

## Financial Services Tribunal

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## Tribunal des services financiers

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## FINANCIAL SERVICES TRIBUNAL OF ONTARIO

### PRACTICE DIRECTION – ELECTRONIC HEARINGS

#### Background

1. Due to ongoing COVID-19-related public health and safety restrictions, until further notice or unless the Tribunal orders otherwise, all existing and new motions/hearings in a proceeding scheduled to be heard by the Tribunal are to be held either in writing or electronically (by tele-conference or by video conference), as determined by the Tribunal pursuant to the Tribunal's Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal (the "Rules") and practice directions, and in consultation with the parties to the proceeding.
2. Under Rule 2.04 of the Tribunal's Rules the Tribunal may issue practice directions pertaining to certain types of proceedings or with respect to any matter the Tribunal deems appropriate.
3. The Rules also permit the Tribunal to direct the parties to participate in pre-hearing conferences (Rule 16.02) and to hold hearings (Rules 20-23; Rule 30) electronically, as well as orally (i.e., in person) and in writing. This practice direction applies to any part of an electronic proceeding (i.e., pre-hearing conference, motions and hearings) to be conducted by means such as, tele-conferencing (telephone) or video conferencing using Microsoft Teams, and is subject to the Rules, the *Statutory Powers Procedure Act*, R.S.O. 1990, c 22 (the "SPPA") and other applicable legislation. This practice direction is of general application and is not limited to COVID-19-related circumstances. However, this practice direction will be reviewed and revised as required in response to changes in COVID-19-related public health and safety circumstances.
4. Under Rule 3, "electronic hearing" is defined to mean "...a hearing held by tele-conference, video conference or some other form of electronic technology allowing persons to hear one another." Rule 3 applies to pre-hearings, motions and hearings.

#### Pre-Hearing Conferences

5. While the Rules provide that a pre-hearing conference may be held in person, they direct that "Pre-hearing conferences shall be held by tele-conference, unless a party satisfies the Tribunal that holding it in this format would likely cause that party

significant prejudice, or unless the Tribunal directs otherwise” (Rule 16.02). The Tribunal’s current practice has, for some time, been to hold pre-hearing conferences by tele-conference, unless a party to the proceeding submits a request to the Registrar for an oral or in-person pre-hearing, or the chair of the panel determines that the specific circumstances relating to the parties warrant an oral or in-person pre-hearing. This practice is further reflected in current Tribunal pre-hearing procedures and practices and is anticipated to continue. Under this practice direction video-conferencing may be ordered by the Tribunal, instead of tele-conferencing, as the pre-hearing conference format.

## Hearings and Motions

6. For hearings and motions, the pre-COVID-19 practice was to hold them orally or in-person, whenever possible. Written or electronic hearings are also available (Rule 20), subject to certain factors (Rule 20.03) including any potential prejudice to a party and the extent to which there are facts in dispute requiring in-person witness testimony, credibility assessments, etc.
7. Oral or in-person hearings have provided a more traditional format for parties to lead evidence, examine witnesses, make submissions and otherwise engage with the Tribunal panel and other parties. Oral hearings also accommodate the Tribunal’s requirements relating to public access to proceedings (Rule 20.03; Rule 21.03; subject to Rule 23). Prior to COVID-19 concerns in-person hearings were the preferred hearing format for the Tribunal, as well as for the parties and it is anticipated that in-person hearings will again become the preferred format after COVID-19 concerns have eased. At the present time, during the COVID 19 pandemic and subject to the Rules and the Tribunal’s Discretionary In-Person Hearings During COVID-19 practice direction, electronic hearings are preferred.
8. Because of logistical and other hardships, or due to COVID-19 physical distancing recommendations by public health authorities at the federal, provincial and/or municipal levels it may be necessary and/or appropriate, at the request of a party, order of the Tribunal or otherwise, for the Tribunal to convene a hearing or motion electronically in accordance with its authority under Rule 20.03 which provides:

“20.03 In deciding whether to hold a written or electronic hearing in lieu of an oral hearing, or to hold a hearing in a combination of formats, the Tribunal shall consider whether an alternative hearing format will likely cause any party significant prejudice and may consider any relevant factors, including:

- (a) the subject matter of the hearing;
- (b) the nature of the evidence, including whether credibility is an issue and the extent to which facts are in dispute;
- (c) the extent to which the matters in dispute are questions of law;
- (d) the convenience of the parties;

- (e) the cost, efficiency and timeliness of the proceeding;
  - (f) avoidance of unnecessary length or delay;
  - (g) ensuring a fair and understandable process;
  - (h) the desirability of facilitating public participation or public access to the Tribunal's process;
  - (i) any other relevant factors affecting the fulfilment of the Tribunal's statutory mandate."
- 9.** The format to be used during all or any part of a proceeding will be determined by the Tribunal panel chair at a pre-hearing conference based on the Rule 20.03 considerations, Tribunal practice directions (including the Tribunal's Discretionary In-Person Hearings During COVID-19 practice direction) and the submissions of the parties.
- 10.** Where the Tribunal determines that the appropriate electronic format for a pre-hearing, motion or hearing is by means of video conferencing, Microsoft Teams will be used where feasible.
- 11.** In general, as part of the pre-hearing arrangements for an electronic hearing, the panel chair will have a detailed discussion with the parties relating to a number of matters, including:
- a. the participants' technical skills/savvy and device hardware/internet/speed/bandwidth capabilities to troubleshoot any threshold connectivity or other challenges participants may face at an audio/video hearing;
  - b. reminding the parties that the prospect of an audio/video conference hearing makes it even more desirable for them to make every effort to reach agreement on an Agreed Statement of Facts ("ASF") and Agreed Book of Documents ("ABD") which is as comprehensive as possible;
  - c. the requirement that disclosure, service and filing of all documents and submissions shall be in electronic format (e.g., PDF or Word by email, thumb drive or other electronic means) unless otherwise ordered by the Tribunal in consultation with the parties;
  - d. reminding the parties that if a witness is participating in the hearing electronically, the witness (in addition to the other parties and the Registrar) should have, in advance, copies of all documents the witness is expected to rely on at the hearing during testimony. The panel chair will also encourage the parties to submit affidavit evidence through witnesses that will be subject to cross-examination at the hearing or, if the Tribunal so orders in

consultation with the parties, cross-examined on the record before the hearing;

