

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 -

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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

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BEFORE THE HONOURABLE JUSTICE J. LEIPER
on October 3,4, 2019, at TORONTO, Ontario

APPEARANCES:

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T A B L E O F C O N T E N T S

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Transcript Ordered:	May 15, 2020
Transcript Completed:	May 26, 2020
Ordering Party Notified:	June 6, 2020

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(Ms. Lombardi)

THURSDAY, OCTOBER 3, 2019

MS. LOMBARDI: Our next witness is Kathy Smart.

5 KATHY SMART: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good morning, Ms. Smart.

A. Hi.

10 Q. Can I call you Kathy?

A. Yes, please.

Q. Okay. Kathy, can you tell us where you live?

15 A. I live in Ottawa, Ontario, Canada. I've lived there for 17 years, married with my husband, Bradley Christopher Smart.

MADAM REPORTER: I'm sorry, please use the mic.

THE WITNESS: I live in Ottawa, Ontario, Canada.

MS. LOMBARDI: Q. And what do you do for a living?

20 A. I'm a holistic nutritionist of Canada and a personal fitness trainer of the year for Canada. So, basically, I travel the world presenting on health and happiness and wellness and I have a health and wellness trade show and a national brand that represents health and happiness.

25 Q. Thank you. When did you attend Grenville Christian College?

A. I attended Grenville Christian College in late 1994/95 and '96.

Q. And how old were you?

30 A. I was 16 when I started.

Q. And what grades were you in?

A. I was in grade ten. I was a late semester

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grade ten and grade eleven.

Q. And how did you come to attend Grenville?

A. I'm going to give a little context, is that okay, of how I attended Grenville?

5

Q. Sure.

A. Okay. I had attended a private Christian Academy in Machina, New York from kindergarten to grade nine. And after going to that school I was in St. Lawrence High School for a very -- which is a public high school, for a very short
10 time, and I had a very hard time functioning in that environment so I asked my parents if they could find me a private school where I could feel safe.

Q. And how did you come to select Grenville?

A. I came to select Grenville because I had
15 heard about it and it sounded like the type of calibre of education that I was desiring. I had come from an environment that was very focused on academics, music, culture, history, American politics and I needed somewhere, where I could excel because the place that I was prior, you know, I was in the top
20 percentage of my academic achievements and won awards and stuff so I wanted somewhere where I could go to school where kids weren't misbehaving and wanted to learn, so that's why I chose Grenville.

Q. And what were your first impressions of
25 Grenville?

A. On the outside it was perfect. And the day that my parents dropped me off and I was -- I had been accepted to be at Grenville, I -- I showed up in jeans and really was like my only pair of jeans, actually, at that time. I showed up
30 in a pair of jeans and a little vest and a cool hippy bead thing, there's a reason I'm telling you this, and I went to my second floor dorm room where my two roommates at the time,

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5 Meredith Chapman and Ava Thompson and Leslie Thompson and they were not in the room when this happened. So I arrived and I was made to strip down immediately, as soon as my parents left, Ms. Mayberry, Margaret Mayberry and my IGRD, and Ms. Judy James stripped me down completely.

Q. And what do you mean they stripped you down completely?

10 A. I had to take off all my clothes and I had to put my hair up. And I had to go scrub off all my makeup immediately. And you are -- and I was like, you are not to wear that ever again. You are not to wear makeup, you're to wear your hair up. We're going to break you. Our job is to break you and we're going to do that. To explain, I think at that moment I knew I was in a cult because I had had a lot of cult
15 experience up to that -- leading up to that point. I've experienced about four different cults by the time I was 16 and it's a very typical thing of a cult to -- things will look extremely perfect on the outside and they'll -- they'll show who they are behind closed doors.

20 Q. So you said you were living in the dorm residence and you mentioned three other names...

A. Yeah.

Q. ...so did you have -- were there four of you in the room?

25 A. I was moved around a lot. I was shifted around a lot during my time at Grenville. I was a very independent thinker and when I arrived I think I just was shifted around a lot, so I was -- the private Christian school that I had gone to, which is the reason I'm saying this, is
30 basically I'd read the Bible about five times by the time I was ten years old. So I showed up at Grenville with a very solid foundation of what different religion beliefs were based on the

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Bible and so I would talk to students that what Grenville was doing was not based on the Bible and it wasn't even based on the Anglican religion, so I was shifted around a lot.

5 Q. Why don't we talk a little bit about what a typical day was like for you at Grenville?

A. Sure. Is this typical day when I was getting an education or a typical day on discipline or a typical day? There's like different layers. I'll describe a typical day of a normal day.

10 Q. Okay.

A. So a normal day I would -- lights on, I believe was at six a.m., and we got up, got dressed. Went to breakfast, I believe, seven or seven thirty. We had specific duties we had to do prior to attending breakfast. We attended
15 breakfast, listened to some nonsense from Father Farnsworth and when I say nonsense, basically, he had very -- he had rhetoric Bible, rhetoric that he would love to just say over and over and over again that really had no basis. It's like listening to nonsense. Had breakfast went to class, had lunch. Went to
20 class. After class I had work duties. Other students would, you know, go to Gilbert and Sullivan plays or whatever. Have supper and then if I had behaved I had had about an hour of free time after supper and then I was in study hall, typically from seven to nine if I had behaved and I didn't have to work through
25 study time. Lights out were typically at ten or ten thirty. Again if I had behaved. If not, I'd be made to work.

Q. So let's just go back.

A. Sure.

30 Q. You mentioned that Father Farnsworth would speak nonsense. Can you give us a little bit more of an explanation of what that nonsense consisted of?

A. Sure. Sure. I'll give you a perfect

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5 example. There's a scripture in the Bible that Jesus talks about being the salt and the light, right and Father had -- was talking about how black people are like pepper. I hate saying this, I'm sorry, please know these aren't my views, I'm just repeating, that black people are like pepper, white people are like salt. And he said that scripture means that you're not to combine the two. It was very racists, right, he was taking the scripture out of context.

10 So, he wouldn't say that, specifically, during breakfast but he would talk about the salt and the light and how we have to be separate and we have to be above and et cetera, et cetera. And I pulled him aside at that front table, I remember that, and I pulled out -- he pulled out the salt and pepper shakers and he would say, "You know, black people and white
15 people don't co-exist and that's what the scripture says", and I'm like actually no it doesn't. That's nothing what it means. This is what it means and this is the history, right. So it was that kind of rhetoric. Basically it was scripture taken out of context, massaged to work -- what worked for him. It was close
20 enough to the Anglican foundational belief system that if you didn't know your Bible you wouldn't -- you would be like oh, okay.

Q. So you said that you, I guess, debated with him...

25 A. Yes.

Q. ...about the meaning of the scripture? And what happened as a result of that debate?

A. Discipline.

Q. And what was your discipline?

30 A. Judy James took me in the basement with -- Ms. Sarah Patrick, I think. And -- this is certainly not very pleasant, just give me a second. Basically, I was like made --

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this is like really hard. Just give me a second.

THE COURT: Take a moment. There should be tissue you there for you.

5 THE WITNESS: Oh, I won't -- I already cried enough. Basically, it was -- a threatening like you have to admit that you are rebellious and she took me for a walk and she said all kinds of terrible things like, "You're disgusting. You're worthless. You're never going to amount to
10 anything. Father and I need to break you". And I would debate with her that Jesus meant love, not what they were doing and what they were doing is not right. So the discipline, I think at that -- there was -- I had -- I was on discipline a
15 lot. I believe that was a three -- three day work stint.

MS. LOMBARDI: Q. And what did you have to do on that work stint? What was that like?

20 A. I'd have to get up at four, go into breakfast duty. That's where I overheard Sam Jones talking about doing things to the food that he shouldn't be. Just a second.

MADAM REPORTER: If you could speak up but not move quite so close to the mic.

25 THE WITNESS: Sure, is that what's....

MADAM REPORTER: Amplified? I'll move the mic.

THE WITNESS: Yes. Sure. I'm not use to sitting when I talk. I'm use to standing. I'm a presenter for living so it's very strange for me to sit.

30 THE COURT: If you prefer to stand.

THE WITNESS: Do you mind?

THE COURT: You see I'm standing. We also don't

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sit so if you would like to stand you may do that.

THE WITNESS: Thank you. Thank you that you understand that.

5 THE COURT: Absolutely.

THE WITNESS: Thank you so much. Okay. So that three day work duty would, basically, be from like a four a.m. to a midnight stint, during which time I would be -- repeated the same things over and over. So, basically, you're never going to amount to anything. You're worthless. You're garbage. God hates you. You're going to hell. The way I coped was understanding how cults work. Basically, they repeat the same things over and over until you believe it. And if you don't believe it the first time they break you in different various ways so whether that be food deprivation, sleep deprivation, scare tactics, searching your room at night, reading all of your journals. They'll find a way to scare you enough so that you start to believe it and so how I coped was everything they said to me I knew they were lying, so I said the opposite to myself in my mind.

25 MS. LOMBARDI: Q. You mentioned things like food deprivation --

A. Yes.

Q. ...sleep deprivation, did any of those things happen to you at Grenville?

30 A. Yes, they did. In the summer of 1996. If I was allowed to go back for my graduating year and, basically, if I went back for my graduating year I could have gotten into any

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5 university basically, so you want to graduate. And -- however, if I was to go back I had to work off my sins of rebellion. So my sins of rebellion were various examples like the salt and pepper shaker. I hugged Josh Edmonds who was a little boy. He was this -- he was the brother of Steven Edmonds, the man -- the valedictorian of Grenville, who committed suicide. And I hugged him because....

MADAM COURT REPORTER: Ms. Smart, can you step back from the mic.

10 THE WITNESS: Oh, yeah, is that better?

Okay, I'll just stand like I'm presenting. Oh, thank you. I'm so much more comfortable now.

15 This is horrible. Sorry. So Josh Edmonds, I had hugged -- is that better, judge? Is that -- can you hear me better?

THE COURT: Yes, I can hear you.

20 THE WITNESS: Okay. Josh Edmonds was a young boy who'd went there that I had hugged when I was in my pajamas because his sister, I think it was either Jamie Warren or Shannon Evans, I believe that Shannon Evans was being sent away from Grenville and he was terrified because he was very little and his family was from Halifax. So I found him and I ran up to him and I hugged him and I said, "You're going to be okay".

25
30 And I was put on discipline for that and what happened was that summer, basically, the things I had already had discipline for they just were like well you need to do it again because you're still rebellious, and please understand, I had come from an academy where I was not the

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5 rebellious one, I was actually the good one. I was the one -- I would be like the prefect of Grenville in many ways. Not at that level of nonsense but I was like the star -- one of the star students from where I'd come prior. So the whole concept that I had to work off something else to prove that I could go to school was very strange for me. So it appeared that they just kind of used the same -- the same type of thing.

10 So example, I was smoking in the woods, my two friends got caught, I didn't. But I confessed -- later I confessed within an hour, and I said, "Listen, my two friends got a discipline, it was my idea", and then I went on discipline but yet again, that summer I had to work that off. So that seven days there -- there weren't any of my friends around or students, they wouldn't have known about it either because I was often put on separation from students so -- I'm trying to stay as chronological as possible.

20 So that's -- let's talk about that discipline of the summer cause I really want to get that over with, in terms of just telling it. So to work off my sins of rebellion which if you look up the definition of rebellion I wasn't being rebellious. I was, actually, just explaining that God's love isn't about working off your sins. God's love is unconditional. And the basis of the Anglican religion is based on the resurrection of Jesus Christ and not needing the

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5 need to work off sins. Father didn't like that. He didn't like that I knew that. He didn't like I knew the history. Judy James didn't like that either 'cause I could debate them as to why they were wrong.

10 So that summer -- basically, their mandate was to break me, because if they could break the strongest horse they were golden. So that seven days, I arrived and immediately was put into work. I was in the dining room hall. Ms. Rachel Bushnell was the one in charge that day. And she towered over me while I was in what you would call the submissive position. Basically, you have to crouch down and all of your -- there's a lot of weight on the muscles -- of specific muscles.

20 It's very painful to stay in there for several hours and I was scrubbing the dining room hall, a specific spot just up near the coffee machines and I was scrubbing and I had to be in normal clothes. And the entire time Rachel Bushnell was saying, "You're worthless. You're disgusting. You're a sinner. God hates you. You're going to hell. You're worthless. You're good for nothing", and I would just scrub. And I would hum, which was irritating to them. And then -- sorry.

30 Okay. And then after that I would be -- maybe I would get lunch if I had behaved. Then I --

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5 during that discipline stint of that time I was
isolated and locked in a room for three days.
Sometimes I would eat. Sometimes I wouldn't.
Ms. Wickard, I think it was or Ms. Sarah Patrick
or -- I believe it was, would bring me food. I
was woken up during the night a lot, just dragged
out of my bed and said, "You need to confess that
you're rebellious. You have the spirit of
10 rebellion and you're possessed by the demons of
rebellion and evil", and I'm like, "This is
nonsense, that's not how it works". But you're
so tired. I did -- I'm just, "No, I'm not
rebellious, you guys are wrong. This isn't God's
love", but I would just say that over and over,
15 basically.

20 Another time, during that seven day work stint I
was with -- this one's hard 'cause I love her
daughter, Mrs. Irving. I was in their residence
and I had to clean her windows with a toothbrush,
all the grooves, in the submissive position and
she would try to knock me over, or like push me
over, because I wouldn't admit I was rebellious
and I'd have to go to the bathroom and I wasn't
25 allowed so I just urinated there and just had to
keep working. I -- by about the third or fourth
day I was pretty tired. I could keep going but I
don't think it's very healthy for me, if you
don't mind? I mean I could if it's helpful.

30 Do you have any questions?

MS. LOMBARDI: Q. You said it lasted a week?

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A. Seven days.

Q. And what happened at the end of those seven days?

5 A. At the end of those seven days, I was sleep deprived, tired. I was on -- I was not permitted to call my parents or do anything. It was the type of thing where if I was late even by two minutes to supper, I was late once because my brother was really messed up in the Cayman Islands and I knew he was in trouble so I called him and I happened to be late two
10 minutes and Don -- Don Farnsworth, pretty much like grabbed me and said, "We need to break you".

So they sat me down, they being the staff that was there at -- during that summer and sat me in front of the table and just kind of listed off everything that was awful
15 about me. That you're never going to amount to anything. You're never going to do anything, blah, blah, blah, and I was very tired at this point. Also I'm a celiac so I need to have gluten free foods or else I go auto-immune, so I was very auto-immune as well.

20 I wasn't provided gluten free food even though they were there because Charles Farnsworth, actually, use to have a frozen loaf of Ezekiel bread in the freezer and his food on his plate wasn't gluten free and I was always like, "Why is -- why is father getting this and I'm celiac and I can't -- he's
25 not even a celiac", so just to explain my state, so I'm at this table and there's a table and there's the people there and I had to think of some -- some type of way to speak to them that they understood that I knew what they were doing was wrong and so there's a -- there's a story in the Bible -- sorry to keep
30 bringing up the Bible but it is kind of helpful.

It explains how I thought as a 15 and 16 year old trying to kind of explain myself. Jesus goes into the temple

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and the Pharisees and the Sadducees are in the temple and they make the temple a den of thieves.

5 And he goes in, in his sandals and he goes, "How dare you make my father's house of prayer a house of thieves", and he knocks over all the change tables. So I'm standing there and they're saying all this stuff and I'm like you're never going to amount to anything and that -- that's the worst thing to say to my personality.

10 So, I flipped over the table, I just pointed my finger at them and I said, "Watch me" and then I walked away, called my mother. I got outside of the gates cause if you got outside of the gates during the time if you were on strict observation and discipline you were good. Because they wouldn't do things outside of the gates typically. When you did do
15 things outside of the gates you were highly monitored, so I knew if get outside of these frigging gates I'm golden. So I got outside of these gates. My mother picked me up and I -- and then I -- I went home. I was never the same after though.
Ever.

20 Q. And so you didn't return then...

A. No, I returned my...

Q. ...to graduate?

A. ...I returned the next year for my graduating
25 year because I was in a very challenging position because I, basically, was friends with everybody. The staff kids, prefects, leaders. You're not going to be able talk to someone at Grenville that I didn't get along with. But I also knew that a lot of these staff kids, prefects and leaders, were so messed up. They had no idea what they were in. I knew because of my
30 experience of understanding cults. They pick prizes and make it look perfect and then the people that they can't -- they'll try to break a person. If they can't break the person they'll make

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up stuff that they did. Like for example, I was accused of stealing Amy Buckingham rings. She had this ugly ring, it was like some stupid grandmother's heirloom and I think it was emerald and diamond -- I don't know, it was ugly. And....

5 MR. BOGHOSIAN: Your Honour, I didn't hear the name?

THE WITNESS: Amy Buckingham, B-U-C-K-I-N-G, Amy Buckingham. Any other questions?

MS. LOMBARDI: Q. Amy Buckingham's ring?

10 A. Does -- do I have to answer -- yeah. Amy Buckingham.

Q. Please continue.

A. I was accused of stealing her ring. For example and I don't know -- it was -- I never stole her ring, 15 they ended up finding it later. My room was searched, everything was searched anyways, I was put on discipline anyway but the rumour was Kathy stole a ring for two days. Right. So that's kind of how they worked. So I never went back but I went back to see my friends that had graduated as prefects and 20 leaders and whatnot. Also because I wanted to face Grenville and let them know you tried but it didn't work, I didn't break.

And after that, I actually didn't tell you this and it's not because I forgot, it's just because I was trying to remember. I also went back to Grenville another time. Believe 25 it or not the Grenville leaders, they wrote me a letter in 2008, you know, apologizing, I have it with me, and they asked me to come to Grenville and speak. At the time I was going to something called the School of Ministry in Toronto, Ontario. I had travelled to Holland for a month. Led a music group. I was 30 leading music for a drug rehabilitation centres places with this group. Grenville had heard that I was doing well and they asked me to come and speak and I did. And I spoke about the

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unconditional love of God. They didn't like it but they had asked someone to come back and so I tried to shed light on what they were doing in my own very gentle way.

5 Then I continued to visit the school several years, even when it was closed, as a way to try to cope with what happened. When I was 19, yeah -- yeah, when I was 19, I went back 20 -- I kept going back year after year after year, just as a way to mourn in many ways. My best friend that was at Grenville at the time, her name was Jennifer Husack, she
10 committed suicide. Several of my friends have committed suicide that have gone there. So I would go and mourn them. And I knew what they had lived through and I knew why they took their life. So it was my way of coping.

Q. Thank you.

15 A. You're welcome.

Q. One thing that we didn't discuss, was -- we discussed a lot of the religious teachings...

A. Hm-hmm.

20 Q. ...and your differing opinions with respect to the religious teachings that you were getting.

A. Yeah.

Q. Were there any teachings or messages or formal education with respect to sex or sexuality?

25 A. No, there was no formal education or speaking or teaching about sexuality. The only way sexuality was spoken about was with a Jezebel spirit. The only type....

Q. Can you describe that?

A. Pardon me?

Q. Can you describe that?

30 A. Yeah. So the Jezebel spirit was a real favourite of the Grenville folk. The Jezebel spirit was the spirit that was like sexual and tempted men and whatnot. So if

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there was any kind of sexual education it was about being
possessed by a Jezebel spirit, which is nonsense because the
Jezebel was in first Kings and she actually wasn't a temptress.
She convinced King Ahab to make people worship Bale and had
5 prophets killed. So it was a nonsense rhetoric anyway.

Q. And other than those stories in the Bible
that you just mentioned were there any other messages that were
imparted?

A. I would have -- I would have -- I would have
10 hummed. I wouldn't have paid attention.

Q. And where would these messages be
communicated to the students?

A. In small groups sometimes. On family night
sometimes. During little gatherings like home meetings I guess
15 you could call it. Church wasn't as bad because a lot of the
Brockville family members would go to church, so Father kind of
-- I don't even like calling him father. What do I call him?
Charles Farnsworth? Charles Farnsworth would tow the line,
basically, pretty good in his Anglican rhetoric. He would do
20 the nonsense mostly when the parents weren't there.

Q. And so when did others attend the school's
services?

A. Sometimes on special occasions. So say there
was a -- the -- a great fundraiser, let's say. So a big
25 fundraiser to run -- to raise funds for the chapel. There was
-- there would be the -- a bulk of students that would do the
manual labour and the work which was my kind of stuff. Or there
would be the students that were the kids of some of the family
parents that have been there that where raising a lot of money
30 for Grenville. So they would attend services and specifically
Easter morning. Easter service was always the service that
Grenville would invite everyone to and when I say invite

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5 everyone, I mean the parents of their prize students. I'm friends with the prize students. It's not their fault. They would invite the parents and that's when the best food was served, that's when everything was very -- pretty Anglican, I would say.

Q. And these would take place, was there a chapel on campus or a church?

10 A. There was a chapel on campus. It was a beautiful chapel on campus. So the services would take there and everyone was on their best behavior. Right, that's when you were on your best behaviour or during the Gilbert and Sullivan plays. But the -- what would happen behind close doors would be -- there was a scary chapel. It had a large mosaic when you would enter it and there was a lot of strange things that
15 happened there.

Q. Why do you call it the scary chapel?

A. It was very dark. We would be -- go at night. Found it odd. I would have rather be studying. Just -- scary.

20 Q. You mentioned the mosaic. What about the mosaic stuck out to you?

A. The mosaic, I -- when -- again I was 16 years old, right, so I thought -- is this like Dante's inferno? Cause I love art. I thought it was like Dante's inferno cause if you
25 look at Dante's inferno it's very dark, very hell, so I thought this mosaic, this must be a form of Dante's inferno perhaps and I always found it a very strange depiction for the Anglican religion. I didn't understand why would they show hell fire if they believe in the resurrection of Christ? That's not even
30 Anglican.

Q. Were there often school-wide assemblies at Grenville?

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A. Yes, there was, yeah.

Q. About how often would these assemblies occur?

A. Quite frankly, I don't remember and I'll tell
you why. I would just sneak and go and sleep. I -- I just -- I
5 was tired. I was tired, right. I was working, I was sleep
deprived, I was food deprived. I wasn't getting what I needed
as a celiac. I was auto-immune. These assemblies, they weren't
going to benefit me so I'd go and sleep but that was seen as
rebellion. So thus me having to go in the summer because 'cause
10 I was rebellious.

Q. And in terms of rebellion...

A. Hm-hmm.

Q. ...and some of the other accusations...

A. Sure.

Q. ...that were against...

A. Yeah.

Q. ...you...

A. Yeah, for sure.

Q. ...how did you learn that -- what the
20 expectations, those behavioural and attitudinal expectations
were of the students?

A. There's unspoken. You had to learn it real
fast. And you learned it fast 'cause if you didn't learn it
you'd be -- you'd be put to work so. Like I can remember
25 walking down the hall, the first floor hall and the phones to be
able to call your -- the operator to call your parents were just
to the my left, they were like this tan, ugly colour and Ms.
Margaret Mayberry, I was walking down the hall and I liked --
you weren't suppose to wear your hair down and it was my kind of
30 middle finger to them, like I'm wearing my hair down if I want.
If you need the Bible reference, the hair is the woman's glory,
right, so that was my kind of thing. And Margaret Mayberry,

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she's like, "You can't wear your hair down. Get on your knees", and she wanted to check my kilt length too, right, 'cause I would roll up kilt. And I -- just like you have to get ready for that, like you're walking around basically any time you can be hauled out and that stuff so you learned what the rules were like that 'cause if you didn't do them you'd get disciplined so it was an easy way for you to tow the line.

Q. When you were put on discipline...

A. Yeah.

Q. ...what were -- did you attend classes and also do discipline or what would happen?

A. It depended on -- this is a great question. It depends on the form. There was different forms of discipline. From what I see there is about four different layers. That's why there's such a strange collection of stories. So mild discipline would be, ah, you're going to work on the weekend, maybe four hours washing windows. That was a pretty fun one. Another type of discipline was in like late -- later at night or very early morning, right so all the students are sleeping. You're in the kitchen. That was one form. Another form was oh, a full weekend of work, where you weren't allowed to go on break.

And to explain what break was, we were supposed to be permitted every four weeks a weekend with our family. If we didn't behave that month we didn't get that weekend with our family. And during that month leading up, we weren't allowed to talk to our parents, or our parents weren't allowed to talk to us, which is very hard for me personally. I'm very close to my parents and I would -- was use to talking to mother but they wouldn't let her calls come through and then I wasn't allowed to call out, so that was one form of discipline on the weekends. Another form -- or on break. Another form of discipline was

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during holidays, you wouldn't get like your time break holidays. You'd have to stay.

5 Another form of discipline was you'd have to work for an afternoon and not attend class and then you'd fall behind in class. You weren't given the catch-up notes because you shouldn't, apparently, have done the infraction to miss class, so you had to stay up late to make up for that studying and pray to God that you had performed to their perfection or you'd be woken up the next morning very early and told you sucked at
10 that, get in the kitchen. There was an extreme level of perfection that was required in doing your work duty.

Q. What -- can you describe what you mean by a level of perfection?

15 A. You know in the movies you see someone come with a white glove to check for dust? That type of -- that type of excellence. Everything had to be insanely perfect. And even if it was perfect it would not be perfect enough so you were made to do it again.

20 Q. While you were there at Grenville it sounds like you were on discipline quite a lot. Would you observe other kids...

A. Yeah.

Q. ...on discipline as well?

25 A. Absolutely. When I arrived I remember this very vividly. I was new. I was the fresh meat kind of girl and I arrived and I think I was in English class, Mr. Gillis' English class if I'm not mistaken, and I turned around and I saw a girl -- I don't remember her last name, I apologize, her name was Colleen and Josh. Colleen and Josh were boyfriend and
30 girlfriend and in Grenville you weren't permitted to be within six inches of a male.

If you were found within six inches of a male you

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were then put on separation. Separation it means you can't speak or talk or be in the same room. Separation was always done -- also done to females. That happened to me with most of my close friends. When I arrived and I saw this girl in plain
5 clothes I didn't understand what was happening. Saying "What did she do?" "Oh, she has a boyfriend". At that time Colleen had been on discipline for 30 days straight. She tried to run away while she was there and tried to commit suicide.

I believe another reason that I was sent back in
10 the summer time is -- I have a good memory -- and we had an infirmary and a friend of mine was on Prozac. I can say her name because she's committed suicide. Her name is Jennifer Husack and she was on Prozac. And we both arrived early -- late in the semester and we became really fast friends. She's
15 beautiful. Probably one of the smartest humans you'll ever meet. And she was feisty like me so she had a target on her back. And I was in the infirmary and I was -- I'm very interested in health, I love health and so I would always watch how they would distribute medications.

I have a couple of other examples but I -- I
20 don't mind saying Jennifer's name because I know she's not with us anymore. And they were not giving her her medication properly, right. So it would be like all stored up and then she'd have all these pills and she was suffering from depression
25 if my memory serves me right.

Q. And so how would you describe for us just the general atmosphere of Grenville during your time there?

A. Dark.

Q. And can you describe overall what that
30 experience was like for you at Grenville?

A. Sure. It was a strange experience because I craved discipline. Not in the way that they give it but I loved

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structure. I loved protocol. I loved being on time. I, actually, love rules and I like -- I loved that I find safety in it. So it was a strange thing for me cause I felt -- I liked that aspect of it and I loved the efficiency and the productivity. I loved that. But at the other hand I was terrified constantly. I was terrified all the time. I was terrified to go to sleep not knowing if I was going to be woken up with flashlights and dragged to a room and asked to confess my sin of rebellion and Jezebel spirit and demonic whatever. I was terrified to eat because I wasn't suppose to be eating that kind of food anyway so I'm going to have diarrhea after. Right.

I was terrified during class because if you didn't perform properly you were disciplined. So I would describe my time at Grenville, it was strange for me. I made some of the best friends I've ever met and -- I loved hearing how successful many of them have become. I made beautiful friendships, on the other hand it was, basically, like a phycological holocaust. Their mandate was to break a person. To break their spirit and to reform them into the Grenville way. The parents that had sent the children there thought the Grenville way was Anglican. I'm too well versed in the scripture to know otherwise. It was a cult.

Q. Thank you, Kathy. Those are all my questions.

A. You're welcome.

THE COURT: Cross examination.

THE WITNESS: Can you be really nice to me, this is very hard.

THE COURT: Counsel will ask you questions...

THE WITNESS: Okay.

THE COURT: ...and if there any movements outside the bounds it's my job to make sure they're asked

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respectfully.

THE WITNESS: Thank you so much.

CROSS-EXAMINATION BY MR. BOGHOSIAN:

5 Q. I had trouble following some pieces of your
evidence. One was...

A. For sure. I would too.

Q. One was that you came late in the semester?

A. Yeah.

10 Q. Was that the first year that you started at
Grenville?

A. Correct.

Q. So why were you coming late in the semester?

15 A. Because I wanted to attend Grenville and
because I was attending St. Lawrence High School and I couldn't
-- I didn't like the level and lack of education that I was
experiencing in the public school system after coming from an
academy with a very high level of academics.

20 Q. And when then did you come to Grenville that
first semester?

A. Whenever their second semester started. I
apologize if I don't know the exact date.

Q. Okay. I just want -- so you didn't come on
the first semester? You came...

25 A. No, did not.

Q. ...at the....

A. I came the second semester, late, with Trevor
Clayton, Jennifer Husack, Meredith Chapman, George Andreadocus
(ph) and you can look up the other names.

30 Q. And what is your date of birth?

A. June 1st, 1978.

Q. And how old were you when you first attended

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Grenville?

A. I was sixteen years of age.

5 Q. Sixteen, okay. And how does a self described independent thinker end up in four different cults by the age of sixteen, before even coming to Grenville?

A. I don't know how that question pertains to this?

Q. Please answer it.

A. Do I have to?

10 THE COURT: Yes. Do your best.

THE WITNESS: I'm choosing my words very carefully. Can you give me a moment? It's not 'cause I don't know the answer. The reason is my father was bipolar and he wasn't medicated and he was manipulated by belief systems thinking he was doing the right thing and he was manipulated because he wasn't medicated and was fully taken advantage of by individuals that wanted his money. He -- he is now on lithium.

20 MR. BOGHOSIAN: Q. And what were these cults?

Name them.

A. If you have ever lived in a cult you know that question is kind of a strange one. They're not specifically. They don't have names. They come from a basis of religion and they're interpreted in whatever leaders form that is. They're based out of the United States. One of them came from Lone, New York by -- I think it was from Matt Molnar. Another one was Carl Mecidi, which was in Ogdensburg, New York. Another one was Dick Irison, out of MFI International out of
30 Portland Oregon. Another one was -- Dave Alport, out of Even Bible College. Another one was David Minor who was also out of Administer Fellowship International out of Portland Oregon.

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Dave Minor was under the direction of Dick Irison at the time.
Is that helpful?

Q. All right. So you're....

A. 'Cause there's not names.

5 Q. ...you're referring to these five individuals
as cults?

A. Yes, so they were part of....

Q. Please let me finish my questions.

A. Oh, I'm sorry.

10 Q. You're referring to these five different
people as cults?

A. Hm-hmm. No, you misunderstood me. They're
not cults. They take a belief system and interpret it in
however way they see fit and massage the scriptures and make a
15 sect of a religion follow a certain pattern of behaviours. For
example, one of them that I was part of, the women had to wear
like a doily on their head and that was to represent the
covering of Christ which is complete nonsense.

20 Q. I want to know the names of the four cults
that you referred to that you lived in?

A. I'd love to give them to you, Mister, but I
don't have them because you don't understand how cults work.

Q. All right. So these cults didn't have names?

A. No.

25 Q. You can't name like the Church of....

A. No, that's how cults work all the time.

Q. Okay. And so you showed up in what I'm
suggesting was late January of 1995?

A. Yes, February-ish/January-ish, yes.

30 Q. And you testified that within minutes of
arriving, members of the Grenville administration told you I'm
quoting, "We are going to break you down"?

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A. Correct. Ms. Margaret Mayberry and Ms. Judy James.

Q. Within minutes of arriving...

A. Correct, once my...

5

Q. ...at the school?

A. ...parents were left, the door was shut. No roommates were there. There you go.

Q. Don't cults want you to like the place and have your guard down?

10

A. That's how I got there, isn't it?

Q. And yet you're saying that they put you on notice within minutes of arriving, we're going to break you down?

15

A. Correct. You, actually, just proved my point. Cults work by enticing an individual getting you to like them. Once you're a child and the parents are gone, then they have (indiscernible). You're correct in your statement, however, it's in the basis of the child it's a bit different.

Q. And you told me that at Grenville...

20

A. ...hm-hmm.

Q. ...almost immediately the sixteen year old girl that you were then, was told you were worthless and you would not amount to anything?

A. Correct.

25

Q. All right. And you say you were told that repeatedly at -- over your time at Grenville, right?

A. That is correct.

Q. Okay. I'm going to show you a poster.

A. Oh, yeah, was I fifteen or sixteen?

30

Q. You -- is this a post that you made, on the internet?

A. It could have, however, I had identified....

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Q. I asked you a question. Is this a posting that you made on Facebook?

THE COURT: So, Ms. Smart, when you hear the question...

5 THE WITNESS: Yeah.

THE COURT: ...just answer the question rather than forecasting where it's going.

THE WITNESS: Sure.

10 THE COURT: Counsel will ask the question. You respond.

THE WITNESS: Sure. It appears that this would be me, yes.

MR. BOGHOSIAN: Q. April 15th, 2015, you wrote this?

15 A. It appears so, yes.

Q. All right. And you wrote, "At fifteen years of age I was sat down at my boarding school and told Kathy, you will never amount to anything"?

A. I apologize with my -- my year was wrong.

20 Q. Okay.

A. I was told that multiple times so was I sixteen? Perhaps I was sixteen.

Q. So you wrote fifteen.

A. Yes.

25 Q. That was your memory at the time and you were in a boarding school in the United States at age fifteen, right?

A. No, I went to St. Lawrence High School in between grade nine and grade ten...

Q. All right. And....

30 A. ...at a public high school.

Q. Did you pass that grade at the public high school?

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A. Of course I did.

Q. Okay. In any event, the post says you were fifteen.

A. I apologize that I didn't get my age correct.

5 Q. Right. And you didn't identify which of the boarding schools you'd been at, that this was told to you?

A. I apologize for that as well.

Q. Okay. The summer of '96 you say you were on discipline, right, for seven days?

10 A. Ah -- so, '93, '94, '95, '96, correct.

Q. And I suggest that your parents would have had to have know about this?

A. Yes, because I insisted I go. I wanted to go. And I'm going to -- do you want to know why or do I just answer your questions?

15 THE COURT: Please just answer the questions that are asked...

THE WITNESS: Okay. Gotcha.

20 THE COURT: ...otherwise we'll take a lot longer than we need to...

THE WITNESS: Oh, okay. Perfect.

THE COURT: ...and counsel...

THE WITNESS: Yeah.

THE COURT: ...has a plan.

25 THE WITNESS: Okay. I apologize, I'm new at this so I'm like do you want more details? Thank you.

THE COURT: So if -- unless it's necessary to clarify...

THE WITNESS: Yeah.

30 THE COURT: ...the answer, just answer the question you're asked.

THE WITNESS: Okay.

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THE COURT: And wait for the next one.

THE WITNESS: Thank you very much.

THE COURT: Yes.

5 MR. BOGHOSIAN: Q. And you said that a Ms. Irving tried to push you over while you were working in her home?

A. Yes.

Q. And you said that Don Farnsworth grabbed you at one point?

10 A. Yes.

Q. And you said that you urinated while you were working in the Irving home?

A. Yes.

Q. And you said you flipped over a table?

15 A. Yes.

Q. And then called your mother to get away?

A. Yes.

Q. And you were accused of stealing Amy Buckings' ring?

20 A. Correct.

Q. I'm surprised by all that?

A. Okay.

Q. Because, Ms. Smart, none of that was in the -- in the will say statement that we were given by your counsel
25 regarding your testimony. When did you recall all of this stuff? Did you ever tell your counsel this before?

A. If you're familiar with trauma, uh-mm, trauma
30 memories happen in fragments. This is -- just remembering these things I've had to take triple my stomach medication and it took all of my energy to get here. I never received any therapy of any kind, I, basically, just muddled through this myself. So if my recollection of memories is not in the chronological order

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that your mind works, my mind went through a pretty traumatic experience.

5 Q. Am I correct that you never advised counsel, your counsel, who prepared you for today, about any of those things I just listed?

