

RULES OF PROCEDURE
OF THE DISCIPLINE COMMITTEE
OF THE COLLEGE OF NATUROPATHS OF ONTARIO
Pursuant to the *Statutory Powers Procedure Act*

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GENERAL MATTERS

RULE 1. Interpretation and Application

1.1 Interpretation of Rules

- (1) These rules apply to all Proceedings before the Discipline Committee of the College including, with all necessary modifications, to applications for reinstatement under sections 72 and 73 of the *Code*.
- (2) Proceedings shall be transparent, fair, efficient, just and timely. The Discipline Committee will adapt processes to the needs of a matter before it and to allow all participants, including the self-represented, to participate fairly and effectively. Decisions shall be made in the public interest and take particular account of the need to be accessible to all.
- (3) These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of all Proceedings on their merits, recognizing that timely disposition of all Proceedings is in the public interest.

1.2 Definitions

- (1) In these Rules, unless the context requires otherwise, words that are not defined in this Rule have the meaning defined in the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 and the *Statutory Powers Procedure Act*, R. S.O. 1990, c. 22;
- (2) In these rules, unless the context requires otherwise:

“**Act**” means *the Naturopathy Act, 2007*;

“**Business Day**” means any day that is not a Saturday, Sunday, Ontario public holiday, or another day on which the Hearings Office is closed, which includes the days between Christmas and New Years Day;

“**Chair**” means the chair of the full Discipline Committee or their designate;

“**Chief Executive Officer or CEO**” means the CEO of the College¹;

“**Code**” means the Health Professions Procedural *Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, as amended;

“**College**” means the College of Naturopaths of Ontario;

“**Discipline Committee**” means the Discipline Committee of the College;

¹ The Chief Executive Officer has been appointed by the Council of the College of Naturopaths of Ontario to oversee operations and perform the duties of the Registrar as set out and defined in section 1(1) of the *Health Professions Procedural Code*.

“Discipline Hearing” means the hearing where the Discipline Committee receives evidence and submissions on the merits of the Proceeding;

“Document” includes a sound or video recording, videotape, file, film photograph, chart, graph, map, plan, survey, book of account, an information recorded or stored by means of any device.

“Electronic” refer to a Proceeding held by telephone conference call, online videoconferencing platform or some other means of electronic communication allowing persons to hear and communicate with one another simultaneously;

“Hearing” means the process before a Panel in which the Panel receives evidence and/or submissions regarding an issue for determination in a Proceeding, including the merits of the Proceeding;

“Hearing Office” means the administrative office of the Discipline Committee, including the employee or employees of the College who are specifically assigned the duty of providing administrative assistance to the Discipline Committee, which can be contacted at hearings@collegeofnaturopaths.on.ca;

“Independent Legal Counsel” means a lawyer retained to give advice to the Discipline Committee, a Panel and/or a Presiding Officer with respect to a Proceeding;

“Member” means a member of the College who is the subject of a Proceeding before the Discipline Committee and includes a former member. “Member” may be used interchangeably with “Registrant”;

“Motion” is a request made to the Discipline Committee for direction or to make an order in a particular Proceeding;

“Motion Participant” is a Party and any person who would be affected by the order sought in a Motion;

“Notice of Hearing” means a document issued by the College under the *Code* which contains one or more allegations of professional misconduct and/or incompetence against a Registrant;

“Oral Hearing” means a Hearing in which the Parties or their representative or agents attend before the Discipline Committee in person, and includes an attendance by electronic means;

“Panel” means a panel of members of the Discipline Committee selected by the Chair of the Discipline Committee to hold a Hearing, pursuant to s. 4.2 of the *Statutory Powers Procedure Act*, or s. 38 or s. 73(2) of the *Code*;

“Particulars” means: (a) the grounds upon which any remedy or order is being sought or opposed in the Proceeding; and (b) a general statement of the alleged material facts upon which the Party relies in the Proceeding.

“Party” means (a) a person specified by the *Code* as a party to a Proceeding or Hearing; or (b) a person otherwise entitled by law to be a party to a Proceeding or Hearing;

“Presiding Officer” has the meaning set out in sub-rule 3.1(2);

“Proceeding” means a process before the Discipline Committee that commences with the referral of a matter to the Discipline Committee pursuant to the *Code*, and includes all steps in a matter before the Discipline Committee, including all Hearings on issues for determination by a Panel, including a Discipline Hearing on the merits of the referred matter;

“Registrant” means a registrant of the College who is the subject of a Proceeding before the Discipline Committee and includes a former registrant. “Registrant” may be used interchangeably with “Member”

“Representative” means a person authorized under the *Law Society Act* to represent a person in a Proceeding;

“SPPA” means the *Statutory Powers Procedure Act*, as amended;

“Vulnerable Witness” means a witness who, in the opinion of the Discipline Committee, will have difficulty testifying or will have difficulty testifying in the presence of a Party for appropriate reasons related to age, disability, illness, trauma, emotional state or similar cause of vulnerability.

1.3 Application and Waiver of the Rules

- (1) In respect of any Proceeding before it, a Panel may issue procedural directions or orders with respect to the application of the rules.
- (2) In respect of any Proceeding before it, the Discipline Committee or a Panel may at any time waive, vary the requirements of, or excuse the failure to follow any rule:
 - (a) on the consent of the Parties;
 - (b) on its own initiative, provided it first gives notice to the Parties or Motion participants and provides an opportunity for submissions to be made;
 - (c) on a Motion by a Party to the Proceedings; or
 - (d) where it is just and equitable, and/or in the public interest, to do so.
- (3) Where matters are not provided for in these rules, the practice shall be determined by analogy to them, and in a manner consistent with them and consistent with the *Regulated Health Professions Act, 1991* and/or the SPPA.
- (4) Where a Party or participant in the Proceeding is not represented by a Representative, anything these Rules permit or require a Representative to do shall be done by the Party.

1.4 Time

- (1) When counting of time under these rules or in an order or direction of a Panel,
 - (a) where there is a reference to a number of days between two events, the day the first event happens is not counted and the day the second event happens is counted;
 - (b) where a period of less than seven (7) days is prescribed, only Business Days are counted;
 - (c) when the time for doing something expires on a day that is not a Business Day, it may, be done on the next Business Day.
 - (d) when a document is delivered or filed after 4pm on a Business Day, it is considered delivered or filed on the next Business Day
- (2) The Chair or a Panel may extend or shorten any time prescribed by these rules or make an order on such terms that the Panel deems just, before or after the expiration of time.

