

NOTICE TO THE CHIROPRACTIC PROFESSION AND MEMBERS OF THE PUBLIC

RE REMOTE HEARINGS OF THE DISCIPLINE COMMITTEE

(Approved by Council: June 17, 2020)

1. CCO is committed to openness, transparency, accountability and fairness as well as safety during these extraordinary times involving COVID-19. Accordingly, although all in-house hearings of the Discipline Committee including prehearings are suspended until further notice from the Registrar, this notice provides the framework for virtual hearings in appropriate circumstances.
2. During this temporary suspension of in-house hearings or at the discretion of the Discipline Committee, the Discipline Committee will hear all hearings (including prehearings, emergency orders any other motions) by virtual means except where the Chair is satisfied the party opposing same will suffer undue prejudice.
3. Counsel and Members are expected to move hearings forward by remote or virtual processes.
4. During the suspension of in-office operations hearings may be heard in writing or by telephone or videoconference. Counsel and Members will be advised by the Registrar's office or independent legal counsel how to connect to telephone and videoconference hearings.
5. Hearing participants should have an appropriate technical setup and observe etiquette and best practices appropriate to remote hearings. Some guidance on these points can be found at https://www.oba.org/2020_COVID_19/News-Updates/Up-to-date-Justice-Sector-Information/News-update/Best-Practices-for-Remote-Hearings.
6. The Discipline Committee virtual hearings remain open to the public throughout the Covid19 pandemic in accordance with ss. 45 and 46 of the *Health Professions Procedural Code*.
7. Any member of the media or the public who wishes to hear/observe a remote proceeding may email their request to the Registrar's office (Rose Bustria RBustria@cco.on.ca) in advance of the hearing. The person requesting access should advise of the hearing they wish to hear/observe and their contact information. They will be expected to sign the undertaking **attached** as Schedule 'A'.

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8. Every effort will be made to provide the requestor with information on how to hear/observe the proceeding unless the proceedings are closed to the media and public by order of the Discipline Committee. The number of observers may be limited by the technology of the virtual platform.
9. The Registrar's office posts hearings to be scheduled to be heard by the Discipline Committee at their website <https://www.cco.on.ca/about-cco/discipline-hearings-and-decisions/>.
10. Proceedings of the Discipline Committee are recorded in accordance with s. 48 of the *Health Professions Procedural Code*. They must not be recorded by anyone else.
11. If affidavits are to be filed the CCO adopts the position of the Law Society of Ontario which has interpreted s. 9 of the *Commissioners for Taking Affidavits Act* as not requiring the commissioner to be in the physical presence of the client. Rather, alternative means of commissioning, such as commissioning by videoconference will be sufficient. The affidavit should state that it was commissioned by videoconference. For more details see the Law Society website (<https://lso.ca/lawyers/practice-supports-and-resources/topics/the-lawyer-client-relationship/commissioner-for-taking-affidavits-and-notary-publ/virtual-commissioning>).
12. In accordance with Rule 5.2 of the *Rules of Procedure of the Discipline Committee* the Chair of the Discipline Committee directs that unless the parties agree otherwise all documents should be filed in continuous accessible PDF format by email with the Registrar's office (Rose Bustria RBustria@cco.on.ca) or if the documents exceed accessible capacity, then by means of a secure drop box or similar facility arranged by counsel or, if necessary, coordinated through the Registrar's office or Independent Legal Counsel for the hearing.
13. Self-represented Members who are unable to file materials by email should contact the Registrar's office to make alternative arrangements. Please note that the Registrar's office will only accept email filings for hearings that can proceed during the suspension period.
14. Caselaw and other source materials to be relied on in written argument by counsel or Members should be hyperlinked. Where hyperlinks are provided it will not be necessary to file a book of authorities.