A. I don't understand your question at all.

Q. Did you tell them that you were pushed over by Ms. Irving?

10 A. They -- counsel was aware that while I was in the submissive position that I was tried to be knocked over, yes.

Q. Tried to be knocked over?

A. Yeah.

Q. What does that mean?

15 A. Um-hmm, so when you're in a submissive position, basically, you're down low on your tippy toes and if you're working, if they knock you or try to push you over, you have to really use your core to kind of stay stable.

20 Q. Yeah. And when did you tell counsel about this?

A. We spoke day before yesterday, was it?

Q. So that was the first time you mentioned it, day before yesterday?

A. Specifically the pushed over...

25 Q. Yeah.

A. ...or the submissive position?

Q. The pushed over.

A. I believe so.

30 Q. When was the first time you told counsel about Don Farnsworth grabbing you?

A. I didn't.

Q. Oh.

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A. I went through my yearbook, actually, just this morning, 'cause I have on purpose tried to not hear anything from Grenville so I can remember the things that have scared the hell out of me.

5 Q. When was the first time you told anyone that you flipped over a table and then called your...

A. The first -- like the first time, sorry?

Q. ...mother to -- yeah, the first time you told anyone about flipping over a table and then running away.

10 A. My mother.

Q. And she kept you in the school notwithstanding, you were so scared?

A. After I flipped over table I never returned back to that school. You have your facts wrong. My mother
15 picked me up...

Q. You never graduated?

A. ...I told her what happened. We went to -- for fish and chips, I believe, and I went back to St. Lawrence High School and graduated. I did not return to Grenville to
20 graduate. After that seven day stint I told my mother and I would not return.

Q. The seven day stint was after you finished grade twelve?

25 A. Grade eleven.

Q. Grade eleven.

A. Yes.

Q. So you finished grade eleven? You went....

A. I finished grade eleven.

Q. You finished grade eleven?

30 A. Correct.

Q. And it was during the seven day discipline stint that you say you flipped over the table?

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A. Correct, at the end.

Q. And I'm suggesting -- when did you first tell counsel about flipping over the table?

5 A. I would have told them probably -- I've typed out my testimony so it may have been several weeks ago or when I first had a -- I can probably check my notes but I also spoke with them I believe on July 23rd.

Q. Did you review the notes you say you typed up to refresh your memory to testify today?

10 A. Very -- very briefly but there's not really a need to review what happened.

Q. All right. But you did review them to refresh your memory?

15 A. Not much. A little bit. It's kind of the thing you don't want to read because all you want to do is throw up as you read it.

MR. BOGHOSIAN: Your Honour, I would like to see the notes that she reviewed.

THE COURT: Do you have notes with you?

20 THE WITNESS: Of course. Yes, for sure. Yeah, for sure.

THE COURT: Do you want to take a break?

MR. BOGHOSIAN: Why don't I keep going and...

THE COURT: All right.

25 MR. BOGHOSIAN: ...and maybe closer to the actual break time I can review them?

THE WITNESS: Do you want them in a folder?

Yeah?

MR. BOGHOSIAN: Q. It's up to you.

30 A. Okay. Just a second. I'll do it in front of you so you know I'm not -- did you want my handwritten notes or just my typed one? I have like a very rough draft -- a rough

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draft and I also have handwritten notes. I also have a letter that I had referenced if that's helpful to you?

Q. I would like whatever notes that you've reviewed in preparation for testifying.

5 A. Okay. Hm-hmm, this -- oops, sorry.

THE COURT: While you're looking for that, do you want anything done with this Facebook post?

MR. BOGHOSIAN: I don't think it's necessary to mark it.

10 THE COURT: Okay. I'll just...

THE WITNESS: Can I just make sure I've given you everything?

MR. BOGHOSIAN: Q. Sure.

A. Okay. These are my handwritten ones.

15 THE COURT: Did you review your handwritten notes before you gave evidence?

THE WITNESS: Quickly, I did, yes.

THE COURT: You did?

THE WITNESS: Yeah.

20 THE COURT: All right.

THE WITNESS: Yeah.

THE COURT: So if you give all your notes...

THE WITNESS: Sure.

THE COURT: ...to counsel.

25 THE WITNESS: Sure.

THE COURT: You'll get them back. If necessary we'll make copies.

THE WITNESS: Okay.

MR. BOGHOSIAN: Q. So just....

30 A. I'll give you these as well, I apologize, I didn't realize -- I've had these ready for you.

Q. So the handwritten notes that are on this...

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A. Yeah.

Q. ...notebook paper...

A. That's just my own....

Q. ...when did you make these?

5

A. Within the last two days.

Q. Okay.

A. The typed up notes, I would have start -- the type, so what you have in your hand -- may I know your name, I feel rude not addressing you by name?

10

Q. My name is David Boghosian.

15

A. David, the first -- the first couple of sheets of paper are a 2017 Huffington Post article that I wrote regarding attending Grenville and having bulimia at the time. So that was written in 2017, submitted to Huffington Post. Then the second set of notes would have started to be typed up when I could take the time after work to type out what happened to me, so that would have probably been the month and a half to two months ago perhaps. And then I wanted to make sure I had remembered everything accurately so I did a very rough draft. And then my handwritten notes are just something that I wrote.

20

Q. The ones that came out of the journal...

A. Yeah.

Q. ...booklet...

A. So I wrote...

25

Q. ...when did you make those?

A. ...some of those this morning, just to make sure -- when I'm nervous or when I think a person gets nervous I don't want to confuse dates or facts, so I find if I just write them down it helps me.

30

Q. All right. Now, I'm going to suggest to you that you were a very rebellious young woman during your time at Grenville, weren't you?

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A. No, I wasn't, because your definition of rebellious and what the definition of rebellious is at Grenville, in fact, when you're defined as rebellious at Grenville you're normal.

5 Q. And you were a self-described bad kid, weren't you?

A. I wasn't a -- a bad kid in Grenville, if I were -- it's funny. I'm known as the good kid so the bad kid in Grenville, you have to understand what their definition of bad is, David.

10 Q. No, I'm saying those are your words?

A. Yeah, absolutely, I was...

Q. And....

A. ...because I would listen to music if I wanted and....

15 Q. ...and you chafed against the strict rules?

A. I did.

Q. And you thumbed your nose at them?

A. Yes, because the rules...

20 Q. You gave....

A. ...were not based on truth. They weren't even correct.

Q. You gave the rules the middle finger, as you described it?

25 A. Absolutely.

Q. And you owned the discipline...

A. Yes.

Q. ...that came upon you for your known wrongs...

30 A. I even admitted to it.

Q. ...at the school? Right.

A. I didn't want my friends to be put on

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discipline if I had done the exact same thing and I didn't want them to be in that alone.

Q. You intentionally wore your hair down when you were supposed to wear it up during class time, right?

5 A. No, it wasn't during class time. That's, actually -- you could wear it down like after class.

Q. That's I thought what I said but okay, you were...

10 A. That's okay. It's cause you don't know the rules I do.

Q. You wore your hair down knowing that it was against the rules?

15 A. Not at the time that I wore them but, put my hair down, no. During class, yes; during breakfast prep, yes, that all makes sense. During sports, yes, but on my off time I can do as I please.

Q. All right. And you told us how you would roll up your kilt...

A. Yeah.

20 Q. ...up to an inappropriate length, right?

A. No, it wasn't at inappropriate length. I still kept it below the knee but they liked it at mid calf and I didn't find it very fashionable.

25 Q. Okay. And you -- you laughed at the discipline you were given at the time and you still....

A. Laughed?

Q. And you still do to this day, don't you?

A. It's a way to cope.

Q. Hmmm.

30 A. Basically, I was like a prisoner of war, David.

Q. Right.

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A. Oh, awesome. Oh, yes. I totally did that because it was gluten free granola and I could eat it.

Q. I haven't....

THE COURT: Let's wait for the question.

5

THE WITNESS: Oh -- oh, I'm -- I am sorry.

THE COURT: It's all right. You will get documents. You may get more than one.

THE WITNESS: Okay, thank you.

10

THE COURT: So you can read them but you have to wait for Mr. Boghosian to ask a question.

MR. BOGHOSIAN: Q. Yes, so I...

THE WITNESS: Mr. Maghosia (sic)?

THE COURT: Boghosian.

MR. BOGHOSIAN: Q. I take it....

15

A. Mr. Boghosian, I apologize.

Q. Boghosian, but you can call me David...

A. Boghosian.

Q. ... I don't mind that.

A. Mr. Boghosian.

20

Q. You immediately recall posting this post that I put before you?

A. A hundred percent, I do.

Q. Yeah. And you've got a better voice than me so why don't you read it out loud?

25

A. Sure. It was posted by Kathy Smart on June 11th, 2011. It looks like Facebook, I believe. That's my Facebook profile picture now.

30

"Does anyone remember how absolutely delicious Father Farnsworth's special granola use to be?"

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It was.

5 "It was stored in the fridge for
him only and I remember sneaking
handfuls and putting them in my
blazer jacket during breakfast
prep, LOL".

10 The acronym which means laugh out loud.

"Yes, that definitely...."

15 Q. So, you had an amused memory of stealing
Father Farnsworth's granola?

A. Yeah, it was delicious.

Q. Okay. And that's an example of your
mischievous, rebellious nature when you were back at Grenville,
wasn't it?

20 A. Hm-hmm, that's -- that's a fun
interpretation. No. So Father Farnsworth granola was in the
back in the kitchen on a white cart in a glass jar and it was
Father's special granola. And it was gluten free. I can still
remember the ingredients, and I would seek his granola because I
25 was hungry and I couldn't eat the food that I was given and it
was delicious. I found it as a way that -- between that granola
and eating peanut butter out of a jar and the teddy bear
containers of honey, I, basically, that's how I ate. So I don't
think you would call it mischievous.

30 Q. Okay.

A. I think you would call it, you know, a 16-17
year old finding ways to cope.

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Q. And you had a fond memory of this when you made this post in June 2011 with the laugh out loud and...

A. Yes, I remember the moment.

Q. ...exclamation marks?

5 A. Absolutely. Because in -- in times of -- I don't want to say war, this isn't war, but in times of huge devastation and tragedy, I think it's important to kind of remember those things that make you smile. So that's one of the positive things I remember of Grenville and, in fact, I developed a recipe and put it in a cookbook, it's called the Ultimate Granola, based on that. It was kind of my little way, "oh, yes, that's me, how lovely". And -- and am I allowed to talk to the judge or just answer questions?

10 Q. Uh-mm, just -- well...

15 THE COURT: You should answer the questions unless you need a break?

THE WITNESS: I'm okay.

THE COURT: All right.

20 THE WITNESS: I just want to get -- I'm just -- I'm really tired.

THE COURT: Do you want to sit down?

THE WITNESS: No. I'm just tired. I'm fine.

THE COURT: We are going to take a morning break.

THE WITNESS: No.

25 THE COURT: I don't know if you'll be finished before the break.

THE WITNESS: That's okay. If it's -- if it's okay with you, I'd like to continue.

THE COURT: All right. Please continue.

30 MR. BOGHOSIAN: Q. Ms. Smart, is this a Facebook posting that you made in February 2018, about a year and a half ago?

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(Mr. Boghosian)

A. Yes, this is my Facebook post, correct.

Q. And since you're tired I'll read it for you.

A. I don't mind reading it.

Q. Are you sure?

5

A. Of course.

Q. Okay.

A. I'm just tired because I'm -- I know I'm smiling and I seem fine but it's not an easy thing for me. Okay.

10

"So Kathy Smart, Facebook, February 12th, 2018, Ottawa, Ontario. So did anyone else sneak music Walkmans to cope? If so what was your sanity music? Mine was Radiohead, Nirvana, Smashing Pumpkins and Neil Young! So with for with four "Os", worth the discipline for these tunes. Anyone else sneak music?, question mark with the emoji of song notes."

15

20

25

Q. Okay. And so you would sneak music and Walkmans into Grenville?

A. Yes, I hid them in the rafters in the ceiling.

Q. Okay. And you knew that was against the rules to have rock music on the campus?

30

A. Yes, I did.

Q. All right. And you got disciplined for it at times?

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A. Not very often cause I was -- not very often.
A few times, yes.

Q. Because why? You were good at hiding things?

A. No.

5 Q. Okay. But you were disciplined a couple of
times and you knew you'd be disciplined?

A. Yeah, it was worth it.

Q. And it was so worth it?

10 A. Yeah. There was certain things that you do
as a way to cope that it was worth listening to Nirvana or Neil
Young in the woods having a cigarette, knowing I'd get three
days of discipline but you don't care cause it will help you get
through. Oh, yeah, I remember this.

15 THE COURT: Do you want any of these marked that
you're reading?

MR. BOGHOSIAN: It's up to you, Your Honour.

THE COURT: I may keep them for reference, we
won't make them exhibits.

20 THE WITNESS: It's fun. I understand what you're
doing. It's kind of....

MR. BOGHOSIAN: They've been read into the record
so I don't...

THE COURT: Yes.

25 MR. BOGHOSIAN: ...think there's a need to
separately mark them.

THE COURT: Yeah.

MR. BOGHOSIAN: Q. Ms. Smart, is this a Twitter
posting that you made on or about...

30 A. It sure is, David. Can I read it? Did you
want me to read it?

Q. On or about, April 1st, 2014, you posted
this?

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A. Uh-mm, yes, this would be Twitter. Did you want me to read it?

Q. Yep.

A. Okay. By Kathy Lynn Smart. That's my
5 Twitter handle. The previous ones I've read were Facebook. So I Tweeted at 9:29 p.m. on April 1st, 2014:

10 What is the craziest April Fool's Day joke you ever pulled?
At sixteen I baked brownies with Ex-Lax, the laxative, for the boy's dorm room at boarding school. I remember doing that.
15 And I did it because they were making fun of the girls and so for some...

20 It was a joke, right, you made your fun. I -- I understand you're trying to paint me as this like horrible rebellious person and it's kind of funny because if you knew me it's like antitheist of....

Q. Okay.

A. I, actually, like....

Q. Okay.

25 A. Like I don't even have the -- I don't even have a speeding ticket. So it's just interesting.

Q. Okay, so this...

A. Yes, this....

Q. ...April, 1994...

30 A. Yeah.

Q. ...when you were sixteen years old at Grenville, right?

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A. Yeah.

Q. And you baked brownies...

A. Yeah.

Q. ...that you intentionally put Ex-lax in...

5

A. Yeah.

Q. ...as a joke?

10

A. Yes, so if you understood the culture it's -- when you're in a cult culture or you're in an environment with extreme, I don't know what you would call it, you find kind of playful ways to have fun. So this is one of the -- this is, actually, not that big of a deal if you knew what some of the other good kids had done.

Q. Okay. So you've been at this school that has told you we're going to break you down...

15

A. Hm-hmm.

Q. ...for just two months and you're baking brownies with laxative in it for the boy's dorm?

A. Yeah.

Q. Is that right? Okay.

20

A. They didn't break me now, did they?

Q. And without a doubt you would have got in a lot of trouble for this had the staff found out?

A. Of course.

Q. Yeah. And you did it anyway?

25

A. Yes.

Q. You knew the rules, right?

A. So? I don't understand where you're going with this?

30

THE COURT: Just please answer the questions.

THE WITNESS: Okay.

THE COURT: It's counsel's job to argue the case. Your job is to just answer questions.

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THE WITNESS: Yes. Thank you. Oh, yes, cigarettes. Is it -- did you want -- I don't want to read Heather's.

5 MR. BOGHOSIAN: Q. Well, this is a Facebook post.

A. Yeah.

Q. By a Heather Lee Fornatatro (ph).

A. Yes.

10 Q. And she wrote, "I snuck cigarettes"?

A. Yes.

Q. And this was into Grenville, right?

A. Yes.

Q. She's -- this is a Grenville person?

A. What year was she there?

15 Q. I have no idea.

A. We should probably know that 'cause they had different rules and regulations depending on the years at which you -- which you would attend Grenville so I'd really be interested to get the context of Heather.

20 Q. Okay. Well, certainly at your time, smoking on campus was illegal?

A. Oh, God, yeah, of course.

25 Q. All right. So it looks like it was at this time as well, whenever Heather Fornatatro (ph) went she said, "I snuck cigarettes and someone told me steam in the shower would cover up the smoke. I tried and got totally busted. More dishes".

A. Right -- oh, yeah, dish duty.

30 Q. So she's -- clearly you read this and understood what she mean?

A. Yeah, of course.

Q. She was put on discipline, which involved

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washing dishes.

A. So smoking was not prohibited [sic] while she was at Grenville I would imagine then.

Q. Not prohibited?

5

A. Not prohibited.

Q. She's...

A. Not permitted, sorry.

Q. Not permitted.

A. Sorry by...

10

Q. Okay.

A. ...that.

Q. And then you comment, you're the third person commenting?

15

A. Yeah, the third down under Stephanie Slaughter.

Q. And why don't you read this to us?

A. Sure. I believe David, is this -- this is Facebook, it looks like?

Q. Yep.

20

A. Okay. So I replied and this was -- it says one year, so I'm not quite sure of the context of the date. Are we aware of what date this was posted? It says one year but without the context of the date it's important to know.

25

Q. Well, one year would be the date we printed this out which I think you can assume is about a week ago or less.

A. Uh-mm -- I'll read it out loud but I think it's better that we know the date. Uh-mm, "Kathy Smart, Yeah, I tried that too and it doesn't work". So I would imagine....

30

Q. Wait a minute, you missed something.

A. Okay.

Q. "Doesn't work, lol"?

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A. Oh, sorry. May I say it again?

Q. Yes.

5 A. Okay. "Kathy Smart, Facebook commenting, one year, we're not sure of the point of reference of the year, yeah, Y-E-A-H, I tried that too - doesn't work, lol", cause it doesn't.

Q. And then you -- you put a -- a laughing face?

10 A. No, so if you -- if -- do you use Facebook? The reason -- I'm not asking to be rude, it's because that's not me putting this smiley, it's when -- if you are....

Q. Oh, someone's commenting on your comment?

A. Yeah. So when....

Q. I see.

15 A. ...someone like a like...

Q. My mistake.

A. ...or they do like a face or something like that...

Q. Okay. But the message here was clear that like Ms. Fornatatro, you had....

20 A. Pardon, I'm so sorry, what as that, David?

Q. I said the message here, I'm suggesting, it's clear...

A. Yeah.

25 Q. ...that you're saying like Ms. Fornatatro --

A. Yes.

Q. ...you had tried to smoke a cigarette in the shower?

A. Of course.

Q. And got caught? Busted?

30 A. No, I tried that too, it doesn't work. It doesn't cover up the smoke smell.

Q. Okay. But you tried....

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A. I didn't get caught.

Q. Okay, but you tried it and you didn't get caught?

A. Correct.

5 Q. But you knew if you had got caught you would have been in a lot of trouble?

A. Yes. And at the time, you kind of do whatever you need to do to survive. And it's interesting for people on the outside looking in, "Wow, that was such a
10 troublemaker", but quite frankly I think if anyone that was, you know, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen years of age in that condition, I applaud them for finding ways to "Oh, yeah", "Oh, yes".

Q. You applaud them for finding....

15 A. I applaud them for finding ways to keep their sanity and not wanting to kill themselves during their time at Grenville or committing suicide shortly thereafter. So I believe that these are very normal examples of not just so called bad students but of prize students as well that I could
20 very easily, from memory, give you examples. So this next evidence appears that it's another Facebook post by Kathy Smart, to give everyone here a chuckle I so remember this whole hair thing. "I, actually, brought henna to Grenville and dyed the hair in the dorm room".

25 Q. In my dorm room?

A. In my -- I apologize, In my dorm room. Do we know the date of this posting, David? Are we aware of this posting date?

Q. We can find that out very quickly.

30 A. I'd like to find that out.

Q. I mean it....

A. Yeah, I don't think it's -- I don't think

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it's very smart for me to quote things without knowing the date so I'm just going to put that out there, I don't know the date.

Q. But you're not denying you wrote this, right?

A. God no. I did it. I wrote it and I did it.

5

Q. All right. We'll get you the date in a minute but....

A. "I, actually, brought henna to Grenville and dyed my hair in the dorm room. Then I accidentally spilled henna all over the carpet. Yeah, that happened and it was hilarious. Only this thread would get the discipline that would occur after such a bold move, it was worth it." Yeah, so there wasn't a...

10

Q. Oh, happy face, worth it?

15

A. Oh, sorry, I apologize. You really like these emojis. Okay, "Yeah, that happened and it was hilarious. Only this thread would get the discipline that would occur after --" so to explain thread, is like in Facebook, so everybody can understand -- "it would get the discipline that would occur after such a bold move, emoji, smiley face, worth it!" and then the bottom right there's like a -- it looks like to people did a smiley -- like a funny face.

20

Q. Hmm. And you -- this happened?

A. Correct.

25

Q. And you knew shouldn't be dying your hair in the dorm room?

A. Incorrect. There was never an specific rule about not having henna. Hair dye, yes, but henna is an all natural hair dye. So in my debating I thought it was fine cause it was natural and from God's creation.

30

Q. In any event you spilled it all over the carpet of your dorm room?

A. I spilled it in about -- the carpet had

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square feet that could easily be removed so it was probably in about a -- I don't know, three foot two, to three foot thing of carpet, yes.

5 Q. Okay. You said you spilled henna all over the carpet?

A. Yes.

Q. All right. And it was hilarious?

A. It was.

10 Q. It was hilarious at the time? It was hilarious years later when you wrote this posting?

A. It was hilarious because...

Q. Yeah.

15 A. ...I found a way that they had a rule of no hair dye, right, like no -- like hair dye. Henna isn't, specifically, a hair dye, it's actually a plant but if you put it on your hair it dyes it. So I was ready with my debate for the Grenville staff, that quite frankly, God's creation, there's henna, so I don't see how this is against the rules. However, I knew that if I did something stupid like spilling it I'd get
20 caught and I knew it would still be worth the discipline. Why? Because it was a way to bring levity to a group of many friends that I had that, basically, wanted to end their life by being there so if me being on discipline for a couple of days by bringing in henna and doing something quirky, then good. Oh,
25 yes. Did you want me to read this, David?

Q. Yes, please.

A. Yes, I shall. Do you prefer your first name or your last name?

30 Q. Whatever -- I think it will be easier for you....

A. Do you mind cause I will...

Q. Sure.

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A. ...not say your last name properly, not by --
on purpose.

Q. Well, we certainly don't need more words and
letters in the record so call me David.

5 A. Thank you.

"From: Nancy Smith (NANCY) To:
Joan. Date: Tuesday, January
31st 1995 at 10:29 p.m."

10

And that would have been Eastern time, we were in
Brockville.

15

"Subject: Kate Lock, Kathy
Burgess"

Which is my maiden name.

20

"Joan in response to what you
asked me to find out today:
Judy - Kathy Burgess got
permission to miss P.E. and
sleep in the dorm last period
and also miss supper, but
apparently went out skating
before and after supper."

25

Q. Let's just stop there.

A. Parenthesis. Okay.

30

Q. So who was Nancy Smith?

MR. BOGHOSIAN: By the way this is -- Your
Honour, this document is at Exhibit 1, Tab 94.

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THE COURT: Thank you.

MR. BOGHOSIAN: Sorry, Exhibit 2, Tab 94.

THE WITNESS: That's okay.

5 MR. BOGHOSIAN: I'm just indicating, Your Honour,
for the record but we can continue working with
the piece of paper.

THE COURT: Yep. Sure. That's fine.

MR. BOGHOSIAN: Q. So who is Nancy Smith? Is
she a dorm supervisor?

10 A. Nancy Smith would have been a typical dorm
supervisor and Nancy Smith also worked very closely with Judy
James who was the dean of women at the time that this was
written.

Q. And Joan, was that Joan Childs, "Joan"?

15 A. It would have been Joan Childs, yes.

Q. And she was a senior administrator?

A. Yes, she was.

Q. Okay. And so this is in your grade 11 year?

A. I'm sorry?

20 Q. Is this your grade 11 year, January 31, 1995?
You started there in '94?

A. Yeah, so it would have been like grade 11,
correct.

25 Q. Okay. And it sounds like you missed a class
and slept in the dorm...

A. I got permission.

Q. ...and missed supper and then you went
skating before and after supper?

30 A. Yeah, so it appears here that I got
permission to miss P.E. which would be Physical Education and
sleep in the dorm last period. I must have -- and I also slept
through supper and then probably, I don't know, this doesn't

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make much sense but, apparently, went out skating before and after supper.

Q. Okay. Do you remember doing that?

5 A. Not specifically but it's very typical of me wanting to go skating as I had convinced Mrs. Farnsworth that the girls should have a skating rink as well as the boys.

Q. All right. And you would have -- you would have had to make up a good excuse for missing a class and missing supper, like saying, oh, I'm sick, I'm feeling ill?

10 A. Uh-mm, no, not necessarily. I would have just asked nicely. Ms. Jones was very kind to me when I was at Grenville and she often was the one who would give permission if we could skip things and Ms. Jones and I became, actually, kind of close when I was there so.

15 Q. Who -- who is Ms. Jones?

A. Ms. Jones, she was a very nice lady. She use to work on the second floor of Grenville and she, basically, like if your contacts fell out during class or you needed to miss class, or it was your time of the month or something, I would go to Ms. Jones and just say, "I'm having a hard time", and she was always kind.

20 Q. Okay. But in any event they're questioning whether you ought to have been missing these classes and missing supper when you're out skating before and after supper, is that -- seem to be the gist of this memo?

25 A. It seems to be. It's a little off though because typically my pattern was at -- after -- yeah, typically my pattern is after supper I wouldn't have wanted to go skating, I would have wanted to hang out with my friends. My boyfriend at the time, Brent Donaldson. But it would make sense that I'd skate before supper. It doesn't really matter but....

30 Q. So you had a boyfriend in grade 11?

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A. The definition of boyfriend in Grenville is basically, now and again if your letters don't get confiscated you'll have letters and a boyfriend meant you could -- you would spend time with them on break.

5 Q. Okay. So you had a boy that you spent time with on break and wrote letters to?

A. Sure.

Q. Okay. And you knew that could get you into trouble but you did it anyway?

10 A. No, because I -- I stayed within the rules, right. I stayed within the rules of having a friend and also I was separated from this -- from my boyfriend at the time so....

Q. He wasn't on campus?

15 A. Yes, he was on campus but we went through a separation time.

Q. And when was that?

A. It would happen whenever they felt like it. Did you want me to continue reading?

20 Q. So they would separate the two of you and you'd get back together? Is that what you're telling us? I'm just -- I'm confused by your evidence.

A. Okay. So how separation works is you just -- you couldn't communicate so we would communicate just in different ways.

25 Q. Yeah, I'm suggesting that, and you saw it coming, I know you saw it coming that these are all examples of you breaking the rules or acting out all these Twitter and Facebook posts that we've been through. Examples of you breaking rules or acting out, right?

30 A. Uh-mm, I see that you like to try to paint a picture of someone that's a real shit disturber, yes.

Q. All right. Now, you are a bit of a

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celebrity, aren't you?

MR. BOGHOSIAN: Actually, Your Honour, maybe this is a good place to break. I'm moving into a different area.

5 THE COURT: All right. We'll take the morning recess.

THE WITNESS: You want to -- are we -- did you want me to finish reading this?

10 MR. BOGHOSIAN: Q. No, because I don't think the rest of it pertains to you.

A. Okay.

Q. But if you want, take a look at it over the break and if you think anything needs to be added for context you, by all means, can read it in.

15 A. Okay.

Q. And don't forget we already have it in the evidence...

A. Okay.

20 Q. ...so Her Honour, can read this whenever she would like.

A. Okay. No, I don't -- I don't see the need unless you feel the need that I should do it.

Q. I don't think it's necessary.

A. Okay.

25 THE COURT: We will take a 20 minute break.

THE WITNESS: Okay.

THE COURT: Ms. Smart, please do not discuss your evidence or the case with anybody on the break because you're under cross examination.

30 THE WITNESS: Can I sit here?

THE COURT: You'll have to probably leave the courtroom but the staff will assist you but if

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you go out...

THE WITNESS: Okay.

THE COURT: ...for the integrity of the process,
just go out on your own and then come back,
please.

5

THE WITNESS: Okay, thank you.

R E C E S S

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

MR. BOGHOSIAN: Q. Ms. Smart,...

A. Yes.

15 Q. ...you indicated that your last act at
Grenville was flipping over a table and after that you never
went back to the school?

A. Correct.

Q. But indeed, we know that you did go back year
after year?

20 A. I didn't go back to attend as a student. I
went back as saying hi to some of the friends that I had made
that were graduating or younger classes that were graduating.
So I didn't go back as a student and attend. I went back as a
free person.

25 Q. Well, I'm suggesting that you said in-chief
that you were invited back to speak?

30 A. I was invited back several years after to
speak once Grenville heard that I was leading worship and part
of the religious group in front of thousands of people. So they
thought perhaps I could preach or something.

Q. And I believe you said that was in 2008?

A. No. No, that wasn't in 2008. That would

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have been when I was about -- it would have been about the year 2000, I would say, approximately. I would have been about 20.

Q. And you indicated that you saw Colleen, in-chief, in Mr. Gillis' English class?

5 A. Yes, and when I arrived at Grenville, in some of my first months, yes.

Q. And she was on -- and you said she was on discipline at the time, and would be for 30 days until...

10 A. She had already been on discipline for 30 days.

Q. Okay.

A. Three weeks to 30 days. She may have been at the three week mark and then it was to be four weeks.

15 Q. So she was still on discipline when you arrived?

A. Correct.

Q. Okay.

A. Yeah.

20 Q. And you said you saw her in English class at that time?

A. I believe it was English class.

Q. Okay. I'm curious about this because...

A. Sure.

25 Q. ...we've heard a lot of evidence that when you're on discipline you don't attend classes?

30 A. It depends on the type of discipline. So I would imagine because Colleen's was such a long stint, 30 days was quite long even for Grenville, that she was able to attend classes still but in plain clothes. And to explain what plain clothes means, out of uniform.

Q. Okay. So she was able to attend all her classes?

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A. I don't know if the preposition all should be included but she was able to attend some classes.

Q. Well, you saw her attending classes, that's about all you can say, right?

5 A. Correct.

Q. You gave us some notes that you used to refresh your memory?

A. Yes.

10 Q. And on the second -- what I think is the second page....

A. Sure, is it -- oh, I didn't realize I would -- yeah, the first page or the second page.

Q. It doesn't matter because it's an...

A. Okay.

15 Q. ...independent paragraph, separate from the rest.

A. Sure.

Q. And I put a Post-it note opposite the paragraph.

20 A. On the one? Yeah, on the right.

Q. And if you could read the first couple of sentences, not the whole thing for now.

A. Just at the top?

25 Q. Yeah. What I -- yeah, where I've put the Post-it note.

A. I just wanted to make sure I do the correct thing.

Q. Yep.

A. Okay.

30 Q. And not your and writing -- handwritten annotations.

A. Not my handwritten...

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Q. Just the typed part.

A. ...okay, thank you.

5

"- Re: makeup removal Re - Re:
sorry, arrival at GCC circa
1994, typical, we don't dress do
that in Grenville rhetoric here.
Basically saying their job was
to break you in every way
possible. Sorry, both mentally,
spiritually, physically to be
like them."

10

And then this is my own notes to myself.

15

"Not a good thing to say to girl
who's already lived through
three cults and boy did I have
fun".

20

I did.

"Thank God for music, 100
percent saved my life..."

25

I was referring to music.

"...and peanut butter, for sure.
Best of ever!"

30

These are more like my journal writings to
myself.

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Q. Can I see that?

A. Yes, you may.

Q. So you are referring to this incident where you had to remove your makeup?

5 A. Yes.

MR. BOGHOSIAN: Sorry, Madam Reporter.

THE WITNESS: Pardon?

MR. BOGHOSIAN: Q. And they said something to the effect of we don't dress, do that in Grenville...

10 A. Yeah.

Q. ...rhetoric here? I take it you mean in they put it in the way they tended to put it?

A. Correct. I was just -- it was just my short notes to me.

15 Q. And then you wrote, "Basically, saying their job was to break you in every way possible"?

A. Yeah.

Q. So I'm suggesting to you they didn't say we're going to break you, it's what...

20 A. Oh, they...

Q. ...you imagined the message was?

A. No, no, they said that several times.

Q. They did?

A. Absolutely.

25 Q. Okay. So....

A. That was their mandate. You always repeat a mandate.

Q. Well, I'm suggesting that that was your impression of what they were saying rather than anything they actually said?

30 A. I'm suggesting I was there. And I'm suggesting exactly what was said.

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THE COURT: Just make sure that you wait for counsel to finish the whole question before so...

THE WITNESS: Oh, okay.

5 THE COURT: ...you know where it's going but Madam Reporter is taking down every word...

THE WITNESS: I understand.

THE COURT: ...so one question has to finish then the answer.

THE WITNESS: Okay.

10 MR. BOGHOSIAN: Q. And you said a girl who's already lived through three cults?

A. Yes.

Q. So today it's four?

A. It would have been, approximately, yes.

15 Q. Okay. "And boy did I have fun". Were you saying that sarcastically or were you being serious? "Boy did I have fun!"

20 A. "Boy, did I have fun", it was me talking to myself saying -- you have to understand these weren't like evidence notes, these are just like my thoughts to me to try to cope through this whole process is -- my mentality once I arrived was to, basically, find ways to love life still.

Q. Hm-hmm.

25 A. And find ways to share with others, to love life still, so I was not saying it sarcastically. I was saying it more like -- it's almost like I arrived at Grenville, I quickly realized it was a cult and quickly knew these students, they're messed up. So I would try to bring levity, I guess is the best way to say it, or a desire to live.

30 Q. All right. And you did have fun there, didn't you?

A. Of course I did. I made my own fun, sure.

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Q. I'm going to give you back the last of...

A. Oh, you don't need it?

Q. I don't need it, no. You wanted to know the dates of a couple of the postings?

5 A. Yes.

Q. So your posting and tell me if this doesn't jog your memory. Your comment on the Heather Fornatatro...

A. Yes.

Q. ...smoking in the shower...

10 A. Yes.

Q. ...comment was from February 14th, 2018?

A. Sorry, February?

Q. February 14th, 2018.

15 A. Yes. Yeah, that's makes sense because I would have -- Father Farnsworth passed away and in many ways I feel it was a way that a lot of people could start speaking about what happened without being scared. So that timeline makes sense. That's why I wanted to know that timeline.

20 Q. And I didn't -- I made a mistake. I didn't...

A. That's okay.

Q. ...give you everything back. You included with what you gave...

A. The letter?

25 Q. ...a letter dated December 7th...

A. Yeah.

Q. ...2000?

A. Yes.

30 Q. Addressed to you, which you called an apology letter. And I don't -- I want to simply ask you if Exhibit 2 could be put to the witness, please? I want to give you back the letters.

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(Mr. Boghosian)

A. Thank you. This -- am I putting this in here? Just put it here?

Q. I'd like you to look at the letter at tab -- Exhibit 2, Tab 105.

5 A. Uh-mm, I'm looking in here?

Q. Yes, in the book at -- there's a Tab 105.

A. One-oh-five? Tab 105, Exhibit 2.

10 Q. I want you to just look at this letter and tell me if it is the same letter that you're referring to -- that you called an apology letter?

A. I didn't call it an apology letter, I called it the closest thing that I would say to an apology letter. I choose my words very articulately.

15 Q. Okay, I just want to know if it's the same letter that's found at -- the content....

A. May I have a moment to read it?

Q. Absolutely.

20 A. I read and memorize at the same time when asked to so is this one of those times? No? The first paragraph is the same.

Q. Just read the whole thing to yourself and tell me if the content is -- is identical.

25 A. I will once I read it thoroughly. The second paragraph is the same. I will be doing this the entire time so everyone might want to take a drink or something. The first three paragraphs are the same. Shall I continue?

Q. Yes, please. The whole thing.

A. Okay.

30 Q. In fact, you can read the whole thing through to yourself and just tell us at the end if there's any differences.

A. Oh, sure. I just want to point out to the

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(Mr. Boghosian)

court that they said Julie Case in this and it's Julia, both
copies. I'll continue reading. At first glance, without
appropriate time, it appears to be the same. I say, appropriate
time, cause I read things like this I'll take an hour, so they
5 appear to be the same.

Q. All right. And I omitted to refer to the
second Facebook post...

A. Sure.

Q. ...that was undated. This is the henna post
10 and it was posted on September 24th, 2019.

A. Yes, that makes sense. Again, it was after
Charles Farnsworth's death. People felt, like myself, we
weren't afraid to speak like we were before. That's why I
wanted to know the timeline.

