



Ontario
College of
Teachers

Ordre des enseignantes
et des enseignants
de l'Ontario

Practice Direction for Electronic Proceedings

Tribunals Unit

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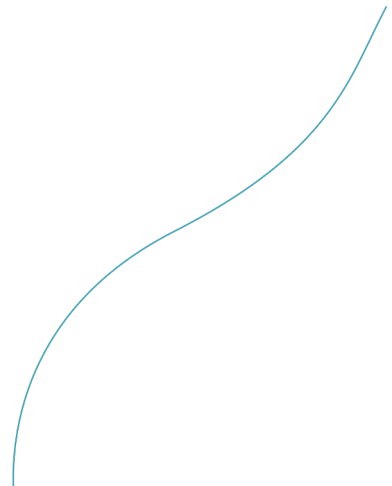


Table of Contents

1. Application	3
2. Document Submission Guidelines	3
2.1 Pre-Hearings	3
2.2 Documents	3
2.3 Other Materials	4
2.4 File Size, Order and Formatting	4
2.5 Naming Electronically Filed Materials	5
2.6 Books of Authorities	5
2.7 Facta	6
3. Privacy and Publication Bans	7
3.1 Closed proceedings	7
3.2 Recording, Streaming, Broadcasting and Photographing	7
3.3 Public Observers	8
3.4 Login information	8
4. Decorum during Electronic Proceedings	9
5. Witnesses	10

1. Application

1. This Practice Direction applies to all electronic proceedings before the Discipline Committee or the Fitness to Practise Committee (the "Committees") at the Ontario College of Teachers. Proceedings are defined in the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee (the "[Rules](#)") and include motions, pre-hearing conferences, the hearing itself, and any post-hearing procedure such as a reprimand.
2. This Practice Direction is made pursuant to the Committees' powers under Rule 1.02(4).
3. Electronic proceedings are conducted pursuant to Rule 8. Nothing in this Practice Direction is intended to replace the Rules. This Practice Direction is intended to provide guidance and directions about matters not covered by the Rules, and to explain or clarify the Rules.
4. In the event of a conflict between this Practice Direction and the Rules, the Rules prevail.

2. Document Submission Guidelines

2.1 Pre-Hearings

1. The College's pre-hearing Memorandum must be delivered by email to the Tribunals Office at least 20 days prior to the scheduled electronic pre-hearing conference pursuant to Rule 6.02.
2. The Member's pre-hearing Memorandum must be delivered by email to the Tribunals Office at least 10 days prior to the scheduled electronic pre-hearing conference pursuant to Rule 6.02.
3. All pre-hearing documents must be submitted as a text-searchable PDF, with documents partitioned by tabs and bookmarked.

2.2 Documents

1. All documents that will be relied on during an electronic proceeding other than a pre-hearing conference must be filed by email with the Tribunals Office at least five business days prior to the scheduled proceeding pursuant to Rule 8.02(3).

2.3 Other Materials

1. All other materials that will be relied on during an electronic proceeding must be filed by email with the Tribunals Office at least five business days prior to the scheduled proceeding. These could include but are not limited to:
 - a. Video files;
 - b. Audio files; and
 - c. Image files.

2.4 File Size, Order and Formatting

1. Documents or files larger than 99 MB cannot be sent to the College over email and must be filed using a secure file transfer program.
2. Parties must indicate whether documents and other materials pertain to the finding or penalty phase of a hearing and the order in which they anticipate presenting the materials during the proceeding.
3. For contested proceedings, consent must be obtained from all parties in order to share documents or other materials with the Panel in advance of the proceeding.
4. For uncontested proceedings, including motions, documents or other materials may be shared with the Panel in advance of the proceeding unless a party notifies the Tribunals Office in writing, at the time that they deliver their materials, that it does not want the materials provided to the Panel in advance.
5. For Notices of Referral, documents or other materials will be shared with the Panel in advance of the proceeding.
6. Documents for each stage of the proceeding must be combined into a text-searchable PDF that includes:
 - a. An index;
 - b. Document tabs;
 - c. Electronic bookmarks; and
 - d. Page numbers (top right).
7. Any of the following documents shall additionally be filed in Microsoft Word format:
 - a. Agreed Statement of Facts and Guilty Plea;
 - b. Statement of Uncontested Facts and Plea of No Contest;

- c. Agreed Statement of Facts and Acknowledgment of Incapacity;
 - d. Joint Submission on Penalty;
 - e. Joint Submission on Terms, Conditions or Limitations;
 - f. Undertaking and Acknowledgment; and
 - g. Any other joint submission or agreement document.
8. Parties may highlight or blackline relevant portions of text within the documents for ease of reference.