- e. reminding the parties that while evidence disclosed among parties other than that contained in an ASF/ABD should not normally be filed with the Tribunal in advance of the hearing, an exception is made for electronic hearings. Where the hearing format is electronic in whole or in part, the parties will be told to file all documents in this “other evidence” category with the Registrar at least 3 days prior to the commencement of the hearing. This will facilitate the Registrar’s ability to organize the documents expected to be put into evidence by the parties through their witnesses at the hearing. When received in advance the documents can be easily distributed to panel members by the Registrar at the hearing and placed on screen by the Registrar as potential exhibits for all to see, in addition to the copies directly in the possession of the witnesses and the parties; and
- f. scheduling a practice Microsoft Teams session with the Registrar (absent Tribunal members) in advance of the first hearing date to familiarize the parties with the electronic hearing format and test technical requirements.

## **Public Access**

- 12.** Tribunal hearings, whether oral, written or electronic, are open to the public, unless the Tribunal orders otherwise pursuant to section 9 of the SPPA and Rule 23. Members of the public who wish to attend an electronic hearing should refer to the hearing schedule posted on the Tribunal website and contact the Registrar well in advance of the hearing to obtain instructions.

## **Guide to Video Conferencing for Proceedings Using Microsoft Teams**

- 13.** Attached to, and forming part of, this practice direction as Appendix “A” is a Guide to Video Conferencing for Proceedings Using Microsoft Teams initially developed by Tribunals Ontario and adapted for use by the Tribunal. Parties are encouraged to familiarize themselves with this practice direction including Appendix “A”.

**First Issued - December, 2020**

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## APPENDIX “A”

### Guide to Electronic Hearings (Video Conferencing) and Microsoft Teams

The Financial Services Tribunal of Ontario will hold electronic hearings via video conferencing using Microsoft Teams where feasible and procedurally appropriate. This Guide is to be applied by the parties to such hearings as part of the Tribunal’s Electronic Hearings Practice Direction which is subject to the Rules of Practice and Procedure **for Proceedings before the Financial Services Tribunal** (“Rules”), the *Statutory Powers Procedure Act*, R.S.O. 1990, c 22 and other applicable legislation.

**Note: References in this Appendix “A” to “hearings” and “proceedings” are intended to be read to include references to any electronic pre-hearing, motion or hearing being heard by the Tribunal through video conferencing. Also, references to “participant” should be read to include parties as well as their witnesses expected to present at the hearing, but excludes members of the public who are permitted to join the hearing only as observers/attendees.**

### TABLE OF CONTENTS

APPENDIX “A” .....	1
Guide to Electronic Hearings (Video Conferencing) and Microsoft Teams.....	1
A. How to Prepare for a Video Conference .....	2
<i>Device Setup - Technology Requirements</i> .....	3
B. Joining the Video Conference .....	4
<i>What is expected of participants?</i> .....	6
<i>Rules for witnesses during electronic and hybrid hearings or motions</i> .....	7
<i>Best practices for document submission</i> .....	8
<i>How to make an objection?</i> .....	9
<i>Side-bars/Discussions Between Counsel</i> .....	9
<i>Panel Deliberations</i> .....	10
<i>Public proceedings best practice</i> .....	10
<i>Interpreters</i> .....	10
<i>Assistance</i> .....	10
<i>Privacy Disclaimer</i> .....	11



Ontario

Microsoft Teams User Guide.....	11
Getting Started .....	11
At a Hearing.....	11
<i>How to join a hearing?</i> .....	11
<i>Using Video and Microphone</i> .....	13
<i>Raise Your Hand</i> .....	14
<i>Chat</i> .....	15
<i>Screen Share</i> .....	16
Troubleshooting.....	17
<i>If Microsoft Teams crashes</i> .....	17
<i>If your video or microphone do not work</i> .....	17

## **A. How to Prepare for a Video Conference**

### **General**

1. The Tribunal Registrar will provide participants with a Microsoft Teams link (the “MT Link”) and participants must ensure that they have access to all related documents and tools before the start of the video conference. This will be discussed during the pre-hearing phase of the proceeding so parties should be well aware of all requirements in advance of the hearing. Participants should contact the Registrar if they do not have the necessary applications and tools.
2. Parties must use their full first and last names as they appear on the Notice of Hearing (and common usage first name if applicable) when signing into the MT Link so that the Registrar can identify the participants in the video conference and parties to the proceeding can easily identify who is participating in the video conference.
3. As soon as possible or at least 14 days before the first scheduled hearing date, each party should endeavour to provide the Registrar with a complete list of their participants for technology testing and training purposes as may be required. The list must include each participant’s full name and user name, if joining by videoconference, together with email and telephone number to be used in the event of technical difficulties during the hearing.
4. Parties are responsible for providing the MT Link to their witnesses and informing their witnesses that they have to join Microsoft Teams at the time directed by the Registrar to begin participating in the proceeding and/or give their evidence. The exact timing of a witness being called to testify at the hearing is difficult to predict

and is subject to change as the hearing process unfolds, however a party's witnesses must be available and ready to proceed when the party expects to call them. Any party or witness who has not used Microsoft Teams previously should contact the Registrar at least 5 days prior to their first hearing using Microsoft Teams in order to test their equipment capabilities so that the hearing will not be unnecessarily delayed. This allows the Registrar an opportunity to troubleshoot potential issues.