Q. And when do you understand that Father
15 Farnsworth passed away?

A. Pardon me?

Q. When did Father Farnsworth pass away, as far
as you know?

A. Was it 2015/2016? It's not a -- an obituary
20 I memorized.

Q. Well, you said that there's a very clear
break between....

A. Yeah, there is a really clear break between
25 2015/2016ish, I posted on Facebook about it.

Q. Okay.

A. I don't really memorize obituary dates.

Q. Now, you're somewhat of a celebrity, would
you say?

A. Uh-mm, it depends on your definition. A
30 celebrity basically is a person, same person, just more people
know their name.

K. Smart - Cr-Ex.
(Mr. Boghosian)

Q. You wrote a gluten free cookbook in 2011.

A. I've written five books.

Q. Did you write...

A. Yes.

5

Q. ...a gluten free cookbook in 2011?

A. Correct. Yes.

Q. And it became a best seller in Canada?

A. Five times, yes.

Q. And you appeared on the Dr. Oz Show?

10

A. I did.

Q. And today one of the ways you make money is as a motivational speaker, correct?

A. Specifically, yes, a motivational speak that promotes health, happiness and kindness, yes.

15

Q. So I'm correct that you sell yourself out as a motivational speaker?

A. No. More as a health expert, as opposed to a motivational speaker. I've been in the nutrition industry for 20 years. Thank you. Oh, yes, it's on my website.

20

Q. Are these screen-shots from your website?

A. Livethesmartway.com, French/speaking correct, yes.

Q. And on the first page it says "Kathy is a highly sought after speaker"?

25

A. Correct.

Q. And then in the middle is says, "Kathy has been engaging audiences for over 20 years"?

A. Correct.

30

Q. "Her appearances on television, radio, live events and the internet have positioned her as the top authority on the topic of health and wellness"?

A. Correct.

K. Smart - Cr-Ex.
(Mr. Boghosian)

Q. "She believes in self love in getting healthy and happy".

A. Correct.

5 Q. And on the next page I've handed up to you it says:

10 "Keynotes, are you looking for a passionate, dynamic and entertaining speaker in the area of health and wellness? Kathy Smart delivers a powerful keynote addressing the issues of overcoming obstacles, succeeding in spite of everything and using food as a tool to create
15 incredible changes in one's life."

Right? You wrote that? That's....

20 A. Correct, that's mine.

Q. Then under workshops is says:

25 "To book Kathy for a motivational keynote, cooking demo or team building session"

And then, "Please contact" and it's got the way to contact you, right?

A. Infolifeisnotmadeup.com, correct.

30 Q. All right.

A. And then past audiences, CFC, Health Canada, Statistics Canada, Canadian Fitness Professionals, with the

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Smart Way Expo which is a trade show that I personally own and have attracted over 20,000 Canadians wanting to live a healthier, happier life.

Q. And as a motivational speaker...

5

A. Yes.

Q. ...part of the shtick is to say, "look everyone, I've overcome all of these obstacles..."

A. Totally it is.

10

Q. "...in my life and look at how well I've done in spite of them", right?

A. That's some platforms, yes, if that's the way they choose.

Q. And that's your -- part of your spiel, right?

15

A. No, my spiel actually is I'm one of the longest standing nutritionist that was certified way before it became a trend so my platform is actually health and fitness, not I overcame this and I'm awesome. My experience with Grenville is not something I'd want to use as a motivational speaker platform. Just to make it here I had to medicate myself on stomach medication, I've barely eaten and I've quite frankly can't wait to stop talking about this.

20

Q. Okay. So you do not lead Grenville Christian College into your narrative of rising from adversity to accomplish things in any of your keynote speeches?

25

A. I've only specifically keynoted mentioning Grenville once and it was at the Canadian Fitness Professional's conference in Toronto, it was in 2017 at The Woman Who Influence luncheon. I am known as in the fitness industry the fitness presenter of the year for Canada and I was given the opportunity to speak to fitness professionals and I spoke about Grenville and I even brought the Grenville book because eating disorders are rampant in the fitness industry and I needed a point of

30

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reference in wanting to explain that I -- in the fitness industry I was kind of put on this stupid pedestal and I wanted to knock the pedestal down and say, "Hey, I struggle with eating disorders as well", so that would be the only time. This is not the kind of thing you even want your friends to know about. Yeah, that's me. This is the exact one, 2018 -- sorry. Yeah, that was me.

Q. You posted this on Facebook?

A. Yes, I did.

Q. For all the world to see?

A. You're darn right I did.

Q. Including all your friends?

A. You bet I did.

Q. And you're talking -- you posted a picture of yourself...

A. Mm-hmm.

Q. ...holding Andrew Hale-Byrne's book...

A. Yeah.

Q. ...while you're addressing the Canadian Fitness Professionals, right?

A. Correct.

Q. And you say, "Andrew J. Hale-Byrne, your book in my hand during a keynote at a Women Who Influence event with the Canadian Fitness Professionals"?

A. Yeah.

Q. "I was supposed to speak about my achievements and wow the crowd. I talked about what all of our biggest achievement has been, moving on from abuse and using music as therapy", right?

A. Correct.

Q. When did you read -- did you read Andrew Hale-Byrne's book?

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(Mr. Boghosian)

5 A. I haven't read it cover to cover. I've read many parts of it because besides researching myself, if -- what -- if other students had started talking about what happened behind closed doors, I discovered something called FactNet, I believe it was in 2006. And I started reading about similar experiences that I had had during my seven day stint in the summer of 1996. Since then Andrew's book was the only other kind of articulate collection of facts on Grenville, so yes.

Q. All right.

10 A. How....

Q. The book was published in February 2016, to your understanding?

A. To my understanding. I didn't publish the book so I don't know the date.

15 Q. All right. So you would have read it sometime after February 2016, right?

A. If that's when it was published, yes.

20 Q. And I'm suggesting that happens to coincidentally be when your whole attitude toward Grenville did a 180 degree turn?

A. My attitude toward Grenville never did a 180 turn. In fact, I told my husband about Grenville only once.

Q. It's not helpful to tell us what you told your husband.

25 A. I don't find your questions helpful.

THE COURT: Let's bring it back to questions and answers.

MR. BOGHOSIAN: Okay.

THE COURT: One question -- one answer....

30 MR. BOGHOSIAN: Q. I'm suggesting....

THE COURT: Hang on. Not editorializing, please, just question. Okay.

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(Mr. Boghosian)

MR. BOGHOSIAN: Right.

THE WITNESS: Thank you.

5 MR. BOGHOSIAN: Q. I'm suggesting that along
with overcoming celiac disease, inventing, I think you said the
gluten free diet....

A. I didn't invent the gluten free diet. That
was...

Q. Or promoting the gluten free....

10 A. ...made in the 1950's by a medical doctor.

Q. Right.

THE COURT: Let's slow it down. One question,
one idea at a time. I'm -- I'm seeing it get off
track a bit as soon as you layer so if you
wouldn't mind...

15 MR. BOGHOSIAN: Okay.

THE COURT: ...to just ask one fact or question
and wait until the end of the question to answer,
otherwise you're going to be talking over top of
each other, all right.

20 THE WITNESS: Okay.

MR. BOGHOSIAN: Q. I'm suggesting, Ms. Smart,
that as this Facebook posting makes clear, you weave the
Grenville narrative of abuse into your motivational speaking as
something else that you recovered from?

25 A. You said weave and not past tensed weaved. I
weaved it in one keynote.

Q. Just one?

A. I don't weave it in all of my talks.

Q. Just....

30 A. As I stated before, these are the types of
abuses that you're not proud of.

Q. Hm-hmm.

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(Mr. Boghosian)

MR. BOGHOSIAN: Your Honour, I would like this document marked as an exhibit.

THE COURT: All right. So it's....

COURT REGISTRAR: Exhibit 43.

5 THE COURT: Yes, it's the March 12th, 2018, Facebook post. Sorry, which number was that?

COURT REGISTRAR: Exhibit 43.

THE COURT: Forty three.

10 EXHIBIT NUMBER 43: Facebook post March 12th, 2018 - produced and marked.

THE WITNESS: Thank you. Oh, what is this picture of?

15 THE COURT: Please wait for the question.

THE WITNESS: Oh, sorry.

THE COURT: You can look at it. Let's just wait for counsel.

THE WITNESS: Okay.

20 MR. BOGHOSIAN: Q. All right. Is this a Facebook posting you made on December 21st, 2015?

A. I don't see the picture.

25 Q. I'm asking you if this is a posting, but forget about the picture for now, is this a posting that you made in December 21st, 2015?

A. From my -- not to my knowledge, yes, however I can't see the pictures so I will say yes to what I can see.

30 Q. Okay. Well, I suggest that you posted a YouTube -- Gloria TV Video of a song which I admit I can't read, that was sung regularly at Christmas at Grenville?

A. Oh, was it -- if you have reference was it, Lord do we -- we do give you thanks of some type, perhaps?

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(Mr. Boghosian)

Q. Well, look at the title at the bottom of the page.

A. I'm looking at it.

5 Q. And you tell me because you're the one that posted it?

A. Well, I don't know what that says. I know what I wrote says. I don't know what this image is nor do I know what the image link brought up in the text underneath is because I cannot see the image. Therefore, I will say these words, yes, are mine, because Grenville at Christmas is beautiful and again, like I said before, I like to bring life and light in hard situations so I will say yes, this is what I wrote.

10 Q. Okay.

15 A. However, underneath I don't know what that image is, nor what the link of the image brought up.

Q. I'm suggesting it was a link to a song that was sung at Christmas.

20 A. I only verify facts, I don't verify suggestions.

Q. Well, read what you wrote and see if it refreshes your memory?

A. I already said to you this -- by, yes, this is me.

25 THE COURT: Have you read the whole post?

THE WITNESS: Yes.

THE COURT: Does it refresh your memory...

THE WITNESS: It does.

THE COURT: ...as to what was maybe posted?

30 THE WITNESS: Absolutely. I just can't reference the image or the link as I can't see it.

THE COURT: Correct. But what does your memory

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tell you about what was there?

THE WITNESS: Yes. This is me.

THE COURT: What -- what are you saying?

THE WITNESS: I'm -- did you want me to read it?

5

THE COURT: No. Counsel's asking you about whether it references a song? Do you remember if it does or not?

THE WITNESS: It sounds like it. Let me just -- give me a sec. It would probably be a Christmas carol, I would imagine. I don't -- I can't remember what -- what song it is, sorry.

10

MR. BOGHOSIAN: Q. All right. So around Christmas 2015 you wrote, "To all my Grenville friends!"...

A. Yeah.

15

Q. "...my in-laws sent this to me and I was immediately in a time warp."

A. Yes.

Q. Please take a moment and you will be time warped too".

20

A. Yes.

Q. "Happy face".

A. Yes.

Q. "Emoji".

A. It's just a colon in this.

25

Q. Well, I don't know what you call those.

A. That's okay. I just wasn't sure for court if it has to be exact?

Q. But the intention was to make a smiley face, right?

30

A. Yeah. Yeah.

Q. "I can picture GCC at Christmas..."

A. Hm-hmm.

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(Mr. Boghosian)

Q. "...candles in the windows, Mr. Mack --" Mr. MacNeil?

A. No, Mr. Mack was a phenomenal music teacher that was there.

5 Q. What was his full name?

A. I'm trying to remember his full name. Mr. Mack. We just called him Mr. Mack. I could look in my yearbook if you need it.

10 Q. Okay. It doesn't -- not a big deal.

"Mr. Mack conducting this of a 16 year old self, staring at a sea of Gordon Plaid ties and quilts".

15 A. Hm-hmm.

Q. "Mr. Mack and all the staff that would sing this wherever you are, Merry Christmas and I hope you are all still...."

20 A. I hope you are all still -- oh, sorry.

Q. "...and I hope you're all still singing another smiley face."

A. Hm-hmm.

Q. Intention to make a smiley face, right?

25 A. Yeah.

Q. Okay. So you were having fond memories of Grenville when you posted this, weren't you?

A. Of course I have some fond memories.

30 Q. And you had fond memories in 2011 when you posted the Father Farnsworth granola story, right?

A. Of course, you...

Q. Yeah.

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A. ...find those stories in trauma and you smile and you have to remember those things to move on.

Q. And when you were interviewed by the Ottawa Citizen in 2014...

5 A. Yeah.

Q. ...you didn't have a bad thing to say about Grenville did you?

A. No, of course not.

Q. Yeah.

10 A. That's not part of my platform. I don't want it to be. It's ugly. It's dark. It's disgusting. It's horrible.

Q. Yeah, you didn't have a bad thing to say in 2014 about Grenville, right?

15 A. Am I allowed to explain why or just answer?

Q. No, I want an answer yes or no.

20 THE COURT: Let's -- actually, you can explain if you need to but start with the proposition. So please ask the question again. Listen to the question and answer the question to your best ability.

MR. BOGHOSIAN: Q. You didn't have a bad thing to say about Grenville when you were interviewed by the Ottawa Citizen in 2014, right?

25 A. Correct.

Q. And I'm suggesting to you it wasn't until you read Andrew Hale-Byrne's book in 2016 and read all these horror stories he was portraying that you jumped on the band wagon and you had a 180 degree shift in your view of Grenville?

30 A. Incorrect.

Q. All right.

A. And it is incorrect because of this. When I

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started at Grenville I started journaling what was happening. They would read our journals so I figured out if I had five different journals going at the same time with different paragraphs in each of the journals that they wouldn't be able to track what I was recording. These journals did burn (ph) down. And no I did not do a 180 degree turn. In fact, when I started telling family members what happened at Grenville they're like that never happened, that's nonsense and I even told them the mild things. Something happens when an individual has been traumatized or abused and they tell someone and if they're not believed, you shut down pretty fast.

So no, I actually started digging myself in FactNet and I'm sure if you had the technological ability you could dig up on my -- on a computer or something and track that I was reading these stuff of FactNet. And in fact, if you need to, ask my husband, Bradley Smart. I started telling him everything that happened when I was at our family cottage way before the Andrew Hale-Byrne book so I appreciate where you're going but no.

Q. You said you read FactNet in 2006.

A. Was it -- if it started in 2006, yes.

Q. Okay. And that's before the 2011 post of about Father Farnsworth granola?

A. Correct.

Q. Before the Ottawa Citizen story?

A. In 2014, correct.

Q. Before the Christmas memory posting on Facebook on in...

A. Correct.

Q. ...December 2015?

A. Hm-hmm.

Q. Is that correct?

K. Smart - Re-Ex.
(Ms. Lombardi)

A. Correct.

Q. Thank you, those are my questions.

A. You're welcome.

THE COURT: Any re-examination?

5

MS. LOMBARDI: Only one question.

RE-EXAMINATION BY MS. LOMBARDI:

Q. If we can pull up the Heather Lee Fornatatro
(ph) Facebook post? Do you have that in front of you?

10

A. I think so. Is that one of the ones David
gave me, yes?

Q. Yes, it is. I think it's the one about the
smoking in the shower.

A. Oh, yes. Okay. One moment, please.

15

Q. Yeah, sure.

A. This -- yes, I have it.

Q. Okay. And so I think he had you read or he
read Heather's top post there. I'd like to look at Heather's
second post and it's under that that you are replying.

20

A. Yes.

Q. So I'll just read it.

A. Thank you.

25

Q. "They would likely have tried to rid the
demons causing the pain and said that you had it because you
were a sinner".

So my question for you is, did Grenville tell you
that pain comes from demon and sins?

MR. BOGHOSIAN: Your Honour, I object.

THE WITNESS: Yes.

30

THE COURT: Hold on.

MR. BOGHOSIAN: This has nothing to do with my
cross examination and it's not a post that she

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(Ms. Lombardi)

wrote. It does not arrive properly out of my cross examination, just because it happens to appear on a page that I referred her to completely different stuff on.

5

THE COURT: Well, doesn't it arise during cross and having seen it, I'm not hearing an improper question, the question is were you ever told those things? If this had not been seen before and it did not come up in-chief, I'm not sure that there's a problem.

10

MR. BOGHOSIAN: Well, it's something that ought to have been examined in-chief if -- it's something that certainly could and should have been covered in-chief.

15

THE COURT: Perhaps. I will allow it though because you did produce it. It's there and I think I do have a discretion to allow it, so go ahead.

MS. LOMBARDI: Thank you.

20

Q. So, did Grenville ever tell you that pain comes from demon and sins?

A. Absolutely, multiple times.

Q. Thank you. Those are all my questions.

THE COURT: Thank...

25

MR. BOGHOSIAN: Could I get the last post that I offered to the witness, December 21st, 2015, marked as an exhibit?

THE COURT: Which one is that?

MR. BOGHOSIAN: The one with the....

30

THE COURT: With the -- the Christmas reference? Yes.

COURT REGISTRAR: Exhibit 44.

Heather Bakken - in-Ch.
(Ms. Lombardi)

THE COURT: Forty four.

EXHIBIT NUMBER 44: Facebook post, December 21st,
2015 - Produced and marked.

5 THE COURT: Ms. Smart, thank you for coming
today. You are free to go.

THE WITNESS: Thank you so much.

THE COURT: Thank you.

THE WITNESS: I can leave?

10 THE COURT: You can leave.

THE WITNESS: Thank you. Thank you very much.

HEATHER BAKKEN: SWORN

15 EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good afternoon, Ms. Bakken. May I call you
Heather?

A. Yes, of course.

20 Q. Thank you. Heather, can you tell us where
you live?

A. I live in Ottawa.

Q. And what do you do for a living?

A. I work for Torstar; I'm the Deputy Publisher
and Senior Vice-President of IPolitics.

25 Q. Thank you. And when did you attend Grenville
Christian College?

A. I attended for Grade 12 in 1981 and 1982.

Q. And how old were you in Grade 12?

A. 17, just turned.

30 Q. And how did you come to attend Grenville
Christian College? Where had you attended before?

A. I had gone to North Toronto Collegiate

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Institute. I was at a public school. My father, who grew up in Vancouver, wanted me to go to school in Vancouver Island, a private school where all my cousins went, but I was not interested in private school, and I lived in a democracy.

5 However, in Grade 11 my marks had gone down, so I got a hundred percent in math my first year of high school and in Grade 11 I was getting 23. So, my dad said it's no longer a democracy, you're going to have to go to private school if you want to get into university. And -- but he left the choice of the school up
10 to me. So, I had, you know he wanted me to go to Branksome when I said I wanted to go to school in Toronto. And I said no, I'd rather -- rather go to Bishop Strachan. So, I had an interview with Ms. Wicks at Bishop...

MR. ADAIR: What was -- just slow down slightly.

15 HEATHER BAKKEN: Oh sure. Okay. So, I had an interview at Bishop Strachan with Ms. Wicks. And then my dad was a stockbroker and one of his clients was a chap by the name of Mr. Antanacos
20 (ph) and his children were day students at Grenville. And during the course of conversation when my father said I've got to find a school for my daughter to get her marks up, he said there's a local school, my children go there. Again, they were day students. You know, you should set
25 up an interview. So, we drove out and we had an interview at the school.

30 The brochure seemed totally reasonable. It was -- it was promoted as an Anglican school. My mother was Anglican. We weren't particularly religious but, you know, we abided by the role of do not harm, so it seemed like a completely

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normal school. I believe Bishop Strachan was also Anglican. Yes.

MR. ADAIR: Slow down slightly, please.

THE WITNESS: Too fast.

5 MR. ADAIR: The witness is going so fast it's hard to make any notes or follow...

THE COURT: Oh of course, sorry, I wasn't...

HEATHER BAKKEN: I'll do my best.

THE COURT: ...the same issue.

10 THE COURT: Okay.

MR. ADAIR: Maybe counsel could deal with it.

THE COURT:. All right. And so just take a breath in between each sentence.

THE WITNESS: Okay.

15 THE COURT: Appreciating some people are taking notes long hand.

THE WITNESS: Okay.

THE COURT: And thank you.

20 THE WITNESS: Okay. So, I went -- my father and I drove to the school and we had an interview. And the thing that appealed to me in the brochure was that they had several references to riding. And I had -- I used to go out West every summer to my -- I had a family there who had a hobby farm and they had English and Western riding. 25 So, the appeal of having horseback riding was -- well, it -- it was very appealing to me at that age.

30 So, we went for an interview and we were given a tour of the school and I -- I have a cottage in Brockville now, so I can say it's one of the most

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5 beautiful places in the world. So, for me as a
city slicker who used to spend my summers out in
the country, there was a comfort there, and it
was bucolic. It seemed very calming. And I
thought, well, you know it would be like being at
summer camp all the time.

10 So, ultimately I chose the school. And that was
it, my father paid up front and off we went. So,
that's how I came to go to Grenville.

BY MS. LOMBARDI:

Q. Thank you. What were your first impressions
as in attending Grenville?

15 A. Oh, so it -- within half an hour I knew
something was wrong. The school -- my father and I drove to
Brockville from Toronto and when we -- when we arrived there
were a lot of students there. There was a lot of hustle and
bustle and it was very exciting for me. It was a new adventure.
I saw it as an adventure. Am I going slow enough for you, sir,
20 you're giving me a look? Is it -- okay.

THE COURT: You don't look happy, Mr. Adair.

MR. ADAIR: I beg your pardon?

THE COURT: You don't look happy, is it too fast?

MR. ADAIR: It's okay; I'll do my best on there.

25 THE COURT: See if you can just...

MR. ADAIR: The easy way is for counsel just to
get the witness to slow down a little with her
hand.

THE COURT: Or the other option would be...

30 MR. ADAIR: Anyway.

THE COURT: No, I don't want you to be prejudice.

The other option is, Ms. Lombardi, let the

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question come to a rest, leave a pause and then ask the next question. A little bit of silence won't hurt. It means everyone will catch up.

MS. LOMBARDI: I will do that, Your Honour.

5

THE COURT: If you could try that, that'd be great.

MS. LOMBARDI: Q. Thank you.

A. So, we arrived at the school, early afternoon I believe. And there was -- there were a lot of cars and a lot of students around. And as soon as we pulled up, a young man who was a student, clearly, he was dressed in the uniform, came over and -- a very clean shaven young man, very polite and said may I take your bags for you? And so we popped open the trunk. He took my bags and pointed to the direction of the girls' dormitory, which was Murray Hall, which is to my right, which was to the east. So, we're looking north to the monastery, the river is south. I'm a grid person by the way, so I -- I see directions.

At any rate, so I bid farewell to my father, who drove off and I went into the dorm. We were told there would be an information session, off the top, and that's the first time I walk into the refectory. And -- or the dining hall.

In the dining hall I just remember there -- there were -- there were glass windows on the -- the east side to my right when I entered and ahead of me. And I mean it was beautiful, there are trees out there. And the thing that jumped out was this big wall banner that said "Humiliation is the place of entire dependence upon God." And I remember thinking, don't they mean humility? Because you know I've read the bible when I was eight years old, cover to cover on my own. But as I said we didn't go to church. But I still -- I understood the concept of humility, but seeing humiliation, maybe it's a quote from the

30

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bible, but that jumped out at me. I just thought that was a bizarre thing to read.

5 So, we had an information session and it was just the headmaster and his wife and the associate headmaster and his wife on the podium, which was where all the tables -- ultimately we faced that way, and that is east. And Father Haig was up at microphone -- a mic on a stand in the center. And he said to the students, once we all got settled in, you know are you -- are you glad to be back? And more than half of the people in 10 the room -- the students went "yes". And they were so enthusiastic. And I have to say, as I felt that I was a fairly normal teenager, I didn't do drugs; I didn't drink; I didn't smoke; I just didn't go to class, because it was boring. So, I looked at this enthusiasm and it just didn't reflect anything 15 I'd seen with any of my peer groups at that age. I'd never seen anything like it before, except on tv. So, it caught me off guard. I felt jolted.

And I looked around the room and I saw all these people that were everything he said. They were shaking their 20 fists and -- and -- and so enthusiastic. And I -- that's when I saw people -- there were students who looked like they were caught in a headlight, deers caught in a headlight. You could see the students who had the similar, like were looking around. And as it turned it out there was a woman at my -- or young 25 woman at my table, who was sitting across from me and we locked eyes and we didn't need to say a word. It was like what's going on? So, I just rode with that.

And there was a lot of talk about Jesus. A lot about just, you know, how we need to be back here, we're family. 30 All these things that -- that don't sound abnormal on the face it, but when you're in a room, surrounded by the people doing that. You have to remember it's in the context of the early

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5 eighties. So, I grew up with, you know, there was -- the Moonies had a church in my neighbourhood. Helter Skelter was top of mind. Jonestown had happened a few years before with Jim Jones. People literally drinking the Kool-Aid. They literally drank the Kool-Aid and died.

10 So, this to me seemed like something out of a bizarre movie or novel. It was shocking. And when I say, you know I didn't go to church as a child with my family, I went with friends' family. I had been to church and I'd never seen anything like this in the churches I'd gone to, which would have been a combination of Anglican, Presbyterian, Lutheran, Catholic. I never say anything like this, so it scared me.

15 And just a 17 year old when you're away from home, I was, you know I was a well-adjusted, independent young woman. I had travelled a lot. But you're still you're vulnerable when you're in a strange place. And I was -- I was shocked. Anyway this went on for about half an hour. And then, you know, they said we could all go back to our dorms. And because of the bottleneck of students, you know it was like any traffic jam. We were all reduced to a shuffle. And because --
20 now we were walking slowly, I kind of ended up beside that young woman who was across the table from me. And she said, "I feel like we're in a concentration camp". We're also -- our parents were -- like this is a post-war era too, right, so I'm just
25 trying to provide context for where our minds were at at that stage.

Q. Can you just pull away a little bit from the mic?

A. Yes, yes.

30 Q. It's just making some other sound.

A. Okay. So, she said, "Oh, this feels like a concentration camp."

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And I said, "I was having exactly the same thoughts."

So, we kind of looked at each other and off we went to the dorm and that was that.

5 So, we went to my room. I met my roommates. I had --there was a young woman, Rita Feel. Her younger sister was at the school, Carol Feel. I remember her. I don't remember a lot of the students, because we weren't really allowed to spend one-on-one time, but at the beginning I had
10 this Julie Campbell was in Grade 9. And I believe it was Cathy Wood whose parents were staff. Pardon me. I'm not taking advice very well, so I apologize.

THE COURT: Just, yes, find sort of a middle ground...

15 HEATHER BAKKEN: Yeah.

THE COURT: ...because if you get too close...

HEATHER BAKKEN: Yeah.

THE COURT: ...it makes a popping sound, but we can hear you if you keep your voice up...

20 HEATHER BAKKEN: Okay.

THE COURT: ...and just stand maybe six inches away from the mic.

MR. BOGHOSIAN: Could we just have those names again?

25 HEATHER BAKKEN: Sure. Kathy Wood was the prefect in my room, and her parents -- she was Australian. Her parents were staff members. Julie Campbell was in Grade 9, she lived in Ottawa. And Rita Fell, I believe, she was from
30 Oshawa. I don't know, but she had a younger sister, Carol in Grade 10, that's what I remember about them.

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15

So, we got to the room and -- so when we first went to the dorm and went around, my bags weren't there and we back to the room, my bags arrived and I opened them and someone had clearly gone through all of my bags. And this to me was, as someone who valued my privacy growing up, my -- my parents never went through my bags, so this was a surprise to me. I noticed all my jeans were missing, my blue jeans, and my clock radio, electric clock radio, my tape recorder and my cassette tapes. I used to listen to classical music on my tape recorder. I play the viola and I was in All City Music camp and I was in a very accomplished orchestra.

20

25

So, so those things were taken from me. And then when a teacher staff member, an adult came in I said, "Some of my things are missing." And she said, like just matter of factly, "Yes, well we don't allow schools that -- jeans at the school, they're a sign of the devil, as is rock music. So you're not allowed to have radios and that's why we took your tape recorder and your cassette tapes."

30

And I said, "I only had classical music on those tapes."

She said, "It doesn't matter." I never saw them again.

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5 So, at this point, I'm think -- and pardon me,
also in the brochure there was a mention of
jeans. There was no mention, like we were never
given guidelines of what we couldn't take.
Never. And when I went on my tour of the school
initially, I was taken into the blue room and
said this is where we listen to music at the end
of the day. When I got there all the equipment
was unplugged. We never listened to music in
10 there.

15 At any rate, back in the room, so now my jeans
are gone, even though in the brochure it said,
you know, you can wear jeans per work jobs and
physical activities. Now, told they're the sign
of the devil. That a clock radio gave us a
channel to the -- to Satan. I was hearing all
these bizarre words. Now, I was worried. This
is the first few hours of my experience at a
20 residential school and I am starting to have
second thoughts about it.

25 I -- at 17, I had been exposed to many teachers.
No one had ever took, like this sounded like
this. So, it was -- it was disconcerting, but
you know. You're hopeful and optimistic as a
child. At this point I had, let's see what
happens. So, you know I tried to settle into the
school.

30 I, you know, again on the first impressions we
were then assigned families. We were told that

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5 we would spend out Saturday nights with families,
and my family was the Gillises, Mr. and Mrs.
Gillis, who seemed like very nice people and they
lived in a trailer out back. And I thought that
was pretty meager, simple living. So, we went
out to family night and there were students I
didn't know in my group. I hadn't met any of
them. So they asked everybody to please
introduce yourself, say your name, where you're
10 from and what you like to do. And so when it
came to me, I thought -- at 17 I thought, well, a
funny person, so I'll just make a little joke.
So, I said my name was Heather. I loved to
horseback ride and I was from Tralfamadore.

15 MR. ADAIR: Sorry, I didn't hear the last.

HEATHER BAKKEN: I told them I was from
Tralfamadore. Tralfamadore was a planet in a
Kurt Vonnegut novel that I just read, *Slaughter*
House 5. And I thought this would be really
20 funny. I don't know why. 17. And much to my
surprise, instead of, you know, I guess at that
point I was expecting people to go where is that?
But they just went to the next person and left it
at that.

25 So, you know, I'm in phys ed class and Judy James
comes up to me and said, I need to -- we need to
go and -- I need to take you somewhere. So, I
said, "okay." So, she took me -- again still
30 like in he first month I -- you're learning
passageways, routes, lay of the land, where the
classes are, you don't know what's connected to

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5 what. It's pretty -- for me it was a pretty big
kind of new experience. There were walkways and
paths, and you just -- so. Anyway she took me
into a classroom that had little desk. They
almost seemed like ink well antiequey desks to me.
And she said, "sit down."

And I said, "What's happening?"

10 And she said, "Just wait here." And so I did and
then Father Haig came in.

15 And it was set up, again these little antique
desk, pardon me, with a chair. I was seated in a
chair on the other side of this little desk,
which would have been just smaller than that,
with another chair. So, Father Haig came in and
sat down across from me. So, he was extremely
close and uncomfortable for me. And you know my
20 fear of negotiating, not -- I had to negotiate
not to touch knees under the table.

25 And he sat down and I remember just -- I didn't
know way I was there. I have never been in
trouble for anything in my -- I never -- I was a
good kid. And, so he just stared at me for a
minute and then he cast his eyes down on my chest
and started rubbing his stubby little fingers
together, staring at my chest. And you think, oh
30 great, I mean, you know, my dad is a six foot
eight Olympian, and he was always my protector.
And there was I was alone with this older man

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5 inappropriately staring at my chest. It's not like glancing, he was staring. And I'm in the middle of nowhere. And I don't know what I've done, but I'm stuck in a room alone with this guy and we've put in very close proximity. And I wasn't naïve enough not to know where this could lead.

10 So, I was both scared and revulsed at the same time. But as a young woman, especially in that era, who learned to, you know, send out signals to protect yourself, as any young woman that age going by a construction site would have known, or, you know. We get cat calls, cars driving by
15 in that era, you know. Hey, little missy, people pulling up at night time if you're walking. Pardon me.

20 So -- so I was -- I was on -- emotionally and psychologically, I was on the defensive thinking how can I get, like I just, like to stay cool -- stay cool. So, he said, "Where you from?" I thought that was a really weird question. So, I said I'm from Toronto. He said, "Are you sure?"
25 And I said, "Yes, I was born and raised there. I've lived there most of my life." And then he pulled this notebook out of his pocket, his inner jacket pocket, and he put it down and he opened it up and he said, "Are you sure you're not from"
30 and then he looked down and read "Tralfamadore?"

And I have to say I was impressed, because it's a

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really unusual name and he got it right. So, they heard and so I thought, okay, so I guess this is my joke coming back to bite me.

5 "Are you sure you're not from Tralfamadore?"

"Yes, I'm absolutely sure."

10 He says, staring at my chest again and I'll never forget the stubby little fingers doing the, "you know, because sometimes young girls your age get obsessed with the occult, with science fiction and with deviant sex." What do you do with that?

15 So, I said, "Oh no, I can assure you I'm not -- none of that as affected me. I am -- I'm not into any of that."

20 And I just remember thinking don't ever get yourself in a situation with this man again. Do not crack a joke. Do not get here. And I said -- he said, you know, we're like small talk at this point. I don't remember, but it's very, you know just like kind of tailing off at the end and its okay that will be all. And I said, "Thank you, sir." I left the room. These are my first impressions of the school, where now I'm worried that I am living in a place with predators.

25 MS. LOMBARDI: Q. So, you said that you left.
30 You said that in the brochure there was nothing to advice you about no clock radios and things like that. As you're attending the school, what are you leaning about the behavioural and

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attitudinal expectations that are required of students?

5 A. It was -- in a way it was baptism by fire. You know trial without a jury. You would just do something -- like I never -- I don't believe I ever broke a rule that I was aware of. But the rules weren't told to you. Again, like a lot of the students were either from the Community of Jesus, or they had been there before, so they knew all the rules. So, for me as a new student I had to learn as I went. So, it would be, you know when we got there we were told, you know, women at all time
10 -- all times have to wear a padded bra, a camisole, a shirt and a sweater or a blazer. And your skirt length has to be below your knees, like, there was a -- like well below your knees, which again was also weird to me, because all my friends who went to private school they had miniskirts, but that's fine I
15 had no problem with that.

But what they would do -- so some of the rules were I would be walking down the hall -- I remember walking down the hall with my books one day and I get tapped on the back of the shoulder by Mrs. Ordolani, who says "Stop swaying your hips; it makes you temptress." You know, I'm in four layers of
20 clothing.

Every morning when I put on my uniform I was reminded that I should cover up my body, that I should be ashamed of my body, and that if anybody looked at me it was my
25 fault. So, those are the rules, so I had to really -- I am not a hip swayer, but I had to consciously think of putting one foot in front of the other, so I wouldn't be singled out for that.

The -- I mean there's so many -- there's so many instances I can tell you of. You know I guess they were told --
30 the women were told -- well we weren't told anything. But one day I was sitting in the Study Hall -- in the blue room studying after hours, because I was catching up, because a lot -- all of

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5 my spares were done on work jobs. So, I was catching -- I was trying to get my homework done and Ms. Vermet came over and said, "Why did you flush pads down the toilet?" And I -- I said, "Excuse me, like who would do that?" She said the -- the plumbing is backed up and I know you're an agent of Satan. You put those things down the toilet didn't you? I just start thinking, what do you say to that?

So, I said, "No, I didn't. I don't use feminine hygiene pads. I did not flush any down the toilet."

10 So, it was, you know, I mean the rules were shaped around -- like again like I have to say I'm not a rule breaker. I didn't walk around swearing. I didn't -- I -- I did everything I was asked to do. If I was told to get up at a certain time, I got up at a certain time. If I was told to go to bed at a certain time, I would go to bed at a certain time.

15 But it's not that -- it was not even just the rules, it's just that this random singling out of you for doing nothing. Like just walking to your room, all of sudden someone comes out of a broom closet, or a, like a supply closet and pulls you in. And has -- there's a light shining on a chair and you're in pitch black and they tell you to sit down. And then you sit down and then they shine a light in your face, and you know there's someone in front of you -- one on each side of you, behind you and they're just yelling at you. Yelling at you calling you a temptress, a jezebel. You should be ashamed of yourself. Oh my god, these things happen and I -- to this today I don't even know who the people were who did things like that.

20 Q. Did that happen to you, were you pulled into a room and...

30 A. Yes.

Q. ...those things were said to you?

A. Yes, randomly. Having -- this is like just

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walking back to my dormitory after dinner one night and you know in a hallway and not alone. There would be people -- I mean, you know, really I didn't have any friends. You weren't allowed to have friends, but you'd had roommates or people you knew, but I -- they were, you know, there'd be someone ten feet ahead, or 20 feet ahead on any given time coming back after dinner. And so this is that -- that unexpected, unpredictable kind of singling out of someone for not doing anything. Like it's -- they didn't have anything on me. You know, they -- and then.

