



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Associate Bylaw Amendments

Bylaw Review Consultation Session

September 13 and 22, 2016

We ask that you please remember to:

- Turn off your cell phones;
- Raise your hand and wait to be called upon;
- Comment or ask a question, one at a time;
- Give everyone an opportunity to respond; and
- Wait until all have had a chance to respond before asking another question.

Thank you for attending!

AIBC Bylaw Review Committee 2015 - 2018 Work Plan

Updated August 2016
[Note: red font and outlining reflects amendments to workplan]

BYLAWS	2015						2016						2017						2018												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
HOUSEKEEPING / ADMINISTRATION																															
Continued research / review of 3 possible bylaws for next vote:																															
i) 16 bylaw amendments for CEO (20 references to the title)																															
ii) Provide for Code of Ethics																															
iii) Quorum																															
Presentation to council (planning session)																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															
Proposed e-vote																															
ASSOCIATE																															
Continued development of bylaws per council direction																															
Presentation to council (planning session)																															
BRC Submission to council seeking approval in principle																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															
Vote on associate bylaws																															
INVESTIGATIONS-DISCIPLINE BYLAWS (REMEDIAL RECOMMENDATION)																															
Conclude BRC review and internal review and advance to council																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															
Vote on investigations / discipline bylaws																															
CODE OF ETHICS BYLAWS																															
BRC review and analysis; internal stakeholder consultation																															
Presentation to Council (planning session)																															
Submission to council seeking approval for amendments																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															
PLI, ARCHITECTURAL FIRMS AND CERTIFICATE OF PRACTICE																															
BRC analysis & recommendations: bylaws 15.1 - 25.0																															
Submission to council																															
Member consultation																															
Final BRC Submission to council post consultation and council decision to proceed with vote																															
ADMIN BYLAW REVIEW: Institute Seal, Officers & Council, Boards, Task Force & Committees, Remuneration & Expenses																															
BRC analysis & recommendations: bylaws 1.0 - 7.0																															
Submission to council																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															
ADMIN BYLAW REVIEW: Chapters, Membership & Registration, Honorary Members, Fees, Fines & Levies, Institute Meetings, Nominations & Elections																															
BRC analysis & recommendations: bylaws 15.1 - 25.0																															
Submission to council																															
Member consultation																															
Final BRC Submission to council post consultation and council decision to proceed with vote																															
DEFINITIONS																															
BRC analysis & recommendations																															
Submission to council																															
Member consultation																															
Final BRC Submission to council post consultation and council decision to proceed with vote																															
BYLAW REORGANIZATION																															
Update previous committee work: document organization, numbering, and subheadings																															
Presentation to council																															
Member consultation																															
Final BRC submission to council post consultation and council decision to proceed with vote																															

History of Associates: Legislation

- “Associates” have been a part of the architectural profession’s landscape since the original *Act to Incorporate The Architectural Institute of British Columbia*, S.B.C. 1920, c. 106. A student associate clause read, in part:

26. (a) The Council shall admit as student associates any British subject who is desirous of entering the profession of architecture.

History of Associates: Legislation

- By 1955, under the *Architectural Profession Act*, S.B.C. 1955, c.4, students had their own specific section, and a separate, broader associates clause was created:

37. The Council may admit any person as an associate, and may divide associates into different classes and fix the qualifications for each class.
- The 1979 *Architects Act* slightly modified this 1955 associates section, which remains the language in our current legislation at Section 40.

What is an Associate?

The current *Architects Act* defines associate as:

Section 1:

“associate” means a person registered under section 40;

Section 40:

Associates

The council may admit any person as an associate of the institute, may divide associates into different classes and set the qualifications for each class.

*many other sections in the current *Act* refer to associates, such as those permitting bylaws related to associates; those addressing failure to pay annual fees; and those providing council authority to order a associate disciplinary inquiries or to resolve associate disciplinary charges via consensual resolution.

Evolution of the Associate Class: Bylaws

- “Student Associates” were established by AIBC bylaw in the 1970s.
- These students were not interns, which associate class by then had its own bylaw.

Evolution of the Associate Class: Bylaws

In the early 1990s, associate bylaws were given prominence with:

- the addition of retired members;
- the expansion of student associates; and
- the move of the intern architect bylaw from elsewhere in the bylaws to the 'Associates and Students' heading.

In 1998, the architectural technologist or “AT” class of associates was established by council, but no bylaws related to this new class were put forward.

