

Working Title Hearing Adjudicator	Name
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Position Number	Reports to Position No., Class & Level	Ministry Public Safety and Emergency Services
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Requested Class
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Dept. ID	Program Code	Project Code (if applicable)
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**POSITION SUMMARY:** Briefly describe the main purpose of the position, and why it exists for the most part (See PP [Slides 28-32](#)).

Reporting to the Director or designate, Correctional Programs and Services Branch, the Hearing Adjudicator is essential to the inmate disciplinary hearing process within Alberta's provincial remand and correctional facilities, playing an instrumental and crucial role in implementing the inmate disciplinary framework for the Correctional Services Division. Working specifically within Alberta's *Corrections Act*, *Corrections Regulation* and Alberta Correctional Services Policy and Procedures, the Hearing Adjudicator reviews institutional charges and the associated allegations, conducts disciplinary hearings, and is solely responsible for determining the findings and an appropriate disposition.

The Hearing Adjudicator also identifies procedural issues, makes recommendations for streamlining processes, manages the change implementation process and works effectively with all stakeholders.

**SPECIFIC ACCOUNTABILITIES:** List the most important end results or outcomes (not duties) of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-6 core end results. For each end result approximately 4-6 major activities should be described (See PP [Slides 20-27](#)).

**Be accountable in adjudicating Disciplinary Hearings:**

- Ensure all inmate appearances and hearings are conducted in compliance with the *Alberta Corrections Act*, *Corrections Regulation*, Freedom of Information and Protection of Privacy act (FOIP), Custody Operations Branch policy and procedures, and rules of natural justice.
- Lead a fair, impartial, non-discriminatory and expeditious disciplinary process within the correctional setting.
- Lead an inquisitorial-based, quasi-judicial disciplinary hearing for inmates that have been institutionally charged.
- Assess and respond to requests from inmates, staff members, witnesses and legal counsel by determining the relevance and impact of the requests on the disciplinary process and provide a sound rationale for decisions made.
- Assess when additional information or witnesses are required for the hearing and determine when adjournments are necessary.
- Assess and respond to legal or procedural arguments raised during the disciplinary hearing and provide a rationale for decisions made.

**Disciplinary Hearing decisions arrived at judiciously:**

- On completion of the hearing, a decision on the allegation shall be made.
- Decisions shall reflect legislative requirements, policy and procedures, and rules of natural justice.
- Consideration should also be given to decisions and recommendations from Appeal Adjudicators, King's Bench Judicial Reviews, and the Alberta Ombudsman's Office.
- On sentencing, the inmate's custodial history and dispositions imposed in similar circumstances shall be evaluated.
- As the inmate's earned remission, privileges and time spent in disciplinary segregation can be affected, sound decisions are essential.
- Rationales for decisions imposed shall be recorded verbally during the hearing.

**Maintain integrity of the Disciplinary process:**

- Conduct documentation reviews to ensure all required information is available and accurate; ensuring the integrity of the hearing process is maintained.
- Liaise with the inmate's legal counsel and provide information and circumstances related to the inmate's institutional charges and the disciplinary process.
- Complete and maintain concise, well-written reports on disciplinary decisions, including reasons and rationales for decisions, and ensure all appearances are digitally recorded. If a disciplinary decision is appealed by the inmate or proceeds to the Court of King's Bench for a judicial review, written reports and digital recordings will be assessed and scrutinized for compliance with legislation, policy, and correctional best practices.

**Contribute to the integrity and professionalism of the province-wide Disciplinary process:**

- Coordinate and participate in on-going disciplinary Hearing Adjudicator meetings to ensure appropriate and reasonable inmate disciplinary decisions are maintained throughout the province.
- Continuously review the Alberta Ombudsman's recommendations, Court of King's Bench judicial review recommendations and maintain awareness of administrative justice and correctional best practices.

**KNOWLEDGE/EXPERIENCE:** Include a list of the most important knowledge factors, including knowledge about practical procedures, specialized techniques etc. not only diplomas and degrees. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (See PP [Slides 33-37](#)).