1.5 Respectful Communication

- (1) All documents filed and all written and oral communications with the Discipline Committee and/or its Panels must be relevant to the Proceeding and respectful to all participants and to the Discipline Committee.
- (2) Failure to comply with this rule may be a relevant factor in making a costs award.

1.6 Accommodations and Language of Proceedings

- (1) Participants in Proceedings are entitled to accommodation of Human Rights *Code* protected needs. The Hearing Office must be notified of a need for accommodation as soon as possible and no less than 10 business days before a Hearing.
- (2) The Hearing shall be conducted in English, French or both English and French. The language of the Proceeding is the choice of the Registrant, subject to limits that are reasonable in the circumstances, in accordance with s. 86(4) of the *Code*. The Registrant shall notify the Hearings Office of their choice of language within 30 days following receipt of the Notice of Hearing. If no notice is received from the Registrant, the Proceeding shall be conducted in English.
- (3) A Party or witness appearing before the Panel may use an interpreter. Interpretation services will be provided by the Hearings Office at the Party's or witness's request. A Party intending to call a witness whose testimony will require interpretation must notify the Hearings Office as soon as possible and, in any event, no later than ten days before the day on which the witness will testify.

- (4) Documents provided in a language other than English or French shall be accompanied by a translation of the document into the language of the Proceeding. The translation must be prepared by a qualified translator who certifies that the translation is true and accurate to the best of the translator's skill and ability. The Party or person providing the document is responsible for the cost of its translation.

1.7 Openness and Transparency

- (1) Hearings are open to the public. The public record of the proceedings shall be made available upon request, unless restricted by the *Code* or an order of the Panel;
- (2) Upon issuance of the Decision and Reasons of a Panel of the Discipline Committee, Discipline Staff shall post all exhibits filed at the Hearing, and any other information the Panel specifies, to a dedicated page on the College's website, unless otherwise provided by the *Code* or an order of the Panel.
- (3) The public record of the Proceeding consists of the following documents:
 - (a) Notices of hearing, notices of application, statements of particulars, agreed statements of fact, joint submissions on penalty and costs, Notices of Motion, Motion Records, factums and written submissions filed with the Panel;
 - (b) all exhibits; and
 - (c) any other document(s) the Panel orders be part of the public record of the Proceeding.
- (4) Requests for access to the public record may be made to the Hearings Office. Requests for hearing transcripts shall be made to the court reporting service. The requestor is responsible for any associated costs.
- (5) Patient health records are not part of the public record of the Proceeding unless the Panel orders otherwise.
- (6) Participants shall not include the following information in documents or exhibits filed with the Panel, unless necessary to the Panel's decision or the Panel orders otherwise:
 - (a) the name of, or any information that could identify, a patient;
 - (b) patients' personal health information, unless the details are important to addressing issues in dispute;
 - (c) a patient's date of birth (unless it must be provided, in which case only the year must appear);
 - (d) the name of any person under the age of 18; and
 - (e) account numbers from banks or other financial institutions.

(7) Where any of the circumstances in subrule 1.7(8) apply, a Panel may:

- (a) restrict access to documents and exhibits;
- (b) require parties to redact personal or sensitive information from documents filed with the Discipline Committee and make the redacted (but not the original) versions part of the public record;
- (c) make an order that no one shall publish or broadcast certain information in addition to the restrictions in this rule; or
- (d) make an order that some or all of the hearing not be open to the public.

(8) An order may be made under subrule 1.7(7), where:

- (a) matters involving public security may be disclosed;
- (b) financial or personal or other matters may be disclosed that are of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- (c) a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced;
- (d) the safety of a person may be jeopardized; or
- (e) such an order is necessary to address a real and substantial risk to the fairness of the hearing, where,
 - i. reasonably available alternative measures will not mitigate the risk; and
 - ii. the benefits of the order are not outweighed by the harm it would cause to the rights and interests of the parties and the public.

(9) Where a participant files a document that includes unredacted information set out in subrule 1.6 (6), it shall not be part of the public record of the Proceeding and the participant filing it shall file a second version that does not contain the information and that shall be part of the public record of the Proceeding.

1.8 Substantial Compliance

- (1) If a Party substantively complies with a form or notice required by or under these Rules in every important way, the Party will be deemed to have met the requirements of a Rule.

- (2) No Proceeding is invalid only because of a defect or other irregularity in form.
- (3) If, however, the non-compliance is significant and has an impact on the fairness of the proceeding, a Party may seek an order directing the Party to comply with the Rule.

1.9 Power to Control its Own Process

- (1) Despite anything in these Rules, the Discipline Committee may make any order or direction that is just or necessary to control its process. In making such an order the Discipline Committee shall consider the public interest, the interests of participants and the registrant's right to make full answer and defence, the importance and complexity of the issues in dispute, proportionality, the timeliness of any request.
- (2) The Discipline Committee may decide the procedure for anything not covered by these rules.
- (3) A Panel may exercise any of its powers under these rules on its own initiative or at the request of a Party.

1.10 Practice Directions and Forms

- (1) The Discipline Committee may issue Practice Directions to support and supplement the Rules, to assist Parties and Participants. The Rules are intended to be read with reference to any published Practice Directions.
- (2) The Discipline Committee may issue Forms for documents referred to in these Rules or commonly used in connection with Proceedings. Where Forms have been issued and published on the Hearings Office's website, <https://www.collegeofnaturopaths.on.ca/public/discipline/> such Forms are required to be used by Participants where applicable. Upon request by a Participant or on their own initiative, the Chair or a Panel may direct a Participant to use a Form where applicable.

1.2 Procedures prior to the hearing

1.3 Notice of Hearing

- (1) After the Inquiries, Complaints and Reports Committee refers allegations to the Discipline Committee, the College shall serve the Notice of Hearing on the Registrant and file it with the Hearings Office.
- (2) Where a Registrant has been notified of a hearing and does not attend or participate, the Panel may proceed in their absence, and they are not entitled to any further notice in the Proceeding.

1.4 College Disclosure

- (1) The College shall disclose all potentially relevant documents and things in its possession or control within 30 days of the date of the Notice of Hearing, except with the permission of the Discipline Committee.
- (2) The College shall disclose all further potentially relevant documents as soon as possible after receiving or creating them.
- (3) Disclosure shall only be shared or distributed for the purposes of the Proceeding or as required by law, unless the Discipline Committee orders otherwise. The Discipline Committee may place additional conditions on the use of disclosure documents.

