

ACADEMIC COUNCIL REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Discussion/Direction
Information

TO: Academic Council

DATE: September 22, 2020

FROM: Niall O’Hallor, Policy and Compliance Advisor

SUBJECT: Written Policy Instrument Consultation Opportunity

ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, Policy Owners must consult with Academic Council before presenting draft policy instruments to the approval authority for approval.
- We submit this report to inform you of the opportunity to review draft policy instruments and provide written comments before they are presented to the relevant Approval Authority.

POLICY INSTRUMENT(S) AVAILABLE FOR CONSULTATION:

- Remote Oral Hearings and Informal Processes Directive

HOW TO COMMENT:

- Academic Council members can provide written comments by email to policy@uoit.ca. Comments will be shared with the relevant Policy Owner for consideration.
- The comment period will be open until 3:00 pm on October 6, 2020.

NEXT STEPS:

- Academic Council members can provide written comments by email to policy@uoit.ca.
- A summary of comments on each instrument will be provided to the relevant deliberative body and approval authority. A full list of consultation and approval for each instrument is attached.

SUPPORTING REFERENCE MATERIALS:

- Remote Oral Hearings and Informal Processes Directive



Classification Number	LCG 1139.01
Parent Policy	Fair Processes Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	President
Policy Owner	University Secretary and General Counsel
Approval Date	DRAFT FOR CONSULTATION
Review Date	
Supersedes	

REMOTE ORAL HEARINGS AND INFORMAL PROCESSES DIRECTIVE

PURPOSE

1. The purpose of these Directives is to set out a process and parameters for the conduct of Remote University Decision-Making Processes including both formal processes such as hearings, and informal processes such as mediation.

DEFINITIONS

2. For the purposes of these Directives the following definitions apply:

“Remote Oral Hearing” means a formal decision-making process where one or more participants joins by means of videoconference software.

“Remote Informal Processes” means an informal decision-making process such as mediation where one or more participants join by means of videoconference software.

“Respondent” means an individual whose conduct is the subject of the Decision-Making Process.

“Video Conference Coordinator” means an employee with responsibility for ensuring that all technological and administrative processes are carried out with respect to a decision-making process. This may be a Committee member, Committee Secretary, or other resource person.

SCOPE AND AUTHORITY

3. These Directives apply to Remote University Decision-Making Processes that affect the rights of Respondents including both informal processes such as mediation and formal processes such as oral hearings.
4. The University Secretary and General Counsel, or successor thereof, is responsible for overseeing the implementation, administration and interpretation of these Directives.

DIRECTIVES

5. **Use of video conferencing software**

- 5.1. Video conference software must be reviewed and authorized by the Chief Privacy Officer or delegate to be used for Remote Decision-Making Processes. This will include developing a process for the use of the software.
- 5.2. The Privacy Office will maintain a list of video conferencing software authorized for these purposes. Contact the Privacy Office at accessandprivacy@ontariotech.ca
- 5.3. The Chair of the Committee conducting the hearing, or the individual conducting the informal process, will appoint a Video Conference Coordinator to ensure the processes within this Directive are carried out.
- 5.4. Where the Respondent is participating remotely, other witnesses (if any) should also participate remotely to ensure that credibility can be assessed equitably.

6. Process for initiating a video conference

- 6.1. The Process for initiating a video conference will differ depending on the video conference software being used. The process will be developed and documented in collaboration with the Privacy Office.
- 6.2. **Process for the use of Google Meet**
 - a) Video Conference Coordinator will initiate a meeting invite using ontariotechu.net calendar, inviting the Respondent and Committee members or other participants using their ontariotechu.net email address. Notify all participants to connect using their ontariotechu.net account.
 - b) If any participant is unable to connect using an authorized ontariotechu.net account, they must inform the Video Conference Coordinator in advance, and establish the email address, nickname or phone number they will be using to connect.
 - c) When a participant attempts to connect the Video Conference Coordinator will verify the identity of the participant (using the means established in s. 6.2 b) before accepting the connection.
 - d) For further assurance, the Video Conference Coordinator will verify the identity of all participants visually, or by asking for their Banner ID number. The Video Conference Coordinator will confirm that each participant is alone in the room.
- 6.3. **Process for the use of Bluejeans**
 - a) Video Conference Coordinator will initiate a meeting invite using a one-off meeting space with a unique nine-digit meeting ID. This meeting space will not be reused for multiple meetings with different individuals throughout the day.
 - b) Video Conference Coordinator will share the meeting link and personal passcode in advance. If being sent to a student, the link should be sent to an authorized ontariotechu.net email address only.
 - c) Video Conference Coordinator will establish in advance if a user will be

connecting by phone, with the strong recommendation not to connect by phone. Video Conference Coordinator must be advised of the phone number they will be using to connect. If no participants are connecting by phone, the use of the Encrypt Meeting option is recommended.

d) When a user connects, Video Conference Coordinator will verify their identity visually or by asking for their Banner ID number. The Video Conference Coordinator will confirm that each participant is alone in the room.

6.4. Employees of the University, including the Video Conference Coordinator, mediator and/or Committee members, will not record the session.

7. Supporting evidence in Remote Oral Hearing

7.1. Any supporting evidence (documents) must be shared with the Video Conference Coordinator at least 48 hours in advance. The Video Conference Coordinator will prepare a package of documents with unique identifiers and page numbers to support participants in identifying relevant information during the hearing.

7.2. The Video Conference Coordinator will send copies of supporting evidence to all participants at least 24 hours in advance.

7.3. If a participant needs to indicate part of a document in the course of the hearing, they can use the screen sharing feature of the video conference software to share their view of the document that was sent by the Video Conference Coordinator. Only documents shared by the Video Conference Coordinator in advance of the hearing will be shared using screen sharing.

8. Documents in Informal Decision-Making Processes

8.1. Any documents that will be referenced in the meeting should be shared with the Video Conference Coordinator at least 48 hours in advance. The Video Conference Coordinator will prepare a package of documents with unique identifiers and page numbers to support participants in identifying relevant information during the hearing.

8.2. The Video Conference Coordinator will send copies of documents to all participants at least 24 hours in advance.

8.3. If a participant needs to indicate part of a document in the course of the hearing, they can use the screen sharing feature of the video conference software to share their view of the document that was sent by the Video Conference Coordinator.

9. Preparing for a Remote Decision-Making Process

9.1. All participants will ensure that they have a quiet, private place to participate and be aware that any items visible in the video frame will be visible to all participants in the video conference.

9.2. Ensure proper lighting, and place the camera at eye level or slightly above. Too much lighting from behind or above can cause a participant to appear in silhouette.

- 9.3. No one else should be in the room during the Remote Decision-Making Process, except an advisor or support person where permitted by the applicable policy or procedure. Prior notification of advisor/support person is required by policies and procedures.
- 9.4. No private communications (i.e., phone, text, or email) with witnesses during the course of an Oral Hearing.

MONITORING AND REVIEW

10. These Directives will be reviewed as necessary and at least every three years. The Policy Advisor, or successor thereof, is responsible to monitor and review these Directives.

RELEVANT LEGISLATION

11. This section intentionally left blank.

RELATED POLICIES, PROCEDURES & DOCUMENTS

12. Fair Processes Policy
Ethical Conduct Policy
University Investigation Procedure
Student Conduct Policy
Academic Integrity Policy
Academic Misconduct Procedure
Harassment and Discrimination Policy
Harassment and Discrimination Procedure