



POSITION DESCRIPTION

SENIOR VICE-CHAIR & VICE-CHAIR ICCRC TRIBUNAL COMMITTEE

A. Introduction

ICCRC's Tribunal Committee is the adjudicative part of ICCRC that fulfils the functions of the Discipline Committee, Fitness to Practice Committee and Appeal Committee as set out in ICCRC's By-Law 2017-1. A panel of up to three Tribunal members is assigned to conduct each proceeding, which may lead to binding decisions affecting the licence or registration of immigration professionals.

A Tribunal Member is appointed by ICCRC's Board of Directors. Tribunal Members report to the Chair of the Tribunal Committee. The main function of a Tribunal Member is to participate in Tribunal Committee hearings as a side member of three-member panels, with a Tribunal Vice-Chair presiding over the hearing. Tribunal Members may also be assigned other adjudicative or dispute resolution functions.

A Senior Vice-Chair leads the Vice-Chairs and is responsible for providing regular case management guidance and other procedural or legal advice for specific files, in addition to hearing cases.

B. Key Duties

In addition to the duties of a Tribunal Committee Member (see full description below), a Vice-Chair is responsible for additional duties assigned by the Tribunal Committee Chair, which may include:

1. Presiding over Tribunal Committee proceedings by managing the process in a lawful, fair, accessible, timely and proactive manner, including matters that may be more complex, novel or contentious.
2. Drafting the Tribunal decision for each assigned case, working with the other Tribunal Members in the hearing panel, and within the draft decision review process, to ensure that the reasons are clear, complete and concise.
3. Ensuring that applicable internal time targets are met in the hearing and decision-making processes.
4. Advising on and assisting in the case management of files and proceedings, including ones that have been assigned to other Tribunal Members.
5. Conducting and deciding motions and other procedural or pre-hearing matters.
6. Serving as a team lead, senior member, or mentor, for one or more Tribunal Members, to assist the Tribunal Chair to build a collegial and expert group of Tribunal Members.

7. Providing adjudicative support to other Tribunal Members.
8. Planning or delivering training or other professional development sessions.
9. Assisting in the draft decision review process as a peer reviewer.
10. Providing strategic advice, participating in reforms and continuous improvement initiatives, and reviewing Rules of Procedure and other policies and materials.
11. Acting in the place of the Tribunal Chair, as delegated.

C. Qualifications

A Vice-Chair should have the following, or a proven ability to quickly acquire the following:

1. Is not a Member of ICCRC and does not have any obligation, commitment, relationship or interest that could conflict with or may be perceived to conflict with their duties to or the interests of ICCRC.
2. Experience and skills in conducting proactive oral hearings, or participating as counsel in oral hearings, with unrepresented parties or with adversarial counsel.
3. Advanced judgment, tact and self-control to deal with contentious and sensitive issues.
4. Advanced abilities in identifying and organizing relevant information and issues, in conceptual analysis.
5. Significant experience in a variety of forms of dispute resolution, such as mediation or written hearings.
6. Experience in working with or managing part-time tribunal members, and a tribunal office staff.
7. In-depth knowledge of administrative law and practice.
8. Knowledge of or experience in professional regulation.
9. In-depth knowledge of the legislation, ICCRC By-law, Regulations, Codes of Conduct, Rules of Procedure, and subject matter dealt with in Tribunal Committee cases.
10. Knowledge of the nature of the work done by immigration professionals, and the standards applying to their conduct.
11. Understanding of the professional, community and government context in which ICCRC operates, and a commitment to working within ICCRC's governance and accountability structure.
12. Advanced experience and skills in active listening and clear and accessible communications, and in interpersonal relationships, to work collegially in three-member panels, build consensus in hearing and deciding a case, and allow for empathetic understanding of the parties.
13. Superior writing skills to draft decisions with reasons that are clear, complete and concise.