1.5 Documents and Communications

- (1) All documents to be filed in a Proceeding shall be filed with the Hearings Office, except where they are filed in the course of a Hearing.
 - (a) All documents filed with the Hearings Office or delivered to other participants shall include the name, address, telephone number and e-mail address of the person filing or delivering the document and of that person's representative, if the person is represented, the name of the Proceeding.

All documents and communications with the Hearings Office or between participants shall be in electronic format, except with the consent of the recipient or with permission of the Discipline Committee or a Panel;
- (2) All documents and communications with the Hearings Office shall be delivered to all participants by:
 - (a) Email;
 - (b) Secure electronic transfer service;
 - (c) Another method directed or permitted by the Discipline Committee; or
 - (d) Another method agreed to by the recipient.
- (3) Documents may be filed with the Hearings Office by:
 - (a) Email to hearings@collegeofnaturopaths.on.ca;
 - (b) Secure file transfer service; or
 - (c) Another method directed or permitted by the Discipline Committee or a Panel.
- (4) Anyone filing a document with the Hearings Office must confirm delivery by sending the Hearings Office a copy of the electronic communication sent to the other participant(s), by email to hearings@collegeofnaturopaths.on.ca.

- (5) This Rule does not apply to Summonses, which must be served personally on the person summoned in accordance with section 12 of the SPPA.

RULE 2. Pre-Hearing Conferences

2.1 Initiating a Pre-Hearing Conference

- (1) Except where directed by the Chair, a Pre-Hearing Conference is held in every Proceeding. Further Pre-Hearing Conferences may be held at the request of a Party.
- (2) The Chair of the Discipline Committee may assign a member of the Discipline Committee or any other person to preside at a Pre-Hearing Conference (the “**Presiding Officer**”), and may direct that Independent Legal Counsel attend a pre-hearing conference.
- (3) The Pre-hearing conference is to be conducted electronically unless otherwise directed by the Chair.
- (4) A Presiding Officer and any member of the Discipline Committee who observes a pre-hearing conference shall not sit on a Panel that hears the Proceeding, unless the Parties consent.
- (5) The Hearings Office shall, after reasonable consultation with the Representative for the College and the Registrant or Representative for the Registrant, schedule a date for the Pre-Hearing Conference, and shall notify the Parties of the date. Where consultation does not enable a mutually agreed upon date for the Pre-Hearing Conference, the Hearings Office shall set the date unilaterally and shall notify the Parties of the date.
- (6) Unless the Chair directs otherwise, the College’s prosecutor, a representative of the College, the Registrant and, if applicable, the Registrant’s Representative must participate in the Pre-hearing Conference.

2.2 Pre-hearing Conference Memorandum

- (1) Where a Pre-Hearing Conference is held, each Party shall complete a Pre-Hearing Conference Memorandum, unless otherwise directed by the Presiding Officer. A Pre-Hearing Conference Memorandum must:
 - (a) briefly describe the Party’s theory of its case and the legal issues as understood at the time;
 - (b) estimate the number of hearing days needed for that Party’s case;

- (c) identify whether the Party expects to call expert witnesses and on what issues;
 - (d) identify the intended witnesses, if known;
 - (e) identify any intended pre-hearing Motions;
 - (f) provide the Party's position on liability, including any facts that can be agreed to and any issues that can be resolved or narrowed;
 - (g) identify the Party's position on penalty;
 - (h) identify any documents, written arguments and books of authorities that the Party will be using at the hearing, if known, and address whether the Hearing Panel will review these before the hearing; and
 - (i) include any other information to assist the management of the hearing.
- (2) The College shall deliver its Pre-Hearing Conference Memorandum twenty (20) days before the date of the conference and the Registrant shall deliver their Pre-Hearing Conference Memorandum ten (10) days before the date of the conference.

2.3 Subject Matter of a Pre-Hearing Conference

- (1) The Presiding Officer may assist parties to reach agreement or may make orders and give directions to assist in the fair and efficient management of the Proceeding, including with respect to:
- (a) issues relating to disclosure and the exchange of information;
 - (b) identification and simplification of issues;
 - (c) identification of preliminary Motions to be raised;
 - (d) procedural issues, including the dates by which any steps in the Proceeding are to be taken or begun, and the scheduling of the various stages of the Hearing on the merits;
 - (e) the scheduling or adjournment of hearing or Motion dates of the Discipline Hearing, and the management of the Proceeding;
 - (f) identification of potential intervenors;
 - (g) identification of facts, documents or evidence that may be agreed upon;
 - (h) the possibility of filing affidavit evidence in place of examination in chief;
 - (i) the possibility of settlement of any or all issues between the Parties; and

- (j) any other matter that may assist in the just and expeditious disposition of the Proceeding.

2.4 Discussion of Settlement at a Pre-Hearing Conference

- (1) A Pre-Hearing Conference shall be held in the absence of the public, and, any discussion of settlement at a Pre-Hearing Conference and all statements made by the Parties regarding settlement shall be on a without prejudice, confidential basis, unless the Parties consent otherwise.
- (2) Each Party's Pre-Hearing Conference Memorandum, the Presiding Officer's Report and any notes and records made in connection with the Pre-Hearing Conference shall remain confidential and cannot be disclosed by any Party, including at the Hearing, except as directed by the Presiding Officer.

2.5 Orders, Agreements and Undertakings at a Pre-Hearing Conference

- (1) On consent of the Parties, or after giving the Parties an opportunity to make submissions, a Presiding Officer may give directions or, make orders, consistent with these Rules, as they consider necessary or advisable with respect to the conduct of the Proceeding, including any procedural order that may be made by a Panel under these Rules.
- (2) Orders, agreements and undertakings made at a pre-hearing conference:
 - (a) shall govern the conduct of the Proceeding and are binding upon the Parties to the Proceeding, unless otherwise ordered by the Presiding Officer; and
 - (b) shall be recorded in a report prepared by or under the direction of the Presiding Officer, which shall be provided to the Parties and may be provided to the Panel that hears the merits of the Proceeding.

RULE 3. Motions

3.1 Use of Motions

- (1) A Party or any other person may seek a procedural order or other relief by bringing a Motion to the Discipline Committee in advance of a Hearing or to a Panel during a Hearing.

3.2 Timing, Conduct and Scheduling of Motions

- (1) A Motion shall be brought by a Party, as soon as possible after the need for relief is identified and at least 14 days in advance of the day on which the Hearing is scheduled to commence, unless the nature of the Motion requires that it be heard during the Discipline Hearing itself or a Chair directs otherwise.
- (2) A Motion may be heard electronically or in writing, unless the Chair directs that the Motion be heard in person.

