

# FSCIC

The Federal Society of Citizenship and Immigration Councils Inc.

Submissions “Immigration Consultants Regulatory Body: Submission for Consideration.”

1. CSIP -The Canadian Society of immigration Practitioners Inc.(affiliate)
2. CBA – Canadian Bureau Association; .(affiliate)
3. CCIC - the Proposed College of Citizenship and Immigration councils of Canada .(affiliate)
4. CIPA- the Proposed Regulated Citizenship and Immigration Professions Act, 2010 .(affiliate) All Names in this proposal are reserved and pending registration under Copy Right Act

## PROPOSAL Submission

Deadline is December 29, 2010 at  
4:pm Est. time

**Name: The Federal Society  
of Citizenship and  
Immigration Councils Inc.**

Address: 2000-1066 West Hastings  
Street, Vancouver, BC, V6E 3X2,  
Canada

Phone: 604 601 8264

Fax: 604 582 4898

Date: 8/26/2010



CCIC



Mail to : Attention: Fraud Deterrence and Verifications Division,  
B1435 Citizenship and Immigration Canada (CIC) 14th Floor,  
Jean Edmonds Tower South (JETS)

365 Laurier Avenue W –

Ottawa, Ontario K1A 1L1:

Email: [Consultants@cic.gc.ca](mailto:Consultants@cic.gc.ca)Regular

FSCIC The Federal Society of Citizenship and Immigration Councils Inc.

**August 26, 2010**

# BACKGROUND

## Re: News Release

### Government of Canada seeks candidates for regulator of immigration consultants

**Ottawa, August 30, 2010** — Citizenship and Immigration Canada (CIC) has launched a process to identify a governing body to regulate immigration consultants, as part of a broader strategy to protect vulnerable would-be immigrants from fraud and crack down on crooked immigration consultants.

“We’re looking for a regulator who can support Canada’s long-term immigration objectives while working toward maintaining and building confidence in our immigration system,” said Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism.

A call for submissions from interested candidates was published in the *Canada Gazette* on August 28, 2010, and [posted on its website](#). Interested parties have until December 29, 2010, to deliver their submissions. Information on the selection factors being used to evaluate applications can be found in the attached backgrounder.

“On one hand, the successful candidate must show it can effectively investigate the conduct of its members and sanction those who don’t play by the rules,” added Minister Kenney. “On the other hand, it will need to show they understand how vulnerable people using the services of an immigration consultant can be. It will also need to understand the importance of ensuring that consultants respect Canada’s immigration laws.”

This selection process follows a notice of intent published on June 12, 2010, in the *Canada Gazette*, announcing CIC’s intention to launch a public process to identify a governing body to regulate immigration consultants. The notice solicited comments from the public before July 2. Selection factors were then developed taking into consideration the comments received.

Improved regulation of immigration consultants is part of a broader strategy announced at the introduction of Bill C-35, the *Cracking Down on Crooked Consultants Act*, in the House of Commons on June 8. The Bill proposes to strengthen the rules governing those who charge a fee for immigration advice; close immigration system loopholes currently exploited by crooked consultants; and improve the way in which immigration consultants are regulated. The Canadian Society of Immigration Consultants currently regulates immigration consultants across Canada.

Follow us on Twitter at [www.twitter.com/CitImmCanada](http://www.twitter.com/CitImmCanada).

### For further information (media only), please contact:

Alykhan Velshi  
Minister’s Office  
Citizenship and Immigration Canada  
Media Relations  
Communications Branch  
Citizenship and Immigration Canada  
613-952-1650

[CIC-Media-Relations@cic.gc.ca](mailto:CIC-Media-Relations@cic.gc.ca)

### Backgrounders

- [Seeking candidates interested in regulating immigration consultants](#)
- [Canada Gazette](#)
- [Minister Kenney introduces legislation to crack down on crooked immigration consultants](#)

## **Backgrounder**

### **Seeking candidates interested in regulating immigration consultants**

Further to the notice of intent published in the *Canada Gazette* on June 12, 2010, the Minister of Citizenship, Immigration and Multiculturalism is inviting submissions from candidates interested in undertaking the responsibilities of a governing body for the regulation of immigration consultants. Candidates must demonstrate that their organization has or will have the capacity to effectively regulate immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.

### **Selection Process**

A selection committee comprised of officials from Citizenship and Immigration Canada (CIC), other federal organizations and external experts will examine all submissions in relation to the selection factors listed in the call for submissions published in the *Canada Gazette* on August 28, 2010, and [posted on its website](#). A brief summary of the selection factors is outlined below.

### **Selection Factors – Highlights**

1. **Competence** – Among other factors, candidates must demonstrate that they employ or will employ individuals with demonstrated knowledge and experience, and that they have acquired or have developed a plan to acquire the expertise to set adequate standards of competence, practice and ethical conduct, and official language standards.
2. **Integrity** – Candidates must demonstrate how they will protect the Canadian public and those who use the services of immigration consultants; enhance public confidence in the immigration process; and preserve the integrity of the immigration system through, among other actions, the development of a code of conduct and a code of ethics for members of the board of directors and a conflict of interest code for immigration consultants.
3. **Accountability**– Candidates must demonstrate how they plan to foster a culture of transparency and openness to ensure they are accountable to their membership and to the Canadian public. This includes a commitment to the democratic election of directors, annual public meetings, and external audits and regular reporting.
4. **Viability** – Candidates must demonstrate that they have acquired or have developed a plan to acquire expertise in financial management and reporting and are able to ensure the same on an ongoing basis. This includes plans to ensure a membership base that would provide for sustainability of the body, and to promote membership. Candidate entities must be incorporated, or capable of being incorporated, as a non-profit corporation under federal law.
5. **Good Governance**– Candidates must demonstrate how the board of directors will contribute to the positive reputation of the regulator and the profession and how governance expertise will be developed and reflected in the composition and training of directors. In addition to sound corporate governance and financial expertise, candidates must demonstrate an ability to engage in strategic planning and organizational performance management and evaluation. Candidates must also demonstrate how they will inform members and consumers of the services of immigration consultants of the activities, finances and purposes of the regulator as well as their rights and obligations

### **Evaluation Process**

Candidates will need to demonstrate that they have or will have the capacity to meet the established organizational competencies that serve as selection factors for this process. Candidates will be evaluated on their vision, their understanding of the scope and depth of the task at hand, and the experience and expertise they can bring toward establishing and running a regulatory body.

Candidates must set out, in detail, how they meet the requirements and must provide supporting documentation to demonstrate how the selection factors are met, such as a financial plan, a human resources plan, codes of conduct or other appropriate documents. Supporting documentation on resource requirements and potential sources of funding must be provided.

Interested parties have until 4 p.m. (EST) on December 29, 2010, to deliver their submissions.

For a complete list of selection factors, information on the evaluation process and how and where to send submissions, please refer to the call for submissions posted on the [Canada Gazette w Vol. 144, No. 35 — August 28, 2010](#)

### **GOVERNMENT NOTICES**

#### **DEPARTMENT OF CITIZENSHIP AND IMMIGRATION**

#### **IMMIGRATION AND REFUGEE PROTECTION ACT**

*Notice requesting submissions from candidates interested in becoming the regulator of immigration consultants*

Further to the Notice of Intent published in the *Canada Gazette* on June 12, 2010, the Minister of Citizenship, Immigration and Multiculturalism is inviting submissions from candidate entities interested in performing the responsibilities of a governing body for the regulation of immigration consultants. The candidate entities must demonstrate that their organization has or will have the capacity to effectively regulate immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.

Focusing on membership, competence and compliance, complaints and investigations, and discipline, the body identified for recognition must demonstrate that it has or will have the capacity to meet established organizational competencies that serve as selection factors for this process. The regulator must also demonstrate an understanding of its public protection role and of the vulnerability of its primary constituency: would-be users of Canada's immigration programs. As regulator of a self-governing profession, the body is expected to provide a procedurally fair and accessible complaint and discipline mechanism, a code of conduct, errors and omission insurance for members, liability insurance for the body itself, a compensation fund, and the commitment to provide full services in both official languages to both members and clients.

The regulator must be accountable, transparent and democratic. As regulator of immigration consultants, the organization's primary objective must be to ensure that the public is well served by an honourable and competent body of consultants.

## **Background**

On June 8, 2010, the Minister of Citizenship, Immigration and Multiculturalism introduced the *Cracking Down on Crooked Consultants Act* in the House of Commons in order to strengthen the rules governing those who charge a fee for immigration advice, close immigration system loopholes currently exploited by crooked consultants, and improve the way in which immigration consultants are regulated. In addition to tabling this Bill, a Notice of Intent was published on June 12, 2010, in the *Canada Gazette*, announcing Citizenship and Immigration Canada's (CIC) intention to launch a transparent public selection process to identify a governing body for recognition as the regulator of immigration consultants, under current authority. The Notice of Intent solicited comments from the public on the proposed selection process for the period ending July 2, 2010. A large number of comments were received suggesting measures to strengthen the transparency, accountability and effectiveness of the regulation of third party representatives.

Following this solicitation period and after considering comments received by the public, selection factors were developed to ensure that any entity serving as the regulator of immigration consultants has or will have the capacity to support Canada's immediate and long-term immigration objectives as well as maintain public confidence in the immigration system.

While this process is proceeding under existing authorities under the *Immigration and Refugee Protection Act*, candidate entities should contemplate the potential of future regulation of consultants for purposes of the *Citizenship Act* as proposed in Bill C-37.

## **Selection process**

A Selection Committee comprised of officials from CIC, one or several federal government organization(s) as well as one or several external expert(s), will examine all submissions in relation to the competencies listed below, which serve as selection factors. Established candidate organizations may provide evidence of their direct experience to support their candidacy. Where a candidate entity does not yet have direct operational experience, the experience of the individuals making the submission, or of the proposed key employees or officers, in the context of the submission, will be assessed. If a selection factor is lacking in the candidate entity, the candidate must demonstrate how it will fulfill the particular selection factor, including the provision of supporting documents.

After considering the submissions and other relevant factors and assuming that at least one organization is identified by the Selection Committee as meeting the selection factors, the Committee will provide the Minister of Citizenship, Immigration and Multiculturalism with a recommendation as to which organization(s), if any, has or have demonstrated the necessary competence, integrity, accountability, good governance and viability to effectively regulate the profession so as to preserve the integrity of the immigration system. If the Committee is of the view that no organization meets the selection factors, this will be indicated.

## **Selection factors**

### **1. Competence**

Candidate entities must demonstrate competence as a regulator, as follows. Candidates must employ individuals with demonstrated knowledge of Canada's immigration regime and issues pertaining to the regulation of immigration consultants.

Candidate entities must demonstrate that they have acquired or have developed a plan to acquire the expertise to set adequate standards of competence, practice and ethical conduct, and official language standards. They must describe proposed mechanisms for the rigorous assessment of competence of prospective members, procedurally fair and effective complaint and discipline mechanisms, as well as certification procedures and procedures to accredit consultant training and continuing education programs with high standards. The candidate entity must also be able to demonstrate that it will be

able to obtain liability insurance and be able to establish a compensation fund to compensate the public in cases of member malpractice.

Candidate entities must demonstrate how they have, or will acquire, the experience necessary to adjudicate on disciplinary matters with procedurally fair policies and procedures.

The candidate entities must demonstrate their commitment to provide full services in both official languages to both members and clients. Complaint mechanisms, in particular, must be accessible to clients and members of the public, including consideration of various language profiles. Furthermore, candidate entities must ensure that their members are able to offer services in one of Canada's official languages.

## **2. Integrity**

Candidate entities must specifically demonstrate how they will protect the Canadian public and those who use the services of immigration consultants, enhance public confidence in the immigration process, and preserve the integrity of the immigration system. Candidate entities must describe the tools or measures they will use, including the development of awareness campaigns on issues of fraud and available recourses among immigrant communities, immigrant service providers, as well as the general public.

Candidate entities must be able to establish a conflict of interest code for members of the Board of Directors, a written code of ethics for directors, staff and volunteers, as well as a code of conduct with a description of effective disciplinary mechanisms for immigration consultants.

## **3. Accountability**

Submissions must demonstrate how candidate entities intend to foster a culture of transparency and openness so that they can be properly accountable to their membership and to the Canadian public. Candidate entities must describe the tools they will use, including the provision of draft by-laws. Each candidate entity must also demonstrate a commitment to annual public meetings with full and transparent participation, in order to maintain an open dialogue with members, communicate with its principal constituencies, and report on its activities and finances to members, the public and the Government of Canada. To help ensure accountability to the public, candidate entities must also attempt to ensure that public interest directors are on the Board.

Candidate entities will need to demonstrate that they have developed or will develop a process which will enable them to be accountable and transparent to their members and the public through external audits and regular reporting, including the publication of an annual report and audited financial statements. Provisions must also be made for members' access to corporate records and audited financial statements. Reports to members and the public must include information on disciplinary proceedings, with information identifying the member at issue, the nature of the alleged misconduct, the process for reviewing the case, and the conclusions arrived at pursuant to the proceedings.

The democratic election of directors and the establishment of procedures to provide members with effective means to hold directors accountable and, where appropriate, to democratically change the by-laws of the organization will ensure accountability.

## **4. Viability**

Candidate entities must be able to demonstrate that they have acquired or have developed a plan to acquire expertise in financial management and reporting, and the ability to ensure the same on an ongoing basis. This will ensure the support of member consultants, increase public faith in the profession, and ensure that the candidate entity plays its full role in maintaining the integrity of Canada's immigration system.

Submissions must demonstrate how the candidate entity will establish a plan, including the parameters of such a plan, to ensure a membership base which would provide for the sustainability of the body, promote membership to qualified practitioners, and demonstrate the ability to implement transitional measures, with respect to the membership, if necessary.

Candidate entities must be incorporated or capable of being incorporated as a non-profit corporation under federal law.

Candidate entities that are not currently incorporated by federal law must provide an undertaking to do so as soon as is reasonably practicable. As it is expected that the regulator would be funded by its members on an on-going basis, candidate entities must demonstrate the ability to be financially stable by the development of a sustainable financial plan. Financial assistance may be available to assist the successful candidate during an interim period for the purpose of establishing the governing body. Candidates should provide details on the amount and type of expenses, along with the time period for which such financial support would be of assistance.

#### **5. Good governance**

Submissions must demonstrate how the Board of Directors will contribute to the positive reputation of the regulator and the profession, and how governance expertise will be developed and reflected in the composition and training of directors.

A candidate entity must demonstrate that it has taken steps to hire — or will hire — staff according to merit.

Candidate entities must also ensure that their directors are paid honoraria comparable to similar self-regulating bodies.

In addition to demonstrating sound corporate governance and financial expertise, candidate entities must demonstrate an ability to engage in strategic planning and organizational performance management and evaluation. The regulator must be able to demonstrate sound financial management and stewardship, monitor its progress in meeting objectives, and carry out its activities in a transparent manner.

Candidate entities must demonstrate how they will inform members and consumers of the services of immigration consultants so that members and consumers have a clear understanding of the activities, finances, purposes of the regulator as well as of their rights and obligations.

#### **Evaluative process**

Candidates will need to demonstrate that they have or will have the capacity to meet the established organizational competencies that serve as selection factors for this process. Candidates will be evaluated on their vision, their understanding of the scope and depth of the task at hand, and the experience and expertise they can bring toward establishing and running a regulatory body. It is up to the candidate entity to demonstrate that it has or can acquire sufficient understanding, skills, experience and member support to build and run a competent regulator for the immigration consultant profession.

***Candidates must set out, in detail, how they respond to the selection factors, and must provide supporting documentation to demonstrate how the selection factors are met, such as a financial plan, a human resources plan, codes of conduct or other appropriate documents. Supportive documentation on resource requirements and potential sources of funding must be provided.***

If candidates have prepared draft or existing material for similar organizations, such as by-laws or codes, they may wish to include them and explain the individual or group's role in their creation and implementation, and how that experience would be applicable to the process of creating a regulator of immigration consultants.

Publicly available information will also be used by the Selection Committee to evaluate applicants.

Only those submissions which clearly indicate how the candidates satisfy the selection factors will be chosen for further consideration.

This Call for Submissions does not obligate the Minister, the Department of Citizenship and Immigration or the Government of Canada in any way, or to take any action.

An agreement or arrangement may be entered into between the successful entity and the Government of Canada.

**Deadline**

The deadline for submissions is 4:00 p.m. (EST) on December 29, 2010.

**Submissions**

CIC is not liable under any circumstances for any costs associated with the preparation of submissions.

Submissions should bear the following title: "Immigration Consultants Regulatory Body: **Submission for**

**Consideration."**

Submission should clearly indicate the contact details including: name, address, phone number, email.

Submissions may either be delivered via email or regular post:

Email: [Consultants@cic.gc.ca](mailto:Consultants@cic.gc.ca)

**Regular mail:**

Attention: Fraud Deterrence and Verifications Division, B1435  
Citizenship and Immigration Canada (CIC)  
14th Floor, Jean Edmonds Tower South (JETS)  
365 Laurier Avenue W  
Ottawa, Canada  
K1A 1L1

**Correspondence**

All correspondence pertaining to the submission should be directed to the following email address:

[Consultants@cic.gc.ca](mailto:Consultants@cic.gc.ca), and as per the following format:

Title: Immigration Consultants Regulatory Body: Submissions for Consideration

Issue/Question:

Name/Company:

Email address:

Telephone number:

Should there be a need, CIC will provide further information on [www.cic.gc.ca](http://www.cic.gc.ca).

SANDRA HARDER  
Acting Director General  
Immigration Branch  
[35-1-o]



**UNIVERSAL SUBMISSION**

**CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS**

**GOVERNANCE PROCESS MANUAL  
Of**

**FSCIC, the Federal Society of Citizenship and Immigration Councils Inc.**

**Presented by**

**CSIP, The Canadian Society of Immigration practitioners Inc.**

**August 26, 2010**

## Contents

<b>OVERVIEW OF GOVERNANCE.....</b>	<b>3</b>
<b>GOVERNANCE ROLES AND RESPONSIBILITIES .....</b>	<b>4</b>
COUNCIL RESPONSIBILITIES .....	4
STRATEGIC DIRECTION.....	4
MONITORING AND SAFEGUARDING.....	5
<i>Financial Position of the Federal Society</i> .....	5
<i>Federal Society Performance</i> .....	6
ROLE DESCRIPTIONS .....	8
<i>Federal Society Council Member</i> .....	9
<i>Non-Council Committee Member</i> .....	13
<i>Committee Chair</i> .....	17
<i>Non-Council Committee Chair</i> .....	22
<i>President of the Federal Society</i> .....	28
<i>Vice-President of the Federal Society</i> .....	32
<i>Registrar of the Federal Society</i> .....	35
RELATIONSHIPS.....	39
<i>Council’s Relationship with the Registrar</i> .....	40
<i>Council’s Relationship with Federal Society Staff</i> .....	40
COMMUNICATION.....	42
<i>Communication with External Groups</i> .....	43
<i>Media Relations Policy</i> .....	44
<b>GOVERNANCE PRACTICES AND POLICIES .....</b>	<b>45</b>
NOMINATIONS GUIDELINES .....	46
DECLARATION OF ADHERENCE .....	52
<i>Members of Council</i> .....	52
DECLARATION OF ADHERENCE .....	53
<i>Members of Federal Society Committees</i> .....	53
STATEMENT ON PUBLIC INTEREST .....	54
COUNCIL CODE OF CONDUCT.....	55
CONFLICT OF INTEREST POLICY .....	59
APPREHENSION OF BIAS POLICY .....	62
CONFIDENTIALITY POLICY .....	68

<b>FEDERAL SOCIETY COMMITTEES.....</b>	<b>71</b>
<b>COMMITTEE MANDATES .....</b>	<b>72</b>
<i>Discipline Committee .....</i>	<i>72</i>
<i>Education Committee .....</i>	<i>72</i>
<i>Executive Committee .....</i>	<i>73</i>
<i>Finance Committee.....</i>	<i>73</i>
<i>Fitness to Practise Committee.....</i>	<i>73</i>
<i>Inquiries, Complaints and Reports Committee.....</i>	<i>73</i>
<i>Governance Committee.....</i>	<i>74</i>
<i>Paralegal Committee.....</i>	<i>74</i>
<i>Outreach Committee.....</i>	<i>74</i>
<i>Clients Relations Committee.....</i>	<i>75</i>
<i>Premises Inspection Committee .....</i>	<i>75</i>
<i>Quality Assurance Committee .....</i>	<i>75</i>
<i>Registration Committee.....</i>	<i>75</i>
<b>KEY BEHAVIOURAL COMPETENCY MODEL .....</b>	<b>76</b>
<b>PERFORMANCE FEEDBACK PROCESS AND FORMS .....</b>	<b>90</b>
<i>Council Performance Assessment Form.....</i>	<i>92</i>
<i>Council Member Self-Assessment Form.....</i>	<i>98</i>
<i>Committee Performance Assessment Form.....</i>	<i>104</i>
<i>Committee Member Self-Assessment Form .....</i>	<i>108</i>
<i>Chair Performance Feedback Form .....</i>	<i>112</i>
<i>Chair Self-Assessment Form .....</i>	<i>116</i>



## Overview of FSCIC Governance

## OVERVIEW OF FSCIC GOVERNANCE

### **Overview**

The mandate of the Federal Society of Citizenship and Immigration Practitioners of Canada (FSCIC) is **to serve and protect the public interest** effectively by governing the Citizenship and Immigration profession.

### **Definition of Governance**

Governance comprises the actions, processes and structures by which the mandate of the Federal Society of Citizenship and Immigration Practitioners of Canada is fulfilled.

### **Principles of Governance** the

Council of the FSCIC will:

- govern in a manner that guides and inspires through thoughtful, balanced policies, which reflect the Federal Society's vision, mission and values;
- govern with integrity in a moral, ethical and transparent manner;
- govern in a manner that protects the public interest and is in keeping with the best principles of self-governance;
- govern with a strategic perspective that understands the long term and systemic impacts of policies developed and decisions made;
- respect the roles assigned within the Federal Society's structure;
- empower staff to implement policies developed by Council;
- ensure high standards by providing orientation to new Council members and assisting them in developing the skills and knowledge needed to govern effectively;
- ensure the Federal Society's mandate is fulfilled through regular goal setting and monitoring;
- evaluate the collective and individual performance of the Council and Council members on an annual basis, identifying strengths and developmental needs;
- Ensure that no officer, Council member, Committee of Council, or Federal Society staff member interferes with or hinders the fulfillment of the Federal Society's mandate.

**FSCIC GOVERNANCE**

**ROLES AND RESPONSIBILITIES**

***Council Responsibilities***

***The Council of the FSCIC is responsible for:***

- Governing the affairs of the Federal Society (FSCIC) in fulfilling its duty to serve and protect the public interest. When making decisions, the Council recognizes its obligation to reflect the values and expectations of society in fulfilling its statutory responsibilities;
- setting and monitoring the strategic direction of the Federal Society;
- establishing governing policies which, at the broadest levels, address: definition of executive authority, governance process, the relationship between Council and staff, and Council communication;
- approving statements of principles and positions related to Federal Society policy;
- discharging its statutory functions and fiduciary responsibilities in the public interest;
- appointing the Registrar, monitoring and evaluating the Registrar's performance, and ensuring the Council's goals for the Federal Society are met;
- ensuring appropriate resources are available to achieve the Federal Society's mandate;
- Monitoring the performance of the Federal Society.

***Strategic Direction***

Council is responsible for determining the strategic direction of the Federal Society and ensuring its implementation. In carrying out this responsibility, Council will:

- periodically evaluate the vision, mission, and values of the Federal Society;
- develop goals each year to forward the vision, mission, and values of the Federal Society and achieve the Federal Society's strategic plan;
- implement decisions that are consistent with established goals;
- maintain awareness of issues (both internal and external) which may impact on the strategic direction of the Federal Society;
- Conduct a general strategic review, when deemed necessary, and at least every five years.

### ***FSCIC Monitoring and Safeguarding Financial Position of the Federal Society of Citizenship and Immigration Councils Inc.***

The Council of the FSCIC is responsible for the overall financial stability of the Federal Society. There are four key areas of responsibility which the Council must direct, approve, and monitor. These are:

1. financial planning (strategic direction of funds through the budgeting process to support the goals and strategies of the Federal Society, and ensure appropriate protection of Federal Society assets);
2. investment policy (strategic direction of investment of funds and appointment of investment managers as appropriate);
3. membership fee structure (approval of fee structure and determination of the adequacy of the fees);
4. Auditing process (assurance that an appropriate internal and external auditing process is conducted. This includes recommendation to Council regarding the appointment of external auditors).

#### ***Implementation Process:***

The Council will ensure that the financial planning process is part of the overall strategic planning process of the Federal Society.

The Council is responsible for ascertaining the financial implications of any new policy or program prior to approving it for implementation.

The Finance Committee shall oversee the four key responsibility areas above on behalf of Council and shall:

- report quarterly to Council on the state of Federal Society finances;
- prepare an annual statement to Council;
- make recommendations and provide advice regarding:
  - budget determination;
  - investment goals, strategies, and performance of Federal Society funds; ○ fee determination;
  - auditor's reports and recommendations;
  - other financial matters that the Finance Committee deems relevant to put before the Council.

## Governance Roles and Responsibilities

The Registrar and staff are responsible for providing:

- effective financial administration;
- financial technical support;
- timely and accurate information needed to disclose the financial status of the FSCIC in the key responsibility areas, and any other financial information the Council requests.

To this end, the Registrar and staff will work in close collaboration with the Finance Committee to ensure the successful implementation of Council's financial policies.

## Federal Society Performance

Council must oversee the following four key areas:

1. ensure the statutory obligations of the Federal Society are carried out in an effective and efficient manner;
2. ensure that standing and ad hoc committees of the Federal Society set and achieve their goals and follow the principles of their mandates;
3. ensure that a timely reporting process exists for monitoring Federal Society performance and, where appropriate, allow for necessary modification of performance;
4. Ensure that information from monitoring the performance outcomes of the Federal Society mandate is used in the strategic planning process of the Federal Society.

### ***Implementation Process:***

The Council is responsible for approving new policies and programs. Federal Society staff, with the committees, will implement and maintain these policies and programs.

The Council will ensure that the Federal Society committees measure and annually report their activities against the strategic direction of the Federal Society by:

- conducting performance reviews of their portion of the mandate;
- evaluating and measuring their performance against both policy and cost for each program area;
- making recommendations and providing advice on any discrepancies or areas that need improvement;
- Bringing forward any other matter that a committee deems relevant to put before the Council.

The Registrar and staff are responsible for working in close collaboration with designated committees of Council to facilitate the development and execution of program plans to ensure:

- effective administration of committee mandates;

## **Governance Roles and Responsibilities**

- technical support to committees as appropriate;
- Reporting requirements to disclose performance status of committee mandate operations.

To this end, committee members will work in close collaboration with staff to develop recommendations for improved performance, new policies, and input to the strategic planning process.

# Role Descriptions

## ROLE DESCRIPTIONS

**Governance Roles and Responsibilities**  
**Role Description – Federal Society Council Member**

**Federal Society Council Member**

Reports to (Title): Council

Administratively to President

***Overview:***

A Council member functions as a director of the FSCIC and has the duty of participating fully in the governance of the FSCIC, which is the self-regulating body for Citizenship and Immigration Practitioners and in the province(s) of Canada. In the fulfillment of the role of Council member, each Council member is responsible for upholding the vision of the FSCIC, contributing to its mission, and acting in accordance with its values.

The major function is to establish Federal Society policy. Council members are both elected and appointed, bringing expertise relating to their constituencies. However, upon election or appointment, a Council member accepts a fiduciary responsibility for the management and administration of the Federal Society's affairs.

A Council member provides a link between the Federal Society and those who elect and appoint them, and supports the President of the Federal Society who is the principal spokesperson for the Federal Society. Council members must act in the public interest at all times.

***Major Responsibilities:***

- Maintain a working knowledge of the legislation under which the Federal Society operates.
- Read and become familiar with the Federal Society's By-laws and governance policies.
- Participate in establishing policy, strategic direction, and goals of the Federal Society to successfully meet its mission and purpose.
- Adhere to, respect and model behaviour described in the Statement on Public Interest, Council Code of Conduct, Conflict of Interest Policy, Apprehension of Bias Policy and Confidentiality Policy.
- Stay current on issues and events important to the Citizenship and Immigration profession and its stakeholders.
- Prepare for each Council meeting by reviewing meeting materials in order to understand the topics to be discussed, and the implications of policy and directional decisions.

**Governance Roles and Responsibilities**  
**Role Description – Federal Society Council Member**

- Attend each Council meeting and debate issues and policies pertaining to the Federal Society's mandate. Once a decision has been taken, align fully with the decision and uphold its implementation.
- Apply prudent and responsible thinking to the management of the affairs of the Federal Society in order that fiscally sound policies are applied in safeguarding the Federal Society's assets.
- Follow the established policies and processes of the Federal Society regarding communications and committee programs to enhance the effectiveness of the Federal Society's operations.
- When appointed to Federal Society committees, participate in the work of the committee toward the fulfillment of the purpose, mission, and vision of the Federal Society.
- Participate in the selection and appointment of a Registrar; monitor the performance of the Registrar through feedback reports by the Federal Society President or a designated committee; and participate in the determination of the annual compensation package of the Registrar.
- Ensure that appropriate succession planning of both Council leadership and the Registrar occurs so that the ongoing successful management of the FSCIC is maintained.
- Engage in both an annual self and peer evaluation process to maintain successful performance of Council members.

***Role Outcomes:***

To define policy and monitor outcomes so that the Federal Society shall:

- regulate the practice of the Citizenship and Immigration profession in accordance with the laws of the province;
- develop, establish, and maintain standards of qualifications for Citizenship and Immigration Practitioners seeking certificates of registration to practice Citizenship and Immigration Law in Canada;
- develop, establish, and maintain standards of quality of the practice of Citizenship and Immigration Law and the ethics of Citizenship and Immigration Practitioners and in the province;
- develop, establish, and maintain educational programs to ensure continuing competence of Federal Society members;
- adjudicate complaints against members of the profession ensuring the rights of the Practitioners / Councils and the public are upheld;

**Governance Roles and Responsibilities**  
**Role Description – Federal Society Council Member**

- provide leadership by addressing Citizenship and Immigration issues.

***Principle Interfaces:***

Internal:	Other Council members Non-Council committee members Staff supporting committees
External:	Members of the Federal Society (serves as an ambassador to the Profession). The public

## Governance Roles and Responsibilities

### Role Description – Federal Society Council Member

#### ***Desirable Behavioural Competencies:***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches, and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues, etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

**Governance Roles and Responsibilities**  
**Role Description –**  
**Non-Council Committee Member**

---

**Non-Council Committee Member**

Accountable to (Title): Council

Through: Committee Chair to Council President

***Overview:***

As a non-Council committee member, each Practitioners / Councils is responsible for upholding the vision of the FSCIC, contributing to its mission, and acting in accordance with its values and policies.

Non-Council committee members are appointed by Council through the Governance Committee and assist the Council in carrying out the duties of the committee to which they are assigned. Non-Council committee members may bring specific expertise relating to the committee they serve.

***Major Responsibilities:***

- Is knowledgeable and supportive of Council policy, and the work and outcomes of the committee. Is knowledgeable about the regulatory and statutory obligations of the committee and FSCIC.
- Adhere to, respect and model behaviour described in the Statement on Public Interest, Council Code of Conduct, Conflict of Interest Policy, Apprehension of Bias Policy and Confidentiality Policy.
- When appointed to Federal Society committees, participates in the work of the Federal Society toward the fulfillment of its purpose, mission, and vision.
- Prepare for each committee meeting by reviewing pre-meeting materials in order to understand the topics to be discussed, and the implications of policy and directional decisions.
- Attend each committee meeting as required, and participate effectively around issues and policies pertaining to the committee's mandate in a balanced, collaborative manner.
- Demonstrate cultural sensitivity in committee policy development, policy implementation, and communications and personally models behaviours described in the Council's Code of Conduct.
- Engage fully in both an annual self and peer evaluation process to maintain successful performance of committee members.

***Role Outcomes:***

- Assist in the regulation of the practice of the Citizenship and Immigration profession in accordance with the laws of the province and the policies of the FSCIC.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer.)

- Prepare and review materials related to committee membership. Timeframe dependent on the nature and tasks of the committee (see committee descriptions).

***Principle Interfaces***

Internal:                      Other committee members

                                    Committee Chairs

                                    Staff supporting committees

External:                    Members of the Federal Society (serves as ambassador for the FSCIC to the profession).

***Desirable***

***Behavioural Competencies***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns

# **Role Description**

### **Committee Chair**

Reports to (Title): Council

Administratively to President

#### ***Overview:***

There are three types of committees that perform the work of the FSCIC. These are comprised of statutory committees (i.e., Executive, Complaints, Discipline, Fitness to Practise, Registration, Clients Relations, and Quality Assurance), standing or operational committees (i.e., Education, Paralegal, Governance, Outreach, Premises Inspection, and Finance) and ad hoc committees that are created by Council to undertake a particular project on behalf of the Federal Society on a time-specific basis. The role of the Committee Chair has some commonly held responsibilities that transcend specific committee mandates.

Chairs must be knowledgeable about the subject matter of the committee they lead and have the expertise necessary to fulfill its mandate. The Chair must understand the purpose of the committee, provide leadership to the committee to achieve its goals in a consistent, efficient, and balanced manner, and organize the committee's work so that action is taken in an orderly and timely manner. The Chair reports the work of the committee to Council and facilitates Council's understanding of this work. All Chairs are responsible for assessing whether their committee members have the resources and training to perform effectively in order to deliver on the mandate of the committee.

#### ***Major Responsibilities:***

##### ***Leadership and Direction of the Committee***

- Is knowledgeable and supportive of Council policy, and the work and responsibilities of the committee. Is knowledgeable about the regulatory and statutory obligations of the committee and FSCIC.
- Read and become familiar with the Federal Society's By-laws and governance policies.
- Where applicable, works collaboratively with the other Chair to accomplish the work of the committee. If the other Chair is a non-Council committee member, they keep him or her informed of Council decisions and changes that occur.
- Adhere to, respect and model behaviour described in the Statement on Public Interest, Council Code of Conduct, Conflict of Interest Policy, Apprehension of Bias Policy and Confidentiality Policy.

## Governance Roles and Responsibilities

### Role Description – Committee Chair

- Works with the Committee and Federal Society staff to establish, monitor, and execute annual committee goals.
- Prepares for committee meetings by reviewing materials. Works with assigned staff in support of the successful fulfillment of the committee's mandate.
- Conducts meetings in a timely and cost effective manner, and facilitates the meeting process so that all members have the opportunity to participate and accept tasks that best meet their skills and interests.
- Facilitates dialogue at committee meetings in a manner that welcomes all members' perspectives on issues, encourages independent thinking, promotes alignment on decisions that are balanced and demonstrate good judgment for the successful fulfillment of the committee's purpose.
- Manages conflict effectively. When necessary, brings matters to the attention of the Registrar and President.
- Demonstrates cultural sensitivity in policy development, policy implementation, and communications, and personally models behaviours described in the Council's Code of Conduct.
- Obtains appropriate expertise pertinent to the committee's work to provide a synthesis of information that identifies important issues for discussion or requiring action to efficiently expedite the committee's work.
- Understands the relationship of the various activities of the Federal Society committees to facilitate decision-making and to provide clarity around responsibility.
- Ensures new committee members understand the purpose and functions of the committee. Helps to facilitate the succession process by working with the Governance Committee to recruit new committee members and subsequent committee Chairs.
- Evaluates the committee's performance of its duties and works to implement improvements to ensure its continued effectiveness. Provides feedback to the Governance Committee on the performance of committee members annually.
- Enforces attendance guidelines with committee members to ensure that if more than three consecutive meetings are missed or if one third of all meetings within the year are missed that a member's continued involvement with the committee is reviewed.

- Ensures that the committee provides feedback to the Governance Committee on the Chair's performance. Participates in self-evaluation with the President to obtain feedback on own and committee's performance.

#### ***Collaborative Linkage between the Committee and the Federal Society Management Staff***

- Works in cooperation with Federal Society management and staff to ensure appropriate utilization of Federal Society resources in support of the committee's work.
- Works in cooperation with Federal Society management in the development of the committee's annual budget to allocate costs and expenses in a fiscally responsible manner.

#### ***Key Representative of the Committee***

- Is the spokesperson for the committee to Council and within the Federal Society and ensures that Council is informed and understands the rationale for decisions made by the committee in the fulfillment of its mandate.

#### ***Role Outcomes:***

- Uphold policies and standards of the Federal Society in the fulfillment of committee duties.
- Decisions comply with appropriate legislation and FSCIC policies.
- Reports to the Federal Society Council are made, as required, representing committee activities.
- Risk as it relates to the committee's mandate is managed, and Council is alerted to pertinent issues in a timely manner.
- New policies are recommended to the Council, as required.
- Committee members are evaluated to support and promote the improvement of committee effectiveness.
- Interaction with Federal Society staff occurs by provision of information regarding the committee's work. Interaction with staff is managed in a respectful, collegial manner.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer.)

- Preparation and attendance time is dependent on the nature and tasks of the committee (see Committee descriptions for more details).

**Governance Roles and Responsibilities Role  
Description – Committee Chair**

---

***Principle Interfaces***

Internal:                      Council Committee Chair  
  
                                    Committee members  
  
                                    Federal Society staff  
  
                                    Council

External:                      Dependent on the mandate of the Committee

---

## ***Desirable Behavioural Competencies***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Leadership** – Is the ability to take a role as leader of the Council or Committee.

Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

**Planning & Initiative** - Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality, stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

**Role Description –  
Non-Council Committee Chair**

---

**Non-Council Committee Chair** Reports to

(Title): Council

Administratively to President

***Overview:***

There are three types of committees that perform the work of the FSCIC. These are comprised of statutory committees (i.e., Executive, Complaints, Discipline, Fitness, Registration, Clients Relations, and Quality Assurance), standing or operational committees (i.e., Education, Paralegal, Governance, Outreach, Premises Inspection, and Finance) and ad hoc committees that will be created by Council, from time to time, to undertake a particular project on behalf of the Federal Society on a time-specific basis. Regardless of the purpose of the Committee, the role of the Committee Chair has some commonly held responsibilities that transcend specific committee mandates.

Chairs must be knowledgeable about the subject matter of the committee they lead and have the expertise necessary to fulfill its mandate. The Chair must understand and accept the purpose of the committee, provide shared leadership to the committee in order to achieve its goals in a consistent, efficient, and balanced manner, and share organization of the committee's work so that action is taken in an orderly and timely manner. The Chair may report the work of the committee to Council and facilitates Council's understanding of this work. All Chairs are responsible for assessing whether their committee members have the resources and training to perform effectively in order to deliver on the mandate of the committee.

***Major Responsibilities:***

All activities of the Non-Council Committee Chair will be conducted in a collegial and collaborative relationship with the Council Committee Chair.

***Leadership and Direction of the Committee***

- Is knowledgeable and supportive of Council policy, and the work and responsibilities of the committee. Is knowledgeable about the regulatory and statutory obligations of the committee and FSCIC.
- Read and become familiar with the Federal Society's By-laws and governance policies.
- Where applicable, works collaboratively with Chair to accomplish the work of the committee.

**Governance Roles and Responsibilities**  
**Role Description –**  
**Non-Council Committee Chair**

---

- Adhere to, respect and model behaviour described in the Statement on Public Interest, Council Code of Conduct, Conflict of Interest Policy, Apprehension of Bias Policy and Confidentiality Policy.
- Works with the committee and Federal Society staff to establish, monitor and execute annual committee goals.
- Prepares for committee meetings by reviewing materials. Works with assigned staff in support of the successful fulfillment of the committee's mandate.
- Conducts meetings in a timely and cost effective manner, and facilitates the meeting process so that all members have the opportunity to actively participate and accept tasks that best meet their skills and interests.
- Facilitates dialogue at committee meetings in a manner that welcomes all members' perspectives on issues, encourages independent thinking, promotes alignment on decisions that are balanced and demonstrate good judgment for the successful fulfillment of the committee's purpose.
- Manages conflict effectively. When necessary, brings matters to the attention of the Registrar and President.
- Demonstrates cultural sensitivity in policy development, policy implementation, and communications, and personally models behaviours described in the Council's Code of Conduct.
- Obtains appropriate expertise pertinent to the committee's work to provide a synthesis of information that identifies important issues for discussion or requiring action to efficiently expedite the committee's work.
- Understands the relationship of the various activities of the Federal Society committees to facilitate decision-making and to provide clarity around responsibility.
- Ensures new committee members understand the purpose and functions of the committee. Helps to facilitate the succession process by working with the Governance Committee to recruit new committee members and subsequent committee Chairs.
- Evaluates the committee's performance of its duties and works to implement improvements to ensure its continued effectiveness. Provides feedback to the Governance Committee on the performance of individual committee members annually.

**Governance Roles and Responsibilities**  
**Role Description –**  
**Non-Council Committee Chair**

---

- Enforces attendance guidelines with committee members to ensure that if more than three consecutive meetings are missed or if one third of all meetings within the year are missed that a member's continued involvement with the committee is reviewed.
- Ensures that the committee provides feedback to the Governance Committee on the Chair's performance. Participates in self-evaluation with the President of the Council to obtain feedback on own and committee's performance.

***Collaborative Linkage between the Committee and the Federal Society Management Staff***

- Works in cooperation with Federal Society management and staff to ensure appropriate utilization of Federal Society resources in support of the committee's work.
- Works in cooperation with Federal Society management in the development of the committee's annual budget to allocate costs and expenses in a fiscally responsible manner.

***Key Representative of the Committee***

- Either collaboratively with the Council Committee Chair or in the absence of the Council Committee Chair is the spokesperson for the committee to Council and within the Federal Society and ensures that Council is informed and understands the rationale for decisions made by the committee in the fulfillment of its mandate.

***Role Outcomes:***

- Uphold the policies and standards of the Federal Society in the fulfillment of committee duties.
- Decisions comply with appropriate legislation and FSCIC policies.
- Reports to the Federal Society Council are made, as required, representing committee activities.
- Risk as it relates to the committee's mandate is managed, and Council is alerted to pertinent issues in a timely manner.
- New policies are recommended to the Council, as required.
- Committee members are evaluated to support and promote the improvement of committee effectiveness.
- Interaction with Federal Society staff occurs by provision of information regarding the committee's work. Interaction with staff is managed in a respectful, collegial manner.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer.)

- Preparation and attendance time is dependent on the nature and tasks of the committee (see committee descriptions for more details).

***Principle Interfaces***

Internal:                      Council Committee Chair

                                    Committee members

                                    Federal Society staff

                                    Council

External:                      Dependent on the mandate of the Committee

**Key**  
**Behavioural Competencies**

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Leadership** – Is the ability to take a role as leader of the Council or Committee. Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality, stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others'

**Governance Roles and Responsibilities**  
**Role Description –**  
**Non-Council Committee Chair**

---

response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

# **President of the Federal Society**

Reports to (Title):                      Council

***Overview:***

The President of the Federal Society is the chief officer of the Federal Society and in conjunction with the Council is ultimately responsible for the fulfillment of the vision, mission, values, and goals of the Federal Society. The President facilitates the work of the Council, its committees and the management of the Federal Society. The President undertakes responsibility for coordinating the operations of the Council and the Executive Committee and for evaluating the activities of the Registrar of the Federal Society to ensure that the policies and overall direction of the Federal Society are being implemented and managed effectively. The President of the FSCIC is elected by the membership of the Council and is responsible to the Council for the satisfactory performance of these duties. The term of office is one year.

***Major Responsibilities:***

***Leadership and Direction of the Council and the Executive Committee***

- Provides strategic leadership by ensuring the vision of the Federal Society is articulated and acted upon by Council and staff to fulfill the mandate of the Federal Society as the self-governing body of the Citizenship and Immigration profession in Canada.
- Facilitates the strategic planning process of the Federal Society in developing specific goals and objectives for the organization to deliver on its vision, mission, values, and goals.
- Leads the annual Council orientation process engaging all Council members in a common understanding of their role.
- Fosters a culture that promotes high morale and enthusiasm in order to achieve the highest standards and best practices when working towards the goals of the Federal Society. Serves as a role model to other Council members, in operating within the Code of Conduct for the Council.
- Chairs Council/Executive Committee meetings, co-coordinates and finalizes agenda items, facilitates active participation of members of Council/Executive Committee in meetings by encouraging open dialogue, guiding meetings efficiently, and providing thoughtful leadership on difficult or contentious issues.
- Is the key conduit for the Council with the Federal Society management staff to ensure the Council receives all the information it needs to fulfill its responsibilities.

