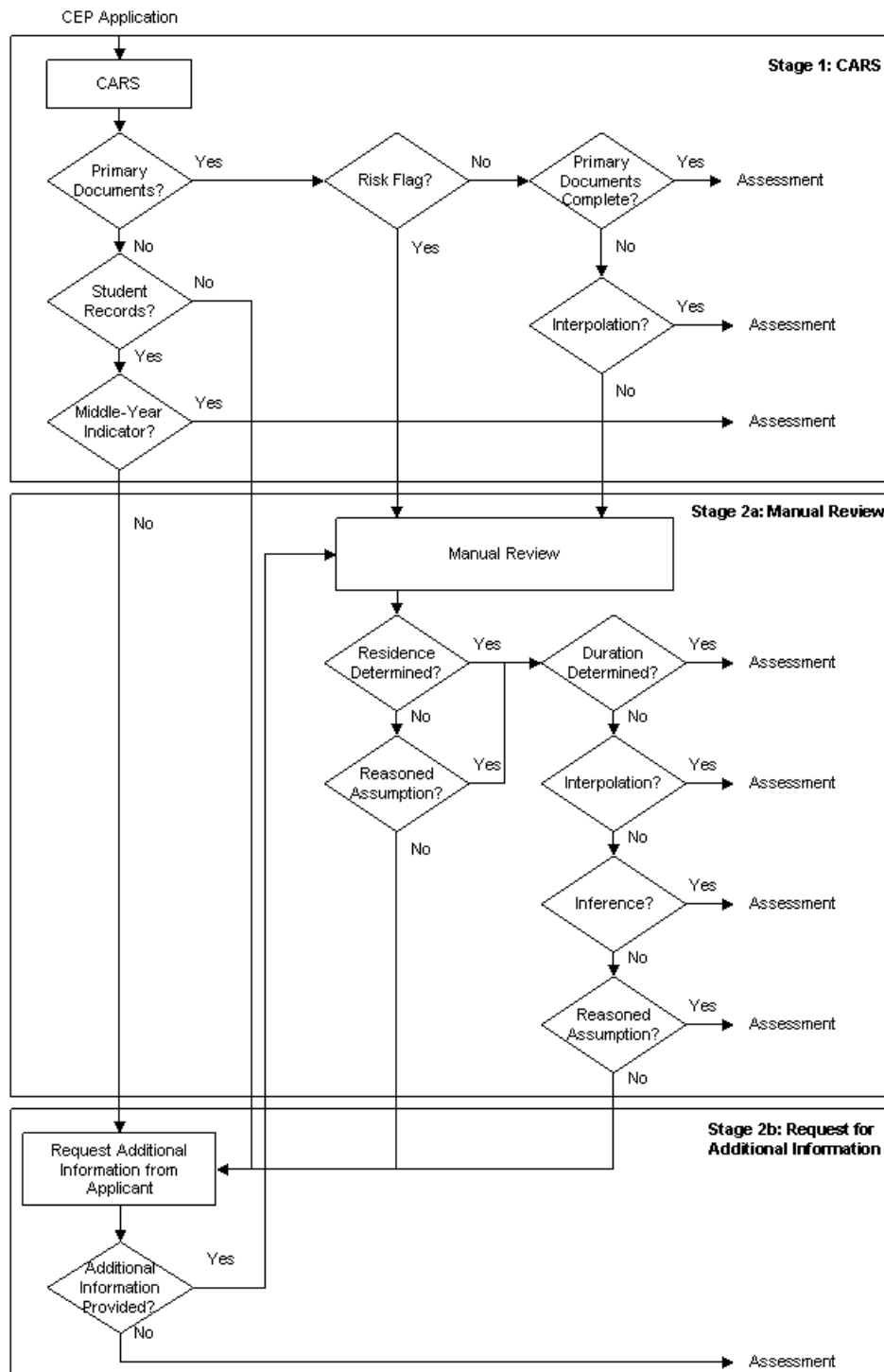
Applicants are able to bring forward new information relevant to either Residence or duration of Residence at any time until the CEP period has expired.

Applicants wishing to provide new information, i.e. information not provided in their first CEP Application process, in respect of either schools or years of attendance not previously the subject matter of an application by them may provide this information to the Trustee at any time before the CEP Application Deadline. The Trustee shall then add this information to the information already provided by the Applicant and reassess the Application as a whole and communicate a reasoned decision to the Applicant.



## **Appendices**

# Appendix A – CEP Assessment Process Map<sup>1</sup>



<sup>1</sup> Assessment refers to the determination of an application, whether resulting in approval or denial of the application period.

