APPROVED
BY EMAIL MOTION
24 NOVEMBER 2011

ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Minutes of:	AIBC Council
Date:	11:30 a.m. to 4:25 p.m., 8 November 2011
Location:	AIBC Large Boardroom
Presiding:	Richards
In Attendance:	Boswell, Chester, Csutkai, Currie, Gallant, Gillies, Grossman, Hendriks, Kemp, Pawson, Peddie, Spiegel, Van Duzer, Werker, Yustin, Zeibin
Staff:	Becker, Buchan, Ernest, Lutes, Morris, Wiebe, Rau, Roberts, Underwood
Regrets:	Toy

Item #	Detail

1.0 Welcome

2.0 Call to Order

The Meeting was called to order at 11:40 a.m.

Chester raised a Parliamentary Inquiry with regard to recognition of persons present in the assembly. The Chair ruled the inquiry was out of order.

Chester appealed the ruling of the chair by vote of the assembly. **DEFEATED**

3.0 Acceptance of the Agenda

Motion 1: that Council add the following three items to the agenda:

- **Chapter support**
- **Member engagement – publishing the council meeting agenda in eNews**
- **Publishing the content of the council briefing package**

The Chair requested permission from council members to extend the time of the session in order to accommodate these additions.

Csutkai/Grossman **DEFEATED**

Requested votes in favour be recorded: Chester, Csutkai, Grossman.

Motion 2: to table item 5.7 (IA, AD, BD and RD Associates and Liaisons to Council) until such time as Council's Associates Resolution Working Group completes its research and deliberations.

Van Duzer/Werker **DEFEATED**

Requested votes in favour be recorded: Chester, Csutkai, Grossman, Werker, Van Duzer, Yustin.

Motion 3: that the Executive Director's cover letter to the council briefing package be added to the agenda as a discussion item.

Chester/Werker **DEFEATED**

Requested votes in favour be recorded: Chester, Csutkai, Werker.

The Chair clarified that the Executive Director's cover letter is provided for Council's information.

Motion 4: That the agenda be accepted.

Gallant/Werker **CARRIED**

Requested votes opposed be recorded: Chester, Csutkai, Werker, Van Duzer

4.0 Consent Items

Motion: to relocate item 4.3.3 (Policy Compliance Monitoring Report 11.0 Registration and Licensing) of the consent agenda to item 5.8 in the policy discussion agenda.

Werker/Gillies **CARRIED**

4.1 Recording of previously passed electronic motions 5 October 2011
- 4.1.1 Adoption of the minutes of council meeting 13 September 2011

Motion: to make the following addition, under 2.0 Call to Order, to the minutes previously adopted:

"Motion: The Chair recognizes certain individuals as part of this assembly who have no right or privilege under the statute that constitutes this body. The Chair must exclude these individuals.

The Chair ruled the motion out of order and recognized the individuals at the table."

Chester/Csutkai **CARRIED**

- 4.1.2 Committee changes (at 29 September 2011)
- 4.1.3 Register Amendments
- 4.1.4 NCARB ARE Results

4.2 Committee changes (at 31 October 2011)

4.3 Internal compliance monitoring reports:
- 4.3.1 Financial compliance monitoring and summary
- 4.3.2 Policy compliance monitoring: 7.0 Professional Development
- 4.3.3 *(Item relocated to 5.8)*

4.4 NCARB ARE and Oral Exam results

4.5 Register amendments

Motion: That consent items 4.1.2 through 4.3.2, 4.4 and 4.5 be accepted.

Werker/Peddie **CARRIED**

5.0 Policy Discussion Issues

5.1. 2011/12 Working Groups: interim reports

5.1.1. Associates: Resolution

Kemp presented a verbal report on the working group's activities to date.

5.1.2. New and Diverse Members 2.0

A final report was submitted on behalf of Council's 2010 working group of the same name. Intention now is to publish the report on the AIBC web site and in connection with its presentation at an Intern Architects event 10 November 2011.

5.1.3. Regulation v Advocacy | Public Interest v Private Interest

That Council accepts the amended Terms of Reference for its Public Interest | Private Interest Working Group.