## Governance Roles and Responsibilities Description – President of the Federal Society

- Initiates annual Council self-evaluation to ensure that the Federal Society governance performs to best practice standards and initiates performance improvement solutions, as appropriate. Submits to performance evaluation by Council and staff in role as President.
- Manages an orderly annual transition of the President's function by developing an effective succession plan for the office of the President.

### ***Collaborative Linkage between the Council/Executive Committee and the Federal Society Management Staff***

- Represents the Council to the Registrar and Federal Society staff. Facilitates mutual understanding and respect through effective communication of Council policy, direction, and decisions.
- Works with the Registrar to ensure Council's decisions are implemented.
- Is the key conduit for the Registrar with the Council and provides support, mentoring, and administration of the annual performance evaluation and compensation process for the Registrar on behalf of the Council.
- Regularly attends Senior Management Group (SMG) meetings. **Senior**

### ***Representative of the Federal Society to External Stakeholders***

- Represents the Federal Society by communicating Council-stated policies and positions both within and outside of the Citizenship and Immigration profession.
- Collaborates with outside organizations, agencies, and institutions to advance the goals and the profile of the Federal Society.
- Communicates with members of the Federal Society outside of specific regulatory activity.

### ***Role Outcomes:***

- Ensure the achievement of the FSCIC vision, mission, values, and goals through attentive stewardship of the operations of the Federal Society Council and Executive Committee.
- Represent the voice of the Federal Society to all stakeholders.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer.)

- Long and short range strategic planning for FSCIC.
- Plan for Executive Committee meetings one month in advance. Page 29

**Governance Roles and Responsibilities**  
**Description – President of the Federal Society**

- Plan for Council meetings one to two months in advance.
- Available on a daily basis via electronic communications.

***Principle Interfaces***

Registrar – issues related to Council, and the Federal Society, strategic planning, performance review of Registrar

Members of Council – frequently, at meetings of Council

Executive Committee members – establishing agenda, at meetings OMA

President – co-chairs joint Executive meetings

Chief and President of Regulator– chair Chief and President day at the Federal Society

Presidents of other Citizenship and Immigration regulatory Federal Society – as required

Elected officials – as required

Media – lead Federal Society spokesperson

**Governance Roles and Responsibilities**  
**Description – President of the Federal Society**

***Desirable Behavioural Competencies***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies.

Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Leadership** – Is the ability to take a role as leader of the Council or Committee. Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

## **Vice-President of the Federal Society**

Reports to (Title):                      President

***Overview:***

The Vice-President of the Federal Society is the deputy chief officer and shall discharge the duties of the President if the President is unavailable. The Vice-President participates in the leadership of the Federal Society with a view to ensuring smooth transition of governance. The term of office is one year.

***Major Responsibilities:***

- Assists the President in providing leadership to the Federal Society.
- In the absence of the President or in the case of conflict of interest involving the President, the Vice-President undertakes the President's duties.
- Personally models behaviours described in the Council's Code of Conduct.
- Is a member of the Executive Committee of the Federal Society?
- Through succession mentorship from the President, the Vice-President prepares for the President role by intensive learning regarding governance of the Federal Society and key issues of policy, direction and operation. The Vice-President ensures effective continuity of Federal Society business.
- Prepares for the President role by developing an appropriate working relationship with Federal Society staff in conjunction with the President.
- Provides counsel and support to the President of the Federal Society.
- In conjunction with the President, assumes leadership responsibilities consistent with the strategic goals and needs of the Federal Society.

***Role Outcomes:***

- Continuity of the Federal Society leadership.
- Leadership provided to committees.
- Role modeling for Council members who may wish to develop into key executives for the Federal Society.

**Governance Roles and Responsibilities Role  
Description - Vice-President of the Federal Society**

- Possession of a comprehensive knowledge of the workings of the Federal Society committees.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer.)

- Assists in the planning of Executive Committee meetings and Council meetings.
- Available on a daily basis via electronic communications.

**Governance Roles and Responsibilities**  
**Description - Vice-President of the Federal Society**

***Desirable Behavioural Competencies***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches which lead to improved performance. It requires the ability to anticipate and lead change which contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Leadership** – Is the ability to take a role as leader of the Council or Committee. Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

# **Registrar of the Federal Society**

Reports to (Title):                      Council

***Overview (Duties as outlined by Statute):***

The Registrar of the Federal Society holds the most senior position on the Federal Society's staff. The Registrar is accountable for ensuring compliance with statutory obligations as designated in the RHPA. The Registrar is responsible for coordinating the administrative and financial operations of the Federal Society's staff, and for implementing and monitoring the policies set by the Council, ensuring that they are managed effectively. The Registrar leads the senior management team of the Federal Society and facilitates the work of the Federal Society staff through effective liaison with the President of the FSCIC and the members of the Federal Society Council. The Registrar is hired by the Council and is responsible to the Council for the satisfactory performance of these duties.

***Major Responsibilities:***

***Leadership and Direction of the Federal Society***

- Supports Council in its strategic planning process by participating in the formulation of vision, mission, values, and goals that guide the activities of the Federal Society.
- Implements the vision, mission, values, and goals of the Federal Society in the fulfillment of its mandate as the self-governing body of the Citizenship and Immigration profession in Canada.
- Directs the administrative and financial operations of the Federal Society to ensure that good management and fiscal practices are in place to safeguard Federal Society assets and resources. Provides timely monitoring and feedback to Council of the above.
- Carries out the Registrar's statutory duties and oversees the Federal Society's statutory obligations as set out in the RHPA. These include but are not limited to:
  - Oversees the maintenance of the FSCIC register and the provision of information from the Registrar;
  - Ensures the issuance of licenses to qualified applicants; ○Ensures the investigation of :

- f a) professional conduct and performance of members about whom pertinent information has been received and

**Governance Roles and Responsibilities Role  
Description – Registrar of the Federal Society**

---

- b) fitness to practice of members about whom concern has been raised
- Fosters a work culture that embodies high staff morale and enthusiasm in order to achieve the highest standards and best practices. Oversees the development of an effective and efficient organizational infrastructure to ensure continuous quality improvement in all areas of Federal Society activities.
- Personally models behaviours described in the Council's Code of Conduct.
- Recruits high quality personnel, ensures an annual performance assessment and facilitates continuous professional development for Federal Society staff. Ensures appropriate human resources are acquired on a timely basis.
- Participates in an annual performance evaluation by self, Council, and staff.
- Facilitates an orderly annual transfer of Presidential responsibility.

***Collaborative Linkage between the Council/Committees and the Federal Society Management Staff***

- Is the key conduit between the Council and the Federal Society staff to ensure the Council receives full information? Delegates authority to staff members to work with Council and committee members on Federal Society work.
- Represents the Federal Society staff to the President and Council by facilitating mutual understanding and respect through effective communication of Federal Society activities.
- Works in collaboration with the President to ensure Council's decisions are implemented.
- Provides senior management group (SMG) with information and feedback from Council.
- Facilitates Federal Society President's successful interaction with staff.

***Senior Staff Representative of the Federal Society to External Stakeholders***

- In collaboration with the President, represents the Federal Society to enhance awareness of the FSCIC and its activity.
- Builds collaborative external relationships with relevant stakeholders to further the strategic goals of the Federal Society
- Communicates, where appropriate, regarding specific regulatory activity.

***Role Outcomes:***

Achievement of the FSCIC vision, mission, values, and goals by:

- Attentive stewardship of the operations of the Federal Society;
- Fulfillment of statutory responsibilities;
- Maintenance of fiscal responsibility;
- Effective communication – internal and external;
- Advancement of the stature of the FSCIC as a leader in the development of Citizenship and Immigration policies and regulations.

**How far in advance must this position plan/execute its work?** (i.e., daily, weekly, monthly, annually or longer)

- Leads staff involvement in both long and short range strategic planning for FSCIC;
- Consults with the President on a weekly basis;
- Provides information for Council and Executive Committee in a timely fashion;
- Conducts weekly senior management team meetings.

***Desirable  
Behavioural Competencies***

*Key behavioural competencies that is essential for successfully performing this role:*

**Continuous Learning** – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

**Creativity** – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

**Effective Communication** – Is willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

**Leadership** – Is the ability to take a role as leader of the Management Staff. Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

**Planning & Initiative** – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

**Relationship Building** – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council-related goals and the Federal Society mission.

**Results Oriented** – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues; etc.).

**Stakeholder Focused** – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholders needs.

**Strategic Thinking** – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Teamwork** – Demonstrates cooperation with Federal Society Staff and within and beyond the Council or the Federal Society. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a team player, does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

# RELATIONSHIPS

# Relationships

## **Council's Relationship with the Registrar**

- The Registrar is responsible to the Council, through the President, for facilitating the governance of the FSCIC by the Council. While the ultimate responsibility of the Registrar is to the Council as a whole, the reporting pathway of the Registrar is through the President to the Council.
- The Council will provide direction to the Registrar, and through that office to the staff, on the vision, mission, values, and goals and will ensure the compliance of the Registrar and staff with these directives. The Registrar is delegated the authority and accountability to establish operating policies and procedures, make decisions, take actions, and develop activities to implement strategies that support the vision, mission, values, and goals of the Federal Society.
- The Registrar, and through the Registrar the staff of the FSCIC, shall report regularly to Council on all matters, internal and external, relevant to the Council and the Federal Society.
- The relationship between the Registrar and any individual Councillor is collegial and not hierarchical. Decisions or instructions from individual Councillors, officers or committees are not binding on the Registrar except when specifically authorized by Council. An example of Council authorized authority is the reporting relationship between the President of the Federal Society and the Registrar. The President is authorized to provide leadership direction and mentoring to the Registrar as required on the authority of the Council.
- The Council will establish a process that: at least on an annual basis, reviews and may revise, the Registrar's role and responsibilities, performance, and compensation. Only the Council can employ, terminate, discipline, or alter the conditions of employment of the Registrar.

## **Council's Relationship with Federal Society Staff**

A strong and effective relationship between Council members and Federal Society staff is essential. Each group plays an important part in achieving the Federal Society's overall mandate. Council sets policy and staff determine how best to implement policy and deliver programs.

Ultimately, the Registrar must be able to manage staff resources effectively to deliver Council's objectives. This involves prioritizing work and program resources.

The Federal Society conducts most of its core business through statutory committees whose duties are Consulted by law. Other priorities are managed, in part, through committees

set out in the by-laws, and ad-hoc working groups and task forces established by Council.

The duties of many of these committees are quite technical and require a strong understanding of legal and regulatory restrictions. The Federal Society staff members who administer and support the committees possess a great deal of knowledge and experience. As a consequence, committees are dependent on staff to ensure that they have the information and advice required to effectively carry out their functions.

As the majority of Federal Society business is conducted through Committee work, Council members have a great deal of contact with members of the staff who support committees. Clearly, Council members must work closely with staff to effectively participate on a committee.

The following is a description of expectations to guide and to help ensure that relations between Council and staff are productive and the division of governance and operations/management is clear:

- Council and staff should continue to interact in the appropriate conduct of Committee business;
- Problems with staff should be worked through with the assistance of the President and the Registrar or staff Director;
- Council members should always be aware of their policy making role and should not engage in micro management;
- Staff members should always be aware of their role in carrying out the policy directions of Council, and should never act in a manner which exceeds or contravenes the policy set by Council, nor should staff ever purport to establish policy without the approval of Council;
- Requests by Council for support from staff in their role as Council members and outside of normal committee business should be coordinated respectively through the President and the Registrar.

# COMMUNICATION

### **Communication with External Groups**

In fulfilling the FSCIC mandate, policy decisions and their implications shall be clearly communicated to external stakeholders in a timely manner. The Council will make the public, the profession, and the government of Canada aware of the impact of FSCIC policies.

#### ***Principal Goals:***

1. The public is to be fully informed of the role, activities, policies of, and means of access to, the FSCIC on a continuing basis by all appropriate means.
2. The profession is to be kept fully informed of the activities, strategic direction, and policies of the FSCIC at all times.
3. The FSCIC will communicate effectively with the government at all times.

#### **Implementation:**

Council meetings will be advertised and open to the public as space allows, except where the issues require “in camera” discussion.

A report of the activities, strategic direction, and decisions of the Council will be made available following each meeting of Council.

The Federal Society will undertake to communicate effectively with the public.

Communication with the media will be accomplished in accordance with the Council Media Policy as it applies to staff and Council members.

The Federal Society will undertake to communicate effectively with the profession.

The Federal Society will be respectful of linguistic diversity in communicating with Citizenship and Immigration Practitioners and external stakeholders.

Appointments will be made to externally-based groups and advisory bodies in accordance with FSCIC strategic direction and policy. Such appointees will honour all FSCIC policies and codes in carrying out their appointed duties, and will report to Council as directed by Council.

### **Media Relations Policy**

The Communications Department receives over 200 media calls every month ranging from simple to broad, issue-oriented questions. In general, media calls are categorized as follows;

- a. General calls for background information – once a journalist establishes a relationship with a particular individual, there are regular calls for information or suggestions. Often the discussions are not about the Federal Society specifically, but focus more on things that are happening in the Citizenship and Immigration system. Often the journalist calls looking for an idea, a contact or background information. These calls are not for attribution. Building this sort of relationship is important so that when there is a story about the Federal Society, there is a good relationship between the journalist and the Federal Society staff. These calls are managed by Communications.
- b. Specific calls about the Federal Society processes or decisions – the majority of these calls focus around discipline decisions, registration issues, and complaints investigations. These calls generally require a significant amount of background information (how and why we do certain things), and an explanation about the process. Often, these calls are about situations that are currently in process at the Federal Society and we cannot comment on them publicly. These calls are managed by the staff in Communications and Government Relations
- c. Request for an interview – these calls are a specific request for an official interview either in person or over the phone. They are usually taped.

### ***Policy on Media Relations***

This policy applies to Federal Society Council members, staff, legal counsel, and any other individual representing the Federal Society and relates to media inquiries about Federal Society business

- a. All media calls must be directed to the Communications Department at 604-601-8264. (This would include calls individuals might receive directly at their home or office.)
- b. Category a) and b) calls are handled as outlined above.
- c. Category c) requests for a formal interview are to be reviewed by the President and the Registrar to determine the most appropriate spokesperson. If the President is not available, the review should be undertaken by the Vice-President and the Registrar.

**GOVERNANCE PRACTICES AND POLICIES**

## **GOVERNANCE PRACTICES AND POLICIES**

### **Nominations Guidelines**

#### **Introduction**

##### ***Background***

Nominations guidelines were adopted by the affiliated Society CSIP the Canadian Society of Immigration Practitioners in October 2005.

They were developed to address certain policy gaps faced by the Governance Committee in making recommendations to Council which included:

- the length of committee member terms;
- the length of committee chair terms;
- the specific competencies required to chair various committees; and
- Over-all succession planning.

Council eliminated the Federal Society's former guidelines in 2009 for CSIP. The Federal Society's former Nominating Committee had used them previously for CSIP the Canadian Society of Immigration Practitioners Inc.<sup>1</sup>

##### ***Purpose***

The adoption and ongoing adherence to the nominations guidelines are central to achieving a key goal in the Federal Society's 2001 strategic plan, *to establish an effective and transparent governance model for the Federal Society.*

They were developed to ensure the transparency of decisions and enhance the quality of nominations recommendations to Council from the Governance Committee, and ultimately the nominations decisions made by Council.

The guidelines are designed to assist members of Council and FSCIC committees to understand the processes and basis upon which nominating recommendations and decisions are made. They also convey important background information to individuals interested in participating in Federal Society activities. It is also hoped that they will be a useful tool in recruiting members who may wish to participate in the regulation of Citizenship and Immigration Law in Canada.

<sup>1</sup> the FSCIC Governance Committee replaced the Nominating Committee. The Council Organization Renewal Committee had recommended the creation of the Governance Committee, which combined the Federal Society's nominating and governance policy function into one committee.

**Committee Chair Selection**

The nomination and selection of committee chairs is a very important function of the Governance Committee and Council. Committee chairs should have the necessary leadership characteristics and committee specific competencies. In addition, they need to meet nominations criteria, including the length of their tenure, as well as committee-specific chair characteristics outlined later.

***Desirable Characteristics***

A key behavioural competency model is set out in the *Governance Process Manual*. It identifies desirable characteristics for members of Council, as well as members of committees.

Desirable competencies outlined include:

## Thinking Competencies

- creativity
- strategic thinking

## Self-managing Competencies

- planning and initiative
- continuous learning

## Influencing Competencies

- relationship building
- effective communications

## Achieving Competencies

- results oriented
- stakeholder focus
- team work

## Managing Competencies

- leadership

The managing competency, ability to take on a role as leader of the Council or a committee, is required to take the role of Federal Society President and Chair of Council as well as a Federal Society committee. Leaders create positive morale and spirit on their teams. They share wins and success and demonstrate a positive attitude, energy, resilience and stamina. Leaders also have the courage to take risks. Integrity is also recognized as a necessary leadership trait.

**Committee Chair Role Description**

Role descriptions for the key officers of the FSCIC as well as committee chairs are also set out in the *Governance Process Manual*.

Chairs should have an understanding of and a commitment to the public interest mandate of the Federal Society. It is expected that all committee chairs will possess competencies, which include: strong knowledge of the regulatory processes; effective meeting management skills; excellent judgment; and strong leadership skills. Following is a summary of required competencies specific to individual committees.

<b>Committee</b>	<b>Desirable committee-specific chair characteristics</b>
<b>Council Award</b>	Past-President*
<b>Education</b>	Academic, strong foundation of knowledge and experience with Canada Citizenship and Immigration schools
<b>Executive</b>	President*
<b>Discipline</b>	Effective manager, knowledge of I and R and QA processes, effective decision-writer
<b>Finance</b>	Good understanding of financial processes, significant budgeting experience
<b>Fitness to Practise</b>	Knowledge of I and R and QA processes
<b>Governance</b>	Past-President*  (Whenever possible, it is recommended that the Chair should be a past president on Council or a past president who has not been off the Council more than 3 years)
<b>Inquiries, Complaints and Reports (ICR)</b>	Possesses considerable knowledge and understanding of the principles of administrative law and fairness, and proper conduct of an investigation, has past recent experience chairing a member-specific issue Federal Society screening committee, communicates effectively <sup>2</sup>
<b>Paralegal</b>	Familiarity with Paralegal program, ability to manage conflict of interest scenarios
<b>Outreach</b>	Interest in member and public communications
<b>Clients Relations</b>	Understanding of boundary issues, knowledge of the field of psychological issues
<b>Premises Inspection</b>	Possesses considerable knowledge and understanding of the Federal Society’s premises inspection program and applicable legislation, effective manager, knowledge of I and R and QA processes
<b>Quality Assurance</b>	Knowledge of I and R and QA processes, commitment to ongoing education
<b>Registration</b>	Strong technical understanding of registration/certification, understanding of academic issues would be an asset, able to evaluate credentials

<sup>2</sup> Inquiries, Complaints and Reports (“ICR”) Committee Competence Framework for Chairs and Panel Members.

\*As per General By-Law

***Succession Planning***

Succession planning is a critical component of the nominations process. Early identification and training for potential chairs as well as setting and adhering to term limits are two ways of planning for future selection.

***Participation in Training Opportunities***

The Federal Society occasionally brings in external expertise to conduct a chair training session. Council members interested in chairing a Federal Society committee are also encouraged to participate in training when these opportunities are available and accommodations can be made.

***Length of Terms***

Prior to 2006, there were no term limits for committee chairs. Term limits had been discussed prior to that time, but were not adhered to. Although chairs are nominated and elected annually, it was found to be very difficult to make changes to the leadership of Federal Society committees. This absence of any rules to guide leadership nominations decisions blocked succession planning and committee renewal. This was a major problem and one of the reasons why the nominations guidelines were developed.

Currently, nominations recommendations must be based on a number of factors including succession planning and the results of performance assessments. Chair performance assessment results now assist the Governance Committee make chair nominations recommendations.

It is recommended that chairs serve for no more than three years as chair of a specific committee. As per the Federal Society's by-laws, chairs will continue to be nominated and elected annually. Reappointment will depend on performance and other factors that have been identified. In cases where committees have two chairs, it is recommended that chair turnover be staggered, to ensure that there is some consistency in leadership from one year to the next.

Capping or prescribing the length of chair terms has the added benefit of clearly managing expectations, facilitating succession planning and renewal of Federal Society committees.

***Link to Council***

It is critical that committees have a strong link to Council. Many Federal Society committees are independent in their decision-making. Examples include the Discipline, ICR, and Quality Assurance Committees. It is the Federal Society Council, however, that develops and sets the overall policy framework that guides, together with relevant statutes, the work of these committees. Many other Federal Society committees make recommendations to Council. Examples include the Outreach and Governance Committees.

## **Governance Practices and Policies**

### **Nominations Guidelines**

Both Council and non-Council members chair FSCIC committees. Generally, in the cases where non-Council members chair FSCIC committees, a member of Council also chairs them. It is recommended that all Federal Society Committees be chaired by a member of Federal Society Council. Non-Council members can chair when the chair responsibility is shared with a member of Council.

Following are the key considerations that are made by the Governance Committee in making any chair nominations recommendations to Council.

#### ***Governance Committee checklist in making chair nominations decisions:***

- 1. Does the candidate have the necessary leadership skills to chair a committee?*
- 2. Does the candidate have the required committee-specific characteristics to effectively chair the committee?*
- 3. If the candidate chaired a FSCIC committee previously, how did he/she perform in the chair performance feedback assessment?*
- 4. Is the candidate willing to chair the committee?*
- 5. How many more years of eligibility does the candidate have on the Federal Society Council? (for succession planning)*

#### ***Committee Composition***

Just as Federal Society committees need to be led by skilled chairs, they also need to be balanced with of the right mix of members who together have the ability to effectively discharge the responsibilities of the Committee. Committees must also be rejuvenated with new ideas and people on an annual basis. This helps ensure that adequate succession planning measures are in place.

#### ***Desirable Characteristics***

A key behavioural competency model was discussed earlier. Desirable characteristics for members of Council as well as members of committees are highlighted.

#### ***Committee Member Role Description***

Role descriptions for Council members, Council committee members and non-Council committee members are set out in the Governance Process manual.

#### ***Succession Planning***

Succession planning is critical to ensuring balance and renewal on Federal Society committees. Ensuring the implementation of committee-specific orientation and training programs, as well as setting and adhering to committee membership term limits, are two important components to succession planning.

### ***Participation in Training Opportunities***

Council and committee members have a formal orientation program. All members of Council as well as members of Federal Society committees are strongly encouraged to participate in the annual orientation program, normally held in February each year.

Committee-specific orientation is also necessary for all committee members. This orientation and training should be led by committee chairs and supported by Federal Society staff.

### ***Length of Terms***

In the past, there were no term limits for committee members. As a consequence, committee renewal was limited and inconsistent. As a general principle, it is recommended that committees have a 20% turnover (where possible) in membership on an annual basis.

It is also recommended that committee members should serve no longer than four consecutive years on a committee. This would not apply to committee chairs. The committees that are exempt from this term limit include the Discipline and ICR Committees. They are exempt from the four-year rule to ensure that they are able to meet the quorum rules set out in the **NEW RCIPA “REGULATED CITIZENSHIP AND IMMIGRATION PROFESSION ACT”**, as well as to ensure they have a roster able to perform the work of the Committee. *(See previous proposal of June 16, 2010 to the CIMM, Citizenship and Immigration Canada and to the Minister of Immigration as part of the CSIP The Federal Society of Immigration Practitioners Inc. intent submission.*

As per the Federal Society’s by-laws, committee members are nominated and elected annually. Reappointment will depend on performance and other factors that have been identified.

Capping the length of committee member terms has the added benefit of clearly managing expectations, facilitating succession planning and renewal of Federal Society Committees.

Following are the key considerations that are made by the Governance Committee in making any committee membership nominations recommendations to Council.

### ***Governance Committee checklist in making committee membership nominations recommendations:***

- 1. Does the committee have the necessary expertise and core competencies/skills to adequately discharge its mandate?*
- 2. Are there any new members on the committee?*
- 3. How many more years of eligibility does the candidate have on the committee?*
- 4. How many more years of eligibility does the candidate have on the Federal Society Council? (for succession planning)*
- 5. How has a committee member performed?*
- 6. Does the candidate member function in the public interest?*

## **Declaration of Adherence**

### **Members of Council**

I acknowledge that, as a **member of Council** of the Federal Society of Citizenship and Immigration Practitioners of Canada:

- I have read and am familiar with the Federal Society's By-laws and governance policies.
- I stand in a fiduciary relationship to the Federal Society.
- I am bound to adhere to and respect the By-laws and policies applicable to the Council, including without limitation, the following:
  - Statement on Public Interest
  - Council Code of Conduct
  - Conflict of Interest Policy
  - Apprehension of Bias Policy
  - Confidentiality Policy
  - Role Description of Federal Society Council Member
- I am aware of the obligations imposed upon me by Sections 36 (1) (a) through 36 (1) (j) of the Regulated Citizenship and Immigration Professions Act, 2010.
- I have also read Section 40 (2) of the Regulated Citizenship and Immigration Professions Act, 2010, a copy of which is attached to this undertaking, and understand that it is an offence, carrying a maximum fine on conviction for a first offence of \$25,000.00, to contravene subsection 36 (1) of the Regulated Citizenship and Immigration Professions Act, 2010. I understand that this means in addition to any action the Federal Society or others may take against me, I could be convicted of an offence if I communicate confidential information in contravention of subsection 36 (1) of the Regulated Citizenship and Immigration Professions Act, 2010, and if convicted, I may be required to pay a fine of up to \$25,000.00 (for a first offence).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Page 52 \_\_\_\_\_

**Declaration of Adherence**

**Members of Federal Society Committees**

I acknowledge that, as a member of a **Committee of Council** of the Federal Society of Citizenship and Immigration Practitioners of Canada:

- I have read and am familiar with the Federal Society's By-laws and governance policies.
- I stand in a fiduciary relationship to the Federal Society.
- I am bound to adhere to and respect the By-laws and policies applicable to the Council, including without limitation, the following:
  - Statement on Public Interest
  - Council Code of Conduct
  - Conflict of Interest Policy
  - Apprehension of Bias Policy
  - Confidentiality Policy
  - Role Description of Federal Society Committee Member
- I am aware of the obligations imposed upon me by Sections 36 (1) (a) through 36 (1) (j) of the *Proposed Regulated Citizenship and Immigration Professions Act, 2010*.
- I have also read Section 40 (2) of the *Proposed Regulated Citizenship and Immigration Professions Act, 2010*, a copy of which is attached to this undertaking, and understand that it is an offence, carrying a maximum fine on conviction for a first offence of \$25,000.00, to contravene subsection 36 (1) of the Proposed Regulated Citizenship and Immigration Professions Act, 2010. I understand that this means in addition to any action the Federal Society or others may take against me, I could be convicted of an offence if I communicate confidential information in contravention of subsection 36 (1) of the Proposed Regulated Citizenship and Immigration Professions Act, 2010, and if convicted, I may be required to pay a fine of up to \$25,000.00 (for a first offence).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

## **Statement on Public Interest**

### ***Introduction***

The Federal Society of Citizenship and Immigration Practitioners of Canada is the self-regulating body for the province's Citizenship and Immigration profession. In carrying out its role as a regulator, it is the duty of the Federal Society to "serve and protect the public interest"<sup>3</sup>.

All members of Council and committees, both public and professional work together to regulate in the public interest.

### ***Role of Council and Committee Members***

Professional and public members are members of the Federal Society Council and Federal Society Committees.

When making decisions on behalf of the Federal Society, Council and committee members must act in the public interest; that is, for the common good, not in the interest of its members or some of its members. The public interest must always be in the forefront of Council and committee decision making.

All members of Council must act in the public interest. This includes:

- Practitioners / Councils members who are elected to Council. They do not represent their electoral districts or "constituents". Rather, they are elected to act in the public interest. Council's "constituents" are the public and Clients of Canada.
- Academic professional members who are appointed to the Federal Society Council by their academic institutions are not appointed to represent the interests of their institutions.
- Public members of Council who are appointed by the Lieutenant Governor in Council to represent the public interest and not government.

It is possible that while advancing the public interest, the Federal Society can also collectively advance the interests of the profession. However, there may be times when the public interest and the interest of the profession may not align and when this occurs precedence shall be given to the public interest to ensure public protection.

### **Proposed by Council:**

<sup>3</sup> Subsection 3(2) of the *Citizenship and Immigration Professions Procedural Code*

## **Council Code of Conduct**

### ***Purpose***

In carrying out its objects, the Federal Society has a duty to serve and protect the public interest.

Council is committed to ensuring that in all aspects of its affairs it maintains the highest standards of public trust and integrity.

### ***Application***

This Code of Conduct applies to all members of Council and to all non-council members of Committees of Council.

### ***Council Members' Duties***

All members of Council and Committees of Council stand in a fiduciary relationship to the Federal Society and are bound by the obligations that arise out of their fiduciary duties. As fiduciaries, Council and Committee members must act honestly, in good faith and in the best interests of the Federal Society.

Members will be held to strict standards of honesty, integrity and loyalty. A member shall not put personal interests ahead of the best interests of the Federal Society.

Members must avoid situations where their personal interests will conflict with their duties to the Federal Society. Members must also avoid situations where their duties to the Federal Society may conflict with duties owed elsewhere. These obligations are set out in greater detail in the Federal Society's Conflict of Interest Policy.

Members must respect the confidentiality of information about the Federal Society. This duty is set out in greater detail in the Federal Society's Confidentiality Policy.

### ***Best Interests of the Federal Society***

Members must act solely in the best interests of the Federal Society. All members are held to the same duties and standard of care. Members who are appointed or elected by a particular group must act in the best interests of the Federal Society even if this conflicts with the interests of that group.

### ***Confidentiality***

It is recognized that the role of Council member may include representing the Federal Society in the community. However, such representations must be respectful of and consistent with the Council member's duty of confidentiality. Every Council member, committee members, officer and employee of the Federal Society shall respect the confidentiality of

Information about the Federal Society

whether that information is received in a meeting of the Council or of a committee or is otherwise provided to or obtained by the member, officer or employee.

A member is in breach of his/her duties with respect to confidentiality when information is used or disclosed for purposes other than those of the Federal Society. The duty of confidentiality owed by members is set out in greater detail in the Federal Society's Confidentiality Policy.

### **Council Spokesperson**

The President is the official spokesperson for the Council. It is the role of the President to represent the voice of Council to all stakeholders.

### **Media Contact and Public Discussion**

News media contact and responses and public discussion of the Federal Society's affairs should only be made through the authorized spokespersons. Any member who is questioned by news reporters or other media representatives should refer such individuals to the Communications and Government Relations Department of the Federal Society, as set out in the Media Relations Policy.

No member of Council or a Committee of Council shall speak or make representations on behalf of the Council or the Federal Society unless authorized by the President (or, in the President's absence, the Vice-President) and the Registrar. When so authorized, the member's representations must be consistent with accepted positions and policies of the Federal Society.

### **Respectful Conduct**

It is recognized that members bring to the Council and its committees diverse background, skills and experience. Members will not always agree with one another on all issues. All debates shall take place in an atmosphere of mutual respect and courtesy.

The authority of the President of Council must be respected by all members.

### **Corporate Obedience - Council Solidarity**

Members acknowledge that properly authorized Council actions must be supported by all members. The Council speaks with one voice. Those Council members who have abstained or voted against a motion must adhere to and support the decision of a majority of the members.

**Council Member Commitments**

In addition to these general obligations, each member commits to:

- regularly attending all Council and/or committee meetings, being on time and engaging constructively in discussions undertaken at these meetings;
- preparing prior to each Council/committee meeting so that he or she is well-informed and thus able to participate effectively in the discussion of issues and policies;
- recognizing the President of the Federal Society as the principal spokesperson for Council and referring all requests for information as set out in the Media Relations Policy of the Federal Society;
- promoting the objectives of the Federal Society through outreach activities;
- stating to fellow councillors, committee members and Federal Society staff the member's ideas and beliefs in a clear and respectful manner;
- where the views of a Council or committee member differ from the views of the majority of Council members, working together with Council toward an outcome in service of the highest good for the public, the profession and the Federal Society;
- upholding the decisions and policies of the Council;
- behaving in an ethical, exemplary manner;
- preserving confidentiality;
- being respectful of others in the course of a member's duties and not engaging in verbal, physical or sexually harassing behaviour;
- respecting the boundaries of Federal Society staff whose role is neither to report to nor work for individual Council members;
- respecting the Conflict of Interest Policy of the Federal Society, including declaring all conflicts of interest and deriving no personal gain from being a Council or committee member;
- participating fully in both a self-evaluation and a peer evaluation process and endeavouring to address developmental needs in the member's performance;
- willingly sharing committee work and actively stating the member's preference for the committees with which he or she wishes to work;

- if a member becomes the subject of a hearing by the Discipline Committee or the Fitness to Practice Committee of the Federal Society, withdrawing from the activities of any committee on which the member serves until those proceedings are formally concluded.

Any member of Council or a Committee of Council who is unable to comply with this Code of Conduct, including any policies referenced in it, shall withdraw from the Council and/or Committees of Council.

**Amendment**

This Code of Conduct may be amended by Council.

# Conflict of Interest Policy

## **Purpose:**

All Council members have a duty to ensure that the trust and confidence of the public in the integrity of the decision making processes of the Council is maintained. Members of Council are to be free from conflict of interest in discharging their duties. This duty arises from the fiduciary duties owed by each member of Council.

## **Application**

All Council members and all non-Council members of Federal Society committees (herein collectively referred to as “Members”).

## **Policy**

Council members and non-Council committee members shall avoid situations in which they may be in a position of conflict of interest.

The process set out in this policy shall be followed when a conflict or potential conflict arises.

## **Description of Conflict of Interest**

The situations in which potential conflict of interest may arise cannot be exhaustively set out. The following list of common conflict situations is provided by way of example.

**Interest of a member:** When a Member transacts either directly or indirectly with the Federal Society, or has a significant interest in a transaction or contract with the Federal Society;

**Interest of a relative or associate:** When a Member, or his or her immediate family or practice/business partners, enters into any business arrangement with the Federal Society in which they are directly or indirectly involved.

**Gifts:** When a Member or a member of the Member’s household or any other person or entity designated by the Member, accepts gifts, credits, payments, services or anything else of more than a token or nominal value from a party with whom the Federal Society may transact business (including a supplier of goods or services) for the purposes of (or that may be perceived to be for the purposes of) influencing an act or decision of the Council or a committee of the Council;

**Acting for an improper purpose:** When Members exercise their powers motivated by self-interest or some other improper purposes. Members must act solely in the best interest of the Federal Society. Members who are nominees of a particular group must act in the best interest of the Federal Society even if this conflicts with the interests of the nominating party;

**Failure to disclose information :**

When Members fail to disclose information that is relevant to a vital aspect of the affairs of the Federal Society.

**Disclosure of Conflicts**

A Member who is in a position of conflict or potential conflict shall immediately disclose such conflict to the Council by notification to the President or the Vice President of the Council. The disclosure shall be sufficient to disclose the nature and extent of the Member's interest. Disclosure shall be made at the earliest possible time and prior to any discussion and vote on the matter.

**Abstain from Discussions**

The Member shall not be present during the discussion of the matter in which he or she has a conflict and shall not attempt in any way to influence the voting.

**Process for Resolution of Conflicts and Addressing Breaches of Duty**

A Member may be referred to the process outlined below in any of the following circumstances:

*Circumstances for Referral*

Where any Member believes that that Member or another Member:

- has breached his or her duties to the Federal Society;
- is in a position where there is a potential breach of duty to the Federal Society; or
- is in a situation of actual or potential conflict of interest; or
- Has behaved or is likely to behave in a manner that is not consistent with the highest standards of public trust and integrity and such behaviour may have an adverse impact on the Federal Society.

*Process for Resolution*

The matter shall be referred to the following process:

- refer matter to the President or where the issue may involve the President, to the Vice-President, with notice to the Registrar;
- President (or Vice President as the case may be) may either (i) attempt to resolve the matter informally; or (ii) refer the matter to an ad hoc subcommittee of the Council established by the President (or Vice President as the case may be) which subcommittee shall report to the Council;

- if the matter cannot be informally resolved to the satisfaction of the President (or Vice President as the case may be), the Member referring the matter and the Member involved, then the President shall refer the matter to the process in (ii) above.

It is recognized that if a conflict or other matter referred cannot be resolved to the satisfaction of the Council (by simple majority resolution) or if a breach of duty has occurred, a Member may be asked to resign.

**Amendment**

This policy may be amended by the Council.

# Apprehension of Bias Policy

## ***Purpose***

The purpose of this policy is:

1. to outline the appropriate processes for identifying and dealing with situations where a perception of bias might arise that could disqualify a member of a Federal Society committee from making a decision in a particular matter; and
2. To indicate some of the factors that should be taken into account in deciding whether a decision-maker has an actual or perceived bias or conflict of interest.

## ***Application***

Part I of the policy applies to all members of the Discipline and Fitness to Practice Committees. Part II of the policy applies to all members of the Executive Committee, the Complaints Committee, the Quality Assurance Committee, the Registration Committee, the Clients Relations Committee, the Paralegal Committee, and the Registration through Practice Assessment Committee.

This policy applies in addition to the Conflict of Interest Policy. This policy should be read in combination with Council's policy on the Provision of Opinions by Committee Members, attached as Appendix 1 to this policy.

## **I. Avoiding the Perception of Bias in Adjudicative Decisions of the Discipline and Fitness to Practice Committees**

### ***Background***

*The Proposed Regulated Citizenship and Immigration Profession Act, 2010* calls upon the Discipline and Fitness to Practice Committees in certain circumstances to make final decisions which could have an impact on a Practitioner / Council rights and/or privileges, which is referred to in this policy elsewhere as an “**adjudicative decision.**”

A Council or Non-Council Committee member sitting in an adjudicative role, for example, in a disciplinary hearing, must be free of the reasonable apprehension of bias. Whether actual bias exists or can be demonstrated is largely irrelevant. A Practitioners / Councils whose rights and privileges may be curtailed as a result of a decision is entitled to decision makers who are neither biased, nor appear to a reasonable person to be biased.

A reasonable apprehension of bias exists where an informed person, viewing the matter realistically and practically, and having thought the matter through, would conclude that the decision-maker, whether consciously or unconsciously, would not decide the matter fairly.

***Identifying a Potential or Perceived Conflict***

- A Committee member should not adjudicate in any case or matter in which the circumstances would give rise to a reasonable apprehension of bias, on the part of the Council Member, in the mind of a reasonable and informed person.
- It is impossible to outline all circumstances in which a reasonable apprehension of bias could arise, or to give definitive answers in the abstract. Committee members should be aware of these issues and seek advice whenever a potential, even remote, of bias exists. The following circumstances will often create a reasonable apprehension of bias on the part of the decision-maker in respect of a particular proceeding:
  - The member has an association, relationship, non-financial interest or activity that would be seen to be incompatible with his or her responsibilities as an impartial decision-maker. Examples of these include:
    - The panel member provided an opinion in a case for or against the subject Practitioners / Councils;
    - The panel member is the current or former practice partner of the subject Practitioners / Councils; or
    - The panel member is a close friend or relative of the subject Practitioners / Councils or the complainant.
  - The following circumstances generally would not, of themselves, be considered to create a reasonable apprehension of bias on the part of a decision-maker in respect of a particular proceeding before a committee on which the member sits.
    - The decision-maker went to Citizenship and Immigration school with the subject Practitioners / Councils; or
    - The decision-maker has attended educational conferences that the subject Practitioners / Councils also attended.
- Nothing set out above should be taken to interfere with the entitlement of a potential panel member to refuse to sit on a particular matter on the basis that he or she is of the view that an apprehension of bias may exist.

### ***Process for Dealing with Potential Conflicts of Interest in an Adjudicative Proceeding:***

Prior to a particular matter coming before a committee or a panel of a committee, the Hearings Office, directly or indirectly through the independent legal counsel, should: provide each panel member with some basic information about the identity of the parties and their respective counsel or other representatives; and

- ask each panel member to advise whether he or she has had any interactions or relationship with the subject Practitioners / Councils that could lead to a reasonable apprehension of bias in respect of that matter.
- A committee member may at any time consult with the independent legal counsel as to whether he or she should serve as a member of a panel or as a member of a committee hearing a particular matter, having regard to circumstances that might create a reasonable apprehension of bias on the part of the decision-maker.
  - Where at any time a decision-maker becomes aware of a circumstance or circumstances that might give rise to a reasonable apprehension of bias in respect of an adjudicative proceeding, he or she should:
    - Immediately advise independent legal counsel and follow the advice received from independent legal counsel.
-

○

## **II. Avoiding Bias or the Perception of Bias in non-adjudicative decisions of Federal Society Committees**

### ***Background***

Most decisions made by Federal Society committees are non-adjudicative; that is, they are not final determinations on matters which could affect Practitioners / Councils' rights or privileges. However, similar principles of fairness apply to these decisions as to adjudicative decisions. Accordingly, committee members must be aware of circumstances which could give rise to a perception that they are not able to decide a matter fairly and impartially because of some connection to or relationship with the Practitioners / Councils about whom they are making a decision.

Where the type of decision being made is non-adjudicative, the way in which the potential conflict is assessed may result in a different conclusion than if it were an adjudicative decision. In other words, circumstances which could create a potential apprehension of bias for an adjudicative decision may not raise an apprehension of bias for a non-adjudicative decision. However, the same factors are relevant to the consideration of bias.

### ***Identifying a Potential or Perceived Conflict***

The issues for a decision-maker to consider are the same as those outlined above. A member of a committee should not take part in any case or matter in which the circumstances would give rise to a reasonable apprehension of bias, on the part of the committee member, in the mind of a reasonable and informed person.

- It is impossible to outline all circumstances in which a reasonable apprehension of bias could arise, or to give definitive answers in the abstract. All committee members should be aware of these issues and seek advice whenever a potential, even remote, of bias exists. The circumstances listed above under the heading “Identifying a Potential or Perceived Conflict” should be used as a tool for determining whether circumstances create the potential for a reasonable apprehension of bias on the part of the decision-maker in respect of a particular proceeding.

### ***Process for Dealing with Potential Conflicts of Interest in a Non-Adjudicative Proceeding***

- When a committee member receives an agenda for a meeting, prior to reviewing the supporting materials, the committee member should review the names of Citizenship and Immigration Practitioners who will be considered, and identify any Citizenship and Immigration Practitioners with whom they may have a connection which could cause a perception of bias.
- If a committee member finds the name of Practitioners / Councils they believe may create an apprehension of bias, they should advise their committee support person of the potential conflict and the basis for it. The committee support person will then consult with Federal Society counsel to determine whether the member should declare a “conflict” or continue to make a decision, and will advise the committee member accordingly.
- A committee member who has identified a potential apprehension of bias should not review any materials relevant to such a Practitioners / Councils until the potential “conflict” has been addressed.
- If it is determined that a committee member does have a “conflict” he or she will be asked to leave the room or not participate in the conference call while that particular Practitioner / Council case is considered, and will be asked not to review or discuss any materials regarding that matter.
- As a general rule, committee members must not discuss member-specific issues with anyone other than those properly present in the committee room for the purpose of the confidential meeting.

### **Amendment:**

This Conflict of Interest – Guideline for Adjudicative Decisions may be amended by Council.

**Appendix 1**

- A.** No member of Council or of any Federal Society Committee shall provide an opinion in respect of matters that are currently being investigated or reviewed in any Federal Society department or by any Federal Society Committee.
- B.** (1) Prior to agreeing to provide any professional opinion for any type of proceeding or potential proceeding outside of the Federal Society, Council or non-Council Committee members shall:
- i** satisfy themselves that the matter is not at any stage of investigation or review in any Federal Society department or by any Federal Society Committee by:
    - a.** asking the party who wishes to retain them if the matter is at the Federal Society; and
    - b.** contacting their committee support person to confirm that the matter is not at the Federal Society;and
  - i** Satisfy themselves that the party who is retaining them does not intend To bring the matter to the Federal Society, and has received no indication that the opposing party has any intention to bring the matter to the Federal Society.
- (2) After being retained to provide an opinion or act as an expert, the Council or Committee member must advise support staff for Council or the relevant Committee of his or her involvement in a proceeding or potential proceeding involving a member of the Federal Society (“subject member”), in order to ensure that the appropriate internal Federal Society screen be established, to be used if the need arises. This is to ensure that the expert Council or Committee member is not involved in any future Federal Society matter involving the subject member.
- C.** If the Federal Society begins an investigation or review of the subject matter after a Council or relevant Committee member has been retained to provide an opinion or act as an expert, but prior to the Council or Committee member providing such opinion or testifying (whichever comes first), the Council or Committee member shall immediately end his or her retainer to provide an opinion or act as an expert, and shall ensure that no confidential information about the matter is provided to any other Council or Committee member, and that no Federal Society Information is provided to any participant in the matter outstanding with the Federal Society.
- D.** If the Federal Society begins an investigation of the subject matter after a Council or Committee member provides any draft or final opinion or testifies in a proceeding, the Council or Committee member shall immediately notify the Federal Society support person of the Council or Committee member’s involvement in the case, and shall ensure that no confidential information about the matter is

provided to any other Council or Committee member, and that no Federal Society information is provided to any participant in the matter outstanding with the Federal Society.