- (3) Each Motion participant shall not exceed one (1) hour to make oral submissions on a Motion, including any reply submissions, except with permission of the Chair or the Panel hearing the Motion.
- (4) A person bringing a Motion to be heard other than at a scheduled pre-hearing conference or at a Hearing shall obtain available dates and times for the hearing of the Motion from the Hearings Office and shall attempt to obtain agreement from the other Motion Participants as to a date and time for the hearing of the Motion.
- (5) Where the Motion Participants agree on a date for the hearing of a Motion, the Hearing Office shall schedule the hearing of the Motion on availability of a Motion panel. Where agreement cannot be reached, the Chair shall direct the scheduling of the Motion, after hearing submissions from the Motion Participants in writing.
- (6) Where it appears to the Chair that the number and nature of the Motions brought in a Proceeding are not leading to the most just and expeditious disposition of the matter, the Chair may direct that no further Motions be brought before the commencement of the hearing unless the prior permission of the Chair is granted.

3.3 Evidence on Motions

- (1) Evidence on a Motion shall be given by Affidavit unless the Discipline Committee directs that it be given in some other form.
- (2) A Motion Participant may not cross-examine the deponent of the Affidavit filed by another Motion Participant unless the Motion Participants consent or the Chair directs otherwise.

3.4 Motion Materials

- (1) A Motion shall be initiated by a Notice of Motion unless the nature of the Motion or the circumstances make a Notice of Motion impractical or unnecessary or the Discipline Committee directs otherwise.
- (2) The Notice of Motion shall set out the grounds of the Motion, the evidence to be relied upon, and the relief sought.
- (3) The Moving Party shall deliver the Notice of Motion and other materials in support of the Motion in the form of a Motion Record, which shall contain the Notice of Motion, all Affidavits to be relied upon and any other material to be relied upon in support of the Motion, at least 15 days in advance of the Motion hearing.
- (4) If another Motion Participant intends to rely upon materials, the Motion Participant shall deliver those materials in the form of a Responding Motion Record. A Responding Motion Record shall be delivered at least 10 days in advance of the Motion hearing.
- (5) Where a Motion Participant intends to rely on a factum, written submissions or book(s) of authorities, those documents must be delivered, in the case of a moving

party, at least seven (7) days in advance, and in the case of a responding party, at least three (3) days in advance, of the date that the Motion is to be heard.

- (6) The Moving Party shall prepare and deliver a draft order.
- (7) This subrule does not apply to motions brought during a hearing.

3.5 Motion for Production of Documents from a Third Party

- (1) A Party requesting the production of documents that are not in the possession of a Party may bring a Motion for production of documents from a third party. Such motions cannot be brought before the commencement of the Hearing, and must be heard by the Discipline Panel or the Chair or their delegate.
- (2) A Motion for production of documents from a third party is governed by s. 42.2 of the *Code*. It shall be initiated by Notice of Motion. It must explain how the documents sought are likely relevant to an issue in the Proceeding or to the competence of a witness to testify in the hearing, and why their production is necessary in the interest of justice.
- (3) The Moving Party must deliver the Notice of Motion relating to the production of documents to the person possessing the documents, together with a summons (obtained from the Hearings Office) requiring their attendance on the motion date and attendance money (which is the same fees or allowances as are paid to a person summoned to attend before the Superior Court of Justice). The Moving Party must also provide a copy of the Notice of Motion to any other person with a significant interest, including a privacy interest, in the documents. The person possessing the documents and any other person with a significant interest in the documents are participants and entitled to notice of the Motion. The Notice of Motion must be delivered to all Motion Participants at least 21 days in advance of the Motion, except with permission of the Chair.
- (3) The Discipline Panel may, after considering the submissions of all Motion Participants, direct that the person who has possession or control of the record provide the record or part of the record to the Discipline Panel for review, if the Discipline Panel is satisfied that the Moving Party has established that the record is likely relevant to an issue in the hearing or to the competence of a witness to testify in the hearing and the production of the record is necessary in the interests of justice.
- (4) Where after reviewing a record produced to the Discipline Panel pursuant to this subrule, the Discipline Panel or Chair or their delegate is satisfied that the record or any portion thereof is likely relevant to an issue in the hearing or to the competence of a witness to testify in the hearing and that the production of the record is necessary in the interest of justice, such record or portion thereof shall be produced to the Parties.
- (5) Third Party records ordered produced shall only be shared or distributed for the purposes of the Proceeding or as required by law, unless the Discipline Committee

orders otherwise. The Discipline Committee may place additional conditions on the use of Third Party records.

RULE 4. Non-Party participation in Motions and Hearings

4.1 General Non-Party Participation

- (1) In accordance with section 41.1 of the *Code*, the Discipline Committee may permit a person who is not a Party to participate in the Discipline Hearing.
- (2) The Non-Party requesting to participate may bring a Motion in accordance with these Rules. The requestor's Motion materials must set out the manner in which they wish to participate and their interest in the Proceeding, together with any evidence to support that interest. Such request must be brought as soon as possible after the person becomes aware of the Proceeding or their interest.

The Chair shall assign the Panel that will be conducting the Hearing or another delegate to hear the Motion.

RULE 5. Adjournments

5.1 Requests for Adjournment

- (1) Requests for adjournment of a Hearing or Motion shall be made at the earliest opportunity that the Party or Representative making the request becomes aware that an adjournment is required. A Party seeking an adjournment shall attempt to obtain the consent of the other Parties before bringing a request before the Discipline Committee.
- (2) Where the request is made before the Hearing or Motion date, the Party seeking the adjournment shall make the request by letter to the Chair, filed with the Hearings Office and copied to the responding party, setting out:
 - (a) the request;
 - (b) the reasons for the request;
 - (c) the nature of the allegations against the Registrant;
 - (d) available dates for the hearing to be rescheduled as confirmed with the Hearings Office; and
 - (e) the position of the responding Party regarding the adjournment request and availability for alternate hearing dates.
- (3) Where a request for an adjournment is made before the Hearing or Motion date and is made on consent or is unopposed, the Chair or their designate may adjourn the Proceeding.