Evolution of the Associate Class: Bylaws

- In early 2008, council created new associate classes of “Building Designer” and “Interior Designer” under council’s authority as set out in section 40 of the *Act*. As the year progressed, formal admission of building designers and residential designers as associates began.
- By the end of 2008, there were nine full associate classes and two sub-classes of student technologist and syllabus student individuals.

Evolution of the Associate Class: Governance

- Between 2009 and 2013, successive councils grappled with rationalizing an approach to the regulation of associates by the institute.
- The “associate issue” became a contentious aspect of the institute’s governance, council elections and member relations.

Evolution of the Associate Class: Governance

Throughout 2013, council passed a series of motions related to resolving the associates issue. The motions resulted in:

- Reduction in the number of associates classes from nine to three; and
- Establishment of the three designations below for these three classes:
 - Intern Architect AIBC;
 - Retired Architect AIBC; and
 - Architectural Technologist AIBC.

Evolution of the Associate Class: Regulation

The final aspect of council's review of the associate issue was addressing the provision by associates of 'independent design services' in the "exceptions" (s. 60 of the *Act*).

In 2015, AIBC Council passed *Code of Ethics* rulings requiring all associates to:

- Notify their clients of their associate status before offering independent services;
- Notify their clients of insurance status before providing independent services; and
- Notify an AHJ of associate status before or as part of any submission related to independent services.

Current Associate Bylaws

The current associate bylaws have not kept pace with modern regulation and have numerous deficiencies:

- Bylaw 13.1 has a minor typographical error;
- Bylaw 13.2 is factually and legally incorrect in stating that associates are not entitled to registration;
- The designations listed for interns and retired architects in the bylaws are out of date given the 2013 council motions;
- The student associate class no longer exists;

Current Associate Bylaws cont'd:

- The retired architect qualification that the person must have “resigned for personal reasons of health or age” is antiquated, and arguably discriminatory.
- Bylaw 13.5 purports to give retired architects a ‘title’, something that only a registered architect can possess. (Associates are granted ‘designations’.)

Proposed Associate Bylaws

- 13.1 Associates shall be those persons who have been admitted by the council as associates.
- 13.2 Associates shall not be members of the institute 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 institute communications, as determined from time to time.
- 13.3 The council shall establish a designation for each class of associates and may pass rules for the use of such designation.
- 13.4 The council shall establish admission qualifications for each class of associates it creates and may pass rules for persons to qualify for and remain registered in any associate class.

Proposed Associate Bylaws

- The proposed bylaws are intended to supplement and provide clarity in relation to council's statutory authority over associate admission, classification, and qualification.
- Consequently, references to specific associate classes are not made. Instead, the bylaws require council, as a necessary aspect of its associate authority, to establish qualifications for admission and appropriate designations for any class created.

Qualifications and Designations

- The thrust of the proposed associate bylaws is to confirm that council will establish admission qualifications and designations.
- By adopting council's rule-making authority to do so, greater flexibility for adjusting qualification criteria and designations is provided. All council rules are subject to member notification per council policy.

Qualifications: Interns and ATs

- The proposed rules for the intern and architectural technologist classes are consistent with the existing admission requirements for those individuals.
- The rules summarize these requirements and no new standards for admission or designation use are proposed in these rules.

Qualifications: Retired Architects

The proposed qualifications for retired architect associates is simpler and based on the following principles:

- **Choice:** that retirement from the profession can occur for many reasons beyond age or illness; and
- **Inclusiveness:** that the class should be open to individuals who have been registered in British Columbia as an architect at any time, and for any duration, prior to the retirement decision.

BRC Recommendations

- The Bylaw Review Committee proposes that this short suite of foundational associate bylaws is an appropriate replacement for the current, outdated bylaws.
- The rule authorization language in the proposed bylaws allows a more flexible and transparent means of updating associate admission qualifications and designations than the historical approach.

Next Steps:

- After the consultation sessions are completed, the BRC will consider all member feedback and prepare a final submission of the bylaw amendments to council. As with previous bylaw initiatives, all member feedback will be appended to the submission for council consideration when voting whether to move bylaws forward for member approval.

Next Steps:

- If council approves the final submission of the bylaw amendments, the vote by members on the bylaw amendments will likely be held in late Autumn 2016.

Feedback:

- Provide comments verbally or in writing during the session.
- By e-mail at bylawfeedback@aibc.ca.
- [Bylaw Review Online Feedback Form](#)
- All feedback is considered by the BRC before its final submission and by council before its final approval.



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