



REAL ESTATE INSTITUTE OF CANADA
INSTITUT CANADIEN DE L'IMMEUBLE

PROFESSIONAL STANDARDS HANDBOOK

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PART I THE ROLE OF ETHICS AND PROFESSIONAL STANDARDS IN THE REAL ESTATE INSTITUTE OF CANADA

I DEFINITIONS

Client:

- a) a Member's employer;
- b) any person for whom services are provided, and with whom a consensual relationship of trust has been created, whether by express agreement or by implication; and
- c) any person who has agreed to give any remuneration or other consideration, directly or indirectly, contingent or otherwise, to a Member for services rendered or to be rendered.

Council:

The term Council will apply to any Council within the Institute unless specifically delimited as follows: Real Estate Sales & Leasing Council, Real Estate Property/Asset Management Council, or Real Estate Finance Council.

Institute:

The term Institute will refer to the Real Estate Institute of Canada (REIC).

Member:

A Member will mean all Active Members, Affiliate Members and Candidates. All Active Members will include persons in good standing who have been awarded one of the following designations or accreditations: FRI, FRI(E), FRI(A), CMR, CLO, CLP, CRES, CPM[®], ACoM, ARM[®], CRF, CMOC, CRP, ARP, CRU. All Affiliate Members will include Honourary, Life/Emeritus, Non-active, and Lifetime Members, Members on Medical/Compassionate Leave, and other affiliate member categories. For the purpose of interpreting the Code, all Candidates in good standing will also be deemed to be included under the term "Member".

Unethical Conduct:

Unethical conduct is defined as conduct of a member where he or she has failed to comply with the Code of Professional Standards, the CPM Code of Professional Ethics or the ARM Code of Ethics.

Improper Conduct

Improper conduct is defined as conduct of a member where he or she has failed to comply with the Bylaws of the Real Estate Institute of Canada currently in place.

II THE PURPOSE OF THIS HANDBOOK

This handbook has been designed for four reasons:

1. to make the Institute's Code of Professional Standards a more understandable and usable document;
2. to provide practical direction to the Members in the interpretation of the Code;
3. to describe clearly the procedures involved in enforcing the Code; and
4. to emphasise the fundamental role of the Code and its importance to the Institute.

III REIC'S MISSION AND VISION

REIC adopted its current Core Purpose/Mission statement in November, 2008. Its mission statement reads, "The Real Estate Institute of Canada's objective is to advance opportunities for people in real estate.

One of the four cornerstones of REIC is Ethics; to establish and enforce professional standards of practice for the Institute's Members.

The Institute's Code of Professional Standards is a document fundamental to the pursuit of its mission.

IV HISTORY

The Real Estate Institute of Canada, formerly known as CIR - Canadian Institute of Realtors, was formed in 1955. The objective of its founders was to establish higher standards of practice, i.e. a "professional" standard, in real estate.

It was accepted that real estate related occupations did not have sufficiently stringent initial qualifications to be called "professions" at the entry level. The Institute was founded to establish additional requirements in the areas of education, experience and ethical conduct, thereby creating a mechanism to allow the public to identify those who had made a career commitment to the real estate industry and, at the same time, establishing a national network of individuals dedicated to pursuing professional standards of qualification and practice.

Higher education and a minimum number of years of experience were, and are still, the prerequisites to membership, with the Institute's Code of Professional Standards as the ongoing mutual obligation

that bound, and continues to bind, the membership together in their dedication to uncompromising standards of business practice.

The Code is, therefore, as much of a foundation stone of the Institute today as it was in 1955. It is the Members' social and business contract with the Institute, each other and the public, therefore the proclamation of their commitment to professional conduct and the high standard by which they are prepared to be judged.

V THE IMPORTANCE OF ETHICS AND PROFESSIONAL STANDARDS

One of the most basic defining features of professionals is that they act in such a way that personal gain is never placed above the interest or good of the public.

In the simplest terms, ethics is nothing more than proper behaviour. High ethical standards, however, demand that individuals look beyond self or corporate interest to the interests of others and the society as a whole, not just the avoidance of harm. Integrity, prudence, competence and cooperation are the cornerstones, with full disclosure (of personal interests and limitations on competence) as the most important way in which Members have undertaken to ensure a “level playing field” with informed participants.

Ethics are crucial to a healthy and productive society. They rest on the concept of a shared interest—that we all have a stake and a collective responsibility in establishing a fair and equitable social system. Whenever a position is favoured without regard for the ramifications on society, or self-interest in business overshadows the needs and rights of others, the social contract is violated.

When specific injury is done, the law comes into play. However, Members of the Real Estate Institute of Canada have, by their affiliation, set themselves apart as a distinct group of individuals dedicated to higher standards of business practice than the minimum standards set out in the law. The Code is the written and sworn contract, which sets out these higher standards by which the Members have agreed to abide.

“Ethics and Business Practice” (REIC 2600) is a required course for all REIC designation Candidates. Nonetheless, the best method of teaching ethics is by example. While it is the commitment of the Institute to enforce and emphasize the Code, it is only through the exemplary behaviour of its Members that the ultimate goal of true professionalism can be achieved.

VI THE CODE AND THE INSTITUTE

The Articles of the Institute's Code of Professional Standards are designed to spell out, in practical terms, the general imperatives of integrity, prudence, competence, cooperation and full disclosure. However, it is important to note that they also address a number of unique circumstances within the Institute.

a) **The Composition of the Membership**

The individual Articles of the Code have been structured to address the wide divergence of responsibilities of individual Members.

Because the Institute is made up of several designated professional groups, certain Articles require flexibility to address employee/employer relationships as well as independent contractor considerations. Further, many Members face unique demands due to agency relationships that are established in the marketplace and defined by law. In such instances, disclosure requirements and procedures are of the utmost importance and determined by the circumstances.