2.5 Naming Electronically Filed Materials

1. The file names for all electronic documents must start with the name of the member, followed by the name of the party, and the document title or a clear description indicating the content of the document. For example:

SMITH, John – College – Agreed Statement of Facts and Guilty Plea

LEE, Sally – Member – Undertaking and Acknowledgment

2. Should parties wish to introduce documents through a witness, they must submit one brief for each witness. The file name must include the witness' name. For example:

SMITH, John – College – Witness Brief – Jane Doe

LEE, Sally – Member – Witness Brief – John Doe

2.6 Books of Authorities

1. Books of Authorities shall be filed as one, text-searchable PDF document.
2. Books of Authorities shall include an index, indicating the contents of the document.
3. Each document in the Book of Authorities shall be bookmarked within the PDF document.
4. Parties may highlight or blackline relevant portions of text in PDF documents for ease of reference.
5. Parties should not include in their Book of Authorities any complete materials which are found in the [*Tribunals Book of Authorities*](#), but they may include a specific, short extract of these materials.

2.7 Facta

1. A factum submitted in support of a motion or application shall be filed as a text-searchable PDF document.
2. The moving party's or applicant's factum shall contain the following sections:

An Index

Part 1 – Introduction, containing a brief summary of what the motion or application is about, the evidence to which the motion or application relates, together with a statement of the grounds upon which the motion or application is based;

Part 2 – Statement of the Facts, containing a concise summary of the facts relevant to the issues in the motion or application;

Part 3 – Issues and Law, containing a statement of each issue raised, followed by a concise statement of the law and authorities relating to that issue;

Part 4 – Order Requested, containing a statement of the order that the Committee is being asked to make;

Schedule A – List of Authorities; containing a list of authorities referred to in the factum, with citations, in either the order that they appear in the factum or in alphabetical order; and

Schedule B – Relevant Legislative Provisions, containing the text of all relevant states except any provisions found in the *Ontario College of Teachers Act*, *Statutory Powers Procedures Act*, or the *Education Act*.

3. The responding party's factum shall contain the following sections:

An Index

Part 1 – Introduction

Part 2 – Respondent's Statement of the Facts

Part 3 – Response to Applicant's Issues and the Law

Part 4 – Additional Issues (if applicable)

Part 5 – Order Requested

Schedule A – List of Authorities

Schedule B – Relevant Statutes

4. Each part of the factum shall be bookmarked within the PDF document.
5. The factum must not exceed 20 pages (excluding the cover and back pages, schedules, and the Index).
6. The factum shall be written in 12-point font, with one-inch margins, and 1.5 line spacing, except for quotations from authorities which must be indented and single-spaced, and footnotes, which shall be 10-point font size and single-spaced.

3. Privacy and Publication Bans

3.1 Closed proceedings

1. Pre-hearing Conferences and Fitness to Practise proceedings are generally held in camera and are presumptively closed to the public. Participants must ensure they are alone in a private room or space, preferably with a closed door, to maintain privacy and confidentiality.

3.2 Recording, Streaming, Broadcasting and Photographing

1. The parties and any observers or other participants to the proceeding (other than the court reporter who is transcribing the proceedings) shall not record, broadcast or stream any portion of the proceeding using any personal recording devices, audio, or video technology.
2. The parties and any observers or other participants to the proceeding shall not take any photographs or screenshots of the electronic proceeding, the participants or any documents or exhibits presented during the hearing.
3. Where the Panel has ordered a publication ban, it would be a breach of the Panel's order to engage in the behaviour set out at paragraphs 1 and 2 above, and individuals in breach of this order may expose themselves to liability.

3.3 Public Observers

1. Public observers must complete and submit an [Attendance Request Form](#) at least two business days in advance of the proceeding. The form requires the observer to provide identifying information (full name, email address, organization) and to identify if they are a member of the media.
2. Public observers must also agree to the following terms before they are provided with login information to attend a proceeding:
 - a. I agree not to electronically record, broadcast or stream, any portion of this proceeding. I agree not to take any photos of the electronic proceeding, the participants or any of the documents or exhibits presented during the proceeding;
 - b. I agree to abide by any publication bans made in the course of this proceeding. I acknowledge that it is an offence to violate a publication ban and doing so could expose me to liability;
 - c. I agree to observe but not to participate in this proceeding. My sound will be muted and my camera will be turned off throughout the proceeding, unless instructed otherwise. I understand that I will be required to leave the proceeding if I disrupt the proceeding in any way. I will not contact members of the panel regarding the proceeding at any time; and
 - d. I agree that if I am provided with login information, I will not share this information with anyone. I agree that I will attend the proceeding alone and that I will not allow anyone else to observe the proceeding with me.
3. Unless a request has been granted to have their camera turned off from the outset of the hearing, public observers will keep their cameras on, but their sound muted, when they arrive at the proceeding until the Panel Chair has completed their opening remarks or until they are instructed otherwise. Public observers will subsequently keep their cameras turned off and their sound muted for the duration of the proceeding.

