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BYLAWS

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TABLE OF CONTENTS

BYLAWS

	Page
INTERPRETATION	1
SEAL	1
1.0 Wording	1
2.0 Use.....	1
OFFICERS & COUNCIL	1
3.1 President's Term	1
3.2 REPEALED.....	1
3.3 REPEALED.....	1
3.4 Treasurer	1
3.5 Cheques	1
3.6 Chief Executive Officer (CEO)	2
3.7 REPEALED.....	2
3.8 Code of Conduct.....	2
BOARDS, TASK FORCES AND COMMITTEES	2
4.0 Terms of Reference	2
4.1 Code of Conduct.....	2
5.1 Intern Architects Program	2
5.2 Joint Practice Board	2
REMUNERATION AND EXPENSES	2
6.0 Remuneration	2
7.0 Expenses	2
CHAPTERS	3
8.1-.5 Chapters	3
MEMBERSHIP AND REGISTRATION	4
9.0 Declaration	4
10.0 Title	4
11.1-.2 Seal	4
HONORARY MEMBERS	4
12.1 Honorary Members	4
12.2 REPEALED	4
ASSOCIATES	5
13.1-.7 Associates	5
14.0 REPEALED.....	5
ARCHITECTURAL FIRMS	6
15.1 Firm Name	6
15.2 Application Form	6
15.2(c) Corporate Structure	6
15.3 Changes	6
15.4 Information Return	7
15.5 Compliance.....	7
16.1-.3 Certificates of Practice	7
16.4 Classes of Holders	7

MEETINGS	8
17.1-.2 Institute	8
18.1 Council	8
18.2 REPEALED	8
19.1-.2 Quorum	8
20.0 Procedure	8
NOMINATIONS AND ELECTIONS	9
21.0 Nominations	9
22.1-.2 Ballot	9
23.1-.4 Voting	9
24.1-.2 Elections	10
24.3 E-voting for Council Elections	10
FEES, FINE AND LEVIES	10
25.0 Fees, Fines and Levies	10
26.0-.1 REPEALED	11
26.2-.3 REPEALED	11
27.0 Examination Fees	11
PROFESSIONAL ENGAGEMENT	11
28.0 Conditions of Service	11
28.1 Form of Agreement	11
28.2 Certification	11
28.3 Copyright, Ownership and Use	11
TARIFF OF FEES FOR ARCHITECTURAL SERVICES	11
29.0 Tariff	11
COMPETENCE	12
30.1 Competence	12
30.2 Mandatory Continuing Education	12
30.3 Qualifications	12
CONFLICT OF INTEREST	12
31.1-.6 Conflict of Interest	12
FULL DISCLOSURE	13
32.1-.7 Full Disclosure	13
COMPLIANCE WITH LAWS	14
33.1-.4 Compliance with Laws	14
CONDUCT	15
34.1-.16 Conduct	15
AMENDMENTS TO BYLAWS	17
35.1 Meeting Vote	17
35.2 Mail Ballot	17
35.3 Superseding	17
35.4 E-voting for Bylaw Amendments	17
CONSENSUAL RESOLUTION	18
36.0 Definitions	18
36.1-.6 Practices and Procedures	18

36.7-.10	Panel Appointment and Composition	19
36.11-.18	Panel Procedures	19
36.19	Confidentiality	20
36.20	Publication.....	20
36.21-.22	Consensual Resolution Fees.....	21
INVESTIGATIONS AND DISCIPLINE		21
37.0	Definitions	21
37.1-.9	Complaints and Investigations	22
37.10-.19	Investigations Committee	24
37.20-.28	Remedial Recommendation.....	27
37.29-.33	Disciplinary Committee.....	28
37.34-.37	Confidentiality and Publication	29
37.38-.40	Compliance with Sanctions and Costs.....	30
37.41	Oral Conduct Reviews.....	30
37.42	Supplemental Rules.....	31
CODE OF ETHICS AND PROFESSIONAL CONDUCT		31
38.0 -.1	Code of Ethics and Professional Conduct	31
BYLAW AMENDMENT HISTORY		32

INTERPRETATION

Whenever the word “*Act*” is used in these Bylaws, it shall refer to and is expressly understood to mean the “*Architects Act*”, being Chapter 17 of the Revised Statutes of British Columbia, as amended.

The headings and subheadings used in the Table of Contents and throughout this document are intended for ease of reference only and are not part of the official bylaw language.

SEAL

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|----------------|--|
| Wording | 1.0 The Seal of the Institute shall contain the words: “The Architectural Institute of British Columbia. Founded 1914, Incorporated 1920”. |
| Use | 2.0 The Seal of the Institute shall remain in the custody of the Chief Executive Officer (CEO), and shall not be affixed to any deed or writing except as authorized by the Council. |

OFFICERS & COUNCIL

- | | |
|---------------------------|--|
| President's Term | 3.1 No member of the Institute who has filled the office of the President for two successive terms shall be again eligible for the Presidency until the expiration of two years from the termination of that person's tenure of office. |
| President's Duties | 3.2 REPEALED |
| Registrar | 3.3 REPEALED |
| Treasurer | 3.4 The Treasurer shall have the care of the monies from time to time received on behalf of the Institute and shall deposit same to the credit of the Institute in the same drafts, notes, bills or cheques as the same are received, in a chartered bank, trust company or credit union to be named by the Council. The Treasurer shall, at least thirty days before each annual meeting, prepare, or cause to be prepared, a full statement of the revenues and expenditures, assets and liabilities of the Institute, up to the date of the audit, and shall furnish a copy thereof duly audited by the auditors of the Institute to the CEO for submission to the Council. |
| Cheques | 3.5 All cheques issued on behalf of the Institute shall be signed or countersigned by any two of the President, Vice-Presidents, Treasurer or the CEO. |

Chief Executive Officer 3.6 The Council shall appoint a CEO who shall attend Council meetings, implement the instructions of Council and administer and report to Council the affairs of the Institute. The CEO is designated as the head of the Institute for the purposes of the *Freedom of Information and Protection of Privacy Act*.