For example, a licensed REALTOR[®] who is a Member of the Real Estate Institute of Canada would be particularly concerned about agency relationships and full disclosure. With increasing attention being directed in agency law to such concepts as “express and/or implied dual agency”, the REALTOR[®] must ensure that the disclosure clearly identifies his or her role in relation to divergent interests in a transaction. Hence, one Article addresses that specific circumstance. At the same time, a leasing officer, property manager or underwriter, as an employee, would be more concerned with duties to a principal and “fairness to other parties”. So, another Article within the Code confronts that particular issue.

b) **Membership Adherence to Other Codes**

Members of specific Councils of the Institute may also be regulated by other Codes relating to their particular area of expertise. For example, FRI and CRES Members who may also be members of the Canadian Real Estate Association must adhere to the CREA Code of Ethics and Standards of Business Practice, which are quite specific in addressing real estate trading and brokerage.

FRI Members who hold the FRI(A) accreditation not only must adhere to the REIC Code of Professional Standards but have agreed, by signing the Application for FRI(A) Accreditation, to abide by the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice (USPAP) of the Canadian Deposit Insurance Company (CDIC) as adopted by REIC.

In most instances, the Articles of the Institute's Code complement these other standards. However, should some point of conflict arise, the Institute will enforce its rules separate and apart from any interpretations or actions taken by any other organization having jurisdiction over a Member. The Institute will, of course, take such proceedings into consideration but will not be bound by, or in any way connected to them.

The only exception to this policy, with respect to other Codes, is the Code of Professional Ethics of IREM. REIC is responsible for the enforcement of this Code on behalf of the Institute of Real Estate Management, as well as the Institute's own Code, with respect to its

CPM[®] ACoM and ARM[®] Members. The Articles of the IREM Code is specific to the responsibilities of the property manager, commercial manager and residential manager, and in all cases are complementary to the REIC Code. The IREM code is administered in a manner appropriate to each individual complaint by the REIC Professional Standards Committee and the IREM Ethics and Discipline Committee. Recommendations for disciplinary action for violation of the IREM Code of Professional Ethics are subject to the approval of the Ethics and Discipline Committee of the Institute of Real Estate Management (IREM).

c) **Legal and Statutory Requirements**

The Code does not mention any specific legal or statutory requirements because Members are impacted by a number of different provincial and territorial regulations according to their field of practice. However, a general link Article is provided which requires that all Members “will conduct business in strict accordance with all applicable laws, Bylaws and regulations...”

This provides the Institute with the right to take into account any violation or offence by a Member. The conviction of a Member under provincial, territorial or federal law may result in an investigation, Hearing or discipline under the Code of the Institute. Pertinent facts concerning such matters may result in, or become part of, a professional standards case. The Committee may decide to grant a stay of proceedings if requested if evidence demonstrates that continuation of proceedings would be unfair to the parties (e.g. double jeopardy) or potentially result in inconsistent findings.

d) **The Rights of the Institute to Enforce the Code**

A direct reference to REIC's right to make inquiries regarding the conduct of Members and demand the production of evidence and testimony is included in the Code. Members agree to “... cooperate in the enforcement of the Code of Professional Standards and the resolution of any matter brought before the Professional Standards Committee”.

Furthermore, the application form that must be signed by each applicant, Candidate and Member of the Institute, clearly states:

“I shall conduct my real estate activities in accordance with the Code of Professional Standards of the Institute. I shall also be bound by the Bylaws and Policies of the Institute, as they are now or as they may be amended from time to time subsequent to this application, and be bound by the decisions of any Institute committee and the Board of Directors affecting my candidacy or Membership in the Institute.”

The application further requires that individuals subscribe to the official pledge of the Institute:

“I pledge that I have read and understand the Institute's Code of Professional Standards and I agree to fulfil with integrity and diligence the obligations set out in the Code, to use my best efforts to ensure the maintenance and promotion of the Code, and to comply with all other Bylaws and Policies of the Real Estate Institute of Canada.”

In the applications for candidacy and membership, each prospective Candidate or Member now executes the following release:

“I, for and on behalf of myself, and my heirs, assigns, administrators, and each of them waive and forever release all claims and demands, or causes of action and each of them, that I or they may have now or may in the future have against the Institute, its Members, Officers, Councillors, Agents, Employees, Chapters or others who may supply information or material to the Institute, and each of them, for any act or omission by the Institute, its Officers, Councillors, Employees, Chapter or any others and each of them including but not in any way limited to its or their acts or omissions in granting candidacy or membership, failing to grant candidacy or Membership, or in censuring, suspending, expelling or terminating such candidacy or membership.”

Whether this Release was contained in the application executed by a Member or Candidate or not, it will be a term of the contract between each Member and Candidate and the Institute, and between Members and Candidates. If the application executed by the Member or Candidate did not contain this Release, and if the Member or Candidate does not agree to the terms of the Release repeated above or the Release set out below, he or she will terminate his or her candidacy or Membership within thirty (30) days of the receipt of this Code of Professional Standards. If the Member or Candidate does not terminate his or her membership or candidacy in the time period specified, he or she will be deemed to have agreed to the terms of the Release set out above and the Release set out below.

“The complainant will not be liable for any damages suffered by the party charged as a result of the complaint. Neither the Institute, any Officer, Employee nor Agent thereof, not any Member of the Board of Directors nor any Member of the Professional Standards Committee, Hearing Panel or Appeal Board, will be liable for any action or omission in the course of the procedures set out herein. All claims and causes of action for damages, costs or any matter whatsoever which may arise out of any procedure set out herein will be deemed waived by all Members, Candidates, or others, subject to the jurisdiction of the Institute, or others holding or seeking an accredited status in the Institute, as a condition of obtaining and continuing membership, maintenance of Candidate status or the initial granting of and continuation of an accreditation.”

VII THE FUNDAMENTAL RESPONSIBILITY OF EVERY MEMBER

This Handbook for the Code of Professional Standards is a reaffirmation of the Institute's commitment to high ethical standards. *Members are given the right to use designations awarded by REIC, and this right is contingent upon continued membership in the Institute.* The value of any designation is directly tied to the reputation and skill of the user. It is incumbent upon the Institute to ensure that such users fully subscribe to the Code. An unethical practice is not only a violation of the public trust; it is an offence against all Members of the Institute.

Professional organizations succeed or fail based upon the public perception of their members' skill and standards. The Institute sets criteria for membership and, in granting designations, is establishing a level of competence acceptable for individual practitioners participating in REIC. It is the obligation of the Institute and every individual Member to be vigilant in ensuring that all REIC Members meet the minimum standards of the Code, and that violations are promptly brought to the attention of the Professional Standards Committee.

