



Hospital Appeal Board

Participants Code of Conduct

Effective July 23, 2024

Preamble

- (1) This Code of Conduct (“Code”) applies to all parties, representatives, witnesses, interveners, and other participants (collectively referred to as a “Participant” in this document), involved in appeals to the Hospital Appeal Board (the “Board”).
- (2) This Code describes the minimum standards of behaviour expected of all Participants, so the Board can ensure that appeals are heard fairly, efficiently, and in a safe and supportive environment that is trauma informed and culturally sensitive¹. Participants are encouraged to promptly advise the Board of any circumstances requiring accommodation. This Code is intended to ensure that everyone can participate in the appeal process.
- (3) The expectations listed in the Code apply to all interactions that Participants have with the Board staff and members, and Participants can expect to be treated with courtesy, respect, and dignity in return. This Code is not intended to restrict any legitimate legal argument, however, it requires Participants to treat all other Participants, including the opposing party, in accordance with the provisions of this Code. The Code applies before, during, and after hearings take place.
- (4) The Board can issue orders to ensure Participants abide by this Code. Orders can be made at any time under section 14 of the *Administrative Tribunals Act*, or during hearings under section 48 to maintain order and control the proceedings.

Duties of a Participant

- (5) Above all, a Participant must treat Board staff and members, as well as other Participants, respectfully and courteously. This means:
 - a) consistently using the correct names, titles, and pronouns as identified by each Participant;
 - b) not challenging another person’s character or motivations, except only as necessary to challenge witness testimony on matters relevant to an appeal;

¹ The Board defines trauma informed and culturally sensitive adjudication as an approach that recognizes, respects, and integrates Participants’ cultural values, beliefs, practices, and known experiences.

- c)** not engaging in physical behaviour or communication that is intended to humiliate, offend, degrade, or intimidate another person involved in an appeal, whether within a hearing or otherwise;
 - d)** not using any profanity;
 - e)** not using any language and/or conduct that is discriminatory, including word selection or differential treatment that is racist, sexist, homophobic, transphobic, or otherwise prejudiced against any Participant or group; and
 - f)** being prepared and punctual for any proceeding, as scheduled within an appeal.
- (6)** A Participant must also:
- a)** be honest and truthful in everything they say, and not submit any evidence they know to be false;
 - b)** follow the Board's Rules (including this Code), available on the website of the Board;
 - c)** be able to promptly give instructions to a representative (if the Participant is a party, participant, or intervener), or to be able to promptly receive instructions from a client (if the Participant is a representative);
 - d)** make themselves or an alternate representative reasonably available for hearing dates following an adjournment;
 - e)** meet all deadlines set by the Board, and promptly let the Board know if they cannot meet any deadline before the deadline expires with the reason for any extension sought and the anticipated timeframe for compliance;
 - f)** raise, as soon as possible, any concerns about unfair processes in an appeal, including any concerns about bias on the part of the Board members who are deciding any part of an appeal;
 - g)** All information exchanged and evidence submitted in a proceeding before the Board is confidential and can only be shared for the purposes of preparing and presenting the case before the Board, except where the Participant is otherwise legally obligated to provide the information.
 - h)** not attempt to contact a member of the Board directly outside of the hearing or the appeal process.
- (7)** A representative is expected to dissuade their clients and witnesses from disrupting the hearing process. Representatives are expected to instruct clients and witnesses about appropriate conduct and the requirements for conduct outlined in this Code.

Enforcing this Code

- (8)** The Board encourages all Participants to advise the Board in person, verbally or in writing (as appropriate) if they consider that other Participants are not complying with this Code. Participants are expected to do so promptly enough that the Board can address the issue effectively and proactively. Participants must comply with this Code when raising their concerns, and must continue to act respectfully toward all other Participants and the Board, even while raising their concerns.
- (9)** The Board can issue orders to ensure Participants abide by this Code. Orders can be made at any time under section 14 of the *Administrative Tribunals Act*, or to maintain order during hearings under section 48. The Board can do so on their own initiative or if a Participant informs the Board about any other Participant violating this Code. Actions available to the Board may include:
- a)** educating Participants about their obligations under the Code;
 - b)** requiring Participants to communicate to the Board, other Participants, or both through a representative;
 - c)** requiring Participants to communicate with the Board, other Participants, or both only in certain ways (such as by writing or video attendance);
 - d)** issuing and publishing an order requiring a Participant to abide by the Code;
 - e)** ending mediation and moving an appeal to adjudication;
 - f)** restricting or excluding a representative from the proceeding, especially where there is more than one representative acting for the same Participant;
 - g)** restricting a Participant from participating further in an appeal;
 - h)** adjourning an oral hearing and converting the appeal to one based on written submissions;
 - i)** ordering costs against a Participant (including the costs of other Participants or the Board); and
 - j)** dismissing an appeal.

Stacy F. Robertson
Chair, Hospital Appeal Board
July 23, 2024

Approved by the members of the Hospital Appeal Board on July 23, 2024.