5. With respect to devices, participants should use a computer (desktop or laptop) or tablet for the video conference. The device needs to be properly set up (see below). Participants may use a smartphone for the video conference in exceptional circumstances approved in advance at the discretion of the Tribunal, however, the use of a smartphone is discouraged due to potential disruptions (incoming calls and messages), size of screen and the risk of running out of battery.
6. Members of the public who wish to observe a hearing should visit the Tribunal website (<https://www.fstontario.ca/en/>) to determine the hearing schedule and then contact the Registrar ([contact@fstontario.ca](mailto:contact@fstontario.ca)) at least one week in advance of the start of the hearing for instructions on how to join as an attendee through Microsoft Teams.

### ***Device Setup - Technology Requirements***

7. All participants and attendees are required to install the Microsoft Teams app on their devices and familiarize themselves with its functions in advance of the hearing.
8. Devices used for Microsoft Teams should be equipped with a webcam and microphone and access to a reliable internet connection with adequate bandwidth. The device should always be plugged in to an electrical outlet and, where possible, directly connected to a modem/router to avoid potential Wi-Fi problems. Note - It is preferable to use a computer that is connected to a Local Area Network (LAN); wireless connections are to be used only when no other alternative exists.
9. Tips:
  - Use of a hard-wired internet connection through an ethernet cable, as opposed to Wi-Fi for the device, is recommended.
  - To the greatest extent possible, do not use publicly accessible Wi-Fi when participating by video conference as the bandwidth can be reduced when multiple users are using the public Wi-Fi.
  - If home Wi-Fi is used, ask family members or others using the home Wi-Fi to refrain from using it during the video conference.
  - Turn off telephone ringers, email alerts and anything else that could disrupt the video conference or cause a distraction.

- To preserve sound quality, headphones with a microphone attachment should be worn during a video conference.
  - The devices used to connect to the hearing should be placed on a stable surface and not held – movement requires more bandwidth and reduces both video and audio quality.
  - Become familiar with the features of Microsoft Teams and all supporting documentation. Make sure to review the *Microsoft Teams User Guide* section below.
  - Join the video conference from a location with minimal background noise, as private as possible.
  - Be in a windowless room or a room where window shades are drawn in order to avoid glare and ensure the background is appropriate.
  - If you are a participant, always identify yourself before speaking, speak clearly, and enunciate, in order to facilitate the transcription of the hearing;
  - Participants' faces must be clearly visible during the video conference for all parties and witnesses. To the extent possible, the webcam should be positioned at face level, relatively close without back light.
  - Hands must be clearly visible upon request of the Tribunal during the video conference for all witnesses so that the panel and counsel may determine if the witness is reviewing materials when providing testimony.
  - All participants should dress in a manner that is appropriate for a Tribunal hearing. Witnesses should have valid photo identification available to confirm identity if requested.
  - Test microphones and cameras prior to joining the video conference proceeding; testing will also be conducted by the Registrar immediately prior to the hearing.
  - Have the Registrar's e-mail [contact@fstontario.ca](mailto:contact@fstontario.ca) available should a problem accessing the hearing occur.
  - Be prepared to proceed by way of tele-conference should issues arise preventing the use of video conference.
10. Attendees, including members of the public should turn their cameras off and remain muted throughout the entire hearing unless otherwise ordered by the Tribunal.

### **B. Joining the Video Conference**

11. In addition to the Tribunal members assigned to the proceeding, the following people are authorized to attend a hearing, unless otherwise ordered by the Tribunal:

## Participants

- Parties;
- Invited participants such as interpreters and witnesses, who normally attend only for the duration of their services/testimony;
- Expert witnesses (who may be permitted by the Tribunal, after hearing the submissions of the Parties, to attend for all or any part of the hearing);
- Tribunal Registrar/Assistant Registrar;
- Court Reporter;

## Attendees

- Invited guests – i.e. Tribunal members and FSRA staff not involved in the proceeding who are invited to observe for training purposes;
- Invited family members of the parties, and
- Members of the public, including the media.

All participants/attendees must identify themselves when asked to do so by the Registrar/Tribunal. If the Tribunal makes a witness exclusion or confidentiality order under the Rules with respect to all or a portion of the proceeding, certain participants/attendees may be excluded in accordance with any such order.

Attendees, including the media, are not permitted to record the hearing.

A copy of all or a part of the hearing transcript may be ordered from the Registrar by a party at the cost of the ordering party.

12. All participants/attendees should join Microsoft Teams at least 10 minutes before the scheduled start time to allow enough time to log in. If anyone has any difficulty joining, they should refer to the *Microsoft Teams User Guide* below and/or contact the Registrar.
13. At the beginning of each electronic hearing, the Registrar will confirm that all required participants are present before the hearing panel joins the session. Everyone joining the conference individually or sharing a room with a participant must identify themselves before the commencement of the hearing. The Registrar will also inquire as to whether any members of the public or media are present and ask any of them to identify themselves.
14. Once all participants have joined the hearing on Microsoft Teams, the Tribunal will allow everyone to enter the electronic hearing room.

15. The Chair of the hearing panel may take a roll call before the hearing commences to confirm that the parties and other required participants are present and ready to proceed. The Chair may also remind any members of the public or other attendees that their role is as observers only and that they are to remain muted with camera off and are not allowed to actively participate in the hearing in any way. Members of the public, including the media, as well as all hearing participants will be reminded that private recordings of the hearing are not permitted.