The fundamental duty of every Member is the maintenance and promotion of the Institute's Code of Professional Standards in order to ensure that the credibility of REIC, its designations and its Members are never compromised.

VIII DUTIES OF MEMBERSHIP

All Members are required to comply with the Code of Professional Standards and are also urged to participate in its enforcement. When circumstances warrant, Members should, after careful consideration, use the procedures outlined to file complaints *in writing* with the Professional Standards Committee. It is only with the ongoing vigilance of all Members that the Institute's standards will be maintained.

IX DUTIES OF THE CHAPTERS

Local Chapters have been created for the purpose of Member education, networking, study of local markets and the advancement of the objectives of the Institute. With respect to professional standards, individual Chapters are expected to:

- a) organize, co-operate with others in organizing, or identify local educational programs to expand membership awareness of current issues and appropriate standards of business practice;
- b) actively promote and cooperate in organizing any national or regional Institute education programs relating to professional standards;
- c) assist, upon request, the Executive Director, Committee Liaison, the Board of Directors or any Committee, Panel or Appeal Board involved in the resolution of a professional standards complaint; and

- d) provide assistance, when called upon by the Chair of the Professional Standards Committee or Committee Liaison, in the selection of Members for the Committee, Panel or Appeal Board Hearing cases or Appeals relating to the Code of Professional Standards.

X DUTIES OF THE COUNCILS

The Councils' role in the Institute is to "consider matters relating to education, admission requirements and ethics." Specifically in regard to ethics and professional standards, the Councils are expected to:

- a) provide assistance when requested by the Executive Director, Committee Liaison, the Board of Directors or any Committee, Hearing Panel or Appeal Board in matters concerning professional standards complaints, investigations or Hearings;
- b) make recommendations as required to the Board of Directors concerning amendments or clarifications to the Code of Professional Standards, the Guiding Principles, the Interpretations or the procedures for handling cases;
- c) provide assistance, when called upon by the Chair of the Professional Standards Committee or Committee Liaison, in the selection of Members for the Committee, the Hearing Panel or the Appeal Board; and
- d) encourage and promote courses, publications and membership sessions relating to ethics and business practices.

XI DUTIES OF THE PROFESSIONAL STANDARDS COMMITTEE

The Professional Standards Committee has certain rights and duties in administering the Code of Professional Standards. The Committee has ultimate authority for determining any disciplinary or other action that is recommended as a result of the Hearing or Appeal procedures in Professional Standards cases. The Committee is empowered to revoke the membership of, or otherwise discipline, any Member, Active or Affiliate, for breaching the Bylaws or Code of Professional Standards.

The Committee may approve one or more of the following forms of disciplinary action:

- a) a letter of reprimand;
- b) attendance and successful completion of an Institute course or courses, or any other educational program deemed appropriate at the Member's expense;
- c) payment of an amount fixed by the Hearing Panel or Appeal Board which approximates the cost borne by the Institute for processing the complaint;

- d) suspension of membership or candidacy for a defined period, or until a specified action is taken by the Member or Candidate;
- e). expulsion from membership or candidacy;
- f) publication of the decision, in the case of items d or e above.

XII DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors shall ensure that a confidential, fair and impartial investigation shall be conducted in good faith according to the rules and procedures outlined herein and approved by the Board when written complaints alleging breach(es) of any of the Bylaws, Policies, Code of Professional Standards or the IREM Codes of Ethics are lodged against any Member, Director or Officer of REIC.

The Board of Directors has delegated its authority to the Professional Standards Committee to determine the appropriate disciplinary action where a Member has been found in breach of the Bylaws, Policies or Code of Professional Standards of the Institute. Its duties are the same as those of all Members in relation to enforcing the Code of Professional Standards.

PART II THE CODE OF PROFESSIONAL STANDARDS OF THE REAL ESTATE INSTITUTE OF CANADA

THE CODE OF PROFESSIONAL ETHICS OF IREM

The objective of these Codes is to establish and define a set of standards of business practice required of REIC Members.

The Member should follow the spirit as well as the letter of these Codes. Public confidence in professions involved with real estate may be eroded by irresponsible conduct on the part of an individual Member. Accordingly, Members should:

- a) endeavour to conduct themselves at all times so as to reflect credit on the Institute;
- b) inspire the confidence, respect and trust of their clients and the community; and
- c) strive to avoid even the appearance of impropriety.

I GUIDING PRINCIPLES AND INTERPRETATIONS

Some of the Articles contained within the Codes have been expanded by using interpretations to help clarify the applications of the Codes for Members in the daily pursuit of their careers, and for Committee Members charged with the responsibility of monitoring and enforcing the Codes.

Where appropriate, examples and scenarios have been developed to reflect the activities of each of the Institute's Councils. The Handbook is regularly updated and revised to ensure that the information provided is timely and accurate.

It is important to note that the headings for each article should not be interpreted. They are provided simply to assist in the use and reading of the Codes.

**THE CODE OF PROFESSIONAL STANDARDS
OF THE REAL ESTATE INSTITUTE OF CANADA**

ARTICLE 1. "Quality of Service"

A Member will perform professional services with competence, integrity and due regard for the public interest.

ARTICLE 2. "Well Informed and Knowledgeable"

A Member will maintain a high standard of professional expertise.

ARTICLE 3. "Full Disclosure to Client"

A Member will be forthright and impartial when advising a client, and will not withhold any information relevant to the interests of a client.

ARTICLE 4. "Care of Property"

A Member will care for the property of others entrusted to the Member in the same manner that a careful and prudent owner would care for similar property.

ARTICLE 5. "Fairness to all Parties"

A Member will at all times protect and promote the interests of a client, but will be fair and honest with all other parties involved in any matter.

ARTICLE 6. "Referral When Lacking Competence"

A Member will neither advise nor render service in areas or matters which exceed the Member's competence. The Member will endeavour to direct parties to those from whom competent advice and service may be obtained.

ARTICLE 7. "Representing Divergent Interests"

A Member will neither advise nor represent parties having divergent or conflicting interests without the informed consent of all parties.