Gallant/Pawson **CARRIED**

An interim report was provided, for information only.

5.2. Policy Review: 8.0 Professional Conduct

Annual review for currency and consistency with council policies and objectives.

That Council approves the amended Professional Conduct Policies 8.1 and 8.2.

Gallant/Spiegel **CARRIED**

(Amended policies 8.1 and 8.2 are appended to the minutes.)

5.3. Policy Review: 10.0 Illegal Practice

Annual review for currency and consistency with council policies and objectives.

That Council approves the revised Illegal Practice Policy 10.1 as amended.

Gallant/Csutkai **CARRIED**

(Amended policy 10.1 is appended to the minutes.)

5.4. Electronic voting and electronic meetings

A memorandum (Marburg to Ernest, 13 October 2011) outlining proposed rules and procedures for electronic voting and meetings was submitted for Council's consideration as requested in the council meeting 8 September 2011. Discussion occurred.

Motion: that supporting materials for electronic voting and meetings be reconsidered to reflect Council's discussions and re-submitted to the next meeting of council (January, 2012) along with proposed new policy to reference electronic voting and meeting rules.

Peddie/Werker **CARRIED**

5.5. Use of collective term "registrant"

At its September meeting, Council approved a motion to replace the term 'registrant' with another term or terms, requesting options to be presented by staff for the November meeting. A memorandum and proposal (Ernest and senior staff to Council, 31 October 2011) was submitted for Council's consideration. Council provided input.

Motion: that the proposal be tabled, to allow the Executive Director to incorporate Council's input, and re-submitted to the next meeting of council (January 2012).

Van Duzer/Csutkai **CARRIED**

Requested vote opposed be recorded: Gallant

(Ed. note: Council amended the order of discussion by agreeing to address item 5.7 before 5.6.)

5.7 AT, BD and RD Associates and Liaisons to Council

Council's Governance Task Force (GTF) proposed three motions intended to clarify the current status of three existing categories of associate (AT, BD, RD), their respective intern categories; their respective liaisons to council; and the IDIBC liaison to council.

Chester moved to amend the text of the second motion proposed by the GTF. The motion to amend was not seconded.

Motion: to table the proposed motions until such time as Council's Associates Resolution Working Group completes its research and deliberations with agreement by all Council members not to bring opposing motions or points-of-order with regard to associates and their liaisons in the interim.

Van Duzer/Werker **DEFEATED**

Requested votes in favour be recorded: Csutkai, Grossman, Werker
Note: mover of the motion departed from the meeting before the vote was conducted.

Below are the three motions as submitted by the GTF:

Motion 1: That Council reaffirms the associate registrant categories of Architectural Technologist; Building Designer; Residential Designer; their respective categories of interns; and welcomes their participation on relevant boards and committees.

Gallant/Peddie **CARRIED**

Requested votes opposed be recorded: Csutkai, Grossman, Werker
Requested abstention be recorded: Chester

Motion 2: That Council continues to welcome the participation of one elected representative for each of the Intern Architect, Architectural Technologist, and Building and Residential Designer (represented by one elected Building or Residential Designer) associate categories as non-voting liaisons to council, allowing them to participate in council discussions, strategic planning sessions and working groups.

Gallant/Peddie **CARRIED**

Requested votes opposed be recorded: Chester, Csutkai, Grossman

Motion 3: That Council affirms its ongoing invitation to a representative (non-voting) liaison to council from IDIBC to participate in council discussions, strategic planning sessions and working groups (appointed by IDIBC until such time as the AIBC associate classification of Interior Designer may be actuated and populated.)

Gallant/Peddie **CARRIED**

Requested votes opposed be recorded: Chester, Csutkai, Grossman
Requested abstention be recorded: Werker

5.6 Annual Conference Policy

Existing council policy 5.7 requires that the AIBC Annual Conference must include specific additional events. Staff requested Council waive these requirements for 2012 and 2013 in order to allow events planning and resource allocation for those years to proceed, and to permit exploration of collaborative opportunities (including an invitation to jointly host an event with AIA in Fall 2013 in Vancouver).