- (4) Where a request for an adjournment is made before the Hearing or Motion date and is opposed, the Chair may dispose of the request after hearing the parties in writing, or may direct a hearing of the request by Motion before the Chair or their designate.
- (5) If the Hearing has commenced, and the adjournment is on consent or unopposed:
 - (a) the Party seeking the adjournment may make the request by letter to the Chair of the panel (if the panel is not sitting), filed with the Hearings Office and copied to the responding Party, setting out:
 - (A) the request;
 - (B) the reasons for the request;
 - (C) available dates for the Hearing to be rescheduled as confirmed with the Hearings Office; and
 - (D) the position of the responding Party regarding the adjournment request and availability for alternate hearing dates; and
 - (b) the Chair of the Panel or a Panel member designated by the Chair may dispose of the request or direct a hearing of the request by electronic means or otherwise.
- (6) If the Hearing has already commenced, any request for an adjournment shall be brought to the Panel assigned for the Hearing. The Panel may:
 - (a) dispose of the request that is on consent or unopposed, or may direct a hearing of the request by electronic means or otherwise;
 - (b) direct that the request be heard by Motion before the Panel, in writing or at such time and in a format directed by the Panel. Unless directed otherwise by the Panel, the requestor shall deliver to the Hearings Office and the responding Party a Motion Record containing a Notice of Motion and supporting material.
- (7) The Chair or Panel may grant a requested adjournment, including on such terms and conditions as they consider just, after considering the following factors:
 - (a) Balancing the right of the parties to a fair hearing against the desirability of an expeditious hearing;
 - (b) Whether there is prejudice to a person;
 - (c) How long the requesting Party has had to prepare for the Hearing;
 - (d) Whether the request for adjournment was made promptly;
 - (e) The efforts made to avoid the adjournment;

- (f) The number of prior requests for an adjournment by the requesting Party;
- (g) Whether the public is at risk if an adjournment is granted;
- (h) The proposed length of the adjournment;
- (i) The costs of the adjournment;
- (j) The public interest; and
- (k) Any other factor deemed relevant to determine whether the adjournment request should be granted.

RULE 6. Conduct and Management of the Hearing

6.1 Hearing Format

- (1) A hearing or any part of a hearing may be held in the format that best ensures a proportionate, fair and efficient proceeding, as the Chair directs.
- (2) A hearing shall be held by videoconference unless the Chair directs otherwise.

6.2 Expedited Hearings

- (1) A Party may bring a Motion for an order directing an expedited Hearing.
- (2) The Discipline Committee may order that a Hearing be expedited, where it believes appropriate, and may also direct that any Pre-Hearing Conference be expedited accordingly.
- (3) Where an interim order made pursuant to section 25.4 of the *Code* is in place, the Discipline Committee shall expedite the proceedings, including scheduling the hearing early unless the Registrant or the Representative waives the duty in writing.

6.3 Hearing Management

- (1) The Hearing Panel or its Chair may, at any time, on their own initiative or following a request by a Party:
 - (a) schedule or adjourn a Hearing or any part of a Hearing;
 - (b) set timelines or deadlines for steps in the Hearing;
 - (c) direct parties to make written submissions;
 - (d) set time limits for oral submissions and page limits for written submissions; and

- (e) give any other procedural directions necessary to ensure the hearing proceeds fairly and effectively.

6.4 Documents and Witnesses

- (1) Each Party to a Proceeding shall deliver to every other Party (a) a list of, and (b) if not previously produced, copies of, all documents and things that the Party intends to produce or enter as evidence at the Discipline Hearing.
- (2) Each Party to a Proceeding shall deliver to every other Party a list containing the identity of any witnesses the Party intends to call and the subject of each witness's anticipated evidence.
- (3) The College must produce the information set out in (1) and (2) above as soon as is reasonably practicable after the Notice of Hearing is served but in any case, not less than 15 days before the commencement of the Hearing.
- (4) Any other Party must produce the information set out in (1) and (2) above as soon as is reasonably practicable after disclosure by the College under this Rule but in any case, not less than 10 days before the commencement of the Hearing.
- (5) In the event that the College produces any information set out in (1) and (2) above less than 15 days before the Hearing, any Party who wishes to produce information set out in (1) and (2) above in response thereto may produce the information as soon as is reasonably practicable after disclosure by the College under this Rule but in any case, not less than 5 days after disclosure by the College and prior to the commencement of the Hearing.
- (6) A Party who does not disclose a document or thing in compliance with this Rule may not refer to the document or thing or introduce it in evidence at the Discipline Hearing without leave of the Panel, which may be on any conditions that the Panel considers just.
- (7) A Party who does not include a witness in the witness list or provide the subject matter of the evidence a witness is expected to give in accordance with these rules may not call that person as a witness without leave of the Panel, which may be on any conditions as the Panel considers just.

6.5 Expert Opinion Disclosure

- (1) A Party who intends to call an expert to give expert opinion evidence at a Hearing shall:
 - (a) inform the other Parties of the intent to call the expert;
 - (b) identify the expert and the issue(s) on which the expert's opinion will be tendered;

- (c) serve the other Parties with a copy of the expert's written report or, if there is no written report, a witness summary; and
 - (d) file an "Acknowledgement Form – Expert's Duty" signed by the expert, in the form appended to these rules.
- (2) The College shall deliver any expert report or witness summary upon which the College intends to rely at the Hearing to the Registrant at least sixty (60) days before the commencement of the Hearing.
 - (3) The Registrant shall deliver any expert report upon which they intend to rely to the College at least thirty (30) days before the commencement of the Hearing.
 - (4) The College may deliver a reply expert report at least fifteen (15) days before the commencement of the Hearing.
 - (5) Where an expert report is filed, it shall at a minimum include the following information:
 - (a) qualifications of the expert;
 - (b) the instructions provided to the expert;
 - (c) the nature of the opinion being sought;
 - (d) the factual assumptions upon which the opinion is based; and
 - (e) a list of documents reviewed by the expert.
 - (6) A Party who fails to comply with this Rule may not call the expert as a witness or file the expert's report without leave of the Panel, which may be on any conditions that the Panel considers just.

6.6 Notice of Constitutional Questions

- (1) Where a Party intends to raise a question concerning the constitutional validity or applicability of legislation, a regulation or by-law made under legislation, or a rule of common law, or where a Party claims a remedy under s. 24(1) of the Canadian Charter of Rights and Freedoms, a notice of a constitutional question shall be served on the other Parties and the Discipline Committee and the Attorneys General of Canada and Ontario as soon as the circumstances requiring notice become known and, in any event, at least fifteen (15) days before the question is to be argued.
- (2) The Attorney General of Canada and the Attorney General of Ontario may give evidence and make submissions to the Panel regarding the constitutional issue or question.