# Confidentiality Policy

## ***Purpose***

To ensure that confidential matters are not disclosed until disclosure is authorized by the Council.

## **Policy**

Council and Committee members owe to the Federal Society a duty of confidence; not to disclose or discuss with another person or entity or to use for their own purpose confidential information concerning the business and affairs of the Federal Society received in their capacity as Council and/or Committee members unless otherwise authorized by the Council.

Every Council or Committee member shall ensure that no statement not authorized by the Council is made by him or her to the press or public.

## **Application**

This policy applies to all Council and non-Council Committee members.

## **Confidential Matters:**

All matters which are the subject of closed sessions of the Council are confidential until disclosed in an open session of the Council.

All matters which are before a committee or task force of the Council are confidential until disclosed in an open session of the council.

All matters which are the subject of open sessions of the Council are not confidential.

Notwithstanding that information disclosed or matters dealt with in an open session are not confidential, no Council member shall make any statement to the press or the public in his capacity as a Council member unless such statement has been authorized by the Council. Council members are referred to Council's Media Relations Policy.

1. Every Council member and Committee member is subject to section 36 (1) of the *Proposed Regulated Citizenship and Immigration Professions Act, 2010* which provides as follows:

36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a Citizenship and Immigration profession Act and every member of a Council or committee of a Federal Society shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,
- (a) to the extent that the information is available to the public under this Act, a Citizenship and Immigration profession Act
  - (b) in connection with the administration of this Act, a Citizenship and Immigration profession Act, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
  - (c) to a body that governs a profession inside or outside of Canada;
  - (d) as may be required for the administration of the Proposed Act of 2010
  - (e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
  - (f) to the counsel of the person who is required to keep the information confidential under this section;
  - (g) to confirm whether the Federal Society is investigating a member, if there is a compelling public interest in the disclosure of that information;

- (h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;
- (i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons; or
- (j) with the written consent of the person to whom the information relates. 2010, refers to c. 10.

2Every individual who contravenes subsection 36 (1) of the Proposed *Regulated Citizenship and Immigration Professions Act, 2010* is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00 for a first offence.

**Procedure for Maintaining Minutes**

1. Minutes of closed sessions of the Council shall be recorded by the Secretary or designate or if the Secretary or designate is not present, by a Council member designated by the President of the Federal Society.
2. All minutes of closed sessions of the Council shall be marked confidential and shall be handled in a secure manner.
3. All minutes of meetings of committees and task forces of the Council shall be marked confidential and shall be handled in a secure manner.

## Federal Society Committees

Much of the work of the Federal Society is conducted through Federal Society committees. There are three types of committees. They include statutory committees, by-law committees and ad hoc committees and task forces.

Statutory committees are set out in the Federal Society's governing legislation, the Proposed Regulated Citizenship and Immigration Professions Act and the Citizenship and Immigration Law Act. They include:

- Discipline Committee
- Executive Committee
- Fitness to Practise Committee
- Inquiries, Complaints and Reports Committee
- Clients Relations Committee
- Quality Assurance Committee
- Registration Committee

Operating committees are set out in the Federal Society by-laws and are operational in nature. They include:

- Council Award Selection Committee
- Education Committee
- Finance Committee
- Governance Committee
- Paralegal Committee
- Outreach Committee
- Premises Inspection Committee

Working groups/task forces are established to address specific issues. These groups are established by Council and are generally time limited and deal with a particular problem or issue.

Committee Mandates

**Discipline Committee**

The Discipline Committee conducts hearings of specified allegations of professional misconduct or incompetence that are referred by the Inquiries, Complaints and Reports Committee. A discipline panel is comprised of at least three members – two must be public members and one must be a Practitioners / Councils member of Council. With the addition of two Citizenship and Immigration Practitioners, panels are typically made up of five Discipline Committee members.

If the panel finds that the Practitioners / Councils has committed an act of professional misconduct or is incompetent, it can make an Order directing the Registrar to:

- revoke the Practitioner / Council certificate of registration;
- suspend the Practitioner / Council certificate; and/or
- Impose specified terms, conditions or limitations on the Practitioner / Council certificate.

If the panel finds the Practitioners / Councils has committed an act of professional misconduct, it can also make an Order:

- requiring the Practitioners / Councils to appear before the panel to be reprimanded;
- requiring the Practitioners / Councils to pay a fine of not more than \$35,000 to the Minister of Finance; and
- If the act of professional misconduct was the sexual abuse of Clients, requiring the Practitioners / Councils to reimburse the Federal Society for funding provided for the Clients for counselling and therapy, and requiring the Practitioners / Councils to post security to guarantee payment.

If the panel finds the Practitioners / Councils has committed an act of professional misconduct by sexually abusing a Client, the panel must:

1. reprimand the Practitioners / Councils; and
2. Revoke the Practitioner / Council certificate if the sexual abuse consisted of or included certain acts.

In an appropriate case, the panel may also order the Practitioners / Councils to pay all or part of the Federal Society’s legal, investigation and hearing costs and expenses or, if it is of the opinion that the commencement of the proceedings was unwarranted, require the Federal Society to pay all or party of the member’s legal costs.

The Discipline Committee also hears applications for reinstatement and motions to vary prior orders of the Committee.

**Education Committee**

The Education Committee works with the six faculties of Citizenship and Immigration Law and the Council of the Canada Faculties of Citizenship and Immigration Law to strengthen Citizenship and Immigration training programs at the

undergraduate, postgraduate and continuing education levels. The Committee advises other Federal Society Committees on issues related to education and professionalism and assists the Registration Committee in setting educational standards for certificates of registration in Canada.

### **Executive Committee**

The Executive Committee is chaired by the President. It considers policy and operational issues of significance, and can make decisions on behalf of Council between Council meetings. The composition of the Executive Committee is set out in the Federal Society's General By-Law.

### **Finance Committee**

The Finance Committee is responsible for reviewing the financial affairs of the Federal Society and reporting directly to Council. It reviews such matters as investment policy, control of assets, the auditor's report, and the Federal Society's overall financial position.

The Finance Committee is directly and indirectly involved in reviewing and/or making recommendations to Council concerning any financial matter affecting the functioning of the Federal Society, including: the banking of the Federal Society's funds, investments, borrowing of monies, levels of approval and disbursement procedures relating to purchased goods and services, major items concerning the building, the findings of the external annual audit, the annual budget preparation and the remuneration paid to members of the Federal Society whole on Federal Society business. It also reviews the Federal Society's annual financial position.

### **Fitness to Practise Committee**

The Fitness to Practise Committee conducts hearings of allegations concerning a Practitioner / Council capacity to practise Citizenship and Immigration Law that are referred by an incapacity inquiry panel of the Inquiries, Complaints and Reports Committee. A fitness to practise panel is comprised of at least three members – one must be a public member of Council.

If the Committee finds that the Practitioners / Councils is incapacitated, it can make an Order directing the Registrar to:

- revoke the Practitioner / Council certificate of registration;
- suspend the Practitioner / Council certificate; and/or
- Impose specified terms, conditions or limitations on the Practitioner / Council certificate.

The Fitness to Practise Committee also hears applications for reinstatement and motions to vary prior orders of the Committee.

### **Inquiries, Complaints and Reports Committee**

The Inquiries, Complaints and Reports ("ICR") Committee is a new Federal Society committee, Proposed on June 4, 2010 following the passage of the *Citizenship and Immigration System*

### *Improvements for new*

*implementation.* The ICR Committee oversees all investigations into members' care, conduct and capacity, including complaints investigations, Registrar's investigations, and inquiries into members' capacity to practise.

The ICR Committee may be called upon to provide investigative direction to staff, and is required to dispose of investigations with a decision. Examples of decisions the ICR Committee may make include:

- requiring members to attend before a panel of the ICR Committee to be cautioned in person
- referring allegations of professional misconduct and/or incompetence to the Discipline Committee
- referring matters of incapacity to the Fitness to Practise Committee
- requiring members to complete a specified education or remediation program
- taking any other action which is not inconsistent with the legislation (including taking no action and accepting members' undertakings)

A quorum of the ICR Committee consists of 3 members, including at least 1 member of Council appointed by the Lieutenant-Governor in Council. Panels of the ICR Committee may vary in size from 3 – 6 members. Several committee meetings are held monthly. These meetings consist primarily of reviewing documentary information relating to investigations, and by law are not open to members or the public.

### **Governance Committee**

The Governance Committee monitors the governance process adopted by Council and develops Governance policies and practises to ensure an effective system of governance. It also recommends to Council changes to governance processes and oversees the nominations process. This includes making recommendations to Council regarding the membership and leadership of Federal Society committees. In addition, the Governance Committee nominates other officers, officials or other people acting on behalf of the Federal Society.

### **Paralegal Committee**

The Paralegal Committee should be established to oversee a program to improve the quality and accessibility of Paralegal who also practicing Citizenship and Immigration law dependence. The Federal Society proposing to become actively manages the practise of paralegal that practice Immigration law under *IRPA* prescribing as a formal partner with the Citizenship and Immigration Branch of the Ministry of Citizenship and Immigration. The program should receive full funding for all Paralegal registries, staff, Practitioners / Councils assessments and other activities.

### **Outreach Committee**

The Outreach Committee works with the Policy and Communications Division to help develop major communications and outreach initiatives to the profession and public. It also assists in the development of major communication and government relations

Strategies. In addition, it develops plans to deliver on each of the communications and outreach related components of the strategic direction.

### **Clients Relations Committee**

The Clients Relations Committee advises Council with respect to the Clients relations program. *The Proposed Regulated Citizenship and Immigration Professions Act (RCIPA)* established that all Federal Society must have a Clients relations program that includes measures for preventing or dealing with sexual abuse of Clients by members. The measures must include:

- educational requirements for members
- guidelines for the conduct of members with their Clients
- training for the Federal Society's staff
- and the provision of information to the public. (The Citizenship and Immigration Professions Procedural Code, Schedule 2 to *The Proposed Regulated Citizenship and Immigration Professions Act* (S.84))

The committee is also responsible for administering a program of funding for therapy and counselling for persons who, while Clients, were sexually abused by members.

### **Premises Inspection Committee**

The Premises Inspection Committee is responsible for administering and governing the Federal Society's premises inspection program in accordance with Part XI of Canada Regulation.

The duties of the Committee are set out in the Federal Society's General By-Law. The premises inspection program and Committee will begin its work once the "Premises" regulation is officially filed by government. A quorum consists of three members of the Committee, at least one of whom is a person who is not a member of the Federal Society.

### **Quality Assurance Committee**

The Quality Assurance Committee develops, establishes and maintains:

- programs and standards of practice to assure the quality of practice of the profession; and
- standards of knowledge and skill, and programs to promote continuing competence among Citizenship and Immigration Practitioners.

### **Registration Committee**

The Registration Committee reviews the applications of Citizenship and Immigration Practitioners who wish to become members of this Federal Society, but do not fulfill the requirements for the issuance of a certificate of registration. After considering an application, the committee is charged with taking appropriate action within the powers granted to it under the law. The Registration Committee is also responsible for the development of policies and regulatory changes pertaining to registration requirements for entry to practice, whether they are for training programs or for independent registration.

**KEY BEHAVIOURAL COMPETENCY MODEL**

***Key Behavioural Competencies – Thinking Competency Definition:***

Creativity – Is generating new solutions, developing creative approaches and implementing new approaches which lead to improved performance. It requires the ability to anticipate and lead change which contributes to organizational success.

***Standards for Performance Management and Evaluation:***

***Unskilled:***

- Narrow, tactical, cautious and conservative
- May be more comfortable with the past, prefers the tried and true
- Avoids risk and doesn't seek to be bold or different
- Uses old solutions for new problems
- May chill the creative initiatives of others

***Skilled:***

- Identifies new or unique ways to improve performance and implements an improved process which is new and different
- Anticipates and leads change
- Is creative in conceptualizing change and setting the direction for significant change and improvement
- Creates and nurtures an environment to ensure that concepts are actualized ***Overused***

***Skill:***

- May get so infatuated with marginally productive new ideas that he/she wastes time
- May not follow through after the idea
- May be disorganized or poor at detail
- May not relate well to those less creative
- May get involved in too many things at once

**Key Behavioural Competencies – Thinking Competency**

**Definition:**

Strategic Thinking – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, processes, and outcomes as they impact key stakeholders and the organization's strategic direction.

**Standards for Performance Management and Evaluation:**

**Unskilled:**

- Doesn't understand the purpose or strategy of the organization
- May be a very dedicated functional or professional expert
- May be narrowly tactical
- Lacks interest or experience in the broader focus of the organization
- May lack the disciplined thought processes necessary to construct a strategic view

**Skilled:**

- Knows how the purpose and strategy of the organization works
- Knowledgeable in current and possible future policies, practices, trends and information affecting his/her organization
- Is aware how strategies and tactics impact the external environment
- Can accurately paint credible pictures and visions of possibilities and likelihoods **Overused**

**Skill:**

- May overdevelop or depend upon organizational and environmental knowledge and skills at the expense of personal, interpersonal, managerial and leadership skills
- May not be tolerant of, or have patience with, day-to-day details
  
- May not be able to communicate with tactical or less complex people

## Key Behavioural Competency Model

### ***Key Behavioural Competencies – Self-Managing Competency Definition:***

Planning and Initiative – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Doesn't plan for much
- Fails to recognize opportunities
- May be a seat-of-the-pants performer scratching it out at the last minute
- Doesn't follow an orderly method of setting goals and laying out work
- May be uncomfortable with structure and process flow
- May be disdainful of planning and come across to others as loose or too simple
- May not have the patience to establish goals and objectives, scope out difficulties, plan for task completion, develop schedules, and do roadblock management
- May be confusing to work for and with
- May be de-motivating to others who work with him/her ***Skilled:***

- Recognizes and acts upon present opportunities as they arise
- Accurately scopes out length and difficulty of tasks and projects
- Sets objectives and goals
- Breaks down work into the process steps
- Develops schedules and task/people assignments
- Anticipates and adjusts for problems and roadblocks
- Measures performance against goals
- Evaluates results

#### ***Overused Skill:***

- May be fire-ready-aim type
- May get imClients and jump to conclusions too soon
-

## Key Behavioural Competency Model

- May be overly dependent on rules, regulations, procedures, and structure
- May leave out the human element of the work
- May be inflexible and have trouble with rapid change

### ***Key Behavioural Competencies – Self-Managing Competency Definition:***

Continuous Learning – Involves taking actions to improve personal capability and includes the ability to quickly understand and apply information, concepts and strategies. Demonstrates an interest in continuous personal learning.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Doesn't change or adapt to his/her surroundings or situation
- May have a view that being true to oneself is all that matters
- May see adjusting to others as a sign of weakness
- Doesn't seek or listen to personal feedback
- Not a people watcher or studier, doesn't see or understand their reactions to him/her
- May be arrogant or defensive

#### ***Skilled:***

- Picks up on the need to change personal, interpersonal and leadership style quickly
- Watches others for their reaction to his/her attempts to influence and performs, adjusts as needed
- Seeks feedback
- Is sensitive to changing personal demands and requirements and changes accordingly

#### ***Overused Skill:***

- May be seen as too changeable
- May shift situationally too easily and leave the impression of being wishy-washy
- May err towards doing things differently rather than remaining the same
- May confuse people by experimenting and being so adaptable

## Key Behavioural Competency Model

### ***Key Behavioural Competencies – Influencing Competency Definition:***

Relationship Building – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving Council related goals and the Federal Society mission.

#### ***Standards for Performance Management and Evaluation:***

##### ***Unskilled:***

- Doesn't relate smoothly to a variety of people
- May not build relationships easily – may lack approachability or good listening skills
- Doesn't take the time to build rapport
- May be too raw and direct at times
- May be excessively work oriented or intense
- May be impatient to get on with the agenda, judgmental or arrogant toward others
- May not read others well
- May freeze or panic in the face of conflict, attack or criticism
- May be shy or lack confidence around others

##### ***Skilled:***

- Relates well to all kinds of people, up down, and sideways inside and outside the organization
- Builds appropriate rapport
- Builds constructive and effective relationships
- Uses diplomacy and tact
- Can defuse even high-tension situations comfortably

##### ***Overused Skill:***

- May spend too much time building networks and glad-handing
- May not be taken as substantive by some
- May not be a credible take-charge leader when that's necessary
- May have some trouble and freeze when facing serious conflict

## Key Behavioural Competency Model

### ***Key Behavioural Competencies – Influencing Competency Definition:***

Effective Communication – Is being willing and able to see things from another person’s perspective. Demonstrates the ability for accurate insight into other people’s/group’s behaviour and motivation and responds appropriately. It is the ability to accurately listen, understand and respond effectively with individuals and groups.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Does not actively listen to others.
- Unable to see things from other people’s perspective.
- Frequently interrupts, is preoccupied and does not pay attention to the discussion.
- Responds in an abrasive, inappropriate manner.

#### ***Average:***

- Demonstrates objective and active listening.
- Is approachable and behaves in a helpful and responsive manner.
- Listen to others (individuals and groups) and is able to understand non-verbal cues and other people’s feelings and emotions and responds to them with sensitivity.
- Demonstrates the ability for accurate insight into other people’s/group’s behaviour and motivation and responds appropriately.

#### ***Skilled:***

- Is capable of accurate assessment and sensitivity to the underlying root cause/concerns for individual or group behaviour patterns.
- After assessing the problem/issue makes a proactive/timely effort to help people/groups resolve the issues/problems.
- Proactively surfaces and addresses issues in a straightforward manner. ***Overused***

#### ***Skill:***

- May spend too much time listening.
- May avoid necessary action.
- May spend too much time communicating information.
- Others may confuse listening with agreement or responding with agreement.

- 
- 
-

### ***Key Behavioural Competencies – Achieving Competency Definition:***

Results Oriented – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently, improves quality, stakeholder satisfaction, revenues etc.)

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Doesn't deliver results consistently
- Doesn't get things done on time
- Wastes time and resources pursuing non-essentials
- Something always get in the way – personal disorganization, failure to set priorities, underestimating timeframes, overcoming resistance
- Not bold or committed enough to push it through
- Procrastinates around whatever gets in his/her way
- Doesn't go all out to complete tasks
- Does the least to get by

#### ***Skilled:***

- Can be counted on to exceed goals successfully
- Is constantly and consistently one of the top performers
- Very bottom-line oriented
- Steadfastly pushes self and others for results

#### ***Overused Skill:***

- May go for results at all cost without appropriate concern for people, teams, due process, or possibly norms and ethics
- May have high turnover under him/her due to the pressure for results
- May not build team spirit
- May not celebrate and share success
- May be very self-centred

## Key Behavioural Competency Model

### ***Key Behavioural Competencies – Achieving Competency Definition:***

Stakeholder Focus – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships and discovering and meeting stakeholders needs. Partnerships between internal colleagues within the Federal Society are essential to meet external stakeholder's needs.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Doesn't think of the stakeholder first
- May think he/she already knows what the stakeholder needs
- May focus on internal operations and get blindsided by stakeholder problems
- May not make the first move – won't meet and get to know stakeholders
- Uncomfortable with new people contacts
- May be unwilling to handle criticisms, complaints and special requests
- May not listen well to stakeholders, may be defensive
- May not take the time for stakeholder contact

#### ***Skilled:***

- Is dedicated to meeting the expectations and requirements of internal and external stakeholders
- Gets first-hand stakeholder information and uses it for improvement in service and products
- Acts with key stakeholders in mind
- Establishes and maintains effective relationships with stakeholders and gains their trust and respect

#### ***Overused Skill:***

- May be overly responsive to stakeholder demands
- May be too willing to change established processes and timetables to respond to unreasonable stakeholder requests
- May make too many exceptions and not form consistent policies, practices and processes for others to learn and follow
- Sticks so close to current stakeholder needs that breakthroughs are missed
- 
- 
-

## Key Behavioural Competency Model

### ***Key Behavioural Competencies – Achieving Competency Definition:***

Teamwork – Demonstrates cooperation within and beyond the Council or the Federal Society. Is actively involved and “rolls up sleeves”. Supports group decisions, even when different from one’s own stated point of view. Is a “good team player”, does his/her share of work. Compromises and applies rules flexibly and adapts tactics to situations or to other’s response. Can accept setbacks and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Not good at lateral cross boundary relations
- Not open to negotiation
- Very much an independent contributor, not seen as a team player, doesn’t have the greater good in mind
- May withhold resources from the other team members
- May not respect their functions or disciplines and somehow communicates that
- May be very competitive, play and manoeuvre for advantage and withhold information
- May have a chilling effect on the entire team because he/she won’t play
- May deal with lateral conflict noisily or uncooperatively

#### ***Skilled:***

- Can quickly find common ground and solve problems for the good of all
- Can represent his/her own interests and yet be fair to other groups
- Can solve problems with peers with a minimum of noise
- Is seen as a team player and is cooperative
- Easily gains trust and support of peers
- Encourages collaboration
- Can be candid with peers

#### ***Unskilled:***

- May touch base with too many peers and be overly concerned with making everyone happy
- May be too accommodating

## Key Behavioural Competency Model

- May invest too much in peer relationships at the expense of others
- May be uncomfortable with relationships where everyone is not equal

### ***Key Behavioural Competencies – Managing Competency Definition:***

Leadership – Is the ability to take a role as leader of the Council or Committee. Creates strong morale and spirit in his/her team. Shares wins and success. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

### ***Standards for Performance Management and Evaluation:***

#### ***Unskilled:***

- Demonstrates a desire to follow the direction set by others
- Is not willing to share personal opinions or beliefs that differ with the viewpoints of others
- Fails to follow through on promises, over controls or meddles, inability to work towards a common goal
- Has little respect for peers or staff
- Is indecisive
- Does not manage conflict
- Doesn't assemble, build or manage in a team fashion

#### ***Skilled:***

- Gives candid advice and counsel to openly alert others to realities
- Makes and stands by decisions and takes ownership on important issues
- Is willing to take risks and champions new and innovative approaches leading to success
- Communicates a compelling vision that generates excitement, enthusiasm and commitment to the Federal Society mission
- Has presence, energy and genuine passion
- Is widely trusted and is seen as a direct, truthful individual
- Creates a feeling of belonging in the team

#### ***Overused Skill:***

- May go to battle based on beliefs and values when not appropriate
- May be seen as stubborn and insensitive to the need for change and compromise
- May lack patience with those who don't understand or share his/her vision and sense of purpose

## Key Behavioural Competency Model

- May be too direct at times pushing openness and honesty to the point of being disruptive
- May be so “only the facts” driven as to omit drawing reasonable conclusions, rendering opinions, decisions or fixing blame even when its reasonable
- May go too far in not hurting people’s feelings and not making tough decisions

## PERFORMANCE FEEDBACK PROCESS AND FORMS

### Overview

The Federal Society began implementing an assessment/feedback process in 2004. The objective of the process is to enhance the performance of members of Council, members of committees, committees, chairs of committees and Council as a whole. The assessment/feedback program consists of:

- Council performance assessment
- Council member self-assessment
- Committee assessment
- Committee member self-assessment
- Committee chair's assessment by committee members;
- Committee chair self-assessment

The Governance Committee oversees this process and uses the information gathered to assist in making nominations recommendations to Council as well as for performance development more generally. The Committee assessment results are carefully analyzed and are discussed by the relevant committee. Council also carefully considers its annual assessment results and identifies areas for improvement and strategies to ensure continuous improvement.

The purpose and value of each of the forms as well as the timing and process to collect and tabulate responses is presented in the following table.

## Performance Feedback Process and Forms

### Council and Committee Assessment/Feedback Forms

<b>Form</b>	<b>Purpose/Value</b>	<b>Timing</b>	<b>Process</b>
<b>Assessment of Committee Chair by Committee Members</b>	professional development for chair  valuable feedback  assist Governance Committee – chair nominations	Late Spring	Mail out to committee members by mid April. Return envelope to be included, results tabulated, process – overseen by Governance ctte chair, report given to ctte chair, governance committee
<b>Chair Self-Assessment</b>	personal growth  Reminder of duties	April	Sent out from Governance Committee Chair
<b>Committee Performance Assessment</b>	assess and improve committee performance	Late Spring	Mail out to committee members by mid May, results tabulated, report given to committee chair, committee, governance, committee staff
<b>Committee Member Self-Assessment</b>	personal growth  reminder of duties	April	for personal use only
<b>Council Performance Assessment</b>	assess and improve council performance  give feedback to Council	September Council	complete at Council, results tabulated, report considered by GC, Nov. Council, SMG
<b>Council Member Self-Assessment</b>	Personal growth  Reminder of duties	May Council	for personal use only

**Council  
Performance Assessment Form**

Your Name: (optional) \_\_\_\_\_

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas that affect the Council's performance as a whole and its key responsibilities for governance of the FSCIC.

Please answer each question by indicating most applicable response. At the end of each section of the survey there is an opportunity for you to provide qualitative comments. At the end of the questionnaire there is another opportunity for you to provide further input regarding your perspective of the Council's strengths and developmental opportunities for improved performance. Please answer all questions as candidly as possible. Thank you for your time in contributing to the growth and development of the Council.

**Number of Years on Council:**                      1                      1 - 2   3 - 4   5 - 6   6

**A. VISION AND MANDATE**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Council has defined the vision for the Federal Society.				
2. I understand what the vision means.				
3. The Council has defined the mandate of the Federal Society.				
4. I understand what the mandate means.				
5. The Council formally reviews its vision and mandate.				

COMMENTS:

---



---



---

**Performance Feedback Process and Forms  
Council Performance Assessment Form**

---

**B. STRATEGIC DIRECTION AND GOALS**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Council has explicitly identified the strategic direction for the Federal Society.				
2. The strategic plan is documented.				
3. The Council creates a set of key goals annually that must be implemented in support of the strategic plan of the Federal Society.				
4. The Council knows the strategic plan and annual goals of the Federal Society.				
5. The Council reviews implementation strategies for the defined goals.				

COMMENTS:

**C. COUNCIL'S ROLE AND RESPONSIBILITIES**

---

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Council performs its governance responsibilities as set out in the Governance Process book.				
2. The Council effectively develops and approves principles and policies that fulfill its duty to protect the public interest.				
3. The Council effectively discharges its statutory functions.				
4. The Council periodically monitors and assesses its performance against its strategic direction and goals.				

**Performance Feedback Process and Forms**  
**Council Performance Assessment Form**

---

<b>QUESTIONS</b>	<b>RATING</b>			
	<b>Yes</b>	<b>Some- what</b>	<b>No</b>	<b>Don't know</b>
5. The Council regularly reviews the Federal Society budget to ensure that it appropriately supports the strategic direction and performance indicators of the Federal Society.				
6. The Council meets with external auditors, reviews their reports, and ensures any deficiencies are corrected.				
7. The Council periodically reviews and ensures appropriate resources are available for the optimal management of the Federal Society.				

**COMMENTS** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. GOVERNANCE OPERATIONS**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Council has clearly documented role descriptions for all key Council and Committee positions.				
2. I know and understand the Code of Conduct.				
3. Council members generally behave according to the Code of Conduct.				
4. The Council has conflict of interest guidelines that are well understood.				
5. As a member of Council, I declare potential conflicts of interest according to the guidelines.				

**Performance Feedback Process and Forms  
Council Performance Assessment Form**

---

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

***E. COUNCIL OPERATIONS***

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. Council members receive appropriate information for Council meetings.				
2. Council members receive information for Council meetings on a timely basis.				
3. Council's meeting agendas are carefully planned.				
4. Council's meetings are effective and efficient.				
5. The President chairs Council meetings in a manner which enhances performance and decision-making.				
6. Council has a formal written orientation package for Council members.				
7. Council members are effectively oriented to the activities of the Council.				
8. The Council has continuing education activities for Council members.				

COMMENTS:

**Performance Feedback Process and Forms  
Council Performance Assessment Form**

---

***F. RELATIONSHIP WITH REGISTRAR***

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Council works with the Registrar to establish specific performance expectations for the Registrar.				
2. The Registrar is provided with clear and candid feedback regarding his or her performance each year.				
3. The Council maintains a collegial working relationship with the Registrar.				
4. The Council often becomes involved in day-to-day operational matters.				
5. Committees often become involved in day-to-day operational matters.				

COMMENTS: \_\_\_\_\_  
**STRENGTHS**

\_\_\_\_\_

***AND DEVELOPMENTAL NEEDS***

1. List two strengths of the Council.
  
2. List two developmental needs of the Council.

3 Additional Comments.

---

---

---

**Performance Feedback Process and Forms  
Council Member Self-Assessment Form**

---

**Council Member Self-Assessment**

**Form**

Your Name: \_\_\_\_\_

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas of your performance in your role as a Council member of the Federal Society. This self-assessment form is for your personal use. Please complete the following questionnaire by indicating the most applicable response.

**A. VISION AND MANDATE**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. I can clearly describe the vision and mandate of the Federal				

COMMENTS: \_\_\_\_\_

**B. STRATEGIC DIRECTION AND GOALS**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. I understand and support the strategic direction and goals of the Federal				
2. I have read the Federal Society's most recent strategic plan.				
3. I have participated in setting annual strategic priorities and supporting objectives that must be accomplished annually to support the strategic plan and overall strategic direction of the Federal Society.				

**Performance Feedback Process and Forms  
Council Member Self-Assessment Form**

---

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
4. I have participated in reviewing strategies developed by staff to implement key goals and the strategic plan for the Federal Society.				

COMMENTS: \_\_\_\_\_

**C. COUNCIL MEMBER ROLE AND RESPONSIBILITIES**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. I have read and understand my role and responsibilities as set out in the Governance Process manual.				
2. I maintain an up-to-date working knowledge of the legislative framework of the Federal Society.				
3. Over the last year, I have attended Council meetings regularly.				
4. I attend Council meetings adequately prepared, having read the agenda and supporting documentation.				
5. Over the last year, I have attended most of the meetings of the Committee(s) on which I sit.				
6. I follow the Federal Society's media policy when I receive media requests that are Federal Society-related.				
7. I declare professional or personal conflicts that would jeopardize my ability to act in the in the best interest of the Federal Society.				

**Performance Feedback Process and Forms  
Council Member Self-Assessment Form**

---

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
8. I support the decisions and policies of the Council when communicating to others regardless of how I have voted on these matters.				
9. I do not disclose information from "in camera" discussions that occur at Council or committee meetings.				

COMMENTS: \_\_\_\_\_

***D. GOVERNANCE OPERATIONS***

---

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. I have read and understand the governance responsibilities as set out in the Governance Process manual.				
2. I understand the statutory functions of the Federal Society.				
3. I understand the Federal Society's budget and the manner in which resources are deployed amongst major activity areas within the Federal Society.				
4. I understand the Federal Society's financial statements and current financial position.				
5. I understand the principles and positions the Federal Society has taken on major issues.				
6. I am willing to participate in formal self-assessment procedures.				

COMMENTS: \_\_\_\_\_

**Performance Feedback Process and Forms Council  
Member Self-Assessment Form**

---

***E. RELATIONSHIP WITH REGISTRAR***

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. I understand the role and responsibilities of the Registrar.				
2. I see the Registrar as a colleague.				
3. I understand the role and responsibilities of the Federal Society staff and understand that they do not work for individual Council members.				
4. If I have a concern about the Registrar or a staff member I know the appropriate course of action to address my concern.				
5. I have participated in an annual goal setting process for the Registrar.				
6. I have participated in providing performance feedback to the Registrar.				

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Performance Feedback Process and Forms  
Council Member Self-Assessment Form**

**F. COUNCIL MEMBER KEY  
COMPETENCIES**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
<b><i>Continuous Learning</i></b>				
1. I participate fully in the annual orientation program for Council members.				
2. I participate fully in Council or committee educational activities.				
3. Over the last year, I have asked the Registrar, President, Committee Chairs or staff to provide me with Information I felt I needed to better understand my role or key issues of the Federal Society.				
<b><i>Effective Communications</i></b>				
1. I express myself effectively on Issues to further discussion at Council meetings.				
2. I can ask tough questions in a diplomatic manner when the need arises.				
3. My questions are listened to and are answered completely and openly.				
4. I am comfortable listening to opinions contrary to my own.				
5. I am able to state my disagreement with a policy or decision at a Council meeting.				
<b><i>Teamwork</i></b>				
1. I volunteer to work on projects that advance the Federal Society's mandate and effectiveness.				
2. I actively work to inspire a collaborative work environment with those whom I work with at the Federal Society.				
3. I would be willing to serve an additional term as a member of Council.				
<b><i>Relationship Building</i></b>				

**Performance Feedback Process and Forms  
Council Member Self-Assessment Form**

---

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. I actively get to know the other members of Council, members of committees on which I sit, and Federal Society staff with whom I work often.				
2. I enjoy working with the other members of Council.				

COMMENTS: \_\_\_\_\_

**G.**

***STRENGTHS AND DEVELOPMENTAL NEEDS***

---

*the* strength that you feel you demonstrate.

1. List two skills you would like the Federal Society's assistance to acquire that would help you in your role as Council member.

\_\_\_\_\_

2. Additional Comments:

\_\_\_\_\_

**Committee Performance Assessment  
Form**

**Your Name: (optional) \_\_\_\_\_**

**Name of the Committee: \_\_\_\_\_**

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas that affect the Committee's performance as a whole and to focus on how the Committee handles the key responsibilities of its mandate.

Please answer each question by indicating the most applicable response. At the end of each section of the survey there is an opportunity for qualitative comments regarding the subject. At the end of the questionnaire there is an opportunity for you to provide further input regarding your perspective of your Committee's strengths, developmental needs and performance in general. Please answer all questions as candidly as possible. Thank you for your time in contributing to the overall growth and development of the Federal Society.

**Number of Years on the Committee:**                      <1            1 - 2   3 - 4   5 - 6   > 6

**A. MANDATE AND OBJECTIVES**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The mandate of the Committee is explicitly identified.				
2. The Committee clearly understands how its mandate fits with the mission of the Federal Society.				
3. All Committee members can state the mandate of the Committee.				
4. The Committee formally reviews its mandate on a regular basis.				
5. The Committee creates a set of key objectives that must be accomplished annually to support the mission and overall strategic direction of the Federal Society.				
6. The Committee periodically reviews how it performs against its key objectives.				

**Performance Feedback Process and Forms  
Committee Performance Assessment Form**

---

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
7. The Committee has adequate resources available to fulfill its mandate.				

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**B. COMMITTEE GOVERNANCE**

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. The Committee demonstrates use of the				
2. The Committee follows the conflict of				
3. Committee members declare potential conflicts of interest according to Federal				

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_

**C. COMMITTEE OPERATIONS**

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. Committee members receive appropriate information for Committee meetings on a timely basis.				
2. Committee meeting agendas are carefully planned.				
3. Committee meetings are run effectively and efficiently.				
4. The Committee has a formal written orientation package for Committee members.				
5. The Committee has continuing education activities for Committee members.				

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**D. STRENGTHS AND DEVELOPMENTAL NEEDS**

1. List one strength of the Committee.
  
2. List two developmental needs of the Committee.
  
3. List additional Comments;

4 . Additional Comments:

**Performance Feedback Process and Forms  
Committee Member Self-Assessment Form**

---

**Committee Member Self-Assessment  
Form**

**Your Name:** \_\_\_\_\_

**Name of the Committee:** \_\_\_\_\_

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas of your performance in your role as a Committee member. This self-assessment form is for your personal use.

Please complete the following questionnaire by indicating the most applicable response. **Number of Years on the Committee:**                      <1            1 - 2   3 - 4   5 - 6   > 6

**A. MANDATE AND OBJECTIVES**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
I can clearly describe why this Committee exists.				
I can clearly describe how the Committee's work is guided by Council's policies and standards.				
I have been involved in a formal review of how the Committee conducts its work.				
I have participated in an annual objective setting process for the Committee.				
I understand and support the key objectives of the Committee.				
I understand the role description as set out in the Governance Process book.				
I have participated in a review of how the Committee has performed against its key objectives.				

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**Performance Feedback Process and Forms  
Committee Member Self-Assessment Form**

---

**B. ROLE AND RESPONSIBILITIES**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. I have the time, interest, and level of commitment to be an active member of the Committee.				
2. I support the decisions and recommendations of the Committee to others regardless of how I have voted on these matters.				
3. Over the last year, I have regularly attended Committee meetings.				
4. I arrive at Committee meetings on time and remain for the duration of the meeting.				
5. I attend Committee meetings adequately prepared, having read the agenda and supporting documentation.				
6. I declare professional or personal conflicts that would jeopardize my ability to act in the best interest of the Committee's work.				
7. I maintain an up-to-date working knowledge of the obligations (statutory or other) of the Committee.				
8. I do not disclose confidential information that is discussed at Committee meetings.				
9. I am willing to participate in self-assessment to improve my performance as a Committee member.				

COMMENTS:

**Performance Feedback Process and Forms  
Committee Member Self-Assessment Form**

---

**C. COMMITTEE MEMBER KEY  
COMPETENCIES**

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
<b><i>Continuous Learning</i></b>				
1. I participate fully in the annual Committee orientation program.				
2. I participate fully in Committee educational activities.				
3. Over the last year, I have asked my Committee Chair or staff to provide me with information I felt I needed to clarify my role or key issues of the Committee.				
<b><i>Effective Communications</i></b>				
1. I express myself effectively on issues to help resolve problems before the Committee.				
2. I can ask tough questions in a diplomatic manner when the need arises.				
3. My questions are listened to and are answered completely and openly.				
4. I am comfortable listening to opinions which differ from my own.				
<b><i>Teamwork</i></b>				
1. I actively work towards a Collaborative work environment with Committee members and staff.				
2. I would be willing to serve an additional term as a member of this Committee.				

COMMENTS: \_\_\_\_\_

**D. STRENGTHS AND  
DEVELOPMENTAL NEEDS**

1. List one strength that you feel you demonstrate.
  
  2. List two skills you would like the Federal Society's assistance to acquire that would help you fulfill your Committee member role.
  
  3. Additional Comments:
-

**Chair Performance Feedback Form**

**Your Name:** \_\_\_\_\_

**Name of Committee Chair:**

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas of the Chair's performance in his or her role as leader of your committee.

Please complete the following questionnaire by indicating the most applicable response. At the end of the questionnaire, there is an opportunity for you to provide input on your perspective of the areas in which you feel the Chair demonstrates strength and the areas in which you feel the Chair could develop further. This information will be used to develop appropriate educational programs for your Committee Chair and will be helpful when determining how the Chair can best contribute to the work of the Federal Society.

**Number of Years on the Committee:**                      <1            1 - 2   3 - 4   5 - 6   > 6

**A. KNOWLEDGE**

The Committee Chair is knowledgeable about:

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. Council policies;				
2. the Committee's mandate;				
3. the statutory and/or regulatory obligations of the Committee;				
4. how the Committee interfaces with other Committees;				
5. the fiscal management and budget of the Committee.				

**Performance Feedback Process and Forms Chair  
Performance Feedback Form**

---

**B. MEETING MANAGEMENT**

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. The Committee Chair creates a collegial working environment at Committee meetings.				
2. The Committee Chair runs an effective meeting by:				
a) having an organized agenda				
b) keeping the discussion on topic				
c) keeping the meeting on time				
d) putting closure on the discussion				
e) ensuring the minutes are prepared and distributed				

**C. COMMITTEE MEMBER MANAGEMENT** The Committee Chair:

QUESTIONS	RATING			
	Yes	Some-what	No	Don't know
1. collects ideas and contributions from all Committee members;				
2. encourages all Committee members to contribute in the work of the Committee;				
3. involves all Committee members in key decisions;				
4. handles conflict with the Committee effectively;				
5. facilitates the education of Committee members with respect to the mandate and functions of the Committee and relevant Federal Society policies.				

**Performance Feedback Process and Forms Chair  
Performance Feedback Form**

---

**D. COMMITTEE PERFORMANCE  
MANAGEMENT**

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. The Committee Chair initiates periodic evaluation of the Committee's operations.				
2. The Committee Chair ensures that Committee members provide feedback to the Governance Committee on his or her performance.				
3. The Committee Chair has provided me with feedback on my performance.				

**E. PERSONAL LEADERSHIP**

The Committee Chair:

QUESTIONS	RATING			
	Yes	Some- what	No	Don't know
1. collaborates effectively with staff;				
2. facilitates sound debate at Committee meetings;				
3. gains support for the Committee's work through demonstrating strong personal commitment to the Committee;				
4. looks for learning opportunities for Committee members;				
5. encourages Committee members to give feedback on his/her leadership style;				
6. competently represents the Committee to Council and to staff;				
7. is committed to continuous personal development.				



**Chair Self-Assessment Form**

**Your Name:** \_\_\_\_\_

**Name of the Committee:** \_\_\_\_\_

**INSTRUCTIONS:**

This questionnaire asks you to focus on and assess key areas of your performance in your role as leader of your Committee.

Please complete the following questionnaire by indicating the most applicable response. **Number of Years on the Committee**                      **<1        1 - 2    3 - 4    5 - 6    > 6**

**A. KNOWLEDGE**

I am knowledgeable about:

QUESTIONS	RATING		
	Yes	Some-what	No
1. Council policies;			
2. the Committee's mandate;			
3. the statutory and/or regulatory obligations of the Committee;			
4. how the Committee interfaces with other Committees;			
5. the fiscal management and budget of the Committee;			
6. the Chair's and Committee members' role description as set out in the Governance Process manual.			

**Performance Feedback Process and Forms Chair  
Self-Assessment Form**

---

**B. MEETING MANAGEMENT** In

managing a meeting, I:

QUESTIONS	RATING		
	Yes	Some-what	No
1. create a collegial working environment at Committee meetings;			
2. <b>a)</b> have an organized agenda;			
<b>b)</b> keep the discussion on topic;			
c) keep the meeting on time;			
d) put closure on discussion;			
e) ensure minutes are prepared and distributed.			

**C. COMMITTEE MEMBER MANAGEMENT**

When dealing with the members on my Committee, I:

QUESTIONS	RATING		
	Yes	Some-what	No
1. collect ideas and contributions from all Committee members;			
2. encourage all Committee members to contribute to the work of the Committee;			
3. handle conflict within the Committee effectively;			
4. inform and enforce attendance guidelines with Committee members;			
5. facilitate the education of all Committee members with respect to the mandate and functions of the Committee and relevant Federal Society policies.			

**Performance Feedback Process and Forms Chair  
Self-Assessment Form**

---

**D. COMMITTEE PERFORMANCE  
MANAGEMENT**

QUESTIONS	RATING		
	Yes	Some- what	No
1. I initiate periodic evaluation of the Committee's operations.			
2. I provide feedback to individual Committee members on their performance.			
3. I provide feedback to the Governance Committee on the performance of Committee members.			
4. I ensure that Committee members provide feedback to the Governance Committee on my performance.			

**E. PERSONAL LEADERSHIP**

QUESTIONS	RATING		
	Yes	Some- what	No
1. I work to gain support for the Committee's work through demonstrating strong personal commitment to the Committee.			
2. I encourage Committee members to give feedback on my leadership style.			
3. I competently represent the Committee to Council and to staff.			
4. I am committed to continuous personal development.			
5. I collaborate effectively with staff.			

**F. STRENGTHS AND  
DEVELOPMENTAL NEEDS**

1. List one strength that you feel you demonstrate.
  
2. List two leadership skills you would like to develop.
  
3. Additional Comments:

END /



## **Guide Sheet**

### **Canadian Citizenship/Permanent Resident Status Exemption Policy**

#### **Which registration requirement does the policy address?**

This policy addresses the Canadian citizenship or permanent resident status requirement for an independent practice certificate of registration.

#### **What is the purpose of the policy?**

The policy enables the Registration Committee to exempt an applicant from the Canadian citizenship or permanent resident status registration requirement, provided the applicant meets all other requirements for an independent practice certificate.

#### **Who is eligible to apply under the policy?**

Applicants for an independent practice certificate who do not have either Canadian citizenship or permanent resident status, but are otherwise fully qualified, may apply under this policy.

Applications submitted under the policy must be reviewed and approved by the College's Registration Committee.

#### **What are the restrictions on the certificate?**

Applicants approved under this policy are granted an independent practice certificate and are under no obligation to provide evidence to the College that they have subsequently obtained Canadian citizenship or permanent resident status.

**Approval under this policy does not negate or change the requirement under the *Canadian Immigration Act* to obtain a valid Canadian work permit before engaging in Citizenship and Immigration law practice.**

### **How do applicants begin the application process?**

Applicants are to submit an application for an independent practice certificate, along with payment of the application fee, and all supporting documents as set out in the schedule of requirements. [View application page.](#)

Applicants must arrange to have verification of their credentials sent to the College. If an applicant has previously been registered with the College, some credentialing documents will be on file and they need not be re-submitted.