That Council sets aside those directives currently found in council policy 5.7.1 which require specified ancillary events to be held in conjunction with the annual conference, for 2012 and 2013.

Kemp/Hendriks **CARRIED**

(Ed. note: Council returned to the sequence as numbered on the agenda.)

5.8. Policy compliance monitoring: 11.0 Registration and Licensing *(formerly item 4.3.3.)*

Motion: to accept the report.

Gallant/Yustin **CARRIED**

Requested vote opposed be recorded: Werker

6.0 Non-Policy Items

6.8. Operational Budget

The proposed operational budget for 2012 was presented by Treasurer Tim Spiegel and questions invited. The Executive Director noted questions for further explanatory follow-up by the Financial Health Task Force as needed.

Motion: that Council accepts the operational budget for 2012 as presented including (under Bylaw 25) the annual fees and fines as described therein.

Gallant/Yustin **CARRIED**

Requested votes opposed be recorded: Chester, Csutkai, Grossman, Werker, Yustin

Werker requested notation of her objections: to Council's vote on the budget as a complete package, requesting in future there be separate votes conducted for the budget and for the proposed fees/fines; requesting a capital budged be provided for Council review and approval; and noting that the incorporated decrease in fines for associates non-compliant with CES requirements will require a corresponding update to policy 7.2.9.

6.9. Bylaw Review Committee: a report on the committee's progress to date was presented to council, for information only.

Motion: for the remainder of the council meeting to be conducted *in camera.*

Kemp/Gillies CARRIED

7.0 Decisions arising from *in camera* items

7.8. ExAC: for discussion only.

7.9. Executive Director compensation

Motion: that Council accepts the recommendation of the ED Compensation Standing Committee.

Spiegel/Gillies **CARRIED**

7.10. Executive Director review process: quorum was lost before discussion of this topic.

8.0 Adjournment

At 4:25 pm meeting adjourned.

8.0	**POLICY CATEGORY:**	**PROFESSIONAL CONDUCT & DISCIPLINE**
8.1	**POLICY FOCUS:**	**COMPLAINTS AND INVESTIGATIONS**

8.1.1 The AIBC is committed to meeting its legislative requirement for receiving complaints and investigating the professional conduct of its [registrants] where appropriate in order to uphold and safeguard the public interest in maintaining appropriate standards of professional conduct and practice by [registrants].

***Accordingly, the Executive Director will ensure that*:**

8.1.2 Reasonable steps are taken so that the complaint and investigation process accords with the appropriate principles of administrative justice and procedural fairness that apply to these stages of a professional conduct matter. The AIBC develops, implements and refines consistent, efficient and fair rules, procedures and guidelines for handling complaints and investigations.

> [NB: In March 2001, the AIBC implemented *Rules for the Professional Conduct Process* (the "*Rules*"). Rule 1.2 reads:
>
> The object of these Rules is to secure the just, speedy and inexpensive determination of every complaint on its merits as provided in the [*Architects*] *Act* and these Rules, preferably by consensual resolution but otherwise by adjudication by a Disciplinary Committee.]

8.1.3 The complaint and investigation process is monitored on an ongoing basis to ensure that the relevant *Rules*, procedures, and guidelines continue to meet a high standard of procedural fairness and administrative efficiency. The AIBC will also monitor and review the implementation and application of these *Rules*, procedures and guidelines on an ongoing basis to ensure maintenance of a high standard of procedural fairness and administrative efficiency.

8.1.4 The AIBC, through the Professional Conduct and Illegal Practice Board, will develop or refine *Rules*, procedures and guidelines on an ongoing basis to assist the AIBC staff and support committees in carrying out their tasks at the complaint and investigation stages.

8.0	**POLICY CATEGORY:**	**PROFESSIONAL CONDUCT & DISCIPLINE**
8.2	**POLICY FOCUS:**	**CONSENSUAL RESOLUTION AND DISCIPLINARY INQUIRY**

8.2.1 Complaints of unprofessional conduct that have proceeded through the complaint and investigation process to the AIBC's consensual resolution process or to a Disciplinary Inquiry may result in findings or admissions of unprofessional conduct by a [registrant].

