

Guidelines for Electronic and Written Proceedings

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QAFP

This document serves as a complementary document to the [FP Canada Standards Council™ Disciplinary Rules and Procedures](#) (DRP).

Pursuant to Article 6.1 of the DRP, Discipline Hearings shall be held in-writing, unless the Hearing Panel directs otherwise.

Other hearing formats may include: in-person, teleconference, videoconference or a combination of those formats. Any request to vary the format of the hearing must be made by the deadline noted in the Notice of Hearing, in writing, to the Tribunals Clerk.

The following guidelines have been established to assist you in preparing for an upcoming hearing before the FP Canada Standards Council (the “Standards Council”) Hearing Panel:

FILING OF HEARING MATERIALS

- The parties shall deliver their submissions, and any material they intend to rely on during the hearing, to every other party and the Tribunals Clerk, at shahmeen.mazhar@fpcanada.ca.
- [When providing electronic materials](#), each document should include sequentially numbered pages.
- Documents should be provided in searchable PDF format and include “bookmarks” where possible.
- Where parties intend to rely on authorities, they should provide hyperlinks in their written submissions to any authorities that are available on the internet. Where a link is not available, a copy of the case should be provided, preferably in the form of a brief.

ELECTRONIC HEARINGS

- Hearings by videoconference will be conducted using the Zoom platform or Microsoft Teams communications platform, as determined by the Tribunals Clerk.
- Hearings by teleconference may be conducted using Zoom (audio only) or by an alternate teleconference system, as determined by the Tribunals Clerk.
- Before joining a video conference hearing on a computer, hearing participants will be required to download and install the applicable application (i.e., Zoom or Microsoft Teams application).
- All hearing participants must have access to the following for hearings conducted via videoconference:
 - Computer
 - Web Camera
 - Internet connection
 - Microphone or Telephone (you have the option to dial into the electronic hearing via a telephone, or using the microphone built into the computer)
 - A quiet private location to conduct the videoconference

- Hearing participants are encouraged to test their technology with the Tribunals Clerk prior to the hearing to avoid any delay on the day of the hearing.
- Approximately one week before the start of the hearing, participants should provide their contact information (including contact information of their witnesses) to the Tribunals Clerk.
- The Hearing Panel, the parties, and any witnesses will each be provided with a private break-out room within the communications platform used.

HEARING DECORUM

All individuals participating in electronic hearings are expected to:

- Mute computer microphones and telephone when not speaking.
- If possible, use a headset with a built-in microphone to reduce background noise.
- Refrain from speaking unless there is an objection or if a technical issue arises that needs to be addressed.
- Ensure their video camera is engaged at all times and to not step away from the camera without the permission of the Panel Chair.
- Not eat during the proceeding; glass of water is permitted.
- Not take photographs, screen shots, video or audio recordings.
- If a participant needs to record the proceeding, in lieu of note-taking or for another reason, the participant must make a request to the Panel Chair prior to the hearing.
- Log into the technology 15 minutes in advance of the hearing and return promptly from any scheduled break.
- Dress professionally for hearings conducted via videoconference.
- For hearing held by teleconference without accompanying video, identify yourselves prior to speaking.
- Contact the Tribunals Clerk at shahmeen.mazhar@fpcanada.ca as soon as possible if you experience any technical issues or disruptions on the day of the hearing.

ACCESSING HEARING DOCUMENTS

For matters heard after September 1, 2020, after the expiry of the appeal period of a completed hearing (which includes any penalty stage) as set out in Article 9 of the DRP, a request for one or more of the following documents filed in connection with a hearing may be made by e-mail to the Tribunals Clerk at shahmeen.mazhar@fpcanada.ca:

- Statements of Allegations;
- Notices of Hearing;

- Motion materials;
- Admitted Evidence (i.e., Affidavits and Exhibits) filed with the Hearing Panel;
- Admitted Expert Reports filed with the Hearing Panel;
- Notices of Withdrawal or Notice of Discontinuance;
- Decisions; and
- Written Submissions made by the parties and filed with the Hearing Panel.

Where a hearing, or a portion of the hearing, was held in-camera pursuant to Article 11 of the DRP, the documents referred to during the in-camera hearing, or portion of hearing, shall not be disclosed.

In light of Article 7 of the *Disciplinary Rules and Procedures for Examination Misconduct* (DPEM), which states that the default is that hearings are to be held in-camera, the ability to access hearing documents does not apply to matters heard exclusively pursuant to the DPEM.

Where both the DRP and DPEM apply to the matters in a hearing, the DRP shall govern the hearing.

Subject to a Hearing Panel ordering otherwise, the Tribunals Clerk will endeavor to provide the document(s) to the requesting party within fifteen (15) business days of receiving the written request. In the event of a delay beyond fifteen (15) business days, the Tribunals Clerk shall inform the requesting party and provide an anticipated timeline.

All personal and/or sensitive information (including, without limitation, financial and medical information) will be redacted from the documents requested.

There will be no fee associated with requests for electronic copies of hearing documents. With respect to requests for hard copy documents, photocopying or printing costs and other reasonable administrative fees may apply depending on the volume of the requested record and resources required for its preparation.

Please note that transcripts of hearings can be purchased from the court reporting service directly. For information regarding the service used for a particular hearing, please contact the Tribunals Clerk at shahmeen.mazhar@fpcanada.ca.

ACCESSIBILITY AND ACCOMMODATIONS

FP Canada is committed to meeting its obligations under the applicable accessibility and human rights legislation. Parties, representatives, witness and other tribunal participants are entitled to accommodation of Human Rights Code-related needs. Any person requiring an accommodation should contact the Tribunals Clerk.



Please note, this guide is not intended to replace the DRP. Please refer to Article 6 for the policies and procedures that govern FP Canada Standards Council Hearings. In the event of a conflict between this document and the DRP, the DRP governs. Please review the DRP for further information.

CONTACT DETAILS

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