Executive Committee 3.7 REPEALED

Code of Conduct 3.8 The Institute shall establish, maintain and publish a Code of Conduct for Council including Conflict of Interest Guidelines.

BOARDS, TASK FORCES AND COMMITTEES

Terms of Reference 4.0 The Council shall have the power to appoint Boards, Task Forces and Committees, and their chairpersons, and to delegate to any such Board, Task Force or Committee such powers as it from time to time sees fit.

Code of Conduct 4.1 The Institute shall establish, maintain and publish a Code of Conduct for Boards, Committees and Task Forces including Conflict of Interest Guidelines.

Intern Architects Program 5.1 The Registration Board shall implement an “Intern-Architect” program prescribing the employment qualifications and conditions thereof, which must be possessed and demonstrated by persons seeking admission to membership in the Institute prior to their becoming eligible for registration as members of the Institute.

Joint Practice Board 5.2 The Council may appoint members to a Board in accordance with such memorandum of agreement as may exist with the Association of Professional Engineers and Geoscientists of British Columbia to deal with matters of common concern and jurisdiction.

REMUNERATION AND EXPENSES

Remuneration 6.0 The remuneration of members of the Council, or of the Registration Board, or their assistants, or of others, shall be fixed from time to time by the Council.

Expenses 7.0 Expenses of officers or members of the Council or of Boards, Task Forces or Committees or special appointees, when occupied in the business of the Institute may be paid out of the funds of the Institute, subject to the approval of the Council.

CHAPTERS

Chapters

- 8.1 The Institute shall encourage the formation of local associations, to be known as chapters of the Architectural Institute of British Columbia.
- 8.2
 - (a) Any five Members of the Institute may apply to the Council for permission to form a Chapter, with headquarters in any city or town which they may select, and such permission shall be granted by the Council if it is found that the Territory proposed to be covered by the new Chapter does not encroach upon that of any existing Chapter.
 - (b) If any question of encroachment shall arise, it shall be determined by the Council at their discretion.
- 8.3 Members of the Chapters must be Members, Honorary Members or Associates of the Institute, but no obligation shall rest upon any Member, Honorary Member, or Associate of the Institute to become a member of a Chapter.
- 8.4 Each Chapter shall have the power to fix its own dues and make such Bylaws as it may think necessary and desirable so long as they do not conflict with the Act and Bylaws of the Institute of which matters the Council shall be the judge, and for this purpose the Bylaws proposed to be adopted by any Chapter must first be submitted to the Council for approval.
- 8.5 Each Chapter shall report to the Institute the number of members on its roll, and if at any time the number shall fall below five, the Council of the Institute may declare such Chapter no longer in existence.

MEMBERSHIP AND REGISTRATION

Declaration

9.0 Each member upon notice of registration shall make and subscribe to the following declaration:

“Solemnly do I declare that having read and understood the *Act* of the Architectural Institute of British Columbia, its Bylaws and Code of Conduct, and having passed the examinations, I am eligible for membership. Further do I announce that I will uphold professional aims, and the art, and the science, of architecture and thereby improve the environment. I also accept with obligation the need to further my education as an architect. I promise now that my professional conduct as it concerns the community, my work, and my fellow architects will be governed by the ethics and the tradition of this honourable and learned profession.”

Title

10.0 A registered member shall use the title “Architect AIBC” after the member’s name. No associate or other registrant is entitled to use the title “Architect AIBC” or any variation thereof that implies registration as an architect with the AIBC.

11.1 Each Member upon registration shall make application for the member's seal to the CEO stating the name and address of the applicant, and depositing with the CEO a payment to cover the cost of same, with postage, if any.

11.2 The CEO shall procure all seals, have charge of their distribution, and will be held responsible for their issue.

HONORARY MEMBERS

Honorary Members

12.1 Honorary Members shall be nominated by the Council and conferred by a four-fifths vote of members present at the Annual Meeting.

12.2 REPEALED

ASSOCIATES

Associates

- 13.1 In addition to the regular membership of the Institute there shall be Associates, who shall be those persons who by reason of their interest in and connection with the architecture have been admitted by the Council as Associates.
- 13.2 Associates shall not be members of the Institute or entitled to registration or have any interest in or claim against the property of the Institute. They will, however, be permitted to attend all general meetings of the Institute unless the Council shall otherwise direct in respect to any particular meeting or part thereof but shall have no right to vote. Further they will be eligible to sit on committees of the Institute and to receive publications and bulletins of the Institute.
- 13.3 Associates shall be eligible to become members of Chapters as set forth in Section 8 of these Bylaws, with equal rights within the Chapter with other members except the right to vote and hold office.
- 13.4 Associates (Retired Members) are persons who have resigned their memberships in good standing in the Institute and who have resigned for personal reasons of health or age and who have been admitted as retired members by Council.
- 13.5 An Associate (Retired Member) shall use after his/her name either the title "Architect (Retired)" or "Retired Architect".
- 13.6 An individual who is an Intern-Architect under that program is deemed to be an Associate for all purposes of these Bylaws.
- 13.7 An individual enrolled in an architectural course of study approved by Council may be accepted by Council as a Student Associate.
- 14.0 REPEALED

ARCHITECTURAL FIRMS

- Firm Name** 15.1 No architectural firm shall use a name, which is misleading or unprofessional, and all architectural firm names shall be subject to approval by Council.
- Application Form** 15.2 An architectural firm applying for registration shall complete and submit an application form signed by all architects and engineers having a principal or shareholding interest setting forth:
- (a) the names and professional qualifications of the architects and engineers having a principal or shareholding interest;
 - (b) the name and addresses and telephone numbers of the office of the architectural firm;
 - (c) where the architectural firm is a corporation
 - (i) the directors of the corporation
 - (ii) the officers of the corporation
 - (iii) the total number of each class of shares authorized and issued by the corporation
 - (iv) a list of all shareholders with the number and class of shares held
 - (v) the address of the registered office of the corporation in British Columbia
 - (vi) the date of incorporation of the firm under the *Company Act* of British Columbia and that the corporation is in good standing under the *Act*, and
 - (vii) the names of the architects who will be practising architecture on behalf of the corporation and the names of the persons who will be practising architecture under the direct supervision of a named architect who is a continuing employee or shareholder of the corporation.
 - (viii) A certificate of incorporation and a certificate of good standing issued by the Registrar of Companies must be filed before the registration will be approved.
- Corporate Structure**
- Changes** 15.3 Every architectural firm shall, whenever there is a change from a memorandum of practice previously filed by that architectural firm file with the Registrar a new memorandum of practice prior to the effective date of such change.

