



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Proposed Code of Ethics-Part 2 Bylaws: Advertising, Harassment/Discrimination, Supervision of Intern, Confidentiality, Election Procedures, and Voting

Note: Current bylaw and council ruling language is in plain text.

Amendments proposed during first round of 2020 consultation are shown in yellow highlighting.

Updated language is found in blue highlighting.

Strikeout indicates wording proposed for removal from existing bylaws

Advertising Bylaw

- 32.2 An architect shall accurately represent to the public, a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.
- (a) An architectural firm's representations must accurately reflect current principals and staff capacities.
 - (b) An architect or firm claiming credit for a project, or any part of the architectural services on a project, must ensure that credit is given to the project's original firm or firms and that any credit taken is accurate and limited to the extent of services provided.

Proposed New Bylaw

- 32.2.1 An architect must ensure that all advertising, marketing, and other promotional information is accurate, factual, and not misleading.

Harassment /Discrimination

- 34.5 An architect shall conduct the architect's affairs in a professional manner and refrain from any act which would reflect unfavourably on the profession as a whole.
- (a) An architect's conduct towards other architects shall be characterized by courtesy and good faith.
 - (b) An architect shall give due regard to the professional obligations of those from whom the architect receives or to whom the architect gives authority, responsibility or employment, or of those with whom the architect is professionally associated.
 - (c) An architect shall give due regard for the interests of both those who commission and those who may be expected to use or be exposed to the product of the architect's services.

- (d) An architect who engages in any profession, business or occupation concurrent with the practice of architecture must not allow such outside interests to jeopardize or come into conflict with the architect's professional integrity or obligations.
- (e) Dishonourable conduct in the professional or private life of an architect, which reflects adversely on the integrity of the profession, must be avoided.
- (f) An architect shall respond promptly to all AIBC communication requiring a response.
- (g) An architect shall co-operate fully with the AIBC in any professional conduct matter at whatever stage, including attending in person upon request, summons or notification by any professional conduct committee, board or panel.
- (h) An architect shall promptly notify the AIBC of any change in contact information, including address, phone and fax number(s), e-mail address and any other contact information that the AIBC may from time to time require.

Proposed Bylaw Amendment:

- 34.5 ~~An architect shall~~ Architects **An architect must conduct their** the architect's affairs in a professional manner and refrain from any act which would reflect unfavourably on the profession as a whole, including but not limited to refraining from:
- (a) dishonourable or discourteous conduct towards the public, other registrants or any other party, a person or entity;
 - (b) conduct unbecoming in the professional or personal life of an architect;
 - (c) harassment, discrimination or other failure to comply with human rights laws in force in Canada, its provinces and territories; and
 - (d) behaviour that would reflect unfavourably on the profession.

Proposed New Bylaw:

34.5.1 An architect must:

- (a) respond promptly to any AIBC communication requiring a mandatory response;
- (b) promptly notify the AIBC of any change in contact information that the AIBC may from time to time request, and
- (c) cooperate fully with the AIBC in a professional conduct matter at whatever stage, including attending in person upon request, summons or notification by the investigations committee, consensual resolution review panel, or disciplinary committee.

Supervision of an Intern

Proposed New Bylaw

34.1.1 An architect supervising an intern architect must sign and comply with the supervision undertaking established by council.

Client Confidentiality

Proposed New Bylaw

34.4.1 An architect must maintain the confidentiality of confidential client information and not disclose such information except:

- (a) with client consent;
- (b) where required to deliver such information to the AIBC;
- (c) as may be required by law; or
- (d) in the event the architect believes on reasonable grounds that there is an imminent risk of serious public harm.

Proposed New Code of Ethics Commentary:

This bylaw reinforces the expectation that as trusted professional advisers and service providers, architects will protect confidential client information. Many professions have similar standards. Most client-architect contracts also address confidentiality as a contractual obligation.

This bylaw does not provide a definition of confidential client information. This information may vary with the client-architect relationship, timing of the project, the nature of the commission, and contract language, among other variables.

The essence of the bylaw is recognition that an architect is likely to become aware of confidential client information and must protect it, subject to the exceptions. The hallmarks of confidential information are that it:

- *Was obtained by virtue of the professional relationship between client and architect;*
- *May or may not be expressly identified by the client as confidential;*
- *Is not in the public realm; and*
- *Carries with it some economic benefit to the client, such that its unauthorized disclosure has potential to damage the client's project, business, reputation, and/or prospects.*

Elections Procedures

- 22.0 Council shall establish rules for the conduct of council elections conducted by mail ballot and by electronic vote. These rules must address procedures and information not already provided for in these bylaws or in the Architects Act, including:
- (a) the format and contents of council election ballots;
 - (b) notification of the election to voting members, including the voting commencement date and time and the closing deadline for return of ballots on the date of the annual meeting;
 - (c) the confidentiality and security of the election process;
 - (d) the management of the election process, including appointment of scrutineers and announcement of election results; and
 - (e) dispute resolution in relation to irregularities in the nomination or voting processes.

