



Interim Practice Directive 18:

Hearing Format and Remote Participation

1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages hearing format and remote participation to support fair, timely, and orderly discipline proceedings.

2. Authority

The Discipline Tribunal operates under the Health Professions and Occupations Act (HPOA). When this practice directive mentions a section number, it refers to a section in the HPOA, unless it says otherwise.

3. Scope and application

This practice directive applies from the time the Director issues a citation through the completion of the discipline hearing.

This practice directive addresses:

- hearing format directions during case management, hearing management, and the hearing;
- requests about hearing format and remote participation;
- technology and platform requirements for participants;
- electronic hearing books, exhibits, and other hearing materials; and
- steps to address technical failures or interruptions.

The Discipline Tribunal may vary the process set out in this practice directive in a particular case.

4. Definitions

In this practice directive:

- **Electronic exhibit** means an exhibit or proposed exhibit in digital form, including a document, photograph, audio file, video file, spreadsheet, data export, or other digital record.



- **Hearing book** means a paper or electronic compilation of documents or exhibits prepared for use in a conference, application, or hearing.
- **Hybrid hearing** means a hearing, or part of a hearing, in which the Discipline Tribunal directs a combination of oral and written steps.

5. General principles

Unless the Discipline Tribunal directs otherwise, discipline hearings, hearing management conferences, and case management conferences will proceed remotely.

The Discipline Tribunal may direct different formats for different parts of a proceeding, including different directions for:

- conferences;
- pre-hearing applications;
- witness evidence;
- legal submissions; and
- how hearing format may affect public access.

A party or participant who becomes aware of an issue that may affect hearing format, remote participation, technology or platform requirements, or electronic hearing materials must raise the issue as soon as practicable.

6. Deciding hearing format

6.1 When hearing format may be decided or changed

Before the Consent Resolution Deadline (CRD), the Director gives directions about hearing format during case management.

The Discipline Tribunal may change hearing format if it is necessary to support procedural fairness or the fair, timely, and orderly conduct of the proceeding.

6.2 Factors the Discipline Tribunal may consider

In deciding hearing format, the Director, hearing chair, or discipline panel may consider:

- the nature of the issues to be decided, including whether live evidence is required;
- any relevant accessibility, accommodation or interpretation needs;



- any protection order, identity protection order, confidentiality order, or issue relating to protected information;
- the need for public access consistent with the HPOA and any applicable order;
- the likely effect of the proposed format on fairness, timeliness, cost, orderly conduct, hearing dates, and time estimates; and
- any prior directions made in the case.

6.3 Requests for a format direction or change

A party who seeks a direction about hearing format or a change to an existing format direction must use the process set out in:

- Practice Directive 12: Case Management Process, if the request is made before the CRD;
- Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications, if the request is made after the CRD and before the hearing begins; or
- directions of the discipline panel, if the request is made during the hearing.

In addition to any requirements in those practice directives, a request about hearing format must state:

- the format requested;
- whether the request applies to the whole hearing or only part of it;
- the reasons for the request;
- the other party's position, or efforts made to obtain that position;
- any effect on hearing dates, witness scheduling, public access, or hearing length; and
- any relevant accessibility, accommodation, or interpretation needs (see Practice Directive 3: Accessibility and Accommodations for more details).

7. Remote participation requirements

7.1 General requirements

A person who attends remotely must:

- use the platform and connection method directed by the Discipline Tribunal;



- join using their real name, unless the Discipline Tribunal directs another identifier for privacy, confidentiality, or protection reasons;
- attend from a location that is reasonably quiet, private, and free from avoidable interruption;
- use equipment and an internet connection that are reasonably capable of supporting participation;
- remain reachable during scheduled hearing times; and
- follow any directions about participation, including camera use, microphone muting, screensharing, messaging functions, waiting rooms, controlled admission, and security, privacy, confidentiality, or access restrictions.

The Discipline Tribunal may require a participant to:

- attend a test session before the hearing;
- log in early on a hearing day;
- use headphones or other equipment;
- relocate to another setting;
- use a backup connection method; or
- comply with any other direction the Discipline Tribunal considers necessary to support fair and orderly participation.

8. Hearing books and electronic exhibits

8.1 General requirements

Parties must comply with Practice Directive 1: Filing and Service for file format requirements. Parties must also comply with any case management direction, hearing management order or direction, or direction of the hearing chair or discipline panel about hearing books, exhibit numbering, exhibit lists, and other hearing materials.

8.2 What hearing materials must include

Unless the Discipline Tribunal directs otherwise, a hearing book must include:

- an index;
- consecutive page numbers;



- tabs, bookmarks, hyperlinks, or another clear navigational structure, where practicable; and
- for each item, a description in the index that identifies the item by title and date, where available, and by version if more than one version exists.

A party filing electronic exhibits must:

- identify each exhibit clearly and consistently;
- avoid duplicate filing where a document has already been filed, unless the Discipline Tribunal directs otherwise;
- identify any confidentiality label that applies;
- file audio or video evidence in a compatible format and identify the relevant clip, time stamp, or segment relied on; and
- identify each recording and transcript in the hearing book index or exhibit list, as applicable, and provide any transcript, extract, description, or playback information reasonably needed to use the exhibit efficiently.

8.3 Joint materials and working copies

The Discipline Tribunal may direct the parties to prepare:

- a joint hearing book;
- an agreed exhibit list;
- a book of authorities;
- a book with extractions for a witness or issue; or
- another working document that supports efficient hearing management.

The parties must cooperate to reduce unnecessary duplication and to identify agreed materials wherever reasonably practicable.

8.4 Non-standard or physical evidence

A party who intends to rely on physical evidence, oversized documents, or electronic evidence that may require special handling must raise that issue as early as practicable.

The Discipline Tribunal may give directions about:

- how the evidence will be filed, stored, displayed, or played;



- whether a copy, excerpt, image, or transcript may be used instead of the original during the hearing; and
- any safeguards needed to preserve fairness, privacy, or the integrity of the evidence.

9. Technical failures, interruptions, and backup directions

9.1 Immediate steps

A participant who experiences a technical problem that may affect participation must notify the Discipline Tribunal and the other parties as soon as practicable.

If a technical problem arises during a hearing, the hearing chair or discipline panel may pause the hearing, direct a participant to reconnect or use another method of participation, adjust the order of witnesses or issues, or make any other direction necessary to support a fair and orderly hearing.

If a technical problem cannot be cured promptly and an adjournment is sought or appears necessary, the discipline panel will address the adjournment under Practice Directive 13: Setting, Changing, and Adjourning Hearing Dates.

9.2 Incomplete recording or disrupted connection

A failure by the Discipline Tribunal to make a recording, an interruption in its recording, or an incomplete recording does not, by itself, invalidate the proceeding.

If an interruption or recording problem creates a fairness concern, the hearing chair or discipline panel may give directions to cure the problem, including by requiring part of the proceeding to be repeated, summarized on the record, replayed, or continued in another format.