

CODE OF CONDUCT AND ETHICS
(the “Code”)

Approved on February 23, 2017

PART 1 INTRODUCTION

- 1.1 This Code sets the standards of conduct for all Members of the Canadian Association of Professional Immigration Consultants, also known as L'Association Canadienne des Conseillers Professionnels en Immigration.
- 1.2 This Code is binding on all Members of the Corporation.
- 1.3 Members who fail to comply with this Code will be subject to disciplinary proceedings, and may have their membership in the Corporation terminated.

PART 2 INTERPRETATION

- 2.1 The interpretation of this Code shall be consistent with the By-laws of the Corporation in force at the time of the conduct at issue, unless the context otherwise requires.
- 2.2 If there are any inconsistencies between the Code herein and the By-laws of the Corporation, the By-laws of the Corporation govern.
- 2.3 Terms used in this Code have the same meaning as the terms used in the By-laws of the Corporation.
- 2.4 In this Code:
 - (a) **“Authorized Regulator”** means:
 - (i) a body designated by the Minister pursuant to the relevant provision(s) of IRPA as the regulator of immigration consultants and RISIAs;
 - (ii) a body designated by the Minister pursuant to the relevant provision(s) of the *Citizenship Act* as the regulator of citizenship consultants;
 - (iii) a law society of a province or territory of Canada; or
 - (iv) the Chambre des notaires du Quebec;
 - (b) **“Authorized Representative”** means Members in good standing of an Authorized Regulator;
 - (c) **“Board”** means the board of directors of the Corporation;
 - (d) **“By-laws”** means the By-laws of the Corporation as amended and which are in force and effect;
 - (e) **“Conduct Unbecoming”** refers to conduct which may be detrimental to the Corporation and its Members, as determined by the Board at its sole and absolute discretion;

- (f) **“Conduct of Concern”** refers to concern that a Member has:
 - (i) violated any provision of the Articles, the By-Laws, this Code, the IMMeForum Terms of Use, or any policy established or adopted by the Board from time to time; or,
 - (ii) engaged in Conduct Unbecoming;
- (g) **“Corporation”** means CAPIC Canadian Association of Professional Immigration Consultants – ACCPI L’Association Canadienne des Conseillers Professionnels en Immigration;
- (h) **“De-Registered Member”** means individual who was an Authorized Representative but who ceases to be registered with an Authorized Regulator;
- (i) **“IMMeForum”** means the Members’ discussion group bearing the name IMMeForum which is provided by and administered by the Corporation as a place for Members to communicate, report information, ask questions, share ideas, and discuss practice and procedural issues in relation to immigration consulting;
- (j) **“Member”** means a member of the Corporation of any class as defined in the By-laws;
- (k) **“Other Communication Platforms”** means the Corporation’s communication platforms, electronic and otherwise, including but not limited to newsletters, information bulletins, notices to members, email groups, publications appearing on the CAPIC webpage, and words spoken or otherwise published at meetings of the Corporation, and excludes Social Media Platforms and the IMMeForum;
- (l) **“Regulated International Student Immigration Advisor”** or **“RISIA”** means a person employed in the education sector whose job includes providing advice to students, and who is registered by the Immigration Consultants of Canada Regulatory Counsel as a “RISIA”;
- (m) **“Social Media Platforms”** means those social media platforms of the Corporation, and includes the Corporation’s Facebook Page, LinkedIn Page, and Twitter account and following.

PART 3 GENERAL DUTIES

- 3.1 A Member shall exemplify professionalism and bring credit to the industry by building on the Corporation's mission, values, and core goals.
- 3.2 A Member shall act in such a way as to maintain the integrity of Canada's immigration system.
- 3.3 A Member shall at all times perform his or her duties as immigration consultant or citizenship consultant in a professional manner.
- 3.4 A Member shall not engage in Conduct of Concern or Conduct Unbecoming.

- 3.5 A Member shall at all times act honestly and in good faith towards immigration officials, without intent to deceive or undermine the integrity of the system, or to assist others to do so.
- 3.6 A Member shall not send correspondence or otherwise communicate with a Member, client, government official or any other person in a manner that is abusive, offensive or otherwise inconsistent with the proper kind of professional communication from a Member of the Corporation.
- 3.7 A Member shall avoid making any kind of unprofessional statement whilst referring to the fact that he or she is a Member of the Corporation, or when commenting on the Corporation.

PART 4 DUTIES OWED TO FELLOW MEMBERS

- 4.1 A Member shall be courteous and civil, and shall act in good faith, in all professional dealings and in all communications with other Members.
- 4.2 A Member shall avoid maligning the reputation of fellow Members for personal motive or personal satisfaction.
- 4.3 Members shall cooperate with professional colleagues and shall where possible encourage the dissemination of knowledge that may be of help to other Members of the profession.

PART 5 DUTIES OWED TO THE CORPORATION

- 5.1 A Member shall be familiar with and comply with the By-laws, this Code and the policies established or adopted by the Board from time to time.
- 5.2 A Member shall recognize that only the President, or alternatively a Member of the Board or an Officer appointed by the President as spokesperson on a particular issue, shall have the authority to make public statements on behalf of the Corporation.
- 5.3 A Member shall not publically convey in the course of a public statement or a written publication that he or she is publishing on behalf of the Corporation or that his or her views represent the views of the Corporation, unless specifically authorized to do so in writing by the President.
- 5.4 A Member shall immediately advise the Corporation in writing of any change in his or her professional circumstances that could reasonably affect his or her ability to practice as an Authorized Regulator, or bring discredit to the profession and/or the Corporation. This duty includes, but is not limited to, a duty to report to CAPIC details of:
 - (a) any adverse finding reached against the Member concerning his or her professional obligations, professional ethics, honesty, integrity or regard for human rights. An adverse finding referred to herein includes a finding reached in Canada or outside of Canada by a professional regulatory body, Court, Tribunal, Non-Profit Corporation, or academic establishment, and includes a finding made on a preliminary basis;

- (b) any criminal charges made against the Member, in Canada or outside of Canada; and,
- (c) any criminal convictions made against the Member, in Canada or outside of Canada.