***What is expected of participants?***

16. The same formal etiquette and protocol of in-person proceedings are expected in a video conference. This means participants will follow the Tribunal's Rules and directions throughout the hearing, including:
- Identification of any other persons present at the participant's location;
  - Not recording any part of the hearing, unless given prior authorization by the Tribunal in accordance with the Rules;
  - Keeping their video function **on** during the hearing, unless otherwise ordered by the Tribunal;
  - Keeping their microphone functions **muted** unless the participant is:
    - Making an argument or submission;
    - Questioning or cross-examining a witness;
    - Giving testimony; or
    - Otherwise authorized by the Tribunal.
  - Not typing on their keyboard while their microphone is unmuted;
  - Not communicating with witnesses who are testifying - whether by email, texting, messaging, chat or other electronic means or by telephone - from the moment in time that the witness is sworn in until the witness is released by the Tribunal.
  - Alerting the Tribunal if the participant is joined during the hearing by anyone not previously identified;
  - Remaining courteous and respectful to the Tribunal and other participants during the hearing and minimizing intentional interrupting or talking over other participants; and
  - Following the Tribunal's directions with respect to breaks, adjournments and party presentations

Due to technology constraints, there may at times be a lag between when something is being said and when it may be heard by others.

### ***Rules for witnesses during electronic and hybrid hearings or motions***

17. In preparation for a proceeding, parties are expected to advise their witnesses of any protocol they agreed to and practices set out in any pre-hearing conference memoranda and in this practice direction.

18. To protect the integrity of the proceeding, rules for witnesses include:

- Witnesses (other than a witness who is a self-represented party) are not normally permitted to testify in the presence of other witnesses prior to the other witnesses' testimony, without the prior approval of the Tribunal.
- At the beginning of their testimony, witnesses are sworn in and asked to confirm that, while giving evidence, they will not:
  - be accompanied by anyone in the room, except as permitted by the hearing panel;
  - refer to any notes or script, review any documents or access the Internet or any other electronic resources, other than the documents put to them by a party during their examination or as they may otherwise be permitted to review; or
  - communicate with any person about the substance of their testimony (except to the extent permitted by the Law Society of Ontario's code/rules of professional conduct).

Notwithstanding the above, where a witness is a self-represented party, they may refer to their own notes to assist in giving their evidence in chief and may refer to documents that are in evidence or that they are permitted by the Tribunal to introduce into evidence. During cross examination self-represented parties who are witnesses are bound by the same rules as other witnesses as set out above.

Where a self-represented party refers to their own notes to assist in giving evidence the other parties may seek leave to cross-examine on those notes. The Tribunal, after hearing from all of the parties, may, in the Tribunal's absolute discretion, grant leave with or without restrictions.

- If the witness's testimony is interrupted for technical or other reasons, the witness will be cautioned by the Tribunal not to discuss the testimony during the break and asked to confirm that is the case when returning to complete the testimony.
- Where relevance or admissibility of the evidence is raised, witnesses who are not unrepresented parties may be temporarily excused at the request of a party and at the discretion of the hearing panel. Normally, the witness is not required to

leave the session, but may be sent into a waiting area by the Registrar and allowed to return to the hearing when appropriate.

- When giving their testimony, witnesses should have in front of them (to be provided by the party calling them) all documents that are to be put into evidence or otherwise required.
- During an electronic hearing, a witness may be cross-examined by an opposing party. Counsel for the opposing party should ensure that copies of all documents that will be necessary for cross-examination are identified and provided, prior to the hearing, to the party whose witness is to be cross-examined. Each party is responsible for ensuring that their witnesses have copies of all such documents for purposes of cross-examination.
- Witnesses cannot be assisted or coached by others during their testimony. Parties, counsel or other representatives and the public shall not communicate with witnesses who are testifying, by way of email, texting, messaging, chat or other electronic means or by telephone from the time that the witness is affirmed until the witness is released by the Tribunal.

### ***Best practices for document submission***

19. Best practices include:

- In general, parties are expected to provide to all other parties and file with the Tribunal in advance of the electronic hearing, an electronic copy of any document they wish to have entered into evidence as an exhibit. In this regard, the parties are expected to follow the pre-hearing conference orders made by the Tribunal as recorded in their pre-hearing conference memoranda.
- In accordance with the pre-hearing conference orders, parties should exchange and file with the Registrar electronically, and in a searchable and bookmarked PDF format:
  - any Agreed Statement of Facts/Agreed Book of Documents; and
  - in a joint book of other documents that have not been agreed to (or by separate books of documents if a joint filing is not possible), all other documentary evidence to be put before the Tribunal through witnesses.

each party shall ensure that all of their witnesses are provided with the above documents in advance of the hearing.

- Parties should discuss whether any party believes that any document to be put in front of the Tribunal is not real/authentic. If there are any objections to the authenticity of any such documents the Tribunal should be advised in advance of the hearing – preferably at the pre-hearing conference stage.

- Hyperlinks for authorities referenced should be used, referencing citations available in [www.canlii.org](http://www.canlii.org), and where not available, to LexisNexis Quicklaw or websites of Canadian courts.
- Whenever appropriate, a condensed brief containing only the documents and excerpts from transcripts and authorities to which parties will refer during oral arguments may also be filed with the Tribunal.
- Confidentiality of documents should be discussed by parties and any privacy/confidentiality issues brought to the Tribunal's attention prior to the hearing— preferably at the pre-hearing conference stage.
- Participants should use the PDF tab number, page number and document name when referencing any submission/document.
- If appropriate, a separate collection of documents to be used for the examination or cross-examination of a particular witness should be filed with the Tribunal and identified as such.
- During a proceeding, screen sharing of documents can be done unless the Tribunal orders otherwise in consultation with the parties. The functionality is available via the *Share* feature as outlined in the *Microsoft Teams User Guide* section below.

