1.1 The Architectural Profession

1.1.3 Professional Conduct and Ethics
Introduction

The Role of the Provincial and Territorial Associations of Architects

Regulations

Codes of Ethics and Professional Conduct

Complaints and Discipline Proceedings

Definitions

References

Appendix — Summary of Code of Ethics and Professional Conduct of the AIBC and SAA

Competence

Conflict of Interest

Full Disclosure

Compliance with Laws

Professional Conduct
Professional Conduct and Ethics

Introduction

Being a professional means having a high level of knowledge and skills; meeting certain standards of professionalism, integrity, and competence; and abiding by codes of conduct and ethics. Professional responsibility forms the basis of ethical behaviour. Like other professionals, architects are responsible to the public, their clients, their fellow professionals, and the environment. Architects are also duty-bound to ensure the continuation of the profession. This chapter will briefly discuss codes of conduct and ethics for the architectural profession in Canada.

The Role of the Provincial and Territorial Associations of Architects

Conduct is behaviour. The criteria for acceptable and unacceptable behaviour of an architect are set out in the architects acts and the subsidiary bylaws and regulations of each province. When an individual becomes registered or licensed as an architect, he or she assumes certain professional rights and obligations. In most jurisdictions in Canada, each applicant declares in writing (and in some provinces, the architect must swear an oath) to uphold the profession’s standards of conduct, sometimes by reference to the architects act of the province or territory. The architects act and its subsidiary bylaws or regulations codify the rules of conduct for architects.

The provincial or territorial architects act (or the Professional Code in Québec) authorizes a provincial or territorial association of architects to regulate its members by empowering the association to:

- set eligibility criteria for becoming an architect;
- set conduct regulations for architects;
- investigate and adjudicate allegations of an architect’s professional misconduct;
- discipline an architect it judges to be guilty of misconduct.

Refer to Chapter 1.1.4, Admission to the Profession, for a discussion of the criteria or requirements for becoming an architect.

Each of the architects acts is worded differently and reflects the unique customs and history of the architectural profession in that province or territory. Nonetheless, the acts and regulations are similar regarding architects’ rights and obligations and disciplinary procedures. An architect who does not comply with a conduct requirement (sometimes called “professional misconduct”) might be reprimanded, fined, or have his or her licence temporarily suspended or permanently revoked.

Regulations

The existing bylaws or regulations in each province or territory can be broadly sub-divided as follows:

- **Ethical Regulations or Codes of Ethics** (those rules that assist in maintaining the public trust in the integrity of the profession)
  Examples include rules requiring behaviour that exemplifies traits of personal character such as honesty, impartiality, and respect for the law. Ethical principles are fundamental to all the rules and regulations. For example, honesty is implicit in the requirement that an architect shall not knowingly make a false representation.

- **Regulations regarding Competency** (those rules that ensure the proper provision of architectural services to the public)
  Examples include rules about the standard of
care that shall characterize an architect’s advice or service; rules about the architect’s supervision of staff; and rules about the application of an architect’s seal.

- **Administrative Rules and Regulations**
  (those rules that assist in the efficient operation of the provincial or territorial association)
  Examples include: rules about the timely payment by an architect of annual membership fees; procedures for election to the association’s council; procedures for changing a bylaw or regulation; and rules that require an architect who is aware of an apparent violation of the architects act to report it to the association.

Many rules of conduct stem from moral customs. They regulate the manner in which an architect relates to others, for example:

- rules against offering or receiving bribes;
- rules against violating laws and building regulations;
- rules that require impartial professional judgement regardless of an architect’s personal interests.

It should be noted that ethical codes in architectural practice evolve and adjust to changing societal standards and expectations. For example, in the past, professional misconduct by architects included:

- engaging in construction management or construction;
- advertising their own practices.

In most jurisdictions, and subject to certain qualifications, these actions are now considered acceptable in architectural practice.

Those provinces with societal, legislative, or cultural changes and those with high rates of growth and immigration have tended to periodically update their rules, sometimes comprehensively, so that conduct requirements remain clear to an expanding and increasingly diverse membership.