***Accordingly, the Executive Director will ensure that*:**

Consensual Resolution

NOTE: As a consequence of the August 2009 B.C. Court of Appeal decision in *Salway v. APEGBC*, the AIBC determined in September 2009 that it could no longer continue with its consensual resolution process until amendments to the *Architects Act* (the "*Act*") had been secured. Policies 8.2.2 and 8.2.3 are therefore temporarily suspended, and policy 8.2.4 addresses the matter.

8.2.2 [A [registrant] facing an allegation of unprofessional conduct is offered a reasonable opportunity to engage in consensual resolution to resolve a conduct matter before the [registrant] is served with a Notice of Inquiry.

8.2.3 The AIBC, through the Professional Conduct and Illegal Practice Board, will monitor and evaluate the fairness and administrative efficiency of its consensual resolution process on an ongoing basis and make such recommendations as are necessary from time to time to improve this important complaint resolution process.

Disciplinary Inquiry

8.2.4 (Until such time as the *Act* has been amended to explicitly allow the AIBC to resolve allegations of unprofessional conduct by way of consensual resolution or other alternative resolution)all allegations of unprofessional conduct approved by AIBC Council by way of notice of inquiry must proceed to be heard by a disciplinary committee at a disciplinary inquiry. In order to preserve some of the flexibility, cost-effectiveness and public interest elements of consensual resolution, the AIBC will make reasonable efforts, in keeping with its public interest mandate, to negotiate with members and associates subject to a disciplinary inquiry to make joint submissions to a disciplinary committee with respect to agreed facts, liability admissions and/or penalty submissions.

8.2.5 Reasonable steps are taken to ensure that its Disciplinary Inquiry process accords with the appropriate principles of administrative justice and procedural fairness, and shall take such professional advice as is necessary to do so on an ongoing basis.

8.2.6 Reasonable efforts are made, through co-ordination with its external counsel, the Disciplinary Committee and the [registrant] facing the allegation(s) to ensure that any Disciplinary Inquiry is held in a timely manner.

8.2.7 In accord with the principles of administrative justice, a Disciplinary Committee shall provide written reasons for its decision within a reasonable period after conclusion of a Disciplinary Inquiry.

8.2.8 The AIBC, through the Professional Conduct and Illegal Practice Board, will develop or refine appropriate *Rules*, procedures and guidelines on an ongoing basis that relate to the resolution of allegations of unprofessional conduct by consensual resolution or Disciplinary Inquiry.

10.0	**POLICY CATEGORY:**	**ILLEGAL PRACTICE**
10.1	**POLICY FOCUS:**	**COMPLIANCE WITH THE *ARCHITECTS ACT***

10.1.1 In the public interest and on behalf of its [registrants], the Institute will make reasonable efforts to address the illegal practice of architecture through education and the enforcement of the *Architects Act* (the "*Act*"). The illegal practice of architecture relates to the unlawful use of the title "architect" or other terms implying registration with the AIBC; the actual 'practice' of architecture by a [non-registrant] outside of the exceptions provided in the *Act*; and the unlawful engagement of a non-architect to practise the profession of architecture.

Accordingly, the Executive Director will ensure that:

10.1.2 Sufficient resources are allocated to meet the Institute's responsibilities with respect to enforcement of the *Act*, including maintaining a dedicated annual budget allotment for the funding of appropriate legal proceedings.

10.1.3 Illegal Practice procedures and guidelines are developed and/or refined on an ongoing basis to assist AIBC staff and the Illegal Practice Committee in carrying out their tasks with respect to the intake, investigation, resolution and appropriate publication of illegal practice matters.

10.1.4 Consultation and education efforts directed at prevention of illegal practice shall be undertaken with the public, local governments and [registrants].

10.1.5 Regular, informative communication regarding illegal practice matters is provided to [registrants] and the public.

10.1.6 Suitable legislative and regulatory initiatives are supported to improve alignment and consistency among and between the *Act*, BC Building Code and other relevant legislation and regulations, in an effort to improve compliance with the *Act*.

10.1.7 Consultation, cooperation and information-sharing between the AIBC and other professional regulators takes place to prevent and address the illegal practice of architecture by members of other professions.