ARTICLE 8. "Conflict of Interest Between Client and Member"

A Member will not:

- a) enter into a business transaction with a party to whom professional advice has been given by the Member if there is a significant risk that the interests of the Member and the client may differ; or
- b) provide advice to a party when the personal interests of the Member, a relative or an associate are in conflict with the interests of the party, without advising the party that independent advice should be obtained and securing a written acknowledgement of same from the party.

ARTICLE 9. "Disclosure of Fees"

A Member will not receive directly or indirectly any rebate, fee, commission, discount or other benefit, whether monetary or otherwise without the full knowledge and prior consent of the client.

ARTICLE 10. "Fair and Reasonable Fees"

A Member will charge fair and reasonable fees commensurate with services being provided and fully disclose the amount of such fees at the time the service is provided.

ARTICLE 11. "Confidential Information"

A Member will hold in strict confidence all information provided in confidence by a client, unless required by law to disclose such information.

ARTICLE 12. "Outside Interests"

A Member who engages in another profession, business or occupation beyond the usual scope of services provided to clients must not allow such outside interest to jeopardise the Member's professional integrity, independence or competence.

ARTICLE 13. "Advertising"

All advertising placed by a Member, whether on the Member's behalf or on behalf of a client, will provide accurate information regarding the subject of the advertisement, and will not be false or misleading in any respect.

ARTICLE 14. "Use of Designations"

A Member will not use a designation or accreditation granted by the Institute in any manner contrary to this Code of Professional Standards or the Bylaws and Policies of the Institute.

ARTICLE 15. "Other Institute Members"

A Member will not make, authorise, or otherwise encourage any unfounded oral or written statements that are derogatory to, or disparaging of, another Member's business practice. All dealings between Members will be conducted with integrity and good faith.

ARTICLE 16. "Laws and the Conduct of Business"

A Member will conduct business in strict accordance with all applicable laws, Bylaws and regulations, and in accordance with any Code of Professional Standards enacted by the Institute for any of its Councils.

ARTICLE 17. "Member Co-operation in Enforcing the Code"

A Member will assist and fully co-operate in the enforcement of the Code of Professional Standards and the resolution of any matter brought before the Professional Standards Committee.

Institute of Real Estate Management Code of Professional Ethics

Introduction

The purpose of this Code of Professional Ethics is to establish and maintain public confidence in the honesty, integrity, professionalism, and ability of the professional real estate manager. The Institute of Real Estate Management and its Members intend that this Code and performance pursuant to its provisions will be beneficial to the general public and will contribute to the continued development of a mutually beneficial relationship among Certified Property Manager® Members, CPM® Candidates, Accredited Residential Manager® Members, Accredited Commercial Manager Members, Associate Members, and other Members, national and international professional real estate associations and organizations, and clients, employers, and the public.

The Institute of Real Estate Management, as the professional society of real estate management, seeks to work closely with all other segments of the real estate industry to protect and enhance the interests of the public. To this end, Members of the Institute have adopted and, as a condition of membership, subscribe to this Code of Professional Ethics.

IREM Member Pledge

I pledge myself to the advancement of professional real estate management through the mutual efforts of Members of the Institute of Real Estate Management and by any other proper means available to me.

I pledge myself to maintain the highest moral and ethical standards consistent with the objectives and higher purpose of the Institute.

I pledge myself to seek and maintain an equitable, honorable, and cooperative association with fellow Members of the Institute and with all others who may become a part of my business and professional life. I recognize and support the need to preserve and encourage fair and equitable practices and competition among all who are engaged in the profession of real estate management.

I pledge myself to place honesty, integrity, and industriousness above all else and to pursue my gainful efforts with diligent study and ongoing education so that my services shall be beneficial to the general public and my obligations to my clients shall always be maintained at the highest possible level.

I pledge myself to comply with the principles and declarations of the Institute of Real Estate Management as set forth in its Bylaws, Statement of Policies, and this Code of Professional Ethics.

Article 1. Loyalty to Client, Firm, and/or Employer

A Certified Property Manager®, CPM® Candidate, Accredited Residential Manager®, Accredited Commercial Manager, or Associate Member (hereinafter referred to as MEMBER) shall at all times exercise loyalty to the interests of the client and the employer or firm with whom

the MEMBER is affiliated. A MEMBER shall be diligent in the maintenance and protection of the interests and property of the employer and of the client. A MEMBER shall not engage in any activity that could be reasonably construed as contrary to the interests of the client or employer. If an activity would result in a conflict between the interests of the firm or employer and the interests of the client, then the interests of the client shall take precedence.

Article 2. Confidentiality

A MEMBER shall not disclose to a third party any confidential or proprietary information which would be injurious or damaging to a client concerning the client's business or personal affairs without the client's prior written consent, unless such disclosure is required or compelled by applicable laws and regulations.

Article 3. Accounting and Reporting

Pursuant to the terms of the management agreement, a MEMBER shall use reasonable efforts to provide accurate, auditable financial and business records and documentation concerning each asset managed for the client, which records shall be available for inspection at all reasonable times by the client. A MEMBER shall furnish to the client, at mutually agreed upon intervals, regular reports concerning the client's assets under management. A MEMBER shall not exaggerate, misrepresent, or conceal material facts concerning the client's assets or any related transaction.

Article 4. Protection of Funds

A MEMBER shall at all times serve as a fiduciary for the client and shall not commingle personal or company funds with the funds of a client or use one client's funds for the benefit of another client, but shall keep the client's funds in a fiduciary account in an insured financial institution or as otherwise directed in writing by the client. A MEMBER shall at all times exert due diligence for the maintenance and protection of the client's funds against all reasonably foreseeable contingencies and losses.

Article 5. Relations with Other Members of the Profession

A MEMBER shall not make, authorize or otherwise encourage any false or misleading comments concerning the practices of Members of the Institute of Real Estate Management. A MEMBER shall truthfully represent material facts in their professional activities. A MEMBER shall not exaggerate or misrepresent the services offered as compared with the services offered by other real estate managers. Nothing in this Code, however, shall restrict legal and reasonable business competition by and among real estate managers.