### Codes of Ethics and Professional Conduct

As indicated above, most rules of conduct are found in the various acts, regulations, and bylaws of the provincial or territorial associations of architects. However, consolidating rules about competence and ethical conduct into a separate publication has a number of advantages:

- they can be readily referenced and understood;
- architects do not have to search for conduct rules among all other bylaws, articles of the architects act, and council rulings;
- it provides the context conducive to a full understanding of individual rules.

The National Council of Architectural Registration Boards (NCARB) — the U.S. organization that sets standards, including standards of professional conduct for architects — has developed a model *Rules of Conduct* and has encouraged its adoption by its state Member Boards. The Architectural Institute of British Columbia (AIBC) has developed its own *Code of Ethics and Professional Conduct*, based on the NCARB model. The Saskatchewan Association of Architects (SAA) has adopted a similar code to that of the AIBC in its Bylaw No. 15. For a summary of these two codes of ethics and professional conduct, see the Appendix at the end of this chapter.

In addition, the International Union of Architects or Union internationale des architectes (UIA), through its Professional Practice Commission, has developed *Recommended Guidelines for the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice — Policy on Ethics and Conduct*, intended as a model code for the UIA member sections. The Code of Ethics of the Ordre des architectes du Québec (OAQ) is similar in format to the UIA document.
The model code, which has been adapted for use by the AIBC and the SAA, is organized into the following subject areas:

- competence;
- conflict of interest;
- full disclosure;
- compliance with laws;
- professional conduct.

The UIA model is organized under these headings:

- **General Obligations** (requirements to achieve and maintain competency);
- **Obligations to the Public** (requirements to ensure that professional affairs respect social standards and the environment);
- **Obligations to the Client** (requirements to ensure proper professional service and judgement);
- **Obligations to the Profession** (requirements to uphold and respect the dignity of the profession);
- **Obligations to Colleagues** (requirements to respect professional colleagues).

### Complaints and Discipline Proceedings

The provincial and territorial associations of architects have established similar procedures for reprimanding or punishing architects who are guilty of professional misconduct. Most associations have standing committees which investigate formal complaints against members or practices. If the complaint is found to be valid, the matter is typically referred to another committee — a “discipline committee,” as it is called in most associations.

In some provincial and territorial associations, the Discipline Committee may hold a hearing concerning conduct of the members referred to it. The Discipline Committee is also responsible for setting punishment for architects who are found guilty of contravening the architects act, regulations or bylaws. Disciplinary hearings are quasi-judicial proceedings and therefore must follow due process of law. The association and the architect accused of professional misconduct are sometimes represented by legal counsel. Typically, the findings of a discipline committee and its punishments are published and distributed to the membership at large. Such publication has the following benefits:

- reinforcing the prevailing ethical standard;
- demonstrating to society that the profession is exercising its mandate;
- providing a deterrent against unprofessional conduct by other architects;
- delivering continuing education to architects to refresh their knowledge on matters of conduct.
Definitions

**Code:** A set of rules, or systematic collection of statutes or body of laws arranged to avoid inconsistency and overlap; standard of moral behaviour.

**Complaint:** Formal written accusation or statement of grievance.

**Discipline:** Order maintained among members of a profession; control exercised over members of an organization; chastisement.

**Ethics:** Moral principles or rules of conduct.

References


Provincial and Territorial Associations of Architects:


Ontario Association of Architects, *Regulation 27 under the Architects Act*, Section 42 (describing professional misconduct), 1990.


Appendix — *Summary of Code of Ethics and Professional Conduct of The AIBC and SAA*

The following is a summary of the Code of Ethics and Professional Conduct from the AIBC (Architectural Institute of British Columbia) and the SAA (Saskatchewan Association of Architects) which is based on the model developed by NCARB (National Council of Architectural Registration Boards).

**Competence**

Regulations governing competence are based on the assumption that the end result of an architect’s services — a building — shall be fit, in all applicable regards, for its intended purposes. These rules state that:

- architects must provide reasonable care, competence, knowledge, skill, and judgement to clients and the public;
- architects’ consultants must be similarly competent;
- architects must not undertake to provide services beyond their personal competence.