### ***How to make an objection?***

20. Objections will be handled as follows:

- A participant who wishes to make an objection, should use the *Raise your hand* feature as outlined in the *Microsoft Teams User Guide*, turn their mic on/unmute and indicate that they wish to make an objection. Alternatively an objecting party may simply unmute their microphone at an appropriate time and state their objection.
- If necessary, during an objection, the Tribunal may exclude a witness from the hearing. In this event, the witness will be directed by the Tribunal to temporarily leave the video conference and then will be contacted (at the direction of the Tribunal) to re-join the hearing after the objection is dealt with by the Tribunal.

### ***Side-bars/Discussions Between Counsel***

21. Should there be a need for side-bar arguments and/or discussions between counsel in the absence of the Tribunal during the electronic hearing, these can be accommodated through adjournment and direction from the Tribunal to the Registrar [see breakout rooms discussion below].

### ***Panel Deliberations***

22. Should there be a need for the Tribunal to deliberate (have an opportunity to have a discussion amongst themselves) during the electronic hearing, the Tribunal may adjourn to a breakout room.

### ***Public proceedings best practice***

23. A public proceeding schedule will be posted on the Tribunal website in advance of the hearing. Subject to Tribunal confidentiality orders made pursuant to the Rules, and unless the Tribunal orders otherwise, the public may observe a public hearing conducted on the Microsoft Teams platform. To do so, members of the public should refer to the hearing schedule posted on the Tribunal website and contact the Tribunal Registrar well in advance of the hearing to obtain instructions. Note – members of the public will not be allowed to actively participate in a proceeding. Members of the public who do not comply with this or any other direction from the Tribunal at the hearing may be barred from the proceeding by Tribunal order. If a member of the public has a technical issue before or during the video conference, they should contact the Registrar by email.

24. Observers/attendees of a proceeding will be expected to cooperate with the instructions of the Tribunal while on the call. Such instructions may include:

- stating their name and the purpose for attending the proceeding;
- remaining silent with their microphone muted throughout the proceeding; and
- stopping their observation of all or part of the hearing as a result of any Tribunal confidentiality order.

25. Observers/attendees should be prepared to remain on the video-conference for the duration of the hearing as the Tribunal has the right to “lock” a video-conference after the start of the hearing to minimize disruption.

### ***Interpreters***

26. Whenever appropriate, interpreters will be engaged in a proceeding. The Tribunal will follow its normal procedures for engaging an interpreter and will provide the interpreter with instructions on joining a hearing via Microsoft Teams. The interpreter will be expected to provide interpretation services as needed throughout the proceeding, subject to any guidance ordered by the Tribunal. Participants, who require interpretation services, should contact the Registrar in sufficient time before the hearing to request this service.

### ***Assistance***

27. If a participant/attendee is disconnected from the video conference and cannot reconnect, they must immediately contact the Registrar. If a participant/attendee

cannot rejoin, the hearing may be temporarily adjourned at the discretion of the Tribunal. In this event, the Tribunal will instruct the Registrar to immediately convene a tele-conference call with the parties to determine next steps. In some cases, the Tribunal may adjourn the hearing to a new date if it determines that the hearing cannot proceed fairly, or for other appropriate reasons.

### ***Privacy Disclaimer***

28. Electronic hearings shall be conducted by video conference using Microsoft Teams. Participants/attendees should note that, by clicking on the MT Link to join the video conference, personal information such as name, email address and IP address may be collected, stored, used and disclosed by Microsoft in accordance with its Privacy Policy and the Canadian [Personal Information Protection and Electronic Documents Act](#). Please refer to [Microsoft's Privacy Policy](#) for more information.

## **Microsoft Teams User Guide**

### **Getting Started**

Participants/attendees are encouraged to join the hearing from a secure and quiet location. Ensure that all devices and equipment are connected and working properly. You will need access to a reliable internet connection with adequate bandwidth for video conferencing.

You will need:

- Computer (laptop or desktop) or compatible mobile device
  - Working webcam and microphone
  - Headphones with an attached microphone will improve sound quality
- High speed internet connection
- Web browser (Google Chrome, Microsoft Edge or Internet Explorer) or Microsoft Teams Application
  - Note: Safari is not compatible with Microsoft Teams

### **At a Hearing**

#### ***How to join a hearing?***

The Tribunal Registrar will send you a meeting invite with a MT Link to access the hearing via Microsoft Teams.

You should join the hearing 10 minutes before the start time to address any potential technical issues and log in.

The MT Link to the hearing in your email will resemble the following image:

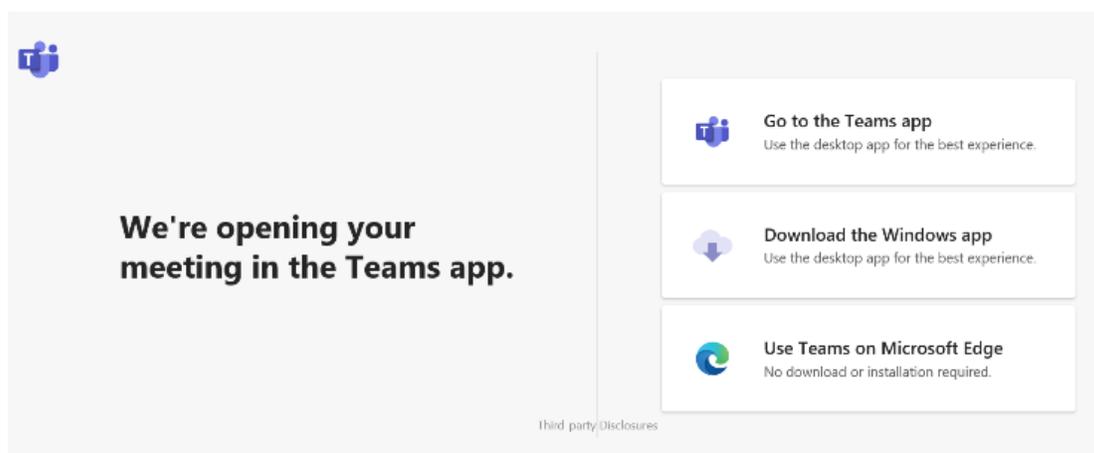
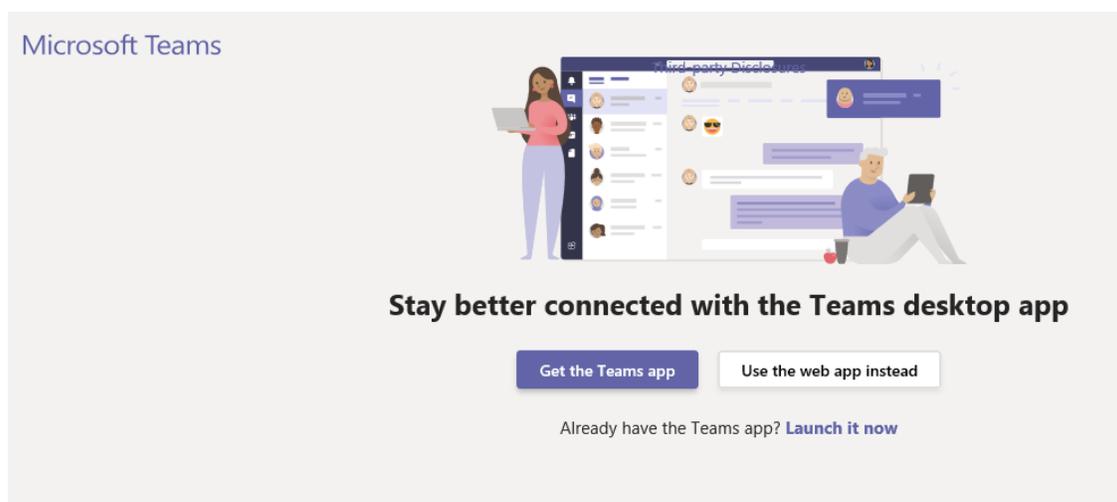
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## [Join Microsoft Teams Meeting](#)

[Learn more about Teams](#) | [Meeting options](#)

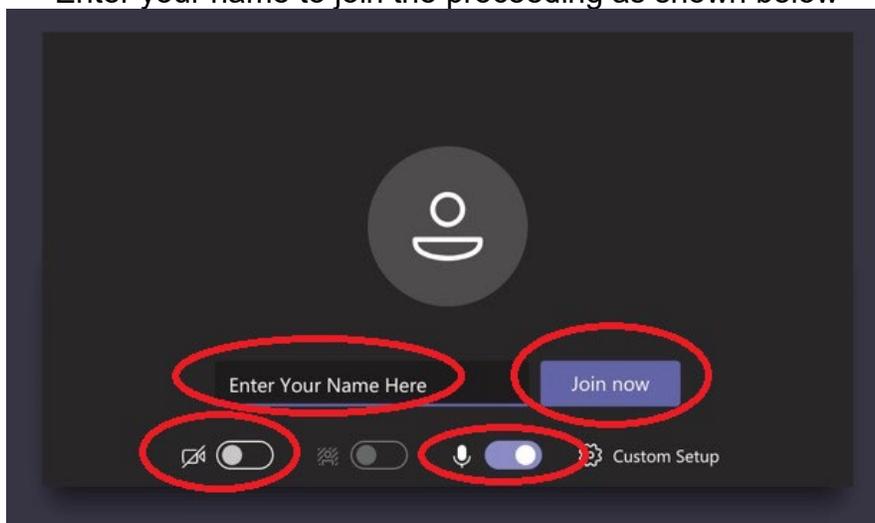
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If you already have the Microsoft Teams app downloaded, the hearing should open in the app when you click to join. If you have not downloaded the app, click on the link in the invite and you will be prompted to proceed with a browser version or the option to download the app as shown below.



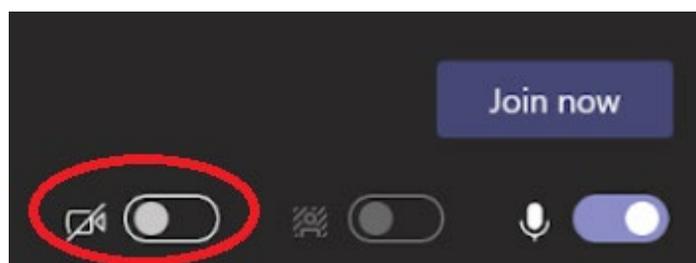
From this page, you can open Microsoft Teams in your browser (Google Chrome, Microsoft Edge and Internet Explorer) or download the Microsoft Teams app. If you choose to **Join on the Web Instead**, you will be brought to a new webpage.

Enter your name to join the proceeding as shown below



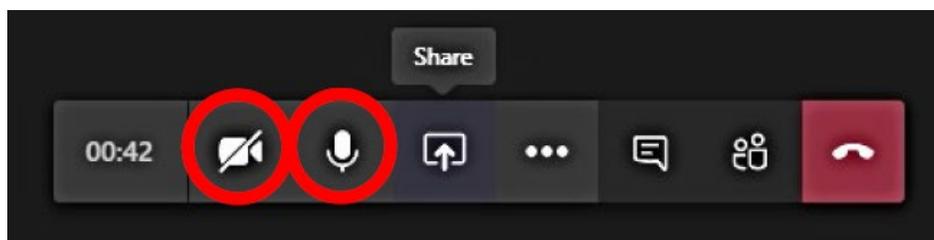
### ***Using Video and Microphone***

To turn your video on, slide the video toggle to the right. In the image below, the microphone is on and the video is off:



To turn your video or microphone on or off during a proceeding, click the icon for the webcam or microphone.