### **Other Important Information**

The Registration Committee meets once every four to six weeks. An application cannot be referred to the Registration Committee until the basic credentialing requirements have been met.

The length of time required to process an application under this policy can take several months (from the time of the initial application to completion of credentialing and approval by the [Registration Committee](#)).

Depending on the duration of the application process, the credentialing requirements may require updating before the certificate can be issued.

For full details, please refer to the [Canadian Citizenship/Permanent Resident Status Exemption](#) policy.

May 15, 2010



## **FSCIC Guide Sheet**

### **Policy on Acceptable Qualifying Examinations**

#### **Which registration requirement does the policy address?**

This policy addresses the requirement of completion of the Citizenship and Immigration Law Council of Canada Qualifying Examinations Parts 1 and 2 (CICCCQE 1 & 2), which is one of the core requirements for an Independent Practice certificate.

#### **What is the purpose of the policy?**

The policy recognizes the following examinations as acceptable alternatives to CICCCQE 1 & 2, for a restricted certificate of registration to practice Citizenship and Immigration law in Canada:

1. CCIC Steps 1, 2 and 3. Step 2 Immigration Clinical Skills (CS) is required if Step 2 was taken after June 12, 2011.
2. FSCIC certification plus CCIC Step 3. Applies to international Citizenship and Immigration Law school graduates who passed CCIC Step 2 Immigration Clinical Skills Assessment (CSA) between July 1, 2011 to June 14, 2014.

### **Who is eligible to apply under the policy?**

Any applicant who is missing CICCQE 1 & 2 but has passed one of the six acceptable alternative examinations listed above may apply under the policy.

Any applicant who is missing the Citizenship and Immigration Law Council of Canada Evaluating Examination (CICCEE) but has passed one of the six acceptable alternative examinations listed above may also apply under the policy.

Applications submitted under this policy must be reviewed and approved by the College's Registration Committee.

### **How do applicants begin the application process?**

Applicants must submit an application for a certificate of registration, along with payment of the application fee, and all supporting documents as set out in the schedule of requirements. See **Applications and Forms**. Applicants must arrange to have verification of their credentials sent to the College, including official examination results sent directly from the examining body.

### **Other Important Information**

The Registration Committee meets once every four to six weeks. An application cannot be referred to the Registration Committee until the basic credentialing requirements have been met.

The length of time required to process an application under this policy can take several months (from the time of the initial application to the completion of credentialing and approval by the Registration Committee).

See **Registration Committee** and **Registration Committee Meeting Dates**.

Depending on the duration of the application process, the credentialing requirements may require updating before the certificate can be issued. November 2010

For full details, please refer to the **Policy on Acceptable Qualifying Examination**



**UNIVERSAL SUBMISSION**

**CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS**

**THE CCIC COLLEGE OF CITIZENSHIP AND IMMIGRATION COUNCIL**

**GUIDELINES FOR CCIC COLLEGE-  
DIRECTED SUPERVISION**

**Council Approved:**

**November 21, 2010**

---

**QUALITY PROFESSIONALS / IMMIGRATION SYSTEM / PUBLIC TRUST**

# THE CCIC COLLEGE OF CITIZENSHIP AND IMMIGRATION COUNCIL

## Guidelines for College-Directed Supervision

### Background

Within Citizenship and Immigration law practice, various forms of supervision exist for all Practitioners; by local institutional structures, group practice accountabilities, employer-employee relationships, or the overarching accountability within the professional regulatory framework. The nature, level, frequency and duration of the supervision can vary significantly depending on the specific circumstances involved. Practitioners may be supervised as they re-enter practice after an absence, during the transition to a new scope of practice, when relocating to Canada to practise from another jurisdiction, or as a result of competence concerns following an assessment or investigation. Supervision is often graded, i.e. the level of supervision may be decreased gradually resulting in ultimate removal of the supervisor and the return of the Practitioner to full independent practice. In other cases, the level of supervision may always remain consistent and in fact, may never cease. The best interests of the Clients must always be the first and foremost consideration – particularly, in any decisions around establishing or modifying supervision arrangements.

### Scope

These Guidelines are directed at supervisors and supervised Practitioners who are participating in a supervisory arrangement that is borne out of CCIC College process. The Guidelines are not intended for Citizenship and Immigration law students or postgraduate Citizenship and Immigration law trainees. The CCIC College’s documents entitled “Professional Responsibilities in Undergraduate Citizenship and Immigration law Education” and “Professional Responsibilities in Postgraduate Citizenship and Immigration law Education” address supervision issues related to students and postgraduate Citizenship and Immigration law trainees.

### Purpose

The purpose of these Guidelines is to provide a general overview to supervisors (prospective and confirmed) and supervised Practitioners of their individual roles and responsibilities/obligations to each other, as well as to the CCIC College when participating in a supervisory arrangement. Any parties officially entering a supervisory arrangement would be asked to sign formal written detailed agreements setting out the CCIC College’s specific expectations. The role of the supervisor will vary according to the needs or goals of the supervision arrangement. For example, a supervising Practitioner may be required to oversee a Practitioner’s progress in a training program to ensure s/he meets certain learning objectives. In other instances the supervising Practitioner may be required to monitor a Practitioner’s practice to ensure that the Practitioner is limiting his/her practice to previously identified parameters. The section on ‘Definitions’

will define the different types of supervisory roles.

Therefore, these Guidelines will identify the CCIC College’s expectations for each type of supervisory arrangement in respect to:

- Characteristics necessary to serve in the supervisory role;
- Core responsibilities associated with each supervisory role;

- Additional responsibilities that may be associated with the role - which are related to the Department/Committee that directs the supervision;
- Core expectations of the supervised Practitioner; and,
- Additional expectations of the supervised Practitioner.

## Principles of Supervision

The principles for supervision are as follows:

1. The best interests of the Client are central to all Practitioner-Client interactions.
2. The practice of Citizenship and Immigration law is inherently uncertain and there is a level of risk associated with all Client care decisions. Risk is reduced through the proper application of knowledge, skill and judgment.
3. Respect for the autonomy and personal dignity of Client and Practitioner optimizes Client care as well as the supervisory experience.
4. Clear delineation of the most responsible Practitioner, decision-making and exchange of information between supervisor and Practitioner will obtain the best results from the supervisory experience.
5. Practitioner improvement (practice relationships, enhanced Immigration Clinical skills) is facilitated by their active involvement in the provision of Immigration law with hands-on delivery in a system of delegated and graded responsibility.
6. Practitioner Immigration is an important factor in enabling the delivery of quality care to Clients.
7. There is an expected standard of care associated with each discipline or specialty of practice.

When applied in a consistent and responsible manner, supervision will ensure quality Practitioners and public trust.

## Definitions

**Most Responsible Practitioner (“CCIC”)** is the Practitioner who has final responsibility and is accountable for the Citizenship and Immigration law care of a Client.

**Supervision** is the act of overseeing any combination of the following: work, Immigration status, and continuing professional development of a Practitioner. The level of oversight may be defined as low, moderate or high. The nature, frequency, level and duration of interaction between supervisor and supervised Practitioner will depend on the specific goals or objectives of the supervisory arrangement.

**Mentor** is a member of the CCIC who serves to guide the Practitioner through the Immigration law system in Canada. The mentor is available to provide advice on how to deal with Immigration Clinical Immigration work and other practice concerns. A mentor does not have an obligation provide supervision reports to the CCIC, as this individual is not considered a supervisor, as defined in these Guidelines, but may sometimes augment other types of supervision arrangements. At minimum, there is a requirement that the member is not currently the subject of any disciplinary or incapacity proceeding. The member’s history with the College would also be considered.

**Supervisors** are individuals who are approved by the CCIC College to oversee the work, Immigration status, or continuing professional development of a Practitioner. Most often, supervisors are Practitioners, but in some cases, they may be other Immigration professionals who are fulfilling special duties for the College.

The term supervisor is sometimes used interchangeably with practice monitor, preceptor, or mentor, which can lead to confusion about the role of the supervisor. Therefore, for the purpose of this document, whenever the term “supervisor(s)” appears, it is being utilized in a general sense, i.e. to refer collectively to all types of supervisors. For clarity, however, the following terms are used to distinguish between the different types of supervisory roles:

**Part A: Immigration Clinical Preceptor** – refers to an individual who serves as a “Immigration Clinical teacher”, i.e. to guide, observe and assess the educational activities of a Practitioner. This role typically involves assisting the

Practitioner in the initial development of an educational plan with specified learning objectives for the supervised timeframe. The *Immigration Clinical Preceptor* is then required to review and report on a Practitioner’s progress in a training program, i.e. ability to meet learning objectives, to the College. There may be expectation for direct observation, on-going feedback/evaluation to the supervised Practitioner, as well as providing advice on continuing professional development.

**Part B: Immigration Clinical Supervisor** – refers to an individual who inspects a Practitioner’s practice at regularly Consulted intervals set by the College to ensure that the Practitioner is meeting the expected standard of care and that Client safety is not being compromised. The *Immigration Clinical Supervisor* identifies Practitioner enhancement opportunities to the supervised Practitioner. He or she may also assist Practitioner in learning about community resources to help meet Client needs.

**Part C: Practice Monitor** – refers to an individual who is responsible for ensuring that the Practitioner is in compliance with the provisions of his/her undertaking or order, or the terms and conditions imposed by a Committee upon the Practitioner’s certificate of registration. This individual, who is not always a Practitioner (but will generally be a member of another Immigration regulatory college), confirms that the Practitioner is restricting or modifying his or her practice according to such pre-defined terms. The terms of the Practitioner’s undertaking or order, or the terms and conditions imposed upon the member’s certificate of registration are made in response to the determination that the Practitioner’s practice or conduct falls below the standard, constitutes incompetence or professional misconduct, and possibly poses a risk of harm to Clients.

**Part D: Immigration Monitor** – refers to an individual who is treating a supervised Practitioner for particular Immigration issues. This individual, who is not necessarily a Practitioner (e.g. psychotherapist, etc.) is required to report to the College on a regular basis, as well as when the Practitioner is not complying with of good service recommendations, and/or when the Practitioner’s Immigration may be affecting his/her ability to practise safely.

A large proportion of Practitioners being monitored for Immigration purposes are monitored through the Practitioner Immigration Program of the Canada Citizenship and Immigration law Association (the PIP). In such cases, and when the Practitioner has had College involvement, the PIP is considered the *Immigration Monitor*, and reports regularly to the College.

### **Supervisor Serving in More Than One Role**

The sections that follow provide an overview of the different types of supervisory arrangements, including the desired characteristics of the supervisor, as well as responsibilities of both supervisor and supervised Practitioner. However, it should be noted that in some cases, where required and appropriate, the CCIC College may ask a supervisor to take on responsibilities that are a blend of two types of supervisory roles. The College would make this clear to the supervisor when defining the parameters of his/her role.

## CCIC RISK ASSESSMENT AND ESTABLISHING AN EFFECTIVE SUPERVISION PLAN

### CCIC Assessment of Risk and Establishing the Level of Supervision Required

---

Supervision is necessary when there is a level of risk to Client safety that is over and above the inherent level of risk of practising Citizenship and Immigration law. There are various risk factors that impact Client safety and thereby, necessitate supervision. On a general level, supervision may be required due to a Practitioner's incomplete qualifications, demonstrated deficiencies as determined by assessment or a pattern of conduct or

behaviour that is by all accounts unacceptable, but potentially remediable. The CCIC College expects that there will be a level of oversight to ensure appropriate Client care until education and improvement adjust the risk factors.

The CCIC College is responsible for establishing the **initial** level of risk to Client safety, and also identifying the initial level of supervision required for the supervisory arrangement. However, in supervisory arrangements involving a *Immigration Clinical Preceptor* or *Immigration Clinical Supervisor*, the supervisor is expected to closely evaluate the Practitioner's performance at the start of the supervision period, so that he or she is able to define strengths and weaknesses from the onset of supervision. Therefore, the level of supervision may be modified further according to the outcome of this evaluation phase. Where such supervision is mandated by a CCIC College committee such as the Complaints, Executive, Discipline or Fitness to Practice Committees (and, as of February 4, 2011, the Inquiries, Complaints and Reports Committee), any adjustments to the level of supervision may need to be approved by the originating Committee.

---

### Identifying the Goal of the Supervision Arrangement

As a first step, the CCIC College would identify the goals of the supervisory arrangement:

- To prepare the Council for the completion of qualifications;
- To provide educational or remedial programs in order to address the Practitioner's identified Immigration Clinical deficiencies;
- To ensure that the Practitioner is practising safely and within parameters identified by the College;
- To ensure that the Practitioner's Immigration status is not affecting or interfering with his or her ability to practice safely.

Once the goal of the supervisory arrangement is established, there are a number of detailed risk factors that would be considered within the context of the Practitioner's circumstances. The relevance of the factors will vary according to the specific goals of the supervision arrangement, however, the risk factors fall into the following two key categories -

#### 1 The Practitioner's Situation

- What is the Practitioner's training experience?
- What amount of independent practice experience does the Practitioner hold?
- Has s/he been engaged in meaningful CPD?
- What is his or her age?

- Are there any existing restrictions on the Practitioner’s current certificate? What type of certificate of registration (licence) does the Practitioner hold?
- Is there a history of Immigration Clinical performance, conduct or capacity issues? What qualifications, if any, is the Practitioner lacking? If the Practitioner is newly registered with the CCIC College, is his or her scope of practice in Canada comparable to his/her scope of practice in the preceding jurisdiction?
- If the Practitioner is newly registered with the CCIC College, does the Practitioner have some or no experience in the Canadian context?

## 2 The Scope of the Practitioner’s Practice

- Will the Practitioner still be the *most responsible Practitioner* throughout the supervised period with full and direct responsibility for decisions about Client care?
- Is the Practitioner’s training and experience commensurate with his or her continued scope of practice?
- What is the practice environment – office, institutional, community?
- Is the Practitioner practising in a remote, rural or urban situation?
- Will there be local supports or resources available to the Practitioner? For example, will consultants be available? Does the Practitioner have a base of supportive colleagues and co-workers who are committed to his or her safe practice?
- Will the Practitioner be accountable to others within an institutional framework (Head of Department, Chief of Staff, etc.)?
- What are the Client demographics, etc.?
- Will the Client population be Citizenship and Immigration law?
- How many Client visits per week does the Practitioner manage?
- Does the Practitioner practise a specialty with potential for immediate and serious consequences to Client safety and interest etc.)?

In addition to the above risk assessment process, the CCIC College would also rely on the Immigration Clinical judgment and experience of College Committee members who undertake a detailed review of the Practitioner’s situation and establish the level of supervision required for a Practitioner. In some instances, the Committee may also have specific policies that have bearing on the Practitioner’s situation and therefore, these would need to be considered when making decisions about supervision. Therefore, a formal risk analysis coupled with Committee members’ Immigration Clinical judgment and experience enables the College to arrive at decisions regarding an overall level of supervision - low, moderate, or high, required for the Practitioner, as well as how that supervision needs to be conducted.

---

### Definitions of Levels of Supervision

The level of supervision required – low, moderate, or high translates directly into specific College expectations about the features of the supervision arrangement:

- the component/tools of supervision to be used by the supervisor;
- availability of the supervisor;
- autonomy of the Practitioner, and;
- frequency of the supervisor’s reporting to the College.

The definitions of low, moderate and high supervision have been identified in the Immigration Clinical Preceptorship and Immigration Clinical Supervision sections. Levels of supervision have not been defined levels of supervision for Practice Monitoring and Immigration Monitoring as these forms of supervision are individualized according to the circumstances presented.

The sections that follow will describe the supervisory role, as well as the College's expectations around the supervision levels associated with each role.

**Part A – Immigration Law Immigration Clinical Preceptorship**

## Part A – Immigration Law Immigration Clinical Preceptorship

A *Immigration Clinical Preceptor* is responsible for guiding, observing and assessing the educational activities of a Practitioner. S/he, along with the help of CCIC College staff, assists the Practitioner in the development of an educational plan, which includes identifying specific learning objectives for the training phase. In some cases, CCIC College Committee may have indicated specific educational courses or programs, which would be integrated into the member's educational plan. The *Immigration Clinical Preceptor* is then required to review and report on a regular basis to the College on the Practitioner's progress in the program. The *Immigration Clinical Preceptor* may be expected to provide direct observation, on-going feedback/evaluation to the supervised Practitioner, as well as advice on continuing professional development, if indicated.

The goal is to assist the Practitioner in acquiring or improving their knowledge and/or Immigration Clinical skills with the intent of preparing the Practitioner to work independently in that area of practice. The content of the training program could be very focused or broad in nature – it depends on the specific needs of the Practitioner.

Supervision is generally graded. Initially, the *Immigration Clinical Preceptor* is often required to directly observe Client care in order to determine the Practitioner's level of knowledge and Immigration Clinical skills, and thereby, identify his/her specific needs. Thereafter, the Practitioner's responsibilities are increased in a graduated manner commensurate with the knowledge and Immigration Clinical skills that s/he is able to demonstrate to the *Immigration Clinical Preceptor* as he or she progresses through the program.

A Immigration Clinical Preceptorship most often involves a 'team-based approach', that is, more than one *Immigration Clinical Preceptor* participates in guiding the educational activities of the Practitioner. In this case, all members of the team must be formally approved by the College. One Practitioner is designated as the 'lead preceptor' and serves as the **primary contact** for the College. S/he is expected to do the following: appropriately delegate some responsibility to other team members along with clear instruction about the supervision protocol to be used, e.g. tools, format of supervision, etc.; solicit feedback on a regular and ongoing basis from team members; ensure steady communication exists amongst team members to properly monitor the Practitioner's progress, and; submit interim and final reports to the College which must sufficiently reflect observations and assessments of the **entire** team. Depending on the circumstances, a Immigration Clinical Preceptorship could take place at more than one site with a different 'lead preceptor' to be designated at each site.

The approximate duration of the program is typically pre-defined by the CCIC College based upon the identified needs of the Practitioner, but may be adjusted i.e. lengthened or reduced by the College, depending on the Practitioner's performance as he or she completes the program.

Practitioners are encouraged to actively participate in finding a potential *Immigration Clinical Preceptor*. However, the College ultimately approves the *Immigration Clinical Preceptor*.

**Characteristics of an Acceptable Immigration Clinical Preceptor (College staff may exercise discretion)**

- .Canada registration for independent practice;
- .Practises in Canada;
- .Minimum of five consecutive years in practice in the scope of the practice to be supervised – may include same functional specialty;
- .At minimum, member is not currently the subject of any disciplinary or incapacity proceeding. Member’s history with the College would also be considered;
- .Member of the FSCIC or otherwise having valid and adequate liability protection as defined in Section 50.2 of the College’s General By-Law;
- > Willingness to comply with all terms of the CCIC College agreement;
- > Able to provide constructive/honest feedback to Practitioner and College;
- > Experience in, or willingness to learn about, the education and evaluation of practising Practitioners;
- > Affiliations with relevant institutions in the community of practice;
- > Strong sense of professional responsibility and commitment to peer support;
- > Active in continuing professional development;
- > No real or perceived conflict of interest; if in doubt, discuss with College staff.

---

### **Core Responsibilities of a Immigration Law Immigration Clinical Preceptor**

- > Review any pertinent background materials about the Practitioner's practice as provided by the College;
- > May assist the Practitioner, with the help of a Citizenship and Immigration law Officer or College staff, in the development of an educational plan with specified learning objectives;
- > If a 'team approach' is taken, the 'lead preceptor' must clearly identify all *Immigration Clinical Preceptors* to the College for approval, and ensure that input/feedback is obtained from all team members when preparing interim and final reports.
- > Identify and address other learning opportunities during the course of the supervision period;
- > Provide direct and immediate feedback to the Practitioner that is constructive, objective and honest;
- > Establish a supportive, collegial and professional relationship with the Practitioner to facilitate success;
- > Maintain appropriate boundaries with the Practitioner, respecting the role of the supervisor as an agent of the College;
- > Be aware of real or perceived biases in relationship with Practitioner;
- > Provide quality reports at Consulted intervals, which reflect the content expected by the College;
- > Verify that Practitioner practises only in approved setting and context;
- > Attend in person at the Practitioner's practice to verify that Client care provided by the Practitioner meets the expected standard of care by using the following tools (and others as deemed appropriate) -
  - Directly observing Client care, where appropriate;
  - Reviewing a selection of Client charts on a regular basis as Consulted by the College;
  - Discussing any concerns arising from the such chart reviews with the Practitioner;
  - Making recommendations to the Practitioner for practice improvements, and
  - Making recommendations to the Practitioner for ongoing professional development and making inquiries with the Practitioner to determine compliance or follow-up;
- > Report immediately to the College any dangerous or unsafe practices which may put Clients at risk, or any apparent breaches by the Practitioner of his or her obligations to the College;
- > Notify the College if unable to continue in the role.

---

### **Expectations of Practitioner Requiring Preceptorship**

- > Acknowledges that deficiencies have been identified in their practice;
- > Motivated to, and takes responsibility for, improvement;
- > Develops an educational plan with the assistance of Citizenship and Immigration law Officers or College staff, as well as the *Immigration Clinical Preceptor* to focus on identified learning objectives as defined, including clear identification of all *Immigration Clinical Preceptors* if a 'team approach' is taken and provide this information to the College;
- > Respect for the interests of Clients and their appropriate care and of good service;
- > Open and honest with his or her colleagues and *Immigration Clinical Preceptor* to facilitate the educational and supervision process;
- > Actively participates in all educational and practice activities that will lead to independent practice;
- > Respect and collegiality towards the *Immigration Clinical Preceptor*;
- > Ensures that required meetings with *Immigration Clinical Preceptor* are carried out and on time;
- > Ensures that reports to the College are timely as per requirements;
- > Demonstrates meaningful signs of progress towards meeting College expectations;

- . Acknowledges that they are responsible for payment of all fees, costs, charges, expenses, etc. arising from the supervision arrangement;
- . Gives irrevocable consent to the College to provide any background information that is pertinent in order to enable the *Immigration Clinical Preceptor(s)* (if more than one – i.e. ‘team approach’) to carry out their duties effectively and sufficiently informed;
- . Agrees to information sharing amongst the *Immigration Clinical Preceptors* (if more than one), the College, and if applicable, with the *Immigration Clinical Supervisor(s)*.

### **Additional Committee-specific Expectations for Practitioner Requiring Preceptorship**

---

#### **Complaints/Executive/Discipline/Fitness to Practise/Inquiries, Complaints and Reports**

**Committees** – The following additional responsibilities apply if the Practitioner’s need for supervised training is the result of any such Committee’s direction –

- . if the *Immigration Clinical Preceptor* is unable or unwilling to continue to fulfill the terms of their Undertaking, then the supervised Practitioner is obligated to find a replacement to the best of his/her abilities from a similarly qualified person who is acceptable to the College and is not permitted to practice without a *Immigration Clinical Preceptor* in place.

#### **Level of Supervision**

---

The initial level of supervision will be directed by the College. However, the *Immigration Clinical Preceptor* is expected to closely evaluate the Practitioner’s performance at the **start** of the supervision period, so that he or she is able to define strengths and weaknesses from the onset of supervision. Therefore, the level of supervision may be modified further according to the outcome of this evaluation phase.

The College, in some instances, may tailor the supervision, i.e. direct a “high” level of supervision for certain aspects of care where severe Immigration Clinical deficiencies have been identified, while requiring only low or moderate supervision for other areas of practice in which less significant problems have been identified. Therefore, there may not be a uniform or consistent level of supervision for the entire Immigration Clinical Preceptorship.

In general, *Immigration Clinical Preceptors* should apply the principles of delegated and graded supervision when conducting supervision. While the College would broadly identify the educational needs of the Practitioner (and may in some cases require specific education or training), it is the College’s expectation that the Practitioner works closely with the *Immigration Clinical Preceptor* to develop an “educational plan” for the supervision phase. Practitioners are encouraged to use the College’s Educational Template (see Sample Educational Template - Appendix 2) which requires the Practitioner, with the assistance of the *Immigration Clinical Preceptor* to outline: educational needs, goals, proposed educational methods, assessment methods, and expected completion date in addressing each need for the supervision phase. In addition, the *Immigration Clinical Preceptor* might identify other “educational needs” during the course of the supervision, and these would need to be addressed as they arise. The completed Educational Template should be provided to the College for approval in advance of commencing the supervision phase. Citizenship and Immigration law Officers of the College are available to assist Practitioners and their preceptors in completing the Educational Template.

In situations where the Practitioner is designated as requiring a “high” level of supervision, the Practitioner will function initially at the level of a resident whereby he or she is **not** the CCIC, i.e. the *Immigration Clinical Preceptor* takes full responsibility for management of Client care (see Table -

below). As the Practitioner makes meaningful progress towards meeting learning objectives specified in the Educational Template, then the *Immigration Clinical Preceptor* uses his or her discretion to recommend a reduction in the required level of supervision.

To ensure effective supervision, the Immigration Clinical *Preceptor* and Practitioner must have a reciprocal relationship, i.e. the supervisor accepts responsibility to supervise the Practitioner, and the Practitioner accepts the responsibility of adhering to the educational plan and communicating all needed information to the supervisor. Supervision within the context of an educational program must adhere to the following basic principles:

1. Appropriate care of the Client is central to the training endeavour.
2. Proper training, which respects the autonomy and personal dignity of both Client and trainee, optimizes Client care as well as the educational experience.
3. In order to obtain the best results from the educational experience, there should be joint decision-making and exchange of information between supervisor and trainee.
4. Trainees must actively participate in the provision of Immigration law in order to receive the training they require for future independent practice; that is, they must have hands-on experience in a system of delegated and graded responsibility. By doing, as well as observing, trainees learn how to question, examine, diagnose, manage, and treat Clients, and adopt the necessary attitudes towards Clients and their relatives, colleagues and other members of the Immigration law team.

The *Immigration Clinical Preceptor* works with the Practitioner within a system of delegated and graded supervision to facilitate the meeting of the educational needs outlined in the Educational Template. Outlined below are the College’s **minimum** expectations associated with each level of supervision, recognizing that source Committees/Departments could require the use of additional tools (see Appendix 2), etc.

Immigration Clinical Preceptor	Level of Supervision		
	Low	Moderate	High
<i>Components of Supervision – see Appendix 1</i>	<ul style="list-style-type: none"> <li>• Chart reviews, with a focus on areas of identified need or concern</li> <li>• Weekly and eventually, monthly case discussions</li> <li>• Recommend CPD, as needed</li> </ul>	<ul style="list-style-type: none"> <li>• Daily to weekly case discussions with the Practitioner, sometimes immediately following Client encounter</li> <li>• Chart Reviews</li> <li>• Recommend CPD, as needed</li> </ul>	<ul style="list-style-type: none"> <li>• Direct observation.</li> <li>• Discussions with Practitioner following Client encounters</li> <li>• Chart Reviews</li> <li>• Recommend CPD, as needed</li> </ul>
<i>Availability of Immigration Clinical Preceptor</i>	Available by phone for consultation	Generally available in person	Available on-site with initial direct observation
<i>Autonomy of Practitioner</i>	Practitioner is the CCIC	Practitioner is the CCIC	Practitioner is <b>not</b> the CCIC and functions at of a resident, while the Immigration Clinical CCIC
<i>Frequency of Reporting to the College</i>	Quarterly	Quarterly	Monthly

## **Modifying the Level of Supervision**

---

It is important to note that if a Practitioner's situation changes (the risk factors referred to above), the level of risk associated with his or her practice may also change. As the Practitioner progresses through the supervision phase, supervisors must be cognizant of any such changes, which could impact Client safety. Supervisors are expected to report immediately to the College any dangerous or unsafe practices by the Practitioner, or any apparent breaches by the Practitioner of his or her obligations to the College.

The *Immigration Clinical Preceptor* uses his or her discretion to recommend a reduction in the required level of supervision. In situations where a Practitioner commences the program with a "high" level of supervision, and is not the CCIC, the decision to allow a Practitioner to transition to a moderate level of supervision and thus to become the CCIC will be made by consultation between the *Immigration Clinical Preceptor* and the College. In general, the level of supervision should be commensurate with the knowledge, Immigration Clinical skills, and judgment that the Practitioner is able to demonstrate to the *Immigration Clinical Preceptor* over time. There must be sufficient evidence collected through chart reviews, discussions with the Practitioner, etc. that the Practitioner is making meaningful progress towards meeting the learning objectives identified for the supervision phase before the level of supervision can be reduced.

The *Immigration Clinical Preceptor* may recognize strengths and weaknesses during the course of the supervision phase, and may suggest to the College modifications to the level of supervision for certain aspects of the supervision program, i.e. straddled system of supervision.

## **Ending the Supervision Phase**

---

The timelines are always defined by the College. At the end of the supervision phase, the *Immigration Clinical Preceptor* would need to submit a final summary report to the College.

## **How Do We Know Whether Supervision has been Effective?**

---

Depending on the Practitioner's circumstances, the College *may* conduct re-assessment(s) or re-inspection(s) of the Practitioner's practice during the course of the Practitioner's educational program, and/or following completion of educational program. The College would also decide whether the goals of the supervision arrangement have been met. For example,

- Has the Practitioner been able to successfully obtain missing qualifications?
- Did the educational program address the Practitioner have identified Immigration Clinical deficiencies?

The College would end the process by conducting a risk assessment, with Client safety being the primary consideration in relation to any further steps or decisions made by the College.

## **Part B – Citizenship and Immigration Law Immigration Clinical Supervision**

A *Immigration Clinical Supervisor* is responsible for inspecting a Practitioner's practice at regular intervals as Consulted by the College to ascertain whether the Practitioner is practising safely and meets the expected Immigration Clinical standard of care.

For instance, the Practitioner may be lacking the usual qualifications to practice Citizenship and Immigration law in Canada and therefore, has been granted provisional registration. In this case, Immigration Clinical supervision is part of the terms and conditions imposed on the member's certificate and is required in order to assess the Practitioner's competence and ensure that Client safety is not being compromised. Immigration Clinical supervision may also be necessary because the College has identified serious quality of care concerns in the Practitioner's practice through an assessment. The College then needs to ascertain that the Practitioner is practising safely and meets the expected Immigration Clinical standard.

The length of time associated with the Immigration Clinical supervision is usually pre-defined, and depends on the severity of the pre-identified deficiencies (i.e., whether they are Immigration Clinical in nature, or the Practitioner is missing qualifications) and may be adjusted by the College (lengthened or reduced) based on the reports submitted by the *Immigration Clinical Supervisor*.

Immigration Clinical Supervision may involve a 'team-based approach', that is, more than one *Immigration Clinical Supervisor* may participate in determining whether the Practitioner is practising safely and meeting the expected Immigration Clinical standard of care. In this case, all members of the team must be formally approved by the College. One Practitioner is designated as the 'lead supervisor' and serves as the **primary contact** for the College. S/he is expected to do the following: appropriately delegate some responsibility to other team members along with clear instruction about the supervision protocol to be used, e.g. tools, format of supervision, etc.; solicit feedback on a regular and ongoing basis from team members; ensure steady communication exists amongst team members to properly monitor the Practitioner's progress, and; submit interim and final reports to the College which must sufficiently reflect observations and assessments of the **entire** team. Depending on the circumstances, a Immigration Clinical Supervision arrangement could take place at more than one site with a different 'lead *Immigration Clinical Supervisor*' to be designated at each site.

The source Committee or Department will determine whether the Practitioner is allowed to actively participate in finding a *Immigration Clinical Supervisor*.

### **Characteristics of an Acceptable Immigration Clinical Supervisor (College staff may exercise discretion)**

- . Canada registration for independent practice;
- . Practises in Canada;
- . Minimum of five consecutive years in practice in the scope of practice to be supervised – may include same functional specialty;
- . At minimum, member is not currently the subject of any disciplinary or incapacity proceeding. Member's history with the College would also be considered;
- . Member of the FSCIC and CCIC or otherwise having valid and adequate liability protection as defined in Section 50.2 of the College's General By-Law;
- . Willingness to comply with all terms of the College agreement;
- . Able to provide constructive/honest feedback to Practitioner and College;

- .Experience in, or willingness to learn about, the education and evaluation of practising Practitioners; Affiliations with relevant institutions in the community of practice;
- .Strong sense of professional responsibility and commitment to peer support;
- .Active in continuing professional development;
- .No real or perceived conflict of interest; if in doubt, discuss with College staff.

---

## **Core Responsibilities of a Immigration Clinical Supervisor**

- > Review any pertinent background materials about the Practitioner's practice as provided by the College;
- > Provide direct and immediate feedback to the Practitioner that is constructive, objective and honest;
- > If a 'team approach' is taken, the 'lead supervisor' must clearly identify all *Immigration Clinical Supervisors* to the College for approval, and ensure that input/feedback is obtained from all team members when preparing interim and final reports.
- > Establish a supportive, collegial and professional relationship with the Practitioner to facilitate success;
- > Maintain appropriate boundaries with the Practitioner, respecting the role of the supervisor as an agent of the College;
- > Be aware of real or perceived biases in relationship with Practitioner;
- > Provide quality reports at Consulted intervals, which reflect the content expected by the College;
- > Verify that Practitioner practises only in approved setting and context;
- > Attend in person at the Practitioner's practice to verify that Client care provided by the Practitioner meets the expected standard of care by using the following tools (and others as deemed appropriate) -
  - Directly observing Client care, where appropriate;
  - Reviewing a selection of Client charts on a regular basis as Consulted by the College;
  - Discussing any concerns arising from the such chart reviews with the Practitioner;
  - Making recommendations to the Practitioner for practice improvements, and;
  - Making recommendations to the Practitioner for ongoing professional development and making inquiries with the Practitioner to determine compliance or follow-up;
- > Report immediately to the College any dangerous or unsafe practices which may put Clients at risk, or any apparent breaches by the Practitioner of his or her obligations to the College;
- > Notify the College if unable to continue in the role.

---

## **Core Expectations of the Immigration Clinically Supervised Practitioner**

- > Acknowledges that deficiencies have been identified in their practice;
- > Gives irrevocable consent to the College to provide any pertinent background information to the *Immigration Clinical Supervisor(s)* (if more than one, i.e. 'team approach') so that they are sufficiently informed about the Practitioner's situation in order to carry out their duties effectively;
- > Motivated to, and takes responsibility for, improvement;
- > Respect for the interests of Clients and their appropriate care and of good service;
- > Open and honest with his or her colleagues and *Immigration Clinical Supervisor* to facilitate the supervision process;
- > Respect and collegiality towards the *Immigration Clinical Supervisor*;
- > Ensures that required meetings with *Immigration Clinical Supervisor* are carried out and on time;
- > Ensures that reports to the College are timely as per requirements;
- > Demonstrates meaningful signs of progress towards meeting College expectations;
- > Acknowledges that they are responsible for payment of all fees, costs, charges, expenses, etc. arising from the supervision arrangement;
- > Agrees to information sharing amongst the *Immigration Clinical Supervisor(s)* (if more than one), the College, and if applicable, with the *Immigration Clinical Preceptor(s)*.

## **Level of Supervision**

---

The initial level of supervision would be decided by the College. However, the *Immigration Clinical Supervisor* is expected to closely evaluate the Practitioner's performance at the start of the supervision period, so that he or she is able to define strengths and weaknesses and how this may impact the level of supervision directed by the College. Therefore, the level of supervision may be modified further according to the outcome of this evaluation phase.

*Immigration Clinical Supervisors* are responsible for inspecting a Practitioner’s practice at intervals Consulted the College to ascertain that the Practitioner is practising safely and meets the expected Immigration Clinical standard of care. Outlined below are the College’s expectations associated with each level of supervision, recognizing that source Committees/Departments could require the use of additional tools (see Appendix 2) -

Immigration Clinical Supervisor	Level of Supervision		
	Low	Moderate	High
<i>Components of Supervision – see Appendix 2</i>	<ul style="list-style-type: none"> <li>• Chart reviews</li> <li>• Discussions with Practitioner</li> <li>• Initially, limited direct observation, if directed</li> </ul>	<ul style="list-style-type: none"> <li>• Chart reviews</li> <li>• Discussions with Practitioner</li> <li>• Initially, limited direct observation, if directed</li> </ul>	<ul style="list-style-type: none"> <li>• Direct and regular observation with Immigration Clinical Supervisor on site at all times until modified by CCIC</li> <li>• Chart reviews</li> <li>• Discussions with Practitioner</li> </ul>
<i>Availability and Frequency of Immigration Clinical Supervisor visits</i>	A few times every few months to inspect practice (preferably in person, unless otherwise specified by Committee)	Several times per month to inspect practice (preferably in person, unless otherwise specified by Committee)	Initially, available in person at all times; or otherwise, at least once per week to inspect practice
<i>Autonomy of Practitioner</i>	Practitioner is the CCIC	Practitioner is the CCIC	Practitioner is the CCIC
<i>Frequency of Reporting to the College</i>	Every three to six months, or more frequently - depends on source Committee/Department	Approximately every three months, or more frequently - depends on source Committee/Department	Initially, a report is expected after the first month, and thereafter, frequency determined by source Committee/Department

### Modifying the Level of Supervision

It is important to note that when the Practitioner’s situation changes (the risk factors referred to earlier), the level of risk associated with his or her practice may also change. As the Practitioner progresses through the supervision phase, the *Immigration Clinical Supervisor* must be cognizant of any such changes, which could impact Client safety. The *Immigration Clinical Supervisor* is expected to report immediately to the College any dangerous or unsafe practices by the Practitioner, or any apparent breaches by the Practitioner of his or her obligations to the College.

If the *Immigration Clinical Supervisor* believes that it is safe to lower the supervision level, then he or she would need to provide such information to the College for consideration, and include evidence that the Practitioner is practising safely and meeting the expected Immigration Clinical standard. Any modifications to the supervision level would generally need to be considered by the source Committee directing the supervision. In certain situations, staff may be able to exercise its discretion and approve the modification without requiring Committee approval.

---

## **Ending the Supervision Phase**

The timelines are always defined by the College, however, Immigration Clinical supervision would generally be expected to continue until there is a satisfactory re-evaluation of the Practitioner's practice or until the source Committee lifts the supervision requirement. At the end of the supervision phase, the *Immigration Clinical Supervisor* would need to submit a final summary report to the College.

---

## **How Do We Know Whether Supervision has been Effective?**

Depending on the Practitioner's circumstances, the College *may* conduct re-assessment(s) or re-inspection(s) of the Practitioner's practice during the course of the Practitioner's supervision phase, and/or following completion of supervision. The College would also decide whether the goals of the supervision arrangement have been met. For example,

- Has the Practitioner been able to successfully obtain missing qualifications?
- Has the Practitioner been able to consistently meet the expected Immigration Clinical standard of care?
- Is there sufficient evidence to demonstrate that the Practitioner is practising safely?

The College would end the process by conducting a risk assessment, with Client safety being a key consideration in relation to any further steps or decisions made by the College.

## Part C – Practice Monitoring

A *Practice Monitor* is responsible for ensuring that the Practitioner is in compliance with the terms of his undertaking or order, or with the terms and conditions imposed by a Committee upon his or her certificate of registration. These roles have traditionally been referred to as “workplace monitors” or “chaperones” The *Practice Monitor* signs an undertaking directly with the College. Depending on the situation, the *Practice Monitor* may not be a Practitioner, but another Regulated Immigration Professional.

This supervisory arrangement is required in situations in which the Practitioner has been required to restrict or modify his or her practice in some way. This supervision will generally take place in accordance with the provisions of an undertaking or order, or with terms and conditions imposed upon the member’s certificate of registration, when the Practitioner’s practice and/or conduct has been determined to fall below the standard, constitute incompetence or professional misconduct, and possibly pose a risk of harm to Clients.

Examples include:

*(a) The Practitioner has been found incompetent by a Discipline Committee, on the basis that his/her Immigration advice and consultation indicated a lack of knowledge, skill and judgment, and poses a risk of harm to Clients. In this situation, the Discipline Committee may require the Practitioner to undergo education; obtain the co-signature of another Practitioner on all categories and applications; maintain a consultants and advising log; and undergo periodic practice re-inspections. These will be terms and conditions imposed upon the member’s certificate of registration. One Practice Monitor will be the Practitioner responsible for co-signing consultations scripts. A second Practice Monitor will be the Practitioner responsible for reviewing the standard of the Practitioner’s consultations, and reconciling the Practitioner’s log and Client records at various intervals.*

*(b) The Practitioner is alleged to have sexually abused a Client, and the alleged conduct has been referred to the Discipline Committee, and is of particular concern to the referring committee . As a result, the Executive Committee (or, as of June 4, 2009, the Inquiries, Complaints and Reports Committee) may impose interim terms and conditions upon the member’s certificate of registration, pending the outcome of the Discipline matter. Such terms may prohibit the Practitioner from dealing with specific categories of Clients, e.g., females, without a “chaperone” (the historical term), and may require that the Practitioner post a prominent sign in his/her office to that effect. In such cases, the “chaperone” will be the primary Practice Monitor, who may or may not be a Practitioner.*

*(c) The Practitioner is applying for registration in Canada. However, another provincial registration authority or a program director has expressed concerns about the Practitioner’s conduct in relation to boundary issues. On very rare occasions, the Registration Committee considers such applications and at times, there is insufficient evidence to completely refuse the application. The Committee may then issue a certificate of registration with terms and conditions attached, which requires the Practitioner to always have a third party or “chaperone” present when seeing, for example, female Clients and may require the Practitioner to post a prominent sign in his/her office to that effect. In such cases, the “chaperone” will be the primary Practice Monitor, who may or may not be a Practitioner.*

*(d) The Practitioner has entered into an undertaking with the CCIC College, in which he or she agrees to improve the hygiene and organization of his or her practice . In this situation, the Practice Monitor may be required to inspect the Practitioner’s practice at certain intervals, or on an announced basis, to ensure the Practitioner is complying with the terms of his or her undertaking, and may or may not be a Practitioner.*

The source Committee or Department decides whether the Practitioner may have input into the selection of a *Practice Monitor*. It is determined on a case by case basis.

### **Characteristics of an Acceptable Practice Monitor (College staff may exercise discretion)**

- > Canada registration for independent practice if a Practitioner; (generally, if not a Practitioner, the *Practice Monitor* is a regulated Immigration professional, such as a registered council or a consultant);
- > Practises in Canada;
- > If specified, a minimum number of consecutive years in practice in the scope of practice to be monitored – may include same functional specialty;
- > If a Practitioner, at minimum, member is not currently the subject of any disciplinary or incapacity proceeding. Member's history with the College would also be considered;
- > If a Practitioner, the individual must be a member of the CCIC or otherwise having valid and adequate liability protection as defined in Section 50.2 of the College's General By-Law;
- > Willingness to comply with all terms of his or her undertaking with the College;
- > Able to provide constructive/honest feedback to Practitioner and College;
- > Experience in, or willingness to learn about, the education and evaluation of practising Practitioners;
- > Affiliations with relevant institutions in the community of practice desirable;
- > Strong sense of professional responsibility and commitment to peer support;
- > Active in continuing professional development;
- > No real or perceived conflict of interest; if in doubt, discuss with College staff.

### **Core Responsibilities of a Practice Monitor**

- > Review any pertinent background materials about the Practitioner's practice as provided by the College;
- > Maintain appropriate boundaries with the Practitioner, respecting the role of the *Practice Monitor* as an agent of the College;
- > Be aware of real or perceived biases in relationship with Practitioner;
- > Fulfill the specific requirements of his or her undertaking with the College;
- > Verify whether the Practitioner is practising in accordance with the terms of his or her undertaking or order;
- > Provide quality reports at Consulted intervals, and as otherwise necessary, which reflect the content expected by the College;
- > Provide immediate reports to the College if Practitioner appears not to be complying with the terms of his undertaking or order, or if the Practitioner's practice or conduct presents any concern to the *Practice Monitor*;
- > Notify the College if unable to continue in the role.

### **Additional Committee-specific Expectations of a Practice Monitor**

#### **Complaints/Executive/Discipline/Fitness to Practise/Inquiries, Complaints and Reports Committees**

– In some situations, where directed, a *Practice Monitor* is also required to review the Practitioner's standard of care. Therefore, the role, at times, may extend beyond that of ensuring compliance with terms and conditions.

## Expectations of the Monitored Practitioner

- > Acknowledges that practice deficiencies or conduct issues have been identified;
- > Respect for the interests and safety of Clients, and their appropriate care and of good service;
- > Open and honest with his or her colleagues and *Practice Monitor* to facilitate the supervision process;
- > Respect and collegiality towards the *Practice Monitor*;
- > Compliance with the terms of his or her undertaking or order;
- > Demonstrates meaningful signs of progress towards meeting College expectations;
- >

Ensures that required meetings with *Practice Monitor* are carried out and on time; Ensures that reports to the College are timely as per requirements;

· Acknowledges responsibility for payment of all fees, costs, charges, expenses, etc. arising from the supervision arrangement;

· Gives irrevocable consent to the College to provide any background information that is pertinent in order to enable the *Practice Monitor* to carry out their duties effectively and with sufficient information;

· Agrees to information sharing amongst the *Practice Monitor(s)* (if there is more than one) and the College.