RULE 7. Evidence at Hearings

7.1 Taking Evidence Before a Hearing

7.2 A Party may, with the consent of the Parties or by order of the Discipline Committee, examine a witness before the Discipline Hearing, for the purpose of having the witness's testimony available to be tendered as evidence at the Discipline Hearing.

- (1) The Discipline Committee may make an order permitting a Party to take the evidence of a witness before a Hearing if it is satisfied that permitting evidence to be taken before a Hearing would not cause significant prejudice to a Party and would not prevent the Discipline Committee from fully and fairly understanding the evidence. Such order may include terms or conditions, including that the Party intending to call the witness pay the reasonable expenses of the other parties relating to the examination.
- (2) The Party who intends to introduce the evidence of the witness shall:
 - (a) ensure that the examination is recorded, at the Party's cost, by a certified court reporter or a person with similar qualifications acceptable to the Discipline Committee;
 - (b) ensure that the examination is filmed, at the Party's cost, unless the parties consent or the Discipline Committee orders otherwise; and
 - (c) deliver a copy of the transcript of the evidence and any recording of the examination to the Hearings Office and all Parties at least three (3) days before the Discipline Hearing is scheduled to commence.
- (3) The examination of a witness under this subrule shall take place at the date, time and place consented to or ordered by the Discipline Committee. The witness may, after being affirmed by a person authorized to do so, be examined, cross-examined and re-examined in the same manner as a witness at a Hearing.
- (4) Any document used during the examination that is intended to be filed as an exhibit at the Discipline Hearing shall be marked at the examination by the person introducing it so it can be identified later and the person introducing it shall deliver a copy of it.
- (5) At the Discipline Hearing, any Party may use the transcript and video recording of an examination made under this rule as the evidence of the witness unless the Discipline Committee orders otherwise.
- (6) A witness who has been examined under this rule shall not be called to give evidence at the Discipline Hearing except on the order of or at the request of the Discipline Committee.
- (7) This Rule can be applied to take the evidence of a witness after a hearing has commenced where the Hearing Panel concludes it would be just and fair to do so.

7.3 Evidence by Agreement

- (1) A Panel may receive, orally or in writing, a statement of facts that are agreed upon by the Parties as evidence of those facts.
- (2) A statement of agreed facts may address some or all of the facts in issue in the Proceeding.

7.4 Evidence by Affidavit

- (1) A Party may present, and a Panel may receive, the evidence of any of the Party's witnesses in the form of an affidavit that has been affirmed by the witness.
- (2) Where a Party presents the evidence of a witness in the form of an affidavit:
 - (a) the Party may examine the witness for not more than 10 minutes, or such other time as the Panel may direct;
 - (b) each opposing Party may cross-examine the witness; and
 - (c) if the witness is cross-examined, the Party who filed the affidavit may re-examine the witness.
- (3) Where a Party intends to present the evidence of a witness in affidavit form, the Party shall deliver copies of the affidavit to all other Parties at least ten (10) days before the commencement of the Hearing, and file the original affidavit with the Discipline Committee at the Hearing.
- (4) Where a Party is served with an affidavit of a witness, the Party shall, at least five (5) days prior to the commencement of the Hearing, notify the Party who served the affidavit as to whether or not they intend to cross-examine the witness at the Hearing.
- (5) If no Party gives notice in accordance that they intend to cross-examine a witness whose evidence is to be presented by affidavit, the witness's attendance at the Hearing is not required, unless the Panel orders otherwise.
- (6) A Panel may make an order striking evidence that is presented in affidavit form and is inadmissible.

7.5 Expert Witnesses and Reports

- (1) Where the Panel hears testimony of an expert witness, it may admit as an exhibit at the Hearing the report of the expert witness.
- (2) It is the duty of the expert engaged by or on behalf of a Party to provide evidence in relation to a Discipline Hearing:
 - (a) To provide opinion evidence that is fair, objective and non-partisan;
 - (b) To provide opinion evidence that is related only to matters that are within the expert's area of expertise; and

- (c) To provide such additional assistance as the Discipline Committee may reasonably require to determine a matter in issue.
- (3) The duty in this subrule prevails over any obligation owed by the expert to the Party by whom or on whose behalf the expert is engaged.

7.6 Vulnerable Witnesses

- (1) Where it would facilitate a full and candid account of a witness's evidence or otherwise be in the interests of justice, the Discipline Committee or a Panel may do one or more of the following:
 - (a) permit a support person to sit near a witness while the witness testifies, subject to any order made by the Panel directing the conduct of the support person during the witness's testimony;
 - (b) allow a witness to testify by videoconference or from behind a screen or other device that would allow the witness not to see the Registrant (when the hearing is conducted in person) or direct the Registrant to turn off their video feed or to remain off screen during the witness's testimony (when the hearing is conducted electronically); or
 - (c) order that a registrant who is not represented, not personally cross-examine a witness and in such a case, shall appoint counsel to conduct the cross-examination.
- (2) Any order made under subrule 8.6(1) must permit the Panel, registrant and all representatives to be able to see and hear the witness and permit the registrant to communicate with their representative during the witness's testimony.

RULE 8. Costs

8.1 Procedure for Requesting Costs

- (1) A Party requesting an order for costs or expenses pursuant to section 53 or 53.1 of the *Code* shall, where practicable, deliver a detailed written explanation of the basis upon which the costs or expenses requested are calculated.
- (2) Where the request for costs or expenses includes disbursements or out-of-pocket expenses, these may be proved by an Affidavit attaching a copy of any invoice or receipt.
- (3) Where the request for costs includes the cost or expense to the College of conducting a hearing, no evidence of the cost or expense of a hearing is needed if the request is equal to or less than the amounts set out in Tariff A.
- (4) Tariff A does not interfere with a Discipline Panel's discretion to order costs relating to:

- (a) The investigation and the prosecution of the misconduct; and/or
- (b) The conduct of the hearing that departs from the Tariff where the Discipline Panel determines that it is appropriate to do so.

8.2 Costs for Non-compliance with Rules

- (1) Where the Discipline Committee is entitled to order the payment of costs and/or expenses by a Party pursuant to section 53 or 53.1 of the *Code*, the Discipline Committee may consider, among other factors, the failure of a Party to comply with these Rules and whether the conduct of the Party has been unreasonable, frivolous or vexatious or whether a Party has acted in bad faith, including but not limited to late requests for adjournments.