3.4 Login information

1. Login information or videoconferencing links will be sent to participants or observers by email. This information must not be shared with anyone other than the intended recipient.

4. Decorum during Electronic Proceedings

1. Electronic proceedings are formal legal proceedings in which the same etiquette that applies to in-person proceedings must be maintained.
2. Participants and observers should ensure that any background visible onscreen is appropriate for a proceeding.
3. Participants and observers must ensure that their surroundings are private and free from distractions and sounds that risk interrupting the proceeding. Only active participants should appear on camera or be heard during the proceeding, unless directed otherwise.
4. Parties must join the virtual hearing room at least five minutes before the start time; and, in accordance with Rule 8.02(4), all participants must be reachable 15 minutes before the start time, at the telephone number provided to the Tribunals Office.
5. During an electronic proceeding, all participants must display their name and role in the proceeding (i.e., Mary Major – College Counsel; Jane Doe – Witness). Media observers must display their name and publication (i.e., Jane Smith – News Publication). Public observers can remain anonymous or display their name or initials, should they wish (i.e., Public Observer; Jack Smith – Public Observer; J.S. – Public Observer). The Tribunals' Technology Specialist can assist participants with this display setting on the videoconferencing platform, as necessary.
6. Any meetings or discussions with clients should take place before the proceeding in an assigned breakout room. If parties need to meet once the proceeding has commenced, a party must request a recess from the Panel and wait for instructions from the Tribunals Clerk or Tribunals Technology Specialist on how a meeting or private discussion can take place.
7. Professional attire is required for anyone appearing on camera during a proceeding. Even though participants are seated, participants should still wear appropriate clothing from the waist down in case they stand up or the video is accidentally left running.
8. Eating and drinking during a hearing is not permitted unless the Panel grants permission in exceptional circumstances. Drinking water should be done discreetly from a plain glass or cup to avoid unnecessary distractions on screen.

9. Unless addressing the Panel or otherwise being requested by a participant in the electronic proceeding to speak, all participants and observers must keep their sound muted.
10. Participants should speak slowly and clearly and not speak over other participants for clarity of audio and to avoid any lag or overlap in sound.
11. Participants should not use their telephones while the proceeding is in progress for any purpose other than to connect to the electronic hearing.
12. Speaking participants should look at the camera, if possible, and ensure that their face is adequately lit.
13. If an observer does not have a speaking role, they must keep their camera off and their sound muted during the proceeding, unless instructed otherwise, but may display their name and role.
14. If a participant requires a break, they should make this request to the Panel and wait for the Panel's authorization before leaving the proceeding.
15. Cameras should be turned off and sound should be muted when a proceeding is in recess.
16. Observers who disrupt the proceeding will be required to leave the electronic proceeding.

5. Witnesses

1. For contested proceedings, parties shall confirm with the Tribunals Office five business days prior to the scheduled proceeding which witnesses they intend to call, in what order, and at what time each witness will join the proceeding.
2. Parties must provide the names and contact information for each witness so that the Tribunals Office can schedule a technology set up with any witnesses prior to the proceeding.
3. Parties must confirm with the Tribunals Office how they intend to put documents or materials before a witness, whether through screen sharing, file transfer or email.
4. To prepare witnesses in advance of the proceeding, parties should:

- a. review the procedures and appropriate decorum for electronic proceedings;
- b. ensure that the witness has the necessary technology to participate in the electronic hearing (i.e. computer, high-speed internet connection, headset/microphone);
- c. inform the witness that the Tribunals Office will contact them to set up videoconferencing;
- d. confirm that the witness will be alone in a private room or space and will not communicate with anyone during their testimony;
- e. ensure that the witness understands how documents or materials will be shared with them during the proceeding; and
- f. confirm that the witness will have with them only documents or materials that were filed for the proceeding and must not refer to other notes or documents unless the Panel permits.