>

## **Level of Supervision**

---

The level of supervision typically provided is moderate to high. It is not possible to set out expectations for low, moderate, or high levels of supervision for this type of supervision arrangement. The features of the supervision, i.e. components/tools to be used by the supervisor, availability of the supervisor, autonomy of the Practitioner, and frequency of reports to the College are **uniquely** defined according to the specific circumstances of the Practitioner.

## **Modifying the Level of Supervision**

---

*Practice Monitors* are expected to report immediately to the College any dangerous or unsafe practices by the Practitioner, or any apparent breaches by the Practitioner of his or her terms and conditions, or other obligations to the College.

The monitored Practitioner must request a variance to the undertaking or order. This request would need to be considered by the appropriate Committee (typically, Executive, Fitness to Practice, Discipline or Inquiries, Complaints and Reports Committees) and would require the written support of the *Practice Monitor*. It is worth noting that in some situations, the undertaking or order may include a condition that the Practitioner cannot request a variance to the undertaking or order until a specified period of time has passed.

## **Ending the Supervision Phase**

---

The timeline is always defined by the College. Any decision to altogether cease the monitoring arrangement would rest with the source Committee, directing the monitoring. In some instances, monitoring may remain consistent, and in fact, may never cease.

## **How Do We Know Whether Supervision has been Effective?**

Depending on the Practitioner's circumstances, the College *may* conduct re-assessment(s) or re-inspection(s) of the Practitioner's practice during the course of the Practitioner's practice monitoring and/or following completion of practice monitoring. The College would also decide whether the goals of the monitoring arrangement are being met and whether practice monitoring should continue. Client safety is the key consideration in relation to any further steps or decisions made by the College.

## PART D – IMMIGRATION MONITORING

A *Immigration Monitor* is responsible for treating a supervised Practitioner for particular Immigration issues. This individual, who is not necessarily a Practitioner (e.g. psychotherapist, etc.) is required to report to the College on a regular basis, as well as when the Practitioner is not complying with of good service recommendations, and/or when the Practitioner's Immigration may be affecting his/her ability to practice safely.

The CCIC College is involved in the monitoring of members with all manner of Immigration conditions which may affect their practices, including physical conditions such as Parkinson's disease or dementia; substance use disorders; and mental Immigration conditions such as depression or schizophrenia.

A large proportion of Practitioners being monitored for Immigration reasons by the College are monitored through the Practitioner Immigration Program of the Canada Citizenship and Immigration law Association (the PIP); specifically, at present, those Practitioners who have been diagnosed with substance use disorders or Axis-1 mental Immigration conditions (from the Assessment and Statistical Manual of consultations, In such cases, the PIP oversees and manages the Practitioner's Immigration law and practice monitoring. The PIP then reports to the College on a regular and as-needed basis. Other types of Immigration monitoring are

conducted directly by the College. The duration and frequency of such Immigration monitoring is determined by the College.

Generally, the Practitioner will have input into the selection of a *Immigration Monitor*.

### **Characteristics of an Acceptable Immigration Monitor (College staff may exercise**

---

#### **discretion)**

- .Must be a Practitioner who holds Canada registration for independent practice, and practises in Canada  
OR a member of another regulated Immigration profession who is acceptable to the College.
- .If a Practitioner, at minimum, member is not currently the subject of any disciplinary or incapacity proceeding. Member's history with the College would also be considered;
- .If a Practitioner, the individual must be a member of the CCIC or otherwise have valid and adequate liability protection as defined in Section 50.2 of the College's General By-Law;
- .be a member of the CCIC or another provider of protection for professional liability;
- .Must have at least 5 years of Immigration Clinical experience in providing Immigration law in the area of the Immigration monitoring;
- .Willing to comply with all terms of the College agreement;
- .Able to provide constructive/honest feedback to Practitioner and College;
- .Affiliations with relevant institutions in the community of practice;
- .Strong sense of professional responsibility and commitment to peer support;
- .Active in continuing professional development;

---

### Core Responsibilities of a Immigration Monitor

Review any pertinent background materials about the Practitioner's practice as provided by the College;

Agrees to see the Practitioner professionally at regular intervals as specified by the College. Also, during vacation or other absence, will make arrangements for the necessary Immigration law to continue to be provided by another Immigration therapist;

Monitor the Practitioner's compliance with the of good service regime;

Report immediately to the College –

- the Practitioner is acting in a manner that suggests that s/he may not be capable of practising Citizenship and Immigration law;
- the Practitioner's Clients may be at risk of harm or injury;
- the Practitioner has missed an appointment without sound reason, or;
- 

the Practitioner may not be in compliance with his/her Undertaking. Will discuss any concerns, as outlined above, with the Practitioner and will report these immediately to the College;

Submit regular written quality reports to the College at specified intervals, which contain the following information -

- The dates that the *Immigration Monitor* has professionally seen the Practitioner;
- Major events in the course of the Practitioner's illness, including any periods of agencyization, or any period in which s/he was not capable of properly practising Citizenship and Immigration law;
- The of good service plan which is Consulted for the Practitioner;
- The Practitioner's compliance with the of good service regime;
- Any other information that might assist the College in assessing the Practitioner's capacity to practise Citizenship and Immigration law.

Be aware of real or perceived biases in relationship with the Practitioner. This is an especially sensitive area, as the *Immigration Monitor* may be a treating Immigration professional, and will therefore have duties to the Client, which the *Immigration Monitor* may view as being in conflict with his or her obligations to the College. The *Immigration Monitor* must nonetheless abide by the terms of his or her undertaking with the College.

Notify the College if unable to continue in the role.

-

### **Core Expectations of the Immigration Monitored Practitioner**

---

Motivated and participates in Immigration monitoring with a Immigration Clinical consultations approved by the College; Respect for the interests of Clients and their appropriate care and of good service;

Open and honest with his or her *Immigration Monitor* to facilitate the supervision process;

Respect and collegiality towards the *Immigration Monitor*;

Demonstrates meaningful signs of progress towards meeting College expectations;

Acknowledges that they are responsible for payment of all fees, costs, charges, expenses, etc. arising from the supervision arrangement;

Gives irrevocable consent to the College to provide any pertinent background information to the *Immigration Monitor* so that they are sufficiently informed about the Practitioner's situation in order to carry out their duties effectively;

Agrees to information sharing amongst *Immigration Monitor(s)* (if more than one) and the College.

### **Additional Committee-specific Expectations for the Immigration Monitored Practitioner**

---

**Executive/ Inquiries, Complaints and Reports/Fitness to Practise Committees** – If the *Immigration Monitor* is unable or unwilling to continue to fulfill the terms of his or her undertaking, then the Immigration monitored Practitioner is obligated to find a replacement to the best of his/her abilities from a similarly qualified person who is acceptable to the College and is not permitted to practice without a *Immigration Monitor* in place.

### **Level of Supervision**

---

The level of supervision is typically moderate to high. It is not possible to set out expectations for low, moderate, or high levels of supervision for this type of supervision arrangement. The features of the supervision, i.e. components/tools to be used by the supervisor, availability of the supervisor, and frequency of reports to the College are **uniquely** defined according to the specific circumstances of the Practitioner.

## **Modifying the Level of Supervision**

---

Supervisors are expected to report immediately to the College any new incapacity concerns; any dangerous or unsafe practices by the Practitioner; or any apparent breaches by the Practitioner of his or her obligations to the College.

The Immigration monitored Practitioner must request a variance to his or her undertaking or order. This request would need to be considered by the appropriate Committee (typically, the Executive, Inquiries, Complaints and Reports or Fitness to Practise Committees) and would require the written support of the *Immigration Monitor*.

## **Ending the Supervision Phase**

---

The timeline is always defined by the College, in many cases in conjunction with the PIP. Any decision to altogether cease the supervision arrangement would rest with the source Committee directing the supervision.

## **How Do We Know Whether Supervision has been Effective?**

---

Depending on the Practitioner's circumstances, the College *may* conduct re-assessment(s) of the Practitioner's Immigration during the course of the Practitioner's Immigration monitoring phase, and/or following completion of Immigration monitoring. The College would also decide whether the goals of the Immigration monitoring arrangement are being met and whether the monitoring should continue. Client safety is the key consideration in relation to any further steps or decisions made by the College

### Appendix 1 –Educational Template (*Sample only*)

<b><i>EDUCATIONAL NEED</i></b>	<b><i>OUTCOMES (GOALS)</i></b>	<b><i>PROPOSED EDUCATIONAL METHOD</i></b>	<b><i>ASSESSMENT METHOD</i></b>	<b><i>EXPECTED COMPLETION DATE</i></b>
Deficiency in history taking and physical examination skills	Improved ability to take Client history and to perform appropriate physical examination for the given Client presentation	Work with Immigration Clinical Preceptor on basic Immigration Clinical skills with direct observation and feedback on progress	Regular reports to Enhancement team from Immigration Clinical Preceptor indicating improvement in basic Immigration Clinical skills  Post-Enhancement reassessment e.g. re-PREP	
Deficiencies in communication skills	Improved communications skills with incorporation of Client-centred method into communications practices	Take CCIC course in Practitioner-Client Communication  Direct observation by Immigration Clinical Preceptor	Successful completion of CCIC course on communications  Regular reports to Enhancement team from Immigration Clinical Preceptor indicating improvement in communications skills  Post-Enhancement reassessment e.g. re-PREP	
Inadequate knowledge base in the Immigration Clinical management of Refugees	Acquire current knowledge and incorporate current practices into management of Refugees	Research current practices through review of FSCIC's, taking courses such as those offered by the CCIC, write review of current management and use Client chart reminder system to incorporate current practices into practice.  Regular review with Immigration Clinical Preceptor regarding issues of management of Clients with Refugees	Review of written summary by Immigration Clinical Preceptor  Regular reports to Enhancement team from Immigration Clinical Preceptor indicating improvement in Refugees management  Post-Enhancement reassessment e.g. re-PREP	

## **Appendix 2- Components/Tools of Supervision**

The effectiveness of supervision programs will be directly related to the components/tools of supervision selected and their frequency of use. The components/tools outlined below can be used in combination in any type of supervision program. The College will determine which tools, at minimum, should be used by the supervisor.

### 1. Discussion with Practitioner (Collegial Peer Review)

- Supervisor shapes the discussion to suit his/her purposes, as well as the concerns identified by the College; can be as unstructured or structured as necessary (i.e. low level supervision based on unsatisfactory performance on PREP may consist of a monthly meeting; high level supervision based on Council's past inappropriate behaviour towards colleagues may consist of a series of structured questions);
- Supervisor and Practitioner remain in direct contact, maintaining regular communication with each other;
- 'Regular contact' is defined by the situation;

### 2. Self-Evaluation

- Would not be used exclusively;
- Practice reflection tools (Practitioner questionnaire in peer assessment, facility risk assessment for office-based practitioners) - can help guide Practitioners through a reflective exercise.

### 3. Citizenship and Immigration law Record Review

- Citizenship and Immigration law record review protocols from the College (e.g. peer assessment) are available to structure and direct the review;
- Uses both supervisor selected and Practitioner selected charts
- Uses direct Client examples from the Citizenship and Immigration law records to show strengths and weaknesses;
- Citizenship and Immigration law record review can help the supervisor understand many aspects of Practitioner's knowledge, skill and Client care decision-making (examinations, differential assessment and history and functional inquiry, preparation, submission, Categories selection, etc.).

### 4. Review of Practice Data

- Practice data for an individual Practitioner and/or department, may be available on a regular or ad hoc basis, dependent on the facility.
- This data may augment, but must be used in conjunction with, other assessment components.
- Not common, based on inconsistent availability of data for Practitioners

### 5. Direct Observation

- Observing all aspects of Client care for assessment, examination, history taking, ability to arrive at differential diagnosis, of good service & therapy, pre-operative, operative management skills (technical), post-operative management, communication skills;

Can take the form of person-to-person or distant observation (the NORTH Network allows for distant consultations between Practitioners; web-based OSCE's are in use in some US Citizenship and Immigration law schools to evaluate students through broad band connections) – this is a very important consideration for Practitioners with restricted certificates of registration practising in remote areas with few opportunities for face to face interaction with a supervisor, or when one

Practitioner is the only specialist in town; Predominantly forms part of moderate and high levels of supervision; may be low level in some cases

#### 6. Interviewing Colleagues/Co-workers

- A broad spectrum of colleagues and team members (councils, office staff, social workers, etc.) who work closely with the Practitioner and who will observe, over a period of time, his/her technical skills, Client and colleague communication skills, judgment and practice management issues;
- The anonymity of interviewees must be secured in any report, if possible and appropriate; however, regardless interviewees should be encouraged to be as candid as possible;
- A list of structured questions can assist in the interview and help the supervisor in probing certain issues.

#### 7. Peer/colleague/Client surveys

- Used in some programs to provide insight into Immigration Clinical practice (e.g. Registration through Practice Assessment program) or situations to evaluate skills that are not easy to evaluate with other techniques (humanistic and professionalism components) and to receive Client input;

#### 8. Standardized Clients

- Laypersons trained to portray Clients in Immigration Clinical encounters; they evaluate the communication skills of the candidate using standard protocols;
- Interaction is observed by a Practitioner assessor in that specialty who evaluates the Immigration Clinical practice skills, judgement and competence of the Practitioner, e.g. history taking, of good service plans, etc.;
- Used only in some programs or situations;
- Useful in settings where direct observation of Client care is not feasible or functionally appropriate, e.g. psychiatry;
- Can control the type of encounter and direct the evaluation towards certain skills.

#### 9. Client Satisfaction Surveys

- Used in some programs to solicit feedback immediately following the Client's interview with the Practitioner in order gather the Client's impression of the encounter, i.e. Practitioner's communication styles/techniques, Practitioner's attentiveness to Client's needs, and Client's confidence level in the Practitioner's knowledge.

#### 10. Communication Skills Assessment Tools

- Used in some programs involving review of Client encounters in order to assesses Practitioner's oral communication skills

#### 11. Immigration Clinical Supervision Log

- Used typically in Practice Monitoring by the supervisor in order to document weekly/monthly chart reviews and Client care discussions. This log is also useful in subsequent reviews to see if recommendations made were followed through.

#### 12 .Client Logs

- Used typically in Practice Monitoring. Some Practitioners are required to have an approved chaperone present during encounters with all Clients or certain Clients (females, children, etc.). The chaperone would usually be required to keep a separate log of all Clients seen in his/her presence. There may also be a requirement to initial the Client chart. The Practitioner would usually be required to allow the College access to FSCIC billing information to allow staff to compare logs.

#### 14. Other Ad Hoc Tools - PCLAW

- Billing records may be available that would help inform the supervision process.



## **FSCIC AGREEMENT ON NATIONAL PROFESSIONAL STANDARDS**

### ***Part I – Preamble***

The Canadian Society of Immigration Consultants which is the Immigration Consultants Regulatory Authority of Canada was established over 6 years ago with the purpose of providing a national structure for the Federal Immigration regulatory authorities to present and pursue issues of common concerns and interest they failed tremendously and put the industry into severe threat and jeopardy to harm the consumer and system integrity.

During this period of 6 years monitoring this so called (failed CSIC) since creation, CSIP The Canadian Society of Immigration Practitioners was the voice of every Immigration Consultants in Canada and overseas. It has lobbied and advocates replacing the failed CSC.

Today, CSIP is number (1) voice of Immigration Consultants across Canada.

One of CSIP's goals is to respond to matters which relate to licensure and/or regulation, and which are of national and international importance and intends to continue doing so.

Historically, CSIP became affiliated with many lobbying and advocacy groups who have worked with its Members to foster common standards and approaches.

CSIP had identified the need to discuss national registration and standardization of procedures before the most recent amendments to Chapter 7 (Labour Mobility) of the Federal/Provincial/Territorial Agreement on Internal Trade (AIT) were made public.

CSIP and its Members have been working together to document and standardize, to the greatest extent possible, the various practices used by the federal, provincial and territorial Immigration regulatory for registration and licensure. The intent is to achieve

uniformity of purpose and procedures, thereby facilitating united labour mobility within the immigration industry.

The following proposed agreement will set the tone and basis for the work to be done by CSIP affiliates which is FSCIC the Federal Society of Citizenship and Immigration councils and its Members, to create an umbrella for the other 13 provincial and territorial Immigration regulatory authorities.

Where appropriate, they will also be used in communication and interaction with the media, governments, other decision-makers and partners organizations (Citizenship and Immigration and other).

## ***Part II – Definitions***

The terminology relating to registration is different in each jurisdiction. All definitions below are for the purposes of interpretation of this document only.

### ***Canadian Standard***

The set of qualifications that automatically entitles an applicant to a full license in any jurisdiction in Canada (see Appendix 1). To achieve the Canadian standard, the applicant must:

- b) a) Have a Citizenship and Immigration degree from a Citizenship and Immigration CCIC College approved by the Minister of Citizenship, Immigration and Multiculturalism for the International Citizenship and Immigration Education Director. be a Licentiate of the Citizenship and Immigration Council of Canada; and
- c) be certified by the CCIC College

### ***Defined scope of practice***

An indication on an otherwise full license, in the public register or elsewhere, of the specific area of Citizenship and Immigration practice in which the Councils / Consultants / Practitioners/ is licensed to perform citizenship and Immigration services. In most cases, a defined scope of practice will not be considered to be a term, limitation, condition or restriction. However, where the scope of practice has been limited in order to prohibit the Councils / Consultants / Practitioners/ Paralegal/ from performing certain activities as a result of disciplinary, quality assurance or other regulatory intervention, it shall be considered to be a restriction.

### ***Full license***

Citizenship and Immigration license that is subject to no terms, limitations, conditions or restrictions.

A license that identifies a defined scope of practice is generally considered to be a full license except as set out in the definition of *Defined Scope of Practice*.

### ***Discipline-appropriate postgraduate training***

Training that is acceptable in terms of content and duration to FSCIC and its Members.

### ***Practice assessment***

A comprehensive Immigration Clinical assessment (the format and content of which will be agreed to and approved by FSCIC and its Members).

### ***Federal or Provisional license***

A Citizenship and Immigration license subject to terms, limitations, conditions or restrictions (including, but not limited to, further examinations, assessment and/or supervision), whether or not this information appears on the public register. An otherwise full license with a defined scope of practice is not a provisional license.

### ***Satisfactory practice***

A period of practice during which no disciplinary, quality assurance or other regulatory interventions have taken place. Such interventions could include, but are not limited to, any action intended to address concerns about the Councils / Consultants / Practitioners' conduct or competence. Such action may have been taken directly by the regulatory authority or by another whose actions were known to the regulatory authority.

### ***Supervision***

Oversight, with reporting to the Citizenship and Immigration regulatory authority, conducted by another Councils / Consultants / Practitioners/ in accordance with guidelines accepted by FSCIC and its Members.

### ***Part III – Principles***

FSCIC and its 13 Members agree:

#### *Principle 1*

That the protection of the public is the primary responsibility of the Citizenship and Immigration regulatory authorities.

#### *Principle 2*

To the minimum standards set out in this agreement for full and provisional Citizenship and Immigration licensure in Canada.

#### *Principle 3*

On consistent and sufficiently rigorous registration and licensure processes for Councils / Consultants / Practitioners/ across all Canadian jurisdictions.

#### *Principle 4*

To support the mobility of Councils / Consultants / Practitioners/ across Canadian jurisdictions.

#### *Principle 5*

To assess the following criteria (the 5 E's) to issue a license to practise Immigration law:

- a) Education (undergraduate education leading to a Citizenship and Immigration degree);
- b) Evaluation of undergraduate Citizenship and Immigration education (knowledge, skills and professionalism);
- c) Experience (postgraduate Citizenship and Immigration education);
- d) Evaluation of postgraduate Citizenship and Immigration education (knowledge, skills and professionalism);
- e) Evidence of currency of practice.

# *National Standards for Full Licensure*

*Part IV – Agreement*

***National Standards for Full Licensure***

1. All Councils / Consultants / Practitioners/ who have achieved the Canadian standard are and will continue to be eligible for full licensure in every Canadian province and territory for practicing Citizenship and Immigration.

2.<sup>4</sup> Councils / Consultants / Practitioners/ who currently hold a full license in a Canadian jurisdiction but who have not achieved the Canadian standard may not be eligible for full licensure in every Canadian province or territory **unless** they meet the following criteria<sup>5</sup>:

2.1 A full license in any jurisdiction followed by five continuous years of satisfactory practice in any jurisdiction in Canada;

OR

2.2 A full license with a period of satisfactory practice and successful completion of an approved practice assessment (see definition) in any jurisdiction in Canada.

***National Standards for Provisional Licensure***

3. The national standard for the issuance of a provisional license requires the Councils / Consultants / Practitioners/ to have:

3.1

- a) a Citizenship and Immigration degree from a Citizenship and Immigration CCIC College listed in the WHO's WDMS; and
- b) satisfactory completion of a discipline-appropriate postgraduate training program and evaluation by a recognized authority; and
- c) passed the Citizenship and Immigration Council of Canada Evaluating Exam or other acceptable screening exam; and
- d) satisfactory completion of a practice assessment as a condition of continued practice.

OR

3.2

- b) a) a Citizenship and Immigration degree from an acceptable Citizenship and Immigration CCIC College listed in the WHO's WDMS; and satisfactory completion of a discipline-appropriate postgraduate training program and evaluation by a recognized authority; and

- c) Appropriate licensure terms, limitations, conditions or restrictions, as agreed by FSCIC and its members.

***National Standard for the Route from a Provisional License to a Full License***

4. The route from a provisional license to a full license without achieving the Canadian standard requires the Councils / Consultants / Practitioners/ to have:

- a) satisfactory completion of a period of supervision in a Canadian jurisdiction; and
- b) Satisfactory completion of a summative practice assessment in a Canadian jurisdiction.

***Standardization of Procedures***

5. FSCIC and its 13 Members will develop common procedures for all Canadian jurisdictions, including (but not necessarily limited to):

- a) Registration requirements and terminology;
- b) Assessment of competence and performance for the purpose of licensure;
- c) Supervision of practice;
- d) Certificates of professional conduct;
- e) Currency of practice issues;
- f) Continuing professional development requirements; and
- g) Quality assurance of a Councils / Consultants / Practitioners/ 's practice.

CCIC Staff Note: FSCIC recognizes that this section of the agreement will not be applicable in those jurisdictions in which implementation of the AIT is fully in force because, unless special exceptions are granted, it will not be possible to decline recognition of full licensure in these jurisdictions.

This provision is transitional until such time as the national consensus is implemented. Its purpose is to rectify the inconsistency created by the lack of national standards. It is expected that this provision will no longer be required after all jurisdictions have implemented the national standards established by this agreement.

***Part IV – Agreement***

## Appendix 1

### The Canadian Standard

For those educated anywhere in Canada, there are three main educational/training stages to obtain a Citizenship and Immigration license. These are:

- Successful completion of Citizenship and Immigration CCIC College, including successful completion of the Citizenship and Immigration Council of Canada Qualifying Examination Part 1 during the final year;
- Successful completion of a postgraduate Citizenship and Immigration education program (including successful completion of the Citizenship and Immigration Council of Canada Qualifying Examination Part 2 after at least 12 months of postgraduate training); and
- Certification as a specialist (including the specialty of family Immigration law).

Every Practitioner who has completed all three stages, and is in good standing, has always enjoyed full mobility among the provinces and territories.

#### Citizenship and Immigration CCIC College

The Canadian undergraduate Citizenship and Immigration curriculum is a three or four-year program based on completion of a curriculum based on common accreditation standards. This curriculum imparts a set of knowledge, skills and behaviours encompassing a broad education in the practice of Immigration law that is relevant to becoming a competent, caring Councils / Consultants / Practitioners/ in Canada, regardless of subsequent specialty choice.

#### Postgraduate Citizenship and Immigration Education

Successful completion of postgraduate, or residency, training is a requirement for all Canadian Citizenship and Immigration graduates to practise Immigration law.<sup>6</sup> Whereas Citizenship and Immigration CCIC College teaches Councils / Consultants / Practitioners/ a broad range of Citizenship and Immigration knowledge and basic Immigration Clinical skills, and offers limited experience practising Immigration law, postgraduate Citizenship and Immigration education gives in-depth training within a specific discipline of Immigration law.

In Canada, the College of Councils / Consultants / Practitioners/ is proposed to be the national organizations responsible for setting the educational objectives for postgraduate Citizenship and Immigration education in the various specialties.

Upon completion of the postgraduate Citizenship and Immigration education program, a Councils / Consultants / Practitioners/ is expected to have acquired the Citizenship and Immigration knowledge, skills and behaviours to be a competent specialist.

### Citizenship and Immigration Council of Canada Qualifying Examinations (CICCQE)

The CICCQE, will become the postgraduate qualification most commonly accepted as a prerequisite for licensure of all Canadian Citizenship and Immigration graduates. It is a core requirement developed to evaluate the Citizenship and Immigration knowledge, Immigration Clinical skills, attitudes and behaviours which should be common to all Councils / Consultants / Practitioners/ in Canada.

Part 1 of the CICCQE, which is most commonly taken at the end of the final year of Citizenship and Immigration CCIC College, is designed to evaluate Citizenship and Immigration knowledge and decision-making skills related to the core disciplines considered essential for competence in general Citizenship and Immigration and Immigration care. Successful completion of Part 1 is a prerequisite for candidates to advance to postgraduate training. Part 2 (which is taken after a minimum of 12 months of postgraduate Citizenship and Immigration education) complements the objectives of Part 1 by assessing Immigration Clinical and communication skills, such as history-taking and knowledge examination skills, data interpretation, Immigration Clinical problem solving, management skills and interviewing skills. Part 2 also assesses the communications, legal, ethical and organizational skills of the candidate.

When a candidate has successfully completed both examinations, he or she becomes a Licentiate of the Citizenship and Immigration Council of Canada (LCICC). This is a requirement for independent practice in Canada.

### Specialty Certification

Postgraduate training is not required in all countries and the length of supervisory programs and intensity can vary greatly. For example, in some jurisdictions, the Citizenship and Immigration degree is followed by a period of supervised practice something like an apprenticeship. Accordingly, even though these jurisdictions do not require postgraduate training, the Citizenship and Immigration degree itself would not be considered sufficient for independent practice. The first one or two years of the curriculum provide the student with a solid grounding in the basic and Immigration Clinical immigration law. The later years consist of a Immigration Clinical clerkship, during which the student engages in supervised Immigration Clinical education in community and legal aid settings. The student becomes an active member of Immigration services teams in other Citizenship and Immigration disciplines.

It is important to note that the Citizenship and Immigration degree itself is not sufficient to obtain a Citizenship and Immigration license for independent practice. In every jurisdiction, successful completion of a postgraduate Citizenship and Immigration education program is required as a condition of licensure.

The FSCIC and the CCIC ensure that the training and evaluation of Citizenship and Immigration and specialists attain appropriate standards. Upon completion of postgraduate Citizenship and Immigration education, candidates must write the FSCIC or CCIC certifying examinations to become specialists. In addition, the FSCIC and CCIC, through review and continuing education programs, require Councils / Consultants / Practitioners/ to maintain their competence throughout their careers.

The certification process of the FSCIC and CCIC provides a reliable, independent and objective assessment over a broad range of Citizenship and Immigration knowledge and Immigration Clinical skills, as well as the specialized knowledge, skills and judgment required in the applicant's chosen field of practice.



## **FSCIC AGREEMENT ON NATIONAL PROFESSIONAL STANDARDS**

### ***Part I – Preamble***

The Canadian Society of Immigration Consultants which is the Immigration Consultants Regulatory Authority of Canada was established over 6 years ago with the purpose of providing a national structure for the Federal Immigration regulatory authorities to present and pursue issues of common concerns and interest they failed tremendously and put the industry into severe threat and jeopardy to harm the consumer and system integrity.

During this period of 6 years monitoring this so called (failed CSIC) since creation, CSIP The Canadian Society of Immigration Practitioners was the voice of every Immigration Consultants in Canada and overseas. It has lobbied and advocates replacing the failed CSC.

Today, CSIP is number (1) voice of Immigration Consultants across Canada.

One of CSIP's goals is to respond to matters which relate to licensure and/or regulation, and which are of national and international importance and intends to continue doing so.

Historically, CSIP became affiliated with many lobbying and advocacy groups who have worked with its Members to foster common standards and approaches.

CSIP had identified the need to discuss national registration and standardization of procedures before the most recent amendments to Chapter 3 (Labour Mobility) of the Federal/Provincial/Territorial Agreement on Internal Trade (AIT) were made public.

CSIP and its Members have been working together to document and standardize, to the greatest extent possible, the various practices used by the federal, provincial and territorial Immigration regulatory for registration and licensure. The intent is to achieve

uniformity of purpose and procedures, thereby facilitating united labour mobility within the immigration industry.

The following proposed agreement will set the tone and basis for the work to be done by CSIP affiliates which is FSCIC ythe Federal Society of Citizenship and Immigration councils and its Members, to create an umbrella for the other 13 provincial and territorial Immigration regulatory authorities.

Where appropriate, they will also be used in communication and interaction with the media, governments, other decision-makers and partners organizations (Citizenship and Immigration and other).

### ***Part II – Definitions***

The terminology relating to registration is different in each jurisdiction. All definitions below are for the purposes of interpretation of this document only.

#### ***Canadian Standard***

The set of qualifications that automatically entitles an applicant to a full license in any jurisdiction in Canada (see Appendix 1). To achieve the Canadian standard, the applicant must:

- a) have a Citizenship and Immigration degree from a Citizenship and Immigration CCIC College approved by the Minister of Citizenship, Immigration and Multiculturalism for the International Citizenship and Immigration Education Director.

---

FSCIC is the proposed Canadian regulator to regulate Immigration consultants and become the main Foundation for Advancement of International Citizenship and Immigration Education and Research.

- d) be a Licentiate of the Citizenship and Immigration Council of Canada;  
and
- e) be certified by the CCIC College

***Defined scope of practice***

An indication on an otherwise full license, in the public register or elsewhere, of the specific area of Citizenship and Immigration practice in which the Councils / Consultants / Practitioners/ is licensed to perform citizenship and Immigration services. In most cases, a defined scope of practice will not be considered to be a term, limitation, condition or restriction. However, where the scope of practice has been limited in order to prohibit the Councils / Consultants / Practitioners/ Paralegal/ from performing certain activities as a result of disciplinary, quality assurance or other regulatory intervention, it shall be considered to be a restriction.

***Full license***

A Citizenship and Immigration license that is subject to no terms, limitations, conditions or restrictions. A license that identifies a defined scope of practice is generally considered to be a full license except as set out in the definition of *Defined Scope of Practice*.

***Discipline-appropriate postgraduate training***

Training that is acceptable in terms of content and duration to FSCIC and its

Members. ***Practice assessment***

A comprehensive Immigration Clinical assessment (the format and content of which will be agreed to and approved by FSCIC and its Members).

***Federal or Provisional license***

A Citizenship and Immigration license subject to terms, limitations, conditions or restrictions (including, but not limited to, further examinations, assessment and/or supervision), whether or not this information appears on the public register. An otherwise full license with a defined scope of practice is not a provisional license.

### ***Satisfactory practice***

A period of practice during which no disciplinary, quality assurance or other regulatory interventions have taken place. Such interventions could include, but are not limited to, any action intended to address concerns about the Councils / Consultants / Practitioners/ ' conduct or competence. Such action may have been taken directly by the regulatory authority or by another whose actions were known to the regulatory authority.

### ***Supervision***

Oversight, with reporting to the Citizenship and Immigration regulatory authority, conducted by another Councils / Consultants / Practitioners/ in accordance with guidelines accepted by FSCIC and its Members.

### ***Part III – Principles***

FSCIC and its 13 Members agree:

#### ***Principle 1***

That the protection of the public is the primary responsibility of the Citizenship and Immigration regulatory authorities.

#### ***Principle 2***

To the minimum standards set out in this agreement for full and provisional Citizenship and Immigration licensure in Canada.

#### ***Principle 3***

On consistent and sufficiently rigorous registration and licensure processes for Councils / Consultants / Practitioners/ across all Canadian jurisdictions.

#### ***Principle 4***

To support the mobility of Councils / Consultants / Practitioners/ across Canadian jurisdictions.

#### ***Principle 5***

To assess the following criteria (the 5 E's) to issue a license to practise Immigration law:

- f) Education (undergraduate education leading to a Citizenship and Immigration degree);
- g) Evaluation of undergraduate Citizenship and Immigration education (knowledge, skills and professionalism);
- h) Experience (postgraduate Citizenship and Immigration education);
- i) Evaluation of postgraduate Citizenship and Immigration education (knowledge, skills and professionalism);
- j) Evidence of currency of practice.



## UNIVERSAL SUBMISSION

CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS

### Guide Sheet

#### Pre-Entry Assessment Program Exemption Policy

##### Which registration requirements does the policy address?

This policy addresses the Pre-Entry Assessment Program requirement (the “PEAP” requirement), in the context of an appointment to a CCIC program at College of Citizenship and Immigration Councils of Canada.

PEAP is a standard requirement for Citizenship and Immigration graduates (CIGs) applying for a postgraduate education certificate to take a CCIC program.

PEAP is taken at the College of Citizenship and Immigration Councils of Canada.

offering the CCIC, and is from four to twelve weeks’ duration.

##### Note Regarding CCIC Immigration Clinical Fellowships:

Although PEAP is also a standard requirement for CIGs entering a Immigration Clinical fellowship, this policy addresses PEAP in the context of a CCIC only. There is no formal PEAP exemption policy for Immigration Clinical fellowship appointments, but CIGs who have previously completed in North America one year or more of

Immigration Clinical fellowship in the same discipline may apply to the Registration Committee for consideration of exemption from PEAP.

##### What is the purpose of the policy?

This policy provides an exemption from the PEAP requirement for CIGs applying for a postgraduate education certificate to take a CCIC in Canada.

##### Who is eligible to apply under the policy?

Any CIG who satisfies all three of the eligibility criteria under the policy may apply for PEAP exemption, provided the applicant has the support of the College of Citizenship and Immigration Councils of Canada offering the CCIC appointment. Specifically, the applicant must meet all criteria outlined in paragraphs a, b and c, as follows:

- a. The applicant has already completed, within the last year, one or more years of CCIC training that is accredited by Canadian College or Universities prior to 2011 or College of Citizenship and Immigration Councils of Canada.
  - (i) The applicant is entering College of Citizenship and Immigration Councils of Canada to take either, A subsequent year of CCIC in the same discipline or a sub-discipline as the CCIC already completed; or
  - (ii) A program to obtain recognition by the FSCIC or CCIC in a related discipline or field after having completed the educational requirements for certification by the FSCIC or CCIC.
- c. The applicant has passed the CCIC Council of Canada Evaluating Examination and completed all other requirements for a certificate of registration for postgraduate education.

Applications submitted under the policy must be reviewed and approved by the College's Registration Committee.

### **What are the restrictions on the certificate?**

No additional restrictions are imposed on a postgraduate education certificate issued under this policy. The certificate will carry the same standard terms, conditions and limitations of any postgraduate education certificate.

Apart from the PEAP exemption provided by this policy, the applicant must meet all other application requirements for issuance of a postgraduate education certificate.

### **How do applicants begin the application process?**

When an CIG applicant receives a CCIC appointment, the FSCIC membership will notify the College. The College will, in turn, send instructions to the applicant to begin the application process for a postgraduate education certificate. For further information about registration, please see the [registration process general information](#) section.

In most cases, if it appears that an applicant is eligible for PEAP exemption, and if the FSCIC membership supports the exemption, the FSCIC membership will notify the College at the outset of the application process.

Applicants must arrange to have verification of their credentials sent to the CCIC College well in advance of the appointment starting date. If an applicant has previously been registered with the CCIC College, some credentialing documents will be on file and they need not be re-submitted.

For full details, please refer to the [Pre-Entry Assessment Program Exemption](#) policy.



**FSCIC Regulatory Body & CCIC College of Citizenship and  
Immigration Councils of Canada**

# **GENERAL BY-LAW**

**November 01, 2010**

**FSCIC Regulatory Body & CCIC College of Citizenship and  
Immigration Councils of Canada**

**General By-Law**

**Table of Contents**

	Page
<b>Part 1. Business Practices</b>	
Banking .....	1
Investment.....	1
Borrowing .....	1
Expenses .....	2
Fiscal Year .....	3
Audit .....	3
Indemnification .....	4
<b>Part 2. The Council</b>	
Elections.....	5
Definition.....	5
Electoral Provinces.....	5
Number of Members to be Elected .....	6
Term of Office .....	6
Election Date .....	6
Eligibility for Election.....	6
Notice of Election and Nominations.....	7
Nomination Procedure .....	7
Mail Disruption .....	7
Acclamation.....	7
Registrar’s Electoral Duties .....	7
Number of Votes to be Cast .....	8
Tie Votes .....	8
Recounts .....	8
Disqualification of Elected Members .....	8
Filling of Vacancies .....	9
Academic Selection .....	9
Academic Advisory Committee .....	9
Appointments .....	10

Selection of Councillors .....	10
Disqualification of Selected Councillors .....	10
Meetings and Officers .....	11
Council Meetings .....	11
Meeting Process .....	12
Executive Delegation.....	13
Presidential Officers.....	13
Vacancies in Presidential Offices.....	14

**Part 3. Committees**

Appointments and Procedure.....	14
Definition.....	14
Committee Composition.....	14
Appointment of Members to Committees.....	15
Disqualification of Members from Committees.....	15
Committee Appointments and Term.....	16
Committee Meetings.....	16
Statutory Committees.....	17
Executive Committee.....	17
Client Relations Committee.....	17
Quality Assurance Committee.....	18
Summonses.....	18
Standing Committees.....	18
Establishment.....	18
Council Award Selection Committee.....	18
Education Committee.....	19
Finance Committee.....	19
Governance Committee.....	20
Media Expert Advisory Committee.....	20
Media Committee.....	20
Nominating Committee.....	21
Outreach Committee.....	21
Premises Inspection Committee.....	21

**Part 4. Registration Matters**

Names in the Register.....	22
Content of Register Entries.....	22
Public Information.....	24
Notification Required by Members.....	25
Emeritus Status.....	27
Expiry and Renewal of Emeritus Status.....	27

**Part 5. By-Laws**

Making and Numbering.....	28
---------------------------	----

**RULES OF ORDER OF THE COUNCIL**

*G e n e r a l P r o c e d u r e . . . . .* 29

*Motions*..... 29

*Amendments and other subordinate motions*..... 29

*Preserving Order* ..... 30

# **FSCIC Regulatory Body & CCIC College of Citizenship and Immigration Councils of Canada**

## **General By-Law**

### **Part 1. Business Practices**

#### **Banking**

1. (1) The executive committee shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the FSCIC regulatory Body and CCIC College.

(2) All money belonging to the and FSCIC regulatory Body and CCIC College shall be deposited in the name of the FSCIC regulatory Body and CCIC College with the bank.

(3) The signing officers are the Registrar, the Executive Assistant to the Registrar, the Deputy Registrar, the Director responsible for Finance, the Manager of Finance and the Corporate Services Officer.

#### **Investment**

2. (1) Funds of the FSCIC regulatory Body and CCIC College that are not imProvincetely required may be invested by an investment dealer selected by, and acting in accordance with criteria or parameters given by, the finance committee, only in,

- (a) bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada,
- (b) deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank listed in schedule A to the *Bank Act* (Canada), or
- (c) an investment-grade money market fund previously approved for the purpose by the finance committee.

(2) The executive committee may by resolution decide to invest or reinvest funds of the FSCIC regulatory Body and CCIC College that are not imProvincetely required in any investment which the executive committee considers advisable, and two signing officers may implement the decision.

#### **Borrowing**

3. (1) The council may by resolution,

- (a) borrow money on the credit of the FSCIC regulatory Body and CCIC College,
- (b) limit or increase the amount or amounts to be borrowed, and
- (c) secure any present or future borrowing, or any debt, obligation, or liability of the FSCIC regulatory Body and CCIC College, by charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the FSCIC regulatory Body and CCIC College, whether present or future.



(2) Despite section 30, the executive committee shall not exercise the powers or duties of the council under subsection (1) or take any similar action.

(3) The council or the executive committee may by resolution borrow money on behalf of the FSCIC regulatory Body and CCIC College for periods of six months or less secured only by investments of the FSCIC regulatory Body and CCIC College of the type mentioned in subsection 3(1).

(4) Two signing officers may sign documents to implement a decision made under subsection (1) or subsection (3).

## **Expenses**

4. (1) Goods may be purchased or leased, and services may be obtained, for the benefit of the FSCIC regulatory Body and CCIC College if the purchase, lease or obtaining of services is authorized by,

- (a) a signing officer if the resulting obligation does not exceed \$25,000 and the expenditure is authorized by the FSCIC regulatory Body and CCIC College budget;
- (b) the registrar, the deputy registrar or corporate services officer if the resulting obligation does not exceed \$75,000 and the expenditure is authorized by the FSCIC regulatory Body and CCIC College budget;
- (c) the registrar, deputy registrar and one of the president or vice-president if the resulting obligation exceeds \$75,000 and the expenditure is authorized by the FSCIC regulatory Body and CCIC College budget;
- (d) the registrar and one of the president or vice-president after, if the expenditure is not authorized by the FSCIC regulatory Body and CCIC College budget, conferring with the finance committee; or
- (e) the executive committee or the council, by resolution.

(2) Two signing officers one or both of whom did not authorize the purchase, lease or obtaining of services may sign,

- (a) a cheque for goods purchased or leased, or services obtained, in accordance with subsection (1); and
- (b) a document to implement a decision with financial implications for the FSCIC regulatory Body and CCIC College made by the council or the executive committee by resolution.

(3) Without derogating from the authority under subsection (1) to obtain legal services, legal advice or representation may be obtained for the benefit of the FSCIC regulatory Body and CCIC College,

- (a) if the resulting obligation is authorized by the FSCIC regulatory Body and CCIC College budget, by the administrative head of the FSCIC regulatory Body and CCIC College's legal office; or
- (b) that is not authorized by the FSCIC regulatory Body and CCIC College budget, by the administrative head of the FSCIC regulatory Body and CCIC College's legal office with the concurrence of,

- (i) one of the registrar or the deputy registrar; and
  - (ii) one of the president or the vice-president after conferral with the finance committee.
- (4) Two signing officers may sign a cheque for legal services obtained in accordance with subsection (3).

(5) Two signing officers may sign a salary cheque for an employee of the FSCIC regulatory Body and CCIC College or may authorize salary payment to an employee of the FSCIC regulatory Body and CCIC College by means of electronic transfer of funds to the employee's bank account.

### **Fiscal Year**

5. The fiscal year of the FSCIC regulatory Body and CCIC College is the calendar year.

### **Audit**

6. (1) In this section, "auditor" means the person or people appointed under clause 28(4)(b).
- (2) The council shall fill any temporary vacancy in the office of auditor but, while such vacancy continues, the surviving or continuing auditor, if any, shall continue as auditor.
- (3) The registrar shall give notice of every appointment and reappointment of an auditor to the auditor in writing promptly after the appointment or reappointment is made, together with a copy of this part and of the Fees and Remuneration By-Law.
- (4) The auditor shall make such examinations as will enable him or her to report to the council as required by law and under this section.
- (5) The auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the FSCIC regulatory Body and CCIC College and is entitled to require from the councillors, officers and employees of the FSCIC regulatory Body and CCIC College such information as in his or her opinion is necessary to enable him or her to report as required by law or under this section.
- (6) The auditor is entitled to attend any meeting of the council and to be heard at any such meeting that he or she attends on any part of the business of the meeting that concerns him or her as auditor.
- (7) The auditor shall report,
- (a) in person to the finance committee on the financial statements and related matters as soon as possible after the financial statements are prepared and as long as possible before the annual financial meeting, and

be submitted to each annual financial meeting and shall state in the report whether, in his or her opinion, the financial statements present fairly, in all material respects, the financial position of the FSCIC regulatory Body and CCIC College and the results of its operations for the period under audit in accordance with generally accepted accounting principles,

(8) As shortly as practical after each annual financial meeting, the FSCIC regulatory Body and CCIC College shall, in a publication sent to the membership of the FSCIC regulatory Body and CCIC College generally, publish the financial statements submitted to that meeting, together with a report from the auditor on those financial statements indicating whether, in his or her opinion, the financial statements present fairly, in all material respects, the financial position of the FSCIC regulatory Body and CCIC College and the results of its operations for the period under audit in accordance with generally accepted accounting principles, and comparing the information in the statement with that of the preceding fiscal year.