RULE 9. Final Decisions and Orders

9.1 Notice of Final Decision

- (1) In addition to the methods described in section 18 of the SPPA, the Discipline Committee may send each party a copy of its final decision or order, including the reasons if any have been given,
 - (a) by courier;
 - (b) by personal service; or
 - (a) by email.
- (2) If a copy is sent by courier, it shall be sent to the most recent address known to the College and shall be deemed to be received by the Party on the day the copy is signed for by a person at that address. If a copy is sent by email, it shall be sent to the most recent email address known to the College and shall be deemed to be received by the Party at the end of the day the email was sent.

9.2 Correcting, Clarifying and Reviewing Decisions/Orders

- (1) A Panel may at any time, on the request of a Party or at its own initiative, correct a typographical error, error of calculation, technical error or other similar error made in an order or decision of that Panel. Where the Panel makes a correction on its own initiative, it shall advise the parties.
- (2) A Panel may at any time, on the consent of the Parties, clarify an order or decision of that Panel that contains a misstatement, ambiguity or other similar error.

If any member of the Panel that made the original order is unable, for any reason, to participate in the consideration of a request for a correction or clarification, a quorum of the original Panel will suffice for the purpose of this rule.

RULE 10. Reconsideration of Decisions

10.1 Request for Reconsideration

- (1) A Party may apply for reconsideration of a decision released by the Discipline Committee if the decision contains a substantive error or omission that may have affected the outcome of the Hearing.
- (2) The Party requesting reconsideration shall set out in writing the facts and reasons upon which they submit that the Panel should reconsider its decision, and the relief sought, and shall deliver the request to all Participants and the Hearings Office.
- (3) A responding Party may, within five (5) days of receiving the request for reconsideration, deliver brief written submissions supporting or opposing the request to all Participants and the Hearings Office.
- (4) The request for reconsideration will be considered by the Panel that released the decision under reconsideration or if the Panel is not available, the Chair of the Discipline Committee. The Panel may release its decision on the reconsideration in writing, without an oral Hearing.
- (5) A decision that has been reconsidered by a Panel in accordance with this rule shall contain reference to the date of the reconsideration and, where applicable, the fact that an amendment or variance was made.

RULE 11. Reinstatement Applications

11.1 Initiating Reinstatement Applications

- (1) The following rules apply, in addition to all other rules, to applications for reinstatement made under sections 72 and 73 of the *Code*.
- (2) A person making an application for reinstatement shall deliver to the College and file with the Hearings Office a notice of the application specifying the order sought, the grounds of the application, the evidence that the person will introduce, the proposed method of hearing and the anticipated length of the hearing.
- (3) Within 90 days of filing the notice of application, the person making an application for reinstatement shall deliver and file an application record, including:
 - (a) the application for reinstatement and the notice of application;
 - (b) CPIC criminal record;
 - (c) an undertaking to obtain Professional Liability Protection;

- (d) a certificate of standing from every jurisdiction outside Ontario in which they currently hold or held a licence since suspension or revocation;
- (e) the record, including the transcript, of the hearing where the person's certificate of registration was ordered suspended or revoked;
- (f) any previous application for reinstatement including the record, transcripts and the Panel's decision;
- (g) written details regarding:
 - i. any finding of guilt for a criminal offence or an offence resulting in either imprisonment or a fine greater than \$1,000;
 - ii. any finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction;
 - iii. any current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction;
 - iv. any finding of professional negligence or malpractice in any jurisdiction;
 - v. any refusal by any body responsible for the regulation of a profession in any jurisdiction to register or license the applicant;
 - vi. any attempt to pass a registration examination required for purposes of being licensed or certified to practise any health profession, whether in Ontario or in another jurisdiction, that has not resulted in a passing grade;
 - vii. whether the applicant was in good standing at the time he or she ceased being registered with any body responsible for the regulation of a profession in Ontario or in any other jurisdiction; and
 - viii. any other event that would provide reasonable grounds for the belief that the applicant will not practise naturopathy in a safe and professional manner;
- (h) an undertaking to obtain a valid cardiopulmonary resuscitation certificate at the health care provider level that was granted within the previous two years; and
- (i) any other documents on which the member intends to rely.

- (4) The Hearings Office shall not schedule a reinstatement application for a Hearing until the person making an application complies with this sub-rule.
- (5) When a reinstatement application has been scheduled, the Chair of the Discipline Committee shall provide a copy of the application to the members of the Panel who will be Hearing the application at least ten days prior to the Hearing date.

RULE 12. Motion to Remove Information from Public Access

12.1 Motion under Section 23(11) of the *Code*

- (1) An application under section 23(11) of the *Code*, for removal from public access of information contained in the Register under section 23(2)10 of the *Code*, shall be made by Motion.
- (2) The Motion Record shall include the decision and reasons of the Discipline Committee and any supporting material to be relied upon.
- (3) The application must:
 - (a) explain why the applicant believes the information to be removed is no longer relevant to their suitability to practise;
 - (b) explain why the applicant believes removal of the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest; and
 - (c) confirm the information to be removed does not relate to disciplinary proceedings concerning sexual abuse as defined in s. 1(3) of the *Code*.
- (4) If such application is made by way of joint submission or is unopposed, it may be heard and determined in writing by a Panel of the Discipline Committee.
- (5) After a Motion has been heard and determined by the Discipline Committee, a new application shall not be made for at least one year, unless there has been a material change in circumstances or new evidence has become available since the last application.

TARIFF A: Costs and Expenses for the College to Conduct Hearing

Costs and expenses of a full day (three hours or more) hearing: \$ 10,000.00 per day

Costs and expenses of a half day (less than three hours) hearing: \$ 5,500.00 per half day

FORMS

[General Heading]

NOTICE OF MOTION

THE [IDENTIFY MOVING PARTY] WILL make a motion to the Discipline Committee of the College of Naturopaths of Ontario on [day], [date], at [time], or as soon after that time as the motion can be heard [by videoconference OR at 10 King Street East, Suite 1001, Toronto, Ontario].

THE MOTION IS FOR [state here the precise relief sought].

THE GROUNDS FOR THE MOTION ARE [specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on].

THE FOLLOWING DOCUMENTARY EVIDENCE WILL be used at the hearing of the motion: [list the affidavits or other documentary evidence to be relied on].