Article 6. Contracts

Any written contract between a MEMBER and a client shall be in clear and understandable terms, and shall set forth the specific terms agreed upon between the parties, including a general description of the services to be provided by and the responsibilities of the MEMBER.

Article 7. Conflict of Interest

A MEMBER shall not represent personal or business interests divergent from or conflicting with those of the client or employer and shall not accept, directly or indirectly, any rebate, fee, commission, discount, or other benefit, monetary or otherwise, which could reasonably be seen as a conflict with the interests of the client, employer or firm, unless the client or employer is first

notified in writing of the activity or potential conflict of interest, and consents in writing to such representation.

Article 8. Managing the Assets of the Client

A MEMBER shall exercise due diligence in the maintenance and management of the client's assets and shall make all reasonable efforts to protect it against all reasonably foreseeable contingencies and losses.

Article 9. Duty to Former Clients and Former Firms or Employers

All obligations and duties of a MEMBER to clients, firms, and employers as specified in this Code shall also apply to relationships with former clients and former firms and employers. A MEMBER shall act in a professional manner when, for whatever reason, relationships are terminated between a MEMBER and a client and firm or employer. Nothing in this section, however, shall be construed to cause a MEMBER to breach obligations and duties to current clients and firm or employer.

Article 10. Compliance with Laws and Regulations

A MEMBER shall at all times conduct business and personal activities with knowledge of and in compliance with all applicable laws and regulations.

Article 11. Equal Opportunity

A MEMBER shall not deny equal employment opportunity or equal professional services to any person for reasons of race, color, religion, sex, familial status, national origin, age, sexual orientation, or handicap and shall comply with all applicable laws and regulations regarding equal opportunity.

Article 12. Duty to Tenants and Others

A MEMBER shall competently manage the property of the client with due regard for the rights, responsibilities, and benefits of the tenants or residents and others lawfully on the property. A MEMBER shall not engage in any conduct that is in conscious disregard for the safety and health of those persons lawfully on the premises of the client's property.

Article 13. Duty to Report Violations

Each MEMBER has a responsibility to provide the Institute of Real Estate Management with any significant factual information that reasonably suggests that another MEMBER may have violated this Code of Professional Ethics. Such information must be presented as outlined in the Institute of Real Estate Management's Bylaws and Statement of Policies.

Article 14. Enforcement

The interpretation of compliance with this Code is the responsibility of the Ethics and Discipline Committee of the Institute of Real Estate Management. Any violation by a MEMBER of the obligations of this Code and any disciplinary action for violation of any portion of this Code shall be determined and carried out in accordance with and pursuant to the terms of the Bylaws and Statement of Policies of the Institute of Real Estate Management. The result of such disciplinary action shall be final and binding upon the affected MEMBER and without recourse to the Institute, its officers, Governing Councilors, Members, employees, or agents.

PART III ADMINISTRATION AND ENFORCEMENT OF THE CODE OF PROFESSIONAL STANDARDS

I POLICY LIMITATIONS

This policy shall not apply to employees of the Institute. Procedures to handle internal staff complaints are documented in the REIC Employee Policy Manual.

The rules adopted in this Policy shall not preclude the Board from pursuing legal action if the circumstances so warrant.

II CONFIDENTIALITY

1. REIC will make every effort to ensure confidentiality for members involved in complaints. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainant(s), respondent(s) and witnesses will be advised to maintain confidentiality concerning complaints. Any record of discipline that occurs as a result of a complaint will be kept on file in accordance with item 3 (below). However, all records shall be subject to the provincial *Freedom of Information and Protection of Privacy Act*, and may be subject to disclosure under the Act or to a court of law.
2. All notices required by these rules shall be given marked "Private and Confidential", and sent by courier, registered mail, or other method requiring a signed receipt of delivery.
3. Following the final resolution of a complaint, all documents held by the Chair relevant to Professional Standards complaints shall be returned to REIC headquarters to be held sealed and in strict confidence for a period of seven (7) years following which the documents shall be destroyed. Other members of the Committee shall sign an acknowledgement that all documents relevant to Professional Standards complaints will be destroyed.
4. Such officers, members or employees of REIC may be given information only as is necessary and proper for the effective implementation of any penalty imposed.
5. Subject to the rules contained herein, the Board of Directors shall not have access to any relevant documentation pertaining to complaints until resolution of the complaint is completed and the Committee has rendered its decision for disciplinary action (if any).
6. Any suspension, revocation of designation or expulsion from REIC membership may be published in the REIC member newsletter or elsewhere as deemed appropriate by the

Committee. However, none of the details of the complaint or proceedings shall be divulged.

III COMPOSITION OF THE PROFESSIONAL STANDARDS COMMITTEE

The Professional Standards Committee is a standing committee of the Institute. The Members of the Committee will be elected by the Board of Directors, but may not be members of the Board. The Committee will have at least one Member representing each Council, provided that the Chair of the Committee and the Council Chair may agree that a particular designation need not have representatives on the Committee. If a designation is not represented, the Committee will not proceed with any matter affecting a Member holding that designation until a designation representative is appointed to the Committee. All members agreeing to serve shall sign a Confidentiality Agreement.

1. Composition and Qualifications:

- a. The Professional Standards Committee shall be comprised of five (5) members known for integrity and good judgment, who shall be recommended by the Nominating Committee for election by the Board as vacancies on the PSC occur.
- b. Any Active member in good standing of the REIC who is not a member of the Board, who has been a continuous active member of the REIC for not less than five (5) years, shall be qualified for nomination as a member of the PSC.
- c. Members of the Professional Standards Committee shall serve for a maximum of two three-year terms, or until their successors are elected, unless the Board adopts a resolution passed by majority vote of the entire Board to limit or extend a member's or members' term.

2. Election to the PSC:

- a. Initially, and at the end of each three-year term, or as vacancies arise (apart from Rule III.2.g), the Nominating Committee shall recommend qualified candidates for election to the PSC. The number of candidates recommended shall be at least two (2) more than the total number of vacancies to be filled.
- b. Only one (1) member from any province shall be permitted to sit concurrently on the PSC, unless the Board adopts a resolution passed by two-thirds affirmative vote of the entire Board.
- c. At its first properly constituted meeting after receiving the Nominating Committee's report, the Board shall hold an election to fill Committee vacancies. Each Board member may vote on one ballot for the number candidates equal to the number of

vacancies to be filled, but may cast only one vote for a particular candidate on the same ballot.