**The position requires knowledge of:**

- Administrative and natural justice principles
- Correctional centre operations
- The *Alberta Corrections Act*
- *Corrections Regulation*
- FOIP
- Correctional centre programs
- Security considerations
- Offender Management
- Correctional policy, procedures and guidelines
- A well developed understanding of administrative tribunal principles and the principles of natural justice
- The ability to efficiently carry out administrative tribunals.
- The ability to conduct a professional inquisitorial hearing.
- Superior communication and interpersonal skills.
- Sound diplomacy skills to effectively manage relations with internal and external stakeholders.
- Strong organizational, analytical and management skills to ensure hearings are conducted in accordance with administrative rules of natural justice.
- Critical thinking and problem-solving skills to resolve complex disciplinary situations and issues.

**LEADERSHIP AND BUSINESS KNOW-HOW:** Specify the level of coordination, organization and leadership required to produce the results expected of the position. Provide recent examples (See PP [Slides 38-40](#)).

- The ability to lead a fair and impartial inquisitorial hearing within an often busy and stressful correctional environment.
- The ability to coordinate a high volume of hearings within tight time limits. This is particularly relevant for inmates that are on remand status or those that have received short sentences.
- Exceptional management and organizational skills are required to ensure:
  - Hearings are conducted in a fair, impartial and expeditious manner.
  - Appropriate information, witnesses and reports are considered prior to making a decision.
  - Minimal disruption occurs to centre operations.
  - Hearing schedules are effectively communicated with the charged inmate, witnesses, centre personnel and legal counsel.
  - Sensitivity to budgetary considerations.
- Respond to and resolve procedural challenges that arise during the hearing.
- Impose appropriate and meaningful dispositions for inmates who have been institutionally charged.
- Be responsible for maintaining the credibility of the disciplinary process in correctional centres.

**PROBLEM SOLVING:** Describe difficult or challenging situations the position is typically expected to solve and the assistance available (See PP [Slides 41-43](#)).

The Hearing Adjudicator presides over a comprehensive inmate disciplinary process within a correctional facility, ensuring it is fair and impartial to both staff and inmates. The circumstances of the institutional charge, the inmate's custodial history, and circumstances unique to each correctional centre are to be considered by the Hearing Adjudicator. The Hearing Adjudicator must determine required witnesses, review all necessary reports, and conduct the hearing. The information and circumstances presented are to be evaluated when determining the outcome of the hearing. The inmate's behaviour during the

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hearing may be challenging and affect whether the hearing proceeds or requires an adjournment. Where adjournments are required, the Hearing Adjudicator must take into account witness availability, inmates potential upcoming release, time elapsed between charge being laid to hearing and any other applicable factors that impacts the fairness and timeliness of the hearing. .

The level of responsibility associated with this position is significant, due to the independent nature of the position, potential for litigation and impact on an inmate’s privileges in custody. While the Hearing Adjudicator may request assistance in the form of policy, center operation and legal advice, the Hearing Adjudicator will be solely responsible for making any decision regarding an institutional charge and an appropriate disposition.

**RELATIONSHIPS/CONTACTS:** Identify internal and/or external clients, partners and stakeholders with whom your position has the most influence and indicate the frequency, purpose and nature of the contact (i.e. how they are affected by recommendations, decision-making and action(s) taken) (See PP [Slides 44-46](#)).

Clients	Frequency	Nature and Purpose of Contact
<b>Internal</b>		
Directors and/or Deputy Directors of Programs and/or Security	Daily	Provide information, updates and advice to solicit direction on strategic matters
Director, Correctional Programs & Services Branch	Daily	Provide information, updates
Corrections Program Analyst	Daily	Provide information and advice
Centre Directors	As Required	Provide information, updates
Hearing Adjudicator Assistant	Daily	Provide and ascertain information
Executive Director- Correctional Programs & Services Branch	As Required	Provide information, updates
Executive Director, Custody Operations Branch	As required	Provide information, updates
Inmates	Daily	Directly impacted by decisions made
Correctional Service Workers	As required	Provide information and advice
Correctional Peace Officers	As required	Provide information and advice
<b>External</b>		
Justice	As required	Provide information, as required, advice
Ombudsman’s Office	As required	Provide information
Lawyers	Daily to weekly	Representative for inmates during proceedings
Judiciary	As required	Provide information, updates

**IMPACT AND MAGNITUDE OF JOB (SCOPE):** Identify how the position directly affects results, and the extent to which stakeholders are affected by the outputs. Provide recent examples (See PP [Slides 47-49](#)).