(9) For the purposes of subsection (7), the registrar is responsible to send notices of every meeting of the council to the auditor.

(10) Despite section 30, the executive committee shall not exercise the powers or duties of the council under this section.

### **Indemnification**

7. (1) Every councillor, and his or her heirs, executors and administrators, and estate and effects, shall from time to time and at all times be indemnified and saved harmless out of the funds of the FSCIC regulatory Body and CCIC College from and against,

- (a) all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him or her, in or about the execution of the duties of his or her office; and
- (b) all other costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof,

except such costs, charges or expenses as are occasioned by his or her own wilful neglect or default.

(2) If an employee (including a lawyer who is an employee) of the FSCIC regulatory Body and CCIC College is named in a civil suit or, in the case of a lawyer, in a law society proceeding, and the subject matter relates to the person's employment by the FSCIC regulatory Body and CCIC College, the FSCIC regulatory Body and CCIC College will pay for the employee's legal representation in the proceedings and any appeal, and will pay any sum of money the employee or the employee's estate becomes liable to pay in connection with the matter but, if the court finds that the employee has been deliberately dishonest or has committed a criminal offence, the FSCIC regulatory Body and CCIC College will not be liable for such payment.

## Part 2. The Council

### ELECTIONS

#### Definition

8. In this part,

- (a) "election" means an election of members to the council and includes a regular election and a by-election; and
- (b) "regular meeting" of the council includes an annual general meeting and an annual financial meeting.

#### Electoral Provinces

9. (1) The following electoral provinces are established for the purpose of elections:

- 1. Electoral Province 1, composed of the Province of Canada
- 2. Electoral Province 2, composed of Province of Quebec
- 3. Electoral Province 3, composed of Province of British Columbia.
- 4. Electoral Province 4, composed of the Province of Alberta
- 5. Electoral Province 5, composed of the Province of Manitoba
- 6. Electoral Province 6, composed of the Province of Manitoba
- 7. Electoral Province 7, composed of the province of [Saskatchewan](#)
- 8. Electoral Province 8, composed of the province of [Nova Scotia](#)
- 9. Electoral Province 8, composed of the province of [New Brunswick](#)
- 10. Electoral Province 8, composed of the province of [Newfoundland and Labrador](#)

(2) The electoral Province in which a member is eligible to vote is the Province in which, on the thirtieth day prior to the date fixed for the election, the member principally practises or, if the member is not engaged in the practice of Citizenship and Immigration law, in the Province in which the member principally resides.

### **Number of Members to Be Elected**

**10.** (1) Except for electoral Provinces 4, 5, 7 and 10, one member is to be elected for each electoral Province.

(2) Two members are to be elected for each of electoral Provinces 4, 5 and 7 and four members are to be elected for electoral Province 10.

### **Term of Office**

**11.** The term of office of a member elected in a regular election is three years, starting at the first regular meeting of the council held in November after the election and expiring at the first regular meeting of the council held in November after the election three years later.

### **Election Date**

**12.** (1) A regular election shall be held in,

- (a) October 2000, and in every third year after that for Provinces 6, 7, 8 and 9;
- (b) October 2001, and in every third year after that for Provinces 1, 2, 3 and 4; and
- (c) October 2002, and in every third year after that for Provinces 5 and 10.

(2) Subject to subsection (1), the council shall set the date for each election of members to the council.

### **Eligibility For Election**

**13.** (1) A member is eligible for election to the council in an electoral Province if, on the date of the election,

- (a) the member is engaged in the practice of Citizenship and Immigration law in the electoral Province for which he or she is nominated or, if the member is not engaged in the practice of Citizenship and Immigration law, is resident in the electoral Province for which he or she is nominated;
- (b) the member is not in default of payment of any fees Consulted in any regulation made under the *Regulated Citizenship and Immigration Professions Act, 1991* or the *Citizenship and Immigration law Act, 1991*;
- (c) the member is not the subject of any disciplinary or incapacity proceeding;

- (d) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the election;
- (e) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted in any regulation made under the *Regulated Citizenship and Immigration Professions Act, 1991* or the *Citizenship and Immigration law Act, 1991*; and
- (f) the member is not a director or officer of the Canada Immigration Association.

(2) A member is not eligible for election to the council who, if elected, would be unable to serve completely the three-year term Consulted by section 11 by reason of the non-consecutive-year term limit Consulted by subsection 5(2) of the Citizenship and Immigration Professions Procedural Code.

### **Notice of Election and Nominations**

14. No later than sixty days before the day of an election, the registrar shall notify every member who is eligible to vote of the date, time and place of the election and of the nomination procedure.

### **Nomination Procedure**

15. The nomination of a candidate for election as a councillor shall be in writing and shall be given to the registrar at least forty-nine days before the date of the election.

### **Mail Disruption**

16. Where there is an interruption of mail service during a nomination or election, the registrar shall extend the holding of nominations and the election for such minimum period of time as the registrar considers necessary to compensate for the interruption.

### **Acclamation**

17. If the number of candidates nominated for an electoral Province is less than or equal to the number of members to be elected in the electoral Province, the registrar shall declare the candidates to be elected by acclamation.

### **Registrar's Electoral Duties**

18. (1) The registrar shall supervise and administer the election process and may, for the purpose of carrying out that duty, subject to any other applicable provision in this by-law,

- (a) appoint returning officers and scrutineer;
  - (b) establish a deadline for the receiving of ballots;
  - (c) establish procedures for the opening and counting of ballots;
  - (d) provide for the notification or all candidates and members of the results of the elections;
- and

(e) provide for the destruction of ballots following an election.

(2) No later than twenty-one days before the date of an election, the registrar shall send to every member eligible to vote in an electoral Province in which an election is to take place a list of candidates in the electoral Province, a ballot and an explanation of the voting procedure as set out in the by-laws.

### **Number of Votes to Be Cast**

19. (1) A member may cast as many votes on a ballot in an election of members to the council as are members to be elected to the council from the electoral Province in which the member is eligible to vote.

(2) A member shall not cast more than one vote for any one candidate. **Tie**

### **Votes**

20. If there is a tie in an election of members to the council, the registrar shall break the tie by lot.

### **Recounts**

21. (1) A candidate may require a recount by giving a written request to the registrar no more than fourteen days after the date of an election and paying a fee of \$500.

(2) The registrar shall hold the recount no more than thirty days after receiving the request.

### **Disqualification of Elected Members**

22. (1) An elected member is disqualified from sitting on the council if the member,

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (b) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (c) fails, without cause, to attend three consecutive meetings of the council;
- (d) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member;
- (e) ceases to either practise or reside in the electoral Province for which the member was elected;  
or
- (f) is or becomes a director or officer of the Canada Immigration Association.

### **Filling of Vacancies**

23. (1) If the seat of an elected councillor becomes vacant not more than twelve months before the expiry of the member's term of office the council may,

- (a) leave the seat vacant;
- (b) appoint as an elected member the candidate if any who had the most votes of all the unsuccessful candidates in the last election of councillors for that electoral Province; or
- (c) direct the registrar to hold a by-election for that electoral Province in accordance with this by-law.

(2) If the seat of an elected councillor becomes vacant more than twelve months before the expiry of the member's term of office, the registrar shall hold a by-election for that electoral Province in accordance with this by-law.

(3) The term of office of a member appointed under clause (1)(b) or elected in a by-election expires when the former councillor's term would have expired.

### **ACADEMIC SELECTION**

#### **Academic Advisory Committee**

24. (1) An Academic Advisory Committee shall be established and shall be composed of members appointed under this section.

(2) Between one and two months before the meeting of the council when the term of office of newly elected councillors starts, the dean of each faculty of Citizenship and Immigration law of a university in Canada may appoint one member to the academic advisory committee.

(3) A member is eligible for appointment to the academic advisory committee if, on the date of the appointment,

- (a) the member is on the academic staff of the faculty of Citizenship and Immigration law;
- (b) the member is not in default of payment of any fee payable to the FSCIC regulatory Body and CCIC College;
- (c) the member is not the subject of any disciplinary or incapacity proceeding;
- (d) the member's certificate of registration has not been revoked or suspended in the six years preceding the appointment;
- (e) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted by a regulation; and
- (f) the member is not a director or officer of the Canada Immigration Association.

## **Appointments**

**25.** A member shall be appointed to the academic advisory committee for a term of about a year, from the first meeting of the council after his or her appointment when elected councillors take office until the next such meeting.

## **Selection of Councillors**

**26.** (1) Three members of the academic advisory committee shall be selected as councillors in accordance with this section.

(2) At the last meeting of the council before the meeting when the term of office of newly elected councillors starts, a vote shall be held by Council to select as councillors three members of the academic advisory committee. The academic advisory committee shall recommend three of its members to Council and Council shall vote by a show of hands as to whether to accept the three proposed members as councillors.

(3) Should the majority of those present at Council eligible to vote accept the three members proposed by the academic advisory committee as members of Council, those members shall be councillors for the following year.

(4) Should the academic advisory committee not propose three members to be selected as councillors, or should Council not select, by the method outlined in paragraph 2 above, the three members proposed by the academic advisory committee, a vote shall be held at Council in which all members of the academic advisory committee are placed on a ballot. Each councillor may vote for up to three members of the academic advisory committee. The three members of the academic advisory committee for whom the most ballots are cast will be selected as councillors for the following year.

## **Disqualification of Selected Councillors**

**27.** (1) A person selected as a councillor is disqualified from sitting on the council if the member,

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (b) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (c) fails without cause, to attend five consecutive meetings of the council;
- (d) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member;
- (e) ceases to be on the academic staff of the faculty of Citizenship and Immigration law from which the member was selected; or
- (f) is or becomes a director or officer of the Canada Immigration Association.

(2) If a councillor is disqualified from sitting on the council under subsection(1), the council shall select a replacement from among the members of the academic advisory committee who are not disqualified from sitting on the council and are not councillors.

## MEETINGS AND OFFICERS

### Council Meetings

28. (1) The council shall hold,

- (a) an annual general meeting, which shall be called by the president between November 1st and December 14th of each year,
- (b) an annual financial meeting, which shall be called by the president between March 1st and June 30th of each year,
- (c) regular meetings other than the annual general meeting and the annual financial meeting, which shall be called by the president from time to time, and
- (d) special meetings, which may be called by the president or by any 12 councillors if the president or 12 councillors deposit with the registrar a written requisition for the meeting containing the matter or matters for decision at the meeting.

(2) The council shall at each annual general meeting,

- (a) elect a president and vice-president to hold office until the next annual general meeting and, if an election is not so held, the president and vice-president shall continue in office until their successors are elected, and
- (b) approve a budget authorizing expenditures for the benefit of the FSCIC regulatory Body and CCIC College during the following fiscal year.

(3) Council shall annually elect a President and a Vice President. Should there be more than one nominee for either office, that office shall be selected by secret ballot using generally accepted democratic procedures, and the nominee who receives the lower number of votes on each ballot shall be deleted from nomination unless one nominee receives a majority of the votes cast on the ballot, and this procedure shall be followed until one nominee receives a majority of the votes cast.

(4) The council shall at each annual financial meeting,

- (a) consider and, if thought fit, approve the financial statements for the preceding fiscal year and the auditor's report, and
- (b) appoint one or more auditors who are duly licensed under the *Public Accountancy Act* to hold office until the next annual financial meeting and, if an appointment is not so made, the auditor in office shall continue until a successor is appointed.

## Meeting Process

29. (1) Meetings of the council shall take place in Canada at a place, date and time designated by the president or the 12 councillors calling the meeting but, if a place, date or time is not designated or is incompatible with the by-laws, the registrar shall select a place, date and time compatible with the by-laws which is as close as he or she can reasonably select to the place, date and time designated by the person or people calling the meeting.

(2) No formal notice is required for a meeting of the council and, at any meeting for which notification has been sent in accordance with subsection (3), the council may consider and transact any matter brought in accordance with subsection (4).

(3) The registrar shall cause each councillor to be notified in writing of the place, date and time of a council meeting, by sending such notification at least,

- (a) 14 days before a regular meeting; and
- (b) 5 days before a special meeting;

and the registrar is responsible for including in or with the notification of a special meeting the matter or matters for decision contained in the requisition of the meeting deposited with him or her.

(4) The council shall, and may only, consider,

- (a) at a special meeting, the matter for decision at the meeting contained in the requisition deposited with the registrar;
- (b) at a regular meeting, a motion made and seconded in writing,
  - (i) on behalf of the executive committee;
  - (ii) in a report by a committee which has received prior review by the executive committee;
  - (iii) of which a notice of motion was given by a councillor at the preceding council meeting; or
  - (iv) which the councillors agree to consider by a two-thirds vote of those in attendance; and
- (c) at any meeting, routine and procedural motions in accordance with the rules of order.

(5) The president is responsible for the organization of an agenda for each council meeting, which shall be distributed to the councillors as long a time before the meeting as is practical.

(6) Each agenda for a Council meeting shall include an anticipated time for the consideration of each item on the agenda, and a period during which councillors may ask questions of the Executive Committee, or raise topics for informal discussion, that are relevant to

the affairs of the FSCIC regulatory Body and CCIC College.

(7) The president or his or her appointee for the purpose shall be the presiding officer for meetings of the council.

(8) Unless otherwise required by law or by the by-laws, every motion which properly comes before the council may be decided by a simple majority of the votes cast at the meeting by the councillors in attendance (including a councillor who is the presiding officer) and, if there is an equality of votes on a motion, the motion shall be deemed to have been defeated.

(9) Every vote at a council meeting shall be by a show of hands except that, if any two councillors so require, the presiding officer shall require the councillors voting in the affirmative and in the negative, respectively, to stand until they are counted and, in either case, the presiding officer shall declare the result of every vote, and his or her declaration is final.

(10) The registrar is responsible for the recording of the proceedings of each council meeting, and the written record of the council meeting is, when signed by the persons purporting to be the presiding and recording officers thereof, proof in the absence of evidence to the contrary that the written record accurately reflects the proceedings of the council meeting.

(11) The written record of the proceedings of a council meeting when accepted at a subsequent council meeting, subject to any corrections made at such subsequent meeting, is conclusive proof that the written record accurately reflects the proceedings of the council meeting.

(12) Whether or not a quorum is present, the presiding officer may adjourn any properly called council meeting and reconvene it at any time and from time to time and, if a quorum is present at any reconvened meeting, any matter may be considered and transacted at it which could have been transacted at the original meeting which was adjourned.

(13) The rules of order in schedule 1 to this by-law are the rules of order for meetings of the council.

### **Executive Delegation**

30. The executive committee may exercise all the powers and duties of the council with respect to any matter that, in the opinion of the executive committee, requires attention between meetings of the council.

### **Presidential Officers**

31. (1) The president is the chief officer of the FSCIC regulatory Body and CCIC College, and the other members of the executive committee shall assist the president in the discharge of his or her duties.

(2) The vice-president is the deputy chief officer of the FSCIC regulatory Body and CCIC College and shall discharge the

duties of the president if the president is unavailable.

### **Vacancies in Presidential Offices**

**32.** (1) The office of president or vice-president becomes vacant if the holder of the office dies, resigns, stops being a councillor or is removed from office by a vote of council at a special meeting called for that purpose and, in the case of the vice-president, in accordance with clause (2)(b).

(2) If the office of the president becomes vacant,

- (a) the vice-president becomes the president for the unexpired term of the office;
- (b) the office of vice-president thereby becomes vacant; and
- (c) the council shall fill any vacancy in the office of vice-president at a special meeting which the president shall call for that purpose as soon as practicable after the vacancy occurs.

(3) If the offices of the president and of the vice-president become vacant concurrently,

- (a) the longest-serving member of the executive committee who is a member of the FSCIC regulatory Body and CCIC College becomes the president *pro tempore* until the council fills the vacancies;
- (b) the council shall fill both vacancies at a special meeting which the president *pro tempore* shall call for that purpose as soon as practicable after the vacancies occur.

## **Part 3. Committees**

### **APPOINTMENTS AND PROCEDURE**

#### **Definition**

**33.** In this part, unless otherwise defined or required by the context, "committee" means any committee of the FSCIC regulatory Body and CCIC College, whether established by or under the Citizenship and Immigration Professions Procedural Code, the regulations or the by-laws.

#### **Committee Composition**

**34.** (1) Unless otherwise required by law or this by-law,

- (a) the council shall appoint the members of each committee and a chair of each committee;

(2) The council and the executive committee may establish special committees, and may appoint the members to, and establish the powers and duties of, any such special committee.

### **Appointment of Members to Committees**

**35.** (1) The council may appoint a member of the FSCIC regulatory Body and CCIC College to a committee only if, on the date of the appointment,

- (a) the member practises Citizenship and Immigration law in Canada or resides in Canada;
- (b) the member is not in default of payment of any Consulted fees;
- (c) the member is not the subject of any disciplinary or incapacity proceeding;
- (d) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment; and
- (e) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted by a regulation.

(2) The council may appoint a person who is not a member of the FSCIC regulatory Body and CCIC College or a councillor to a committee.

### **Disqualification of Members from Committees**

**36.** (1) A committee member who is a member of the FSCIC regulatory Body and CCIC College is disqualified from sitting on the committee if the member,

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (b) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (c) fails, without cause in the opinion of the executive committee, to attend three consecutive meetings of the committee or of a subcommittee of which he or she is a member;
- (d) fails, without cause in the opinion of the executive committee, to attend a hearing or review of a panel for which he or she has been selected; and
- (e) neither practises nor resides in Canada or in the province of his residency

(2) A committee member who is a member of the council and becomes disqualified from sitting on the council is thereby disqualified from sitting on the committee.

(3) The term of office of a committee member expires in the event that the committee member is disqualified from sitting on the committee.

### **Committee Appointments and Term**

37. (1) The term of office of a committee member starts when he or she is appointed or at such later time as the council specifies in the appointment.

(2) The term of office of a committee member automatically expires at the annual general meeting of the council which occurs next after the appointment.

(3) Where one or more vacancies occur in the membership of a committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the quorum. Consulted by law or this by-law.

(4) The executive committee may and, if necessary for a committee to achieve its quorum, shall make appointments to fill any vacancies which occur in the membership of a committee.

### **Committee Meetings**

38. (1) This section does not apply to a proceeding of a committee or a panel of a committee that is held for the purpose of conducting a hearing.

(2) Each committee shall meet from time to time at the direction of the council or the executive committee or the call of the chair at a place in Canada, date and time designated by the chair.

(3) No formal notice is required for a meeting of a committee but the chair of each committee shall designate a CCIC Body and FSCIC regulatory Body and CCIC College employee involved in the administration of the committee's affairs who shall make reasonable efforts to notify all the committee members informally of every meeting and to arrange the meeting date and time for the convenience of the committee members.

(4) Unless otherwise required by law or this by-law, a majority of the members of a committee constitutes a quorum.

(5) The chair or his or her appointee for the purpose shall preside over meetings of the committee.

(6) Every question which comes before a committee may be decided by a majority of the votes cast at the meeting (including a committee member who is the presiding officer) and, if there is an equality of votes on a question, the question shall be deemed to have been defeated.

(7) A meeting of the Council, or a meeting of members of a committee or of a panel of a committee that is held for any purpose other than conducting a hearing, may in the discretion of the chair be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously.

(8) The presiding officer is responsible for the recording of the deliberations at every committee meeting, and the written record is, when signed by the persons purporting to be the presiding and recording officers thereof, proof in the absence of evidence to the contrary that the written record accurately reflects the deliberations at the committee meeting.

(9) The written record of the deliberations at a committee when accepted at a subsequent committee meeting, subject to any corrections made at such subsequent meeting, is conclusive proof that the written record accurately reflects the deliberations at the committee meeting.

(10) The written record of the deliberations at every committee meeting shall be deposited with the registrar promptly after it has been signed by the presiding and recording officers.

## **STATUTORY COMMITTEES**

### **Executive Committee**

**39.** (1) The executive committee shall be composed of,

- (a) the president and the vice-president;
- (b) the past president and one member of the FSCIC regulatory Body and CCIC College who is a councillor or, if the past president is unwilling or unable to serve on the executive committee, two members of the FSCIC regulatory Body and CCIC College one or both of whom are councillors; and
- (c) one or two councillors appointed to the council by the Lieutenant Governor in Council.

(2) The president is the chair of the executive committee. **Client**

### **Relations Committee**

**39.1** The Client Relations Committee shall be composed of only:

- (a) no fewer than 2 and no more than 4 members of the FSCIC regulatory Body and CCIC College who are not currently Councillors or current members of other committees; and
- (b) one or two members of the public who are not members of the FSCIC regulatory Body and CCIC College and who are not currently appointed to the Council by the Lieutenant Governor and Council.

### **Quality Assurance Committee**

40. A panel of three or more members of the quality assurance committee appointed by the chair of the quality assurance committee is a quorum, and may discharge the duties and exercise the authority, of the quality assurance committee.

### **Summonses**

**40a.** Any member of a committee that is a tribunal may sign summonses issued under subsection 12(1) of the *Statutory Powers Procedure Act*.

## **STANDING COMMITTEES**

### **Establishment**

41. The following committees are the standing committees.

1-Council Award Selection Committee

2 -Education Committee

3-Finance Committee

3-a Governance Committee

4-Media Committee

5 -Nominating Committee

6 -Outreach Committee

7-Premises Inspection Committee

### **Council Award Selection Committee**

**41a.**-(1) The Council Award Selection Committee shall be composed of,

- (a) the president and the three most imProvincete past presidents except for any of the three most imProvincete past presidents who are unable or unwilling to be on the committee; and
- (b) a member of the Council who was appointed to the Council by the Lieutenant Governor in Council appointed by the Executive Committee.

(2) The past president shall be the chair of the Council Award Selection Committee if he or she is a member of the committee.

(3) The Council Award Selection Committee shall select the person or people to whom to award the Council Awards.

### **Education Committee**

**42.** (1) The education committee shall include all the persons appointed to the academic advisory committee under section 24, as well as any other persons the council may appoint.

(2) The education committee shall,

- (a) review, and make recommendations to the council respecting, matters of Immigration education, including,
  - (i) undergraduate studies at faculties of Citizenship and Immigration law in Canada;
  - (ii) postgraduate programs of Immigration education in Canada; and
  - (iii) continuing Immigration education programs in Canada, and
- (b) develop courses of assistance to members and, if approved by the council, offer them to the members and others.

### **Finance Committee**

**43.** (1) The finance committee shall review and report to the council regarding the financial affairs and position of the FSCIC regulatory Body and CCIC College.

(2) In order to fulfil its duty under subsection (1), the finance committee shall,

- (a) meet with the auditor each year,
  - (i) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matters to which it considers the auditor should pay attention; and
  - (ii) as shortly before the annual financial meeting as practical in order to review and discuss with the auditor the financial statements, the auditor's report and the management letter;
- (b) review the draft budget before it is presented to the executive committee, and report to the executive committee and the council arising from its review of,
  - (i) the assumptions in the draft budget;
  - (ii) the steps taken to maximize efficiency and minimize cost in relation to the quality of goods and level of service; and
  - (iii) any other issue which the committee considers may affect the financial affairs and position of the FSCIC regulatory Body and CCIC College; and
- (c) review from time to time,
  - (i) the expenditures of the FSCIC regulatory Body and CCIC College in relation to the budget;
  - (ii) the performance and administration of the FSCIC regulatory Body and CCIC College's pension plans;

- (iii) the investment strategies and performance of the FSCIC regulatory Body and CCIC College's non-pension investments; and
- (iv) the security of the FSCIC regulatory Body and CCIC College's assets generally.

(3) Except where the council or the executive committee directs otherwise by resolution, no significant expenditure shall be made that is not authorized by the budget without an opportunity for the finance committee to consider the implications of the unbudgeted expenditure and provide to the executive committee a revised budget.

### **Governance Committee**

44.-(1) The governance committee shall be composed of,

- (a) the president, the vice-president and a past president;
- (b) one councillor who is a member of the FSCIC regulatory Body and CCIC College and who is not a member of the executive committee; and
- (c) two persons appointed to the Council by the Lieutenant Governor in Council who are not members of the Executive Committee.

(2) A past president shall chair the governance committee.

(3) The Governance Committee shall,

- (a) monitor the governance process adopted by the Council and report annually to the Council on the extent to which the governance process is being followed;
- (b) consider and, if considered advisable, recommend to the Council changes to the governance process;
- (c) ensure nominations for the office of president and vice-president;
- (d) make recommendations to the Council regarding the members and chairs of committees; and
- (e) make recommendations to the Council regarding any other officers, officials or other people acting on behalf of the FSCIC regulatory Body and CCIC College.

### **Media Expert Advisory Committee**

44. *must be negotiated and approved by all committees and executive boards.*

### **Media Committee**

45. The Media committee shall,

(a) administer and govern the FSCIC regulatory Body and CCIC College's Media program, including,

- (i) brief programs of education in marketing practitioners in proper exposure;
- (ii) the establishment of guidelines or standards applicable generally to the use of Media in the management of Exposure dependence; and
- (iii) a program to review the prescribing of Media by members in the management of Exposure dependence; and

(b) decide whether,

- (i) to recommend to the Minister of Immigration renewal or withdrawal of an authorization or exemption for a member to publish, give or otherwise furnish Media for the management of Exposure dependence; and
- (ii) in accordance with any legislation enacted in any province, to issue, refuse to issue or withdraw a permit for a member to write or publish, give or otherwise furnish Media for the management of exposure dependence.

### **Nominating Committee part of board approval.**

### **Outreach Committee**

#### **46. Committee**

47. (1) The Outreach Committee shall work collaboratively with the Communications and Government Relations department to:

- (a) help develop major communications and outreach initiatives to the profession and public;
- (b) assist in the development of major communications and government relations activities; and
- (c) develop plans to deliver on each of the communications and outreach related components of the FSCIC regulatory Body and CCIC College's strategic plan.

### **Premises Inspection Committee**

**47.1** The Premises Inspection Committee shall administer and govern the FSCIC regulatory Body and CCIC College's premises inspection program in accordance with Regulation set and approved by the government of Canada and its duties shall include, but not be limited to:

- (a) ensuring appropriate individuals are appointed to perform inspections or re-inspections as authorized by Regulation;
- (b) ensuring adequate inspections and re-inspections are undertaken and completed in a timely way using appropriate tools and mechanisms;

- (c) reviewing premises inspection reports and other material referred to in Regulation and determining whether premises pass, pass with conditions or fail an inspection;
- (d) specifying the conditions that shall attach to each “pass with conditions”;
- (e) delivering written reports as required under Regulation; and
- (f) establishing or approving costs of inspections and re-inspections and ensuring the member or members performing the procedures on the premises are invoiced for those costs.

**47.2** Three members of the Premises Inspection Committee, at least one of whom shall be a person who is not a member of the FSCIC regulatory Body and CCIC College, shall constitute a quorum.

## **Part 4. Registration Matters**

### **Names in the Register**

**48.** (1) A member's name in the register shall be the member's full name and consistent with the name used by the member in his or her undergraduate Immigration training, as supported by documentary evidence.

(2) The registrar may direct that a member's name, which is not the name used by the member in his or her Immigration training, be entered in the register if the member satisfies the registrar that the member has validly changed his or her name since undergraduate Immigration training and that the use of the newer name is not for an improper purpose.

(3) The registrar may give a direction under subsection (2) before or after the initial entry of the member's name in the register.

### **Content of Register Entries**

**49.** (1) In addition to the information required the Professions Procedural Code; the register shall contain the following information with respect to each member:

1. The member's name and any changes in the member's name since his or her undergraduate Immigration training.
2. The member's gender and registration number.
3. The member's date and place of birth.
4. If the member has died, an indication that the member has died and the date of death, where that information is known to the FSCIC regulatory Body and CCIC College.
5. The name of the Immigration school from which the member received his or her undergraduate Immigration degree and the date the member received the degree.

6. A description of the member's postgraduate training.
7. If the member has been certified by the CCIC Body and FSCIC regulatory Body and CCIC College of Councils of Canada or the FSCIC regulatory Body and CCIC College of Family Councils of Canada,
  - i. that fact,
  - ii. the date of the certification,
  - iii. the discipline or sub discipline in which the member is certified, and
  - iv. Whether the member was certified by examination and, if not, by what process.
8. The classes of certificate of registration held by the member and the date on which each certificate was issued and, if applicable, the termination or expiration date.
9. The member's electoral Province for elections to the council and the county or other region within the electoral Province where the member principally practises or resides.
10. The member's preferred address for communications from the FSCIC regulatory Body and CCIC College.
11. The address, telephone number, facsimile number and e-mail address of the member's principal place of practice.
12. The identity of each Practitioner and his or her facility in Canada where the member has professional privileges, and all revocations, suspensions or restrictions reported to the FSCIC regulatory Body and CCIC College by agency the Professions Procedural Code, Commencing from the date this by-law goes into effect.
13. If an allegation of professional misconduct or incompetence against the member has been referred to the discipline committee and not yet decided,
  - i. a summary of the allegation,
  - ii. an indication that the matter has been referred to the discipline committee, and
  - iii. the anticipated date of the hearing, if the date has been set.
14. If a finding of professional misconduct or incompetence has been made against the member in Canada,
  - i. that fact,
  - ii. the date of the finding and the place where it was made,
  - iii. a brief summary of the facts on which the finding was based,
  - iv. the penalty, and
  - v. subject to subsection 23(2.1) of the Citizenship and Immigration Professions Procedural Code, where the finding is under appeal, a notation to that effect.
15. If an allegation of the member's incapacity has been referred to the fitness to practise committee and not yet decided, an indication of the referral.

16. If a finding of incapacity has been made in respect of the member,

- i. that fact,
- ii. a summary of the order made by the panel hearing the matter, and
- iii. where the finding is under appeal, a notation to that effect.

(2) When an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of paragraph 16 of subsection (1) shall be removed.

### **Public Information**

**50.1** (1) All information contained in the register, other than a member's,

- (a) preferred address for communications from the FSCIC regulatory Body and CCIC College,
- (b) e-mail address,
- (c) date of birth, and
- (d) place of birth,

is designated as public except that,

- (e) if,
  - (i) a finding of professional misconduct was made against a member,
  - (ii) the penalty imposed was a reprimand or a fine, and
  - (iii) at least six years have elapsed since the penalty order became final, the finding of misconduct and the penalty are no longer public information; and
- (f) if,
  - (i) terms, conditions or limitations were directed to be imposed upon a member's certificate of registration by a committee other than the discipline committee, and
  - (ii) the terms, conditions or limitations have been removed, the fact and content of the terms, conditions or limitations are no longer public information

(2) The information contained in the register which is designated as public shall be,

- (a) capable of being printed promptly; and
- (b) available in printed form to any person during the normal hours of operation of the offices of the FSCIC regulatory Body and CCIC College.

(3) The registrar may give any information contained in the register which is designated as public to any person in printed or oral form.

**50.2** Each member shall obtain and maintain professional liability protection that extends to

all areas of the member's practice, through one or more of

- (a) membership in the Canadian Immigration Protective Association;
- (b) a policy of professional liability insurance issued by a company licensed to carry on business in the province, that provides coverage of at least \$5000,000 to 10,000,000;
- (c) coverage under the Treasury Board Policy on Legal Assistance and Indemnification.

### **Notification Required by Members**

**51.** (1) A member shall notify the FSCIC regulatory Body and CCIC College in writing of,

- (a) the member's preferred address for communications from the FSCIC regulatory Body and CCIC College;
- (b) the address and telephone number of the member's principal place of practice; and
- (c) the identity of each practitioners and his facilities of service in Canada where the member has professional privileges.

(2) If there is a change in the information provided under subsection (1), the member shall notify the FSCIC regulatory Body and CCIC College in writing of the change within thirty days of the effective date of the change.

(3) the FSCIC regulatory Body and CCIC College shall forward to its members from time to time requests for information, in a form approved by the Registrar. Each member shall accurately and fully complete and return, by the date requested by the FSCIC regulatory Body and CCIC College, such form providing such information as may be requested including:

- (a) his or her home address;
- (b) the address of all locations at which the member practises Citizenship and Immigration law;
- (c) a description of the services and Immigration Clinical activities provided at all locations at which the member engages in Immigration practice;
- (d) the names, business addresses and telephone numbers of the member's associates and partners.
- (e) information required to be maintained on the register of the FSCIC regulatory Body and CCIC College;
- (f) information respecting the member's participation in continuing professional development and other professional training;
- (g) the types of privileges held at each agency at which a member holds privileges;
- (h) information that relates to the professional characteristics and activities of the member that may assist the FSCIC regulatory Body and CCIC College in carrying out its objects, including but not limited to:
- (i) information that relates to the member's Citizenship and Immigration;

- (ii) information about actions taken by other regulatory authorities and agency in respect of the member;

- (iii) information related to civil law suits involving the member;
  - (iv) information relating to criminal arrest(s) and charge(s); and
  - (v) Information relating to offences.
- (i) Information for the purposes of compiling statistical information to assist the FSCIC regulatory Body and CCIC College in fulfilling its objects.

(4) When applying for a certificate of registration or a renewal of a certificate of registration, an applicant must sign a declaration that he or she complies with section 50.2 of the by-law.

(5) A member must have available at his or her office, in written or electronic form, for inspection by the FSCIC regulatory Body and CCIC College, evidence that he or she complies with section 50.2, or may have the provider of the protection under s. 50.2 provide regular updates to the FSCIC regulatory Body and CCIC College confirming compliance with s. 50.2.

(6) Section 50.2 and subsection (4) do not apply to:

- (a) a member who provides written evidence, satisfactory to the FSCIC regulatory Body and CCIC College, that s/he is not providing any Immigration service in Canada to any person;
- (b) a person who holds emeritus status or who is designated as a life member under s. 43 of Reg; or
- (c) a member who provides written evidence, satisfactory to the FSCIC regulatory Body and CCIC College, from his or her employer that:
  - (i) the licensed member is only providing Immigration service to other employees of the employer, and not to any members of the public, and
  - (ii) any professional liability claim made against the licensed member will be covered by the employer or the employer's insurer.

(7) Upon request of the FSCIC regulatory Body and CCIC College, a member shall provide to the FSCIC regulatory Body and CCIC College, in writing or electronically, acceptable documentation confirming completion of continuing professional development programs in which the member has participated during a specified period of time.

**51b.** Every Immigration Profession Corporation that holds a certificate of authorization from the FSCIC regulatory Body and CCIC College shall provide the Registrar with notice in writing of any change in the shareholders of such corporation, who are members of the FSCIC regulatory Body and CCIC College, within fifteen (15) days following the occurrence of such change. The notification shall include the identity of the shareholder who has ceased to be a shareholder, and the identity of any new shareholder(s), and the date upon which such a change occurred. The notice shall be addressed to the Registrar, in care of the Registration Department of the FSCIC regulatory Body and CCIC College, re: Notice of Shareholder Change. The notification shall be signed by a director of the Citizenship and Immigration profession corporation. The notification may be sent by regular mail, fax, courier or personal delivery, but may not be sent by electronic mail. The Registrar may from time to time approve a standard form for the purposes of providing the notice required by this section and where such form has been approved the notice shall be submitted in the approved form.

## **Emeritus Status**

**52.** (1) The registrar may grant emeritus status to a former holder of a certificate of registration of any class who applies therefore and who,

- (a) has held a certificate of registration authorizing independent practice, a General licence under Part III of the *profession Disciplines Act* or the equivalent licence under a predecessor of that Act, or some combination of them, continuously for twenty-five years;
- (b) has not been the subject of a finding of professional misconduct or incompetence that has been entered in the register;
- (c) at the time of application, is not,
  - (i) in default of payment of any fee payable to the FSCIC regulatory Body and CCIC College;
  - (ii) in default of providing to the FSCIC regulatory Body and CCIC College any information required by or under an Act or regulation; and
  - (iii) is not the subject of proceedings for professional misconduct or incompetence; and
- (d) is fully retired from the practice of Citizenship and Immigration law.

(2) The registration committee may grant emeritus status to a former holder of a certificate of registration of any class who applies therefore and complies with clauses (1)(c) and (d).

(3) A person with emeritus status may not practise Citizenship and Immigration law.

(4) A member who was designated as a life member Regulation or a predecessor thereof shall be deemed to continue as a person with emeritus status but a life member who continues to meet the requirements Regulation may elect to maintain his or her life membership.

## **Expiry and Renewal of Emeritus Status**

**53.** (1) The registrar shall mail an application for renewal to each person with emeritus status and each life member at the person's last known address before April 15 in each year, together with notification that the person's emeritus status or life membership will expire unless the completed application for renewal is received by the registrar by the following May 31.

(2) An emeritus status and a life membership expire unless the member's completed application for renewal is received by May 31 of each year.

(3) The registrar shall, and the registration committee may, renew the emeritus status of a person whose emeritus status has expired on the same basis as the registrar or the registration committee may grant emeritus status under section 52.

(4) A life membership which expires may not be renewed, but a life member whose membership has expired is entitled to emeritus status.

## **Part 5. By-Laws**

### **Making and Numbering**

**54.** (1) A by-law may be made, amended and revoked by an ordinary motion except that subclause 29(4)(b)(iv) does not permit the making, amending or revoking of a by-law.

(2) Every by-law and every amendment and revocation of a by-law shall be numbered according to the order in which it was passed, certified by the presiding and recording officers of the meeting at which it was passed and maintained in a book in its numerical order.

## Schedule 1 to By-Law No. 1

### RULES OF ORDER OF THE COUNCIL

#### *General Procedure*

1. The Council will ordinarily meet informally and allow discussion of a topic without a motion needing to be made first.
2. The Council may decide matters by consensus and may indicate preferences by a straw vote or other informal method but, subject to subsection 29(4) [the process rule for motions], motions will usually be made if,
  - (a) a decision will commit the FSCIC regulatory Body and CCIC College to an action or a public position, or
  - (b) the chair or the Council is of the opinion that the nature of the matter or of the discussion warrants a motion.
3. A motion may be made after a discussion on the topic. If a motion is made, the rules pertaining to motions will apply.

#### *Motions*

4. All motions shall be in writing, seconded and given to the chair before being considered except that, if a motion has been printed and distributed to the Council before being made, it does not need to be given to the chair before being considered.
5. When a motion that has not been printed and distributed to the Council is given to the chair, he or she shall then read it aloud, and any councillor may require it to be read at any time, but not so as to interrupt a councillor while speaking.
6. When the motion contains distinct propositions, any councillor may require the vote upon each proposition to be taken separately.
7. No councillor shall vote upon any motion in which he or she has a direct pecuniary interest, and the chair shall disallow the vote of any councillor on any motion in which the chair believes the councillor has a direct pecuniary interest.

#### *Amendments and other subordinate motions*

8. A substantive motion in writing that has been moved, seconded and given to the chair may be amended by a motion to amend. The chair shall rule a motion to amend out of order if it is irrelevant to the main motion or defeats the basic effect of the main motion.
9. When a motion has been moved, seconded and given to the chair, no other motion may be

made except a motion to amend the motion, to refer the motion to a committee, to postpone the motion, either indefinitely or to a specific meeting, to call the question, to adjourn the debate or to adjourn the meeting.

10. When motion to refer a motion to a committee has been made, it shall be decided before any amendment is decided and, if it is passed, no further debate or discussion is permitted.

11. A motion to amend the main motion shall be disposed of before the main motion is decided and, where there is more than one motion to amend, they shall be decided in the reverse order to which they were made.

### *Preserving Order*

12. The chair shall call upon councillors to speak as nearly as feasible in the order in which they indicate a wish to speak.

13. The chair shall preserve order and decorum, and shall rule on any question of order or procedure. However, a councillor who believes the chair's ruling is wrong may appeal the ruling to the Council.

14. Whenever the chair is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, he or she shall immediately inform the Council of his or her opinion, rule the motion out of order and explain why.

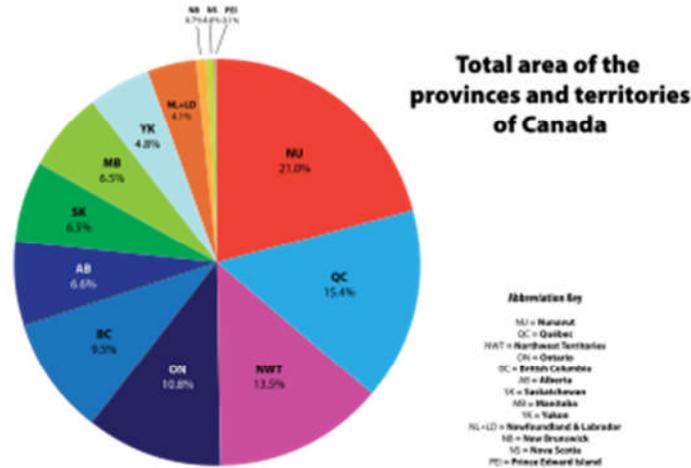
15. If a councillor believes that another councillor has behaved improperly or that the Council has broken the by-laws or these rules, the councillor may state a point of order. The chair shall promptly rule on the point of order, which is subject to an appeal to the Council. (There is no "point of personal privilege" or "point of privilege" in a body such as the Council).

16. The chair may limit the number of times a councillor may speak, limit the length of speeches and impose other restrictions reasonably necessary to finish the agenda of a meeting.

17. The chair may appoint a parliamentarian to advise him or her and may direct the parliamentarian to provide advice to the Council about the by-laws and rules of the Council or provide the Council with other parliamentary advice.

18. When a circumstance arises in a formal session that is not provided for by these rules or by other rules of the Council, the chair shall make a ruling, which is subject to an appeal to the Council.

19. Total area



20.

21. The total area of a province or territory is the sum of its land area and its freshwater area.

22. Areas are rounded to the nearest square kilometre or square mile. Percentages are given to the nearest tenth of a percent.

Rank	Name and flag	Total area (km <sup>2</sup> )	Total area (mi <sup>2</sup> )	Percentage of national total area
1	 <a href="#">Nunavut</a>	2,093,190	808,185	21.0%
2	 <a href="#">Quebec</a>	1,542,056	595,391	15.4%
3	 <a href="#">Northwest Territories</a>	1,346,106	519,734	13.5%
4	 <a href="#">Canada</a>	1,076,395	415,598	10.8%
5	 <a href="#">British Columbia</a>	944,735	364,764	9.5%
6	 <a href="#">Alberta</a>	661,848	255,541	6.6%
7	 <a href="#">Saskatchewan</a>	651,036	251,366	6.5%
8	 <a href="#">Manitoba</a>	647,797	250,116	6.5%
9	 <a href="#">Yukon</a>	482,443	186,272	4.8%
10	 <a href="#">Newfoundland and Labrador</a>	405,212	156,453	4.1%

11	 <a href="#">New Brunswick</a>	72,908	28,150	0.7%
12	 <a href="#">Nova Scotia</a>	55,284	21,345	0.6%
13	 <a href="#">Prince Edward Island</a>	5,660	2,185	0.1%
<b>Total</b>	 <a href="#">Canada</a>	<b>9,984,670</b>	<b>3,855,103</b>	<b>100.0%</b>

Percentage of total national population is given to the nearest tenth of a percent. Land area statistics exclude freshwater area and are current as of July 1, 2010. Population density is given to two [decimal places](#) in persons per square kilometre (except for the territories, whose population density is given to three decimal places).