- d. The election shall be held by secret ballot vote, unless the Board agrees by unanimous consent to vote by another method.
- e. The meeting may stand at ease or recess while the Executive Director and Board Recording Secretary count the votes and prepare a teller's report including:
 - i. number of Board members present
 - ii. number of votes necessary for election (majority of board members present)
 - iii. number of votes cast
 - iv. number of votes received for each candidate
- f. The President or the President's designate shall read the report and announce the results of the vote. A majority vote of Board members present shall be required to elect members to the PSC. The candidate(s) with the highest number of votes shall be declared elected.
- g. In the event of a vacancy on the PSC, the remaining candidate(s) shall be appointed by the Board to complete a PSC member's term in the order of the next highest number of votes. In the event that there are no remaining candidates, the process for filling the vacancy or vacancies shall be subject to Rule III.2.a (above).

3. Scope of Duties and Accountability:

- a. The PSC shall make independent decisions regarding actions to be taken as a result of unethical or improper conduct subject to the jurisdiction of the Institute.
- b. The PSC shall elect its own Chair. In the event that the PSC is unable to elect its own Chair, the Board President shall appoint the Chair.
- c. Resignations from the PSC shall be sent, in writing, to the Board. Following the Board's acceptance of the resignation, the vacancy shall be filled by motion in accordance with Rule II.2.
- d. The PSC may investigate and hold Hearings and shall carry out such other duties as outlined in the procedures for handling professional standards complaints, subject to Rule III.3 e.-g.

- e. Any member, including a member or members of the PSC, the Officers or the Board, who is either the subject or complainant of a written complaint shall be prohibited from participating in the disposition of the complaint. The respondent and complainant shall have all of the rights and obligations prescribed in this policy.
- f. In the event that the respondent or complainant is a member of the Professional Standards Committee, that member must recuse him or herself from the Committee until the complaint is resolved, and a qualified replacement shall be appointed in accordance with Rule III.2.
- g. The member(s) shall be reinstated to his/her former standing, if appropriate, following the final resolution of the complaint.

IV HEARING PROCEDURES FOR PROFESSIONAL STANDARDS CASES:

1. Mandate of the Professional Standards Committee

- i. The Professional Standards Committee may investigate, hold Hearings and take any other appropriate action in response to ethics complaints concerning matters over which the Institute has jurisdiction through its Bylaws, Policies, Code of Professional Standards, and/or IREM Codes of Ethics.
- ii. The Committee will, upon receipt of a written complaint regarding any alleged unethical or improper conduct by any Member, Candidate, or Affiliate Member subject to the jurisdiction of the Institute, inquire into such matters in accordance with the procedures outlined herein.
- iii. Upon its own motion, the Committee may investigate the actions of any Member, Candidate or Affiliate Member subject to the jurisdiction of the Institute, when there is reason to believe that such party has failed to fulfil the requirements of the Code of Professional Standards, the Bylaws and/or Policies of the Institute. If so satisfied, the Committee will prepare a complaint and inquire into the matter in accordance with the procedures outlined herein.

2. Manner of Initiating a Complaint

Any person, whether a Member of the Institute or not, having reason to believe that a Member, Candidate or Affiliate Member has failed to fulfil the requirements of the Code of Professional Standards, the Bylaws and/or Policies of the Institute, may file a complaint with the Committee by delivering a *signed and dated statement* of the facts on which the complaint is based to the Professional Standards Committee, care of the Professional Standards

Committee Liaison, at the Head Office of the Institute in a sealed envelope marked “Private and Confidential”.

3. Handling of a Complaint

- i. Upon receipt of the complaint, within five (5) business days the Committee Liaison will send a copy of this Handbook of Professional Standards to the complainant, together with a letter of acknowledgement of receipt advising him/her:
 - a) to review the document carefully; and
 - b) that the complainant's identity will not be concealed from the person against whom he/she is lodging the complaint.

Not sooner than seven (7) business days later, the Committee Liaison will send a copy of the complaint, marked "Private and Confidential", by courier, registered mail, or other method requiring a signed receipt of delivery to the Chair and Members of the Professional Standards Committee and, by courier, registered mail, or other method requiring a signed receipt of delivery, to the person against whom the complaint was made.

- ii. The Committee will decide that:
 - a) no further action is warranted, which decision will not be subject to review or Appeal; or
 - b) further action is warranted, and the Chair will then appoint a person as a "Researcher" to investigate the facts alleged in the complaint and the surrounding circumstances.
- iii. A complaint must be filed within one year after the facts could have been known in the exercise of reasonable diligence.

4. The Selection and Function of a Researcher

- i. The Researcher should, wherever feasible, hold the same designation as the individual against whom the complaint was made. The Researcher may be a Member of the Professional Standards Committee. The Researcher may request the production of any evidence relevant to the complaint.
- ii. Failure by any Member, Candidate or Affiliate Member to co-operate fully with the Professional Standards Committee (including a Researcher, Hearing Panel or Appeal Board) in the resolution of a complaint will constitute a breach of the Code of Professional Standards, and may result in membership being revoked or other disciplinary action in accordance with the Bylaws and Policies of the Institute.

- iii. The Researcher will, upon completion of the investigation, deliver a written report limited to the facts of the case, with all relevant evidence, to the Chair of the Professional Standards Committee, care of the Committee Liaison. Upon receipt of the report, or earlier if circumstances warrant, the Chair will convene a meeting of the Committee. The Committee will decide that:
 - a) no further action is warranted, which decision will not be subject to review or Appeal; or
 - b) further action is warranted, and prepare a Charge of Professional Misconduct.
- iv. The Researcher must conclude the investigation within 30 days of appointment by the Professional Standards Committee.