[Date]

[Name, address, telephone and number of
moving motion participant's lawyer or
moving motion participant]

TO: [Name, address, telephone and
facsimile number of responding motion
participant's lawyer or responding
motion participant]

[General Heading]

PRE-HEARING CONFERENCE MEMORANDUM

**Discipline Committee
of the College of Naturopaths of Ontario**

College of Naturopaths of Ontario

- and -

[name of Registrant]

**PRE-HEARING CONFERENCE MEMORANDUM OF
[THE COLLEGE OR REGISTRANT'S NAME]**

Date of pre-hearing conference:

Name of the College's Counsel:

Name of the Registrant's Counsel (if applicable):

BACKGROUND INFORMATION

1. Set out the allegations or attach a copy of the notice of hearing or statement of allegations to this memorandum.
2. Set out a brief statement of the theory of the College's case as you understand it, including factual contentions.
3. Set out a brief statement of the theory of the Registrant's case as you understand it, including factual contentions.
4. Provide a description of the legal issues to be determined at the hearing.
5. For every witness you may call at the hearing, set out or attach a statement of the substance of the evidence of the witness.
6. Attach a copy of any document that would assist the pre-hearing conference to be more

effective.

SETTLEMENT AND AGREEMENTS

7. What are the prospects for settlement?
8. Have counsel discussed the matter and sought instructions?
9. How should this matter be settled?
10. Set out the facts, in numbered paragraphs, that you believe should be agreed to.
11. Set out a numbered list of the documents you believe should be admitted into evidence on agreement, as part of a joint brief of documents.

ADDITIONAL STEPS BEFORE THE HEARING

12. On the subject of disclosure:
 - a) Has the College made full disclosure to the Registrant?
 - b) Has the Registrant made disclosure to the College in accordance with the Discipline Committee's Rules of Procedure?
 - c) Are there any issues with respect to disclosure?
 - d) Have you produced all of the expert reports upon which you intend to rely?
 - e) If you have not yet made all required disclosure, why not and by what date will it be done?
13. On the subject of motions:
 - a) Do you anticipate bringing any motions before or during the hearing?
 - b) If so, what order will you seek and on what grounds?
 - c) When do you intend to bring each motion?
14. On the subject of a documents brief:
 - a) Set out a numbered list of the documents you expect to enter into evidence.
 - b) If there is to be a joint book of documents, should the hearing panel be able to review the brief before the hearing?

c) If so, by what date can the brief be delivered?

15. On the subject of a book of authorities:

- a) Will you be referring to any authorities other than the *Regulated Health Professions Act, 1991*, the *Statutory Power Procedures Act* and the regulations under those statutes? If so, list them.
- b) If so, who should prepare the book of authorities and when should it be delivered?
- c) Should the hearing panel or independent legal counsel be able to review the book of authorities before the hearing?

PLANNING THE HEARING

16. On the subject of witnesses:

- a) In numbered paragraphs, list your fact witnesses in the order that you expect to call them and estimate the length of time it will take to hear their entire evidence, including cross-examination and questions from the hearing panel:

Number	Witness Name	Estimated Time
(i)		
(ii)		

- b) It is the preference of the Discipline Committee to identify any potential conflicts of interest or circumstances giving rise to a reasonable apprehension of bias at the earliest possible opportunity. Is there any reason why the witness list cannot be circulated to the hearing panel?
- c) Do you anticipate calling any expert witnesses?
- d) If so, have you disclosed a copy of the expert's report to the other side?

17. On the subject of scheduling the hearing:

- a) Are there any special considerations affecting the setting of a hearing date arising from the availability of witnesses or otherwise?
- b) Estimate how many days will be required for your case in total:
 - (i) How long will it take you to make your opening and closing submissions on the issue of finding?
 - (ii) How long will it take to dispose of any motions you anticipate bringing

during the hearing, including adequate time for deliberation by the hearing panel?

(iii) How long will it take to hear the evidence of all of your anticipated fact witnesses, including any cross-examination and questions from the hearing panel? [*This estimate should be consistent with paragraph 16a above.*]

(iv) How long will it take to hear the evidence of all of your anticipated expert witness(es), including any cross-examination and questions from the hearing panel?

(v) In the event that the hearing panel makes a finding, how long do you anticipate requiring for any submissions and evidence on the issue of what order the hearing panel should make?

c) When will you be prepared for the hearing to commence?

[Date]

[*Signature of most responsible counsel who will be attending at the hearing*]

[General Heading]

REPORT OF PRESIDING OFFICER

A pre-hearing conference was held in this matter on *[date]*. In attendance were *[list people and their capacity]*.

Agreements

The parties agreed that the following facts can be assumed to be correct for the purpose of the hearing:

[list facts]

The parties agreed that the following documents can be admitted in the hearing on consent:

[list documents]

Directions and Orders

The outstanding pre-hearing motions and the dates they will be heard are as follows:

<i>Number</i>	<i>Nature of motion</i>	<i>Date to be heard</i>
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1.

The following motions will be argued at the hearing itself:

<i>Number</i>	<i>Nature of motion</i>	<i>Estimate length of argument</i>
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1.

Other than for information that is discovered after the conference, disclosure is not complete *[or will be completed by (date)]*.

The following documents brief(s) will be delivered before the hearing:

<i>Number</i>	<i>Description</i>	<i>Party preparing</i>	<i>Date to be delivered</i>
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1

The Discipline panel may/should not *[choose one]* review them before the hearing.

The following written arguments and book of authorities will be delivered before the hearing:

<i>Number</i>	<i>Description</i>	<i>Party preparing</i>	<i>Date to be delivered</i>
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1

The Discipline panel may/should *[choose one]* review them before the hearing.

The hearing is scheduled to begin on *[date]* for *[number]* day(s).

The proposed schedule for the hearing is as follows:

<i>Date</i>	<i>Motions/arguments/witnesses</i>	<i>Estimate length of time</i>
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The witnesses will be immediately available when their evidence is reached on the day scheduled for their testimony and will be available on any following days. There are no other matters anticipated to occur during the hearing itself.

Other Matters

[Insert any other matters the parties should be aware of]

The parties are reminded to notifying the presiding officer of any circumstances that would materially affect the conduct of the hearing.

[Date]

[Signature of Presiding Officer]

To: *[list parties' counsel]*

[General Heading]

ACKNOWLEDGEMENT FORM – EXPERT’S DUTY

1. My name is (*name*). I live at (*city*), in the (“*Province*” or “*State*”) of (*name of province/state*).
2. I have been engaged by or on behalf of (*name of Party/Parties*) to provide evidence in relation to the above-noted Proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this Proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) to provide such additional assistance as the Discipline Committee may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any Party by whom or on whose behalf I am engaged.

Date

Signature