

The Architectural Institute of BC Regulatory Supplement

Professional Conduct Process Update: Transparency and 'Oral Conduct Reviews'

Transparency: Web Publication

As members are aware, the AIBC publishes findings or admissions of unprofessional conduct in the form of 'greensheets'. These are provided to members, including associates, normally with other mailouts or as inserts in *architectureBC*.

In some cases, wider publication is ordered by a Disciplinary Committee (where a complaint has proceeded to an Inquiry) or agreed to by the AIBC and a member through a consensual resolution agreement. This may include publication in one or more newspapers, notification to the Building Officials' Association of BC and/or to authorities having jurisdiction.

The AIBC's Professional Conduct Board (PCB) reviews the AIBC's publication guidelines on a regular basis. This year, the PCB examined the transparency and publishing policies and procedures of other self-regulating professions. Most organizations use their web sites to inform the public, members, government and industry about unprofessional conduct matters.

In keeping with the public interest, including ensuring that our professional conduct process is as transparent as possible, the PCB has decided that in addition to the existing 'minimum' publication to the membership, the AIBC should 'publish' a summary of findings and admissions of unprofessional conduct on the AIBC web site (www.aibc.ca). These postings will remain on the web site for a period of six months, or for as long as any sanction (such as a suspension) may continue beyond six months.

Web publication will take effect for any complaint received after April 1, 2007, that proceeds through the investigations process to a finding or admission of unprofessional conduct by Disciplinary Inquiry or consensual resolution. The professional conduct pages on the AIBC's web site will also be revamped in the coming months to provide more detailed, plain-language information on the AIBC's processes.

Revisions to the *Rules for the Professional Conduct Process*

The AIBC has recently reviewed the *Rules for the Professional Conduct Process* that have been in place since March 2001. These *Rules* established more formal procedures for intake, investigations and Disciplinary Inquiries, as well as establishing the 'consensual resolution process' that has worked successfully in resolving many matters that would otherwise have proceeded to an Inquiry. After wide consultation with AIBC Committees and Boards, the PCB has made a number of revisions to the *Rules*. Many of these are 'administrative' amendments that reflect current practice. Descriptions of the two most substantive revisions follow:

Transparency: Public Hearings

Under the former *Rules*, the AIBC's Disciplinary Inquiries were designated as being held *in camera*. In practice, Inquiries have been public. The *Rules* now confirm that all Inquiries are to be 'public', reflecting actual practice and the natural justice and transparency requirements of a self-governing profession.

Oral Conduct Reviews

The AIBC has sometimes ordered, or agreed by consensual resolution, that a member should undergo an 'oral review' as a result of a professional conduct matter. This process has been structured relatively informally in the past. The revised *Rules* provide explicit authority for a more formal 'oral conduct review' process. Guidelines have been developed by the PCB, the Registration & Licensing Board and Practice Board to provide structure for oral conduct reviews.

Oral conduct reviews may be ordered by a Disciplinary Committee after an Inquiry, or agreed to by the AIBC and a member by way of consensual resolution. In general, such reviews may be considered prudent where the circumstances surrounding a finding or admission of unprofessional conduct raise concerns about technical competency and currency of knowledge of core architectural matters, including but not limited to ethical requirements and practice standards. The three-member Review 'Panels' will be comprised of members or delegates from among the three Boards. An oral conduct review is intended to be a relatively free-flowing and flexible mechanism for assessing a member's competency and fitness to continue practising architecture or resuming the practice of architecture. The Panel is not a decision-making body, but instead makes a recommendation, in writing, once the review is complete.

AIBC Council approved the revised *Rules* at its March meeting. Members with questions, comments or concerns about any Professional Conduct initiative are invited to contact the AIBC.

**The Next CES
Reporting Deadline
is June 30, 2007.**

**18 LUs required; at least 8
must be CORE.**

**A I B C
E
S** CONTINUING
EDUCATION
SYSTEM

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Continuing Education System Back-up Documentation

Members are required to keep back-up documentation for their self reported continuing education learning units for one year after the end of the reporting period on June 30 of each year. The AIBC audits the self-reported learning units of 5 per cent of members; if you have been randomly selected, you will receive an audit letter near the end of the calendar year.

Back-up has two components: documentation of attendance and description of the program; members are advised to obtain and retain both. Attendance can be documented with a ticket stub, cancelled cheque, receipt, credit card receipt or statement, a sales receipt or library lending record for books. For TV or lectures for which there is no admission charge, a photocopy of the TV listing, or advertising of the free event, should be retained. A description of a learning event can be the summary or agenda provided by the body offering the program, or can be written by the member.

AIBC Course Registration - Tips for Success

We have initiated a number of changes to the program of Intern Architect courses to improve access for all candidates seeking registration. The course schedule for the year is published, and registration opens as soon as it is up on www.aibc.ca/member_resources/professional_dev/index.html in mid-December. We now accept registrations for any course offered during the year; formerly we only accepted registrations no more than three months in advance of the course. Interns and other prospective registrants required to attend these courses must plan their time carefully, and register early enough to avoid disappointment, as they do fill up quickly. The current course availability can be found on the website schedule; it is updated whenever a session is full.

Registration is on a strictly first come, first served basis, and no group is favoured. Members, Intern Architects, and candidates for registration under Sections 36 and 37 of the *Architects Act* are all treated equally with respect to course access, although the fees charged vary for the different groups. To receive the Intern Architect rates, Sections 36 and Section 37 candidates must have submitted initial application information and have paid the application fee, which can be done prior to the assessment process.

Attend the 2007 AIBC Annual Meeting, Saturday, April 28, 2007, at 2:00 p.m. in the Arbutus Room of the Four Seasons Hotel and Conference Centre, Vancouver.

AIBC Members: Support Reforms to the Limitation Act

The Government of BC has proposed reforming the *Limitation Act* by changing the limitation period from 30 years to 10 years and beginning the limitation period at substantial completion of the project. The AIBC urges all members to support the proposed reforms and send a copy of their personalized template letter of support to the government and their MLA by April 23, 2007. Go to www.aibc.ca/pdf/AIBC_Member_Forum_Notes.pdf to download the template letter and a copy of the government green paper on proposed Limitation Act reforms.

Employment Standards and the Architectural Profession

Practice Note 11, *Employment Standards Rights, Obligations and Recommended Practices*, provides the standards to which AIBC member employers must adhere; it is consistent with current BC law. In fact, the content of the Practice Note and its predecessor, Directors Chair 10, was reviewed and accepted by the BC Employment Standards Branch, (BCESB). The AIBC has written confirmation from the BCESB that Intern Architects DO have full employment rights, including entitlement to paid overtime.

Only registered architects are excluded from the protection/rights of BC's employment law. Not incidentally, the foregoing is exactly what is taught, by lawyers specializing in employment law, in the AIBC course *Law and the Architect*. This course is mandatory for Interns and has been available to architects at several recent annual conferences since 1999.

Architects and their firms (as well as Intern Architects) are expected to obey the law of the province and to adhere to AIBC standards. Anything else exposes them to not only legal/financial risk but also to potential disciplinary action. The AIBC does not condone illegal and/or abusive treatment of staff.