



Policy Category:	Policy Title:	Policy #:
Registration	Electronic Registration Hearings	POL-R-09
Regulation   Bylaw Reference:		HPA Reference:
		Section 20
Authorization:	Date Approved:	Last Revised:
CSHBC Board	June 12, 2020	

## PURPOSE

To provide a process for conducting electronic registration hearings, subject to further directions from the Registration Committee.

## SCOPE

All applicants for registration with the College of Speech and Hearing Health Professionals of British Columbia (the “College”) who are the subject of a registration hearing, as well as their counsel, and witnesses.

## POLICY

### 1.0 OVERVIEW

A hearing panel of the Registration Committee (the “Hearing Panel”) may conduct registration hearings as part of the process by which the Registration Committee makes decisions pursuant to s. 20 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (“HPA”).

Subject to the requirements of the HPA, the College’s bylaws and procedural fairness, the Registration Committee may at its discretion, determine that a registration hearing will proceed by way of electronic hearing, including on a video conference platform.

All existing bylaws or policies regarding hearings continue to apply and are only modified insofar as is necessary to accommodate the specific guidance of this policy regarding electronic hearings.

This policy is subject to further directions provided by the Hearing Panel of the Registration Committee or the Registration Committee generally.

### 2.0 DEFINITIONS

“Electronic communication devices” include all computers, personal electronic and digital devices, and mobile, cellular and smart phones.

“Participants” means all persons participating in a hearing, including

- a) the Hearing Panel of the Registration Committee, and legal counsel for the Registration Committee, including any legal counsel appointed to fulfil the role of “public interest counsel” pursuant to Policy POL-R-08;

- b) the applicant, and their legal counsel if any;
- c) witnesses, and their legal counsel if any; and
- d) staff of the College supporting or facilitating the hearing process; and
- e) such other persons allowed by the Hearing Panel.

### **3.0 PRE- HEARING PROCESS**

The Registration Committee may provide notice that a registration hearing is to proceed by way of electronic hearing with the use of a video conferencing platform.

#### **3.1 Notice**

The Registration Committee will provide at least 21 days' notice of the electronic hearing including:

- a) the electronic communication device system requirements in order to participate in the electronic hearing;
- b) for the purposes of circulating materials, the contact information (including a physical delivery address, and an email address if available) for:
  - 1. The Hearing Panel;
  - 2. public interest counsel;
  - 3. The applicant, and their legal counsel if applicable;
  - 4. Any court reporter retained by the Registration Committee to complete a transcript of the hearing.

At least 14 days prior to the commencement of the electronic hearing, the College must provide to the Hearing Panel, by email if possible,

- a) an email address to which access instructions will be sent, and
  - b) a telephone number at which a person may be reached during the hearing,
- for each witness being called by public interest counsel, and their legal counsel, if any.

#### **3.2 Respondent Confirmation**

At least 14 days prior to the commencement of the electronic hearing, the applicant must provide to the Hearing Panel, by email if possible,

- a) an email address to which access instructions will be sent, and
  - b) a telephone number at which a person may be reached during the hearing,
- for each of
- i. the applicant,
  - ii. the applicant's legal counsel, if any; and
  - iii. any witnesses being called by the applicant, and their legal counsel, if any.

### **3.3 Material Delivery**

At least seven (7) days prior to the commencement of the electronic hearing, the applicant or their legal counsel, and the Registration Committee or public interest counsel, must deliver to the other, and to the court reporter if any, all materials that they intend to rely upon at the hearing. The materials may be delivered in electronic or in paper format, unless the court report requests materials in a specific format, but they must be page numbered and tabbed where appropriate in order to allow all Participants to locate references during the electronic hearing.

One exception to this seven (7)-day time-limit is that the applicant or their legal counsel, and public interest counsel if any, may deliver opening and closing submissions by no later than the completion of the electronic hearing.

### **3.4 Hearing Access Instructions**

One day prior to the electronic hearing, the instructions to access the video conferencing platform will be provided to the email addresses of each of the Participants.

The access details, including the link, must not be shared with anyone.

## **4.0 HEARING PROCESS**

### **4.1 General**

Participants must enter their full name and email address when accessing the video conferencing platform. Failure to do so may result in them not being granted full access to the electronic hearing.

Each participant should login to the electronic hearing individually with the exception of co-counsel, in which case just one counsel may login. This is in part to address feedback technical issues.

All participants must keep their electronic communication device on mute, except when speaking as part of the electronic hearing.

### **4.2 No recording of electronic hearing proceeding**

As with in-person oral hearings, no person except a court reporter, or absent a court reporter then the staff of the College supporting or facilitating the hearing process, may record any component of the electronic hearing. Any audio or video recording of the proceeding including screen shots or other photographs is prohibited.

### **4.3 Privacy and Confidentiality Concerns**

The Registration Committee may consider any privacy and confidentiality concerns of the any participant and provide further direction on the hearing process to address such concerns.

### **4.4 Non-attendance by the respondent**

If the applicant does not attend an electronic hearing whether due to technical issues or otherwise, the Registration Committee may at its discretion proceed with the hearing in the applicant's absence, and may, without further notice to the applicant, proceed to address the registration matter.

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#### **4.5 *Witness testimony on oath or affirmation:***

The testimony of an applicant or witness must occur on oath or affirmation, which oath or affirmation the Court Reporter or the Hearing Panel may administer electronically.

#### **4.6 *Attendance by witnesses at the hearing***

A witness who has not testified must not see or hear the testimony of earlier witnesses, with the exception of the applicant, who may observe the entire hearing.

A witness must be alone in a secure room, unless the Hearing Panel permits otherwise, with any doors closed to minimize external noise or interruptions. A witness must make all reasonable efforts to prevent interruptions or distractions during their appearance at the hearing.

A witness must sit at a desk or table that is clear, except for documents relating to the hearing.

A witness must not use a virtual background.

When giving evidence, the witness must keep their camera and microphone on at all times unless the panel instructs otherwise. The witness should position the camera so that the Hearing Panel and other participants will see the witness clearly, including the witness's face, and the witness's hands (if possible).

A witness must not communicate with anyone outside of the electronic hearing room during their appearance at the hearing.

When giving evidence, a witness must only have and refer to copies of documents or document briefs circulated to the applicant and their legal counsel, to the Registration Committee and public interest counsel, and to the court reporter, unless the Hearing Panel permits otherwise.

If requested by the Hearing Panel, a witness must show the Hearing Panel any document the witness is viewing.

If requested by the Hearing Panel, a witness must move the camera to allow the Hearing Panel to observe any part of the room where the witness is giving evidence, including the materials before the witness.

Once a witness is excused, the witness must leave the electronic hearing room, unless the witness is the applicant or otherwise a participant, or unless the panel permits otherwise.