

# The Commissioner of Teacher Professional Conduct

## Hearing Attendance Policy

### Public Attendance at Teacher Professional Conduct Hearings

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#### 1. Purpose

This policy establishes the conditions under which members of the public, including media representatives, may attend the teacher professional conduct hearings conducted virtually in Manitoba, while preserving the open hearing principle, procedural fairness, and the integrity of the hearing process.

#### 2. Statutory Authority

This policy is issued pursuant to:

- Section 8 of *The Education Administration Act*, and
- The Commissioner's Rules of Practice and Procedure.

Nothing in this policy limits the authority of a hearing panel to exclude the public, in whole or in part, to protect privacy matters that may outweigh the public interest pursuant to s. 8.27(2) of *The Education Administration Act*.

#### 3. Scope of Application

This policy applies to:

- Members of the public seeking to observe a teacher professional conduct hearing by videoconference or audioconference;
- Media representatives seeking virtual public access; and
- Any other individuals voluntarily attending the hearing as observers.

This policy does **not** apply to:

- Parties, witnesses, counsel, or panel members; or
- Hearings or portions of hearings ordered to proceed *in camera* (in which public observers would be dismissed).

#### 4. Requirement to Request Attendance

Observers must submit a Hearing Attendance Request Form at least 5 (five) business days in advance of the hearing. Submission of the form does not guarantee access to the hearing.

Attendance may be refused or revoked where:

- The hearing, or a portion of it, is closed to the public;
- The number of observers exceeds technical or administrative capacity; or
- The panel determines that attendance would interfere with the orderly conduct of the hearing.

#### 5. Conditions of Virtual Attendance

All approved observers must comply with the following conditions:

##### 5.1. Observational Role Only

Observers may observe only and must not speak, participate, communicate with the panel, or otherwise intervene unless expressly directed by the panel.

##### 5.2. Audio and Video Controls

Observers:

- May be muted by default and must remain muted at all times unless instructed otherwise;
- May be required to keep their camera on at the commencement of the hearing for identification purposes and thereafter keep it off, as directed by the panel.

##### 5.3. Prohibition on Recording and Distribution

Observers must **not**:

- Record, photograph, screencapture, broadcast, or rebroadcast any portion of the hearing; or
- Share hearing links or access credentials with any other person.

## **5.4. Privacy and Sole Attendance**

Observers must:

- Attend alone; and
- Ensure no other person can see or hear the proceedings.

## **5.5. Conduct and Decorum**

Virtual hearings are formal legal proceedings. Observers must comply with all directions of the panel and maintain appropriate decorum. Observers who disrupt proceedings may be removed and denied future access.

## **5.6. No Contact with the Hearing Panel**

Observers must not contact, attempt to contact, or communicate—directly or indirectly—with any member of the hearing panel regarding the proceeding at any time.

## **6. Publication Bans**

Observers must strictly comply with any publication ban or disclosure restriction issued by the hearing panel, including prohibitions on publishing, sharing, or identifying evidence, testimony, exhibits, or protected individuals in any form of media; non-compliance may result in removal from the hearing, loss of future access, and potential legal consequences.

## **7. Late Arrival**

Observers who join late may be held in a virtual waiting room and admitted only during a break or at the discretion of the panel.

## **8. Disclosure of Observer Identity**

An observer's name may be disclosed:

- To the parties and panel members in advance of the hearing for the purpose of considering objections to attendance; and
- On the record, if required to confirm attendance.

## **9. Breach of Policy**

Failure to comply with this policy may result in:

- Immediate removal from the hearing; and
- Refusal of access to future hearings.