



Guidelines for Conducting Hearings

There is a requirement to provide natural justice or procedural fairness when conducting discipline or appeal hearings. There are standard principles for conducting hearings to ensure that all parties are treated fairly.

There are two basic principles of natural justice:

the right to be heard and the right to an impartial decision maker.

Rules of Natural Justice

Whenever an organization makes a decision that will affect a person's rights, privileges or interests, that person is entitled to a fair hearing. The typical requirements are:

Adequate notice of the facts and offence alleged

- All parties must receive the same information that the organization has in its possession.
- The person in jeopardy must know exactly what wrong is alleged against him/her, citing any applicable by-law, rule or regulation.

Adequate notice of the hearing

- All interested parties must receive a notice of the date, time and place of the hearing.

Adequate preparation time

- Ensure sufficient time is given to the parties to prepare for the hearing.

(An impartial and independent deciding body

- The members on the hearing panel must not have any biases in favour of, or against, any of the parties, or any interest in the outcome. Nor can there be any appearance that there is.

A fair hearing allowing presentations from both sides and an opportunity to rebut allegations

- Each party must be allowed to fully state and present their case.
- Each party must be allowed to question witnesses.

A decision based on the evidence and arguments heard

- the deciding body cannot make a decision based on something the parties did not know about or had an opportunity to respond to or call evidence about.

A decision in a reasonable time

- This means that the time from when the complaint was made to when the decision was made must be reasonable.
- It depends on the circumstances.
- Sometimes the delay of a month will cause no prejudice, therefore, it would not be unreasonable. In other cases, the delay of one week could be highly prejudicial (e.g. suspension of a player during playoffs).