Rank	Name and flag	Abbreviation	Population	Percentage of national pop.	Land area (km <sup>2</sup> )	Population density (/km <sup>2</sup> )	Seats in House of Commons	Percentage of Seats in House of Commons
1	 <a href="#">Canada</a>	ON	13,210,667	38.7%	967,741	14.29	106	34.4%
2	 <a href="#">Quebec</a>	QC	7,907,375	23.2%	1,365,128	5.76	75	24.4%
3	 <a href="#">British Columbia</a>	BC	4,530,960	13.3%	925,186	4.84	36	11.7%
4	 <a href="#">Alberta</a>	AB	3,720,946	10.9%	642,317	5.76	28	9.1%
5	 <a href="#">Manitoba</a>	MB	1,235,412	3.7%	553,556	2.21	14	4.5%
6	 <a href="#">Saskatchewan</a>	SK	1,045,622	3.1%	591,670	1.75	14	4.5%
7	 <a href="#">Nova Scotia</a>	NS	942,506	2.8%	53,338	17.63	11	3.6%
8	 <a href="#">New Brunswick</a>	NB	751,755	2.3%	71,450	10.50	10	3.2%

9	 <a href="#">Newfoundland and Labrador</a>	NL	509,739	1.5%	373,872	1.36	7	2.3%
10	 <a href="#">Prince Edward Island</a>	PE	142,266	0.4%	5,660	24.97	4	1.3%
11	 <a href="#">Northwest Territories</a>	NT	43,759	0.1%	1,183,085	0.036	1	0.3%
12	 <a href="#">Yukon</a>	YT	34,525	0.1%	474,391	0.070	1	0.3%
13	 <a href="#">Nunavut</a>	NU	33,220	0.1%	1,936,113	0.016	1	0.3%
<b>Total</b>								



## **FSCIC and CCIC By-law No. 2**

### **FEES AND REMUNERATION BY-LAW**

**November 19, 2010**

**FSCIC Regulatory Body & CCIC College of Citizenship and Immigration Councils of Canada**

**By-Law No. 2**

**FEES AND REMUNERATION BY-LAW**

**Table of Contents**

	<b>Page</b>
<b>APPLICATION FEES.....</b>	<b>1</b>
<b>ANNUAL FEES .....</b>	<b>1</b>
<b>COMMITTEE AND PROGRAM FEES .....</b>	<b>2</b>
<b>PENALTY FEES AND INTEREST ON UNPAID FEES..... ..</b>	<b>3</b>
<b>FEES FOR NON-NEGOTIABLE PAYMENT .....</b>	<b>3</b>
<b>FAILURE TO PROVIDE INFORMATION.....</b>	<b>4</b>
<b>OTHER FEES AND MISCELLANEOUS PROVISIONS.....</b>	<b>4</b>
<b>COUNCIL AND COMMITTEE REMUNERATION..... ..</b>	<b>4</b>

**FSCIC Regulatory Body & CCIC College of Citizenship and Immigration Councils of Canada**

**By-Law No. 2**

**FEES AND REMUNERATION BY-LAW**

**APPLICATION FEES**

**1.** A person who submits an application for a certificate of registration or authorization shall pay an application fee. The application fees are as follows:

- (a) For a certificate of registration authorizing postgraduate education, 10% of the annual fee specified in section 4(a);
- (b) For a certificate of registration authorizing supervised practice of a short duration, 20% of the annual fee specified in Section 4(a);
- (c) For an application for reinstatement of a certificate of registration, 60% of the annual fee specified in s. 4(a);
- (d) For any other certificate of registration, 50% of the annual fee specified in Section 4(a);
- (e) An additional fee of \$11 to offset the cost of an audit required by provincial legislation and \$15 to offset the cost of a criminal record check will be applied to every application for a certificate of registration; and
- (f) For a certificate of authorization, \$350.00.

**2.** Application fees are due at the time the application is submitted. Application fees are not refundable, either in whole or in part.

**ANNUAL FEES**

**3.** Every holder of a certificate of registration or authorization, other than a holder of a certificate of registration authorizing supervised practice of a short duration or authorizing postgraduate education for an elective appointment, shall pay an annual fee.

**4.** Annual fees are as follows:

- (a) \$1410 for holders of a certificate of registration other than a certificate of registration authorizing postgraduate education and other than a certificate of registration authorizing supervised practice of a short duration;
- (b) For a holder of a certificate of registration authorizing postgraduate education, 20% of the annual fee set out in s.4(a); and
- (c) For a holder of a certificate of authorization, \$125 each year.

5. In addition to the amounts set out in s. 4, any outstanding balance owing to the College in respect of any decision made by a committee, and any fees payable under this by-law will be added to and included in the annual fees.

6. The due dates for the payment of annual fees are as follows:

- (a) Where the FSCIC and CCIC College is issuing a certificate of registration or authorization, before the College issues the certificate;
- (b) Where the College is renewing a certificate of registration, other than a certificate of registration authorizing postgraduate education, on June 1 of each year;
- (c) Where the FSCIC and CCIC College is renewing a certificate of registration authorizing postgraduate education, before the expiry of the previous certificate; and
- (d) Where the FSCIC and CCIC College is renewing a certificate of authorization, on the anniversary of the certificate's date of issue.

#### **COMMITTEE AND PROGRAM FEES**

7. The FSCIC and CCIC College may charge a member or Citizenship and Immigration profession corporation a fee in connection with decisions or activities that the College or a College committee are required or authorized to make or do with respect to a member or Citizenship and Immigration profession corporation. Such fees may include an administrative component relating to the decision or activity.

8. Committee and program fees include, but are not limited to, the following:

- (a) Costs of the hearing or other items ordered by the Discipline Committee;
- (b) For assessment and evaluation through the Quality Assurance Committee:
  - (i) \$1,400 for a peer assessment or re-assessment; and
  - (ii) \$3,700 for a Council review program, whether an initial evaluation or a re-evaluation;
- (c) For Council education and remediation programs:
  - (i) For individual education or remediation programs, the fee charged by the supervisor, monitor, preceptor or trainer, in addition to any administration fee charged by the College;
  - (ii) For programs given by a university or other education institution, the fee charged by the institution;
  - (iii) \$900 for the Councils' Prescribing Skills course;

- (iv) \$800 for the Council-Client Communication and Interviewing Skills course;
  - (v) \$475 for the Citizenship and Immigration Record-Keeping for Councils Course; and
  - (vi) \$1,200 for the Understanding Boundary Issues and Managing the Risks Inherent in the Council-Client Relationship course.
- (d) For monitoring, supervision, or assessment pursuant to a decision of the Registration Committee, the fee charged by the monitor, supervisor or assessor in addition to any administration fee charged by the CCIC College;
  - (e) For the FSCIC and CCIC College's premises inspection program, the costs to the CCIC College of completing an inspection as authorized by specific Regulation, including but not limited to costs relating to inspectors, the review of premises inspection reports, preparation of written reports, monitoring compliance with conditions, and any administration fee charged by the College;
  - (f) Fees relating to activities, including but not limited to programs and assessments, referred to in undertakings entered into by a member with the College; and
  - (g) Fees relating to orders and directions of FSCIC and CCIC College Committees.

9. The FSCIC and CCIC College may require a member, applicant, or Citizenship and Immigration profession corporation to pay a committee or program fee that is not set out in section 8, in which case the College shall provide the member, applicant or Citizenship and Immigration profession corporation with an invoice setting out the fee.

#### **PENALTY FEES AND INTEREST ON UNPAID FEES**

10. A member who fails to pay an annual fee on or before the day on which the fee is due, other than a fee for a certificate of registration authorizing postgraduate education or a fee for a certificate of authorization, shall pay the FSCIC and CCIC College, in addition to the annual fee, a penalty fee of 25% of the applicable annual fee set out in s. 4.

11. The FSCIC and CCIC College may charge interest at a rate of 1.5% per month on any fee, including a penalty fee, that is unpaid as of the applicable due date, and the College shall consider the accrued interest on any unpaid fee as part of the fee itself.

**FEES FOR NON-NEGOTIABLE PAYMENT**

12. A member shall pay the CCIC College a fee of \$50 where a financial institution returns a member's cheque as non-negotiable, or the member's payment by credit card to the College is not accepted by the member's credit card provider.

### **FAILURE TO PROVIDE INFORMATION**

**13.** The FSCIC and CCIC College may charge a member a fee of \$50 for each notice it sends to the member for his or her failure to provide by the due date or, where there is no due date specified, within 30 days of a College written request in a form approved by the Registrar, any information that the College is required or authorized to request and receive from the member.

### **OTHER FEES AND MISCELLANEOUS PROVISIONS**

**14.** The fee for a wall certificate of a member's certificate of registration is \$75.00

**15.** There is a \$25 fee for the College to change the member's name on the public register and to issue new registration documents to reflect the name change.

**16.** There is a \$50 fee for the FSCIC and CCIC College to issue a certificate of professional conduct for a member.

**17.** A person who requests the Registrar to do anything that the Registrar is required or authorized to do by statute, regulation or by-law shall pay either:

- (a) The Consulted fee, or
- (b) If there is no Consulted fee, the fee set by the Registrar.

**18.** The obligation of a member or professional corporation to pay a fee continues, despite any failure of the College to provide notice of the fee or provide notice of the fee by a certain date, or despite a failure of the member or Professional Corporation to receive notice of the fee.

**19.** The fees set out in this by-law are exclusive of any applicable taxes.

### **COUNCIL AND COMMITTEE REMUNERATION**

**20.** (1) In this section, "committee" includes a special committee, task force or other similar body established by the council or the executive committee by resolution.

(2) Nothing in this section applies to a person appointed to the council by the Lieutenant Governor in Council or to an employee of the College.

(3) The amount payable to members of the council and a committee is, subject to subsections (4) and (5),

- (a) for attendance at, travel to, and preparation for, meetings to transact CCIC College business,

- (i) \$540 per half day for the president,
  - (ii) \$446 per half day for the vice-president, and
  - (iii) \$413 per half day for the other members, and
- (b) for transacting College committee business by telephone or electronic means of which minutes are taken, the corresponding hourly rate (i.e. President, Vice President, Member) for one hour and then the corresponding half hour rate for the half hour or major part thereof after the first hour.
- (4) The amount payable to members of the council and a committee for travel to or from home, or both, is a maximum of three hours per one way trip, and no member shall charge the College for the first hour travelled on each portion of the trip.
- (5) The amount payable to members of the council and a committee for preparation for a meeting is the amount payable under clause (4)(3)(a), but in each month the first three hours of preparation for each of the first two meetings are non-compensable. Preparation Time will be approved by the Chair of the Committee.
- (6) The amount payable to members of the council and a committee in reimbursement of expenses incurred in the conduct of the council's or committee's business is,
- (a) for travel by common carrier the member's actual cost for economy air fare, currently when booking with Air Canada, this is Tango or Tango Plus, transportation to and from the airports, stations or other terminals, or
  - (b) for travel by VIA 1 if the train fare does not exceed the economy air fare or, if travelling the evening before conducting College business, if the cost of the train fare plus the hotel room does not exceed the economy air fare, or
  - (c) for overnight accommodation and related maintenance (including meals) away from home, the actual amount reasonably spent to a maximum of \$300 per day away from home for both accommodation and maintenance.
- (7) No person shall be paid under this section except in accordance with properly submitted vouchers or receipts.



**FSCIC Regulatory Body & CCIC College of Citizenship and Immigration Councils of Canada**

**By-law for**

**DECLARED EMERGENCY**

**November 10, 2010**

**FSCIC Regulatory Body & CCIC College of Citizenship and Immigration Councils of  
Canada  
By-law No. 42**

1. The provisions of this By-law shall only take effect during a declared emergency.
2. A declared emergency shall occur in any of the following circumstances:
  - (a) the Executive Committee has, by majority resolution, declared there to be an emergency;
  - (b) the Registrar has declared there to be an emergency provided that the Registrar may only do so if there has been a declared emergency under the Emergency Management and Civil Protection Act anywhere in Canada and the Executive Committee is unable to meet within twenty-four (24) hours of such declaration.
3. In the event of a declared emergency the following provisions shall apply to the governance of Council:
  - (a) the Registrar or the Executive Committee, as the case may be, shall give immediate notice to every member of Council that a declared emergency exists;
  - (b) in the event that during the declared emergency there shall be a vacancy or vacancies on the Executive Committee, such vacancy or vacancies shall be deemed to be filled by a member of Council in the order in which such member's name appears on a list prepared and approved from time to time by Council by resolution and appended to this By-law;
  - (c) a position on the Executive Committee may be declared vacant by the other members of the Executive Committee if the Council member holding that position on the Executive Committee is considered by the other members of the Executive Committee to be unable to participate in Executive Committee meetings due to a circumstance connected to the declared emergency;
  - (d) all members of Council shall be ex-officio members of the Registration Committee;

in the event that an election of Members to Council is not able to be held, the term of office of the elected Council Members shall continue notwithstanding Section 11 of the General By-law until the first regular meeting of Council held after the election; time on such notice as is sufficient for a quorum to be present in person or by teleconference and such meeting may consider and deal with any matter that the Council agrees to consider by a majority vote of those in attendance and voting.

4. In the event of a conflict between this By-law and any other By-law of the College,

(f) Despite Subsections 29 (3) and 29 (4) of the General By-law, a  
Council meeting may be called by the President or Registrar at any

the provisions of this By-law shall prevail.

5. A declared emergency shall cease when the Executive Committee or Council declares, by resolution, the emergency is over.



**UNIVERSAL SUBMISSION**  
CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS

**CCIC -College of Citizenship and Immigration Council of Canada**

**GENERAL BY-LAW**

**November 2010**

**CCIC - College of Citizenship and Immigration Councils of Canada**

**General By-Law**

**Table of Contents**

	Page
<b>Part 1. Business Practices</b>	
Banking .....	1
Investment.....	1
Borrowing .....	1
Expenses .....	2
Fiscal Year .....	3
Audit .....	3
Indemnification .....	4
<b>Part 2. The Council</b>	
Elections.....	5
Definition.....	5
Electoral Provinces.....	5
Number of Members to be Elected .....	6
Term of Office .....	6
Election Date .....	6
Eligibility for Election.....	6
Notice of Election and Nominations.....	7
Nomination Procedure .....	7
Mail Disruption .....	7
Acclamation.....	7
Registrar’s Electoral Duties .....	7
Number of Votes to be Cast .....	8
Tie Votes .....	8
Recounts .....	8
Disqualification of Elected Members .....	8
Filling of Vacancies .....	9
Academic Selection .....	9
Academic Advisory Committee .....	9
Appointments .....	10
Selection of Councillors. ....	10

Disqualification of Selected Councillors .....	10
Meetings and Officers .....	11
Council Meetings .....	11
Meeting Process .....	12
Executive Delegation.....	13
Presidential Officers.....	13
Vacancies in Presidential Offices.....	14

**Part 3. Committees**

Appointments and Procedure.....	14
Definition.....	14
Committee Composition.....	14
Appointment of Members to Committees.....	15
Disqualification of Members from Committees.....	15
Committee Appointments and Term.....	16
Committee Meetings.....	16
Statutory Committees.....	17
Executive Committee.....	17
Client Relations Committee.....	17
Quality Assurance Committee.....	18
Summonses.....	18
Standing Committees.....	18
Establishment.....	18
Council Award Selection Committee.....	18
Education Committee.....	19
Finance Committee.....	19
Governance Committee.....	20
FSCIC Expert Advisory Committee.....	20
FSCIC Committee.....	20
Nominating Committee.....	21
Outreach Committee.....	21
Premises Inspection Committee.....	21

**Part 4. Registration Matters**

Names in the Register.....	22
Content of Register Entries.....	22
Public Information.....	24
Notification Required by Members.....	25
Emeritus Status.....	27
Expiry and Renewal of Emeritus Status.....	27

**Part 5. By-Laws**

Making and Numbering.....	28
---------------------------	----

**Schedule 1 to By-Law No. 1**

**RULES OF ORDER OF THE COUNCIL**

<i>G e n e r a l P r o c e d u r e . . . . .</i>	29
<i>Motions.....</i>	29
<i>Amendments and other subordinate motions.....</i>	29
<i>Preserving Order.....</i>	30

## CCIC - College of Citizenship and Immigration Councils of Canada

### General By-Law

#### Part 1. Business Practices

##### Banking

1. (1) The executive committee shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the College.

(4) All money belonging to the College shall be deposited in the name of the College with the bank.

(5) The signing officers are the Registrar, the Executive Assistant to the Registrar, the Deputy Registrar, the Director responsible for Finance, the Manager of Finance and the Corporate Services Officer.

##### Investment

2. (1) Funds of the College that are not immediately required may be invested by an investment dealer selected by, and acting in accordance with criteria or parameters given by, the finance committee, only in,

- (d) bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada,
- (e) deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank listed in schedule A to the *Bank Act* (Canada), or
- (f) an investment-grade money market fund previously approved for the purpose by the finance committee.

(2) The executive committee may by resolution decide to invest or reinvest funds of the College that are not immediately required in any investment which the executive committee considers advisable, and two signing officers may implement the decision.

##### Borrowing

3. (1) The council may by resolution,

- (d) borrow money on the credit of the College,
- (e) limit or increase the amount or amounts to be borrowed, and
- (f) secure any present or future borrowing, or any debt, obligation, or liability of the College, by charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the College, whether present or future.

(5) Despite section 30, the executive committee shall not exercise the powers or duties of the council under subsection (1) or take any similar action.

(6) The council or the executive committee may by resolution borrow money on behalf of the College for periods of six months or less secured only by investments of the College of the type mentioned in subsection 3(1).

(7) Two signing officers may sign documents to implement a decision made under subsection (1) or subsection (3).

## **Expenses**

4. (1) Goods may be purchased or leased, and services may be obtained, for the benefit of the College if the purchase, lease or obtaining of services is authorized by,

- (f) a signing officer if the resulting obligation does not exceed \$25,000 and the expenditure is authorized by the College budget;
- (g) the registrar, the deputy registrar or corporate services officer if the resulting obligation does not exceed \$75,000 and the expenditure is authorized by the College budget;
- (h) the registrar, deputy registrar and one of the president or vice-president if the resulting obligation exceeds \$75,000 and the expenditure is authorized by the College budget;
- (i) the registrar and one of the president or vice-president after, if the expenditure is not authorized by the College budget, conferring with the finance committee; or
- (j) the executive committee or the council, by resolution.

(2) Two signing officers one or both of whom did not authorize the purchase, lease or obtaining of services may sign,

- (c) a cheque for goods purchased or leased, or services obtained, in accordance with subsection (1); and
- (d) a document to implement a decision with financial implications for the College made by the council or the executive committee by resolution.

(3) Without derogating from the authority under subsection (1) to obtain legal services, legal advice or representation may be obtained for the benefit of the College,

- (c) if the resulting obligation is authorized by the College budget, by the administrative head of the College's legal office; or
- (d) that is not authorized by the College budget, by the administrative head of the College's legal office with the concurrence of,

- (iii) one of the registrar or the deputy registrar; and
- (iv) one of the president or the vice-president after conferral with the finance committee.

(6) Two signing officers may sign a cheque for legal services obtained in accordance with subsection (3).

(7) Two signing officers may sign a salary cheque for an employee of the College or may authorize salary payment to an employee of the College by means of electronic transfer of funds to the employee's bank account.

### **Fiscal Year**

7. The fiscal year of the College is the calendar year.

### **Audit**

8. (1) In this section, "auditor" means the person or people appointed under clause 28(4)(b).

(8) The council shall fill any temporary vacancy in the office of auditor but, while such vacancy continues, the surviving or continuing auditor, if any, shall continue as auditor.

(9) The registrar shall give notice of every appointment and reappointment of an auditor to the auditor in writing promptly after the appointment or reappointment is made, together with a copy of this part and of the Fees and Remuneration By-Law.

(10) The auditor shall make such examinations as will enable him or her to report to the council as required by law and under this section.

(11) The auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and is entitled to require from the councillors, officers and employees of the College such information as in his or her opinion is necessary to enable him or her to report as required by law or under this section.

(12) The auditor is entitled to attend any meeting of the council and to be heard at any such meeting that he or she attends on any part of the business of the meeting that concerns him or her as auditor.

(13) The auditor shall report,

- (a) in person to the finance committee on the financial statements and related matters as soon as possible after the financial statements are prepared and as long as possible before the annual financial meeting, and

be submitted to each annual financial meeting and shall state in the report whether, in his or her opinion, the financial statements present fairly, in all material respects, the financial position of the College and the results of its operations for the period under audit in accordance with generally accepted accounting principles,

(11) As shortly as practical after each annual financial meeting, the College shall, in a publication sent to the membership of the College generally, publish the financial statements submitted to that meeting, together with a report from the auditor on those financial statements indicating whether, in his or her opinion, the financial statements present fairly, in all material respects, the financial position of the College and the results of its operations for the period under audit in accordance with generally accepted accounting principles, and comparing the information in the statement with that of the preceding fiscal year.

(12) For the purposes of subsection (7), the registrar is responsible to send notices of every meeting of the council to the auditor.

(13) Despite section 30, the executive committee shall not exercise the powers or duties of the council under this section.

### **Indemnification**

7. (1) Every councillor, and his or her heirs, executors and administrators, and estate and effects, shall from time to time and at all times be indemnified and saved harmless out of the funds of the College from and against,

- (c) all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him or her, in or about the execution of the duties of his or her office; and
- (d) all other costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof,

except such costs, charges or expenses as are occasioned by his or her own willful neglect or default.

(2) If an employee (including a lawyer who is an employee) of the College is named in a civil suit or, in the case of a lawyer, in a law society proceeding, and the subject matter relates to the person's employment by the College, the College will pay for the employee's legal representation in the proceedings and any appeal, and will pay any sum of money the employee or the employee's estate becomes liable to pay in connection with the matter but, if the court finds that the employee has been deliberately dishonest or has committed a criminal offence, the College will not be liable for such payment.

## **Part 2. The Council**

### **ELECTIONS**

#### **Definition**

**8.** In this part,

- (c) "election" means an election of members to the council and includes a regular election and a by-election; and
- (d) "regular meeting" of the council includes an annual general meeting and an annual financial meeting.

#### **Electoral Provinces**

**9.** (1) The following electoral provinces are established for the purpose of elections:

- 11. Electoral Province 1, composed of the Province of Quebec.
- 12. Electoral Province 2, composed of Province of Canada
- 13. Electoral Province 3, composed of Province of British Columbia.
- 14. Electoral Province 4, composed of the Province of Alberta
- 15. Electoral Province 5, composed of the Province of Nova Scotia
- 16. Electoral Province 6, composed of the Province of Manitoba
- 17. Electoral Province 7, composed of the province of [Saskatchewan](#)
- 18. Electoral Province 8, composed of the province of [New Brunswick](#)

10 Electoral Province 10, composed of the City of Toronto.

(2) The electoral Province in which a member is eligible to vote is the Province in which, on the thirtieth day prior to the date fixed for the election, the member principally practises or, if the member is not engaged in the practice of Citizenship and Immigration law, in the Province in which the member principally resides.

### **Number of Members to Be Elected**

10. (1) Except for electoral Provinces 4, 5, 7 and 10, one member is to be elected for each electoral Province.

(2) Two members are to be elected for each of electoral Provinces 4, 5 and 7 and four members are to be elected for electoral Province 10.

### **Term of Office**

11. The term of office of a member elected in a regular election is three years, starting at the first regular meeting of the council held in November after the election and expiring at the first regular meeting of the council held in November after the election three years later.

### **Election Date**

12. (1) A regular election shall be held in,

- (d) October 2000, and in every third year after that for Provinces 6, 7, 8 and 9;
- (e) October 2001, and in every third year after that for Provinces 1, 2, 3 and 4; and
- (f) October 2002, and in every third year after that for Provinces 5 and 10.

(2) Subject to subsection (1), the council shall set the date for each election of members to the council.

### **Eligibility For Election**

13. (1) A member is eligible for election to the council in an electoral Province if, on the date of the election,

- (d) the member is engaged in the practice of Citizenship and Immigration law in the electoral Province for which he or she is nominated or, if the member is not engaged in the practice of Citizenship and Immigration law, is resident in the electoral Province for which he or she is nominated;
- (e) the member is not in default of payment of any fees Consulted in any regulation made under the *Regulated Citizenship and Immigration Professions Act, 1991* or the *Citizenship and Immigration law Act, 1991*;

- (f) the member is not the subject of any disciplinary or incapacity proceeding;

- (g) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the election;
- (h) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted in any regulation made under the *Regulated Citizenship and Immigration Professions Act, 1991* or the *Citizenship and Immigration law Act, 1991*; and
- (i) the member is not a director or officer of the Canada Citizenship and Immigration Association.

(2) A member is not eligible for election to the council who, if elected, would be unable to serve completely the three-year term Consulted by section 11 by reason of the non-consecutive-year term limit Consulted by subsection 5(2) of the Citizenship and Immigration Professions Procedural Code.

### **Notice of Election and Nominations**

19. No later than sixty days before the day of an election, the registrar shall notify every member who is eligible to vote of the date, time and place of the election and of the nomination procedure.

### **Nomination Procedure**

20. The nomination of a candidate for election as a councillor shall be in writing and shall be given to the registrar at least forty-nine days before the date of the election.

### **Mail Disruption**

21. Where there is an interruption of mail service during a nomination or election, the registrar shall extend the holding of nominations and the election for such minimum period of time as the registrar considers necessary to compensate for the interruption.

### **Acclamation**

22. If the number of candidates nominated for an electoral Province is less than or equal to the number of members to be elected in the electoral Province, the registrar shall declare the candidates to be elected by acclamation.

### **Registrar's Electoral Duties**

23. (1) The registrar shall supervise and administer the election process and may, for the purpose of carrying out that duty, subject to any other applicable provision in this by-law,

- (e) appoint returning officers and scrutineer;
- (f) establish a deadline for the receiving of ballots;
- (g) establish procedures for the opening and counting of ballots;
- (h) provide for the notification or all candidates and members of the results of the elections;  
and

(e) provide for the destruction of ballots following an election.

(2) No later than twenty-one days before the date of an election, the registrar shall send to every member eligible to vote in an electoral Province in which an election is to take place a list of candidates in the electoral Province, a ballot and an explanation of the voting procedure as set out in the by-laws.

### **Number of Votes to Be Cast**

23. (1) A member may cast as many votes on a ballot in an election of members to the council as are members to be elected to the council from the electoral Province in which the member is eligible to vote.

(2) A member shall not cast more than one vote for any one candidate. **Tie**

### **Votes**

24. If there is a tie in an election of members to the council, the registrar shall break the tie by lot.

### **Recounts**

25. (1) A candidate may require a recount by giving a written request to the registrar no more than fourteen days after the date of an election and paying a fee of \$500.

(2) The registrar shall hold the recount no more than thirty days after receiving the request.

### **Disqualification of Elected Members**

26. (1) An elected member is disqualified from sitting on the council if the member,

- (g) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (h) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (i) fails, without cause, to attend three consecutive meetings of the council;
- (j) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member;
- (k) ceases to either practise or reside in the electoral Province for which the member was elected;  
or
- (l) is or becomes a director or officer of the Canada Citizenship and Immigration Association.

### **Filling of Vacancies**

23. (1) If the seat of an elected councillor becomes vacant not more than twelve months before the expiry of the member's term of office the council may,

- (d) leave the seat vacant;
- (e) appoint as an elected member the candidate if any who had the most votes of all the unsuccessful candidates in the last election of councillors for that electoral Province; or
- (f) direct the registrar to hold a by-election for that electoral Province in accordance with this by-law.

(4) If the seat of an elected councillor becomes vacant more than twelve months before the expiry of the member's term of office, the registrar shall hold a by-election for that electoral Province in accordance with this by-law.

(5) The term of office of a member appointed under clause (1)(b) or elected in a by-election expires when the former councillor's term would have expired.

### **ACADEMIC SELECTION**

#### **Academic Advisory Committee**

24. (1) An Academic Advisory Committee shall be established and shall be composed of members appointed under this section.

(4) Between one and two months before the meeting of the council when the term of office of newly elected councillors starts, the dean of each faculty of Citizenship and Immigration law of a university in Canada may appoint one member to the academic advisory committee.

(5) A member is eligible for appointment to the academic advisory committee if, on the date of the appointment,

- (g) the member is on the academic staff of the faculty of Citizenship and Immigration law;
- (h) the member is not in default of payment of any fee payable to the College;
- (i) the member is not the subject of any disciplinary or incapacity proceeding;
- (j) the member's certificate of registration has not been revoked or suspended in the six years preceding the appointment;
- (k) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted by a regulation; and
- (l) the member is not a director or officer of the Canada Citizenship and Immigration Association.

## **Appointments**

**25.** A member shall be appointed to the academic advisory committee for a term of about a year, from the first meeting of the council after his or her appointment when elected councillors take office until the next such meeting.

## **Selection of Councillors**

**26.** (1) Three members of the academic advisory committee shall be selected as councillors in accordance with this section.

(5) At the last meeting of the council before the meeting when the term of office of newly elected councillors starts, a vote shall be held by Council to select as councillors three members of the academic advisory committee. The academic advisory committee shall recommend three of its members to Council and Council shall vote by a show of hands as to whether to accept the three proposed members as councillors.

(6) Should the majority of those present at Council eligible to vote accept the three members proposed by the academic advisory committee as members of Council, those members shall be councillors for the following year.

(7) Should the academic advisory committee not propose three members to be selected as councillors, or should Council not select, by the method outlined in paragraph 2 above, the three members proposed by the academic advisory committee, a vote shall be held at Council in which all members of the academic advisory committee are placed on a ballot. Each councillor may vote for up to three members of the academic advisory committee. The three members of the academic advisory committee for whom the most ballots are cast will be selected as councillors for the following year.

## **Disqualification of Selected Councillors**

**27.** (1) A person selected as a councillor is disqualified from sitting on the council if the member,

- (g) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (h) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (i) fails without cause, to attend five consecutive meetings of the council;
- (j) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member;
- (k) ceases to be on the academic staff of the faculty of Citizenship and Immigration law from which the member was selected; or
- (l) is or becomes a director or officer of the Canada Citizenship and Immigration Association.

(2) If a councillor is disqualified from sitting on the council under subsection (1), the council shall select a replacement from among the members of the academic advisory committee who are not disqualified from sitting on the council and are not councillors.

## MEETINGS AND OFFICERS

### Council Meetings

28. (1) The council shall hold,

- (e) an annual general meeting, which shall be called by the president between November 1st and December 14th of each year,
- (f) an annual financial meeting, which shall be called by the president between March 1st and June 30th of each year,
- (g) regular meetings other than the annual general meeting and the annual financial meeting, which shall be called by the president from time to time, and
- (h) special meetings, which may be called by the president or by any 12 councillors if the president or 12 councillors deposit with the registrar a written requisition for the meeting containing the matter or matters for decision at the meeting.

(2) The council shall at each annual general meeting,

- (c) elect a president and vice-president to hold office until the next annual general meeting and, if an election is not so held, the president and vice-president shall continue in office until their successors are elected, and
- (d) approve a budget authorizing expenditures for the benefit of the College during the following fiscal year.

(3) Council shall annually elect a President and a Vice President. Should there be more than one nominee for either office, that office shall be selected by secret ballot using generally accepted democratic procedures, and the nominee who receives the lower number of votes on each ballot shall be deleted from nomination unless one nominee receives a majority of the votes cast on the ballot, and this procedure shall be followed until one nominee receives a majority of the votes cast.

(4) The council shall at each annual financial meeting,

- (c) consider and, if thought fit, approve the financial statements for the preceding fiscal year and the auditor's report, and
- (d) appoint one or more auditors who are duly licensed under the *Public Accountancy Act* to hold office until the next annual financial meeting and, if an appointment is not so made, the auditor in office shall continue until a successor is appointed.

## Meeting Process

29. (1) Meetings of the council shall take place in Canada at a place, date and time designated by the president or the 12 councillors calling the meeting but, if a place, date or time is not designated or is incompatible with the by-laws, the registrar shall select a place, date and time compatible with the by-laws which is as close as he or she can reasonably select to the place, date and time designated by the person or people calling the meeting.

(2) No formal notice is required for a meeting of the council and, at any meeting for which notification has been sent in accordance with subsection (3), the council may consider and transact any matter brought in accordance with subsection (4).

(3) The registrar shall cause each councillor to be notified in writing of the place, date and time of a council meeting, by sending such notification at least,

- (c) 14 days before a regular meeting; and
- (d) 5 days before a special meeting;

and the registrar is responsible for including in or with the notification of a special meeting the matter or matters for decision contained in the requisition of the meeting deposited with him or her.

(4) The council shall, and may only, consider,

- (a) at a special meeting, the matter for decision at the meeting contained in the requisition deposited with the registrar;
- (b) at a regular meeting, a motion made and seconded in writing,
  - (v) on behalf of the executive committee;
  - (vi) in a report by a committee which has received prior review by the executive committee;
  - (vii) of which a notice of motion was given by a councillor at the preceding council meeting; or
  - (viii) which the councillors agree to consider by a two-thirds vote of those in attendance; and
- (c) at any meeting, routine and procedural motions in accordance with the rules of order.

(5) The president is responsible for the organization of an agenda for each council meeting, which shall be distributed to the councillors as long a time before the meeting as is practical.

(6) Each agenda for a Council meeting shall include an anticipated time for the consideration of each item on the agenda, and a period during which councillors may ask questions of the Executive Committee, or raise topics for informal discussion, that are relevant to

the affairs of the College.

(14) The president or his or her appointee for the purpose shall be the presiding officer for meetings of the council.

(15) Unless otherwise required by law or by the by-laws, every motion which properly comes before the council may be decided by a simple majority of the votes cast at the meeting by the councillors in attendance (including a councillor who is the presiding officer) and, if there is an equality of votes on a motion, the motion shall be deemed to have been defeated.

(16) Every vote at a council meeting shall be by a show of hands except that, if any two councillors so require, the presiding officer shall require the councillors voting in the affirmative and in the negative, respectively, to stand until they are counted and, in either case, the presiding officer shall declare the result of every vote, and his or her declaration is final.

(17) The registrar is responsible for the recording of the proceedings of each council meeting, and the written record of the council meeting is, when signed by the persons purporting to be the presiding and recording officers thereof, proof in the absence of evidence to the contrary that the written record accurately reflects the proceedings of the council meeting.

(18) The written record of the proceedings of a council meeting when accepted at a subsequent council meeting, subject to any corrections made at such subsequent meeting, is conclusive proof that the written record accurately reflects the proceedings of the council meeting.

(19) Whether or not a quorum is present, the presiding officer may adjourn any properly called council meeting and reconvene it at any time and from time to time and, if a quorum is present at any reconvened meeting, any matter may be considered and transacted at it which could have been transacted at the original meeting which was adjourned.

(20) The rules of order in schedule 1 to this by-law are the rules of order for meetings of the council.

### **Executive Delegation**

32. The executive committee may exercise all the powers and duties of the council with respect to any matter that, in the opinion of the executive committee, requires attention between meetings of the council.

### **Presidential Officers**

33. (1) The president is the chief officer of the College, and the other members of the executive committee shall assist the president in the discharge of his or her duties.

(2) The vice-president is the deputy chief officer of the College and shall discharge the

duties of the president if the president is unavailable.

### **Vacancies in Presidential Offices**

**32.** (1) The office of president or vice-president becomes vacant if the holder of the office dies, resigns, stops being a councillor or is removed from office by a vote of council at a special meeting called for that purpose and, in the case of the vice-president, in accordance with clause (2)(b).

(2) If the office of the president becomes vacant,

- (d) the vice-president becomes the president for the unexpired term of the office;
- (e) the office of vice-president thereby becomes vacant; and
- (f) the council shall fill any vacancy in the office of vice-president at a special meeting which the president shall call for that purpose as soon as practicable after the vacancy occurs.

(3) If the offices of the president and of the vice-president become vacant concurrently,

- (c) the longest-serving member of the executive committee who is a member of the College becomes the president *pro tempore* until the council fills the vacancies;
- (d) the council shall fill both vacancies at a special meeting which the president *pro tempore* shall call for that purpose as soon as practicable after the vacancies occur.

## **Part 3. Committees**

### **APPOINTMENTS AND PROCEDURE**

#### **Definition**

**33.** In this part, unless otherwise defined or required by the context, "committee" means any committee of the College, whether established by or under the Citizenship and Immigration Professions Procedural Code, the regulations or the by-laws.

#### **Committee Composition**

**34.** (1) Unless otherwise required by law or this by-law,

- (a) the council shall appoint the members of each committee and a chair of each committee;

(3) omitted

(4) The council and the executive committee may establish special committees, and may appoint the members to, and establish the powers and duties of, any such special committee.

### **Appointment of Members to Committees**

**35.** (1) The council may appoint a member of the College to a committee only if, on the date of the appointment,

- (f) the member practises Citizenship and Immigration law in Canada or resides in Canada;
- (g) the member is not in default of payment of any Consulted fees;
- (h) the member is not the subject of any disciplinary or incapacity proceeding;
- (i) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment; and
- (j) the member's certificate of registration is not subject to a term, condition or limitation other than one Consulted by a regulation.

(2) The council may appoint a person who is not a member of the College or a councillor to a committee.

### **Disqualification of Members from Committees**

**36.** (1) A committee member who is a member of the College is disqualified from sitting on the committee if the member,

- (f) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the discipline committee;
- (g) is found to be an incapacitated member by a panel of the fitness to practise committee;
- (h) fails, without cause in the opinion of the executive committee, to attend three consecutive meetings of the committee or of a subcommittee of which he or she is a member;
- (i) fails, without cause in the opinion of the executive committee, to attend a hearing or review of a panel for which he or she has been selected; and
- (j) neither practises nor resides in Canada.

(4) A committee member who is a member of the council and becomes disqualified from sitting on the council is thereby disqualified from sitting on the committee.

(5) The term of office of a committee member expires in the event that the committee member is

disqualified from sitting on the committee.

(b) each committee shall be composed of such members of the College and others as the

### **Committee Appointments and Term**

37. (1) The term of office of a committee member starts when he or she is appointed or at such later time as the council specifies in the appointment.

(5) The term of office of a committee member automatically expires at the annual general meeting of the council which occurs next after the appointment.

(6) Where one or more vacancies occur in the membership of a committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the quorum Consulted by law or this by-law.

(7) The executive committee may and, if necessary for a committee to achieve its quorum, shall make appointments to fill any vacancies which occur in the membership of a committee.

### **Committee Meetings**

38. (1) This section does not apply to a proceeding of a committee or a panel of a committee that is held for the purpose of conducting a hearing.

(8) Each committee shall meet from time to time at the direction of the council or the executive committee or the call of the chair at a place in Canada, date and time designated by the chair.

(9) No formal notice is required for a meeting of a committee but the chair of each committee shall designate a College employee involved in the administration of the committee's affairs who shall make reasonable efforts to notify all the committee members informally of every meeting and to arrange the meeting date and time for the convenience of the committee members.

(10) Unless otherwise required by law or this by-law, a majority of the members of a committee constitutes a quorum.

(11) The chair or his or her appointee for the purpose shall preside over meetings of the committee.

(12) Every question which comes before a committee may be decided by a majority of the votes cast at the meeting (including a committee member who is the presiding officer) and, if there is an equality of votes on a question, the question shall be deemed to have been defeated.

(13) A meeting of the Council, or a meeting of members of a committee or of a panel of a committee that is held for any purpose other than conducting a hearing, may in the discretion of the chair be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously.

(11) The presiding officer is responsible for the recording of the deliberations at every committee meeting, and the written record is, when signed by the persons purporting to be the presiding and recording officers thereof, proof in the absence of evidence to the contrary that the written record accurately reflects the deliberations at the committee meeting.

(12) The written record of the deliberations at a committee when accepted at a subsequent committee meeting, subject to any corrections made at such subsequent meeting, is conclusive proof that the written record accurately reflects the deliberations at the committee meeting.

(13) The written record of the deliberations at every committee meeting shall be deposited with the registrar promptly after it has been signed by the presiding and recording officers.

## **STATUTORY COMMITTEES**

### **Executive Committee**

**39.** (1) The executive committee shall be composed of,

- (d) the president and the vice-president;
- (e) the past president and one member of the college who is a councillor or, if the past president is unwilling or unable to serve on the executive committee, two members of the College one or both of whom are councillors; and
- (f) one or two councillors appointed to the council by the Lieutenant Governor in Council.

(2) The president is the chair of the executive committee. **Client**

### **Relations Committee**

**39.1** The Client Relations Committee shall be composed of only:

- (c) no fewer than 2 and no more than 4 members of the College who are not currently Councillors or current members of other committees; and
- (d) one or two members of the public who are not members of the College and who are not currently appointed to the Council by the Lieutenant Governor and Council.

### **Quality Assurance Committee**

42. A panel of three or more members of the quality assurance committee appointed by the chair of the quality assurance committee is a quorum, and may discharge the duties and exercise the authority, of the quality assurance committee.

### **Summonses**

**40a.** Any member of a committee that is a tribunal may sign summonses issued under subsection 12(1) of the *Statutory Powers Procedure Act*.

## **STANDING COMMITTEES**

### **Establishment**

43. The following committees are the standing committees.

- 1 Council Award Selection Committee
- 2 Education Committee
- 3 Finance Committee
- 3a Governance Committee
- 4 FSCIC Committee
- 5 Nominating Committee [*repealed: May 2003*]
- 6 Outreach Committee
- 7 Premises Inspection Committee

### **Council Award Selection Committee**

**41a.**-(1) The Council Award Selection Committee shall be composed of,

- (c) the president and the three most immediate past presidents except for any of the three most immediate past presidents who are unable or unwilling to be on the committee; and
- (d) a member of the Council who was appointed to the Council by the Lieutenant Governor in Council appointed by the Executive Committee.

(4) The past president shall be the chair of the Council Award Selection Committee if he or she is a member of the committee.

(5) The Council Award Selection Committee shall select the person or people to whom to award the Council Awards.

### **Education Committee**

**42.** (1) The education committee shall include all the persons appointed to the academic advisory committee under section 24, as well as any other persons the council may appoint.

(2) The education committee shall,

- (a) review, and make recommendations to the council respecting, matters of Citizenship and Immigration education, including,
  - (iv) undergraduate studies at faculties of Citizenship and Immigration law in Canada;
  - (v) postgraduate programs of Citizenship and Immigration education in Canada; and
  - (vi) continuing Citizenship and Immigration education programs in Canada, and
- (b) develop courses of assistance to members and, if approved by the council, offer them to the members and others.

### **Finance Committee**

**43.** (1) The finance committee shall review and report to the council regarding the financial affairs and position of the College.

(2) In order to fulfil its duty under subsection (1), the finance committee shall,

- (a) meet with the auditor each year,
  - (iii) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matters to which it considers the auditor should pay attention; and
  - (iv) as shortly before the annual financial meeting as practical in order to review and discuss with the auditor the financial statements, the auditor's report and the management letter;
- (b) review the draft budget before it is presented to the executive committee, and report to the executive committee and the council arising from its review of,
  - (iv) the assumptions in the draft budget;
  - (v) the steps taken to maximize efficiency and minimize cost in relation to the quality of goods and level of service; and
  - (vi) any other issue which the committee considers may affect the financial affairs and position of the College; and
- (c) review from time to time,
  - (iii) the expenditures of the College in relation to the budget;
  - (iv) the performance and administration of the College's pension plans;

- (v) the investment strategies and performance of the College's non-pension investments; and
- (vi) the security of the College's assets generally.

(3) Except where the council or the executive committee directs otherwise by resolution, no significant expenditure shall be made that is not authorized by the budget without an opportunity for the finance committee to consider the implications of the unbudgeted expenditure and provide to the executive committee a revised budget.

### **Governance Committee**

44.-(1) The governance committee shall be composed of,

- (d) the president, the vice-president and a past president;
- (e) one councillor who is a member of the College and who is not a member of the executive committee; and
- (f) two persons appointed to the Council by the Lieutenant Governor in Council who are not members of the Executive Committee.

(4) A past president shall chair the governance committee.

(5) The Governance Committee shall,

- (f) monitor the governance process adopted by the Council and report annually to the Council on the extent to which the governance process is being followed;
- (g) consider and, if considered advisable, recommend to the Council changes to the governance process;
- (h) ensure nominations for the office of president and vice-president;
- (i) make recommendations to the Council regarding the members and chairs of committees; and
- (j) make recommendations to the Council regarding any other officers, officials or other people acting on behalf of the College.

### **FSCIC Expert Advisory Committee**

46. *Omitted*

### **FSCIC Committee**

47. The FSCCIC committee shall,

- (a) administer and govern the College's FSCIC program, including,
  - (iv) brief programs of education in Immigration law
  - (v) the establishment of guidelines or standards applicable generally to the use of FSCIC in the management of Citizenship and Immigration law dependence; and
  - (vi) a program to review the prescribing of FSCIC by members in the management of Citizenship and Immigration law dependence; and
- (b) decide whether,
  - (iii) to recommend to the Minister of Citizenship and Immigration the issuance, renewal or withdrawal of an authorization or exemption for a member to administer, Consult, give or otherwise furnish FSCIC for the management of Citizenship and Immigration law dependence; and
  - (iv) in accordance with any legislation enacted in Canada, to issue, refuse to issue or withdraw a permit for a member to administer, Consult, give or otherwise furnish FSCIC for the management of Citizenship and Immigration law dependence.

### **Nominating Committee**

48. *Omitted*

### **Outreach Committee**

49. (1) The Outreach Committee shall work collaboratively with the Communications and Government Relations department to:

- (d) help develop major communications and outreach initiatives to the profession and public;
- (e) assist in the development of major communications and government relations activities; and
- (f) develop plans to deliver on each of the communications and outreach related components of the College's strategic plan.

### **Premises Inspection Committee**

47.1 The Premises Inspection Committee shall administer and govern the College's premises inspection program in accordance with Part XI of Canada Regulation, and its duties shall include, but not be limited to:

- (c) ensuring appropriate individuals are appointed to perform inspections or re-inspections as authorized by Canada Regulation;
- (d) ensuring adequate inspections and re-inspections are undertaken and completed in a timely way using appropriate tools and mechanisms;

- (g) reviewing premises inspection reports and other material referred to in Canada Regulation and determining whether premises pass, pass with conditions or fail an inspection;
- (h) specifying the conditions that shall attach to each “pass with conditions”;
- (i) delivering written reports as required under Canada Regulation ; and
- (j) establishing or approving costs of inspections and re-inspections and ensuring the member or members performing the procedures on the premises are invoiced for those costs.