Information Return	15.4	Every architectural firm shall complete and file with the Registrar an annual information return if so requested by the date specified.
Compliance	15.5	To remain in good standing, an architectural firm that is a corporation shall comply with the requirements of sections 26(2) and 30(1) of the <i>Act</i> at all times.
Certificates of Practice	16.1	The Council may issue certificates of practice to architectural firms, members and licensees for a period not to exceed twelve consecutive months with an expiry date of February 1.
	16.2	An architectural firm, member or licensee applying for a certificate of practice or renewal of a certificate of practice shall complete the required form signed by all architects and professional engineers having a principal or shareholding interest in the firm certifying that the firm, member or licensee: <ul style="list-style-type: none"> (a) is registered with the institute and is in good standing (b) has paid any required annual fee (c) has paid any required fee for the certificate of practice, and *(d) has obtained the required professional liability insurance coverage.
	16.3	A certificate of practice will expire without notice in any of the following circumstances: <ul style="list-style-type: none"> (a) on February 1, unless it has been renewed under subsection (2) (b) on the cancellation for any reason of the registration of the holder of the certificate of practice *(c) on the expiration or termination for any reason of the required professional liability insurance coverage. <p><i>*ed. note: there is no requirement to date for there to be any professional liability insurance coverage in place, with reference to 16.2(d) and 16.3(c), above</i></p>
Classes of Holders	16.4	Holders of certificates of practice shall be placed into one of the following classes: <ul style="list-style-type: none"> (a) member (b) architectural firm which is a sole proprietorship (c) architectural firm which is a partnership (d) architectural firm which is a corporation (e) licensee

MEETINGS

- Institute**
- 17.1 It shall be the duty of the CEO, at least fifteen days prior to the Annual Meeting, to forward to each member of the Institute a notice of the meeting and a statement of receipts and expenditures during the preceding year.
- 17.2 No business shall be transacted at any Special Meeting of the Institute other than as set forth in the notice.
- Council**
- 18.1 The Council shall meet regularly, at least four times per year, at such times and places as it may decide.
- 18.2 REPEALED
- Quorum**
- 19.1 At any meeting of the institute, a quorum shall consist of any combination of 40 members in good standing and honorary members.
- 19.2 At any meeting of the Institute at which there is no quorum within half an hour after the time called for the meeting, the meeting shall stand adjourned until it can be re-scheduled, which re-scheduled date must be set no later than 45 days from the adjourned meeting.
- Procedure**
- 20.0 For all Council Meetings, Annual Meetings and Special (General) Meetings, “Robert’s Rules of Order” shall take precedence and govern. For all other internal meetings within the AIBC the Internal Rules of Governance shall prevail.

NOMINATIONS AND ELECTIONS

Nominations

- 21.0 Nominations for the Council shall be made from the Membership in the following manner:
- (a) any five (5) members in good standing may nominate a member for the Council, such nominations to be in writing and accompanied by a written statement of the nominee that the nominee will serve if elected
 - (b) nominations must be in the hands of the CEO at least thirty (30) days prior to the Annual Meeting. The name of every candidate nominated shall be placed on a list, which shall be the voting list for the election.

Ballot

- 22.1 The names of all candidates for election shall be printed on a ballot in the same type and in alphabetical order, giving their year of registration, residence and previous or present office in Council if any. On this ballot shall be printed directions for its use by members, and any returned ballot, which fails to comply with such directions, shall be declared invalid by the scrutineer and rejected.
- 22.2 The ballot shall be mailed to all members of the Institute entitled to vote thereon at least fifteen days prior to the Annual Meeting.

Voting

- 23.1 The ballot, when being returned, shall be folded and enclosed in a plain, sealed envelope. This envelope shall then be inserted in an envelope bearing on the outside the signature and Institute Serial Number of the member voting.
- 23.2 The CEO shall check the signature on each envelope against the register, and ascertain that those voting are entitled to do so. The CEO shall then remove from the outer envelope the inner envelope containing the ballot, and deliver the inner envelope to the scrutineer, being careful to prevent identification of the votes.
- 23.3 The names of any voters held in question by the CEO shall be referred to the President for decision.
- 23.4 Ballots may be returned to the CEO up until the time announced by the President at the Annual Meeting for the closing of the voting.

Elections

24.1 The CEO or designate, with three scrutineers who shall be appointed by the President at the Meeting, shall have the direction of the election.

24.2 The scrutineer shall open the envelopes containing the ballots and count the votes and certify the result to the President, who shall forthwith announce to the meeting the names of the members having received the most votes, who, with the remaining members of the Council, shall constitute the Council for the ensuing year.

E-voting for Council Elections

24.3 The Council may establish rules for the conduct of council elections by electronic means, including by internet voting by members entitled to vote. These rules must provide for reasonable access to voting and for the confidentiality and security of such voting process.

FEES, FINES AND LEVIES

Fees, Fines and Levies

25.0 The Council may:

- *(a) fix or establish application fees, registration fees, annual fees, fee for certificates of practice and renewal of certificates of practice, fees or levies for professional liability insurance, reinstatement fee under section 34(3) of the *Act* and fines under section 73(3)(a)(b) of the *Act*
- (b) establish different fees, fines or levies for different classes of members, architectural firms, classes of practice, licensees, associates, students or registrants
- (c) permit the pro-rating of any fees or levies fixed or established under this section under specified circumstances
- *(d) In the case of fees or levies for professional liability insurance, exempt a registrant or class of registrant from payment of all or part of the fees or levies.