5. The Preparation of a Charge

- i. A Charge of Professional Misconduct will state full particulars of the alleged misconduct and will specify the Article(s) of the Code of Professional Standards and/or Bylaws the requirements of which have not been fulfilled.
- ii. The Committee Liaison will send, marked "Private and Confidential" by courier, registered mail, or other method requiring a signed receipt of delivery, a copy of the Charge to the person being charged, at the address of such person as shown on the records of the Institute.
- iii. The Charge will advise the Member of the right to make a written reply to the Charge and that, if no reply is received within thirty (30) days of the date of the letter, the Committee may proceed without further notice.

6. Stay of Proceedings

- i. The Member respondent may request a stay of proceedings in the event that there is pending litigation related to the complaint.
- ii. If notice of a request to stay the proceedings is received, due to litigation, the Committee shall make the decision whether or not to stay the proceedings after appropriate inquiry into the nature of the litigations. The decision as to whether or not to stay the proceedings shall be supported by evidence to demonstrate that continuation of proceedings would be unfair to the parties (e.g. double jeopardy) or potentially result in inconsistent findings.
- iii. The request to stay the proceedings must be received in writing with thirty (30) days of the date of the letter advising the Member of the Charge.

7. Disposition of Reply

- i. Upon receipt and review of the Reply, the Committee will decide within fourteen (14) days that:
 - a) no further action is warranted, which decision will not be subject to review or Appeal;
or
 - b) further action is warranted, and
 - i) refer the Charge to a Hearing Panel for disposition, or
 - ii) render a decision and recommend non-monetary disciplinary action;.
 - c) a stay of proceedings due to litigation (if requested), may be granted.
- ii. If the matter is referred to a Hearing Panel, the Researcher, or such other person as may be appointed by the Committee, may attend and assist at the Hearing of the complaint.

8. Composition of the Hearing Panel

A Hearing Panel will consist of not less than three (3) Members who have been Members of the Institute for not less than three (3) years and hold the same designation as the Member respondent. The majority of the Members will be familiar with the expected level of professional activity in the field in question. The Chair and Members of a Hearing Panel will be appointed by the Chair of the Professional Standards Committee. Members of the Hearing Panel will be neither Members of the Professional Standards Committee nor the Board of Directors.

9. Hearing Panel Procedure

- i. Within seven (7) days of Disposition of a Reply, the Chair of the Hearing Panel will set a date, time, and location for the Hearing, after consulting with the Executive Director. The Committee Liaison will notify the following persons of the Hearing in writing by courier, registered mail, or other method requiring a signed receipt of delivery, at their current address shown in the records of the Institute, and to be received at least thirty (30) days prior to the date of the Hearing: the Researcher or other appointee of the Committee; all Members of the Hearing Panel; any witnesses who are to be called; the complainant; and the respondent.
- ii. The complainant(s) may be asked to testify by the Hearing Panel or by the Researcher, or may themselves elect to testify at the Hearing.
- iii. The respondent or the complainant may be represented by a lawyer or a Member of the Institute, provided that notification of such representation is received by the Committee

- Liaison no less than seven (7) days prior to the Hearing date. The notice of Hearing will advise such persons of this right.
- iv. The parties will present to the Panel all relevant evidence, including the testimony of witnesses having knowledge of the facts of the matter. All documentation introduced at the Hearing will be kept in the safe custody of the Hearing Panel until any Appeal of the decision has been concluded.
 - v. The Hearing may be adjourned by a majority of the Members of the Hearing Panel. In the event of an adjournment that is not to a fixed date, the persons at the Hearing will be notified of the date, time and place at which the Hearing is to be continued, by notice in writing by courier, registered mail, or other method requiring a signed receipt of delivery, received at least twenty (20) days prior to the date of the continuation of the Hearing.
 - vi. The decision of a majority of the Members of the Hearing Panel will be deemed to be the decision of the Hearing Panel. If a majority decision cannot be reached, a new Hearing will be held and a new Hearing Panel appointed by the Chair of the Professional Standards Committee.
 - vii. Legal counsel for the Institute may serve as an advisor to the Hearing Panel and the Executive Director or Committee Liaison will serve as secretary to the Hearing Panel.
 - viii. The panel may proceed with the Hearing in the absence of the person charged if satisfied that the required notice has been given.

10. Decision by Hearing Panel

- i. The Panel will find that the person charged has:
 - a) not failed to fulfil the requirements of the Code of Professional Standards and/or Bylaws; or
 - b) failed to fulfil the requirements of the Code of Professional Standards and/or Bylaws and will recommend what disciplinary action, if any, should be taken by the Professional Standards Committee.
- ii. The Hearing Panel will render its decision as soon as possible but not more than twenty-one (21) days after the completion of the Hearing.
- iii. The decision of the Panel will:
 - a) be in writing and signed by the Chair of the Panel;
 - b) specify the decision;

- c) specify the discipline being recommended;
- d) specify the Article(s) of the Code and or Bylaws which have been found to have been contravened;

and will be delivered by the Committee Liaison, by courier, registered mail, or other method requiring a signed receipt of delivery, to:

- a) the Chair of the Professional Standards Committee; and
- b) the respondent, and such notice will inform the respondent of their right to appeal the decision of the panel, and the procedure for Appeal.

11. Approval by the Professional Standards Committee

- i. A penalty resulting from a decision of a Hearing Panel or Appeal Board that a person has failed to fulfil the requirements of the Code of Professional Standards will have no force or effect until approved by the Professional Standards Committee.
- ii. If no Appeal is filed, the decision of the Panel will be presented by the Chair of the Hearing Panel, or designee, to the Professional Standards Committee for approval at the next scheduled meeting following the expiry of the appeal period.
- iii. The Professional Standards Committee will, by a decision of the majority of Members present at the meeting, respond to the decision of the Hearing Panel or of the Appeal Board, as follows:
 - a) approve the decision and the disciplinary action to be imposed; or
 - b) order a new Hearing to take place before a new Hearing Panel.
- iv. Notice in writing of the decision of the Professional Standards Committee will be sent by courier, registered mail, or other method requiring a signed receipt of delivery, to the individual charged and to the complainant.
- v. Following resolution of a complaint, the Chair of the Professional Standards Committee shall provide a report to the Board of Directors for information only advising of the recommendation of the Hearing Panel or Appeal Board and the decision of the Committee only in cases where disciplinary action has been approved by the Committee.