In the image below, the video is turned off and the microphone is on. If either or both the microphone or video function are turned off, there will be a strike through the middle of either or both icons. Reminder to Participants – unless you are presenting keep your microphone muted. Reminder to attendees – you are observers only – keep your microphone muted and your camera off unless otherwise directed by the Tribunal.



When you click the link to enter, you will automatically be placed into the lobby/waiting room. The Registrar will admit you to join the hearing when it starts.

## *Breakout Rooms*

Within a Team, channels can be set up to function as breakout rooms. These rooms are administered by the Registrar and may be used to permit private discussions or to exclude participants/attendees from the hearing room where necessary, for example, to allow the hearing panel to deliberate, to deal with confidentiality issues, or to excuse witnesses until ready to testify or while relevance or admissibility of witness evidence is argued.

During a hearing parties can

- pre-load files to each breakout room for each breakout room group to work on;
- access files from breakout rooms to share in the main hearing room;
- provide a whiteboard for the groups to access during a breakout session, and seamlessly transition between breakout rooms.

MS Teams allows for up to 4 concurrent Teams rooms (main hearing plus 3 breakout rooms).

While you are in the main hearing room, the Registrar may send you another link to join a separate breakout room via email. That email will have a new link to Join Microsoft Teams Meeting, please follow the same steps as listed above.

The Registrar will contact you with instructions when it is time to rejoin the hearing. You will need to rejoin the hearing via the original hearing invite (see step 2.1 for assistance to join original invite). **Please let the Registrar know in advance if you need the breakout room function activated during the hearing.**

## *Raise Your Hand*

The **Raise Your Hand** feature in Microsoft Teams is a useful tool if a participant wishes to make a comment or ask a question without interrupting the hearing.

**This feature is not available to members of the public and other attendees.**

To raise your hand, click **More Options** in the control bar.

The Tribunal will be notified when you raise your hand and will give you time to speak when the opportunity arises. Once you have had your chance to speak, the Tribunal will 'lower your hand'. You can raise your hand throughout the hearing.

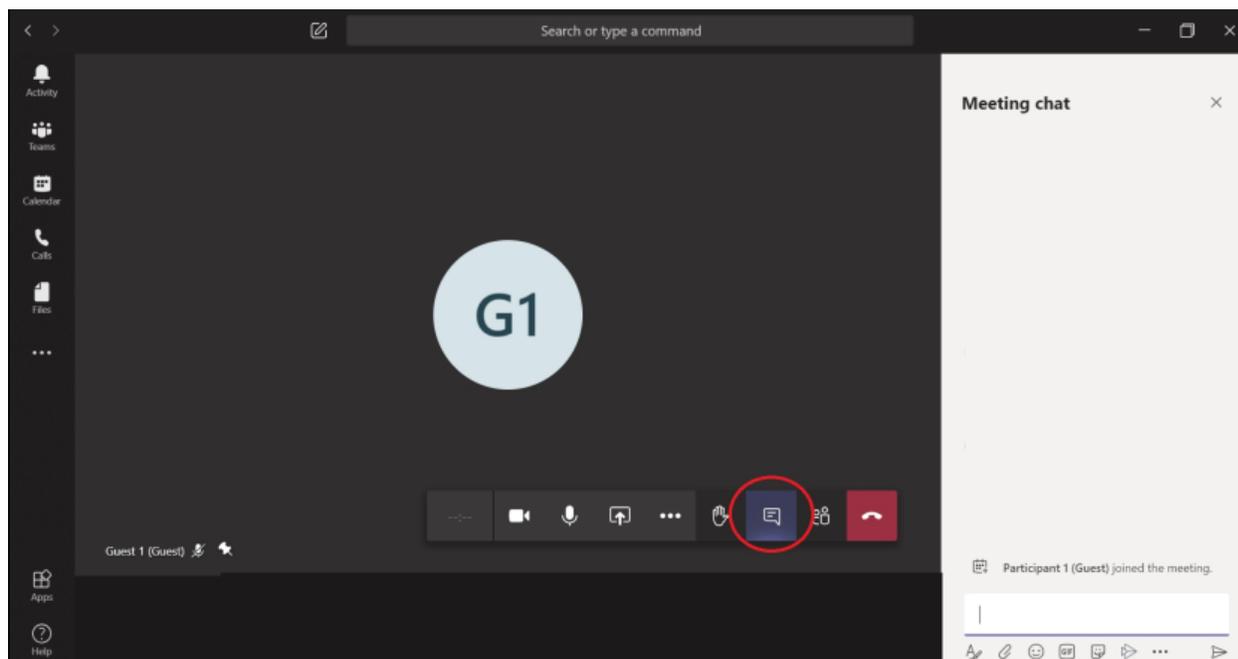
**Note: While this feature may be used by participants to record objections while another participant is speaking, the Tribunal will not allow it to disrupt the hearing process.**

## **Chat**

The Chat feature allows a participant to type messages to other participants during the hearing. These messages will be visible to all participants and should only be used if authorized at the hearing by the Tribunal. **This feature is not available to members of the public and other attendees.**

To chat in Teams, click the **chat** icon in the main control bar. The hearing chat window will open on the right side of your screen:

