



## Witness Guide

This guide explains what it will be like to be a witness in a formal legal process called a hearing, which is similar to a trial in court. A witness is someone who gives a verbal description of events called “testimony”. A witness’s testimony is evidence that the decision-maker uses to decide what happened in the case.

### About discipline cases

In a discipline hearing, the Discipline Committee decides whether a Registered Early Childhood Educator (RECE) has committed professional misconduct. If the RECE is found to be guilty, they also decide the consequences. Professional misconduct includes conduct that doesn’t follow the College of Early Childhood Educators’ Code of Ethics and Standard of Practice, that is listed in the Professional Misconduct Regulation, or that involves sexual abuse or misconduct.

### About fitness to practise cases

In a fitness to practise hearing, the Fitness to Practise Committee decides whether the RECE is incapacitated. Being “incapacitated” means an RECE’s physical or mental health is making it unsafe for them to practise the profession.

### Who will be at the hearing

<b>Panel</b>	The decision-maker in a hearing. This is a group of three people that includes RECEs and members of the public. The Panel oversees the hearing. One person on the Panel is called the Chair. They may give instructions to a witness or ask them questions.
<b>RECE</b>	The individual member of the College of Early Childhood Educators about whom the Panel will make a decision. The RECE may have a representative (such as a lawyer or paralegal). They may also have a support person with them. The RECE or their representative may ask a witness questions.
<b>Prosecutor</b>	The lawyer who represents the College. The Prosecutor may ask a witness questions.
<b>Independent Legal Counsel</b>	A lawyer who gives advice to the Panel
<b>Hearings Coordinator</b>	A staff member from the Hearings Office



In some cases, there will also be:

- An interpreter who translates what is said
- A court reporter who documents what is said at the hearing

Other people can watch the hearing without saying anything. These might include:

- The Prosecutor's colleagues, called Prosecution Clerks
- Other staff members from the Hearings Office
- Members of the public (at a discipline hearing only)

## **What a witness does during the hearing**

The person who asked you to testify will tell you when to come to the hearing. Please keep in mind that this time is approximate, because it's hard to predict exactly how long each part of a hearing will take. Make sure you have your phone or email available, because the person who asked you to testify might contact you to tell you that the time has changed. You may also have to wait before you are let into the hearing. Thank you in advance for your patience if this happens.

Discipline and fitness to practise hearings are formal legal processes. You should wait to speak until the Panel Chair addresses you.

Wait for the person asking you a question to finish speaking before you start answering. Try to pause for a second to make sure there is no delay in the video or audio connection.

When you start testifying, you may be asked to identify yourself. Please have a piece of photo identification that shows your name with you so that you can hold it up to the camera. You can cover up other personal information, such as your address or date of birth.

You will then swear an oath or affirm (promise) to tell the truth in your testimony. If you want to swear an oath, have the religious object you want to swear on with you. You will also be asked to swear or affirm that no one else is in the room with you and that you do not have any documents open or available. (These details might be different if a different plan was made in advance.)

After these first steps are done, the RECE or their representative and the Prosecutor will ask the witness questions.

The person who asked you to testify asks their questions first. Their questions will be open-ended, which means that you will be able to give descriptions of what you saw or know that is relevant to the case.

The other person asks their questions second. Their questions will usually invite a yes or no answer.

The Panel or the person who asked you to testify may ask some more questions.

Sometimes, the Panel, the RECE and the Prosecutor need to talk about a legal issue while a witness is testifying. If that happens, you will be moved back into the Zoom Waiting Room for a while.

When they are ready for you, the Hearings Clerk will bring you back into the meeting when they are ready for you to continue testifying.



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When this process is finished, you will be excused from the hearing.

## **Electronic hearings and other accommodations**

Almost all discipline and fitness to practise cases are held over Zoom. The Hearings Office has a guide for using Zoom to help you navigate an electronic hearing. You can find it [here](#).

If you have reasons why you can't participate over Zoom or need other accommodations to help you participate, please [contact the Hearings Office](#) as soon as possible.