There was one time they accused me of doing something that would have been a criminal act and I had to stay one step ahead of them.

Q. So, before we get to that, I just want to go back. You mentioned now a couple of times that you didn't have friends, or -- or at least didn't make friends with the girls that you first lived with in the dorm. Can you just talk to me a little bit about that?

A. The -- the young woman I told you about, who was at the table, her name was Deborah Shields. And Deborah and I bonded instantly, and I can say she's still a good friend to this day. But we weren't not allowed to talk to or look at each other until either later spring when we both auditioned for a play and I got the lead role and she got a supporting role, and we had to practice several hours a day together, and at that point we thought, okay well that -- we can -- it's not -- no longer in place anymore that we can't talk to or look at each other. My roommates were -- the prefects were changed if we ever had a discussion about religion or the bible. The next thing I knew there would be a new prefect in there. And you didn't have time to bond with anyone. There was no time allowed to do anything. Everything that they --

Like I found it was really misleading the way

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5 they presented the school before you got there, because it
seemed as though you had weekends off. They -- they promoted
fun activities. And -- and you could go down to the river and
swim. You could go skating. You could go camping. None of
that happened, none of it. You never had a moment alone.
Never.

10 If you went into town you had to be a -- in a
group with a prefect of three to five people at all times. You,
you had to wear your uniform. You couldn't be out of sight.
You know, for the first term I had a prefect that I had to
report to. She would come to my room in the morning and the
only place that I was allowed to be alone was in the bathroom
stall. She would stand outside of the stall.

15 There's no opportunity to make friends when
you're scheduled from 5:00 a.m. which was my first term, or 6:00
a.m., when you get up shortly after six until midnight, because
you're up late doing your homework, because all your spares are
spent doing work jobs. So, how do you make friends in those
circumstances? You can't.

20 I did, you know, obviously I'm a friendly person.
I like to think I'm a nice person and I care about people. And
when people looked wrong-footed or upset, I would sometimes talk
to them and try to help them. And, so, there were a few people
that I became friendly with and we took our moments of enjoying
25 friendship. And, you know, as the year went on when I tried out
for the debating club, I became friends with my debating partner,
just by virtue of being able to spend time with her. So, I did
spend one long weekend at her place in Quebec.

30 There was another woman, Julia Barry, who we
became friends later in the school year. She ended up running
away. But you know we -- we -- we caught moments together and
-- but that was about it. I could -- I could name maybe five

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people on my hand, maybe maximum ten.

But I mean I look at -- I can look at pictures of my graduating year and I don't know the names of most of the people.

5 Q. So, that you said that you and Deb, the one that you connected with, were not allowed to talk or look at each other. Can you just talk to me how that came about?

10 A. Yes. That was the most bizarre experience of my entire life. I was in study hall one night and again we -- I didn't know where her room was or anything, but I -- we were at the same table, same dining room table. So, we had -- after dinner you would have study hall, and you'd have a little cookie and milk break in between, and during the cookie and milk break in the first -- it was within the first two weeks. We were, we, 15 you know we were just getting cookies and milk together and she -- oh, she cracked me right up. So, she did her shirt buttons all the way up and said, "Oh I'm so posh; I'm at private school. I'm going to do my buttons all the way up." And -- and then I started channeling my English grandmother, whose very uppity and 20 that was like, "Oh yes, we're at private school. Oh, we're going to go all the way." And so we were having this funny exchange.

And I remember there was this youngish -- he seemed like a younger student -- actually he seemed very young 25 compared to the high school. He may have been Grade 8, I don't know. I believe it was Robert Farmsberg (sic). Anyway he kind of looked at us and then he went off and then this young -- young student -- a young woman -- sorry she was in our grade. Her name was Katey Keenan. I didn't now at the time. This 30 young -- she was shorter than us. She marched over and she looked at us and she said, "Undo your shirt buttons." And I had never met this -- I'd never noticed her in my life. And so this

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was my first introduction to what I now know to be prefects and prefects in training. I didn't, you know, I didn't appreciate what prefects were at all. Again, this is like so what are the rules? I didn't know what prefect was, no one told me. So,
5 Katey Keenan says, "Undo your shirt buttons." And it was just so rude. I -- again like I -- it's just not my world if how you would approach someone or talk to someone the first time you meet them.

10 So, I said, "Why should we undo our shirt buttons?"

And she said, "Because it's not a part of the uniform."

15 And I said, "Well, the buttons came with my shirt when I bought them at Halpern so they very -- they are very much a part of the uniform."

And Deborah said, "Yes, mine too." And we were being cheeky girls, no question about it.

20 And then -- so she said -- she looked up at me and she said, "Do you know who you're talking to?" And she had a name tag on her blazer and it said -- or blazer/sweater. I can't remember, but it was, you know the navy blue. But a name tag and it said "Katey Keenan prefect in training." So, when she said, "Do you know who you're talking to?" I looked at it and I read it and I said, "Yes, Katey Keenan, prefect in
25 training." She went "ah" and she storms off and that was the end of that. So, Deborah and I are like, that's weird.

30 The bell rings, we go back and we're studying. And I was studying at a table that was, ironically, very close to that wall banner, so I would have been facing north studying with my back to the dining room. And I'm just sitting there at my books and all of a sudden someone grabs my left ear, forcefully, and said "Get up". And I could tell by the voice it

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5 was phys ed teacher Judy James. And I'm -- so it just again it was so shocking and out of the blue and behind me. I didn't see it coming at all. She pulls me up by my ear and I'm -- we're just scooting across like this, looking at -- my head was tilted and I'm being dragged and I'm staring at that "Humiliation is a place of entire dependency upon God" as I'm being humiliated, dragged across the dining room and not knowing why, context, what, didn't see it coming. Pushes me into the kitchen, like opens the door, I'm being pulled behind her, pulled into a
10 kitchen and with all these, like, industrial prep shelves and stuff. And there's Katey Keenan sitting there, red faced, swollen eyes, crying and I'm like -- this to me is like an experience, an out of, you know it was just a bizarre experience.

15 So, one of the teachers -- again like I didn't know all the teachers this early on. I just knew Judy James, she was my gym teacher and I had that experience with Father Haig at that point. So, anyway one of them said, "Look at what you've done." And -- and I looked over and I was like, I felt
20 bad, like I was -- I was -- as I said I was a nice kid. I'm not, you know, I was never a mean girl. I never tried to hurt anyone's feelings and I actually felt really bad. I would never have said any of those things I said. I would not have been cheeky to her if I'd known she was sensitive, but in my world we
25 were just having fun. And you know -- anyway so I apologized profusely and I said, "I'm really sorry. I didn't mean to hurt your feelings."

30 And, so, then I got -- this is like I broke a rule and I didn't listen to a prefect, or a prefect in training. So, then they schooled me on the rules around obeying prefects in training. And they said, you know, "Do you understand?" And I said, "Yes, it won't happen again. I apologize." And I went

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back and I finished studying.

5 Then I guess it would have been the end of that week, on family night, instead of going to the trailer, the Gillis' trailer, we all went to the Brockville Art Centre where they had a movie. They said, we're going out to movie night. And I was like, oh, great, I'm going to see a movie, get off the campus it's wonderful. It turns out to be this very Christian movie of a woman who had dived off a dock, broke her neck, was quadriplegic and -- and she saw the light and turned to Jesus. 10 So, the whole movie was, in my opinion, a very boring movie, just talking about being born again and coming to Jesus. Whatever, so I watched the movie.

15 And when we got back to school and got off the bus, we took a bus in, someone came up to me. I don't recall who and said, "Deborah wasn't allowed to go to the movie and she's very upset." And I was like, what. So, I didn't know what room she in. I didn't know which bedroom she was in. So, I didn't know where to go to find her and we had to get ready for bed anyway. So, I was just like, oh, that's weird.

20 So, I went to bed and then I was clearly in a deep sleep. I was woken up abruptly by a hand on my arm. Now, I had a top bunk bed. And the top bunks they were wooden, very austere wooden bunks, with little foam core mattresses and mine was, I don't know but I'd say -- guesstimating two, three feet 25 from the ceiling. It was a pretty small space up there. And so this arm was shaking me saying "Get up, get up."

I said, "What, what are we doing?"

"Get up, don't ask any questions."

30 So, I start coming - I mean I'm in a haze; right, I'm in a dead sleep. So, I start going down the bed and she said, "Put your shoes on." So, I go over, there are little night lights on the -- on the floor, like emergency kind of

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night lights like you'd see on a plane when they tell you, you know, when you go to sleep. So, there -- there was just enough light, you now open the closet; I put on my little Oxfords.

5 And I said, "What's happ -- where we going? Like what are we doing? That type of -- "Don't ask any questions." I said, "Okay" and we walk out. And then my room was the last room on the north end of Murray Hall on the second floor where there was a crossover, kind of a glass walkway over to the monastery. I had never taken this route and I -- I didn't --
10 hadn't quite connected the -- where the monastery versus the dorms and the classrooms were at this point. I just kind of knew the major buildings. So, anyways, so we had to go through these doors that -- and -- and it was pitch black. So, now we're glass in the country. And anyone who's been in the
15 country knows there's just no ambient light. It's not like the city. It was pitch black. And I said, "Where" -- like I was scared. It was -- I didn't -- I couldn't see anything. I just heard her voice and I said, "Can't you tell me where I'm going?"

20 And she said, "Don't ask any questions, only speak when you're spoken to."

So, I'm walking down now and it's like -- it's -- because it's dead quiet in the country as well, I just -- I'll never -- I had to -- I'll never forget the sound of our shoes on the floor. My Oxfords and her shoes and I had to follow the
25 sound of her shoes, because I couldn't see anything. And I said, "I just want you to know I don't know where going -- we're going, but I'm in my pajamas, leaving my bedroom and I don't feel comfortable."

30 And she said again, "Don't talk until you're spoken to." So, we walk and I can tell by the sound that we're getting closer to the -- the echo, because it was so loud in contrast to the -- the quietness of the night.

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I could tell that we were approaching some kind of wall or door something. So, I just remember doing this with my hands. I put my hands out in front, waiting to, like, touch a wall and all of a sudden she said, "Stop." So, I stopped.

5 And she said, "Turn around". I turn around, and she said, "Follow me."

So, I followed her footsteps. We went back out the door we came in and she took me -- she said just before we got in the room, she said, "Put your uniform on."

10 I said, "Okay." So, I went into my closet and I pulled out again -- this is like with a little floor light. There's not a lot of light. I get dressed and she is almost touching me. And I was raised to be modest. I did not come from a household where you walked around in your underwear, you had to be dressed when you came out of your room, or in a -- in a robe.

So, now this is strange woman. It was Ms. Case the vice-principal who is like literally breathing down my neck as I'm getting undressed, so she's seeing me naked. So, I put on all the layers and we do it again. We go through the thing and I'm not talking now. I'm not saying anything. You know, I start putting my hands up and I kind of get a sense of where we were before I put my hands up, and then the door opens and now there's kind of a night light of the monastery. So, we go through these doors. I could tell by the floors and the marble we're now in the monastery. And she took me down to -- downstairs to the front main entrance where you come in the school. You would see it in all the pictures of the limestone building. And a big, kind of double doors there. And she sat me down in a -- there was just a wooden chair and I was facing the doors, just to the right of the doors. And there was a -- it's not like a vestibule, but it kind narrowed down and then

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there was a room to the right. And she said, "Wait here". And she said, "Remember do not speak until you're spoken to."

5 I said, "Okay." So, I don't seem like I was waiting for a very long time, but I have no idea what time of night it was and I have no idea how long I was waiting, but it was long and it was boring.

10 All of a sudden the doors swings open and it's Father Haig, Mrs. Hair, Father Farnsworth and Mrs. Farnsworth. An the men are in their collars and the women are all dressed up. They're wearing fur coats. They have a lot of blingy jewelry on and it's the first time I've seen this, because until then everybody had talked about being modest and austere, and you know disciples of Jesus, and now they were just all dolled up, hair done, makeup, jewelry, fur coats and they were laughing and giggling and kind of zig zagging. And my impression was
15 they'd been drinking by the way they were walking. They didn't look at me. They didn't make eye contact. They walked by me as though I didn't exist.

20 So, when they went in that room, I sat down. And I stood when they came in, polite. So, they went in the room, left the door open. I could see a little bit of ambient light. And then, like I don't know a minute, three minutes later they said, "Come in here, Heather." So, I walked in. And I went through the door and then when I turned left it was this kind of
25 a study or den type of room. It had that kind of warm oak feeling. There was -- immediately to my right there was a couch, a long couch and Mary Haig was sitting on that couch. To her right, which would have been the south side of the room, there was wing-backy type of chair and table on either side and
30 a little table lamp that was on. So, the table lamps were providing the light. It wasn't an overhead light. And then to the left of that, across from the couch were two chairs and they

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were smaller chairs. Just kind of like, you know, the round. I don't know what you call them, chairs, and Father Farnsworth was to the right of Father Haig opposite Mary Haig. And then Betty Farnsworth was the right of Father Haig opposite Mary and there was an empty chair opposite Father Haig and they asked me to sit down in that chair. Have a seat, so I sat down.

As soon as I was seated, Mary Haig leaned back looking at me, put her arm on the back of the thing, oh so casually and said, "You are not to talk to or look at Deborah Shields." And I was sitting there going okay that's weird.

So, I said -- and I said it genuinely, not in a lippy way. I said, "I can't talk to or look at Deborah Shields."

And she said, "Do not speak until you've been spoken and we've asked you a question." So, I -- at this point I'm like, now this is cooky town. You can't talk to or look at -- this is the only person I had bonded with. The only person that I've had a real conversation with. And for some reason now that I come back from this family night and I'm told that Deborah wasn't allowed to go and that she's upset, and I'm told I'm not allowed to talk to or look at her, now I'm thinking what's going on. What -- what did we do? What did I do? What did she do? What happened here?

And then Father Farnsworth says, "We know that you stole Katey Keenan's gold watch."

MR. ADAIR: We what?

HEATHER BAKKEN: They knew that I had stolen Katey Keenan's gold watch. Katey Keenan was a prefect in training that told us to undo our buttons. So, I'm sitting there thinking, okay, I thought that situation had been dealt with. And it's one thing to be accused of causing someone

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5 to cry; it's another thing to be accused of doing
something illegal. And I'm sitting there at 17
years old, surrounded by these adults accusing me
of stealing a gold watch. And now I'm thinking
this is serious. This is actually a crime
they're accusing me of. And I had never had any
dealings with any police for anything. I did not
steal anything in my life. So, I said to them --
10 I said, "Not only did I not steal Katey Keenan's
watch." I said, "I don't even know where her
room is."

15 Father Farnsworth said, "Well, all thieves are
liars and you're a lying thief, so why should we
believe you?"

20 And now I'm thinking, okay, you know this is a
circular argument that I can't win. That logic
is not logical in my world. So, I remember
thinking at the time, okay, I've got stay one
step ahead of these people. The one thing that
they have been instilling in everyone is that the
word of God in the bible is the like the final
word. So, I said to him, in my defence I said --
25 because I can't prove I didn't steal a watch, and
I knew they'd gone through my bags and taken
things. And if I went back to my room I would
not have been surprised if there was a gold watch
under my pillow, or in my mattress, so I'm scared
30 now. I'm really scared.

So, I said to them, after he said I was a -- all

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5 thieves are liars and so I was a lying thief why should they believe me. And I said, "Okay. You don't have to take my word for it, why don't you let God be the judge? If you bring me a bible, I will swear on the bible and I will suffer the consequences if I am lying.

10 And much to my surprise Father Haig, said "Okay." And he got up and he went to -- there was another adjoining room with a door. I don't know what was in the other room. And then I did something. I think it was a bit cocky and cheeky in retrospect, but -- and I said, "Can you please make an Old Testament, I don't believe in the new one." Because at that point I was -- I was a very literal person and I thought Jesus was a wonderful man and had wonderful teachings, but I believed that he was a man and not the son of God. But I very much believed in God and I said my prayers every night until I went to the school. So, much to my surprise, Father Haig came out with an Old Testament bible and I swore on the bible. And that was good enough for him and then it was good enough for them.

25 So, now I felt like, oh okay I've got this, like you know. And so at this point I -- so I wanted to revisit the not talk to or look at, because I literally felt that this is not achievable. That if they're telling me I can't talk to or look at someone, how can I not look at someone sitting at my dining room table? How can I not look at

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5 them? I'm going to get in trouble every time I sit down and see her. So, I said, "So, am I to understand it clearly that I'm not allowed to talk to or look at Deborah Shields?" And at this point, Mary Haig leans forward on the couch and says to me, "How did you know you weren't allowed to talk to or look at Deborah Shields?"

10 Now, I'm thinking okay here we go again. So, I thought the only thing I can do is put it in retrospect. So, I said to her, "When I sat down you leaned back, you put your arm up on the couch and the first thing you said to me was I wasn't allowed to talk to or look at Deborah Shields."

15 And she said, "Oh, well then I must have." And then Father Farn -- Father Haig leaned forward right in front of me and said, "I didn't hear you say that, Mary. Did you hear her say that Mr. --
20 Father Farnsworth?"

"I didn't hear her say that Father Haig. Did you hear her say that, Mrs. Farnsworth?"

25 And she said "I didn't hear her say that. And this is the haughtiest little bitch I ever met in my life."

30 And so Father Haig leans forward and he -- the -- the table beside him and he says, "How did you know you weren't allowed to talk to or look at Deborah Shields?"

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5 And at this point I'm like okay. Like I didn't even know what to do with this and I felt defeated. And bear in mind also, this is the middle of the night, like I'm, you know, you're tired, you're freak out, you're in the -- so I just said, "I guess I must be crazy", because I didn't know what they wanted from me.

10 And he said, "You're not crazy, you're very sane. How did you know you couldn't talk to or look at Deborah Shields?"

15 And I said "Well, I guess I must be psychic."
And I said it like that. I was just like --

20 And he said, "Yes, you are and you will not be allowed to exercise your physic abilities on this property; is that understood?" And he's pounding the table. And I'm like, well, I'll try not to. And he said, "You will not." And he's screaming at me, pounding the table.

25 And I said, "Yes, sir, I will not exercise my physic abilities on this property. I promise."

30 So, now I'm thinking these people are just coo coo town, nutty crazy and I've got to get out of here. And I'm thinking from my world that there must be a Board of Directors. That all I have to do tomorrow is phone my dad and he'll get in touch with the Board of Directors and everyone in

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5 here will be fired. That's how I was thinking. So, I felt a little bit immune at this point. I was completely naïve, of course, and unaware of what the structure was, but I felt I just need to get to the morning and get in touch with my dad and everything will be fine.

10 So, at this point Father Haig said to me after I promised I would not exercise my ability, he said, "What's that around your neck?" And I said, "It's a black -- piece of black pearl I bought in Jamaica."

15 And he said, "That's the sign of the Devil take it off." And I was taking it off. Mary Haig leaned forward and put her hand out and I had to give her my necklace, which I -- and it was a white gold chain, worth several hundred dollars. I never saw that again.

20 And then they started into, you know, like they started like berating me and telling me I was, like, you know, a horrible person. I was haughty. I was, you know, disrespectful. They gave a line
25 that, you know, who did I think I was at my age when they were, you know, they had 200 years of experience compared to my 17? And again, the logic to me was just bizarre and I thought, well you certainly don't act like you're 50 years old
30 each, because this is bizarre behaviour that I've never seen and it's -- personally I just felt that it was, like, unacceptable to treat people

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5 they way they were treating me. And what they
were doing was like, in my mind, it was a form of
psychological torture. It was just something
that I was like just, like I had to keep, like I
had heightened awareness and was -- it was almost
like survival. How -- okay, how do I get through
this one? How do I get through this one? What's
the next thing I do? How do I get -- how do I
get out of here, like intact? I'm in the middle
10 of nowhere. I could be -- disappear, who would
know. There's no one. There are no witnesses
here except these four kooky people.

15 So, they started going into -- and I can't
remember the sequence, but for sure Mrs. Haig
kept saying "Why won't you cry? Even Michelle
was crying in her." And so I think it was
Michelle Knowles a student from the Bahamas. And
now I'm thinking, okay this is -- they've done
20 this to other people tonight. They've -- this
has happened earlier, or other -- other nights, I
don't know. But -- okay, so this is not a one
off, it's not just me.

25 So, she said "Why won't you cry?"

30 And I said "Why would I cry, I've done nothing
wrong?" And then she goes into the story when
she was a student at St. Clements School in
Toronto that another student falsely accused her
and a friend of smoking and they were summoned to
the principal's office. And while they were

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sitting outside waiting to see the principal, she burst into tears. And I said, "Why -- why would you cry for something you did" -- and she said, "And I didn't even -- I'd never smoked."

5

And I said, "Why would you cry if you hadn't done anything wrong?"

10

She said, "Because I was afraid of authority and you should be, too. The fact that you're in here with us should make you ashamed of yourself."

15

And then Father Farnsworth seemed to be very gleeful about asking me if I was -- if I knew about discipline. "Are you familiar with our discipline?" he said.

And I said, "No, I'm not."

20

And he said, "Have you ever heard of pots and pans duties?"

And I said, "No, I haven't."

25

And he said, "Well, that's what you're going to be doing. You're a disgrace to the school and you're a disgrace to the uniform. And you are not going to be allowed to wear the uniform. You are not allowed to go to class. You are not allowed to talk to anyone. You are not allowed to eat in the dining hall and you are not allowed to read." Which is great because my parents had

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paid for me to get an education at this place.

5

"You will be doing work duties and you will be assigned to pots and pans. You'll be cleaning our pots and pans indefinitely."

I said, "Okay. Yes, sir."

10

And he said, "In a way I have half a mind to call your father and tell him what an awful sinner you are."

15

And so again, the middle of the night, and you know I really love my dad and I cared about my dad. My dad had a heart condition. And my dad was also agnostic. So, in terms of phoning my dad in the middle of the night to tell him what a sinner I was, would have been ridiculous, I think, in my dad's mind. Now, not for Michelle's parents; right. I understand she was religious. So, if you're affiliated with the community or your parents are religious, I can imagine that would be a threat that would -- you would take seriously. But given my upbringing, my father comes from a country where it's all about social justice. So, I said that was the firm thing I was definite about in that entire interrogation. As I said, Father Farnsworth -- and this was like kind of irrefutable the way I said it. I said,

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"My father has a heart condition and if you wake him up in the middle of night, with the phone ringing and something happens, you're going to

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5 pay for the consequences." Like that thing I
felt fearless in that moment, because I thought
you don't wake my dad for this ridiculousness.
He didn't. It was just a threat. They
apparently called the next day.

10 So, when this wound down, Ms. Case was waiting
outside. She escorted me back to my bedroom,
where then she, again, stood next to me,
uncomfortably close while I had to strip down,
put my pajamas on, get into bed. Now, this, my
best guesstimate this would have lasted for a few
hours. And if lights were out, you know, ten
15 o'clock, it may have been later on the weekends,
I can't recall. But we're talking the middle of
the night now, like we're talking probably two or
three a.m.

20 When I got back to my bed -- and I was -- I just
want to stress, I was calm for this whole thing.
I was, you know, like I'm, you know, I'm not --
I'm not a dramatic person by nature. I don't --
I mean I love dramatic arts, but I'm -- I'm not a
drama queen. And I was always raised to be very
25 stoic and polite. So, I was calm through this
whole thing. And then I got to my bed and, you
know, it's just like I'm in disbelief, like how
do you process this? This is a 17 year old in
the middle of nowhere and all of a sudden my
30 entire body convulsed. It was the weirdest
thing. I've never had this experience again, but
it kind of went and my -- one of my left leg

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5 kicked up and it hit the panel above my bed. And
so that's when I discovered the panels were
removable and I use that as a safe place to --
for an escape thing later on. But -- so I
convulsed and hit that and then I felt asleep.

10 And then I was woken up again. It was still dark
out and it was someone else. I didn't know who
this person was. I'd never seen her before, and
she said, "Get dressed and not in your uniform."
So, I put on my civilian clothes and I said "What
time is it" when we left the room, and she said
"Five o'clock." And she said, "You had -- you
had to start your work duties for discipline."

15 So, she took me down to a laundry room and she
said, "You have to clean the laundry room." And
kind of showed me what I needed to do. I've got
to say it was spotless. It was pretty clean. It
20 was like clean the lint out of the dryer. Use
the bleach here, wash the floors, pull the washer
and dryer out. So, I did that and she said "And
-- and I'll come and get you." And so, I guess
she came a get me -- came and got me shortly
25 after six o'clock, because when we went back to
the dormitory everybody was hustling and bustling
and -- and I think we were woken up shortly after
six, like 6:15 or something. It was when we were
woken every morning, so everybody was up and
30 bustling.

And so, they got me to do, like dusting or

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5 something. But anyway they -- I had to bide my
time until it was breakfast. And then they took
me back after everybody had left my room, they
took me back in and I was introduce to a prefect
named, Jeannie. And I believe she was in a Grade
higher, in Grade 13. And Jeannie then told me
how it was going to work while I was on
discipline. And that was that she was going --
she was my prefect. I was not allowed to go
10 anywhere without her. She would be taking me
everywhere, and I couldn't leave my room until
she came to get me. That I wasn't allowed to go
anywhere without her, except into the bathroom
stall. I said, "Okay."

15 So, then now you have to imagine this is where
people were now having breakfast, so they would
have all been in dining hall. Everyone would
have been in the dining hall. So, she took me
20 down and she walked me into the doors of the
dining hall where everybody would see you,
because everybody was seated. And -- and so it
was a signal to everyone. I was walking with a
prefect in my civilian clothes.

25 I could only imagine what -- how people would
have felt if they were -- had been at the school
and knew -- knew what was going on. For me, it
was a moment -- it was my Hester Prynne moment.
30 It was my, I walk tall, I walk proud, I kept my
head held high, because I had done nothing wrong.
And so that "humiliation is a place of entire

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dependence upon God." It was not humiliating for me. I was proud that I was wearing my civilian clothes.

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But I can tell you one thing. Before I fell asleep after I convulsed, I made -- I vowed to myself, knowing at that point that Deborah had been upset and wasn't allowed to go to movie night, and the fact that Mary Haig had alluded to Michelle Knowles having been in the same situation, I thought if I see Deborah in her uniform tomorrow morning I'm going to run away. So, I walked through the dining room. I went and started doing my pots and pans. Sorry, they took me through the dining room to the kitchen and then Jeannie took me out another door, like that was my perp walk and then she took me into another place where it was a little library and I had to eat alone. And she said, "I'll come back in ten minutes to get you, don't touch any of the books."

25

30

So, I ate my breakfast and they took me back into the kitchen and over to the place where they did the pots and pans. And so, when I first described going into the kitchen when I was on the north side of the dining hall, that's where the sink was. It was -- so if you went in those doors, when you turned hard right, the big industrial sinks. And you can imagine they're cooking for a few hundred people, so all the pots and pans for that.

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5 So, they showed me. They put -- they put an
apron on me and showed me the soap, the powdered
bleach. I don't know what it was, but it some
powder and gave me the scrub brush and said start
scrubbing. So, I started scrubbing and you know,
for the -- it has to be pristine. So, for the
parts where things were burnt I was using a lot
of powder and it didn't take long for my hands to
10 dry out and get cracked, but I mean that's --
that's what happens when you do these jobs.

15 That wasn't the think that bugged me. What, what
upset me was, or freaked me out was I had a hard
time breathing. And it was the chemicals were
really strong and I have episodic asthma. So, it
-- it only kicks in when either I have an allergy
to something, or when it's very cold. So -- or I
guess in this case I must have been allergic to
20 one of the chemicals or something. So, I started
-- I -- I couldn't breathe very well and it was,
like (noises like wheezing.) So, I called
someone over and I said "I'm having a hard time
breathing."

25 And they said, "Okay. Wait there." And they
went and got Jeannie. And Jeannie took me to Dr.
Stewart's office and it's the first time I met
Dr. Stewart. He was also wearing a collar. And
30 I -- anyway I went in to his office and I was
sitting there and he was looking at something,
and I looked at his bookshelf and there's a book

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5 on the Kabbalah, which I thought was interesting,
and I thought oh that's some kind of sect of
Judaism and I found that interesting. So, I
said, "Oh you have a book on the Kabbalah." And
he looked at me and he said, "Stop talking
nonsense." So, this was, you know, okay.

10 So, he got his stethoscope and he confirmed, yes,
you're having an asthma attack. And he said to
me, "But don't think is going to get you out of
your work jobs and your pots and pans duties."
So, he already -- I mean I guess they all knew.
They were all prepped and primed of who the
15 students were who were on discipline and what
they were doing. So, he said, "Okay."

I think he said to Jeannie, "I want you to get
her to wear this." A surgeon's mask. And said,
you know, "We'll get some fans up to ventilate
20 the area." And he said to me, "We'll get a
prescription filled and you'll have a ventilator
this afternoon." So, I guess he assessed that I
wasn't going to really die with this asthma
attack.

25 So, I went back down. I put my apron on. I put
a surgeon's mask on and they had one of those
little table stand fans, or two of them actually
that they put on a shelf above. An oscillate --
30 oscillating fans, so I had to keep washing the
pots and pans, as I was having a hard time
breathing, wheezing with a surgeon's mask and an

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5 apron. And my fingers now at this point, I'd
been, like had these chemicals on them for
several hours. To their credit, someone brought
a ventilator in the afternoon and when I took a
few puffs of the Ventolin then I -- I could
breathe again without any difficulty.

10 So -- so that was -- those were the pots and pans
duties that I was put on. And for the next two
weeks, I believe, I had to get up at five in the
morning and do the early work jobs. And then
Jeannie would come and get me and I couldn't talk
to or look anyone. But I will say that that
15 first day, when we went back to the dorm, I had
to -- I was -- she -- she pulled me out when they
-- they were going to do something where
everybody was doing something, and I remember
thinking I have to -- I knew Deborah was on my
floor, but I didn't know where. I knew she
20 wasn't on my end. And so, I wanted to see if she
was in her uniform, because I would have run away
that night.

25 And -- but I was afraid to look. I was afraid to
look, so I had to wait until Jeannie wasn't
looking at me and I just cast my eyes. I have to
see if I can see her. And it was a bunch of
heads; right, because it's -- I mean, you know,
when they-- when you're all going down to a place
30 at the same time, everybody congregates. It's
always a bottleneck at the doors. So, I could
only see heads and so I thought okay I'll wait

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5 until I get closer. And then when I got close to
the door, I looked up again and I saw Deborah.
So, I waited and I kind of just kind of slowed a
little bit and I waited until I could see her
close enough to see her shoulders. And I looked
up and she wasn't wearing a white or jacket. So,
I thought okay they didn't break her. So, that
gave me strength, because I thought they didn't
break me, but if they'd broken her I would have
10 been alone. So, the fact that she was in her
civilian clothes, I felt like okay, game on.

MS. LOMBARDI: Would this be an appropriate time,
Your Honour to take the break?

THE COURT: Yes, we'll take a ten minute break.

15 MS. LOMBARDI: Thank you.

R E C E S S

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

20 BY MS. LOMBARDI:

Q. Just before the break, Heather, you were
telling us about your -- your washing pots discipline and you
mentioned that it lasted two weeks. So, at the end of those two
weeks was this discipline over?

25 A. Just the pots and the pans were.

Q. Mm-hmm.

A. I was -- I continued to be woken up before
anybody else, and had to do the early morning work jobs. I
still had a lot of work jobs in any break or spare, but I -- but
30 it was less intense, like the intensity left. I believe I was
allowed to go back to class after -- when I was able to put the
uniform on again, so it was a tapering of the -- of the

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discipline.

5 What happened -- what turned it around was --
excuse me of course -- Oh the other thing, I -- I don't think I
mentioned that I was told in that -- by Father Farnsworth when
he was explaining duties and discipline to me, that I was not
10 allowed to communicate with anyone outside of the school either.
That was one of the other things. I was not able to get in
touch with my parents. The phones were locked. It was dial
tone back in the day, and so there was a phone at the -- on the
10 ground floor or Murray Hall that had a little round key, silver
thing that went in with a key lock. So, there was no access to
telephones down there except for Sunday's when you're allowed to
call. So, even if you wanted to, obviously we didn't have
cellphones back then. And then there was a trunk line in Murray
15 Hall which was always monitored.

 So, anyways so this went on for two weeks and
then they told me -- they came and got me one day and said your
dad's on the line.

MR. ADAIR: Told her what?

20 THE WITNESS: My father was on the phone. So, I
went into Murray Hall, the blue room, pardon me
in Murray Hall, the lounge. And, again, it was
trunk lines, so they lite up the one that you
have. They told me he was on whatever line, so I
25 pressed the line and he said -- he used to call
me "Champ." He said, "Hey Champ what's going
on?" And he said "I got a very strange call from
Father Farnsworth saying that you didn't have
spirit of Christ endued in you." And I could
30 hear breathing, so I knew they were listening to
us.

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5 So, I said "Yes, dad, they've put me, like they said I didn't, you know, I didn't deserve to be in the uniform and I'd been on what they called discipline."

And he said, "Yes, Father Farnsworth called and he said but I don't understand it fully. What did you do?"

10 And I said, "I don't know." Something to this effect; right. And he said because he asked Father Farnsworth if I had been disrespectful or impolite. Oh no -- no she's very polite. Is she not doing well at school? She's doing extremely well in her academics. Is she not getting along with other students? No, she's getting along fine; she's on the basketball team, she's on -- doing this and that. I don't understand. And he said well, Mr. Bakken, something to the effect of your daughter needs to embrace the spirit of Christ and I need her to put it in writing.

20 So, my dad said to me, he said, "Champ I don't know what's going on, but all I've ever asked you to do is try and I paid for this upfront. I've put a lot of money on the table." I believe it was 12,000 but I'm not sure, which was a lot of money back in the day. And he said, "Whatever it is that's happened can you really tell me you tried after two weeks of this discipline thing?"

30 And he said, "You know, I know you've got -- you're made of the right stuff, you write them a

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letter and you turn this thing around."

5 It's the only time I cried there. I said "Okay,
dad I'll try." And they heard me cry on the
phone.

10 So, I wrote a letter, and in my letter something
to the effect of I recognized my sins I've seen
the light, I follow -- everything. It was a full
-- it was a full on lie, but I was respecting my
15 father's request. My father was a very kind,
reasonable man. And I thought well I'll -- I'll
give it a shot. So, that's how I got out of the
pots and pans. And I was -- the -- the thing
that kept me going, too, was that I knew that we
were allowed to go home at Thanksgiving and at
that point I'd be able to be, like give my dad a
20 fulsome explanation of what had happened. And so
I just thought I'll just buy time, buy time, buy
time.

25 About two weeks before Thanksgiving I was summons
to speak to Father Haig again, but this time it
was -- it was in the dining hall at his head
table on the podium -- on the raised podium. And
they were -- it wasn't during a meal or anything,
but there were some people mulling around and it
was that big table. And so I felt less unsafe
than that first encounter. And he said you know
30 come sit here and I had to sit beside him and I
was sitting like this. And he said, "So I -- I
hear that you have, you know seen the light type

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of thing, you've taken Jesus into your heart."
Yes, yes, father; yes, father, I have, yes I
have.

5

Said, you know, I'm still not sure whether or not
you're going to be allowed to go home for
Thanksgiving. And that was my only shred of hope
having gone through what I'd gone through. And
what he just said when he said that in that
10 moment was I have all the power and you have
none. So, you better buckle down and do as I say
or you're not going to see your parents. So, I
just I remember my heart sinking to the ground,
yes, sir, yes, sir I will -- I, you know I
15 promise you I will be good and like, you know,
I've seen the light, I'll take Jesus. I said
whatever you had to say. Probably repeating what
I've heard every day and every night from all the
people in there. He said, very good, you're
20 excused.

20

25

So, I went back and I just kept my head down and
I worked hard; I cleaned hard; I studied hard,
you know. I got fantastic -- a fantastic report
card which is a whole other ball of -- bundle of
lies. But, you know, I mean the only thing I
recall is that the comment in my phys ed report
card was I wasn't aggressive enough, which I
thought was really bizarre because then, you
30 know, you look at Father Farnsworth's comment
saying I was a really good offensive player, so I
don't know. So, Judy James said I wasn't

30

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5 aggressive enough. And then Mary Haig said I had a good sense of humor and I needed to use it more, except I was completely interrogated for using my sense of humour on two occasions, so I never used it again.

