

Filing of Evidence or Document Sharing

A fair hearing process provides for all parties to receive all the information on allegations made against them and all the evidence relied upon by other parties in support of these allegations. In order to be able to prepare and present its own case, each party should have the benefit of receiving a copy of ALL of the information, documents and evidence that the panel will consider in reaching its decision.

Whenever possible, if oral evidence is to be admitted during the hearing, parties would generally be given an opportunity to know in advance of the hearing what witnesses the other parties intend to have testify. Obtaining in advance of the hearing a witness statement that summarizes each witness' testimony would also allow the other parties to properly prepare to cross-examine those witnesses during the hearing. The responsibility of case managers (and/or, if applicable, panel members) in this aspect of the appeal process is to ensure that **all evidence to be considered by the panel has been communicated to all parties.**

Assessing Logistical Needs and Making Arrangements for the Hearing

Once a date, time and location of a hearing are set, it is time to secure a venue that will be large enough to comfortably accommodate the panel, all the parties and their representatives, as well as eventual witnesses. In selecting a hearing location, it is preferable to choose a "neutral" ground, unless parties otherwise agree. It is good to verify with parties ahead of time, like during the preliminary meeting, if the venue need to be wheelchair accessible.

Other things to consider include the need for a conference phone or other technological support, the ease of access to washrooms and possibly a small adjacent meeting room for the adjudicator or panel members to retire during breaks.

If the sport organization has an obligation to serve its members in the two Canadian official languages, the relevant policy must be reviewed to determine how to handle the situation and, if need be, who bears responsibility for translation or simultaneous interpretation.

Reminding Parties and Panel Members of Upcoming Deadlines

Although generally not mandatory, sending reminders about upcoming deadlines, such as deadlines for filing of documents, is a helpful gesture to ensure that the hearing process will not be unduly delayed.

Ensuring that the Panel Members Have all They Need

The pre-hearing preparation is critical. The hearing will go as smoothly as panel members will have prepared for it, including but not limited to:

Reading in advance all documents filed by parties: This exercise is to ensure that when parties discuss their evidence in their submissions, it is clear what they are referring to. It will also allow the panel to instruct parties to file additional documents or information (evidence, applicable rules, etc.) if key information appears to be missing.

Meeting with other panel members, if applicable: Such meeting would serve to clarify responsibility sharing and go over certain procedural scenarios which will help ensure that you maintain order during the hearing. The discussion would not be on the case's outcome, but on the procedures to follow - like the order of proceedings, witness testimonies and cross-examination, issues of time-keeping, unexpected delays and possibility of accepting post-hearing submissions, note-taking, drafting and reviewing of the written decision, etc.

NOTE: This document is provided for information purposes only and is not intended as legal advice.