**ed. note: there is no requirement to date for there to be any professional liability insurance in place with reference to 25.0(a) and (d), above.*

1999 Deficit	26.0	REPEALED
	26.1	REPEALED
1999 Homeowner Protection Office	26.2	REPEALED
	26.3	REPEALED
Examination Fees	27.0	The fee for any examination shall be as determined by Council.

PROFESSIONAL ENGAGEMENT

Conditions of Service	28.0	The Architect's professional services shall be engaged subject to the following conditions:
Form of Agreement	28.1	Services, responsibilities and General Conditions shall be based upon and generally consistent with those described in the most recent edition of the "Canadian Standard Form of Agreement between Client and Architect", or such other form of agreement as Council may approve.
Certification	28.2	Certification as to construction performance and as to payment therefor requires such general review of the work as the Architect deems necessary.
Copyright, Ownership and Use	28.3	All drawings, specifications, models and documents prepared by the Architect as instruments of service shall remain the Architect's property, the copyright in the same being reserved to the Architect in the first instance. As a precondition of their use, all fees and reimbursable expenses due the Architect are to be paid.

TARIFF OF FEES FOR ARCHITECTURAL SERVICES

Tariff	29.0	The Institute shall establish, maintain and publish a Tariff of Fees for Architectural Services.
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COMPETENCE

- Competence** 30.1 In practising architecture, an architect shall act with reasonable care and competence, and shall apply the knowledge, skill and judgement, which are ordinarily applied by architects currently practising in the province of British Columbia.
- Mandatory Continuing Education** 30.2 In order to better serve the public, and in keeping with the architect's declaration set out in Bylaw 9.0 and the obligation of the architect set out in Bylaw 30.1, an architect shall undertake continuing education and shall report on that continuing education to the Institute, in accordance with the rules for mandatory continuing education established by Council.
- Qualifications** 30.3 An architect shall undertake to perform professional services only when qualified, together with those whom the architect may engage as consultants, by education, training and experience in the specific areas involved.

CONFLICT OF INTEREST

- Conflict of Interest** 31.1 An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.
- 31.2 An architect having a personal association or interest, which relates to a project, shall fully disclose in writing the nature of the association or interest to the architect's client or employer. If the client or employer objects, then the architect will either terminate such association or interest or offer to give up the commission or employment.
- 31.3 Except as permitted under Bylaw 32.7, an architect shall not solicit or accept compensation or benefit from material or equipment suppliers in return for specifying or endorsing their products.
- 31.4 An architect acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents shall render decisions impartially.

- 31.5 An architect may be a project's owner. An architect may be a project's contractor, of the architect's own design and/or construction contract documents. An architect who is a project's owner or contractor shall fully disclose in writing such status to all of the project's authorities having jurisdiction and contracting parties; shall receive their written acknowledgement; and shall provide professional services as if disinterested.
- 31.6 An architect who is a juror or advisor for an approved competition shall not subsequently provide any services to the winner or, if there is no winner, for any derivative commission.

FULL DISCLOSURE

Full Disclosure

- 32.1 An architect shall disclose if the architect has a related personal or business interest when making a public statement on an architectural issue.
- 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.
- 32.3 An architect who, in the provision of services, becomes aware of an action taken by the architect's employer or client, against the architect's advice, which violates legal requirements, must not condone or be complicit in such a situation. An architect in such a situation must take all reasonable steps to convince such an employer or client to comply with the legal requirements. The architect shall:
- (i) refuse to consent to the action; and, if the action is not rectified in a timely manner, then
 - (ii) report the action to the authority having jurisdiction and, if the authority confirms the violation and the action is not rectified in a timely manner, then
 - (iii) terminate services on the project.

- 32.4 An architect shall not knowingly make or assist others to make, either a false or misleading statement or an omission of material fact about education, training, experience or character when applying for or renewing registration as an architect.
- 32.5 An architect who knows of an apparent violation of the *Architects Act*, Bylaws or Council rulings shall report such knowledge to the Institute.
- 32.6 Except as prohibited by Bylaw 31.3, an architect, whether compensated or not, may permit the architect's name, portrait or reputation to be attached to an endorsement of other's services or products.
- 32.7 An architect having a financial interest in any building material or device which the architect proposes to specify for a project shall disclose this interest to the client and shall request and receive written approval for such specification from the client and shall include a copy of this approval in the construction contract documents.

COMPLIANCE WITH LAWS

Compliance with Laws

- 33.1 In practising architecture, an architect shall not knowingly violate any law or regulation.
- 33.2 An architect shall neither offer nor make any payment or gift to a public official (whether elected or appointed) with the intent of influencing the official's judgement in connection with a prospective or existing project.
- 33.3 An architect shall comply with the *Architects Act* of British Columbia, the Bylaws under the *Architects Act*, and Council rulings.
- 33.4 In practising architecture, an architect shall take into account all applicable federal, provincial and municipal building laws and regulations and an architect may rely on the advice of other professionals and other qualified persons as to the intent and meaning of such regulations.

CONDUCT

Conduct

- 34.1 Each office maintained for offering architectural service to the public shall have an architect who has direct knowledge and supervisory control of the services.
- 34.2 An architect shall seal the architect's work in accordance with the requirements of the *Architects Act* of British Columbia and the Bylaws and Council rulings.
- 34.3 An architect shall neither offer nor make any gifts, other than of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgement of a prospective client in connection with a project in which the architect is interested.
- 34.4 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- 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.
- 34.6 An architect shall not falsely or maliciously injure the professional reputation or business prospects of another architect.
- 34.7 An architect shall not supplant or attempt to supplant another architect after the other architect has been retained or definite steps have been taken toward the other architect's retention.
- 34.8 An architect may only accept a commission for a project when the services of any architect previously retained for the project have been terminated.
- 34.9 An architect may only provide the same service for the same client on the same project as another architect through the medium of an approved competition.
- 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.