10 Anyway, I'm digressing a little bit, but so I thought I'll just keep my head down and I've got to make it until Thanksgiving. And I was allowed to go home at Thanksgiving. And when I went home I described what had happened. My mother couldn't believe that that was possible, so she didn't believe me. She said you're just making this up, this is -- this can't possibly be, but my dad believed me. Thank goodness. Because you know you question yourself at this age. You're like how -- like how did I get into this situation, how can this be? How can these people be like this? And so my dad said to me, he said 15 you know what, Champ, he said I have thought about getting you a lawyer and suing them, getting the money back. And he said, but you know what, it would be the word of a 17 year old girl up against a headmaster and his staff and 20 you wouldn't have a chance. He said can you stick it out until the end of the year. And I said I'll try.

25
30 So, it's kind of ironic that you know 37 years later here I am in a court of law, being able to tell my story and hopefully being taken seriously as a 55 year old women. Because I look at it,

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5 you know, I can still remember very clearly the
lens of a 17 year old and how I experienced that.
And it wasn't just what I experienced, but I had
to watch and I was powerless to help with. It
was devastating.

10 But now as an adult, I look back and I think it
was inexcusable. It was cruel. It was punitive.
It was physiologically torture having to go
through it, having to see it, and having to be in
the front seat and watch what they did to people,
and how it affected people. And I feel very
15 grateful that I had a very sound upbringing, that
rational discourse and critical thinking were
promoted, and that I walked into that situation
with those tools. And I question myself every
day when I was there. And it had a lifelong --
it has had a lifelong impact. But I had a solid
20 foundation going in, and I had a finite amount of
time there.

25 And I believe those two things, in combination,
immunize me from being effected the way I saw
other people affected. Because when you're in a
place and they take the foundation out from under
you, you're very venerable. And what they do is
they just slide in their ideas. But I have to
say I had the one thing and I still have it to
30 this day, is I have the courage of conviction.
And I knew they were wrong and I didn't bend on
that front. I never ever treated any of the
students the way they taught people to treat

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other students.

MS. LOMBARDI: Q. So, let's talk about that a little bit. How did they teach you to treat each other?

5 A. That basically there was a sense of they were first before family. It was like -- like the story of Abraham essentially, that you had to prove yourself to God, you had to confess your sins and that if you confess to them, you would be cleansed. And to me that was just a blatant way of getting intel from people and knowing what people did.

10 So, I can give one example. I -- I used to have horrible cramps and like you know nothing back in the day really the only thing they prescribed you was Aspirin and nothing helped me. So, every month I would get -- I would throw up and just for one day I'd be doubled over and I couldn't go to class.
15 And, you know, Dr. Stewart accused me of trying to get out of class. The teachers would come in and try to, you know, say I just didn't want to go to class, or I was trying to get out of my work jobs. They never took this seriously, but I would literally be doubled over. I couldn't do anything and when
20 you're in a toilet throwing up they can't really question the veracity of your claim.

So, I was in -- I was sleeping in, because I couldn't -- it was hard for me to get to my bunk. I -- I switched beds with one of my roommates who at that point had
25 been swapped out. It used to be Kathy Wood's bed, but now it someone else's. So, I was down on the ground and I don't know some time, like I also wanted to stay in context. When you have a very rigid routine you get to know kind of what time of day it is without, like -- like you just know what's coming; right.

30 So -- so it was I think late morning, the door opens and in walks this student, Julia Barry. Julia Barry I didn't know very well, to be honest, but I think she took a

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shining to me. We, you know we had giggles together, like she was a -- she's a really interesting young woman. Her parents were diplomats of some sort. And she hadn't kept her head down and -- and didn't get into trouble, hadn't really been in
5 trouble, but she came in and she said, oh, I just wanted to see if you were okay, because you weren't in class today, I was worried about you. And I said, no, I have cramps. And she said, oh well. And I said, and I can't get out of bed. And she said well here have some cookies. And I said where did you get
10 the cookies? She said, oh, I was on baking duty today, so I took some for you. And I said, sorry, Julie I can't eat. I'm -- I'm, like I just couldn't eat on these days. The one I just couldn't have anything, so she sat on the corner of my bed and ate these cookies and talked to me. And I was so worried
15 someone was going to come and catch us, because it was that one on one thing; right. I wasn't thinking too much about the cookies at this point.

Anyway, so she -- she finished them and then off she went, she dodged out. And then no one came back for lunch.
20 It was really weird. So, I was lying in bed, I was like that's weird, you know. And then time ticks on and as long as there was daylight I could see the clock. And I was like what's going on? So, I wait, I wait, I wait, I wait and now it's starting to get dark. And now my imaginations getting the better of me.
25 I'm thinking okay something's happened. They've been poisoned. It's like a Jones Town; they're drinking the Kool-Aid. Oh, like when am I going to -- when should I just make an exit, when should I break away, when should I run away, like how -- how long should I wait? What if they remember that I wasn't there
30 and they come back to get me? I was having all these thoughts lying in bed. And -- and I was kind of at the point -- I mean, I, you know it was the end of the day, so the intense pain had

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eased off, but it still would have been hard for me to, you know, get dressed and run, but I'm thinking at what point do I -- do I cut bait on this?

5 And then the strangest thing happened. I started hearing a bunch of footsteps, but just footsteps. Tons of foot -- so it would have been like an army kind of approaching you, because there was no talking. There wasn't that usual banter that you will always hear when people are walking back to their rooms. None of it. So, now I was freaking out inside. I
10 thought they're coming to get me. Then the door swings open and in walks Julie Campbell my Grade 9 roommate, and she drops a few "F" bombs. She slams the door shut. I really like Julie by the way, she was a good soul. And I said, Julie don't swear you'll get into trouble.

15 And she said, I don't give a blah. She swore at me. And -- and I said what's going on where is everybody? Where has everybody been? It's been like two meals. And she said, ah, well someone stole cookies and they did a confession in the dining room and everybody had to confess their sins, and
20 nobody -- nobody confessed to the cookies, so they put everybody on silence discipline for 24 hours. And I -- this is the first time I'd heard it, like I know some -- like I wasn't allowed to talk for a while, but everybody. So, she said -- I'm like everyone? She's like, staff, no one's allowed to talk. So,
25 then the door opens and, you know, it's our other roommates. No one said a word until the next evening. So, it was the weirdest experience going down with a few hundred people and having meals and it's just like that, everybody's guilty of it. So, my guess is, Julia was the culprit behind that.

30 But -- so again it was just like that overly punitive squashing a mosquito with a hammer for every transgression. And then getting people to confess their sins,

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and then they find out about what you did on the weekend on your week off and they'll take you in and make you confess again and swear to Jesus and do all the stuff.

5 You know I saw this type of confessional once.
They had a six inch rule. Again, you don't know the rules until you've broken them. So, there's a male and female student in a library and I was unaware of the six inch rule, until this point in time. Father Haig got up to the microphone and said there has been a transgression; you know, a sinning, whatever Jezebel, 10 the whole thing. And, of course, now everybody's looking up. This was a regular occurrence, but this one really stuck out -- stood out to me, because of the six inch rule.

 So, he said, someone had witnessed -- and he named two students touched hands when they passed an eraser in 15 the library. Stand up on your chairs. So, the girl had to stand up on her chair and the guy had to stand up on their chair, in a dining room and they were admonished by everyone at the head table. She was called a Jezebel, a temptress, a hussy. And, again, like you're watching it and you're seeing this 20 person. "Humiliation is a place of entire dependence upon God." Humiliation upon humiliation upon humiliation and not everybody's strong. Not everybody's the same. We all respond to things in our own way, in the moment. You can respond one way at one point in your life and one point in another, while 25 you get a bunch of teenagers in the room, trying to figure out who you are in this world, and the next thing you know you're up on a chair, because you grazed the boy's hand. And who knows? Maybe they had a crush on each other. I have no idea, but the humiliation. And this went on, and on, and on, and on, and on.

30 What do you do? I'm just like looking at this girl standing on a chair crying in front of a few hundred people, wishing I could go and help her. You know, like I

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didn't -- like you don't know what the rules are until you break them and they humiliate you and they try to break your spirit. And part of breaking your spirit, is showing how they can break your spirit by humiliating you.

5 And I just think again, I'm just like going, you know June, just make it to June -- make it June. You know, and I looked around and I think they are a lot of good people there who just lost their way. And nobody, like you know I think these are the people that my parents entrusted to hold me --
10 responsibility for me and they're watching this happen too, and they're not saying anything. They're not doing anything. They're not protecting the students.

 I mean there was -- there was just one other incident for me that was utterly humiliating. That again, you
15 know shortly after that episode where we had the 24 hour discipline, I think I was so stressed out and so inwardly anxious, I didn't show my anxiety, but I was clearly freaking out. In the long hours, you know just having to get up early in the morning and then working, doing my homework then late at
20 night, I was sleep deprived. I mean that's how I characterized the entire year. I didn't get enough sleep. And I woke -- I was walking down the hallway one day in the morning, and I looked at the person coming towards me and I saw half of their face.

25 And again, I kept going back to that same place. Like they're -- I just was -- I think I became super concerned that -- that the behaviour of this place was so similar to what I had read about in the newspaper about the Jim Jones cults, The People's temple and knowing, or hearing things about the -- the
30 Moonies in Toronto, I just did not trust that I was safe there. So, when I was walking down the hall and saw half of a person's face, the only logical conclusion I could reach was that they

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had poisoned me.

5 And I just went -- so I went back to my room and
looked at my roommates. And Rita Field was in there. And Rita
said what's wrong? And I said I can only see half your face. I
don't know where -- your half -- do I look normal? Do I have a
face? And I looked in the mirror and I could only see half my
face. Can you imagine. In a normal context, I don't know how I
would have responded to that, but in this context I thought we
were all doomed. This is it. It's doomsday. The Armageddon
10 they talked about. The, you know going to see Jesus, Hallelujah
moment. Like these people believed that the afterlife was
better, so they were not afraid of it. And I'm thinking
logically maybe they want to get there sooner than later.

15 So, I'm looking at my face and she said I'll go
get someone -- I'll go get someone for you. I said, no, I don't
trust -- I don't trust them; please don't bring anyone in here.
And she knew I really liked my English teacher, Ms. Gail
Hamilton. Ms. Hamilton I felt at the time was the only
qualified teacher. She had a PhD from, either Wellesley or
20 Collegiate, but it was a -- it was a reputable school. And I
just connected with her in English class. She -- she understood
symbolism and metaphors in a way that empowered me as a student
to read between the lines. And it was unusual for that school
to have the liberty to express yourself in a class.

25 So, Rita went and got Ms. Hamilton, and Ms.
Hamilton took me to see Dr. Stewart. And Dr. Stewart said it
was a migraine, it was an aura and I -- I just had a migraine
headache. So, that was the beginning of migraines for me, sleep
depreciation.

30 But the, you know, so he in that case -- and
then, like so in that case he -- so that with the asthma he got
the ventilator, but made me go back -- this is a medical doctor

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who's taken the Hippocratic Oath. He, you know, sent me back into harm's way, but then gave me the medication that allowed me to breathe.

With the migraine he diagnosed it correctly.

5 With the cramps he kept telling me I was making it up.

10 One afternoon in the spring I was told that I would be going to see a doctor for my cramps. I can tell you that I still have the medical waiver that my parents were asked to sign from Grenville. And what they signed was permission to go for emergency service or x-rays. I was told I was going to see a doctor. When I asked what it was for, don't ask questions. So, we were -- I was taken in a car. There was a male and a female teacher, I don't remember who they were, and we went on the highway. And we were driving on the highway. 15 All I knew was we were driving west and it seemed like a 45 minute drive. And then we got into Kingston. I could -- I was just reading the road signs.

20 So, we got to Kingston. And I -- we turned left into these big stone gates and it said "Queen University" and I'd never been there before. Like a doctor at Queen's University, okay. We parked the car and they took me to kind of an institutional-like building, a stone -- big stone building. And I remember ivy on it, so that's how I remember the time of year. Like it was enough -- spring had gone on enough that 25 things had kind of bloomed, so it was the end of the school year. And they said we're going to check you out for your cramps, this is for your cramps. So, we went upstairs and I was asked -- the female staff came in and, you know, said I had to get into a gown. And I got into a gown, like your medical gown. 30 And they took me in this little room. I just remember it was very tight. And we came in this way, and then the female staff

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was on my left. And this old man came in a door to the right. Now, bear in mind I'm now lying on a gurney with no underwear and just lying flat with stirrups. And I'd only ever had a female doctor and I'd been to an OBGY once and it was a woman.
5 So, I'd never had, like a male, like I was -- again, I was a modest person and I'd only ever had female doctors.

So, the man came in and he said, you know put your legs in the stirrups, I'm going to give you an examination. I put my legs in the stirrups. And he said, before he went in,
10 he said, so "I take it that you ascribe by the religious teachings of the school?"

And at that moment whether it was warranted or not, I thought to myself these people -- it's not enough that they control every move you make, your behaviour, that they try
15 to get into your head and tell you what to believe, but now they're going into my body to find out if I'm a virgin or not, and they who are they going to tell? And it was humiliating and devastating and that has stayed with me my entire life, because I can't imagine a doctor, who would know everything about the
20 school and do that and how they could get away with that. Again to me, it was psychological torture.

Now, I don't know who that staff was enough to be fair. I believe there was -- there were some registered nurses at the school, so she may have been a nurse, but she was a staff
25 member watching me have an OBGYN exam like I was on the Handmaids Tale. It was disgusting.

And it just strikes me that this -- this school the way they shuffled people back and forth when I was there, it was like -- it was like, you know, animal husbandry of going
30 back and forth over the border. These weird people would appear from the Community of Jesus, and then people in the school would disappear. And to me this is just another iteration of that

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bizarre kind of like weird cult behaviour that was still -- they were residues of it left over from the sixties, you know. And it just -- it was like there was no escaping these people. And it was the end of the school year and I wasn't going back.

5 So, I can't imagine how I would have survived that if I knew I had to go back, because I was counting the days until I could leave and I could walk away and I could go home to a sane environment where I was allowed to question things that didn't fell right; that I was given a voice; that I was treated
10 with respect and courtesy; and gave that in return. To be put in the most undignified position in front of an old man, after all I've been through, was thoroughly disgusting to me.

 Anyway, that was another bad episode. And it wasn't warranted, like I had my own doctor. You know, it's like
15 I don't understand how entrenched these people were in a community that extended beyond the borders of the property. I was taken 45 minutes away.

 So, anyway, I'm sorry I've -- I forgot your question at this point, I apologize.

20 Q. No, you answered it. Heather, thank you those are all my questions for you.

A. Okay.

THE COURT: Cross-examination.

25 MR. ADAIR: Well, I wonder if I might address something in the absence of the witness.

THE COURT: Sure. Ms. Bakken, would you step out of the courtroom for one minute? Sometimes counsel has things to raise without a witness present. Thank you.

30 ...Whereupon court adjourned

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FRIDAY, OCTOBER 4, 2019

HEATHER BAKKEN: PREVIOUSLY SWORN

5 CROSS-EXAMINATION BY MR. ADAIR:

Q. Ms. Bakken, you were at Grenville from
September 1981 until June 1982?

A. Correct.

Q. And that was the grade 12 year?

10 A. Yes.

Q. And remind me, in those days, was that the
last year of...

A. No...

Q. ...high school?

15 A. ...it was not. We had grade 13.

Q. And where did you go in grade 13?

A. I went back to North Toronto.

Q. North Toronto, did you grow up there?

20 A. Pretty much, yeah. I spent my time between
that and out west in the Fraser Valley.

Q. I see. And your father, I understand, was a
broker?

A. Yes.

Q. And who was he with in Toronto?

25 A. At that time, he was with Bach and then he
went over to Dominic and Dominic. I believe he was with Dominic
and Dominic then.

Q. Okay. And you, with your family, travelled
extensively, you indicated?

30 A. Well, I spent my summers with my mother's
family. My mother was English, and her sister came over with
her husband who was a surgeon, so they had a nice little hobby

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farm out west. So, I would spend the summers with my five cousins, my aunt and uncle and my grandmother who had also come over.

Q. And that....

5 A. And I travelled with my parents when they travelled, but it's not like I was, like, a world traveller. Not that type of travel, I just...

Q. All right.

A. ...shared residences.

10 Q. All right. And you - the time with your cousins, that was in the Fraser Valley?

A. Mm-hmm. Well, Maple Ridge, B.C.

Q. Yeah.

A. Yeah.

15 Q. British Columbia.

A. Yes, sir.

Q. And you - so, you went back to North Toronto for grade 13 and then what did you do?

20 A. Then I took a gap year and I travelled to Europe.

Q. Okay. And after your - now that - you would have graduated then in 1983 from....

25 A. Well, I didn't get all my credits, so I did - I went to - I finished off in an alternative school and essentially did correspondence from Cambridge, England.

Q. All right. So, just so I have it correctly, you would have finished at North Toronto...

A. Yes.

Q. ...with the credits that you did earn...

30 A. Mm-hmm.

Q. ...in - in or about June of 1983?

A. Yeah, I was a few credits short, so I did - I

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went to an alternative school to get my final credits.

Q. Yeah, I - I heard that. When did you stop going to North Toronto?

5 A. Oh, yes. The following year at the end of the school year.

Q. June of 19...

A. '83 it would have been.

Q. ...83.

A. Yeah.

10 Q. And did you the have the gap year or did you go to the alternative school or both?

A. Both.

Q. Okay. And what was the alternative school?

A. I think it was called Subway Academy.

15 Q. Okay. Where was that?

A. I believe it was the Annex, I - yes, I think - you did a lot of it - you just showed up to hand your assignments in. So, to be honest, I can't remember exactly where the school was, but....

20 Q. Toronto.

A. Yes, it was...

Q. Did you say Toronto?

A. ...all in Toronto. Yes, if that's...

Q. Yeah.

25 A. ...what you're looking for...

Q. Yeah.

A. ...yes.

Q. And after the gap year, what did you do?

A. I went to Western.

30 Q. And you graduated from Western?

A. No.

Q. Okay. How many years were you at Western?

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A. Three years.

Q. What program?

A. I started off in economics and I transferred over to a general arts with a major in philosophy.

5 Q. All right. And that was more than a three-year program? General arts?

A. Yeah, I think it was the last of that cohort and I took a year in there - I took a year off. My marks weren't great. Yeah.

10 Q. And so, you - you did not complete Western, and then what did you do when you left Western?

A. I moved out to Vancouver.

Q. Yeah. How long were you out there for?

15 A. Well, I was out there until - I went for expo and then I went back, I believe, it was '87, '88 because I went to South America at the time of the first Gulf War, so I guess that would have been '89. Maybe just after the wall came down, somewhere around there...

Q. Yes.

20 A. ...I went to South America.

Q. And then?

25 A. And then? Well, I was travelling with a group of people in Columbia, the consulate general down there recommended we go to Columbia rather than Peru, which was my plan because of the shining path. So, we ended up in Columbia and I met my - my son's father, and then I went to Israel and I was in Israel for two and a half years. And then I came back to Canada in 1993.

Q. You were in Israel for how long?

30 A. Two and a half years.

Q. Two and a half.

A. Yeah.

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Q. How long were you in South America for?

A. Half a year.

Q. Sorry?

5 A. Half a year, I believe, somewhere around there.

Q. Okay. Well, when you came back to Canada, you went to Ryerson?

A. Yes, I did.

Q. And did you graduate from Ryerson?

10 A. Yes, I did.

Q. And when did you graduate from Ryerson?

A. Now you're asking me to do math. I will do my best. I believe it was '97 because I - my son was in the early learning center and he was in kindergarten and graduated the same time. I timed it, it was a cost benefit going back to school, so I believe it was '97.

15 Q. All right. Sounds about right anyway, does it?

A. Best of my recollection.

20 Q. All right, fair enough. So, what I'm missing here, and I don't want to get a day by day history of your life, but what I'm missing here is you left Western, I think you said in or about 1983 or 4?

A. No, it was after that 'cause I was....

25 Q. Oh, I'm sorry. You were there three years, so....

A. Over a four-year period, I attended.

Q. So, '86 or '87.

A. Probably '87.

30 Q. And is it then that you went to South America?

A. I went to Vancouver first.

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Q. And how long were you there for?

A. I mean, if I reverse engineer it, I could give you the exact dates, but about a year, year and a half. I worked to save up to travel.

5 Q. And then you went to South America.

A. Yes.

Q. Okay. So, that in total, Vancouver and South America, I give that about two years.

A. I believe so, somewhere around there.

10 Q. So, that would take you to about 1988 or something?

A. '89, '90. I was in Israel when my father passed away January 1990, 1990...

Q. All right.

15 A. ...oh, that would have been '91, pardon me, so....

Q. All right. Now....

A. That's the timeframe.

20 Q. And since graduating from Ryerson, as I understand it, among other things, you have been a CBC news writer.

A. Mm-hmm.

25 Q. I'm sorry, you're not limited to yes or no, but you have to say that instead of "uh-huh" so the reporter can get it.

A. Yes, sir.

Q. All right. And you have described yourself as a media expert, public speaker and communications strategist. Are those terms correct?

30 A. Yes, they are.

Q. And you, as I understand it, at least as of the last year or two, you've spent about two decades in

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broadcast, media, marketing and content strategy, am I right?

A. Correct. When I was at CBC, I was also a reporter and anchor, a producer.

Q. And where were you an anchor?

5 A. In Toronto for Newsworld International. We broadcast to the U.S. We had a reach of 22 million.

Q. And so, you've done all kinds of public speaking and motivation speaking and things like that, right?

10 A. I don't think it would be fair to characterize it as motivational speaking.

Q. Okay. But you've done all kinds of public speaking?

15 A. Well, I - I ran the debating club in Toronto and I started one in Ottawa because I promote democracy and giving everyone a voice, and I'd like people to know that they should be empowered to, you know, engage in critical thinking and rational discourse.

20 Q. And as I understand it, when you applied to go to Western, in one social media article you described yourself as the "bursary queen"?

A. Oh, interesting. I don't believe that would be Western because I didn't get any bursaries....

Q. No, I said Ryerson.

25 A. Oh, Ryerson, yes. I was a sole support parent and I was living below the poverty line and there was no way to enforce child support from Israel at that time. There was no reciprocity through the U.N.

30 So, I went into the school and started working and applied for bursaries and scholarships and I had the support of the faculty who when I was accepted in, they said, you know, you've been accepted with flying colours. It was very hard to get in then. A lot more people were going to programs like that

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back in the day, and they said we just want to forewarn you that no parent has ever graduated from this program, let alone a single parent.

5 So, I - I knew that I just - I had to finish my -
I had to get an education 'cause I hadn't finished at Western and the only hope that I had for my son would be to get a degree and apply that knowledge. So, yes, because I had no money, I had to apply for bursaries.

10 Q. Yeah. I actually didn't ask you any of that.
I asked you...

A. I was providing...

Q. ...a fairly...

A. ...context.

Q. ...simple question.

15 A. Okay.

Q. You self-described yourself in social media as the "bursary queen", correct?

20 A. Sir, with all due respect, I may have made a comment on social media in the past that would have had some sort of context because I didn't - I was not a self-described bursary queen. I may have made a comment about that, but I didn't walk around bragging that I got bursaries. I had a very, very difficult time at Ryerson. I ended up having neurosurgery after and I was partially paraplegic.

25 So, I had to pull all-nighters every Sunday to do all my work to get through school so my son's weekends would not be interrupted. And the only way I could get through that program was with the kindness of friends and faculty who pointed me in the direction of bursaries.

30 So, I do take exception to me being a self-described bursary queen. That is not accurate at all. I may have made a comment at some point in the past in context to

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something.

5 Q. Well, you keep going on and on and on and my question was I'm going to suggest to you that on at least one occasion, you self-described yourself in social media as the "bursary queen". Now, did you do that or didn't you?

A. I do not recall that at all. I don't recall all of...

Q. Okay.

10 A. ...the things that I've posted on social media.

Q. And does it...

A. Do you have a...

Q. ...help...

A. ...do you have a....

15 Q. ...does it help your recall if I suggested to you that you were quoted as saying, "I know it's corny, but when I apply for a bursary, I try to associate my interests with those of the person for whom the bursary is named."

20 A. Well, that - that's how I do business development...

Q. Yeah.

A. ...as well, finding a point of commonality.

25 Q. And what I'm suggesting to you is with all of your history in media and your history of public speaking and your history in marketing, that you are not without skills at persuading others to your position, are you?

A. You'd have to ask the people who feel they've been persuaded.

30 Q. And moving on, you have been in social media from time to time or on radio and television closely linked with Andrew Hale-Byrne, correct?

A. I think that's a bit of an exaggeration to be

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honest. Would you like context?

Q. Okay. Well, let me put it to you this way:
were you at - were you at least, at a minimum, interviewed on
CBC Radio at some length on the Drew Marshall Show along with
5 Andrew Hale-Byrne?

A. I'm going to have to correct you on that,
sir. That was...

Q. Go ahead.

A. ...Joy Radio. It had nothing to do with CBC
10 and I would never conflate my personal experience with my
professional experience. If I - if there was a story on CBC, I
would have recused myself and differed to someone else.

The way that I met Andrew Hale - I've never met
Andrew Hale-Byrne actually. My friend, Debra Shields, who I,
15 you know, mentioned yesterday in my testimony is much more avid
on social media than I am. I - I am not a big fan of social
media. I've dipped in and out on occasion, but I find it
creates a visceral reaction, and I don't - I don't enjoy it.

However, in our pursuit of social justice and
20 carrying the burden of this experience around with us for many
decades, she had said there's - there's a guy by the name of
Andrew Hale-Byrne who is very active on Facebook for Grenville.

So, I got a call one day from Drew Marshall out
of the blue. I'd never heard of his show, Joy Radio, and I
25 believe it's in Oakville, they - they broadcast out of Oakville.
And he said, you know, I just got a call from Andrew Hale-Byrne
and he put you down as a reference, "Do you know him?" And I
said, "I've never met him, I've spoken with him. We went to the
same boarding school." And in the end of our conversation, he
30 suggested that I go on his show. So, I believe that Andrew was
lined up to go on the show and I was just there to provide
background verification. He was doing his due diligence.

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Q. So, I take it from that answer then that you did not participate on air on the Drew Marshall Show....

A. So, I haven't finished if you'd like more.

Q. Well...

5 A. Then he invited me...

Q. ...what I'd like....

A. ...onto the show....

THE COURT: Hold on.

MR. ADAIR: Excuse me.

10 THE COURT: Hold on. Let's not talk at the same time. The question was....

MR. ADAIR: What I'd like....

15 THE COURT: Hang on, there was a lengthy answer, but the question that started it was you were interviewed by CBC Radio at length with Andrew Hale-Byrne on the Drew Marshall Show. The witness was explaining how she came to be contacted by Drew Marshall, that it was not related to CBC. "I was there to give
20 background." Then you started to ask another question. Are you finished your answer to the question I just read out?

A. If I could, Your Honour, if I could just finish it off? No, I'm not.

25 THE COURT: All right. So, finish your answer and then we'll go to the next question.

A. Thank you very much, Your Honour. So, Drew Marshall invited me to participate in the show with Andrew. And so, I agreed to do that. When
30 I drove out to Oakville and I was on the show with Andrew, and then Drew Marshall said he'd never done this before, but he felt that this

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needed a part two and he invited me back onto the show for a second time. So, I did two interviews on Joy Radio with Drew Marshall.

5 MR. ADAIR: Q. And did he also have a part three and a part four to that show?

A. I - I am not aware of - I don't know, I don't listen to it.

Q. Okay. So, you were on that show, on the Drew Marshall Show?

10 A. Yes.

Q. And you related some of your experiences at Grenville?

A. Yes.

15 Q. So, what's all this stuff you told me a moment ago about you'd never conflate and you would have taken yourself out of the picture? What were you talking about there?

20 A. I did not connect my experience at Grenville with being on CBC. I had to ask permission from my supervisors at CBC to go on that show and they granted me permission to do that.

Q. And you ask permission because you wanted to go on that show with Andrew Hale-Byrne, right?

25 A. I didn't want to go on with Andrew Hale-Byrne, I wanted to go on in pursuit of social justice and to share my story.

Q. All right. And that was in 2016, I believe?

A. You would probably know better than I would. That sounds about right.

30 Q. Okay. Now, tell me, going back to Grenville itself....

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

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THE COURT: Of course. It will let me get caught up on my note-taking.

MR. ADAIR: Q. Tell me, going back to Grenville itself, one of the events you described was this business of
5 being taken to the hospital for this examination.

A. I have to correct you on that, sir. Respectfully, I was taken to a stone house on Queen's campus. It was not a hospital.

Q. Okay. And when was that in the year? Like,
10 what - spring, winter, can you help?

A. As I tried to provide context yesterday, I remember seeing the ivy over the house. So, my best guess is it was in the spring at some point. It was later in the year.

Q. Okay. And if there was an examining table
15 and the stirrups, I assume that in the house was a medical office?

A. Yes, I believe it was a legitimate medical office.

Q. Yes. And the way you described it, you used
20 words that conveyed to me that this was a gross and disgusting personal invasion of you?

A. Through the lens of a 17-year-old who was not notified and blind sighted by this, yes it was, and I'd never had a - as I said, I'd never had a male examine me that way.

Q. How....
25

A. And my doctor never got any records of it, so I don't know what it was about, to be honest.

Q. Okay. And you used words like "animal husbandry" and suggested that this was all about Grenville
30 having control of your body, as well as your mind, right?

A. That's what I believed at the time.

Q. And you believed the real purpose was to find

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out if you were still a virgin?

A. It fit in with the narrative that I was given throughout the course of my study.

5 Q. Now - sorry, I don't know whether the answer to that question is yes or no. You believed it was to find out if you were still a virgin?

A. I believe that was an ulterior motive.

Q. That was the real motive.

A. I don't know.

10 Q. You don't know?

A. I just believed that it was the ulterior motive as a 17-year-old. Nothing made sense to me there. There was no context for it and it wasn't done through official venues, so I don't know.

15 Q. Well, the....

A. I had a doctor.

Q. I - I understand that, Ms. Bakken, but yesterday you indicated that your belief was that that was the motive and now you're telling us you don't know whether that was
20 the motive.

A. No, I said I believed....

THE COURT: Well, to be fair - to be fair, the witness said she believed that this was the ulterior motive. So, to be fair, that's what her
25 evidence just was.

MR. ADAIR: Well, she said that today...

THE COURT: Right.

MR. ADAIR: ...and yesterday I'm suggesting she indicated or led the Court to believe it was the
30 motive in her mind.

A. In my mind I believed it.

MR. ADAIR: Q. All right. Well, we'll - we'll

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accept that for the moment. Now - so, this was an incredibly upsetting and invasive situation for you?

5 A. There was an accumulative effect over the course of the year, and yes, these are - there was no personal space there and they entered my body without any medical reasoning behind it and without any documentation afterwards.

Q. Okay. Well, let - let me - let me put this to you: you were suffering or had been suffering severe monthly cramps, am I right?

10 A. Correct.

Q. And the staff - two - was it two staff members that drove you?

A. Yes, I believe so.

Q. And do you remember either of their names?

15 A. No.

Q. No.

A. One was a male driving and there was a female in the passenger seat.

20 Q. Okay. And two staff members drove you to Kingston to a medical doctor, right?

A. I believe - that's what they told me.

Q. And they - and you believed the person was a medical doctor?

A. Yes, I did.

25 Q. You had no reason to think otherwise, right?

A. I had reason to think otherwise, but I believed he was a doctor.

Q. He was a doctor. And you had no reason to think other than that he was a specialist in that area, right?

30 A. Correct, who was - I was taken to - almost at the end of the school year, so why not sooner when it wouldn't have interfered with my classes.

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Q. And it was one of the Queen's University buildings?

A. Yes, it was.

Q. On campus?

5 A. I - I believe so. We went through the...

Q. Okay.

A. ...stone gates that said Queen's on the front.

10 Q. And once the examination was over, you were taken back to the school?

A. I have no recollection; it was a traumatic experience for me. I don't remember the drive back at all.

Q. Well....

A. But I would have been, yes.

15 Q. It would have been....

A. I wasn't taken anywhere else, yeah.

Q. Somehow you ended up back at the school?

A. Yes.

20 Q. Okay. And I'm going to suggest to you that that portrayal, that you were taken by Grenville...

A. Mm-hmm.

Q. ...to a medical doctor to address the matter of monthly craps was a perfectly appropriate thing to do?

25 A. I think the appropriate thing to do would have been to take me to the local hospital which was 10 minutes away where I could go into the emergency and see an OB-GYN and they would have been abiding by the health release form that they asked my parents to sign.

30 I don't understand why I was taken 45 minutes away to a specific doctor who I was not apprised of. I don't know who he is. I don't know his name. There was never any documentation sent to my - my GP. So, I - I don't know. I

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5 don't think it was reasonable. In my mind now as an adult, I still don't understand why this doctor, why at the end of the school year, why on Queen's? These are unanswered questions that I can't - I - I - they don't square. I don't understand it.

Q. How about this doctor because he was a specialist?

A. There were specialists all over the place. Why 45 minutes away?

10 Q. In Brockville? Please. How do you know there was an OB-GYN available in Brockville?

THE COURT: How would this witness know that? She was...

MR. ADAIR: Well....

15 THE COURT: ...17, she was going to school, she didn't come from Brockville. How could she possibly know yes or no?

MR. ADAIR: Your Honour, precisely my point. She is the one that says there are OB-GYNs all over the place, not me.

20 THE COURT: All right, go ahead.

A. We had a local hospital and I don't know - do we know that there wasn't one there?

25 MR. ADAIR: Q. Well, let me put it to you this way: I am going to suggest to you on the basis of the facts that we've heard, not your impressions, that the portrayal you suggested yesterday using phrases like "animal husbandry" was a gross dramatization of what happened. Do you agree or not?

A. Depends on your perspective, sir.

30 Q. Okay. And at Grenville, when you - you complained about other physical issues as I understand it on two occasions, and I'm referring to the fumes...

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A. Mm-hmm.

Q. ...and the inability to see properly.

A. Yes. A precursor, the aura for the migraine.

Q. Sorry?

5

A. It was an - an aura. Apparently, it's a...

Q. Yeah.

A. ...it's a precursor for a migraine.

Q. Yeah. And the - on each occasion you were
taken to Dr. Stewart?

10

A. On those two occasions, yes.

Q. Yes. And on the occasion of the fumes, you
were given a surgical mask to wear?

A. Yes.

15

Q. And a fan was put in place before you went
back to the job?

A. No, it was put while I was there and there
were two fans.

Q. Two fans. And...

A. Two table fans.

20

Q. ...apparently that wasn't sufficient, as I
understand it. So, later that afternoon a ventilator was
installed?

25

A. I - I don't - that's not a totally accurate
characterization. It wasn't sufficient for the long run, I
guess, because that was a solution that Dr. Stewart provided,
was to send me back doing exactly the same thing that caused it,
but put on the mask, have better circulation of the air around
the industrial sinks and then to prescribe Ventolin so I could
take the inhalator to open up my airways while I was doing that.

30

Q. Oh, I'm sorry. I perhaps misunderstood
Ventolin and ventilator.

A. Oh, I am sorry. I may have actually said

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ventilator.

Q. All right.

A. So, for the record, I meant Ventolin.

Q. Not a problem.

5 A. If I said ventilator, I apologize for misleading you.

Q. In - in any event, that's the way Grenville responded to that situation?

A. Yes.

10 Q. And Grenville responded to the migraine situation by, again, taking you to Dr. Stewart, right?

A. Correct.

Q. And Dr. Stewart correctly diagnosed migraine, right?

15 A. Yes.

Q. And did Dr. Stewart provide you with medication?

20 A. They wanted to give me one pill. He did not provide medication. I went home to my doctor and got medication for it. They prescribed me one pill.

Q. Okay. And how long after that event did you see your doctor?

A. Probably on my next break would be my guess, but I don't - I don't know.

25 Q. And did this happen, do you remember, in the fall, the winter, the spring? Can you recall any of that?

A. The timing of the migraine?

Q. Yeah, well the - the incident where you had trouble with your vision and...

30 A. Yeah.

Q. ...went to Dr. Stewart. It's not a big deal, I'm just curious.

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5 A. I don't recall exactly when that happened, but it was - it was - no, I should know, I know. I did know 'cause I could place it in context with something. I'm sorry, it's not coming to me now. I haven't slept very well tonight, but if it comes to me may I provide that information? I may be able to contextualize it, but if it's not necessary, then I don't remember exactly right now, but it was later in the school year.

10 Q. You don't need to.

A. Okay.

Q. It isn't important enough.

A. Okay.

15 Q. Now, Grenville, do I understand you went to Grenville because your marks at North Toronto had slipped and your father was concerned about you getting into university?