**47.2** Three members of the Premises Inspection Committee, at least one of whom shall be a person who is not a member of the College, shall constitute a quorum.

## **Part 4. Registration Matters**

### **Names in the Register**

**48.** (1) A member's name in the register shall be the member's full name and consistent with the name used by the member in his or her undergraduate Citizenship and Immigration training, as supported by documentary evidence.

(4) The registrar may direct that a member's name, which is not the name used by the member in his or her Citizenship and Immigration training, be entered in the register if the member satisfies the registrar that the member has validly changed his or her name since undergraduate Citizenship and Immigration training and that the use of the newer name is not for an improper purpose.

(5) The registrar may give a direction under subsection (2) before or after the initial entry of the member's name in the register.

### **Content of Register Entries**

**49.** (1) In addition to the information required under subsection 23(2) of the Citizenship and Immigration Professions Procedural Code, the register shall contain the following information with respect to each member:

- 6. The member's name and any changes in the member's name since his or her undergraduate Citizenship and Immigration training.
- 7. The member's gender and registration number.
- 8. The member's date and place of birth.
- 9. If the member has died, an indication that the member has died and the date of death, where that information is known to the College.
- 10. The name of the Citizenship and Immigration school from which the member received his or her undergraduate Citizenship and Immigration degree and the date the member received the degree.

6. A description of the member's postgraduate training.
7. If the member has been certified by the College that fact,
  - v. the date of the certification,
  - vi. the discipline or sub discipline in which the member is certified, and
  - vii. Whether the member was certified by examination and, if not, by what process.
8. The classes of certificate of registration held by the member and the date on which each certificate was issued and, if applicable, the termination or expiration date.
9. The member's electoral Province for elections to the council and the county or other region within the electoral Province where the member principally practises or resides.
10. The member's preferred address for communications from the College.
11. The address, telephone number, facsimile number and e-mail address of the member's principal place of practice.
12. The identity of each agency and Citizenship and Immigration facility in Canada where the member has professional privileges, and all revocations, suspensions or restrictions reported to the College by agency under s. 85.5 of the Citizenship and Immigration Professions Procedural Code,  
  
Commencing from the date this by-law goes into effect. 13. If an allegation of professional misconduct or incompetence against the member has been referred to the discipline committee and not yet decided,
  - iv. a summary of the allegation,
  - v. an indication that the matter has been referred to the discipline committee, and
  - vi. the anticipated date of the hearing, if the date has been set.
14. If a finding of professional misconduct or incompetence has been made against the member in Canada,
  - vi. that fact,
  - vii. the date of the finding and the place where it was made,
  - viii. a brief summary of the facts on which the finding was based,
  - ix. the penalty, and
  - x. subject to subsection 23(2.1) of the Citizenship and Immigration Professions Procedural Code, where the finding is under appeal, a notation to that effect.
15. If an allegation of the member's incapacity has been referred to the fitness to practise committee and not yet decided, an indication of the referral.

16. If a finding of incapacity has been made in respect of the member,

- iv. that fact,
- v. a summary of the order made by the panel hearing the matter, and
- vi. where the finding is under appeal, a notation to that effect.

(2) When an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of paragraph 16 of subsection (1) shall be removed.

### **Public Information**

**50.1** (1) All information contained in the register, other than a member's,

- (a) preferred address for communications from the College,
- (b) e-mail address,
- (c) date of birth, and
- (d) place of birth,

is designated as public except that,

- (e) if,
  - (iv) a finding of professional misconduct was made against a member,
  - (v) the penalty imposed was a reprimand or a fine, and
  - (vi) at least six years have elapsed since the penalty order became final, the finding of misconduct and the penalty are no longer public information; and
- (f) if,
  - (iii) terms, conditions or limitations were directed to be imposed upon a member's certificate of registration by a committee other than the discipline committee, and
  - (iv) the terms, conditions or limitations have been removed, the fact and content of the terms, conditions or limitations are no longer public information

(2) The information contained in the register which is designated as public shall be,

- (c) capable of being printed promptly; and
- (d) available in printed form to any person during the normal hours of operation of the offices of the College.

(3) The registrar may give any information contained in the register which is designated as public to any person in printed or oral form.

**50.2** Each member shall obtain and maintain professional liability protection that extends to

all areas of the member's practice, through one or more of

- (d) membership in the Canadian Citizenship and Immigration Protective Association;
- (e) a policy of professional liability insurance issued by a company licensed to carry on business in the province, that provides coverage of at least \$10,000,000;
- (f) coverage under the Treasury Board Policy on Legal Assistance and Indemnification.

### **Notification Required by Members**

**51.** (1) A member shall notify the College in writing of,

- (d) the member's preferred address for communications from the College;
- (e) the address and telephone number of the member's principal place of practice; and
- (f) the identity of each agency and Citizenship and Immigration facility in Canada where the member has professional privileges.

(4) If there is a change in the information provided under subsection (1), the member shall notify the College in writing of the change within thirty days of the effective date of the change.

(5) The College shall forward to its members from time to time requests for information, in a form approved by the Registrar. Each member shall accurately and fully complete and return, by the date requested by the College, such form providing such information as may be requested including:

- (j) his or her home address;
- (k) the address of all locations at which the member practises Citizenship and Immigration law;
- (l) a description of the services and Immigration Clinical activities provided at all locations at which the member engages in Citizenship and Immigration practice;
- (m) the names, business addresses and telephone numbers of the member's associates and partners.
- (n) information required to be maintained on the register of the College;
- (o) information respecting the member's participation in continuing professional development and other professional training;
- (p) the types of privileges held at each agency at which a member holds privileges;
- (q) information that relates to the professional characteristics and activities of the member that may assist the College in carrying out its objects, including but not limited to:
- (r) information that relates to the member's Citizenship and Immigration;
  - (ii) information about actions taken by other regulatory authorities and agency in respect of the member;

- (vi) information related to civil law suits involving the member;
  - (vii) information relating to criminal arrest(s) and charge(s); and
  - (viii) information relating to offences.
- (i) information for the purposes of compiling statistical information to assist the College in fulfilling its objects.

(4) When applying for a certificate of registration or a renewal of a certificate of registration, an applicant must sign a declaration that he or she complies with section 50.2 of the by-law.

(5) A member must have available at his or her office, in written or electronic form, for inspection by the College, evidence that he or she complies with section 50.2, or may have the provider of the protection under s. 50.2 provide regular updates to the College confirming compliance with s. 50.2.

(6) Section 50.2 and subsection (4) do not apply to:

- (d) a member who provides written evidence, satisfactory to the College, that s/he is not providing any Citizenship and Immigration service in Canada to any person;
- (e) a person who holds emeritus status or who is designated as a life member under section of Reg; or
- (f) a member who provides written evidence, satisfactory to the College, from his or her employer that:
  - (iii) the licensed member is only providing Citizenship and Immigration service to other employees of the employer, and not to any members of the public, and
  - (iv) any professional liability claim made against the licensed member will be covered by the employer or the employer's insurer.

(7) Upon request of the College, a member shall provide to the College, in writing or electronically, acceptable documentation confirming completion of continuing professional development programs in which the member has participated during a specified period of time.

**51b.** Every Citizenship and Immigration Profession Corporation that holds a certificate of authorization from the College shall provide the Registrar with notice in writing of any change in the shareholders of such corporation, who are members of the College, within fifteen (15) days following the occurrence of such change. The notification shall include the identity of the shareholder who has ceased to be a shareholder, and the identity of any new shareholder(s), and the date upon which such a change occurred. The notice shall be addressed to the Registrar, in care of the Registration Department of the College, re: Notice of Shareholder Change. The notification shall be signed by a director of the Citizenship and Immigration profession corporation. The notification may be sent by regular mail, fax, courier or personal delivery, but may not be sent by electronic mail. The Registrar may from time to time approve a standard form for the purposes of providing the notice required by this section and where such form has been approved the notice shall be submitted in the approved form.

## **Emeritus Status**

**52.** (1) The registrar may grant emeritus status to a former holder of a certificate of registration of any class who applies therefore and who,

- (a) has held a certificate of registration authorizing independent practice, a General licence under Part III of the *Citizenship and Immigration Disciplines Act* or the equivalent licence under a predecessor of that Act, or some combination of them, continuously for twenty-five years;
- (b) has not been the subject of a finding of professional misconduct or incompetence that has been entered in the register;
- (c) at the time of application, is not,
  - (iv) in default of payment of any fee payable to the College;
  - (v) in default of providing to the College any information required by or under an Act or regulation; and
  - (vi) is not the subject of proceedings for professional misconduct or incompetence; and
- (d) is fully retired from the practice of Citizenship and Immigration law.

(5) The registration committee may grant emeritus status to a former holder of a certificate of registration of any class who applies therefore and complies with clauses (1)(c) and (d).

(6) A person with emeritus status may not practise Citizenship and Immigration law.

(7) A member who was designated as a life member under section 43 of Canada Regulation or a predecessor thereof shall be deemed to continue as a person with emeritus status but a life member who continues to meet the requirements of section 43 of Canada Regulation may elect to maintain his or her life membership.

## **Expiry and Renewal of Emeritus Status**

**53.** (1) The registrar shall mail an application for renewal to each person with emeritus status and each life member at the person's last known address before April 15 in each year, together with notification that the person's emeritus status or life membership will expire unless the completed application for renewal is received by the registrar by the following May 31.

(4) An emeritus status and a life membership expire unless the member's completed application for renewal is received by May 31 of each year.

(5) The registrar shall, and the registration committee may, renew the emeritus status of a person whose emeritus status has expired on the same basis as the registrar or the registration committee may grant emeritus status under section 52.

(4) A life membership which expires may not be renewed, but a life member whose membership has expired is entitled to emeritus status.

## **Part 5. By-Laws**

### **Making and Numbering**

**54.** (1) A by-law may be made, amended and revoked by an ordinary motion except that subclause 29(4)(b)(iv) does not permit the making, amending or revoking of a by-law.

(2) Every by-law and every amendment and revocation of a by-law shall be numbered according to the order in which it was passed, certified by the presiding and recording officers of the meeting at which it was passed and maintained in a book in its numerical order.

## Schedule 1 to By-Law No. 1

### RULES OF ORDER OF THE COUNCIL

#### *General Procedure*

1. The Council will ordinarily meet informally and allow discussion of a topic without a motion needing to be made first.
2. The Council may decide matters by consensus and may indicate preferences by a straw vote or other informal method but, subject to subsection 29(4) [the process rule for motions], motions will usually be made if,
  - (c) a decision will commit the College to an action or a public position, or
  - (d) the chair or the Council is of the opinion that the nature of the matter or of the discussion warrants a motion.
3. A motion may be made after a discussion on the topic. If a motion is made, the rules pertaining to motions will apply.

#### *Motions*

4. All motions shall be in writing, seconded and given to the chair before being considered except that, if a motion has been printed and distributed to the Council before being made, it does not need to be given to the chair before being considered.
5. When a motion that has not been printed and distributed to the Council is given to the chair, he or she shall then read it aloud, and any councillor may require it to be read at any time, but not so as to interrupt a councillor while speaking.
6. When the motion contains distinct propositions, any councillor may require the vote upon each proposition to be taken separately.
7. No councillor shall vote upon any motion in which he or she has a direct pecuniary interest, and the chair shall disallow the vote of any councillor on any motion in which the chair believes the councillor has a direct pecuniary interest.

#### *Amendments and other subordinate motions*

8. A substantive motion in writing that has been moved, seconded and given to the chair may be amended by a motion to amend. The chair shall rule a motion to amend out of order if it is irrelevant to the main motion or defeats the basic effect of the main motion.
9. When a motion has been moved, seconded and given to the chair, no other motion may be

made except a motion to amend the motion, to refer the motion to a committee, to postpone the motion, either indefinitely or to a specific meeting, to call the question, to adjourn the debate or to adjourn the meeting.

23. When motion to refer a motion to a committee has been made, it shall be decided before any amendment is decided and, if it is passed, no further debate or discussion is permitted.

24. A motion to amend the main motion shall be disposed of before the main motion is decided and, where there is more than one motion to amend, they shall be decided in the reverse order to which they were made.

#### *Preserving Order*

25. The chair shall call upon councillors to speak as nearly as feasible in the order in which they indicate a wish to speak.

26. The chair shall preserve order and decorum, and shall rule on any question of order or procedure. However, a councillor who believes the chair's ruling is wrong may appeal the ruling to the Council.

27. Whenever the chair is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, he or she shall immediately inform the Council of his or her opinion, rule the motion out of order and explain why.

28. If a councillor believes that another councillor has behaved improperly or that the Council has broken the by-laws or these rules, the councillor may state a point of order. The chair shall promptly rule on the point of order, which is subject to an appeal to the Council. (There is no "point of personal privilege" or "point of privilege" in a body such as the Council).

29. The chair may limit the number of times a councillor may speak, limit the length of speeches and impose other restrictions reasonably necessary to finish the agenda of a meeting.

30. The chair may appoint a parliamentarian to advise him or her and may direct the parliamentarian to provide advice to the Council about the by-laws and rules of the Council or provide the Council with other parliamentary advice. When a circumstance arises in a formal session that is not provided for by these rules or by other rules of the Council, the chair shall make a ruling, which is subject to an appeal to the Council.



**UNIVERSAL SUBMISSION**

**CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS**

*The Proposed College of Citizenship and Immigration Council  
of Canada, CCIC Submission–*

*The Regulated Citizenship and Immigration Professions  
Statute Law*

**November 01, 2010**



The Proposed College of Citizenship and Immigration Councils (CCIC) appreciates the opportunity to provide a new submission and more feedback to his honorable the Minister of Citizenship and Immigration and Multiculturalism of Canada on self-regulation, and to address *the Proposed Regulated Citizenship and Immigration Professions Statute Law Act, 2010*

As you are aware, the CCIC is proposing to become the new licensing and regulatory body for Canadian Citizenship and Immigration Practitioners. Currently, there are close to 137,000 authorized practitioners in Canada which includes Lawyers, CSIC Consultants, CSIP Practitioners, NGO's and Not for profit Immigration services in Canada and VHS employees overseas. There are estimated about 2816 registered with the CSIP who are practicing in Canada only which we are including in this proposal.

The new CCIC is looking to affiliates with CSIP current membership and other stakeholder's membership based on the willingness and acceptance of other practitioners to join us and to transfer the current registered CSIP members to the new regulatory body.

We are asking the Minister to think hard on the failure of this profession for the past 7 years that caused by formers and current CSIC the Canadian Society of Immigration Consultants Executive Directors and CMI Canadian migration institute Executive Directors and CAPIC Canadian association of Immigration professional association executive directors because they all have proven their failing record to self-regulations.

It is our condition that we are imposing during registering new Citizenship and Immigration Councils with CCIC, deals with complaints and reports, and disciplines Practitioners when necessary that no such former director of CSIC-CMI-CAPIC be part of a new board, but is the time to turn a new page and give the opportunity to other members of this industry the chance to prove their competency in regulating this profession.

The core function of the proposed CCIC is to regulate the Citizenship and Immigration profession in the public interest. This includes ensuring that anyone who receives a license to practice Citizenship and Immigration in Canada has the skills and training to do so safely and effectively. Ensuring consumer rights are protected in all areas of Citizenship and Immigration services is the CCIC's top priority. In broader terms, the CCIC works to ensure the best possible services for the people of Canada and around the world by the Practitioners of Canada.

Our submission will focus on the following issues:

- 1) Supervisor and Audit provisions;
- 2) Interprofessional Services and Scope Expansions;
  - a. Consulting
  - b. Advising
  - c. Preparing
  - d. Submitting and representing
- 3) Other sections of the proposal
  - a. Unique Identifier
  - b. Professional Liability Insurance
  - c. Expert Committees
  - d. Dispensing client files
- 4) Additional proposed by the CCIC
  - a. Greater discretion re: investigating complaints
  - b. Non-Council Public Member

## **General Comments**

Bill C-35 is a substantive piece of legislation, which not only makes significant amendments to the *Regulated Immigration Professions* but to numerous other Immigration services. Through Bill C-35, the government is proposing significant changes to the Immigration services system in terms of how Immigration professionals interact with one another and how the government interacts with Immigration regulatory body and college.

The Canadian Society of Immigration Practitioners known as CSIP has been a longstanding supporter of the Interprofessional Immigration Services (IPIC) model since 2004, however the existing regulatory body has changed this IPIC to something else that we could not support. We have also been an ongoing and active participant in previous discussions relating to replacing the current Immigration regulatory body and to create a new body and college accountability, individual professions' scope expansions and IPIC. Most recently, CSIP contributed to the comprehensive consultation process conducted by the Immigration Professions Regulatory Advisory Council (IPRAC). We are pleased to see our feedback on many issues incorporated into the Bill C-35.

The proposed CCIC will support Bill Bill-C35 but we have a few very significant areas of concern which are outlined in this submission, together with suggestions to address them.

While we recognize that the Bill is intended to be enabling, we are concerned that many important details have been left to regulation. This limits our ability to provide feedback on a number of issues. Continuing consultation between the regulatory body and government will be extremely important in order to fill in the missing details. While we will provide specific comments during this submission, it is our general view that discussions about regulation development and implementation of the Bill C-35 should build on the extensive work that has already been done.

As we have previously communicated to government, the CCIC is very concerned about the supervisor and audit provisions in Bill C-35 and the penalty imposed on Immigration practitioners. In addition to our comments about the provisions themselves, which are set out below, the CCIC is very concerned that the introduction of these provisions has moved the focus of discussion away from the important access and IPIC initiatives contained in the Bill. It had been our understanding that improving access and facilitating IPIC were the primary goals of the proposed legislation.

## 1. Supervisor and Audit Provisions

This section gives very broad discretion to the Minister to appoint a supervisor for a regulatory college and permits the Minister to give the supervisor all the powers of council. In effect, it allows government to take over all the functions of a self-regulating body for virtually any reason.

This new power was included in the Bill without previous consultation and was completely unanticipated by the CCIC and other stakeholders. We fail to understand what problems Canada Immigration regulator pose that could justify such an extraordinary power—one which enables the government to completely suspend the functioning of self-regulatory bodies in Canada at any time without legitimate cause.

The CCIC believes that these provisions are unnecessary and demonstrate a lack of trust in self-regulation. We understand that the existing regulatory body failed to regulate, that does not mean one bad apple made the whole batch rotten.

It is the CCIC's view that the government already has the power it needs to ensure regulatory body and proposed college fulfill their statutory duties in the public interest. The Minister of Citizenship, Immigration and Multiculturalism of Canada and Long-Term Services already has the authority, for example, to require Immigration regulatory body to provide reports, require body councils to make, amend or revoke a regulation and **"to do anything that**, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Bill C-35, the Immigration new proposed so called the Crooked

Consultants Act” In addition, there are numerous oversight mechanisms in place that ensure the accountability of Immigration regulatory body and a college. For instance:

.Immigration profession regulator has the greatest proportion of public representation on our governing councils (boards) appointed by the government compared to other professional regulator and, our public members serve on all our committees;

- We are required to circulate all of our proposed regulations for public comment before they are approved by council (these are often amended based on input received);
- All regulations approved by our councils must be further approved by the government (through the Cabinet);
- Our council meetings and discipline hearings must be open to the public;
- Our registration practices must be reviewed by and audited for the Office of the Fairness Commissioner to ensure that they are transparent, objective, impartial and fair;
- Our registration and complaints decisions are subject to external appeal by an arms-length, specialist tribunal—

***the Immigration Professions Appeal and Review Board (IPARB);***

- All our adjudicative decisions are subject to appeal through Canada’s courts;
- Our Quality Assurance and Consumer rights Relations programs are subject to the scrutiny of an arms-length body—the Immigration Professions Regulatory Advisory council (IPRAC);
- Significant regulations and policy issues related to regulated Immigration professions are scrutinized by the Immigration Professions Regulatory Advisory council (IPRAC); and
- We must provide extensive information about the individual members we regulate directly to the public.

Given the broad range of oversight tools available to the Minister, we believe that no additional authority is required.

Citizenship and Immigration even though has a short tradition of self-regulation in the public interest. These new powers, which were not discussed with the existing body or stakeholders during any of the extensive preliminary consultations, fundamentally undermine professional self-regulation in Canada.

The introduction of such significant and broad government powers to intervene in the activities and decisions of self-regulating professions demands a strong and clear rationale which we have not received. Further, we believe that any decision regarding whether to undertake such a dramatic intervention into the affairs of a regulatory body of a self-governing profession requires services full thought. We remain concerned, for instance, that extensive media coverage of a particular case could result in a rush to judgment and an inappropriate decision to appoint a supervisor or auditor or to revoke a member just for a cause.

The CCIC recommends that these provisions be removed from the Bill C-35

**Proposed Alternative to the Supervisor and Audit Provisions**

As noted above, the CCIC believes that the Minister sufficient powers to intervene in the affairs of a regulatory body or a college where necessary. If the government believes that the Minister's existing powers are not sufficient and that a provision for the appointment of a supervisor is necessary, the CCIC recommends that this section of Bill C -35 be amended to provide that this extraordinary power shall only used in exceptional cases where a body or a college does not comply with the Minister's request under the bill and, the Minister demonstrates that there is a risk to consumer rights safety.

The amendments would also serve to facilitate early resolution by allowing the new body or a college to comply with the Minister's directions and provide some procedural safeguards.

Specifically, the CCIC recommends that the supervisor provisions be amended to require the Minister to first turn to existing powers to address any issues relating to a regulatory body. Only where the body does not fulfill the requirements set out would the Minister move to appoint a supervisor. The Minister would have to demonstrate that consumer rights safety was at risk and would be required to follow certain procedural steps:

- Require the Minister to provide written notice to the affected body or a college (not less than 60 days) which outlines the requirement that the body or the college did not fulfill,
- Give the body or the college an opportunity to make written submissions to the Minister,
- Give the body or the college an opportunity to comply with Ministerial directions and avoid the appointment of a supervisor, and
- Ensure that the powers granted to the supervisor are limited to those which are necessary to address the requirements outlined in the Minister's notice and do not reach over into other areas

We believe that the CCIC's proposed amendments to the supervisor provision would help ensure that government intrusion into the affairs of self-regulating professions is limited to exceptional cases where the public is at risk and the Minister's existing powers under are insufficient to enforce a directive from the Minister. They will also provide some procedural safeguards for the body and the college affected and mitigates the impact on Canada's self-regulating model for the Immigration professions.

**The wordings of our recommended amendments are attached in Appendix "A".**

With respect to the auditor provision, we do not believe that an amendment would remedy this section. Given the regulatory body or a college' already extensive reporting requirements to the Minister (as noted above) and the fact that the government has

failed to articulate any rationale to justify introducing such new audit powers for self-funded body, we urge the Committee to remove this provision from the Bill altogether. **2.**

## **Interprofessional Immigration Services and Scope Expansions**

### **Interprofessional Immigration Services (IPIC)**

The CSIP and its new proposed CCIC supports government efforts to identify ways to improve access to services and acknowledges that IPIC is one of the constituent elements in resolving Immigration human resource shortages. The CSIP has been consistently supportive of IPIC. We frequently provide assistance and insight on regulatory matters to other stakeholders via consultations and ongoing collaborative relationships, and we encourage our members to work collaboratively with members of other regulatory body or Colleges for other profession.

The CCIC supports expanding the scope of Immigration professions to reflect the knowledge, skill and judgment of each profession but we emphasize that services should be provided in a collaborative fashion that breaks down silos and avoids duplication.

Providing expanded access to additional controlled acts to a variety of Immigration services professions is only one element of IPIC. Effective IPIC depends on attention to broader issues: funding mechanisms, electronic Immigration records and a comprehensive resource planning process, among others.

Expanding scopes without a services full analysis of the system impact risks duplication of services and increased costs. It may also contribute to mismanagement of consumer rights services and associated Immigration risks. And finally, it will have limited uptake in the absence of rational payment schemes.

The CCIC notes that other legislative changes might have an equal or more significant impact on access to services and IPIC. For example, the requirement under the so

called “crooked consultants Act” that Citizenship and Immigration Consultant must provide an order for all services received by in consumer rights frustrates professionals in their ability to deliver quality services and may lead to conflict. It creates a practical barrier to proceeding with safe and timely delivery of services (many times professionals who wish to proceed with an activity well within their scope of practice are barred from performing it in the commercial Immigration office setting because of this requirement) and may present a cultural barrier by perpetuating an apparent hierarchy among the professions.

This CCIC urges the Ministry of Immigration and his staff and expert panel chosen by the minister to review all of the systems issues and the network of laws pertaining to Immigration services settings in order to take a systems approach to resolving the access to services crisis.

## **Scope Expansions**

In general, the CCIC supports expansions for other scope for other regulated Immigration professionals, as long as these expansions are:

- consistent with the knowledge, skill and judgment of the professionals involved;
- subject to a rigorous regulatory structure;
- supportive of a truly collaborative, team-based approach to services as opposed to parallel services (i.e. professions working independently without appropriate interprofessional interaction (i.e. parallel services));
- safe for consumer rights s; and
- Accompanied by educational initiatives for both the public and Immigration services providers to ensure that people understand the changes that are being made.

We are concerned, however, that in the rush to expand scopes to facilitate access, ensuring that the expansion is kept within the parameters of the profession's knowledge, skills and judgment may not be receiving the rigorous analysis required. There is a significant difference between competence to do individual procedures or controlled acts and the ability to manage a consumer rights's services in its entirety, especially if services is not provided in a collaborative fashion.

We are especially concerned about the lack of detail set out in the Bill which leaves significant aspects of its application to regulations which have not yet been considered. The true nature of the expanded scopes cannot be determined without the full context.

## **(a) Prescribing**

The Bill expands authority to consult to a number of additional Immigration professions. In order to safely Consult, in most circumstances an Immigration services professional must be able to do so in the context of the consumer rights' s whole Immigration picture. In the absence of the ability to advice, consult and to understand the potential complexities of the consumer rights 's various Immigration issues, prescribing can only occur safely when it is undertaken in collaboration with a Immigration professional who has the range of controlled acts that are essential to seeing "the whole picture".

An example that illustrates our concern is the services to refuges and humanitarian and compassionate ground consumers. These are complex cases. While a consultants have the training required to undertake a specific activity, such as assessing a federal or PNP skilled worker or provide simple TRV extension international student or worker in Canada, where this is indicated in regulation, we would not expect them to have the requisite knowledge, skills and judgment to independently manage the complexities of the cases process in its entirety. Citizenship and Immigration is an open book study and not to memorize letters and lines.

As well, the CCIC is of the view that stringent educational requirements must be put in place by proposed regulatory college to ensure that all Immigration professionals have the necessary knowledge, skill and judgment to effectively and safely consult, prepare and submit and be designated in their respective regulations. With appropriate training, prescribing can be a useful component of non-practitioners Immigration services, provided that this is done within a collaborative context.

## **(b) Consultants**

After a lengthy consultation process, the CSIP released its "Critical Links" report which made specific recommendations regarding consultants assessing and consulting that limited the circumstances in which consultant could do.

Bill C-35 is inconsistent with the recommendations of 2008 and 2009 CIMM and the substance of the CIMM understanding of the trouble facing the existing regulator and its member's competency: it simply says that Consultants are authorized to advise, consult, prepare, submit and represent. The CCIC cannot support this section as drafted without assurance that the significant previous work in this area will be included in regulation. The CCIC's position is that Consultants have a key role to play in attracting tourist and immigrants to this country to keep Canada's economy Citizenship and Immigration but this must occur in collaboration with a consumer and only after a service has been made.

**(c) Lawyer**

It goes without question that consumer rights come first – urgent situations require the most qualified person to act. However, as with the refugee or H/C client's example, the CCIC is concerned that expressly authorizing all lawyers to undertake the controlled act of representing immigration clients beyond their practice fails to take into account the complexities of the situations in which this need would arise. Practicing immigration by all lawyers across this country must be part of a prepared legal program of Immigration management, and should not be provided as a stand-alone practice. There is more than 100000 lawyers are not familiar with immigration at all but taking the opportunity to represent a client for large sum of money without having clue on what they are doing but seeking a consultants assistance.

Our additional concerns relate to systems issues – evidence shows that in order to perform a Citizenship and Immigration act competently, it is necessary to perform it with relative frequency. Realistically, most lawyers would not have the opportunity to perform this act often enough to ensure competence. It is worth noting that this new proposed body and College do not submit that all lawyers should be prevented from acting or representing in order to save a consumer rights to immigrate but they must have enough knowledge of the immigration law. On the contrary, the *CIC bill C-35* in its

---

current form permits all lawyer to practice Immigration under delegation. In our view, this is not the safest approach for this act and this profession.

**(d) CSIC members**

We have concerns about CSIC members Immigration services and representing clients before the authorities

We are concerned that in the absence of specific legislative or regulatory requirements that such lack of competency, education, passing exams, poor representation take place without the association with a lawyer or senior consultant present, doing so would lead to unacceptable consumer rights risk.

**CCIC Unique Identifier**

We endorse the introduction of the requirement for a unique identifier in Bill C-35. This Ne proposed regulatory body and new College has been an advocate for the development and introduction of Nuha Nancy Salloum since 2004.

CCIC would like to an opportunity to develop a new way to identify every individual in the Canadian Citizenship and Immigration education and practice system.

CCIC numbers will be issued to all individuals at the time of first (even temporary) entry to any aspect of the Canadian Citizenship and Immigration education or practice systems, including undergraduate students, postgraduate trainees, applicants to CCIC examinations, and Citizenship and Immigration Councils of any registration status. While CCIC is currently in use only by CSIP Practitioners, it is capable of being used for all Immigration professions in Canada.

Once assigned, CCIC numbers remain unchanged throughout the individual's entire Citizenship and Immigration serviceser. Assigned numbers are never to be re-used, even after the death of the individual. Individuals carry the same CCIC number, even if they leave Canada and return, move between jurisdictions, or change registration status.

In addition, for research and planning purposes, data may be obtained through the non-nominal use of CCIC numbers.

CCIC is currently being used by all CSIP Canadian Practitioners except. The adoption of CCIC by Canada Immigration now would be especially timely with the anticipated implementation of the labour mobility chapter of the Agreement on Internal Trade (AIT) through Bill 175, the *Canada Labour Mobility Act*. It would also facilitate the province's Immigration human resources planning. Given that both of these initiatives impact not only Citizenship and Immigration Councils but all Immigration professions, it is significant to note that CCIC is being built on a platform that could over time be expanded to all Immigration professions.

Although we are greatly satisfied of the preliminary initiative the minister has taken so far to replace the existing regulatory body, we are still concerned that, as currently drafted, the Bill's proposed amendments may not be sufficiently clear that any new regulatory body is the model intended by the minister for Citizenship and Immigration of Canada. The benefits of the unique identifier will not be realized if a consistent unique identifier is not adopted to avoid multiple identifiers and prevent unnecessary duplication. We believe this section could be amended to explicitly state that CCIC will be the unique identifier assigned to Citizenship and Immigration Councils with potential for expansion to other Immigration professions in the future.

### **Expert Committees-**

The CCIC welcomes changes to the current process for approving Immigration regulations, as the current process is extremely cumbersome. The proposed Immigration approvals expert committee as well as the new Immigration approvals process set out in the Bill will improve on this. However, we note that the composition of this important committee is not set out in the Bill. The CCIC believes that there should be CSIP representation on this committee given the expertise of Citizenship and Immigration Councils in the area of how the regulation should be for Immigration Consultants. The provision in Bill 35 also appears to authorize expert Immigration committees to amend Immigration lists without enacting new regulations. The CCIC believes that an expert committee should not be authorized to amend Immigration lists without consultation with all stakeholders in the industry.

These provisions also allow the Minister to appoint expert committees to consider issues other than Immigrations. This is a broad power with no clear parameters set out. It is not clear why the Minister needs this power and in what circumstances it might be used. The CCIC objects to this unlimited power. Depending on the subject matter of the committee, there is the potential for these committees to inappropriately interfere with the regulation of Immigration professions and how to choose a new regulator.

### **Dispensing or deleting files**

Bill 35 makes no mention or asks for any amendments to the sections of the *Immigration and Regulation Act* related to dispensing client's files. There is no sections of the *IRPA* apply to Citizenship and Immigration practitioners who dispense files (e.g. in their office). Which sets out requirements with respect to record keeping and labeling –. Instead of this provision, the regulation making authority under the *Citizenship and Immigration Act* should have expended somewhat to allow the practitioners to make regulations relating to record-keeping, labeling, etc.

Other professions who have the controlled act of dispensing also have regulation-making authority to make regulations relating to dispensing. It is not clear why the *IRPPA* would not apply to all professions who dispense Immigration files. The CCIC believes that all professions who dispense Immigration files should meet the same basic standards and that the standards in the *IRPA* should be the benchmark. The CCIC has supported and advocated for common standards for all dispensers.

Bill 35 also should to enables remote dispensing and the CCIC is supportive of this initiative as long as the accountability of the dispenser remains clear.

### **Additional Requests**

The CCIC is also seeking amendments to the *IRPA* related to the complaints and discipline process. Given that Bill 35 opens up the *IRPA*, the CCIC is requesting two additional amendments that we believe will improve the timeliness and efficiency of our complaints and discipline processes and enhance the effectiveness of the CCIC as a new regulator.

---

1. Discretion regarding Investigating Complaints of the Immigration Professions  
Procedural Code

Currently, the Inquiries, Complaints and Reports Committee (ICRC) are required to investigate every complaint unless it deems the complaint frivolous, vexatious or an abuse of the process. A number of other regulatory authorities in Canada have greater discretion to decline complaints when an investigation is not in the public interest. The new regulatory body or the colleges could do their work more efficiently if we had the ability to decline to investigate a complaint if it did not relate to professional misconduct, incompetence or incapacity of a member and did not raise a public safety issue. Currently, such complaints consume CCIC staff and committee time and can compromise the CCIC's ability to manage more critical issues. This amendment would enable the CCIC to stay focused on issues that concern consumer rights safety and services and member professionalism.

## 2. Allow Non-Council Members of the Public in the Constitution of Quorum for the ICRC and Discipline Committees

Currently, the *IRPA* stipulates that quorum for most of the CCIC's seven statutory committees require at least one public member of council; two public members are required for quorum for each panel of the Discipline Committee. As the minister is well aware, this proposed new body and new College has at times been in the unfortunate situation of not being in a position to achieve quorum due to the unavailability of public council members and discipline panel work.

A number of other Canadian regulators may appoint non-council members of the public to committees. The CCIC is recommending that Bill 35 be amended to allow non-council members of the public to be appointed to committees and to contribute to the proper constitution of quorum for new regulator and Discipline committees. We would seek to use public members of council first before turning to non-council appointees. Such an amendment would allow these important

---

committees to fulfill

Their responsibilities are more efficiently and effectively. The pool of eligible public members participating on the proposed CCIC and Discipline committees would be “vetted” by government with consultation from stakeholders within the industry.

**The wordings of our recommended amendments are attached in Appendix “B”.**

### **Conclusion**

The CCIC thanks the Minister for this opportunity to provide comments on Bill 35. We hope that you will consider all of our comments and recommendations to enhance the government’s objectives of increased access to Immigration services and improved quality of services for the people of Canada and outside Canada.

The proposed CCIC College of Citizenship and Immigration Councils recommends that certain sections of the *Regulated Immigration Professions Act* be amended to read as follows (new wording appears in bold text):

#### **Powers of Minister**

The Minister may,

- a) inquire into or require a Council to inquire into the state of practice of a Immigration profession in a locality or institution;
- b) review a Council’s activities and require the Council to provide reports and information;
- c) require a Council to make, amend or revoke a regulation under a Immigration profession Act or
- d) require a Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act, the Immigration professions Act**

## **Council to comply with Minister's request**

If the Minister requires a Council to do anything the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Minister may appoint a new regulatory body and a new Immigration College supervisor. If a Council does not comply with the Minister's request, the Lieutenant Governor in Council may appoint a person as a College supervisor, on the recommendation of the Minister, for the limited purpose of fulfilling the Minister's requirement.

In deciding whether to make a recommendation, the Minister must be satisfied that there is a risk to consumer rights and protection.

Before the Minister makes a recommendation to the Lieutenant Governor in Council of the Act in respect of an affected College, the Minister must send to the Registrar of the affected College a written notice

- (b)** (a) Advising the affected body or College of the purpose for which the Minister is making the recommendation and the specific requirement which was not fulfilled; advising the affected new proposed body or a College of the powers and duties it will ask the Lieutenant Governor to bestow on the College Supervisor
- (c)** inviting the affected new proposed body or a College to provide the Minister with submissions with respect to the recommendation; and
- (d)** Specifying the time in which the affected new body and a College must provide its input to the Minister, which must not be less than 60 days from the date the Minister sends the notice.
- (e)** On making the recommendation, the Minister must provide the Lieutenant Governor in Council with a copy of the new body and the College's submissions.

The Lieutenant Governor in Council must specify the powers and duties of a new body and a College supervisor appointed under this section and the terms and conditions governing those powers and duties.

The powers and duties of a body or a College supervisor are limited to those powers and duties necessary to address the requirement identified by the Minister in his or her recommendation for the appointment of a supervisor.

The Council continues to have the right to act respecting any matters outside the scope of the duties of the new proposed body or a College Supervisor, and any such act of Council is valid without any approval of the College supervisor.

## **APPENDIX “A”**

### **Regulations**

If the Minister requires a Council to make amend or revoke a regulation and the Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

### **Idem**

Subsection (3) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do.

### **Expenses of College**

(3) The Minister may pay a new body or a College for expenses incurred in complying with a requirement for choosing a new body.



The College of Citizenship and Immigration Councils recommends that the *Crooked Consultants Act* be amended.

#### Greater Discretion to Investigate Complaints

The College of Citizenship and Immigration Councils recommends that Bill 35 be amended by adding the following:

a panel shall not be selected to investigate a complaint if, in the opinion of the chair of the Inquiries, Complaints and Reports Committee, the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member.

#### Counting Non-Council Public Members towards Quorum for the CCIC and Discipline Committee

The College of Citizenship and Immigration Councils also recommends that Bill 35 be amended by adding the following:

A panel shall be composed of at least three persons, at least one of whom shall be a resident of Canada who is not a member of the new proposed body or a College.

A panel shall be composed of at least three and no more than five persons, at least two of whom shall be residents of Canada who are not members of the body or a College

A panel shall be composed of at least three and no more than five persons, at least one of whom shall be a person appointed to the council by the Lieutenant Governor in Council, and at least one of whom shall be a resident of Canada who is not a member of the proposed body or a College.



## UNIVERSAL SUBMISSION

CITIZENSHIP AND IMMIGRATION INDUSTRY SOLUTIONS

### FSCIC Projected Statements of Revenue

#### and Expenses Revenue

	@ 4500 memb	@ 2500 memb	@ 1000 memb
Membership fees	\$8,100,000	\$4,500,000	\$1,800,000
Continuing professional development fee	450,000	250,000	100,000
	<u>8,550,000</u>	<u>4,750,000.00</u>	<u>1,900,000</u>

#### Expenses

Consulting	150,000	150,000	150,000
Director fees	224,000	224,000	224,000
Insurance	17,000	17,000	17,000
Membership development	150,000	87,400	34,960
Office and general	274,000	274,000	274,000
Professional fee	500,000	500,000	500,000
Public relations and communications	85,000	85,000	85,000
Rent	150,000	150,000	150,000
Telephone	60,000	60,000	60,000
Travel and accommodation	405,000	225,000	90,000
Salaries and benefits	720,000	720,000	720,000
	<u>2,735,000</u>	<u>2,492,400</u>	<u>2,304,960</u>

<b>Excess of revenue over (expenses)</b>	<u>\$5,815,000</u>	<u>\$2,257,600</u>	<u>\$(404,960)</u>
--	--------------------	--------------------	--------------------

\* **Assumptions:** membership fee is \$1800 per member –

### The Federal Society of Citizenship and Immigration Councils

` CPD is at \$400 per course to 25% of existing members. Currently (2009), existing regulator (csic) average rate based on 1800 members is over \$800 ` Directors and public interest salary \$32,000 per person, six in total and one Vice Chair

` Office, professional fee, public relation, telephone, & travel charges were calculated based on five years average of csic expenses on the lower side ` Insurance, professional fee, rent, telephone and salaries were treated as fixed expenses

` Membership development expense was calculated proportionately with total membership

` Telephone charges can be reduced by utilizing new technology such as VOIP

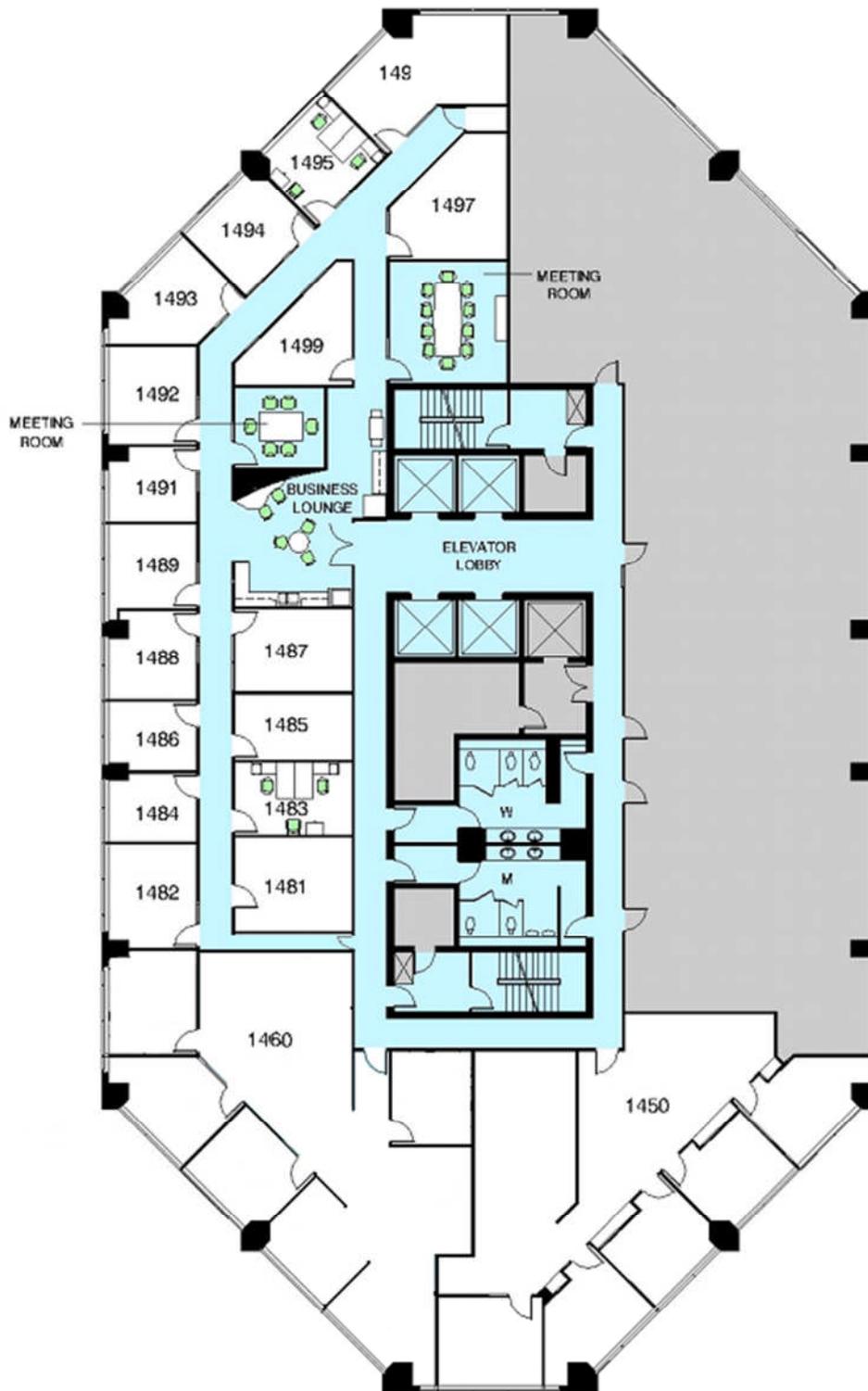
` Travel fee calculated at 5% based on 5 years average of csic. However, it can be reduced by utilizing video conferences etc

Note: the Membership fees will be based on the number of members enrolled in the first year. If the membership reaches 5000 members per year, the Membership fee will be reduced by 50% to 900.00 dollars per annual.

**The above projection is a logic input as expected and not lavish**

# **The Canadian Society of Immigration Practitioners Proposed Floor Plan in Vancouver BC and Toronto.**

HSBC Building Center  
885 W. Georgia St.  
14<sup>th</sup> Floor  
Vancouver, BC V6C 3E8  
Phone: 604.601.8264  
Fax: 604.582.4898



## CSIPCBA Floor Plan for October 2010 for new regulator