- 34.11 An approved architectural competition is either a competition conducted according to the current “Canadian Rules for the Conduct of Architectural Competitions” or an alternate arrangement, specifically approved in writing by Council, that assures equitable treatment and equal and adequate remuneration to participating architects.
- 34.12 An architect's conduct when participating in an approved competition must comply with the “Canadian Rules for the Conduct of Architectural Competitions” or as directed by Council.
- 34.13 An architect shall not attempt to influence the awards of an approved competition, except as a jury member.
- 34.14 An architect shall not attempt to obtain a commission to be awarded by an approved competition, except as an entrant.
- 34.15 An architect receiving monies for services provided by others shall not use such monies for the architect's own purposes, and shall distribute them promptly to those so entitled.
- 34.16 Except when providing *pro bono* services or services on a contingency basis, or as approved by Council, an architect shall provide services and receive fees in substantial accord with the Tariff of Fees for Architectural Services.

AMENDMENTS TO BYLAWS

- Meeting Vote** 35.1 These Bylaws may be amended at any general meeting of the Institute by a two-thirds vote of the members present at such meeting, provided that notice of such proposed amendment must be given to the CEO at least 30 days before the Meeting, and the CEO shall issue notices of the Meeting and notify the members of the proposed amendment, in accordance with Section 21(3) of the *Act*.
- Mail Ballot** 35.2 These Bylaws may be amended by a mail ballot in the following manner:
- (a) the ballot is forwarded with Council's approval to all members of the Institute entitled to vote
 - (b) Approval of an amendment to the Bylaws requires a two-thirds affirmative majority of the ballots received being that number as set out under Bylaw 19.1
 - (c) the CEO shall forward ballots to the members entitled to vote and receive the ballots by a date specified by Council provided this represents a minimum of 21 days from the date the ballots were mailed.
- Superseding** 35.3 Upon coming into force of these Bylaws, they shall supersede all previous Bylaws and Amendments.
- E-voting for Bylaw Amendments** 35.4 The Council may establish rules to allow for amendment to these Bylaws by electronic means, including by internet voting by members entitled to vote. These rules must provide for reasonable access to voting, the confidentiality and security of such voting process and to ensure that the provisions for notice, majority approval and the voting period are no less than those established for mail ballot bylaw amendments in these Bylaws.

CONSENSUAL RESOLUTION

Definitions

36.0 In these consensual resolution bylaws 36.1 through 36.22,

“complainant” means a person or entity other than the institute who submits a written complaint to the institute about an architect, firm, associate or licensee;

“consensual resolution” is a collaborative dispute resolution process as established and defined in the *Architects Act*;

“consensual resolution review panel” or **“panel”** means the panel as defined in the *Architects Act* as being established under these bylaws;

“inquiry” means a disciplinary inquiry under Section 48 of the *Architects Act*;

“matter” means the issues and subjects relating to an inquiry against the architect, architectural firm, licensee or associate, including any charge(s) or allegation(s) arising out of an investigation into a complaint;

“panel member” means a person appointed by council to the panel;

“party” means the institute or the respondent;

“public member” means a person, not registered with the institute, appointed by council to the panel;

“respondent” means the architect, architectural firm, licensee or associate who is the subject of an inquiry.

Practices and Procedures

36.1 The institute shall propose to every respondent that an attempt be made to resolve the matter by way of consensual resolution. A respondent is not required to participate in consensual resolution.

36.2 Either party may withdraw from consensual resolution at any time by providing written notice to the other party.

36.3 In the event that the respondent declines to enter into consensual resolution, or should a party later withdraw from consensual resolution, the matter shall proceed to resolution in keeping with the inquiry provisions of the *Architects Act*.

- 36.4 The CEO shall designate a person to act as the institute’s representative for the purposes of carrying out the institute’s role and responsibilities with respect to consensual resolution. If this designated person is unable to carry out the institute’s consensual resolution obligations for whatever reason, the CEO shall designate a replacement representative.
- 36.5 The parties to the consensual resolution discussions may agree to consult with any person, including a mediator, whose participation might facilitate a consensual resolution.
- 36.6 A complainant, witness or other non-party in a matter is not entitled to participate as a party in consensual resolution, but may be consulted by the parties in order to facilitate consensual resolution.
- 36.7 Council shall establish and publish general qualification and experience criteria for architect and public member appointments to the panel and establish a panel to carry out the duties prescribed in the *Architects Act*. The panel shall be comprised of:
- (a) at least three and up to five architects; and
 - (b) at least one and up to two public members, including but not limited to persons from other professions.
- 36.8 Panel members shall hold office at council’s pleasure or on terms otherwise established by council. Council may establish staggered terms and terms of different length for different categories of panel members.
- 36.9 Council members, members of the investigations committee and architects currently employed or engaged by the institute are not eligible to sit on the panel.
- 36.10 Council may appoint one or more alternates to act in place of panel members in keeping with the composition criteria in bylaw 36.7, which alternates are authorized to act with full authority in respect of any matter that comes before the panel.

**Panel
Appointment
and
Composition**

**Panel
Procedures**

- 36.11 The panel shall appoint a panel member as the panel chairperson.
- 36.12 A majority of panel members shall constitute a quorum.
- 36.13 The panel shall meet as it deems necessary for the performance of its functions in a timely, fair and cost-effective manner, including meetings by teleconference, videoconference or otherwise electronically.

- 36.14 The panel shall attempt to carry out its duties by consensus. Where no consensus is possible, the decision of the panel majority shall be the panel's decision.
- 36.15 The panel shall carry out the role described in the *Architects Act* of deciding whether to approve a proposed consensual resolution agreement, in the public interest, and in so doing may do any or all of the following:
- (a) request that a party attend a panel meeting or provide information to the panel;
 - (b) review any consensual resolution agreement submitted by the parties;
 - (c) withhold approval of a consensual resolution agreement and in so doing, provide an explanation of its concerns to the parties;
 - (d) review any revised consensual resolution agreement submitted by the parties; and/or
 - (e) approve a proposed consensual resolution agreement.
- 36.16 The panel is not a judicial or quasi-judicial body and will not hold hearings or hear evidence, nor issue reasons.
- 36.17 The panel's final decision about a proposed consensual resolution is not subject to appeal.
- 36.18 An approved consensual resolution agreement must be signed by:
- (a) the panel chairperson or other member of a panel majority;
 - (b) the respondent; and
 - (c) the institute's CEO or designated person under bylaw 36.4.