A. Yes.

Q. And then while at Grenville, do you agree with me that you met and were in contact with some good, caring staff people?

20 A. I believe that many of the staff were well-intentioned, but they weren't caring.

Q. They were well-intentioned, but they weren't there for you in terms of standing up?

25 A. They - the - the teaching was subpar for the most part. Most of my teachers, I would argue - I would have argued then - I would of have evidence the following year with being in the public system and being able to compare and seeing how far behind I was.

30 And then as an adult, I would argue that, as I said yesterday, my English teacher was overqualified to be an English teacher. She also taught French and she was a very good teacher, and I believe she was a very kind person. And I

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believe she was well-intentioned. And she didn't actively cause harm. In her mind, I think she felt that she was doing the right think.

5 Did she - she was a submissive person and I saw things that happened and she had - her eyes glazed over. So, she - you know, I think everybody has their own reasons for behaving the way they do and their own fears and anxieties, but I would say that there was - maybe she was the only person who showed me an ounce of compassion...

10 Q. Okay.

A. ...at the school.

Q. Sorry, don't mean to cut you off.

A. It's okay.

15 Q. And did you not describe - I may have misunderstood your evidence, but did you not say the Gillises were very nice people?

A. Yes, they were nice people, but they also reported that I said I was from Trafalmore. I ended up getting in trouble for it. Now, did they recognize the potential outcome? I would say given their time at the school they would have known that something was going to come of it. Were they mean people to me? No, and I think they were well-meaning. We had little family nights and I think they felt given the doctrine that they ascribed to, that this was supposed to replace your real family, but it actually caused harm.

25 Q. Okay. And can we at least agree that many of the staff were well-meaning?

A. Well, you just gave the example of Dr. Stewart. There were myriad work duties there and he put me back to the scene and the conditions that caused me to have an episodic asthmatic attack. Why couldn't I go out and wash floors? Why couldn't I go plant food? I would have - if I -

30

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you know, they promote it as a place where they had horses and stables; I never saw a horse and I never went to the stables. And given your questioning - line of questioning earlier, when I spent my summers out in Maple Ridge, I was a city slicker who ended up cleaning the stables every single day, and you know what, I loved it. There were certain work jobs I loved.

So, myriad duties, I - no, I disagree. I don't think that's accurate. That was not my experience at the school. When there were opportunities to do the right thing, quite often people did not do the right thing. They did what they were told.

Q. All right. Well, then, my question, to go back to it, was do you agree with me that there were many staff people who were well-meaning? Whether they did the right thing or not, their intentions were good.

A. I can only honestly answer that with one person and that was Ms. Gail Hamilton.

Q. All right.

A. In my experience.

Q. Now, when you were at Grenville, you were on the basketball team.

A. Mm-hmm.

Q. Did you participate in debating?

A. I did.

Q. And....

A. And I was very good at it, apparently.

Q. Did you participate in - I think you said you participated in the - the big play - was it the Gilbert and Sullivan play?

A. No, I didn't. I was in the orchestra for that one. They have the - they had the Sears Drama Festival every year and we did auditions. And I auditioned and I went

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5 into character and it was very funny. I didn't know what the play was, but it was Oscar Wilde: "The Importance to Being Earnest". So, it was a comedy. And the character that they asked me to play was someone who was aligned with the lead, so I got the lead role.

Q. Okay. Who got the lead role?

A. I did.

Q. You did. And that - was that the play that Debra Shields was in, as well?

10 A. Yes.

Q. And other than basketball, did you engage in any other sports?

A. Yes, I was on the badminton team.

Q. Okay. Anything else?

15 A. I may have been on the volleyball team, but I - I'm not sure about that.

Q. All right. And then where there were other activities like an - an annual opening day or close to opening day festivities at the Brown's Bay, did that happen when you were there?

20 A. I - I have no recollection of that. It may have...

Q. All right.

A. ...but I don't recall it.

25 Q. And were there trips out of town, like, to Parliament buildings or baseball games or things like that?

30 A. There were only two times I recollect going out of two - except for basketball, I remember going to Prescott and places. One was on career day, we went to with - I think it was one of the Haig sons who was the head of the drama program. Tim Haig, another - maybe not - anyway, there was a Haig and we went to the National Art Center and we saw - I want to say

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Vincent Peale but maybe that's the wrong name. We saw an actor and we went to a viewing of "Wok with Yan" and the guest was Margaret Trudeau. That was one outing.

5 And then the other outing was at the end of the year, there was a - like, a graduation trip. We went to Muskoka, and one of the students, I believe her name was Sandy, her mother went to St. Clements with Mary Haig and they had an island in Muskoka. It may have been Lake Joseph or something, I don't know. It was an island and we all went to that...

10 Q. Okay.

A. ...for a weekend.

Q. And was that for a weekend or....

A. Yes.

Q. And then, were there also ski trips?

15 A. Never went on a ski trip.

Q. All right. Were there ski trips or....

A. I don't know. I don't know.

20 Q. All right. So - and - and I'm going to suggest to you that there was ample opportunity while you were there to make friends.

25 A. I would say that you had an opportunity for very superficial encounters with people. Given the rigours of the schedule, for me, first term, five a.m. to midnight. And then after that, you know, depending on what you were involved with, I certainly had association with people. I don't think you really make friendships on a team when you're just - you know, there wasn't a whole lot of practice. So, I imagine on the bus rides - I just remember looking out the window a lot and seeing the signs 'cause I didn't know the area.

30 But, I - you know, I'm sure people did make friends and I - I did have encounters were I made, you know, I guess three friends that I stayed in touch with after. But I

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would say in contrast to my experience at public school, night and day. And you weren't allowed to really talk to the boys, so you weren't allowed to have male friends. That was kind of forbidden.

5 Q. Well, isn't it a fact that you were allowed to talk to the boys?

A. Of course.

Q. You just couldn't form dating relationships?

10 A. Yeah, you could sit at the - when you were at the same table having your meals you talked to them. I didn't go any - I didn't venture beyond that anywhere else because it was trouble.

15 Q. All right. Now, you mentioned one incident that I had not heard of and wasn't clear on, and that's this business of the Katie's gold watch.

A. Yes.

Q. And I thought I heard you said that you said to one of the adults that you thought that had been dealt with. Did I misunderstand your evidence?

20 A. Perhaps.

Q. Okay.

A. Oh, I may have been saying after I sworn on the Bible, I thought that had been dealt with. Like...

Q. All right.

25 A. ...they had - they were going to let that go because God be the judge.

30 Q. I may have misunderstood. And you also used an expression when you were talking about the incident where you were in your room for several hours and it was approaching dark and people...

A. Mm-hmm.

Q. ...weren't coming back to your room.

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A. Mm-hmm.

Q. And you used the expression that you thought that maybe they had "drank the Kool-Aid".

5 A. Again, I was a 17-year-old and Jonestown had been large in the news and I read newspapers. Not there, 'cause they cut them out. They censored the newspapers, but I - I grew up aware - I - I feel that I was relatively, speaking for my age, where - what was going on the world.

10 So, that - it was a reference point for me because we had a schedule and a routine and it was like clockwork every day. And then all of a sudden that has changed and its disrupted and you're lying alone and it's not just one or two people, like, some didn't show up, it's an entire student body. Your entire dorm misses two meals. Like - like, again, I
15 didn't - after it got dark, I didn't have - I never knew what time it was, but you had a - you had a sense, right, like how close are you to daylight.

20 So, for me, that was - I mean, that's where the - you know, there are expressions like that. Like, that's how I characterized Jonestown as people who went to this place believing in - believing in - in, first of all, a charismatic leading and believing in the doctrine that he promoted. And what I saw - my experience was we had these four people who basically were equivalent to that.

25 On top of them were two women down in Massachusetts. So, they're going over the border and people were coming and going. Some new person would pop up at a table who, you know, "I'm from the community of Jesus." And then people would disappear and - but you don't know what they've
30 done wrong or why they were in trouble, but they were gone. So, that's where I get the "animal husbandry", and maybe it's an exaggeration, but that's how I felt at the time, that we were

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treated like chattel.

5 And so, now, when you - when I'm in a room alone
as a 17-year-old even though it predated that examination,
drinking the Kool-Aid, you know, I have to say as a person who
was, I think, fairly well-adjusted and wasn't particularly
afraid of things, and again, as I said, I had a six-foot-eight
Olympian father who, you know, I walked around feeling that I
was protected in life. And when I went to this school all of a
sudden there were times - and it wasn't 24/7, but there were
10 times where I feared for my life. I felt the safety and
security they had promised was not delivered. And not only
that, it was undermined...

MR. ADAIR: Your Honour.

A. ...by their practices...

15 MR. ADAIR: Excuse me.

A. ...and rituals.

MR. ADAIR: Excuse me for a moment. Your Honour,
perhaps the witness could be directed to answer
the questions instead of going on and on with the
drama.

20 THE COURT: Well....

MR. ADAIR: With respect. I asked her whether
she used the expression "drink the Kool-Aid".

25 THE COURT: Yes, and it did lead to context.

MR. ADAIR: Well....

THE COURT: It did go on into answers to other
questions you didn't ask that were asked earlier.
So, having finished it, kindly listen to the
questions.

30 A. Okay.

THE COURT: You can give context, but try to keep
it to the question asked...

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A. Okay.

THE COURT: ...and more questions may come after that.

A. Okay, thank you, Your Honour.

5 MR. ADAIR: Q. Now, let's go back. You used the expression in your examination in-chief "drink the Kool-Aid", right?

A. Yes.

10 Q. And in fact, that has become, in this case, I suggest to you, an expression among the class and the plaintiffs to describe people who have been accepting of the Grenville way. Are you aware of that?

A. No, it's a common expression I used.

15 Q. So, you used that expression, it was entirely your own thought dating back to those days when you used it?

A. That was - sir, it was literally my thought lying in bed that day.

Q. Okay. And....

A. And I meant it literally.

20 Q. Sorry?

A. I meant it literally, not figuratively. Like, I really thought they may have drank something that did something.

25 Q. You - you would go home - you went home at thanksgiving, right?

A. Yes.

Q. You told us that. You went home at Christmas, I assume?

A. Yes.

30 Q. You went home at March break?

A. Yes.

Q. And would you also go home once or - two

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other occasions during the school year?

A. I think Easter and that's all I recall. I don't know.

5 Q. And on these occasions, did you tell your parents - did you relate to them all these terrible things that were happening to you at Grenville?

10 A. I don't recall after the first conversation I had with my dad and he asked me to try, I liked to - I - I loved my dad and I told him I would - he said, "Can you - can you get through it to the end," and I said, "Yes, dad, I'll try." And that's it, and that was the end of that with my parents.

Q. Well, let me see if I can get an explanation for this, but...

A. Mm-hmm.

15 Q. ...what I'm troubled by is you sit here in this witness stand and describe Grenville in really terrible terms, horrible terms. The treatment of you and the effect on you. You surely must have gone home and told your parents about all of this.

20 A. As I said yesterday, sir, my mother did not believe this was possible in a private school, so why would I keep saying things. And also, I think you would know as well as anyone, a lot of victims of abuse have repeated transgressions that they don't tell anyone about.

25 Q. Well, did you tell your father about these things?

30 A. My father had stated that he paid out of pocket beforehand and he'd be out of pocket after. So, I can tell you as a 17-year-old promising my father I would try and knowing that he had put a lot of money on the table for me. I don't recall talking to them except after I left at the end of the school, my father would not shake their hands. But that -

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you know, what - what was I going to do? Say the same thing
again and again? I don't - I don't believe so, but I probably
would of have, like, maybe surface conversations about it, but I
didn't - like, this was traumatic, you have to remember I was a
5 17-year-old girl living this experience and I didn't get the
worst of it, so....

Q. Well, I'm looking for your experience, not
somebody else's.

A. My experience there....

10 Q. And your experience in telling your parents,
that's the subject.

THE COURT: Please don't...

THE WITNESS: You're....

THE COURT: ...interrupt the witness.

15 THE WITNESS: You're....

THE COURT: Just let her finish. Sorry, and now
I'm interrupting you.

THE WITNESS: Sorry, thank you, Your Honour.

THE COURT: Let her finish.

20 THE WITNESS: You're....

THE COURT: It's a fairly open-ended question, so
please finish with your thought.

THE WITNESS: Okay, thank you.

25 MR. ADAIR: Q. Okay, let me back up then, and
I'll ask....

A. May I just finish? I want to...

THE COURT: I think you cut her off. I wanted to
hear the rest of the witness's answer before you
go to the next question.

30 THE WITNESS: With all due respect, again, I
think there's a presumption that we talk to our
parents like friends and equals. In that

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5 generation you didn't, and now as a mother who has had a 17-year-old, I guarantee you I don't even know the tip of the iceberg of what he went through, what he felt, what he experienced. So, there's a presumption that I would tell my parents because I trusted them? No. I don't recall having conversations after that. I remember getting through with a huge sign of relief and that was the end of that.

10 MR. ADAIR: Q. So - so, the bottom line is you told them at thanksgiving what had happened to you to that point in time.

A. Yes, that is definite.

Q. And your father asked you to try, right?

15 A. Yes.

Q. So, you went back and you never told them again about all the bad things that had happened to you until after school is over?

20 A. Even then, I don't know that I did. I mean, the list was long. Like, this was a daily, weekly episodically consistent, in my opinion, disproportionate response to very minor alleged wrongdoing and that was the pattern at the school. It was very, very punitive. And it was - it was always there. So, where do you even begin when you start telling people that story?

25 Q. What - what was a disproportional response?

30 A. Whenever you did something, if there was an alleged wrongdoing - like, I think I gave the example when I was in the dining hall and two people were passing an eraser in the library and then they're stood on chairs and completely humiliated to the point that the girl is, like, sobbing her heart out and the guy is just looking down on the floor. And I

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don't know if there was any additional punishment 'cause I didn't see it, but I'm telling you what I saw. And to me, that was just completely disproportionate.

5 Q. All right. Well, what I'm asking you is this: all the bad things, whatever label we put on them, whatever happened, the precise incidents, there's a lot of bad stuff happened to you at Greenville - Grenville, right? A lot of bad stuff, right?

10 A. You know, how do I quantify it? I can just qualify it.

Q. I didn't ask you to quantify...

THE COURT: Please....

MR. ADAIR: ...it. I said a lot.

15 THE COURT: Please, keep your voice down a bit. You're raising your voice when you don't like the answer, and I'd like the witness to be able to answer the substance of the question and not respond to the emotion behind it. So, a lot of bad stuff happened to you at Grenville. Can you answer that question?

20 THE WITNESS: Yes, Your Honour. It felt like it was - consistently there was something not great happening to me.

25 MR. ADAIR: Q. And tell me again what the reason was that you didn't tell your father about this horror show you were going through?

THE COURT: The witness has been asked that question a number of times, and she's answered it, so please....

30 MR. ADAIR: Well, Your Honour, with - I'm sorry, I didn't mean to cut the Court off.

THE COURT: It's all right.

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5

MR. ADAIR: Your Honour, with great respect, this is cross-examination and there are boundaries and appropriate boundaries, and I am living up to the exact letter of them. And I would ask the Court instead of cutting me too, to direct the witness to answer questions rather than give speeches.

10

THE COURT: I - I believe I have done that, but I am also noticing that this question about why has been pursued in great detail already.

15

MR. ADAIR: It has, but I am not bound in cross-examination, within reason, to accept the no answer or any other answer.

THE COURT: That's true, but you're also bound not to unnecessarily hector the witness by asking the question over and over. So, if you say to me, "I have not asked that question, I haven't yet got an answer," I'll consider that. But it looks to me from my notes that you've asked it at length and you asked about what you said at thanksgiving, you went through it, did not tell again. The witness gave a lengthy answer and it was responsive. So....

20

MR. ADAIR: Well, I've made my submission. I'm not intending or meaning to argue with the Court.

25

THE COURT: All right.

MR. ADAIR: Thank you. Those are all the questions I have.

THE COURT: Thank you. Is there any re-examination?

30

MS. LOMBARDI: No, Your Honour.

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EXAMINATION IN-CHIEF BY MR. READ-ELLIS:

5 Q. Good morning, Ms. Lowe. I understand that
your maiden name is Shirreffs?

A. That's is correct.

Q. And can you please spell that for the court?

A. Yes, it's S-H-I-R-R-E-F-F-S.

10 Q. I understand that you're a sales agent in a
marble and granite business?

A. Yes.

Q. And you do that through your own company?

A. Yes, I do.

15 Q. And the name of the company is Centre Street
Trading Company?

A. Yes, that's correct.

Q. I understand that you live in Whitby,
Ontario?

A. Yes.

Q. With your husband and children?

20 A. Yes, I do.

Q. I understand that you attended Grenville from
1985 to 1980; is that right?

A. That's correct.

Q. And those were grades 11 to 13?

25 A. Yes.

Q. And you were a 16 year old -- 16 years old
when you started?

A. I would have been, yes.

30 Q. Okay. Can you let us know how you ended up
at Grenville?

A. My mother she was the one who encouraged me
to go. She thought that it was a good environment for me to be

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in, being that I wasn't doing so well in pub --public school.
She thought I would do better in a private school.

Q. And where were you attending public school?

5 A. I as attending Mayfield Secondary School in
Caledon.

Q. Is that -- is Caledon where your family lived
at the time?

A. Yes, that's correct.

Q. What was your first impression of Grenville?

10 A. My first impression that it was a strict
school, but very friendly.

Q. Where did you live during your time at
Grenville?

15 A. I lived in the residence, the girl's
residence. It was called Murray Hall.

Q. How often did you visit your family in
Caledon while you were at school?

20 A. Just statutory holidays, Thanksgiving,
Christmas. I didn't go home on weekends or anything like that,
we stayed at the residence.

Q. All right. And what about summers, where did
you spend your summers?

A. I spent summers with my family in Caledon.

25 Q. Can you describe a typical day at Grenville,
the schedule?

30 A. Yes, we woke up in the morning, got ready.
We attended breakfast together in the main dining room. We each
had assigned tables that we sat at, so it was the same people
that we were sitting with regularly. We then attended classes.
We would have a lunch break, more classes. After school it was
either free time or chores that we had been assigned, or it was
extra-curricular sports, et cetera. Then we would meet in the

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dining room for dinner. Again have partial free time, or study time and then there was study hall before bedtime and we would get ready for bed.

5 Q. Okay. You mentioned chores, were those regularly assigned chores or was it a form of discipline?

A. There as both. We would be assigned chores on a regular basis, randomly, not every day of the week and there was also discipline chores.

10 Q. Okay. You mentioned that you had breakfast, lunch and dinner; can you describe what happened during the meals at Grenville?

15 A. Yes, some of us would have the chores of serving the meals, but -- for those seated we would sit down and enjoy our meal and talk, and sometimes there were announcements at dinner time as far -- as far as activities going on, et cetera.

Q. So, what did those announcements at dinner time consist of?

20 A. They would be announcements of what was going on in the school as far as activities, time for meetings, et cetera, like that.

Q. Were there ever any religious messages communicated for the group -- the group at dinner time, or at any of the meals?

25 A. I believe we had a prayer for our meal, but other than there was no religious instruction given at meal times, simply a prayer.

Q. And what about disciplinary issues, were they ever addressed during meals?

30 A. Not that I'm aware of. I never heard them, no.

Q. Was there ever a situation that you can

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recall where an individual student or a group of students have -- were stood up and addressed during a meal?

A. No.

5 Q. Now, you also mentioned there were some times where extra-curricular activities, were you involved in extra-curricular activities at Grenville?

A. Yes, I was.

Q. Okay. What were those extra-curricular activities?

10 A. I did horseback riding. I was a member of the basketball team as a manger. I attended cross-country skiing, cross-country running, track and field. I believe that's it.

15 Q. Okay. And were there any other activities, like school trips that you participated when -- when you were there?

A. There were some school activities. There was a cottage that was owned by the headmaster that we sometimes went to and there were also some ski events that we went to. I was a part of the choir, so we went on different excursions with the choir as well.

20 Q. Plus you mentioned at the outset that you were having trouble academically before you went to Grenville. What -- what happened to your grades when you were at Grenville?

25 A. They did improve. I'm not an academic, so they didn't improve greatly, but they did improve.

Q. During your time there did you ever feel as though you were being discouraged by the staff from -- from excelling academically?

A. No, the opposite.

30 Q. What about extra-curricular -- extra -- with your extra-curricular activities, did you feel like you were discouraging from excelling?

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A. No, not at all.

Q. Did you feel like you were discouraged from excelling in any way by the staff at Grenville?

A. No, the opposite, I was encouraged.

5 Q. Okay. All right. Change subjects to discuss student leader. Did you during your time at Grenville have a student leadership position?

A. Yes, I did.

Q. Can you tell me about that?

10 A. There were called prefects and we were to be responsible and show leadership for the younger students.

Q. Do you remember what your specific responsibilities were as a prefect?

15 A. I was to uphold the rules of the school and to show the younger students a leadership role and encourage them to be like myself.

Q. Did you have any responsibilities relating to dorm as a prefect?

20 A. I did. In my final year I was -- I don't know what you call it, a leader of the floor to help the girls get settled for the night and I would check the rooms and make sure their lights were out and everyone was in bed safe and sound.

25 Q. So, in that role sort of that involvement in the dorm that you just discussed...

A. Yes.

Q. ...did you ever run into any behavioural or disciplinary issues with the female students in the dorm?

30 A. Nothing major. You know minor giggling and not wanting to go to sleep, but major issues, no, I didn't have any problems.

Q. And how would you address those sorts of

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issues?

A. I would just try to help settle people down and be as nice and encouraging as I could to get to sleep.

Q. Did you report behavioural issues to staff?

5 A. I had no behavioural issues to report, so no.

Q. So, let's turn the page to start talking about discipline at Grenville.

A. Yes.

10 Q. Let's start with this, were -- were you ever disciplined when you were at Grenville?

A. Yes, I was.

Q. Can you tell us about that, what were you disciplined for?

15 A. A few things. I was a teenager. One of the rules at Grenville would -- was you weren't allowed to bring music and of course my first week there I tried to sneak in my Walkman and listen to my music, but that was not allowed and I was disciplined for that.

20 Q. Okay. What was the discipline you received for that incident?

A. I was given various chores, just like you regularly would, but in this instance you're not allowed to wear your uniform, because you're not representing your school, you're being disciplined. So, I was in regular street clothes.
25 I would have various chores, sometimes cleaning staff apartments, various -- vacuuming, cleaning washrooms, that sort of thing.

Q. And based on our experience was that a regular form of discipline at Grenville?

30 A. Yeah -- yeah.

Q. So, on this instance what happened, did you attend class while you were on discipline?

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A. No, I did not attend class.

Q. And how long did it last?

5 A. I would say a couple of days. It wasn't very long. I believe it was actually mainly over a weekend, so there wasn't really a lot of class for me to attend, but it wasn't very long for me in that instance, yeah.

Q. And where did you eat when you were on discipline?

10 A. I ate at my table as normal in the dining hall.

Q. Where did you sleep?

A. I slept in my bed in residence as normal.

Q. Does the term "Hotel D" mean anything to you?

A. I've never heard of that.

15 Q. How was it communicated to you that you'd be -- you'd be given these chores as a form of discipline?

A. I'm not sure I understand your question.
How...

20 Q. Who -- who told you that you had to go do these chores?

A. It would be the deans of my residence would be mainly who I spoke with.

Q. Do you remember what they communicated to you in that conversation?

25 A. Just that they were disappointed in my choices and that I knew the rules and this is the consequence.

Q. And were they -- did they call you any names or anything like that?

A. No, they did not call me names.

30 Q. Did you feel they were demeaning in any way?

A. No, no more than my own parents ad -- admonish me -- me for -- for what I've done wrong, no, they did

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not demean me in any way.

Q. And then what about that two day period when you were actually on discipline doing the chores...

A. Yeah.

5 Q. ...did -- do you feel that any of the staff was demeaning?

A. No, not at all.

10 Q. Okay. So, we talked about discipline for sneaking in the Walkman. Were you ever disciplined on any other occasion?

15 A. I was. I had gone on a school trip, I believe it was cross-country skiing, I believe it was that trip and when I got on the bus I was wearing a jean jacket, which denim is not allowed. It's one of the rules and so I was removed from the bus and had to go onto detention again.

Q. Sorry, I didn't...

A. I went detention again for that.

Q. Okay.

A. Yes.

20 Q. And was that similar to the first experience?

A. Yes, very much.

Q. This may seem obvious, but where did you get the jean jacket from when you went on the trip?

25 A. From home. I brought it with me from home after a trip home. I guess I packed it with me.

Q. So, you had it at the school?

A. I had it at the school, yes.

Q. Are there any other instances of discipline that you recall?

30 A. Yes. I had kissed a boy once and that was definitely not allowed.

Q. And where were you when you kissed the boy?

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A. I believe I was outside of the girl's dormitory. The boy's obviously weren't allowed in the dormitory, but I -- somewhere near the dormitory we were.

Q. But it was on campus?

5

A. It was on campus, yes.

Q. And what resulted from that incident?

A. I was sent home for that.

Q. And were you spoken to by staff?

10

A. Yes, I was spoken to. Again, extreme disappointment in my choices and I was sent home to contemplate what I'd done and to speak with my family about it.

Q. And did anybody demean you during that conversation with staff?

A. No -- no.

15

Q. Were you called any names?

A. No -- no.

Q. Do you remember how long you were sent home for?

20

A. I believe it was just a weekend that I was sent home for.

Q. Okay. Any other instances of discipline that you can remember?

A. No, I don't recall any others. That was enough.

25

Q. How did you feel when you were put on work duty?

A. I was embarrassed, because I'd gone against the rules and -- and it was obvious, because I wasn't wearing my uniform that I was on work duty, so it was embarrassing.

30

Q. When you were put on work duty were you given the appropriate tools to do the job?

A. Yes.

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Q. Did you ever see a situation where a student on discipline on work duty wasn't given the appropriate tools to do the job?

A. No.

5 Q. Did you ever see anyone cutting the grass with scissors?

A. No.

Q. Or pulling rocks out of the ground with their bare hands?

10 A. No.

Q. Or cleaning the floor with a toothbrush?

A. No.

Q. Okay. Let's change subjects a little bit. Does the term "light session" mean anything to you?

15 A. No, not while I was in school -- attending school. I heard of this light session -- session thing through the media, but I did not know of it before then.

Q. So, just to make sure we're speaking the same language. What you understand today the term "light session" to mean?

A. From what I gather it was students were in a room, a darkened room with a light shining on them. I -- I have no -- and staff speaking to them degradingly, like that's what I've heard.

25 Q. And is that what you just describe something that you ever experienced at Grenville?

A. No -- no.

Q. Okay. Did you ever see anyone else going through that?

30 A. No, I wasn't aware of anyone else.

Q. Did you ever hear about it while you were at Grenville?

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MS. MERRITT: Well, again that's hearsay.

MR. READ-ELLIS: Q. And maybe if you could just speak up a little bit with your answers, so everyone can hear you.

5 A. Sorry.

Q. Did you ever experience a situation where a large group of students were gathered together in the chapel, in the dining room, somewhere else to address behavioural issues?

10 A. I did experience that one time. It was a room off of the dining room. It was a group of us that were all prefects and we had been not being leaders. There was a lot of attitude amongst us and the staff were very disappointed with us and we were stripped of our leadership pins and told we could earn them back if we worked hard and we're leaders again. But
15 they were not impressed with our attitude at the time, so...

Q. And did they, during that meeting single anyone out for comment?

A. No -- no.

20 Q. Did they call anyone names during that meeting?

A. No.

Q. Did they speak to you in a way that you considered demeaning?

A. No.

25 Q. What -- what was the message that they conveyed to you at that meeting?

30 A. The message was their extreme disappointment in how we were behaving. That was a clear message to me, but as far as pointing anyone else, no it was a collective group that they -- they were upset with.

Q. And do you think that was deserved? You think that their disappointment was deserved?

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A. Yes -- yes.

Q. So, you mentioned that your prefect then was stripped from you?

A. Yes.

5 Q. So, does that mean you were not a prefect after that?

A. At that time I did earn back my prefect pin and I was a prefect when I graduated.

10 Q. Okay. So, apart from that one experience where the prefects were addressed, can you remember any other group gathering where the staff addressed student discipline?

A. No, I don't recall any.

15 Q. Okay. I want to talk about a different form of discipline. Did you ever see or experience any paddling while you were at Grenville?

A. No.

Q. Did you see or experience any other form of corporal punishment?

A. No.

20 Q. Or any kind of any inappropriate physical contact coming from staff towards a student?

A. None whatsoever.

Q. Okay. Let's -- let's talk about the -- the rules at Grenville.

25 A. Yes.

Q. Did you think the rules were clear?

A. Yes.

Q. And what were the major offences?

30 A. Major offences would be music, wearing inappropriate clothing, chewing gum, leaving the grounds of the school, those were all major offences.

Q. Do you think the rules were applied and

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enforced differently among the students?

A. I don't believe so.

Q. Well, what was your overall impression of discipline while you were at Grenville?

5 A. Very much similar to my own -- own, you break the rules you -- you're punished. I think the punishment was just compared to the rule being broken. So, my overall impression was I didn't like it at the time, but it was appropriate.

10 Q. Oaky. Changing gears again, how would you describe the treatments of the female students at Grenville?

A. I think the females were treated well. Our deans were -- were both stern, but approachable. So, I think the girls were treated well.

15 Q. Did you ever hear any staff member refer to female students using sexual names, like whore, bitches in heat, jezebel?

A. No -- no.

20 Q. Did the staff ever communicate to you or to the female students as a group, or the students as a group that female students were responsible for male advances?

A. Not directly responsible. I mean our female staff would encourage us not to wear inappropriate clothing, or -- or act in any inappropriate way, just as my own mother would counsel me, but other than that, no.

25 Q. Were you ever present in the dorms for a lecture given by Father Farnsworth?

A. In the dorm, no -- no.

30 Q. Did you ever see or experience any kind of inappropriate sexual touching coming from staff while you were at Grenville?

A. No.

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Q. Did you ever see anything that you would characterize as abusive?

A. No, I did not.

5 Q. Okay. So, overall how would you describe your experience at Grenville?

A. Overall the school I found to be strict, but very family oriented place. I learned a lot there and I graduated.

10 Q. Did you enjoy your time there?

A. Yes, I did very much so. I found it, like I say I found it strict, just as my own family would be, but I did enjoy my time there, yes.

15 Q. And based on your experience and your observation while you're there, do you think that other students enjoyed their time there?

A. Based on my observation it looked -- looked like other students enjoyed their time. Looking back at my year book I had a lot of great comments in there, so it looked like they enjoyed their time, yes.

20 MR. READ-ELLIS: Thank you. Those are all my questions.

MS. LOWE: Sorry, I just need a moment to get my notes into my book.

25 CROSS-EXAMINATION BY MS. MERRITT:

Q. Ms. Lowe your mother is Sharon Shirreffs; correct?

A. Correct.

30 Q. And -- oh I'm sorry I didn't know (Indecipherable). Would it be fair to say that your mother was a supporter of Grenville?

A. Yes that would be fair.

Judy Lowe - Cr-Ex.
(Ms. Merritt)

Q. She both a patron and a donor?

A. I believe so, yes.

Q. Yes, but she gave money to the school in
1986. She was an auction donor and gave over \$1,000?

5 A. I believe so. Most parents did, yes.

Q. And in 1987 again she was an auction donor
and gave over \$1,000?

A. That's sound correct. I don't know the exact
amount, but...

10 Q. Well, I have, if you need it, reference to
Exhibit 40, 41, 42, if you could please. So, one should be
marked Exhibit 40.

A. 41. I have 41 and 42.

Q. Oh well we need 40 as well. Thank you.

15 A. Thank you.

Q. So, if you go on Exhibit 40...

A. Yes.

Q. ...to page 10 there's a list of auction
donors and your mother's there. Your mother's name is there in
20 the category of over 1,000.

A. Yes.

Q. Okay.

A. She was a generous woman, yes.

Q. Okay.

25 A. Yes.

Q. And then in Exhibit 41 at -- if you go to
page 9, there's again a list of auction donors for 1987. Your
mother's name appears there as having given over \$1,000.

A. Yeah, that sounds like her.

30 Q. Okay.

A. Mm-hmm.

Q. And in Exhibit 42...

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(Ms. Merritt)

A. Mm-hmm, yes.

Q. ...if you go to page 3, there's as well your mother's name appears having given over \$1,000; correct?

5 A. I'm just looking for it. I have Sandra Best being highlighted here, but I'm looking for.

Q. Oh, I thought we had it on page 3.

A. ...my mother's name.

Q. I could be wrong, but it looks like it's...

10 A. Oh there it is, okay. Yes, I see her name, yes, yes.

Q. All right. And then going back to Exhibit 41 for the '87, '88 year your mother was also a regular donor. That's on page 11.

A. Okay.

15 Q. That amount was -- in addition to the \$1,000 she gave in each of '87 and '88 in the '87, '88 she gave another amounts. It just says less than 499. You see her name there?

A. Okay.

20 Q. All right. And she was also listed as a patron in the '85, '86 year book.

A. Okay. I believe that.

Q. So, she was in fact a supporter of the school...

A. I do believe that, yes -- yes.

25 Q. All right. Did you say I believe that?

A. Yes, I believe that, yes.

Q. All right.

A. Sorry.

30 Q. And you're still friendly with Don Farnsworth today are you?

A. Yes, he is one of my friends, yeah.

Q. He's one of your friends?

Judy Lowe - Cr-Ex.
(Ms. Merritt)

A. Yeah.

Q. And you'll agree with me Mr. Lowe, that Grenville was very strict?

A. Yes.

5 Q. And you didn't like it at first, because it was so strict?

A. Of course, no I did not.

Q. And I think you told us that there were a lot of rules; yes?

10 A. There were rules.

Q. You wouldn't say there were a lot of rules?

A. I wouldn't say a lot of rules. I'd say there were rules, just like there were in my own household, yes.

15 Q. So, in your own household you weren't allowed to wear a jean jacket?

A. Until I was in high school, no I was not.

Q. Okay.

A. But that did change. Rules do change, but...

Q. Okay.

20 A. ...yes.

Q. In your own household you weren't allowed to listen to music?

A. I was listening to music in high school, but in grade school my music was chosen for me.

25 Q. Okay. But you were allowed to listen to music?

A. Yes, I listened...

Q. All right.

A. ...to same music my parents listened to.

30 Q. The rule weren't exactly the same at Grenville at home were they?

A. They're not exactly the same, but the fact

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(Ms. Merritt)

that we had rules in my household...

Q. Oh, I'm not suggesting otherwise. You just said they were the same rules and I wanted to clarify that.

A. No, that we have rules.

5 Q. And some staff at Grenville were stricter than others; is that fair to say?

A. Yes, that's fair to say.

Q. And some in fact were scarier than others.

A. At that age, yes...

10 Q. All right. Was...

A. ...in their positions.

Q. ...was Mr. Orelet -- Ordolani one of the scary ones?

15 A. He, I believe was a dean of the boys dormitory and I heard rumour that he was scarier, but he was not a dean at the girl's dormitory, so I did not have any relations with him.

Q. All right. Was -- was Joan Childs one of the scary ones?

20 A. No.

Q. So, who were the women or the ones that you found scary?

25 A. I -- I called them the two Judy's, because both their first names were Judy, Judy Janes and Judy Stewart and they were in charge of the girls' dormitory.

MS. MERRITT: Okay. I notice, Your Honour it's 11:00 o'clock. I...

THE COURT: Sure.

30 MS. MERRITT: ...I won't finish in any short order, so perhaps now is the good time for the break.

THE COURT: All right. Let's -- let's take the

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(Ms. Merritt)

morning break.

R E C E S S

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

MS. MERRITT: Q. Ms. Lowe, I think you were mentioning earlier there was a fairly strict dress code at Grenville?

10 A. Yes.

Q. All right. And particularly for girls rules were nothing too tight or revealing?

A. Correct.

15 Q. And was your understanding of the reason for that was to not be too provocative or inappropriate I think might be the word you used?

A. That would be my guess.

Q. All right. Nothing too casual or modern either?

20 A. I don't know about that. No, we were casual.

Q. All right. In terms of punishment, am I right that suspension was a more severe punishment than being put on discipline at the school?

