

A COMPILATION OF CRITERIA FOR ASSESSMENT AND MANAGEMENT OF ADJUDICATORS' PERFORMANCE

WORKSHOP 5 - SOAR 2024 Annual Conference November 14, 2024

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Technical / Functional Competency and Performance

Contributions to the Tribunal and Tribunal Operations

- participates in group discussions
- volunteers for committees or projects
- offers suggestions for improvement
- embraces tribunal-related technology
- as sole member or panel chair, manages the hearing well:
 - is fair
 - is efficient
 - is not overly formal
 - helps to focus on the issues to be decided
 - as appropriate, ensures that witnesses and parties understand the process
 - strikes an appropriate balance between helping parties (self-reps in particular) and maintaining the tribunal's neutrality

Tribunal and Legislated Knowledge and Acumen

- understands the mandate and jurisdiction of the tribunal
- has expertise in, or an advanced understanding of the law, rules and policies in, one or more substantive areas relevant to the tribunal's mandate
- understands the tribunal's rules, practices and procedures
- understands administrative law concepts
- is able to interpret and apply relevant legislation, including the tribunal's enabling legislation and the Statutory Powers Procedure Act
- with appropriate experience and/or training, and in appropriate circumstances, is capable of being a panel chair in a complex hearing
- makes appropriate interventions
 - employs a proper manner of questions
 - minimizes repetition
 - avoids leading questions of witnesses

Behavioural Competency

Communication and Collaboration

- communicates with confidence and steadiness
- delivers accurate, clear and concise messages to persons appearing before the Tribunal
- responds promptly to communications

- participates fully in deliberations, ensures that all panel members have a full opportunity to contribute, and listens well to others
- writes well-crafted and timely reasons for decisions
 - clear and intelligible, showing the analytical path
 - concise
 - accurate references to applicable law
 - issue-oriented
 - point-first

Problem Solving, Judgment and Decision Making

- demonstrates integrity, good judgment, and sound analytical capability
- fairly assesses the credibility and reliability of evidence

Inclusion or Equity, Diversity and Inclusion

- listens actively to persons appearing before the Tribunal
- acts impartially, objectively, independently, and with an open mind
- communicates and works respectfully, inclusively and cooperatively with peers and staff supporting the tribunal

Ethics, Integrity and Professional Acumen

- maintains ethical principles, effectiveness, and persistence during times of pressure, adversity, and ambiguity
- maintains composure
- recovers quickly from setbacks
- takes their obligations seriously and consistently meets their commitments
- is trustworthy, including with respect to confidentiality
- works in a professional and constructive manner
- displays a dignified, fair and professional manner
- is on time and dressed appropriately

Initiative

- works efficiently and effectively
- prepares conscientiously
- is willing to allocate necessary time
- is willing and able to learn; is committed to continuous improvement

For specific examples of adjudicator evaluation policies, please see [Adjudicator Performance Management Policy \(capitalmarketstribunal.ca\)](https://capitalmarketstribunal.ca), [CCB - Peer Performance Evaluation Program \(ccboard.on.ca\)](https://ccboard.on.ca). Please also see SOAR publications on this topic: [SOAR Report of Research of Tribunal Adjudicator Performance June 2023 | The Society of Ontario Adjudicators and Regulators](#) and [Performance Management in Ontario's Administrative Justice Tribunals 1995 | The Society of Ontario Adjudicators and Regulators \(soar.on.ca\)](#)