Confidentiality

- 36.19 The consensual resolution process shall at times be conducted in keeping with the confidentiality provisions for consensual resolution established in the *Architects Act*.

Publication

- 36.20 All approved consensual resolution agreements shall be published to the membership and made public. The specific publication requirements shall be established within each consensual resolution agreement.

**Consensual
Resolution
Fees**

36.21 Council may establish fees payable to the institute by respondents with respect to engaging in consensual resolution, including but not limited to any fees for mediation or other facilitation of consensual resolution.

36.22 The institute shall publish any fees established by council for consensual resolution.

INVESTIGATIONS AND DISCIPLINE

Definitions

37.0 In these investigations and discipline bylaws 37.0 through 37.42,

“Chief Executive Officer” or **“CEO”** means the individual appointed by council under bylaw 3.6 and includes a person designated by the CEO to perform any of the duties assigned to the CEO in these bylaws;

“complainant” means a person or other entity who submits a written complaint to the institute about an architect, architectural firm, licensee or associate under bylaw 37.1;

“complaint” means an allegation or assertion, provided to the institute in writing, that a respondent has committed a discipline violation or a potential complaint that has been reviewed by the investigations committee and deemed to be of sufficient concern to become a complaint;

“disciplinary committee” has the meaning given to it in the *Architects Act*;

“disciplinary violation” means any one or more of the following:

- i) a breach of the *Architects Act*;
- ii) a breach of any bylaw or council ruling in the Code of Ethics and Professional Conduct;
- iii) conduct constituting professional misconduct, unprofessional conduct or conduct unbecoming;
- iv) incompetency or lack of fitness or capability to practise;

“institute” has the meaning given to it in the *Architects Act*;

“investigations committee” means the committee established pursuant to bylaw 37.10;

“matter” means the issues and subjects relating to a complaint or potential complaint;

“potential complaint” means information provided to the

institute, by any means and from any source, that indicates a respondent's conduct or competency may constitute a disciplinary violation;

“public member” means a person not registered with the institute, appointed by council to the investigations committee or remedial review panel;

“remedial recommendation” means the process established under these bylaws;

“remedial review panel” means the panel established under these bylaws; and

“respondent” means the architect, architectural firm, licensee or associate who is the subject of a complaint.

Complaints and Investigations

- 37.1 Any person may deliver a complaint concerning a respondent to the CEO, who shall investigate or cause to be investigated such complaint in accordance with these bylaws.
- 37.2 Information provided to the CEO from any source that indicates a respondent's conduct or competency may constitute a disciplinary violation must be treated as a potential complaint and processed in accordance with these bylaws.
- 37.3 Except as permitted under Bylaw 37.7, on receipt of a complaint or potential complaint, the CEO shall provide a copy of it, or a summary sufficient to describe the concerns or allegations, to the respondent, who shall provide a written response to the institute within two weeks of being requested to do so or within such extended period of time as the CEO may in writing allow.
- 37.4 Upon conclusion of the exchange of correspondence related to a complaint or potential complaint with the respondent, the CEO shall:
- (a) refer the matter directly to the investigations committee; or
 - (b) conduct an investigation into a complaint or potential complaint to the extent and by whatever fair and reasonable means the CEO determines are appropriate.

37.5 In any investigation conducted under bylaw 37.4, the CEO or investigations committee is authorized to do one or more of the following:

- (a) require the respondent or any other registrant who may be in possession or control of information, to submit original drawings, renderings or reproductions of the originals, specifications, contracts, records and other materials and documents reasonably relevant to the investigation;
- (b) conduct interviews of any person to obtain information reasonably relevant to the investigation;
- (c) attend at the business premises of a respondent during reasonable business hours and, with the respondent's consent (not to be unreasonably withheld) inspect the premises, make copies of documents and otherwise obtain evidence that is or may be reasonably relevant to the investigation;
- (d) seek the opinion of advisers and experts;
- (e) retain the services of a private investigator;
- (f) facilitate a discussion between the complainant and the respondent to arrive at a resolution of the matter; and
- (g) arrange for the drafting and prosecution of the charges against the respondent.

37.6 If, as the result of an investigation by the CEO under bylaw 37.4(b), it appears to the CEO that the matter may warrant an inquiry under section 46 of the *Architects Act*, the CEO shall provide a written report of the results of the investigation to the investigations committee, with or without recommendations. A copy of the report shall be delivered to the respondent at least 10 days prior to its consideration by the investigations committee. The respondent may make written representations to the investigations committee in response to the report.

- 37.7 The CEO may decline to take action pursuant to Bylaw 37.3 with respect to a complaint or potential complaint if the CEO is satisfied that:
- (a) it is not within the jurisdiction of the institute;
 - (b) it is frivolous, vexatious, an abuse of process or incapable of substantiation; or
 - (c) it does not allege facts that, if proved, would amount to a disciplinary violation.
- 37.8 Within 30 days of any decision by the CEO pursuant to bylaw 37.7, the CEO shall provide the complainant with a written explanation of such decision.
- 37.9 A complainant may request that the investigations committee review a decision of the CEO under bylaw 37.7. The request must be made in writing to the investigations committee within 30 days after notification of the decision of the CEO to the complainant.

