

RISIA COMPLAINTS AND DISCIPLINARY PROCEEDINGS REGULATION



icccrc
IMMIGRATION CONSULTANTS OF
CANADA REGULATORY COUNCIL
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CONSEIL DE RÉGLEMENTATION DES
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1. AUTHORITY

- 1.1 This Regulation is enacted pursuant to sections 3.1 and 25.5 of the *By-law* of the Council.
- 1.2 In the event of any conflict between the English version and the French version of this Regulation, or between this Regulation and the Council's *By-law*, the English version of the *By-law* shall govern.
- 1.3 For convenience this Regulation may be cited as *RISIA Complaints and Discipline Regulation*.

2. PURPOSE

- 2.1 The purpose of this Regulation is to provide for the review, hearing and fair determination of complaints against RISIAs.

3. DEFINITIONS

- 3.1 In this Regulation, capitalized terms have the same meaning as they do in the *By-law* and the *RISIA Registration Regulation*.

4. EMPLOYER AND COUNCIL DISCIPLINARY PROCESSES

- 4.1 A RISIA will be subject to the disciplinary processes of the Council as well as those of the RISIA's employer.
- 4.2 If a RISIA becomes aware of any complaint against him/her, whether directly from a complainant or indirectly through his/her employer, about any matter covered in *ICCRC's Code of Ethics for Regulated International Student Immigration Advisors* (the "Code"), the RISIA shall immediately notify the Council in writing of the full text or contents of the complaint, and shall provide the names and contact details of the complainant(s).
- 4.3 Whether the employer or the Council is the first to receive a complaint or other discipline-related information about a RISIA, the employer has the initial responsibility for dealing with any such issues with its employees. After the employer has dealt with the matter, or had a reasonable time, as determined by the Registrar, to do so but has not resolved the matter to the satisfaction of the Registrar, the Council may, in its discretion, take such further action as it considers necessary to enforce its Code and its Regulations.
- 4.4 If the employer initiates any formal or informal disciplinary steps against the RISIA, the RISIA shall immediately notify the Council of these steps, and the complaints or other reasons for them.
- 4.5 If a complaint or other information about the alleged misconduct of a RISIA reveals an emergency or urgent situation, or if the employer has not taken sufficient timely and effective action to resolve the matter, the Council may take such disciplinary or other action as it considers necessary to enforce its Code and its Regulations.

- 4.6 The Council may, through its disciplinary process, impose a penalty or other disciplinary measure that may be different from, and more severe than any actions taken by the RISIA's employer, provided that the Council shall take into consideration any penalty already imposed or decided to be imposed by the employer.

5. COUNCIL DISCIPLINARY PROCESSES

- 5.1 If the employer has taken some disciplinary action against a RISIA and either the complainant is dissatisfied with the result or the Registrar considers that the employer's action may be insufficient to protect the public, the Registrar shall refer the complaint or other information to a single member of the Discipline Committee for review. If, after consultation with the RISIA or the RISIA's legal counsel, that Discipline Committee member is satisfied that the employer's action is insufficient to protect the public, the Discipline Committee member shall refer the matter to a three-member panel of the Discipline Committee which does not include the Discipline Committee member who referred the case, to hear and determine what further action should be taken to protect the public.
- 5.2 If the employer has not taken sufficiently timely and effective action to resolve the matter when the complaint or other information about the RISIA's conduct suggests that there may have been an offence against the Code, the Registrar shall refer the matter to a single member of the Complaints Committee for review. That Complaints Committee member, upon review, shall either:
- a) ask the Complaints and Professional Standards Administrator to refer the matter to an investigator to investigate the facts more fully and to report them to the Complaints Committee member;
 - b) refer the matter directly to the Discipline Committee; or
 - c) terminate the review and close the file.

If the Complaints Committee member ~~of the Complaints Committee~~ decides to refer the matter directly to the Discipline Committee, the member shall immediately so inform the RISIA.

- 5.3 Any proceeding before the Discipline Committee under section 5.1 or 5.2 of this Regulation shall be conducted in a summary and expedited manner by a panel of one or three members of that Committee, in accordance with the Rules of Procedure of that Committee, but always giving the RISIA a full and fair opportunity to present a defence, in compliance with judicial norms of procedural fairness for this type of disciplinary proceeding.
- 5.4 Either before or at any time during a disciplinary proceeding a RISIA may request that the proceeding be resolved by an agreement drafted or to be drafted by legal counsel for each of the parties. The Discipline Committee shall review any such agreement and shall decide whether to grant or deny its approval. If approval is granted the disciplinary proceeding would be terminated on the basis of the agreement. If approval is denied, the disciplinary proceeding shall continue to its conclusion. The Discipline Committee shall provide written reasons for

approving or denying such agreement, but shall not amend or rewrite the agreement without first obtaining the consent of both parties.

- 5.5 Whether the disciplinary process is concluded by an approved agreement between the parties or by adjudication of contested issues at the end of a hearing, the final decision and order of the Discipline Committee, or a reasonable summary of them, shall be posted on a RISIA page on the Council's website. Nothing shall be posted on this website until the RISIA or his/her legal counsel has been informed of its content and been given an opportunity to make submissions to the Disciplinary Committee panel regarding that content.
- 5.6 Decisions of the Discipline Committee are subject to appeal to the Appeal Committee on the same grounds and in the same manner as Discipline Committee decisions involving RCICs.

6. RISIAS UNDER SUSPENSION

- 6.1 Where the registration of a RISIA has been suspended for any reason, the RISIA shall not, during the period of suspension, be considered registered for any purpose, and his/her name shall be removed from the register of active RISIAs for the period of suspension.
- 6.2 A RISIA under suspension loses all of the rights and privileges of registration and shall not, during the period of suspension, practise or hold himself/herself out as a "Regulated International Student Immigration Advisor or use the initials "RISIA".
- 6.3 Despite the provisions of sections 6.1 and 6.2 of this Regulation, any such RISIA shall, during the period of suspension:
- a) continue to be required to comply with all requirements that apply to a RISIA, including but not limited to, the requirements to pay registration fees, to maintain professional liability insurance, and to undertake continuous professional learning and development; and
 - b) continue to be subject to the disciplinary powers of the Council, as fully and to the same extent as if such rights and privileges had not been or become suspended.

7. SUSPENSION AND REVOCATION OF REGISTRATION

- 7.1 Sections 21 and 22 of the Council's *By-law* as amended from time to time shall apply, with necessary modifications, to RISIAs. Any reference to a "Member" in those Sections shall be interpreted, for the purpose of this Regulation, as if it read "Member or a RISIA".