



Hearings Management Policy

1. Introduction

The College of Acupuncturists of Alberta (College) is responsible for regulating the Acupuncture Profession under the *Health Professions Act* (Act). Part of this role includes facilitating a fair, transparent, and efficient process for addressing matters that warrant adjudication by a Hearing Tribunal.

2. Purpose

The purpose of the Hearings Policy is to establish a comprehensive and transparent framework for the management and execution of hearings within the College, aligning with the statutory provisions outlined in the Act.

3. Definitions

Definitions are bolded the first time they appear within the Hearing Management Policy.

Appeal panel: means a panel established under Part 1 of the Act to carry out the powers and duties with respect to an appeal under Part 4 of the Act.

Complainant: means the person, organization, or group who makes a complaint.

Complaints Director: means the person appointed by the Council and responsible for the management of complaints under the Act.

Complaint Review Committee: means a complaint review committee established under Part 1 of the Act.

Hearings Director: means the person appointed by the Council and responsible for the management of hearings under the Act.

Hearing Tribunal: means a hearing tribunal established under Part 1 of the Act.

Investigated member: means a current or former regulated member against whom a complaint has been made.

4. Policy

Principles of Natural Justice

- 4.1 The College is guided by the principals of natural justice, which are based on the fundamental notion that every person is owed a duty of fairness. The key principles of natural justice include:



- 4.1.1 The right to be heard: This principle requires that all parties in a dispute be given the opportunity to present their case and respond to the other party's arguments.
- 4.1.2 The right to know the case against them: Refers to a person's right to be informed of the allegations made against them, as well as the evidence supporting those allegations.
- 4.1.3 The right to be judged impartiality: Requires the decision maker(s) to be neutral and unbiased in making a decision.
- 4.1.4 The right to reasons for a decision: Refers to the right to receive clear and understandable reasons for a decision made by a person or organization that affects them.

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- 4.2 The College will manage hearings and appeals in accordance with Part 4 of the Act ensuring that the processes in place are consistent, fair, objective, transparent, and within the requisite time limits, as well as in conformance with applicable privacy laws in effect.
- 4.3 The hearing process begins when the **Hearings Director** receives:
 - 4.3.1 a referral to hearing from the **Complaints Director**;
 - 4.3.2 a request from the **Complainant** for a review of dismissal by the Complaints Director;
 - 4.3.3 an appeal request of a **Hearing Tribunal's** decision from the Complainant or the **Investigated Member**; or
 - 4.3.4 a request from the Complaints Director for an alternative decision where the Hearing Tribunal Order does not provide the Complaints Director with discretion on sanctions.
- 4.4 As set out in s.77 of the Act, the Hearings Director must provide timely notice to all parties of a hearing, outlining the date, time, location, and other particulars of the hearing.
- 4.5 The Investigated Member must appear, may be compelled to testify, and may be represented by legal counsel at a hearing.
- 4.6 The Investigated Member, their legal counsel, or the Complaints Director may call a witness with relevant knowledge to present any pertinent documents, substances, or items related to the subject matter of the hearing.
- 4.7 A hearing is open to the public unless a motion or an application is made in accordance with s.78 of the Act.
- 4.8 The Hearings Director will establish a Hearing Tribunal, **Complaint Review Committee**, or panel consisting of four individuals of which two are public members and two are regulated members. They are selected from:
 - 4.8.1 the membership list appointed by the Council for a hearing or review; or
 - 4.8.2 the appeal committee list appointed by the Council for appeal hearings.



- 4.9 The Hearing Tribunal, Complaint Review Committee, or **appeal panel** must provide a written decision within a reasonable time after the conclusion of the hearing. The written decision must include reasons for each finding made. The final draft of the written decision will be submitted to the Hearings Director for distribution to the Complaints Director, Investigated Member, Complainant, and legal counsel as applicable.
- 4.10 Hearing decisions and appeal decisions rendered by a Hearing Tribunal under s.83 of the Act, or an Appeal Panel are available to the public and will be published on the College website once all appeal periods have passed and subject to the discretion of the Chief Executive Officer as set out in the College Bylaws.
- 4.11 All information regarding a complaint file, including investigation reports and attachments, records of hearings and Hearing Tribunal decisions will be retained for 10 years. After 10 years, all documents will be destroyed in accordance with the College's Record Management Policy, with the exception of an electronic version of the Hearing Tribunal's written decision, which will be retained permanently.

5. Authority

This policy is established under the authority of Corporate Governance Policy G.1.2, which delegates authority to the Chief Executive Officer to establish policies and procedures for the management and operation of the College regarding corporate operations, and operating programs.

6. Scope

This policy applies to Complainants and Investigated Members of the College.

7. Related Policies and Procedures

- Hearing Management Procedure (TBD)
- R.1.4 Complaints Management Policy
- R.1.4.1 Complaints Management Procedure

8. Version History

Date	Notes
May 6, 2024	New policy