**Investigations
Committee**

- 37.10 Council shall appoint an investigations committee of not less than five individuals, one of whom shall be appointed as chairperson. Council may appoint one public member to serve as a member of the investigations committee and one retired architect associate, but otherwise a person must be an architect to be eligible for appointment to the investigations committee.
- 37.11 Members of the investigations committee shall hold office at the pleasure of council.
- 37.12 Council may provide for staggered terms of office of members of the investigations committee and otherwise establish terms of reference and other procedural matters to supplement these bylaws.
- 37.13 A majority of the members of the investigations committee shall constitute a quorum, and the quorum shall have a majority of architects. While the investigations committee shall attempt to reach decisions and recommendations by consensus, the decision of a majority of the members of the investigations committee shall constitute the decision or recommendation of the committee.

- 37.14 The investigations committee shall meet and deliberate *in camera*, but may ask complainants, respondents or third parties to attend for interviews. The investigations committee shall maintain a confidential record of its investigations, but as an investigative body is not required to issue formal reasons for its decisions or recommendations.
- 37.15 A member of council may be appointed to the investigations committee but any such member will not be eligible, during the balance of that member's current term on council, for appointment to a disciplinary committee, nor consideration at council meetings of approval of any notice of inquiry.
- 37.16 The investigations committee shall have the following functions:
- (a) to investigate complaints referred to it by the CEO under bylaw 37.4(a);
 - (b) to review any written report from the CEO under bylaw 37.6 and to conduct any further investigation it may in its discretion deem necessary or advisable;
 - (c) to consider any potential complaints referred to it by the CEO under 37.4(a) to determine whether such matter should be dismissed without investigation or should become a complaint for investigation under subsection (a) above, with the institute as the nominal complainant;
 - (d) after investigation of a complaint, or review of a written report from the CEO, to determine whether to recommend that council order an inquiry into a matter by a disciplinary committee pursuant to section 46 of the *Architects Act*;
 - (e) to determine whether, after investigation of any complaint, to make a remedial recommendation under bylaw 37.20;
 - (f) upon receipt of a report from the remedial review panel indicating that a respondent has satisfied a remedial recommendation, to discontinue the investigation and close the matter per bylaw 37.18;

- (g) upon receipt of a report from the remedial review panel indicating that a respondent has failed to satisfy a remedial recommendation, to determine whether to recommend that council order an inquiry by a disciplinary committee pursuant to section 46 of the *Architects Act* into the concerns that arose during the investigation or remedial recommendation process;
- (h) upon a decision by a respondent to reject a remedial recommendation, to recommend that council order an inquiry into a matter by a disciplinary committee pursuant to section 46 of the *Architects Act*;
- (i) to review decisions of the CEO made under bylaw 37.7 at the written request of a complainant per bylaw 39.9 and, in its sole discretion without further appeal or review by any party, determine whether to further investigate the matter and exercise any of its powers or to concur with the CEO's decision; and
- (j) where the committee deems it appropriate, and upon the discontinuance of an investigation, to provide written, non-binding observations to a respondent related to professional conduct, practice and ethics. Such observations do not constitute a disciplinary violation and are intended to assist the respondent with future practice.

37.17 The investigations committee may invite the complainant, respondent or any other person(s) who may provide relevant information about a matter to a meeting for an interview concerning the matter. While the information elicited at the meeting will form part of the investigation, such meeting is not a formal hearing and evidence is not taken under oath.

37.18 If the investigations committee concludes that charges are not warranted, the CEO shall so notify the respondent and any complainant and the investigation shall be discontinued. This notification must include confirmation that there is no appeal from the decision under any AIBC process and that the complainant can seek independent legal advice as to judicial review or other recourse.

37.19 Neither the investigation nor any resulting inquiry shall be limited in scope to the particular conduct or circumstance that was the subject of the complaint or potential complaint that initially led to the investigation.

**Remedial
Recommendation**

- 37.20 Where the investigations committee concludes after an investigation that a matter raises concerns about a respondent's conduct, competency or fitness to practise that would be better resolved through a remedial process intended to improve a respondent's practice or otherwise protect the public, rather than referral to a disciplinary inquiry, it shall provide a report with remedial recommendation to the remedial review panel. There is no appeal from a decision of the investigations committee as to whether a remedial recommendation is appropriate for a particular investigation.
- 37.21 The investigations committee's remedial recommendation may include, but is not limited to:
- (a) educational action, such as coursework;
 - (b) an oral conduct review as may be established by the institute by council rule or bylaw;
 - (c) a practice consultation or peer review process as may be established by the institute by council rule or bylaw;
 - (d) seeking assistance, assessment or counselling from a professional, such as a financial professional, registered social worker or health professional; and/or
 - (e) such other reasonable remedial measures as may be appropriate to the circumstances.
- 37.22 A respondent may elect to accept or reject a remedial recommendation. If rejected, the investigations committee must recommend that council order a disciplinary inquiry per bylaw 37.16(d). A respondent's decision to reject a remedial recommendation does not constitute a separate allegation of a disciplinary violation.
- 37.23 Satisfaction by a respondent of a remedial recommendation does not constitute a disciplinary violation and is therefore not considered part of the respondent's professional disciplinary record.

- 37.24 Council shall appoint a remedial review panel consisting of at least three and up to five individuals and, in its discretion, one public member and one retired architect associate. At all times the majority of the remedial review panel must be comprised of architects and the chairperson must be an architect.
- 37.25 Remedial review panel members shall hold office at council's pleasure or on terms otherwise established by council.
- 37.26 The remedial review panel shall meet as it deems necessary for the performance of its functions in a timely, fair and cost-effective manner, including meetings by teleconference, videoconference or otherwise electronically.
- 37.27 The remedial review panel shall attempt to carry out its functions by consensus, but where no consensus is possible, the decision of the remedial review panel majority shall be the remedial review panel's decision.
- 37.28 The remedial review panel shall have the following functions:
- (a) to receive remedial recommendations from the investigations committee;
 - (b) to monitor and assess the respondent's compliance with the remedial recommendation; and
 - (c) to provide a written report to the investigations committee as to the respondent's compliance with the remedial recommendation, which report shall include a determination whether, in the remedial review panel's sole discretion, the respondent has satisfied the remedial recommendation.