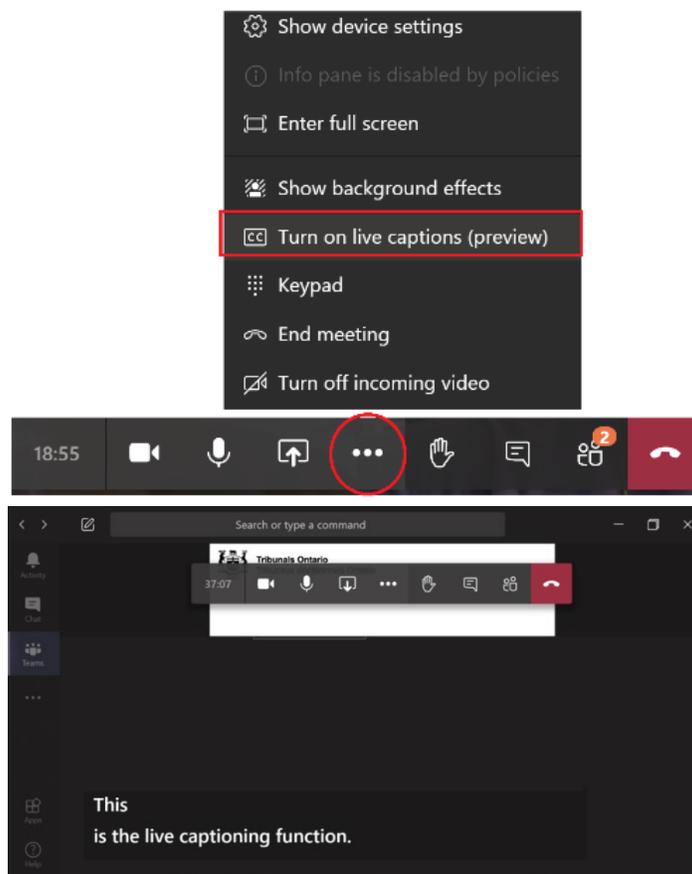
The chat feature will be disabled during witness testimony. **Please let the Registrar know in advance if you intend to use the Chat function during the hearing.**



## **Live Captions**

**Live Captions** in Microsoft Teams allows for you to read captions of what is being said during the hearing. **Please let the Registrar know in advance if you need live captions during the hearing.**

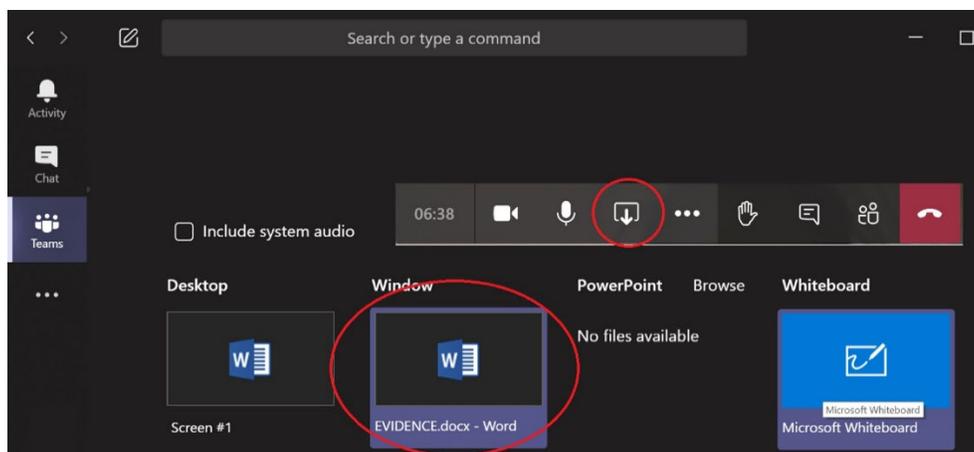
To turn on the live captions feature, click **More Options** in the main control bar and click **Turn on live captions**:



## Screen Share

Transferring files or attachments during a virtual hearing in Microsoft Teams is not available. Documents to be filed or shared with other parties at the hearing that have not been previously filed/exchanged should be sent to the Registrar by email. Screen share may be used by parties to display documents either through the Registrar or from their own screens, once granted permission by the Tribunal.

**Note:** If you choose to “Share Desktop,” any webpage or document you have open could potentially be viewed by all participants/attendees. It is recommended that you only have the files you intend to share open on your desktop.

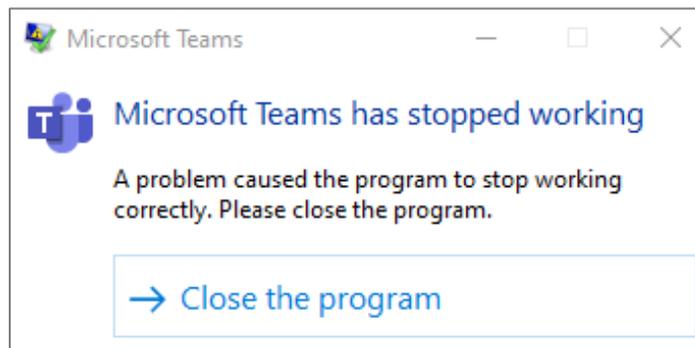


Any document you intend to share at the hearing must be emailed in advance directly to the Registrar. Please ensure you follow proper Tribunal protocol (including any orders of the Tribunal included in pre-hearing conference memoranda) for document submissions.

## Troubleshooting

### ***If Microsoft Teams crashes***

If Microsoft Teams crashes, you may see the following error message:



If you're in a live Microsoft Teams hearing, close the program and click the link you were provided in your invitation email to rejoin (see step 2.1 for assistance to join the original invite).

### ***If your video or microphone do not work***

If you are unable to turn on your video or microphone, open the device settings menu to configure the options accordingly. Contact the Registrar if you are still having problems.

If you are having trouble hearing the participants during the hearing, it is possible that your computer speakers may be turned down or turned off. Please make sure your computer volume or headset is turned on and is loud enough for your comfort. Please advise the panel chair immediately if you continue to experience difficulty.