## **Appendix B – Interpolation & Inference Policy**

### **Stage 1 (CARS)**

#### Interpolation

Interpolation is the approval of Unconfirmed Years occurring where there is a Document Gap for any School Years between Eligible Years. Stated another way, where Residence is confirmed on both sides of a Document Gap, CARS will Interpolate the in-between years. Interpolation at Stage 1 applies only to Applicants who are found on Primary Documents and primarily applies to Applicants who self-identify as Status Indians. Assessment is determined at this stage based on CARS Interpolation results.

*e.g. If an Applicant states that they were in Residence from 1960 to 1968, and CARS is able to Assess 1960 to 1963, and 1967 to 1968, are Eligible Years. Residence cannot be Assessed between 1964 and 1966 due to Document Gaps. In this instance, CARS will approve the School Years that fall in the period of the Document Gap (i.e. 1964 to 1966) giving the applicant a total CEP representing 9 years.*

#### Middle-Year Indicator

Middle-Year Indicator refers to a probability distribution model that infers the likelihood that an Applicant should appear on Primary Documents had they been in Residence at any time. This model is set out in Appendix B.2. For this model to be applied, the Applicant cannot be found, or is found to be not in Residence, on one or more Primary Documents for middle years where there is a 20:1 probability that the Applicant would have appeared on them as being resident, had they been in Residence. The Monitor will be advised to monitor the on-going use of the Middle-Year Indicator.

Assessment of applications by CARS will be based on the Middle-Year Indicator in the case where there are sufficient Student Records to apply this model (i.e. the Primary Documents for the middle years). This model is not applied if an Applicant is found on Ancillary Documents.

### **Stage 2 (Manual review)**

#### **Stages 2a, 2b, & Reconsideration:**

#### Interpolation

The approval of Unconfirmed Years occurring where there is a Document Gap for any School Years between Eligible Years. Stated another way, where Residence is confirmed on both sides of a Document Gap, CARS will Interpolate the in-between years. Interpolation at Stage 2 applies to Applicants who are found on Student Records and applies to all Applicants. Assessment is determined at this stage based on manual review results.

#### Inference

Where CARS Inference results have been manually reviewed and verified or where, through the review of Student Records, Residence is confirmed and either a start date or end date has been confirmed, Residence will be confirmed for the period covered by the Document Gap in accordance with the rules referred to above.

Inference refers to a calculation of duration of stay where Residence is confirmed, and either a start or end date is confirmed, but due to a Document Gap, the duration is unknown. In this

instance, the duration of stay is calculated based on the model set out in Appendix B.1. This model relies on the alignment of the Applicant provided information to the period confirmed against the Student Records.

#### Reasoned Assumptions

Refers to the situation where Assessment of Residence is not possible due to Document Gaps, but through use of contextual information and based on the totality of the information available, conclusions can be drawn..

*e.g., Where Assessment of Residence is not possible due to Document Gaps, but the Applicant was found to have attended the IRS, and it has been confirmed that the specific IRS did not have day school facilities for the specific period, the Trustee will make the Reasoned Assumption that the Applicant was Resident at the IRS while he or she attended.*

## Appendix B.1 - Inference Model

There are 3 reasons why an Applicant's cited School Years may not align with the Student Records;

1. Shift – where the duration aligns with the Student Records, but the start and end date do not.
2. Over-estimation – where the duration cited is greater than the number of Eligible Years confirmed.
3. Under-estimation – where the duration cited is less than the number of Eligible Years confirmed.

Where there are Document Gaps, this Inference model takes account of all 3 of these possibilities and balances their weight to determine duration of Residence in an unknown period where only a start date **or** end date can be confirmed against Student Records or via a Reasoned Assumption. The duration of the period (# of years) that will be confirmed is based on the alignment of the Applicant provided information to the period confirmed against Student Records and/or a Reasoned Assumption.

- Where the Applicant provided start date is earlier than the confirmed start date, the Applicant provided end date will be accepted.
- Where the Applicant provided start date is later than the confirmed start date, the Applicant provided duration will be accepted.
- Where the Applicant provided start date is the confirmed start date, the Applicant provided end date will be accepted.
- Where the Applicant provided end date is earlier than the confirmed end date, the Applicant provided duration is accepted
- Where the Applicant provided end date is later than the confirmed end date, the Applicant provided start date is accepted.
- Where the Applicant provided end date is the same as the confirmed end date, the Applicant provided duration is accepted.
- Where the Applicant's start date or end date cannot be confirmed but it is confirmed that the Applicant was in Residence (according to documentation or via a Reasoned Assumption), the Applicant provided duration is accepted.