**Disciplinary
Committee**

- 37.29 Upon receipt of a recommendation from the investigations committee, the council shall consider whether to order an inquiry into the matter by a disciplinary committee pursuant to section 46 of the *Architects Act*.
- 37.30 If council orders an inquiry by a disciplinary committee, the CEO shall serve a notice of hearing on the respondent and the complainant in accordance with section 48 of the *Architects Act*.

37.31 The disciplinary committee shall conduct its hearings at the offices of the AIBC, unless an alternative venue is required. Hearings shall be open to the public except for the disciplinary committee's *in camera* deliberations and in any circumstance where the disciplinary committee deems it appropriate to exclude some or all non-parties to the proceeding.

37.32 The CEO shall be responsible for the drafting and prosecution of the charges against the respondent to be included in the notice of inquiry and considered at an inquiry by a disciplinary committee. The CEO may retain and instruct legal counsel to assist with the drafting and prosecution of the charges.

37.33 The CEO may withdraw charges against a respondent based on a legal opinion which, to the CEO's satisfaction, raises reasonable grounds for charge withdrawal, including but not limited to the likelihood of a successful prosecution. The CEO shall notify the respondent and any complainant in the matter as to a decision to withdraw charges. The legal opinion supplementing the CEO decision shall be retained, as a privileged document, as part of the matter records.

**Confidentiality
and Publication**

37.34 As a minimum level of publication and disclosure, the AIBC shall disclose to the membership and make publicly available any decision or order of a disciplinary committee, or suitable summary thereof.

37.35 Institute staff, every member of council and all disciplinary committee, investigations committee and remedial review panel members must keep all information concerning a matter strictly confidential, except insofar as:

(a) the person's official duty requires or permits the person to make disclosure of the information or to report or take official action on it;

(b) public disclosure or publication has been made pursuant to these bylaws; and/or

(c) it may otherwise be directed by the order of a court of competent jurisdiction, or as provided in Section 51.2 of the *Architects Act* in respect of consensual resolutions.

37.36 Nothing in these bylaws restricts the ability of a disciplinary committee to order wider publication and disclosure of its decision, nor the ability for the AIBC and respondent to agree to wider publication and disclosure, if established within a consensual resolution agreement pursuant to bylaw 36.20.

37.37 The institute shall publish summaries, without respondents' names, of successfully-completed remedial recommendations for the purpose of educating architects, firms, associates and licensees regarding professional conduct and ethics.

**Compliance
with Sanctions
and Costs**

37.38 Unless otherwise provided by the disciplinary committee in its order, all fines and costs ordered to be paid by the respondent shall be paid to the institute within 30 days of the date of the order.

37.39 Where a respondent is:

(a) ordered by the disciplinary committee to undertake remedial actions or satisfy conditions placed on a certificate of practice;
or

(b) undertakes or agrees to remedial action or other provisions within a consensual resolution agreement;

the respondent shall comply with the order or agreement within the time limit ordered, directed or agreed to. Failure by the respondent to comply is grounds for disciplinary action, including automatic suspension if such a suspension term is provided for by way of disciplinary committee order or consensual resolution.

37.40 The CEO is authorized to monitor and enforce sanctions, conditions on certificates of practice and costs ordered by a disciplinary committee or provided for in a consensual resolution agreement.

**Oral Conduct
Reviews**

37.41 In the event that an order of a disciplinary committee, direction of the investigation committee or a term of a consensual resolution or undertaking provides that a respondent (including a former member or other registrant applying for reinstatement) must undertake an oral conduct review, such review will be conducted according to the guidelines or rules established by the AIBC for such process.

**Supplemental
Rules**

37.42 Council may pass procedural rules and guidelines to supplement bylaws 37.1 through 37.41, which rules must be consistent with the language and intent of these bylaws.

CODE OF ETHICS AND PROFESSIONAL CONDUCT

**Code of Ethics
and
Professional
Conduct**

38.0 The institute shall establish a Code of Ethics and Professional Conduct for members, architectural firms, licensees and associates.

38.1 The Code of Ethics and Professional Conduct shall include:

- (a) those bylaws identified by council that establish the standards, values and principles relating to competency and conduct of architects, firms, licensees and associates and the dignity and honour of the profession;
 - (b) any council rulings associated with such bylaws; and
 - (c) non-binding preamble and explanatory commentary.
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BYLAW AMENDMENT HISTORY (2001 – 2016):

- 2001: *A July 1, 2001 revised edition of AIBC bylaws was published that superseded the February 8, 2000 edition. The July 2001 edition incorporated newly-worded bylaws 3.2, 3.4, 3.7, 20 and 30.2, with some consequential re-numbering of existing bylaws.*
- 2012: *This revised edition (July 1, 2012) of AIBC bylaws supersedes the July 2001 edition. Former bylaws 3.2, 3.3, 12.2, 26.0, 26.1, 26.2 and 26.3 were repealed. Bylaws 10, 12.1 and 19.1 were amended. No bylaws were renumbered.*
- 2013: *This revised edition (July 3, 2013) of AIBC bylaws supersedes the July 2012 edition. The July 2013 edition incorporated new consensual resolution bylaws 36.0 through 36.22. No other bylaws were amended or renumbered.*
- 2014: *This revised edition (June 23, 2014) of AIBC bylaws supersedes the July 2013 edition. The June 2014 edition incorporated new electronic voting bylaws 24.3 and 35.4. No other bylaws were amended or renumbered.*
- 2015: *This revised edition (June 15, 2015) of AIBC bylaws supersedes the June 2014 edition. Former bylaw 18.2 was repealed. Bylaws 3.6 and 19.2 were amended.*
- 2016: *This revised edition (January 27, 2016) of AIBC bylaws supersedes the June 2015 edition. The title Executive Director was replaced with the title Chief Executive Officer (CEO) throughout the bylaws. Bylaw 19.1 was amended. Bylaws 38.0 and 38.1 were added.*
- 2016: *This revised edition (August 26, 2016) of AIBC bylaws supersedes the January 2016 edition. The August 2016 edition incorporated new investigation and discipline bylaws 37.0 through 37.42. No other bylaws were amended or renumbered.*