Proposed bylaw amendment:

- 22.0 Council shall establish rules for the conduct of council elections conducted by mail ballot and by electronic vote. These rules must address procedures and information not already provided for in these bylaws or in the Architects Act, including:
- (a) the format and contents of council election ballots;
 - (b) notification of the election to voting members, including the voting commencement date and time and the closing deadline for return of ballots on the date of **set for** the annual meeting;
 - (c) the confidentiality and security of the election process;
 - (d) the management of the election process, including appointment of scrutineers and announcement of election results; and
 - (e) dispute resolution in relation to irregularities in the nomination or voting processes.

Voting Bylaw

- 24.0 Whether a council election is conducted by mail ballot or electronic vote, ballots must be returned to the CEO or delegate by the deadline established in the council rules under Bylaw 22.0 on the day of the annual meeting in order to be considered valid.

Proposed bylaw amendment:

- 24.0 Whether a council election is conducted by mail ballot or electronic vote, ballots must be returned to the CEO or delegate by the deadline established in the council rules under Bylaw 22.0 on the **date set for** the annual meeting in order to be considered valid.

Proposed Professional Engagement and Client Communication Bylaws (28.4, 28.5 and 28.6)

New or amended language is found in blue highlighting.

NOTE: While these proposed standards form part of the Code of Ethics – Part 2 bylaw consultation, they will not be included as part of this bylaw vote. Instead, they will comprise part of the next initiative (Code of Ethics – Part 3), which will be coming forward in spring 2021. The BRC is putting them forward earlier to provide more opportunity for architects and other registrants to comment and ask questions. In addition, more time is needed to coordinate the BRC's work on this standard with that of the Tariff of Fees for Architectural Services Working Group.

Professional Engagement and Client Communication Bylaws

34.10 Except in an approved competition, an architect shall provide no form of service until retained and in receipt of the client's instructions.

...

(c) An architect has a duty to communicate with a client and to keep a client reasonably informed.

Proposed Bylaw Amendments November 2020:

(Note that this proposed bylaw elevates council ruling 34.10(c) to bylaw. Several of this bylaw's many council rulings were addressed in a prior bylaw initiative, and the balance will be addressed in future.)

28.4 An architect must communicate adequately with the client and keep the client reasonably informed.

Proposed New Code of Ethics Commentary::

The level of communication with clients varies with the client and the nature of the commission. At minimum, architects owe a duty to explain the nature of the services the firm will provide, and to respond in a timely manner to clients' reasonable requests for information and other client communication requiring a reply. Adequate and informed communication also includes advising clients in a timely manner of important commission issues such as delays, cost concerns, etc.

Proposed Architectural Services Contract Discussion

28.5 Prior to providing architectural services to a client, an architect must discuss the terms of the architectural services contract with the client and keep a written summary record of any discussion or declined offer to discuss the contract.

Proposed New Code of Ethics Commentary::

This bylaw standard underscores the importance of both client communication and the client-architect agreement to a successful commission

The depth, duration, and medium for the ‘contract discussion’ are left to the architect and client to determine. Given the specific requirement in Bylaw 28.6 for advising clients whether basic or partial basic services are being provided, the ‘contract discussion’ should include a reasonable review of the scope and nature of services the architect will/ will not provide.

The discussion is an opportunity for the architect to highlight key areas of the contract, which may vary by commission, and for the client to ask questions and clarify the terms of engagement. Many clients are public bodies, corporations or other organizations without a single owner. Architects should ensure that the contract discussion is held with the individual designated by the client – often a project manager or other decision-maker. AIBC Bulletin 90 includes a basic “Contract Discussion” checklist to assist architect and client.

~~Basic/Partial Service~~ Partial Basic Services Notification

- 28.1 The architectural services contract required under Bylaw 28.0 must be a standard form contract approved by council, or be based upon and substantially conforming in all material respects to such standard contract in relation to services, responsibilities and general conditions.

Partial Basic Services Notification

- 28.6 An architect providing only partial basic services on a design and construction commission must:

- (a) accurately describe the reduced scope of services in the architectural services contract required under Bylaw 28.0; and
- (b) specifically notify the client which basic services found in the AIBC Schedule of Architectural Services will not be provided.

Proposed New Code of Ethics Commentary::

The AIBC Council-approved AIBC Schedule of Architectural Services lists basic services and those services that may be omitted if the client is specifically notified in writing. An architect providing fewer than basic services is providing “partial basic services”. Notifying the client whether basic or partial basic services will be provided, and which if any basic services will be omitted, can be done simply by providing this information in the client-architect agreement.

Proposed New Definitions:

“AIBC Schedule of Architectural Services” means the AIBC Council-approved schedule of services for the purposes of Bylaw 28.6.

“architectural services” means the scope of professional services provided by an architect to a client on any commission;

“basic services” means the architectural services that an architect must provide on any design and construction commission unless providing partial basic services in compliance with Bylaw 28.6. Basic services are comprised of those services found in the AIBC Schedule of Architectural Services.

“client” means the person or entity identified as such in the contract and includes for the purpose of the contract discussion requirement in Bylaw 28.5 any individual(s) designated by the client.

“design and construction commission” means [*definition to be finalized*].

“partial basic services” means the approved provision by an architect of fewer than basic services consistent with bylaw requirements.