A. Yes, I believe so.

25 Q. All right. And there are also rules about no music. I think you told us you were disciplined...

A. Yes.

Q. ...for that. Do you recall Father Farnsworth saying rock music was the devil's music?

30 A. He didn't say that to me.

Q. Okay. Do you recall any of the rules being described as sinful, lying for example?

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(Ms. Merritt)

A. Well, we weren't supposed to lie. I mean it's...

Q. And you had to get permission to use the phone or the phone slips?

5 A. Yes -- yes.

Q. All right. And I think you told us as well there were rules about no boy girl relationships; yes?

A. Yes, correct.

Q. No going steady?

10 A. Right.

Q. No kissing for sure. You got disciplined for that.

A. Yes.

15 Q. Girls were not even allowed to text boys or vice versa; right?

A. Correct.

Q. There was a six inch rule that required you to stay about six inches away from boys at all times?

A. That sounds familiar, yes.

20 Q. All right. So, no holding hands or anything...

A. Yes.

Q. ...displays of physical affection were allowed; correct?

25 A. That's correct, yes.

Q. And you also recall that there was no pairing off allowed, like one on one, boy and a girl go off alone together?

A. Not alone, no.

30 Q. All right. Do you recall that in groups you were supposed to have uneven numbers, like you know three boys and two girls if you wanted to be in a group?

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(Ms. Merritt)

A. No, I don't recall that, no.

Q. Okay. But you do recall that you weren't allowed to form special relationships, particularly with boys?

5 A. As far as boyfriend girlfriend, no. We all had our friend obviously, but boyfriend girlfriend, no.

Q. All right. And you were not even allowed to use the same stairs as boys; isn't that correct?

A. That's correct, during the school the boys used one stairwell and the girls used the other stairwell.

10 Q. Do you remember Mark Bergeron's mother coming to the school to give you some instructions on sexual matters?

A. I don't recall that, no.

Q. Were you not there when Ms. Bergeron spoke to the students?

15 A. I don't recall her speaking to the students.

Q. Okay.

A. So, if I was there I don't recall it.

Q. All right. Okay. That's all right he's coming next I'll...

20 A. Okay.

Q. ...I'll ask him that. You told us you were put on discipline for kissing a boy; right?

A. Correct.

Q. And was that Mark Tele -- Telemack?

25 A. Yes, it is.

Q. Okay. And so obviously people found out about it; right?

A. Obviously, yes.

Q. Yeah. Do you know how?

30 A. No, I do not know how.

Q. So -- sorry just give me a second here. Would it be fair to say that at Grenville you were required to

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(Ms. Merritt)

not only follow the rules, but I think you said as prefect to set an example for others to follow the rules; yes?

A. Yes, correct.

5 Q. And there was -- if I understand it an honour code at Grenville that meant that you saw someone do something wrong and particularly so as a prefect you should speak to them and tell them to report themselves and if they didn't do that you were supposed to report on them?

10 A. I would expect that that would be a role of a prefect if -- yes as a leadership, yes.

Q. All right. So, maybe -- did you -- do you know if somebody saw you or did you tell somebody you kissed the boy?

A. As I say I don't know how it came out.

15 Q. Were you stripped of your prefect pin for kissing the boy?

A. Yes, I would have been if I was a prefect at that time.

20 Q. Do you know when it happened, the kissing incident?

A. I don't know exactly when it happened. It was 35 years ago, so no I don't know...

Q. Can you give me an approximate...

A. ...what time of day or...

25 Q. ...like what -- how old you might have been?

A. I would have been 17. Between 17 and 18. I would say 17.

Q. All right. And -- and you were suspended and sent home I think you told us?

30 A. Yes, I was.

Q. And -- and Mark, do you know what happened to him?

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A. I doubt he was sent home, he's from Bermuda. I would expect he was put on detention. I wasn't there I had gone home.

5 Q. I see. And when you say put on detention was it also referred to as being put on discipline or on "D"?

A. Yes.

Q. All right. So, that's the same thing?

A. Yes.

10 Q. So, that would mean you don't wear the uniform?

A. Correct.

Q. If it's a school day you don't go to class?

A. Correct.

Q. You do work duties instead of class?

15 A. Correct.

Q. And you're watched over by a prefect or staff member; correct?

A. Most of the time.

20 Q. All right. And other students are not to be socializing with you?

A. That's correct.

Q. All right. And my understanding is some of the evidence we've heard so far, is this -- was usually between three and five days; is that fair?

25 A. I would say that's fair.

Q. All right.

A. Between two and five I would say, yes.

Q. Two to five, okay.

A. I would say so, yeah.

30 Q. All right. And now you mentioned in your testimony you'd never heard of Hotel D. Were you aware that some students who were put on discipline were required to sleep

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(Ms. Merritt)

in a separate area?

A. I wasn't aware of that, no.

Q. All right. Do you remember there being an infirmary?

5 A. Yes, there was.

Q. All right. And do you remember there being an annex or a small room of the gym that had some beds in it?

A. I don't recall. I had not seen that.

10 Q. All right. Would it be fair to say that bad attitudes were not tolerated at -- at Grenville?

A. That would be fair to say, yes.

Q. All right. And did you ever supervise kids who were on discipline while you were a prefect?

A. No, I didn't.

15 Q. A more...

A. On discipline, no.

Q. Yeah, like that -- that -- that you never got chosen to do that. I think you said the kids in your dorm were pretty well behaved?

20 A. They were.

Q. All right. And I notice in -- in a lot of the pictures that we have in the yearbooks and what not, the female staff at Grenville, they all had short hair; right?

25 A. Not all. I mean I think Ms. Mayberry had shoulder length hair, if I recall. They may have had short hair, yeah.

Q. All right. Well, you got your hair cut while you were at GCC; right?

30 A. It was during the summer -- summer that I got my hair cut actually, but yes during those years I did.

Q. Well, let's look at the yearbook if we can. I'm going to show you the 1987, '88 yearbook.

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A. I do recall I had short hair.

Q. Yeah.

A. Yes.

5 Q. I'm -- I'm just wondering about the time that
-- you said it happened it the summer. This was your graduating
year...

A. It's either summer or Christmas break, one or
the other, yes.

Q. Oh okay.

10 A. It was during a break, yeah.

Q. All right. So, it may -- may not have been
the summer?

A. It may not have been, no.

15 Q. All right. And if we could just go to the
first sticky note there, it's your grad -- we don't have a page
number on. The grad pictures are alphabetical, but not pages
numbered, so if you go to the grade thirteens and go to the S's,
you see your picture there, Julie Kathleen Shirreffs '85 to '88?

A. Yes.

20 Q. Do you see yourself there?

A. Yes.

Q. All right. And that little thing, the
passage that's written there:

25 Julie -- Julie's glittering
personality shone in everything
she did. Participating in
equestrian, track and field,
yearbook. She also found time
30 to contribute her alto -- alto
voice to the choir. Julie's two
favorite activities were art and

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downhill skiing. She expects to
attend Wilfrid Laurier
University to study commerce.
We hope her future will be a
real gem.

5

That's sound like you didn't write that.

A. No, I did not.

10 Q. Okay. So -- and -- and all -- all the other
-- I mean you can take time if you want, or you can take my word
for it, all the other passages written beside the photos also
don't sound like they're written for this -- written by the
student. Somebody's writing these for the students?

A. Yes -- yes, the yearbook staff was students.

15

Q. All right.

A. So, they all did the writing. They put
together whatever would have -- appropriate for each student and
-- and wrote.

20 Q. Yeah. No jokes, no silly pictures, it was
all pretty straight up, yeah?

A. I do believe so, yes.

25 Q. All right. And if you turn over in that
yearbook to page 94 and you look at the bottom left page, those
are the names of all the students in the choir. It says -- in
the front row, third over, just so you can find yourself. Julie
Shirreffs, that's you; yes?

A. In?

Q. The front row.

A. Front row.

30

Q. Fourth girl in that's you?

A. No.

Q. Oh, all right.

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A. That's Linda Parker.

Q. Okay. Well, look down at the names. Look at the bottom left page.

5 A. It says I'm standing next to Linda Parker, but I'm...

Q. You're not?

A. No, I'm not.

Q. Which one are you?

10 A. I'm not in there actually. I don't see myself in there.

Q. Oh okay. So, maybe I don't have...

A. Normally I would have stood beside Linda Parker, so maybe that's why they have my name there.

Q. Okay.

15 A. And normally stood with Linda.

Q. Okay. But in that -- in that '87, '88 year you had your hair -- your long hair cut short; right?

A. I did have short hair, yeah.

Q. All right.

20 A. And there's probably a picture of me somewhere with short hair, but I'm not sure where. Oh was it -- oh it's above. The top picture, sorry.

Q. That's what I'm saying.

25 A. I was looking at the bottom picture. Yes, the top picture I am next to Linda, yes short hair.

Q. Okay.

A. Yes.

Q. So, the fourth girl in...

A. That is me.

30 Q. ...front row...

A. Yes.

Q. ...top picture that's you?

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A. Top picture, yes.

Q. All right. And was that hair cut done at the Majestic Hair Salon?

5 A. It would have been in -- cut in Glen Mills on -- Ontario with my mother.

Q. All right. And was there a reason you had your cut short?

A. Not -- no, there was no reason. I just -- change of style that's all it was.

10 Q. Okay.

A. Yeah.

Q. So, you didn't cry about having your hair cut?

A. No, I did not cry about it.

15 Q. All right. Somebody told me that. Maybe it was wrong.

A. Oh okay. I had my hair short before.

20 Q. Okay. In your last year at Grenville do you recall any group discussion in the blue lounge with Father Farnsworth?

A. Blue lounge with the -- I'm sorry I'm not...

Q. It's a blue room.

A. I'm not familiar with the term.

Q. Off the girl's dorm.

25 A. Oh, the -- oh okay the blue lounge. I -- I never called it that, but I'm -- Father Farnsworth was never in the girl's dorm that I'm aware of.

30 Q. So, you don't recall every being brought down there for a meeting with Father Farnsworth and all the girls from the dorm in your pajamas and bathrobes?

A. No, I'm sorry I don't recall that.

Q. All right. Do you -- do you recall being

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told not to flaunt it?

A. I was not told that, no.

Q. Oh, okay, because your lawyer -- or not your lawyer, but the lawyer for the defence gave me a will say statement from you and I'm just going to read what they said. Do you have a copy of the will say? I seemed to have put it aside here? Oh, yeah sorry I've got it here. This is the statement the lawyer's gave me about your anticipated evidence that you were told on occasion not to flaunt it.

10 A. I don't recall that exact term.

Q. Something like that?

A. As far as rules not enticing boys maybe, yes.

Q. Okay.

15 A. Yes, but flaunting it I'm not sure what that...

Q. All right. Well, it's the same idea, its fine. Were -- were you there when Father Farnsworth played the video Geraldo Rivera's video on Satanic Worship? Did you see that video?

20 A. I don't recall seeing that video.

Q. Do you remember any use of the word "cold-grits"?

A. No.

25 Q. All right. So, were you in the chapel the time the girls were brought in and Father Farnsworth said they'd been running in the morning and he talked about them being cold grits and having to warm them up?

A. I don't recall that, no. Sorry I don't recall that.

30 Q. You weren't there?

A. If I -- if I was there I would recall that.

Q. All right. So, you don't recall any

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discussion about girl's having broken the rules and it being about bad attitudes?

A. Not in that instance, no.

5 Q. And you don't remember a day when the classes were cancelled?

A. Classes were cancelled for?

Q. This cold grits incident, these girl's had a bad attitude, they were ruining the spirit of the school and -- and the classes were cancelled?

10 A. I don't recall that incident. The only incidents I had was the group of prefects that were gathered...

Q. All right.

A. ...with their bad attitude.

Q. All right.

15 A. Yeah.

Q. You do recall Father Farnsworth talking about AIDS though?

A. No, I don't recall that, I'm sorry.

Q. Did you have to get tested for AIDS?

20 A. No, not that I'm aware of. I don't recall that.

Q. You don't recall any discussion about AIDS testing at Grenville?

A. No.

25 Q. All right. We have a lot of documents around that period of time when you were there suggesting that all students had to be tested for AIDS prior to going there.

30 A. Okay. If I was tested for it, then I wasn't even aware I was tested. My mother -- mother would have taken me to the doctor maybe, but I'm not aware of being tested for AIDS, sorry.

Q. All right. Would it be fair to say that

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Father Farnsworth talked to you about sin?

A. I would say that's fair, yes.

Q. All right. And that would happen sometimes
in chapel?

5 A. Yes, in chapel.

Q. And do you ever recall some of the sessions
going on long enough that you -- you'd miss the first class of
school?

10 A. I don't recall that. I'm sure we'd all be
happy if it was, but I don't recall that, sorry.

Q. All right. What kind of sins did Father
Farnsworth talk about?

A. I would say he spoke of sins being lying or
cheating, or breaking any rules at -- these would be sins.

15 Q. What about being haughty, H-A-U-G-H-T-Y?

A. Yes.

Q. And rebellious?

A. Yes.

Q. And having a bad attitude?

20 A. Yes.

Q. Just a moment, please. Do you recall that
there was a code of honour at Grenville that required kids to
tell on other kids who broke rules?

A. I don't recall a code of honour.

25 Q. Okay. I'm just going to read something to
you. This is from one of the documents that we've already
marked as an exhibit. There's two things actually. Firstly in
-- in -- Your Honour this is in Exhibit 1, Tab 7, page 3. Oh I
don't need her to read it, it's okay I'm just going to read it
30 to her. The document says:

Students at Grenville live by an

Judy Lowe - Cr-Ex.
(Ms. Merritt)

5 honour code, which requires them
to stand up for what is right in
their own lives and to protect
the overall environment in which
they live, by being willing to
require others to meet the same
standards and maintain the
school's spirit.

10 Would that be a fair description of how things
were?

A. Yes, that would be fair.

15 Q. All right. Thank you. And then we have as
well, this is a tape recording that Father Farnsworth made after
this lawsuit was commenced and I'm now Your Honour at Exhibit
Book 2, Tab 131, page 10. Father Farnsworth says:

20 The code of honour was, if we
had done something wrong we
should go in and report
ourselves. If someone else knew
that somebody had done something
wrong, they would go to the
25 person and say you know you've
done wrong, it hurt the spirit
of the school, or it could be
dangerous, or hurt somebody
else's property, or something.
30 We would tell that person to go
report themselves to the dean or
the head master, or someone. If
they did not do that that second

M. Bergeron - in-Ch.
(Mr. Boghosian)

5 person would go back to them and
say, I will go with you and we
will report this, and if they
did not it -- just like we would
do in any family with a brother.
If my brother had stolen money
from my mother or father, I
would tell him to go and put it
back and confess. If not I
10 would go with him to confess.
If not -- sorry, if not that
then I would have to go tell on
him in order to keep the pay --
keep order in the place.

15

Is that a fair description of how things were at
Grenville?

A. That's alls fair. That's just like my own
family, yes...

20

Q. All right.

A. ...that sounds fair.

MS. MERRITT: Thank you. Those are all my
questions.

THE COURT: Re-examination?

25

MR. READ-ELLIS: No, Your Honour.

MARC BERGERON: SWORN

EXAMINATION IN-CHIEF BY MR. BOGHOSIAN:

30

Q. Marc what is your age?

A. I'm 47.

Q. All right. And what's your date of birth?

M. Bergeron - in-Ch.
(Mr. Boghosian)

A. October 13th, 1971.

Q. Are you married?

A. I am.

Q. And do you have children?

5 A. I have three children, Isabel who's 15, Lucas
who will turn 13 tomorrow and Zoey who's 9.

Q. What is your current occupation?

A. I am a high school teacher in Digital
Animation and Social Science at North Grenville District High
10 School with the Upper Canada District School Board.

Q. Okay. If -- if I can ask you to come a
little closer...

A. Sure.

Q. ...to the microphone.

15 A. Of course.

REPORTER'S NOTE: Loud banging sounds drowning
out the testimony

20 MARC BERGERON: I work at North Grenville
District High School.

REPORTER: I'm sorry but I'm not hearing you.

MARC BERGERON: North Grenville District High
School with the Upper Canada District School
25 Board.

MR. BOGHOSIAN: Q. And how long have you been a
high school teacher with the Upper Canada School Board?

A. Most of my career. This is my 20th year with
them and my 22nd.

30 Q. Okay. And I understand that Beth Gilles
Granger also worked for the same Board as you?

A. She does, I believe.

M. Bergeron - in-Ch.
(Mr. Boghosian)

Q. And I understand that you've had some collaboration with her on projects?

5 A. I have worked with her on a -- on digitizing -- creating a video scene of Shakespeare for elementary students, yes.

Q. Okay. And how is your relationship with her while -- while you're collaborating on this project?

A. Cordial. She came to my home. We worked on it together one weekend.

10 Q. Okay. And what post-secondary education do you have?

A. I did a year at military college in engineering. I then took a year off and did some night school, all year one University. I went to Carleton University for four
15 years and received a major in history and political science. I then went to Great Britain and completed my degree in education at Exeter University. And I've since then I've taken a number of different courses, principle qualification and alike.

20 Q. Okay. And why did you chose Royal Military College as the first place that you went in your university career?

A. Royal Roads in particular, which has since become, I think private in Victoria, B.C. was the alma mater of my father and I was aware of a lot of pressure, a lot
25 self-imposed to take over a family business that I would have been a third generation later of. So, I -- I felt a -- it seemed a destiny.

Q. Okay. And you said your father went to Royal Roads...

30 A. He did.

Q. ...Academy in -- it's in Victoria?

A. Yes.

M. Bergeron - in-Ch.
(Mr. Boghosian)

Q. Okay. And you didn't complete the -- the -- the program there, you...

A. I did not. I -- I enjoyed aspects in Ontario life, but engineering was not a draw. So, when I asked to transfer out of engineering they were not able to offer me programs, because they were filled and so I left.

Q. You attended Grenville Christian College?

A. I did.

Q. What years did you attend there?

A. '87, '88, '89, leaving in the Spring of '90.

Q. Okay. And what grades did that cover?

A. Grade 11, 12 and 13.

Q. And do you remember what ages you were during those years? We can do the math I guess.

A. I think I arrive when I'm 16.

Q. So, 16, 17, 18?

A. Yes.

Q. And do you -- why -- why did your parents send you to Grenville, if you know?

A. The -- the public systems in which I had gone through school in Cornwall were not conducive to my growth. By the end of grade 10 I had failed a number of courses. I think I had -- I might have had a failing average, certainly in mathematics. I was not thriving socially. I was not engaged in sports and I was very -- very much aware of the large shadow of my sister and her success in front of me. So, in my grade 10 summer my parents told me that they were going to be taking me out of the system and moving to a boarding school. They offered me a chance to go to (Indecipherable) boarding school, which is just on the Quebec side of the border, or to go westward from Cornwall to GCC.

Q. And?

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A. And I went to both. I toured the campuses. I was -- I'd become stronger in English than I was in French and I -- I found the greeting that I had at GCC, Julia Case in particular to be very kind and I felt welcomed there.

5 Q. Okay. And was French or English the first language in your home as you -- when you were growing up?

A. Yes, it depends who I was speaking to. My father is far more of a francophone. I attended full French schools until I left for GCC. However, the -- the -- the mother
10 tongue as it were, my mother's language was English and -- and so I say the household was about 60 percent English.

Q. Okay. And how did you do academically at Grenville over those three years, grade 11, 12 and 13?

A. Much better than I had in a sense that I --
15 I'm not sure I was tracking to necessarily graduate at the time in grade 9 and 10. I passed all my courses. I still struggle with calculus. I redid the course to try and improve my grade, but much better.

Q. And I understand that you were on the
20 headmaster's list at Grenville in grades 11, 12 and 13?

A. Yes.

Q. And if we look at -- we don't have to refer
to Your Honour reading from Exhibit 2, Tab 79, the headmaster's list published annually has been established to recognize
25 significant contribution to the total program at Grenville Christian College, selection criteria include academic record, leadership role in school activities, character and citizenship. That -- was that your understanding of why you received that
award?

A. It was the understanding and post. I was not
30 aware of the criteria set out ahead of time, but once it had been given then yes it was explained.

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Q. You were recognized for exceptional service. You won exceptional service awards in your grade 11 and 12 years?

A. Yes.

5 Q. And what was that award given to signify?

A. Presumably because I had -- I had done well to help around the school. I -- to -- to have been a good person.

10 Q. And on your graduation in June 1990, I understand that you won a -- the George Munroe Citizenship prize?

A. Yes.

Q. And what was that award bestowed for?

15 A. I believe it's -- the fact I was citizen of the year award. So, for -- for much of the same I supposed for -- for modelling student conduct, both academic and extra-curricular.

20 Q. Your Honour, I hope you don't mind, I'm -- I'm trying the interest of time desperately hoping that we don't have to bring Mr. Bergeron back from Brock -- Cornwall.

THE COURT: There's no objection, I assume. All of this is not contentious and entitled to lead on non-contentious materials, so that's fine.

25 MR. BOGHOSIAN: Q. I understand that you were active in sports while you were at Grenville throughout the three years you were there?

A. I was.

30 Q. And I understand from reading the material that we have in the record and a couple of things that have been put in the record, that you were involved in soccer?

A. A little. I was a poor soccer player.

Q. Did you participate on the cross-country ski

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team at Grenville?

A. I did. I took a lot of joy learning to cross-country ski. I appeared to pick up the skill quickly and excelled at it.

5 Q. And there's a couple of write ups in the Grenville Christian News from the day about your successes in cross-country skiing?

A. Yes, there were.

10 Q. I also understand that you did cross-country...

A. Cross-country running, yes.

Q. And I read in one of the Grenville newspapers that you placed third at one particular track meet in the 2,000 meter steeple chase?

15 A. I think in my last year I was asked to help fill in for numbers for -- for track and field. It wasn't a natural sport for me. I normally did things like musicals, so I did run a steeple chase and did all right at a -- a local level.

20 Q. Mm-hmm. And cycling, were you involved in cycling at Grenville?

A. I was. I was selected to participate in a cross Canada relay tour, which was a joint fundraiser for juvenile diabetes and for school infrastructure projects. And that was a grade 12 selection that required me to train extensively that summer and to participate in training activities, including White Face Mountain the following year.

Q. White Face Mountain in Lake Placid?

A. Lake Placid.

30 Q. And so you trained. Did you have to train more during the -- the school year -- the grade 13 school year?

A. They definitely took us all out for extensive rides, but it was --so yes. Yes, it was a long -- a long term

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project to plan for.

Q. And the actual relay itself was that over the summer after your grade 13 year?

5 A. It was the summer after -- after graduation. Shortly after graduation we all flew out to Victoria and dipped our wheels in the Pacific and then started riding. My tour finished in Winnipeg, because I was off to basic officer training.

10 Q. So, you -- you made it as far as Winnipeg and the rest of the group continued to St. John's, Newfoundland I understand?

A. Correct, yeah -- yes.

Q. And how many in the group were there when -- when it started in Victoria?

15 A. 16 maybe, 8 and 8 maybe, 14.

Q. Eight -- eight females and eight men?

A. Yes.

20 Q. Okay. I understand that you were in drama for a couple of years. You were there in -- in the production of Macedo?

A. Yes.

Q. In the production of Pirates of Penzance?

A. Yes.

25 Q. And you were in the Chorus in both those years?

A. I was a chorus member for both, yes.

Q. I understand you were in the choir for one year?

A. Yes.

30 Q. Do you remem -- recall which year?

A. No.

Q. You were on the debating team?

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A. All three years.

Q. Okay. And there's some reference in the --
in the material to a debate that took place, that -- that's
referred to as the Bergeron -- Lake Bergeron...

5 A. The...

Q. ...Solution?

A. ...the Bergeron Lake Accord was a public
speaking event that was separate from the debating team. The
debating had regularly travelled to various other private
10 schools around Ontario, Upper Canada College, Appleby, Trinity
College and the like. The Bergeron Lake Accord was a public
speaking exercise where I -- I produced a -- I was a student
look at the Meech Lake Accord from the perspective of a Franco
Ontarian.

15 Q. Okay. So, there's the debating team and you
also engaged in public speaking, which was separate and apart
from...

A. Yes.

20 Q. ...the debating team? I understand you
attended a science fair in your grade 13 year where you did a
physics project?

A. That's possible, I don't remember that.

MR. BOGHOSIAN: Your Honour, I -- there's a
couple of documents I want to file. I don't want
25 to take a lot of time going through them. They
were not in Exhibits 1 and 2. They're from --
both of them are from the plaintiff's affidavit
of documents. One is the Grenville College news
for June 1990 and the other is a document called
30 "Epilogue 1990." With your permission I'd like
those filed and marked as an exhibit, or...

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EXHIBIT NUMBER 45: Grenville College news June
1990 - produced and marked

EXHIBIT NUMBER 46: Epilogue 1990 - produced and
marked

5

10

MR. BOGHOSIAN: Q. On page -- I'm not going to
have you read it, but page 8 of Exhibit 45, which is -- is this
an discussion of the cross Canada bike tour that you and other
classmates at Grenville did?

A. There were two of them, but yes this looks
like the -- this was the one we were on, yes.

Q. I also understand that you were a member of
the French Club at Grenville?

15

A. Yes.

Q. Okay. Now, I'd like you to tell us about
your general impression of the atmosphere among the student body
at Grenville during the three school years that you were there.
You were a boarding student; right?

20

A. I was.

Q. You know what, I -- I got slightly ahead of
myself. I wanted to ask you this. You -- you were a prefect I
understand in your grade 13 year?

A. Yes.

25

Q. Tell us -- tell us the process that led to --
to be a prefect.

30

A. It -- well, the process of becoming a prefect
is usually two -- twofold, where you are -- you become a student
leader, sort of junior prefect and then as deans and others
decide, you become -- you're awarded a prefect pin, which is
effectively a floor leader in the dormitory, so the senior
student leader. From my experience I was given a leader pin at

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5 the end of Grade 11. This was -- this was a -- it was big for me, in the sense that I -- I -- I could not think of too many major accomplishments prior to that. I was very proud of it. I was proud that I could -- get to take it home and show my folks that their investment in me was worthwhile.

10 I returned in Grade 12, very eager to please and -- and I found myself stagnated there, because I -- I wasn't actually made a prefect that year whatsoever, which is very frustrating for me. I could not understand why and it was at the beginning of the Grade 12 year that a friend of mine, Dan Balles, whose -- who is a staff kid, we were playing basketball and I asked him, as I often did what the problem was and why I wasn't becoming a prefect. And he threw the ball down in frustration and said do you care at all? And I thought that
15 was...

Q. Sorry I didn't hear that.

A. Do you care at all?

Q. Okay.

20 A. And I think what Dan was trying to tell me was that I had become more fixated on rules and people. And so I went to Don that night and just stopped trying to become a prefect and just tried to be -- and just to be helpful, just to -- just to lead in the capacities that I could. And a few weeks later there was an announcement at lunch, which I'd previously
25 had become very excited to hear my name called and never did. And then -- and then some time in there they said we're award a prefect today, and inside I said, yeah it's me this time and now I get it, because I kind of lost sight of the more important aspects.

30 Q. And what is that you think you got that led you to be named a prefect?

A. That the first priority was to take care of

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people.

Q. And then what does that mean in -- in practical terms?

5 A. Well, there's a set of rules, stringent rules within dorm life that you have to get to learn and then there's the intangibles. There's -- there's X factors. There's -- I was a soccer referee and I called spirit of the law versus letter of the law. And to make -- to make trying to help people -- to -- to make people get to where they need to be, to help 10 them achieve what they need to achieve if they're falling behind, if the need reminders, and to make it about helping them, not about winning points.

Q. Okay. And what were your roles and responsibilities as a prefect?

15 A. They varied. Overwhelming I felt being a prefect was an expectation to be a role model, an ideal student, and that involved academic performance, not necessary results, but certainly efforts, and social aspect and in particular the dorm. That the dorm as more -- far more the realm of the 20 prefect than anything else.

Q. Okay.

A. That would have entailed making sure that lights were on on time, that the rooms got cleaned, that people were out of bed, that they were -- that they were ready to go in 25 the day's uniform, that they were outside at the circle for -- for national anthem in the morning, making sure that the school day unfolded as regularly as possible.

Q. Okay. And did you ever administer discipline of any kind, whether big D or little D?

30 A. Well, certainly bid D as you frame it was well beyond my pay grade as it were. That's not something that I could possibly have done. And so in terms of little D if

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there were students in the dorm who were persistently misbehaving, disturbing other people, there were -- there were six to a room, at closed quarters, so if two people are talking then four people aren't sleeping. So, part of dorm life was to try and make sure that everybody could have the opportunity of rest if they want it and -- and the ability to live in a -- in a clean environment.

5

Q. Okay. Well, are you talking about after lights out...

10

A. Yeah, mainly lights...

Q. ...that they'd be talking?

15

A. ...so there would have been -- in grade 11 I was -- in grade 11 I had some student leaders who came in and I was talking after hours and they made me do push ups. In grade 11 -- when I became a leader in grade 12, I -- I ask students to do things that I wasn't very happy about when I reflect on them now. I'm not -- I don't -- I think they were vicious and more than they needed to be, you know scrubbing showers for example. I may have asked students to do push ups, but at the end day it wasn't -- it wasn't a role where I had, you know for grade 12 to ask another grade 12 to do push ups doesn't happen. That's not a -- that's not a dynamic. It's -- most of what I did was just gentle reminders of what had to be done.

20

Q. Okay. And would there ever be a time that you would report behaviour of students in your charge up to the deans?

25

A. Yes.

Q. And what -- what circumstances would that be?

30

A. Normally whenever my tools of persuasion and charisma, which failed. If my reminders -- as soon as someone was just not responding to anything that I might say, then the natural tool was to go to the next level of intervention, which

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was to inform a dean that a student wasn't doing what they were supposed to be doing. Be that up on time, or repeatedly leaving a mess, or talking after hours, or -- okay, whatever.

5 Q. And were there regular meetings of the prefects with the deans?

A. I believe every two weeks or so.

Q. Okay. And what would be discussed at those meetings?

10 A. Oh those would be an opportunity for prefects and leaders to discuss with the deans issues mainly of dorm life, of particularly trying situations, or -- or frustrations in maybe our own developing leadership. We would say like this isn't working and -- and the deans might suggest, well what about this, or they'd say thank you we'll be, you know that's
15 it. That's not on you we'll take care of this from then. It was also sometimes a time to address each other, because guys didn't always get along. And so that's -- it was a good forum for us to talk about how one had been snide or whatever.

20 Q. Okay. Now, how would you describe the general atmosphere among the student body at Grenville during the time that you were there?

A. The atmosphere was intense, to be sure. I find -- I find it difficult to answer the word "atmosphere". It's a broad term.

25 Q. All right. Well, let me address some specifics. There's been evidence given by some of your fellow students that they were in a constant state of fear and anxiety and I'm asking what commentary you have on that.

MS. MERRITT: I think that's leading...

30 MR. BOGHOSIAN: It's not leading. I'm putting a proposition.

MR. BOGHOSIAN: Q. Well, did you live in a

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constant state of fear while you were at Grenville?

A. No.

Q. Did you have the sense that those around you were living in a state of fear at Grenville?

5 A. I think a few were definitely quite anxious. I think a few of them did not do well in the Grenville atmosphere at all.

Q. And what would you say about the majority of students?

10 A. We -- we got along. I remember laughing a lot with a lot of my peers. I had some wonderful laughter and as you -- as you -- as I explained earlier with some of the activities that I was involved in I made some very deep friendships. So, in that respect the -- the atmosphere was good
15 within the frame work that was provided for us. I think the atmosphere was not good for those who decided to not exist within that frame work.

Q. Okay. Did you personally want to go back to Grenville after the end of each school year?

20 A. In particular at the end of Grade 12, when my parents pulled me out Grade 10 and sent me there, I was feeling a great deal of guilt, because of the money that they invested. But at the end of Grade 12 there were things I wanted to finish, including a cross Canada cycling tour. There were -- there were
25 things I still thought I had to learn and experiences that I was enjoying and I wrote to them and asked if it would be possible to return for a Grade 13 year.

Q. And they -- they agreed I take it?

A. They did.

30 Q. Okay. There's been evidence at this trial that there was a culture of tattling or ratting out students by other students that was encouraged by the administration. What

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do you have to say about that?

5 A. I think when you exist in a hierarchy and -- and Grenville certainly had that. When you have leaders and prefects, and junior deans and senior deans and head masters that when you are charged with that and there's something that you can't handle, you push it up the ladder. I'm not sure I would characterize my role there, as those words you used.

Q. Okay. And...

10 ...Discussions recorded but no transcribed.

MR. BOGHOSIAN: Q. Your -- your last answer was that talking about your role as a prefect when you're talking about pushing up the ladder?

15 A. Yes.

Q. I'm talking about students who weren't in any leadership position. I'm just talking the general student body. Was there a culture of tattling or ratting out that was...

20 A. I -- I -- I would not have described the culture of tattling or rattling -- or ratting out, especially by people who were not leaders or prefects, no.

Q. What were the staff like at Grenville?

A. The staff?

Q. Yes.

25 A. A mixed bag. By in large, even overwhelming the staff there were very caring and considerate to me. Oh and of -- and of a wide range of competencies in terms of their subject disciplines. I -- I worked with, you know Dale Hamilton and Ms. Felling. They were excellent. I also had a history
30 teacher who was a Community of Jesus nun that I would not have called a regular scholar, but they were always kind to me.

Q. And were they generally kind to all of the

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students?

A. Yes.

5 Q. Okay. Now, there's been a lot of -- well, let me not ask it in -- in a way that might be complained about as leading. Was Charles Farnsworth a tyrant?

A. A tyrant?

Q. Yeah.

10 A. I think he's a highly charismatic imposing authoritative figure.

Q. Okay.

A. I would grant that, but I -- I don't know if the word "tyrant" would be right.

Q. All right. Was he scary?

A. Not to me.

15 Q. Did you get the sense that he was scary to most of the students around you?

A. I think he -- I think he's the head master of the private school and he had the ability to intimidate, yes.

20 Q. Did -- did you ever observe him acting in -- in a way that you would describe as creepy?

A. No.

Q. Let's talk about what were the rules or the main rules at Grenville when you were there?

25 A. That's a -- that's a large topic. There -- there were lots of rules, including light -- I mean there's --there's dorm life rules, so lights on at 6:30 as I recall and everyone out by five to seven. There was fairly strict scheduling in terms of when things should take place. There were rules such as having to stand up when a staff member or a girl came to the table in the dining room as a -- as a -- as a nod or some kind of acknowledgment. They're -- there were -- and you had to be in class on time. Any rules that I would -- I

30

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would say are still fairly common in my industry.

Q. How were the rules enforced?

5 A. I think the first level of intervention would have been reminders. You know the average classroom had its share of paper airplanes and messages, or students talking, or whatnot and so the first level of intervention would have been just please stop that, or whatever else. There is a means to remove students from class if they were being highly disruptive. There was a high school office. There's a principal to deal
10 with things academic, behaviour or otherwise. There was running in the morning if you were -- if you were frequently late for example at getting out of bed, or at getting out of the dorm, or if you were -- if your room was continuously messy, it's possible that the dean would assign you running in the morning
15 at 5:30 or something like that.

Q. And did you ever have to run in the morning?

A. I did.

Q. Okay.

20 A. Why, I think only -- only a few times in grade 11 before I got the message to wake up.

Q. Okay. And was it your sense that there was a policy of progressive discipline at Grenville?

A. Yes.

25 Q. Okay. And was it similar to the kind of progressive discipline that you see in your school board today?

30 A. There -- there are absolutely conditions that were nothing like the modern education system of the Ministry of Education for Ontario. There's no -- I wouldn't say they were alike, in a sense that they -- there was a -- what be called a pyramid on intervention. We still absolutely have those. However, what those interventions are, give a recording to student need and also modern understandings and values.

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Q. All right. Now, did you ever -- was Andrew Hale-Byrne at the school when you were at the school?

A. He was, he was my roommate. I was his room leader.

5 Q. Okay. And were you in the same or year?

A. I think so, or he was maybe a year younger.

Q. All right.

A. It reflective appears.

10 Q. And did you ever see Andrew Hale-Byrne cutting grass with scissors?

A. I did not see Andrew Hale-Byrne cutting grass with scissors, no.

Q. Did you ever see anybody cutting grass with scissors?

15 A. No. There were activities where we might have had, you know for example if were assigned a team to clean a particular area on a Saturday and there hadn't happen to be a vacuum around, because it was being used elsewhere, the ten people might quickly be asked to quickly just use their fingers
20 to clean up little bits of confetti, or whatever else, but that was collective.

Q. Did you ever see Mr. Hale-Byrne pulling rocks out of the ground?

A. I did not.

25 Q. With his bare hands?

A. No.

Q. On a cold winter day? Mr. Hale-Byrne talks about a episode involving you. All right. We're -- at a chapel assembly...

30 A. I know the event you're speaking of.

Q. I beg your pardon?

A. I think I know the event you're speaking of.

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Q. But Her Honour doesn't, so I have to ask the question.