The Hearing Adjudicator presides over and is responsible for the inmate disciplinary hearing process. The incumbent's decisions impact the inmate directly and the general operation of the centre, as staff members must implement the decisions imposed during the hearing. Inappropriate decisions could result in wrongful discipline for the inmate, or costly litigation for the Department. Hearing Adjudicator decisions can significantly impact the climate and tension within the centre, for staff members and inmates. Reasonable

**IMPACT AND MAGNITUDE OF JOB (SCOPE):** Identify how the position directly affects results, and the extent to which stakeholders are affected by the outputs. Provide recent examples (See PP [Slides 47-49](#)).

and sound decisions that are expeditiously arrived at are imperative to maintain good order within the correctional environment.

In December 2016, Court of Queen's Bench Justice Marceau deemed that the sections of the Alberta *Corrections Act* and corresponding Regulation were in violation of the inmate's rights, as outlined in Section 7 of the *Canadian Charter of Rights and Freedoms*. Two critical aspects of Justice Marceau's concerns surrounded the perception of lack of independence and bias. Accordingly, the process has been revised and hinges on a Hearing Adjudicator who is classified as a senior manager and is not directly involved in the day-to-day operations of the centre, to conduct disciplinary hearings. In the revised process, once a charge has been sanctioned by a Centre Manager (manager 2) the information is provided to the Hearing Adjudicator. The decision to proceed or dismiss the charge is at the discretion of the Hearing Adjudicator and there is no provision for staff members to appeal the Hearing Adjudicator's decision directly. Appeals of the Hearing Adjudicator's decision can only be initiated by the inmate or the Centre Director. Therefore, it is imperative that the Hearing Adjudicator not be at the same classification as the Centre Manager but at a lower classification to the Centre Director, to maintain the integrity of the process and dissuade perceived influence or pressure from Centre Managers or Directors regarding disciplinary hearing decisions.

Those affected by the Hearing Adjudicator's decisions include: correctional staff who initiated the institutional charge; the inmate; legal counsel for the inmate who may challenge the allegations or decision of the Hearing Adjudicator; the Appeal Adjudicator who conducts appeals initiated by the inmate or Centre Director; the Alberta Ombudsman's Office who may be involved if an investigation is requested by the inmate; the Alberta Court of King's Bench, should an application for judicial review be initiated; the Director of Correctional Programs and Services who oversees the adjudication and appeal process; and the Executive Director for the Custody Operations Branch who oversees all provincial remand and correctional centres and determines policies and procedures for the Branch.

**CHANGES SINCE LAST REVIEW:** What significant changes have occurred in your job, from the last review (See PP [Slides 50-51](#)).

February 2024 – Updated to reflect current language and titles for oversight.

**COMPARABLE POSITIONS:** List comparable GoA benchmarks (See PP [Slide 52](#)).

A comparable position is that of an Independent Chairperson within Correctional Service of Canada; however, it is not a benchmark in the GOA.

**ORGANIZATION CHART:** A current organization chart that includes supervisor, peers and staff MUST be attached. Include whether employee is permanent, wage, temporary or contract and indicate position numbers (See PP [Slide 53](#)).

**Signatures**

The signatures below indicate that the manager (incumbent) and division director/ADM have read, discussed and agreed that the information accurately reflects the work assigned (See PP [Slide 54](#)).

**Manager**

Name	Signature	Date
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**Supervisor**

Name	Signature	Date
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**Division  
Director/ADM**

Name	Signature	Date
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