PART 6 DUTIES OWED WHEN PUBLISHING ON THE IMMForum, SOCIAL MEDIA PLATFORMS AND OTHER COMMUNICATION PLATFORMS

- 6.1 Members shall use the IMMForum Forum, and not the Social Media Platforms, to report information, ask questions, share ideas, and discuss practice and procedural issues that relate to immigration consulting.
- 6.2 When accessing, using and publishing on the IMMForum, Members shall read, be familiar with, and comply with the IMMForum's Terms of Use in effect at the relevant time.
- 6.3 The Social Media Platforms shall be used solely by the Corporation to announce events and educational programs offered or endorsed by the Corporation, and to report on activities and endeavors of the Corporation, including the Corporation's lobbying efforts.
- 6.4 Members are obliged to act in accordance with the Social Media Platform's applicable agreement and/or terms of use (i.e. Facebook Terms and Policies, LinkedIn User Agreement, and Twitter Terms of Service).
- 6.5 A Member must not publish on the IMMForum, Social Media Platforms or Other Communication Platforms any content which:
 - (a) is abusive, offensive, harmful, obscene, harassing, hateful, racist, threatening, injurious to any person, group or entity, or is otherwise inconsistent with the proper kind of professional communications expected from a member of CAPIC;
 - (b) contains swearwords, bad language, or offensive nicknames;
 - (c) may be defamatory of any person, group, or entity;
 - (d) is not courteous and civil towards other member(s), client(s) of immigration consulting services, government officials, or members of the public;
 - (e) may be harmful to the reputation of CAPIC;
 - (f) impersonates a person, assumes a false identity, falsely states or otherwise misrepresents one's affiliation with a person, entity, or group, or disguises the origin of any content of a message;
 - (g) constitutes a taunt published to ridicule another person, entity or group, or discussion topic;

- (h) contains materials which encourage conduct that would constitute a criminal offense, that violate the rights of others, or that would otherwise violate any applicable local, provincial, national or international law;
 - (i) in any way breaches the confidence of another individual. Specially:
 - (i) When publishing on the IMMeForum, Members must remove a client's personal information and must not publish any characteristics which may reveal a client's identity;
 - (ii) Members must not at any time share the personal information of another (including their name, address, job title, cell phone number or other contact details) without first obtaining that person's written consent;
 - (j) contains material (including but not limited to photographs, programs, publications, trade secrets, copying and pasting text of news stories) protected by privacy, copyright, trademark or any other applicable laws, unless the Member owns or controls the rights thereto or has obtained all necessary consents to do so;
 - (k) is published for a commercial purpose, contains or links to advertising, including advertising of a service or educational program not being offered by the Corporation, is published for the solicitation of funds, or is published for the solicitation of goods and services, unless prior written authorization is provided by CAPIC;
 - (l) contains destructive features such as: viruses; computer code or programs designed to interrupt, destroy or limit the functionality of any computer software, hardware, and telecommunications equipment; Trojan horses; or Bots (Bots are programs that operate as agents, such as spiders or crawlers, that access web sites and gather their content for search engine indexes);
 - (m) encourages or facilitates Members to arrive at any agreement or understanding that, if carried into effect, would be likely to lessen competition among or between members in any market of immigration consulting or immigration legal services. Such communications may be contrary to competition laws.
- 6.6 The Corporation reserves the right, at its sole discretion and without notice, to remove or edit any messages from the IMMeForum, the Social Media Platforms, and the Other Communication Platforms. The Corporation also reserves the right to temporarily or permanently restrict a Member's access to any electronic forum, such as the IMMeForum and Social Media Platforms, which allow a Member to publish thereon.
- 6.7 If a Member feels that a publication appearing on the IMMeForum, the Social Media Platforms, or Other Communication Platforms is objectionable and was published in violation of this Code or IMMeForum Terms of Use, or any laws or regulations, the Member shall contact CAPIC immediately to report such concerns by sending an email to info@capic.ca.

PART 7 ADDITIONAL DUTIES OWED OF A MEMBER WHO IS ALSO A MEMBER OF AN AUTHORIZED REGULATOR

- 7.1 A Member who is also a member of an Authorized Regulator shall at all times comply with his or her Authorized Regulator's By-Laws, Code of Ethics, professional handbook, policies, and guidelines established by his or her Authorized Regulator from time to time.
- 7.2 In addition to the obligation set out in section 5.4 herein, a Member shall immediately advise the Corporation in writing if, at any time, he or she ceases to be registered with his or her Authorized Regulator.

PART 8 DISCIPLINE OF MEMBERS

- 8.1 Members found to have contravened one or more sections of this Code may be disciplined in accordance with the By-laws of the Corporation and the Discipline Policy and Procedure established by the Board, and amended from time to time. Such discipline includes, but is not limited to, the suspension or termination of one's Membership in the Corporation.