The test of competence is if another architect, being reasonable and prudent, would have provided similar services at the same time and place. When a provincial association receives a complaint of incompetence against one of its members, it may respond through an evaluation of the architect’s services by his or her peers. If they find incompetence, then the architect could be subject to penalties imposed by the association. The aim is to protect the public from further incompetence by ensuring that the architect either raises his or her skills and services to prevailing professional standards or, failing this, stops practising.

**Conflict of Interest**

Architects must avoid actions and situations in which their personal interests conflict, or appear to conflict, with professional obligations to the public, the client, and others. Rules about conflict of interest include the following:

- An architect shall be compensated by only one party on a project except when the other interested parties agree in writing to another arrangement.
- An architect with a personal association or interest in a project shall disclose this in writing to the client or employer. If they have objections, then the architect must either terminate the association or interest, or offer to give up the commission or employment.
- An architect shall not solicit or accept compensation or benefits from suppliers in return for specifying or endorsing their products, except as permitted.
- An architect acting as an interpreter of construction contract documents and reviewing construction for conformance with the contract documents shall render decisions impartially.
- An architect may be a project’s owner. An architect may also be the constructor of a project of the architect’s own design. In such cases, the architect shall:
  - disclose any interest in writing to the other contracting parties and the Authority Having Jurisdiction;
  - receive their written acknowledgement;
  - provide professional services as if disinterested.
- An architect who is a juror or advisor to an approved competition shall not subsequently provide services to the winner or, if there is no winner, receive any commission deriving from the competition.
Full Disclosure
This principle refers to an architect’s obligation to accurately represent the full truth. For example:
• An architect shall disclose all related personal or business interests when making a public statement on an architectural issue.
• An architect shall accurately represent to the public, prospective or existing client or employer the qualifications and scope of responsibilities in connection with work for which the architect is claiming credit.
• If an architect becomes aware that the employer or client is acting against professional advice and violating applicable building regulations, the architect shall:
  • refuse to consent;
  • report the action to the Authority Having Jurisdiction;
  • terminate services on the project.
• An architect shall not knowingly make or assist others to make a false or misleading statement or omission of material fact about education, training, experience or character when applying for or renewing registration as an architect.
• An architect who knows of an apparent violation of the architects act, bylaws, or council rulings shall report such knowledge to the association.
• An architect who has a financial interest in a building product or device which the architect proposes to specify for a project shall disclose this to the client, receive the client’s written approval, and include a copy of the client’s approval in the construction documents.

Compliance with Laws
An architect must respect and comply with laws and regulations. For example:
• In the practice of architecture, an architect shall not knowingly violate any law or regulation.
• An architect shall neither offer nor make payment or gift to a public official (elected or appointed) with the intent of influencing the official’s judgement in connection with a prospective or existing project.
• An architect shall comply with the relevant architects act and its bylaws and council rulings.
• In the practice of architecture, an architect shall take into account all applicable federal, provincial, and municipal building bylaws and regulations. The architect may rely on the advice of other professionals and qualified persons as to the intent and meaning of such regulations.

The above sections summarize the principles in the AIBC and SAA Codes of Conduct, plus additional requirements of many other Canadian provincial associations.

Professional Conduct
This section includes rules based on principles that are not covered in the preceding sections, as well as rules that may not be conduct requirements in every province. Examples of such conduct requirements include:
• the supervision of an architectural office by an architect;
• the use of the architect’s seal;
• the prohibition of the following acts:
  • offering gifts other than of nominal value to a prospective client;
  • committing fraud or having wanton disregard for the rights of others;
  • performing any act that would reflect unfavourably on the profession;
  • falsely or maliciously injuring another architect’s reputation or business prospects;
  • attempting to supplant another architect after the other has been retained or is in the process of being retained;
  • accepting the same commission as another architect before the other has been dismissed;
• the requirement to:
  • comply with competition rules approved by the Council of the provincial association;
  • promptly distribute monies received for others;
  • comply with the provincial association’s performance standards together with appropriate fees for services.