

CAPIC Whistleblower Policy

Approved by the Board on November 9, 2021

Preamble

Canadian Association of Professional Immigration Consultants (CAPIC) is committed to ensuring that in carrying out its responsibilities, the organization acts in accordance with applicable laws and observes the highest standards of business and personal ethics. This Policy sets out the duty of all Board members, employees and volunteers to report misconduct or suspected misconduct, including fraud and financial impropriety, and ensures that anyone who makes a report (a Complaint) in good faith will be protected from retaliation.

- 1) For the purposes of this Policy, a Complaint may be submitted if, in particular, but without limitation, any one of the following incidents of misconduct occurs:
 - a) accounting, auditing, or other financial reporting fraud or misrepresentation;
 - b) violations of federal or provincial laws that could result in fines or civil damages payable by CAPIC, or that could otherwise significantly harm CAPIC's reputation or public image;
 - c) unethical business conduct in violation of any of CAPIC's policies and/or CAPIC's Code of Conduct;
 - d) danger to the health, safety, or well-being of employees, volunteers and/or the public; or
 - e) unauthorized alteration or manipulation of records.

2) Acting in Good Faith

Anyone filing a Complaint alleging misconduct must act in good faith and have reasonable grounds for believing the information disclosed indicates wrongdoing. Making allegations which prove not to be substantiated and which prove to have been made maliciously or knowingly to be false could result in disciplinary action up to and including termination.

3) No Retaliation

No Board member, employee or volunteer who files a Complaint in good faith shall suffer retaliation. Retaliation means any direct or indirect detrimental action threatened or taken against an individual. Anyone who is found to have retaliated against someone who has filed a Complaint in good faith will be subject to discipline up to and including termination. However, filing a Complaint in no way protects a person from being subjected to legitimate disciplinary or legal action. In other words, filing a Complaint cannot be used to escape legitimate disciplinary or legal action if the complainant herself/himself was involved in the misconduct or would otherwise be subject to discipline or legal action.

Procedures

- 4) The Board shall appoint one or more Compliance Officers to be responsible for receiving, investigating and resolving all reported Complaints and allegations of any misconduct. Each Compliance Officer shall be a member of the Board or of an outsourced entity that specializes in handling Complaints, as determined in the discretion of the Board.
- 5) A Complaint may be submitted to any member of the Board in writing and should include the following information:
 - description of the activity;
 - date the complainant became aware of the activity;

- name of the individual suspected of the activity; and
 - steps taken (if any) prior to making complaint or allegation.
- 6) Each Compliance Officer, in conducting her/his duties in respect to this Policy, shall ensure the following:
 - a) An acknowledgement of receipt shall be sent to the complainant within ten (10) business days of receipt of the Complaint.
 - b) All Complaints shall be investigated within thirty (30) business days unless there are extenuating circumstances which would justify a longer delay.
 - c) All Complaints shall be kept confidential and information shall be shared strictly on a need-to-know basis.
 - d) The complainant(s) shall be protected against retaliation.
 - 7) The Board shall conduct a review of the Complaint within thirty (30) business days of receiving the report of the Compliance Officer thereon.
 - 8) A complainant submitting a Complaint may choose whether or not to disclose her/his identity. However, if a complainant fails to identify herself/himself and the information provided is insufficient, the Compliance Officer may not be able to adequately investigate and resolve the Complaint. When a complainant identifies herself/himself, the identity of the complainant will be revealed only to those in senior management who are required to know of the violations and as may be required for CAPIC to investigate or take action and as required by applicable law.

Reporting of Retaliation

- 9) Individuals who believe that retaliatory action has been taken against them because they have reported misconduct should forward all information and documentation to support their complaint to the Compliance Officer. Reports of retaliation will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- 10) If the results of the investigation indicate there is a credible case of retaliation or threat of retaliation, the Compliance Officer will refer the findings to the Board and recommend measures to safeguard the interests of the complainant. The Compliance Officer may also recommend disciplinary actions to be taken against the retaliator. The Board will make a decision on the appropriate action to be taken.
- 11) If the investigation reveals no credible case of retaliation or threat of retaliation, the complainant will be advised by the Compliance Officer of other informal mechanisms for conflict resolution. Regardless of the outcome, the complainant will receive the outcome of the investigation in writing from the Compliance Officer. The Board will be informed of the outcome.
- 12) Should the complainant not be satisfied with the findings of the Compliance Officer as regards the existence of retaliatory action, she/he may make a direct appeal to the Board by written notice to the Chair of the Board given within twenty (20) business days of the receipt of the written report of the Compliance Officer. The ruling of the Board will constitute the final disposition of the Complaint.