12. Disciplinary Action

The Hearing Panel may recommend one or more of the following forms of disciplinary action:

- i. a letter of reprimand;
- ii. attendance and successful completion of an Institute course or courses, or any other educational program deemed appropriate at the Member's expense;
- iii. payment of an amount fixed by the Panel which approximates the cost borne by the Institute for the Hearing;
- iv. suspension of membership or candidacy for a certain period, or until a specified action is taken by the Member or Candidate;
- v. expulsion from membership or candidacy;
- vi. publication of the decision, in the case of items iv. and v. above.

13. Procedure for Appeal

- i. The decision of the Committee may be appealed, by the respondent, by filing a Notice of Appeal in writing, including a concise statement of the grounds for the Appeal with the Committee Liaison within thirty (30) days of the date of mailing of the notice of the Committee's decision.

If the decision of the Committee is appealed, the complaint will proceed to a Hearing Panel.

- ii. The decision of the Hearing Panel may be appealed, by the respondent, by filing a Notice of Appeal in writing, including a concise statement of the grounds for the Appeal with the Committee Liaison within thirty (30) days of the date of mailing of the notice of the Hearing Panel's decision.

14. Duties and Composition of Professional Standards Appeal Board

- i. The Appeal Board will consist of three (3) Members of the Institute who are not Members of the Professional Standards Committee, the Board of Directors or the Hearing Panel, but who hold the same designation as the Member appealing the Hearing Panel decision. The Chair and Members of the Appeal Board will be appointed by the Chair of the Professional Standards Committee and will serve until a written decision is rendered. Any vacancies occurring will be filled by appointment by the Chair of the Professional Standards Committee in office at the time the vacancy occurs.

- ii. The Appeal Board will not consider any new evidence, unless for good cause shown. The Appeal is to be decided solely on the evidence contained in the Hearing Panel Record.
- iii. The Hearing Record will contain:
 - a) the written Charge;
 - b) the written reply (if any);
 - c) all notices sent to the parties;
 - d) the transcript or other summary of the proceedings of the Hearing Panel (including any tape recordings of those proceedings);
 - e) all exhibits submitted as evidence at the Hearing;
 - f) the full decision of the Hearing Panel.

15. Procedures for the Appeal Hearing

- i. The Committee Liaison will deliver to the appellant by courier, registered mail, or other method requiring a signed receipt of delivery, a notice of the date, time, and place set for the Appeal Hearing, following confirmation of the date with the Members of the Appeal Board. This notice will be received at least thirty (30) days before the date of the Appeal Hearing. If the appellant fails to appear at the Appeal Hearing, either personally or by a representative, the Appeal will be dismissed.
- ii. The Appeal Board may:
 - a) dismiss the Appeal and confirm the decision of the Hearing Panel;
 - b) amend the decision of the Hearing Panel as the Appeal Board deems appropriate; or
 - c) direct a Second Hearing to take place before a new Hearing Panel.
- iii. If a majority decision cannot be reached, then the Chair of the Professional Standards Committee will appoint a new Appeal Board to hear the Appeal.
- iv. The decision of the Appeal Board will:
 - a) be in writing;
 - b) be signed by the Chair of the Appeal Board;

- c) specify the Appeal Board's disposition of the Appeal;
- d) be directed to the Chair of the Professional Standards Committee and delivered to the Committee Liaison; and
- e) be delivered by the Committee Liaison by courier, registered mail, or other method requiring a signed receipt of delivery, to the appellant.

16. Special Considerations - Appeal Board

- i. The Appeal Board will be the sole judge of all matters that come before it and may adopt such procedures and rules, not inconsistent with the Bylaws and Policies of the Institute, as may be necessary for it to carry out its responsibilities.
- ii. Legal counsel for the Institute may serve as an Advisor to the Appeal Board. The Executive Director or Committee Liaison will serve as secretary to the Appeal Board.
- iii. The decision of the Appeal Board may not be appealed and is subject only to approval by the Professional Standards Committee and notification, as provided for in Section X 3.
- iv. If the Appeal Board directs that a Second Hearing be conducted with a new Hearing Panel, the decision of the Second Hearing Panel may not be appealed and is subject only to approval by the Professional Standards Committee and notification, as provided for in Sections XI 3. and XI 4.
- v. If the Professional Standards Committee orders a new Hearing, then the decision of that Hearing may be appealed in accordance with the procedures in Section XIII.
- vi. The Appeal Board will render its decision as soon as possible but not more than twenty-one (21) days after the completion of the Appeal Hearing.

17. General Matters

i. Receipt of Notices:

Any Notices referenced in these proceedings will be deemed to have been received ninety-six (96) hours following the sending of such Notices by courier, registered mail, or other method requiring a signed receipt of delivery, to the last known address of the Member shown on the Institute's records.

ii. **Failure to Comply:**

If a Member fails to comply with a final decision approved by the Professional Standards Committee in a professional standards case, his or her membership may be terminated by the Professional Standards Committee, or the Board of Directors at the next meeting.

iii. **Confidentiality:**

All files, documents, information and records relating to any complaint discussed at a meeting of the Professional Standards Committee, a Hearing Panel, an Appeal or at any stage of an investigation by a Researcher or any other individual, will be confidential and will not be discussed with nor be subject to access by any other person who is not a party to the proceedings, other than the Executive Director or Committee Liaison, or if required by law.

APPENDIX I
COMMITTEES INVOLVED IN PROFESSIONAL STANDARDS CASES

The Board of Directors elects the
CHAIR and MEMBERS
of the Professional Standards Committee

**PROFESSIONAL STANDARDS
COMMITTEE**
* Not less than 5 Members* Only 1
Member from any province
* 5 Years as an Active Member in Good
Standing* Not member of the Board of
Directors

HEARING PANEL
*Holding Appropriate Designation
*3 Members with no less than 3 years
holding designation
*Not members of the Board of Directors or
the Professional Standards Committee

APPEAL BOARD
*Holding appropriate designation
*3 Members with no less than 3 years
holding designation
*Not members of the Board of Directors or
the Professional Standards Committee

**APPENDIX II
PROCEDURES FOR UNAUTHORISED USE CASES**