## **Appendix B.2 – Middle-Year Indicator**

Due to the passage of time and memory issues, former students are likely to be mistaken about their years at IRS, therefore although every Applicant will provide the duration of their time at IRS; former students are more likely than not to misstate their years at IRS. In fact, research indicates that Applicants will be off by at least one year 80% of the time. Knowing this, the Trustee took a sample of over 300 former IRS students (based on ADR claims and ATIP requests) whose periods of Residence had been manually Assessed against the dates they provided. For each of the former students in the sample, the School Years cited by the former students as their duration at IRS was analyzed.

The analysis consisted of looking at each School Year cited (e.g. year before first year cited, first year cited, second year, ... , second to last year, last year, year after last year cited, etc...). The School Years cited were compared with the School Years Assessed by research. For each School Year it was possible to determine the statistical likelihood that a School Year cited would be confirmed as an actual School Year in Residence. The likelihood of a School Year being confirmed increased to almost 100% in the middle of the duration cited by the Applicant. Conversely, as one moved further from the middle years towards the start year or end year, the likelihood of Residence being confirmed dropped markedly. For example, if an Applicant cited 7 years of Residence, the likelihood of the 4th year being confirmed is much higher than the likelihood of either year 1 or year 7 being confirmed.

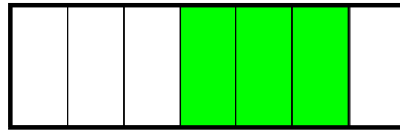
Stated another way, middle years are least impacted by shifts, exaggeration and under-reporting.

If the Trustee has the complete set of Primary Documents for one or more of the middle years, there is an exceedingly high probability that the Applicant will appear on those documents as being resident (particularly for Applicants who were Status Indian). Therefore, probability distribution can be used to infer the likelihood that the Applicant would have appeared on those documents had they been in Residence at any time.

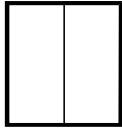
Where the duration cited by the Applicant is 4 years or higher and complete Primary Documents exist for one or more of the middle years, there is a better than 95% chance that the Primary Documents for the middle years will be conclusive with respect to Residence. The Applicant must appear on the Primary Documents as being resident for the middle years to have residence confirmed. Failure to appear in those documents indicates non-residency with an accuracy rate that exceeds 95%. Where the duration exceeds 5 years, the Middle-Year Indicator tends to prove or disprove Residence in the 97% range. More specifically, the middle years are identified as set out below:



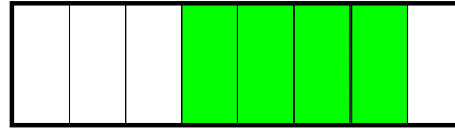
Y1



Y1 Y2 Y3 Y4 Y5 Y6 Y7



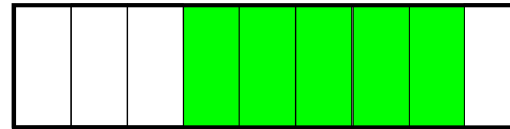
Y1 Y2



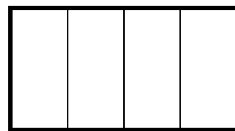
Y1 Y2 Y3 Y4 Y5 Y6 Y7 Y8



Y1 Y2 Y3



Y1 Y2 Y3 Y4 Y5 Y6 Y7 Y8 Y9



Y1 Y2 Y3 Y4



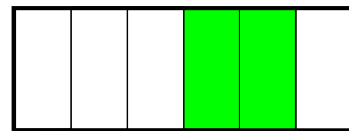
Y1 Y2 Y3 Y4 Y5 Y6 Y7 Y8 Y9 Y10



Y1 Y2 Y3 Y4 Y5



Y1 Y2 Y3 Y4 Y5 Y6 Y7 Y8 Y9 Y10 Y11



Y1 Y2 Y3 Y4 Y5 Y6



Y1 Y2 Y3 Y4 Y5 Y6 Y7 Y8 Y9 Y10 Y11 Y12

Using a sample size of 300 former students the accuracy of predicting Residence using this model was 98%. Therefore, it has been decided that setting a threshold of 95% (20:1) for the Middle-Year Indicator is a sound approach to determining whether a former student was a resident, even in the absence of complete Primary Documents. The alternative is to consume vast amounts of resource time and put the Applicant through a potentially arduous task of trying to furnish additional proof, when the odds against them doing so successfully average 50:1.

### Illustration of Probability Distribution