A. Okay.

5 Q. Was there -- was there -- were you at a chapel assembly at which Mr. Hale-Byrne would have also been in attendance where you claimed to be possessed or infected by the devil and were sick to your stomach, and Father Farnsworth performed an exorcism on you to cast out the demons? Did that happen?

10 A. I think that's a little bit of mischaracterization of that event and even a reversal of the order of things. I remember Andrew there, but that said there were a bunch of people in that room. I know Kevin Gordon was in there with me, who's another classmate. There's no question
15 that that -- that night when we went to the chapel, we were asked to go to the chapel. I wasn't sure why. We got in there and there was -- there were prayers to sort of rid ourselves of evil, as it were and there's no question that I had some type of physiological effect. I remember Kevin telling me afterwards
20 that he saw my whole back break out in sweat and I -- I was -- I was definitely faint and fell down.

Q. Mm-hmm.

A. And it was -- it freaked me out frankly. It was not -- it was a really uncanny thing that took place. I...

25 Q. Did -- had Father Farnsworth come over and -- and direct any of his activities to you specifically at any time during that chapel session?

A. Certainly the event in question was not directed at me. When I began to feel faint and burst out in
30 sweat, I seem to remember Farnsworth coming over and saying, you know leave him, he's -- he's dealing with his demons and stuff like that, but I don't -- I was -- I was never struck on the

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head, or something like that, no. I -- I was -- so something took place. I still am at odds to explain it. I have...

Q. Wait a minute. I'm not...

A. ...looked into that.

5

Q. ...some -- sorry go ahead.

A. Well, when I got to Grenville I had an awful lot of insecurities. I was bearing a lot of guilt. I was bearing a lot of anger, a lot of resentment. I had a lot going on and I was holding onto a lot of it and I think that -- that session served for me -- and I want to be clear. I don't think a demon was cast out of me whatsoever. I think that that provided, intentionally, or not a rite of passage for me at a time when I needed to let go of a lot of things. And I think letting go of that became physiological. I have no other explanation for his...

10

15

Q. My question is, did father Farnsworth direct any of his prayers or other activities that were part of that session at your specifically that day?

20

A. After I had begun to sweat and feel faint, I think he asked the others to pray for me.

Q. And that was it?

A. Yeah, it was definitely after the fact.

25

...Discussions about scheduling

R E C E S S

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

30

MR. BOGHOSIAN: Q. Mr. Bergeron, were you ever disciplined at Grenville for looking too happy or smiling too much?

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A. No.

Q. Did you ever observe anyone else being disciplined for being -- looking too happy or smiling too much?

5 A. No, I'm aware of students who were disciplined. I rarely knew the causes of those more serious punishments. They -- they weren't necessarily public knowledge.

Q. All right. Were people in your exper -- were you ever punished for having a bad attitude...

A. No.

10 Q. ...when you hadn't broken any rule?

A. No, I was not.

Q. Are you aware of anyone else who was punished simply for having a bad attitude?

A. Yes.

15 Q. Who was that?

A. Beth Gilles comes to mind. That attitude thing is a very -- it's kind of a catch all. It's difficult to say exactly what that was, but I -- I know that there were definitely -- there were definitely comments such as your spirit is in the wrong place, or something of the kind, which I think were designed to reflect this idea that...

20 Q. Okay. Would discipline result from having a bad attitude in the case of non-staff students?

A. That last part again.

25 Q. Would discipline ensue for having a bad attitude for non-staff students? The non-staff kids.

A. I believe it could, but it was far more rare.

Q. All right. And was this discipline for attitude primarily directed at the staff kids?

30 A. I think there was a set of rules for them that was far more stringent than for the average student in attendance, so yes.

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Q. All right. Were you ever picked on arbitrarily by staff just because they personally disliked -- disliked you, or you perceived that they didn't like you?

5 A. No, certainly not outside any normal interaction that some people get along better with others, no.

Q. Okay. And did you ever observe that appearing to happen in the case of any other student?

A. Now, again not -- not insofar as it goes beyond some people who just don't get along.

10 Q. Okay. Now, was there a rule forbidding boyfriend girlfriend relationships while you were there?

A. Yes.

Q. All right. At one point -- any point did you have a girlfriend notwithstanding that?

15 A. I tried to flirt a little bit in grade 11. That didn't work out very well and it wasn't -- it was shortly after that that my room leader let me know that that wasn't how -- that relationships as they be defined in the modern and you know the average adolescent sense was not -- not something that
20 happened there, so after that no.

Q. All right. Was there ever an incident while you were there where a boy and girl who were allegedly caught having intimate activities with one another brought before the student body and identified for that?

25 A. I know there -- you caught -- you caught wind of things as teenagers and as teenagers I think there's definitely stuff that still happened away. There's definitely -- there's definitely coupling that went on. Lots of boys and girls got together. Sometimes outside of the confines of the
30 school on break. Sometimes it happened in school. That had to be done -- something -- or some -- it's pretty private by enlarge it had to be kept on a -- kept to the shadows. I know

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5 there was a shaken down at one point where something had gone wrong that there were a number of people who were stripped of their leadership, because they -- they had no acted, or -- or reported, or something of the kind. I didn't know a whole lot about that. I wasn't really included in some of the circles.

Q. Okay. So, those are prefects that you say were really called out at a public session with the student body?

10 A. That happened on occasion. I think it happened on that occasion as well. And again as for the -- the particulars, like I'm not even sure who the students in question were. It wasn't...

Q. Okay. But do you...

A. ...it wasn't something I paid attention to.

15 Q. ...do you remember any occasion on which a boy and girl who were -- were -- were stood up and accused of having intimate relations and condemned for their sins?

20 A. I remember people being stood up and -- and called out. In some cases publically shamed for things that I -- for specifics that I did not know about, but that they were definitely accused of being guilty of. I don't remember a -- a couple specifically being stood up and accused of, like in a scarlet letter way, no.

25 Q. All right. And there's a term I want to ask you about it and the term is called "light sessions". Did you when you were there ever hear that term used, first of all by any staff member?

A. I did not.

30 Q. Did you ever hear that term used by students to refer to anything while you were there?

A. Light session, no. I -- I think from -- from some of the -- the -- the news reports and the like that

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there's...

Q. I don't want you to talk about news reports.
I simply want to know what you heard...

A. No one...

5

Q. ..while you were there.

A. ...used the word "light session" to me
directly.

Q. Or did -- did you ever hear it...

A. No, not...

10

Q. ...other people saying that?

A. ...not something called a light session.

15

There would -- there were definitely -- I had a roommate who was
a staff kid, Dan Balles and he referred to something like that.
We had a session tonight, or we had a meeting tonight, but he
was usually very vague and didn't tell me anything that was
going on.

Q. Well, who -- who would be meeting in these
sessions that Dan Balles was attending and talking about?

A. Staff kids.

20

Q. Staff kids?

A. Yes.

Q. But he didn't say light sessions, he said
sessions?

A. Yeah.

25

Q. Did you ever experience anybody jumping out
of a closet, or a room as you were walking by down the hall and
pull you in to talk to you?

A. No, no more -- not outside teenagers goofing
around.

30

Q. I'm talking about staff people, or prefects,
or...

A. I never experienced or...

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Q. ...leaders.

A. ...witnessed that, no.

Q. Did you ever -- you never witnessed it
either?

5 A. No.

Q. Did you ever see anyone pulled out of bed in
the middle of the night? When -- when I say middle of the
night, between let's say midnight and 5 a.m. and taken
somewhere?

10 A. No. I would say that it was not unusual
sometimes for deans to get to the dorm late at 10, or maybe
10:30 and they would want to talk to someone, because of an
incident that they had become aware of, in which case they would
come and get the -- the student in question and then go and talk
15 to them, sometimes there, or sometimes away if it was going to
make too much noise, like the -- no, at that time of night, no.

Q. Now, did you hear Father Farnsworth use terms
like jezebels, sluts, whores, prostitutes, bitches in heat while
you were at Grenville?

20 A. Yes.

Q. Okay. In what context would you -- did you
hear those words?

A. Well, many of his sermons he would talk about
morality and to some degree his musings about the nature of
25 people. Those words were definitely part of the cannon,
uncommon, but definitely there.

Q. Did you ever hear him direct of those terms
or terms like them at any particular female student or group of
students?

30 A. I heard those terms being used, definitely
towards -- towards students or groups of students, but as to who
it was in particular was a matter of hearsay and rumour.

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Q. Okay. But...

A. But I don't -- I don't know if I can say that I -- to have heard those things and said he's talking about her, I don't -- I didn't know that I would have been...

5 Q. Okay. So, he -- he never singled out a woman or a group of women?

A. He may have been.

Q. Did he ever single out a particular woman or a group of women?

10 A. Well, he may have been, but it wasn't people that I was aware of, so it's a big cafeteria with 400 people in. I -- I suspect the people he was trying to address knew full well who they were. However, as a spectator I was unaware of specifically who he might have been talking about.

15 Q. Did Father Farnsworth identify those people that you believe he was referring to?

A. I think generally people knew. I don't -- I can't recall Farnsworth standing up saying Sally and saying you are a jezebel. I can recall sermons where he would say some of you are in a bad place right now and behaving this way. And I think it was intoned directly at people, but who they were I do not know.

Q. Okay. And were -- were there negative comments about homosexuality at Grenville?

25 A. Yes, I think homosexual -- homosexuality was understood in very eighties Christian light and that was pervasive.

Q. Okay. Were any individual students called out at a public session and accused being gay or homosexual?

30 A. I think -- I don't remember anyone being stood up and said you are evil because you are gay. I think there were a lot of sermons in which gay being an evil was

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definitely...

Q. Okay.

A. ...said and intoned.

Q. Okay.

5 A. So, I think everyone walked out of there with a very clear sense of what the head master's perceptions were with regards to homosexual conduct.

Q. Did you staff ever call any individual student gay, or fag, or anything like that?

10 A. I did not hear any staff say that. Well, they might...

Q. There were public...

A. I -- just that -- just that I think those words were -- it was the following words by the way were relatively common in and amongst teenagers that particular age. I -- I was speaking to our former students a few minutes ago that if I've used those, I mean those were wrong of me. So, I think -- I think students did use those, but I don't think it was upon necessarily instructions. It was because they were the dirty words of the period and -- and...

20 Q. And in your experience did students, teenagers of that era use those words outside of Grenville as well, or was this unique to Grenville?

A. Oh, absolutely outside of Grenville.

25 Q. Now, we've -- were there -- were there sessions where the entire student body would be gathered in the dining hall or in the chapel for a grand lecture by Father Farnsworth?

A. Frequently.

30 Q. How -- how frequently?

A. We had some type of church service that was almost always led by him six to seven times a week and the range

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of the -- the length of the sermon could sometimes be very short, or sometimes it was quite a bit longer. It depended on, I don't know his mood, his level of preparation, his -- the circumstance that he thought he was addressing. So, there was
5 -- there was some kind of a moral guidance every day to some degree. Sometimes it was quite long. Every -- every -- every two weeks or so you could count on solid half hour worth of thunder.

10 Q. Okay. And were students stood up at all of these sessions?

A. Occasionally students were stood up and shamed. I would not say always, no.

Q. And who would typically be the students who would be called out at these -- these sessions?

15 A. Well, the two that come to mind that I recall, one was Beth Gilles and the other one was Beth Bushnell. If -- if I had to say they were -- they were common as in more than once it would probably be them, but I don't think it's something that necessarily fell commonly on one student many
20 many times.

A. Okay. Are Beth Bushnell -- Bushnell and Beth Granger both staff kids?

A. They are or were.

25 Q. And what was your impression of the treatment of staff kids relative to the student population as a whole at Grenville?

A. I think -- I think they -- the staff kids experienced a -- a more intense -- a similar but more intense set of expectations, so the staff kids were part of the
30 solution. They could -- it seems to me that they could very quickly find themselves in positions of responsibility and if they were not then they would perhaps more quickly find

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themselves placed at the bottom of the pole.

5 Q. Okay. And were you ever -- did you ever experience a session there would be a group of staff meeting with a group of students to air some issue that the staff felt was pertinent to them?

A. A smaller group?

Q. Yes.

10 A. Well, I don't -- I don't remember if we discussed this earlier, but the prefects -- prefects would meet for example with deans to talk about this or that. Was that discussed earlier?

Q. It was discussed earlier. Did -- were -- were there sometimes criticisms laid by the deans on the prefects at...

15 A. Yes.

Q. ...those meetings?

A. Yeah.

20 Q. Okay. I'm not talking about the prefect meetings. I'm talking about a group of students who were not in leadership roles. Would they be called into meeting with groups of staff to deal with...

A. If there were group behavioural issues then I would think yes. I think so, yes.

25 Q. Okay. And what about one on one sessions with staff?

A. There were definitely one on one sessions with staff or a dean, or a staff member. One might pull someone aside and say what's going on, or address this or that.

30 Q. Okay. Did you experience these, sir yourself personally?

A. Whenever I needed a little nudge, yes.

Q. Okay. And would the staff person be yelling

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and screaming at you?

A. Never. I've never been yelled at by a staff member.

5 Q. All right. Did you ever hear staff yelling and -- or screaming at other students?

A. I didn't hear staff yelling and screaming at students.

Q. Ever?

A. I have no memory of anything like that.

10 Q. Did you ever experience or see or hear of anyone being paddled at the time that you were at Grenville?

A. No.

Q. When you were a prefect would you randomly on a regular basis or any basis for that matter rummage through student's belongings looking for contraband?

15

A. Nope. I would not.

Q. All right.

A. And by -- I think I would have felt -- if I thought someone had something that was really not good, for example if I thought -- if I thought someone had a pack of cigarettes and I thought something was going down I might tell the dean, but I don't actually recall every having reported something like that.

20

Q. Okay. And in your experience did the dean ever care out such random searches of all kids belongings looking randomly for contraband?

25

A. We were -- random spot searches, no. I think they had targeted searches if there were students that they suspected were -- were deviating from the norm. We also had -- we also had large scale dorm inspections sometimes, because we were all issued very standard kit and double locker or single locker where -- where we'd be told there'd be a big inspection

30

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going on where they would be able to go through and make sure that shirts -- shirts were folded and socks were rolled, and shoes were shined.

5 Q. And did you conduct those yourself as a prefect?

A. Every morning one of my responsibilities was to do a -- a 12 point check about room cleanliness, but those had nothing to do with content in lockers.

10 Q. So, you wouldn't be searching for contraband?

A. No -- no.

Q. And did you speak French when you were at Grenville, out -- outside of the French club?

A. I did join the French club.

Q. I know. Outside of the French club...

15 A. Yes.

Q. ...did you speak French?

A. Yes.

Q. On what occasions would you do so?

20 A. There were a number of French students at the school and speaking -- speaking a separate language in the hallways, or -- or at a table with -- with the student from Singapore to from the States, one from Libya and -- and two -- English was the -- was the common language to be spoken, but if I had space and time then I would definitely speak French with
25 the few people that I knew who spoke French.

Q. In the common areas of the -- of the school?

A. When opportunities provided, yes and in the dorm.

30 Q. Okay. Were there leisure activities at -- at Grenville, like trips that you could go on?

A. Yes, part of them were extensions of some of the sports teams that you'd join. We -- these are activities.

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We -- we went to a Blue Jays game. We -- let's see we went to skating on Wednesdays. We would -- actually on Wednesdays we would -- we'd usually have a Wednesday afternoon, a block of time off where we would go and do any number of different activities. There's a cottage in spring time that seniors got to go on, a senior -- senior student trip or a couple of days at the cottage, things like that.

Q. And where -- where was that?

A. At -- somewhere in the Rideau system, Sand Lake, White Fish Lake, something like that.

Q. Okay. Did you ever get to go on any Blue Jay game trips with the school?

A. Just the one.

Q. When was that?

A. Yeah, it was a live -- I happen to remember the game, because they won the pennant and I didn't like baseball till 50,000 screaming fans showed me it could be fun. I didn't know much about it until I did that.

Q. Okay. And was there -- were there ski trips that you went on other than the cross-country ski competition?

A. I don't think I downhill skied with the -- the school, but I know that they offered that, or I seem to recall they offered that.

Q. Was there something called carnival...

A. Yes.

Q. ...that happened?

A. Yeah, there was -- there was carnival, which was a little bit of an orientation, I think in the -- in September and then of course there was -- there's also Oktoberfest, which was an option and sort of a parent open house kind of thing where a lot of the kids parents came in and participate in the auction to fundraise. We had a Chinese New

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Year, which was quite a big festival as well.

Q. Was there a celebration of Chinese New Year?

A. Yeah -- yeah absolutely.

Q. All right.

5 A. It was -- it was fairly significant actually.
You know in retrospect it -- it was quite big.

Q. All right. And what sort of things went on
or that Chinese New Year celebration?

10 A. A lot of red. Usually a huge meal that would
shine, reflect Asian cuisine. A lot of -- in an attempt to
recognize that it was a substantial calendar date holiday for
the many Chinese students that were at the school, I think. It
was -- I don't want to know what the number -- no, I don't know
the number, but I'm going to guess we had 80 Chinese students in
15 the school, possibly more, so it was a significant enough
amount. Part of the population that it was recognized for them.

Q. Did you say 8-0?

A. I think. I -- I honestly don't know. I
remember almost everyone in my class as having Chinese students.

20 Q. Okay. And how many students were there in
total during your years there in -- in high school?

A. I think the high school number was in the
area of 300, maybe 350.

25 Q. Okay. And when you refer to the number of
Chinese students was that -- you were referring -- were you
referring to the high school only?

A. Yes and I really -- I have not looked at a
yearbook, this is -- I had a lot of Chinese friends, so for that
matter in my mind my number may be high, that's not -- there
30 were certainly quite a few Chinese students in the building.

Q. How would you describe your overall
experience at Grenville?

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5 A. My overall experience was overwhelming good. I -- it was good. As I -- as I said earlier I had an opportunity to not go back and I asked my parents if -- if it would be possible to send me. I -- I thought it was a place where I had a lot of opportunities to do things that I could never have done outside of that place.

Q. Okay. And -- and what are the things you think got out of being at Grenville?

A. Again.

10 Q. What are the things that you think you got out of being at Grenville?

15 A. Well, the big tick itself knowledge of course. Sort of a sense of what -- o what you're capable of doing. In -- in grade 11 I had the opportunity to -- or grade 12 I was -- I was supervising -- helping at being a maître d' and running a large cafeteria at lunch time, and -- or cooking food first thing in the morning, which is -- the intensity o the experience and -- and the unpleasant aspect of the each experience, but I also know that it -- it showed me - it showed me enormous capacity within myself and gave me a lot of self-confidence.

20 MR. BOGHOSIAN: Thank you. Those are my questions.

25 MS. MERRITT: Sorry, I just need a moment to organize my papers here.

CROSS-EXAMINATION BY MS. MERRITT:

30 Q. Mr. Bergeron, you mentioned that you teach high school with Beth Gilles?

A. Beth is part of the Upper Canada District School Board, but I believe her assignment is elementary.

Q. Oh I see.

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A. So, we collaborated on some projects.

Q. I see. But you knew Beth back in the days of Grenville and you still know her today?

A. Yes.

5 Q. And as far as you know she's an honest person?

A. Yes.

10 Q. You mentioned before lunch that you as a prefect had become more fixated on the rules than on people before your friend brought this to your attention and in the game. Can you explain a little bit about how you were fixated on the rules? What was it that you were doing?

15 A. Well, when I first arrived at Grenville they -- they provided a -- the system at Grenville provided an opportunity for me to -- when I was rewarded for having done well in grade 11, which was -- as I -- as I said earlier was a rare thing for me and I -- I really clung to that. When I got back I -- I continued doing what I had done, following rules and doing well. It had given me something to take back and show my
20 parents. And so when I got back the next year, you know following rules was good, so following more rules might be better. And so I looked for opportunities to be keen, to -- to really do well. And in terms of leadership that meant, I thought -- I thought meant became -- meant becoming increasing
25 stringent of having a -- a floor where everybody was doing exactly what I wanted them to do and doing my best to make that happen. And...

Q. Is that -- oh sorry I didn't mean to cut you off.

30 A. No, no, it's fine.

Q. Is that what you meant when you said you asked students to do things that you regret now?

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5 A. Yeah, I think -- I think asking John Miller to get out of his bed to scrub the shower was vicious of me. It's not something that -- well certainly in my modern practice you -- it's just -- it's not a dream able thing. At the time it was -- it got a little personal. He was snarky. He made -- didn't want to listen to me. He probably made a few remarks and so I decided to up the ante. I made it -- I made it personal, because he was -- I saw him as a bit of a threat to -- to my ability to -- to try and do well and that's the -- that's that realization I was kind of talking about when Dan said, like do you care?

10 Q. Okay.

15 A. What he's saying is do you care about John when you're doing that? And when I started to think like that I -- that aspect I think has still been a dominate value system for me. So...

Q. To think more about the person than the rule.

A. Yes.

20 Q. Yes. And -- and is that something you saw in other prefects as well? Is that sort of what led you there?

A. It wasn't because I necessarily saw other prefects. Although I think a lot of other prefects shared those values. Some didn't. I thought some of them were not very good at what they did, not very caring, a little bit rude.

25 Q. You mentioned in talking about some intangibles, x factors, the spirit of the law versus the letter of the law...

A. Yeah.

30 Q. ...and we've referred to that with some other witnesses as sort of the written rules and the unwritten rules.

A. Yeah.

Q. Can you give us some examples of the

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unwritten rules?

5 A. The truth I haven't thought about those in a long time. Well, for -- for example I don't think I ever saw a written rule that said -- I mean maybe they existed, but I -- I -- I just -- they kind of one on one interactions between girls and boys, that there should always be space, there should always be more girls than there are boys, there shouldn't be two and two it should be three and two, or four and three, and stuff like that. I don't -- I don't think that was anything that was
10 ever written in -- in his handbook, or perhaps at least I never read that part of the handbook.

15 Q. Okay. And you explained that putting people on Bid D meaning discipline was well beyond your -- your pay grade. I understand that it would be your job if you felt it was necessary to report that to a dean, but would it -- after they were put on D by the dean would it be part of your responsibility to supervise kids that were on D, escort them from place to place and that sort of thing?

20 A. If that happened for me it was a great rarity. Normally the student on D was removed from school culture of which I was still apart.

25 Q. I see. Okay. You mentioned that every couple of weeks there would be a meeting with the prefects and the deans and discussions of dorm life and perhaps some of the trying situations and frustrations, you know the guys didn't always get along. Can you -- can you give us some examples of the types of things that were discussed in those meetings?

30 A. Well, we've got -- we've got a check list. For example each day there'd be a -- each day there would be the list of 12 things that -- that -- whoever's doing the floor inspection would have to check off and if the -- if the -- and let's say -- let's say I'm going into another room to do this

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inspection and I find that that room is actually pretty gross, it would be for me to go and get that room leader at -- in the dining room at breakfast and say your room's a mess get your guys and go back and fix that.

5 Well, when that room leader is another prefect that's causing -- that -- that's awkward situation. And so I in those particular situations you have the option of ignoring it and hoping that the same guy gets it right the next day, or a place where you can -- where you have to have a discussion.

10 And the prefect meetings gave us an opportunity to say, you know what you gave me -- I came to get you, because the room was a mess and you gave me lip for that and that's not right. So, I mean Jed and Andrew -- Jed Dwyer and Andrew Bevington and I had -- I don't want to say we came to fist a
15 cuffs, but we had a couple of really animated discussions. I consider them good friends, but we disagreed about how to do things and so those were spaces where you could do that.

20 Q. I don't know if it was answer to this question or it was a new question about the atmosphere. You said it was intense to be sure.

A. Yeah.

Q. Can you explain how the atmosphere was intense?

25 A. Well, it -- it was a very prescriptive environment. Your day was organized from the outset until effectively the ending. And I don't remember the -- the exact entire day, but I'd say, you know 6:30 lights on. Some would get up before 6:30 to try and get a jump on the day. And then five to seven you're out and then some -- and then breakfast at
30 7:10 and then dish crew, sometimes breakfast rep and then -- and then you have maybe a church service.

And then you have your two or three classes,

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study hall, lunch which also involved putting on a bow-tie and learning about service.

5 And then classes in the afternoon followed by -- followed by a sport activity, followed by immediately to dinner, where you might have dish cred prep. You might have half an hour after that of roaming the hallways followed by going to the study hall for two hours, followed by going to comp-lin or some other service in the evening, followed by 15 minutes in the dorm, then light out, do it again.

10 So, the -- the infrastructure of the place -- the -- the setup of the place did not leave a whole lot of room to do anything outside of that particular set up. It was very reminiscent of my time in the military college frankly.

15 Q. All right. And other than the schedule being intense, was it intense in any other way?

A. I -- I don't know -- it was not -- there was a degree of intensity for me. I mean there's -- there's no question that there was a -- there were moral expectations in conduct and behaviour and I think people were aware of that. 20 And - and some far more than others. I think when I went into the school I had a very similar Christian value set. How it was being imposed in my own household might not have been the same as Grenville's more stringent aspects of that, but when I got there it was -- I kind of synched fairly well. Does that -- 25 does that make sense?

Q. Okay.

A. So, it was -- it was -- it was not very intense for me. I think for people who were coming in to a very conservative Christian culture, especially if they were coming 30 from a non-Christian background, or happened to be homosexual or otherwise that place would have been far more intense, because it would have been -- because -- because aspects of the culture

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were really hostile, but it wasn't to me.

5 Q. Thank you. That's helpful. In -- in answering questions to Mr. Boghosian you mentioned that you had not heard the term "light sessions" used by staff, but that you did have an understanding of what that was; yes?

A. Yes.

Q. All right. So, in terms of the understanding...

10 ...OBJECTION RECORDED BUT NOT TRANSCRIBED

...WITNESS EXCUSED FROM COURTROOM

...WITNESS RETURNS TO COURTROOM

15

BY MS. MERRITT: Q. So, without concerning yourself about the label "light sessions" you know what they are; yes?

20 A. I -- I know that in particular when speaking with Dan Balles he definitely told me that there were meetings that were held for staff kids where -- that were -- that could be very intense and I could tell it took a toll on him. That in which staff kids discussed staff -- staff kid expectations.

25 Q. All right. And I think you also said subsequent to being at Grenville you read some things in the newspaper that -- that had you come to understand what light sessions are from news reports or something like that?

30 A. Yeah, I -- I -- I thought there was a -- there's the CBC, or there was some breaking video documentary that came out about accusations against the college and there were -- there were talk about things like this. And I remember being contacted by a number of reporters and they were asking me

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about it and I -- I'd say what I've said to you today, which is at that particular term was never used, but I was aware that staff kids had their own series of meetings.

5 Q. All right. And I know you said you don't recall a student being stood up and singled out as being gay, but there were a lot of sermons where the message clearly was that being gay was evil and it was said in a certain tone. Do you recall ever a student being required to read passages from the bible about the evils of homosexuality?

10 A. I know students were asked to read passages from the bible. I -- I had not connected that that might have been the deliberate intent at the time.

Q. All right.

15 A. I -- I was pretty naïve in some of my understandings.

Q. All right. And you mentioned that there might have been times where you were pulled into a one on one session. Pulled aside I think you said for one on one session with staff to address this or that. And I think the words you used were when I needed a nudge. Am I to understand what you meant was you sort of needed a nudge to get in line and follow the rules?

A. Yeah, Marc why isn't your homework done, what's going on? That kind of a thing...

25 Q. All right.

A. ...which happened more than I care to talk about.

Q. Okay. We'll on then.

A. Okay.

30 Q. I got the impression from when you were talking about speaking French, you said I think, English was the common language to be spoken. You understood and -- and it was

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made clear to you that the students were supposed to speak English at the school; correct?

A. Yes.

5 Q. All right. Your -- your mom was a guest lecturer at Grenville Christian College for many years; correct?

A. I think she lectured twice.

Q. Oh was it only two times?

A. I think only twice, maybe a third time, but I'm not aware of any other.

10 Q. All right. Were you -- were you there for those or were they before or after your time?

A. Unfortunately I was there for those, yes.

Q. You said unfortunately?

A. Unfortunately.

15 Q. Why was it unfortunate, Marc?

A. Because -- because a lecture about chastity does not make you popular with the kids.

Q. Oh ha. Your mom was head of the pro-life movement for many years; correct?

20 A. Yes.

Q. And she was involved in the movement for decades in fact; yes?

A. Yeah, with I think birth right before that.

Q. All right. And is she still?

25 A. No.

Q. Oh she's deceased?

A. No, no, she's not.

Q. Oh sorry that was Julie.

30 A. But I think she's -- I think her -- her -- her vocational impulses have focused on -- on healing more than her trying to educate people about a particular way of thinking.

Q. I see. But she definitely at the time she

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coming to Grenville to give lectures was pro-abstinence; right?

A. Yes and she spoke in -- I would guess, I'm not sure, but I think over a thousand schools.

Q. Including Grenville, yeah.

5 A. Including Grenville.

Q. Yeah. So, I take it she was not really there to teach them about birth control, she was more along the lines of just don't do it; right?

10 A. I -- I don't -- I think that -- that might over simplify. I think my mother has always emphasized sexuality -- sexuality as a gift. I think it was never -- it was never a wage of the finger. It was -- it was usually driven, at least my recollection is that it was driven this idea that you -- that -- that your sexuality is an extension of your
15 own self-respect.

Q. Okay.

A. And that you are -- you are accountable for it as well, but that it was something to think of as a gift.

20 Q. Was she involved in a lawsuit against the Royal Military Academy for supplying condoms to cadets?

...OBJECTION RECORDED BUT NOT TRANSCRIBED

25 MS. MERRITT: Q. Marc, you're a teacher now; yes?

A. I am.

Q. And what subjects to you teach?

30 A. I teach a range - core History, geography and French. My main course loads in the last few years have been digital animation in the media arts, philosophy and the social sciences.

Q. I see. And to become a teacher I take you

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(Ms. Merritt)

got a Bachelor of Education degree?

A. I did my PGC at the University of Exeter and post-graduation certificate in education, which is the equivalent, I believe, of a Masters here, something like that.

5 Q. All right. And in your studies to become a teacher, I assumed you studied topics relevant to child development?

A. Yes.

10 Q. And I take your training would include more than just how to deliver the curriculum; is that fair to say?

A. Being aware of psyche-social development, Piaget, Vitoski (ph), Rogers and all alike was pretty standard.

Q. Yeah that's -- that's what I was referring to.

15 A. Yes.

Q. Thank you. And you would agree, Marc, I take it that it's very important to treat children with respect?

A. Yes.

Q. And to treat them fairly?

20 A. Yes.

Q. And it would be fair to say that punishment should not be random or arbitrary?

A. Yes.

25 Q. And discipline needs to be consistent and predictable to be effective?

30 A. If -- yeah, discipline is not using much at all. And particularly in -- in the modern public system discipline is not a tool that I think really gets done, unless you're talking about a student who's conduct becomes highly disruptive or violent unto others.

Q. There are other more constructive and positive ways of teaching children how to behave?

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(Ms. Merritt)

A. Interesting lessons, yes.

Q. Thank you. And I take you -- you would agree, Marc that telling a child that they're no good, or will amount to no good could be harmful to them?

5 A. It could be harmful to them.

Q. Yes. Or telling them that they're possessed by Satan, or that God doesn't love them, that could also be harmful?

A. It could absolutely be harmful to them.

10 Q. Or telling them that because they're gay God can't hear their prayers that could be harmful to them?

A. Yes, that could be harmful to them.

15 Q. And of course -- I'll move on. I'm just skipping over some things we've already covered, just bear with me or a moment.

R E C E S S

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

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MS. MERRITT: Q. You mentioned in your questions to Mr. Boghosian that there were these public humiliations where Father Farnsworth stood people up. Can you tell us some examples of what sorts of things people would be stood up for?

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A. I found the examples to be generally to be generic. So, I -- I haven't commit many of those to memory. When -- when Beth Bushnell was stood up I seem to remember him saying something to the effect of your spirit is wrong and you -- you need to -- you need to embrace God more. I don't
30 remember them being incredible specific things and -- and if there were specific things, I had no context for them, because those things were decisions made by, you know by -- by other

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people behind doors that were none of my concern.

Q. Okay. So, do you ever remember him talking about bad attitude?

A. Yes.

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Q. Being haughty, H-A-U-G...

A. Oh yes.

Q. ...H-T-Y?

A. Oh yes.

Q. That -- that was a big one was it?

10

A. Haughty was a big word.

Q. Okay. And rebellious?

A. Yes.

Q. And -- and sins they'd committed?

A. Yes.

15

Q. And sometimes even sins they in their mind or their spirit?

A. Yes.

Q. Not actual real sins they did, but thinking about sins I'm taking it?

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A. Yes, that might fall under attitude, yes.

Q. Attitude okay. And I take it when this happened the people that were stood up they looked uncomfortable?

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A. Oh yes, you would not want to be in the spotlight.

Q. Right. And I was just going to ask you, that was my next question. You -- you -- you watching them, I take you felt sorry for them?

30

A. On a few occasions I did. As I said I had -- I had -- I have the relations with Beth and I've lost touch with Beth Bushnell, but I was -- I considered her a friend. We had a good relationship and whenever she was called out, I did not

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know the nature of the transgression, but I did feel bad for her. It seemed -- it seemed harsh.

Q. And I'm sure you were glad it wasn't you?

A. Yes.

5 Q. And these people were being stood up as an example to the whole student body, so...

A. I think that -- I -- I don't know if they were being deliberately targeted to serve as an example, but I think they became that as well.

10 Q. Right. Thank you. And I just want to ask you a couple of questions about being put on D, capital D, discipline. I take it when students were on discipline they were not allowed to wear the school uniform; correct?

A. Correct.

15 Q. And not allowed to go to class?

A. That's right.

Q. And they did work jobs?

A. Yeah, they were assigned to duties in the kitchen.

20 Q. But it wasn't always the kitchen was it? Couldn't they be given other work jobs?

A. Oh, yeah maybe out in the yard working on the grounds or something like that.

25 Q. All right. And they were put on silence. They were not -- not to be spoken to or socialized with; fair enough?

A. Yes, absolutely. It's difficult to -- because I think it's difficult to suspend a student in a boarding school.

30 Q. So, isolating them and making it so that others didn't talk to them was sort of the equivalent of that?

A. Yes.

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Q. All right. And do you know the term "Hotel D"?

A. Now, that you -- now that you say it, yes, I'd forgotten it, but yes.

5 Q. And what -- Hotel D was where the students had to sleep that were on discipline?

A. Yeah, there were a few rooms in different wings and they were -- they're removed from the general populous.

10 Q. All right. And -- and sometimes they would have to go running at five in the morning, students on discipline?

A. They -- they might have. I wasn't -- I don't know if that was one of the expectations.

15 Q. All right. And was there any -- or were there any situations where this students were confronted about their sins while you were on that bike trip?

20 A. On the bike trip. I - I don't so, but I wasn't on the entire bike trip. So, I left in Winnipeg. So, if something broke down after that I would have no knowledge of it whatsoever.

Q. So, you don't remember any little group discussions where people were being called out for what things they had done wrong on the trip?

25 A. No more than standard fare from like a -- no more than every day activity.

Q. So, I'm -- can you just explain that a little bit more? What -- what would standard fare every day activity be?

30 A. Well -- well sixteen -- sixteen people in -- in close proximity, or even eight -- eight guys in close proximity have -- you need a certain understanding of things for

Certificate

people to get along. And so when things started to go poor you normally have to have a problem solving system. I'm trying to think of a specific example. I don't -- they were so minor that I really don't -- I don't recall anything specific. Just...

5 Q. Okay. And would it be fair to say, Marc that students who didn't follow the rules would have had a very different experience at GCC than those who did?

A. Absolutely.

10 Q. All right. And would it be fair to say that students who questioned the rules, or specifically challenged staff on the rules would not have had a good experience?

15 A. Usually yes. I challenged a -- I challenged a few idea at the school myself and they were good exchanges, but I also thought maybe I went about them differently than some other people did.

MS. MERRITT: Okay. Thank you. Those are my questions.

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Certificate

Form 2

CERTIFICATE OF TRANSCRIPTION (Subsection 5(2))
Evidence Act

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I, Octavia Cumberbatch, Certify that this document is a true and accurate transcript of the recording of Cavanaugh v. Haig, held at, Toronto, Ontario, taken from recording No.

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July 3/20

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