14. Commitment to adjudicative excellence and continuous improvement.
15. Not be the subject of any case related to conduct or capacity that has been referred to the Tribunal Committee; and not have a disciplinary record from any other regulatory body or professional association in the last five years.
16. Commitment to protecting the public interest within the mandate of the Tribunal Committee's functions.
17. Superior oral and written communication skills in English or French; bilingualism is an asset.
18. Computer skills, including Microsoft Word.
19. Meet the basic eligibility requirements for all ICCRC Board members and Committee members in section 47 of ICCRC By-law 2017-1.

**POSITION DESCRIPTION
MEMBER, ICCRC TRIBUNAL COMMITTEE**

A. Introduction

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A Tribunal Member is appointed by ICCRC's Board of Directors. Tribunal Members report to the Chair of the Tribunal Committee. The main function of a Tribunal Member is to participate in Tribunal Committee hearings as a side member of three-member panels, with a Tribunal Vice-Chair presiding over the hearing. Tribunal Members may also be assigned other adjudicative or dispute resolution functions.

B. Key Duties

A **Tribunal Member** is responsible for:

1. Hearing and deciding Tribunal Committee cases, generally as part of a three-member panel assigned to a case.
2. Reviewing and analyzing all evidence and submissions, making finding of fact and applying the law. Participating collegially in the hearing panel's decision-making process. Reviewing and contributing to the presiding member's draft decision and reasons.
3. Maintaining impartiality and open-mindedness in hearing and deciding a case.
4. Carrying out all dispute resolution and decision making processes in a timely manner, to assist in meeting applicable internal time targets.

5. Understanding and applying the relevant procedures and criteria to a case, in accordance with the applicable legislation, ICCRC Codes, Tribunal Rules of Procedure.
6. Promoting adjudicative excellence by participating in training and professional development, Tribunal Committee meetings, performance assessment processes, and staying updated about current laws, policies and best practices.
7. Acting with integrity and honesty, and complying with all ethical obligations in ICCRC's legislation, rules and administrative policies, including per diem and expenses policies and confidentiality obligations.
8. Respecting and practicing equity, diversity and inclusion; and the legal obligation to provide for human rights accommodation.
9. Promoting access to justice, including a proportionate process, ensuring that every person is treated with fairness, respect and courtesy.
10. Recognizing and dealing appropriately with situations that may involve an issue of bias or conflict of interest.
11. Working collegially with all Tribunal Members and the Tribunal Office, including working as part of an assigned team that may be led by a Member, Vice-Chair or the Tribunal Chair.

C. Qualifications

A Tribunal Member should have the following, or a proven ability to quickly acquire the following:

1. Good judgment and tact to deal with contentious and sensitive issues.
2. Ability to analyze and assess evidence and arguments, including documents and witness testimony, and deal with legal and other concepts.
3. Understanding of or experience in one or more areas of dispute resolution, investigation, decision-making, and consensus-building skills.
4. Understanding of administrative tribunals or professional regulation.
5. Knowledge of the nature of the work done by immigration professionals, and the standards applying to their conduct.
6. Understanding of the professional, community and government context in which ICCRC operates, and a commitment to working within ICCRC's governance and accountability structure.
7. Knowledge of legislation, ICCRC By-law, Regulations, Codes of Conduct, Rules of Procedure, and subject matter dealt with by the Tribunal Committee.
8. Communication and interpersonal skills to work collegially in three-member panels, and to achieve consensus in hearing and deciding a case.

9. Commitment to professional development as an adjudicator.
10. Not be the subject of any case related to conduct or capacity that has been referred to the Tribunal Committee; and not have a disciplinary record from any other regulatory body or professional association in the last five years.
11. Commitment to protecting the public interest within the mandate of the Tribunal Committee's functions.
12. Superior oral and written communication skills in English or French; bilingualism is an asset.
13. Computer skills, including Microsoft Word.
14. Meet the basic eligibility requirements for all ICCRC Board members and Committee members in section 47 of ICCRC's By-law 2017-1.