BYLAWS

Effective October 8, 2019
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**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**

**Wording**

1.0 The common seal of the institute shall:

   (a) contain the words: “The Architectural Institute of British Columbia. Founded 1914, Incorporated 1920”;

   (b) remain in the custody of the Chief Executive Officer (CEO); and

   (c) be affixed to those documents required by the Architects Act, and as may be further authorized by council including any application of an electronic version of the seal.

**Use**

2.0 REPEALED

**OFFICERS AND 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3.2 REPEALED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3.3 REPEALED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3.4 REPEALED
Cheques

3.5 REPEALED

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3.7 REPEALED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 council shall establish, maintain and publish both a code of conduct for council and conflict of interest guidelines.

BOARDS, TASK FORCES AND COMMITTEES

Terms of Reference

4.0 In addition to council’s specific authority to appoint committees and boards under Section 20 of the Architects Act, council may establish other boards, task forces, committees and like groups as it deems appropriate. Council shall approve and publish terms of reference as to the functions, duties, powers, and composition for each group so established.

4.0.1 The CEO may establish operational boards, task forces, committees and like groups to assist staff with its work for the institute. The CEO must publish terms of reference as to the functions, duties, powers, and composition for each operational group so established.

Code of Conduct

4.1 The council shall establish, maintain and publish both a code of conduct for boards, committees and task forces and conflict of interest guidelines.

Intern Architects Program

5.1 The registration board shall:

(a) implement and monitor an internship in architecture program; and

(b) report to and seek direction from council as it deems appropriate in relation to such program.

Joint Practice Board

5.2 REPEALED
REMUNERATION AND EXPENSES

Remuneration

6.0 Council may establish from time to time, by resolution:

(a) any remuneration, honorarium and attendance compensation amounts for members of council, boards, committees, task forces and like groups; and

(b) expense reimbursement provision for members of council, boards, committees, task forces and like groups.

Expenses

7.0 REPEALED

CHAPTERS

Chapters

8.1 The council may allow the formation of chapters of the Architectural Institute of British Columbia in accordance with the rules for such chapters established by council.

8.2 REPEALED

8.3 REPEALED

8.4 REPEALED

8.5 REPEALED

8.6 REPEALED

ADMISSION AND REGISTRATION

Declaration

9.0 Each applicant for registration as an architect shall make and subscribe to the following declaration:

“Solemnly do I declare that having read and understood the Architects Act and the Bylaws and Code of Ethics and Professional Conduct of the Architectural Institute of British Columbia, and having passed the examinations, I am eligible for membership. Further do I announce that I will uphold professional aims, uphold the art, and the science of architecture, and I will 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, in the public interest.”
Section 36 Admission

9.1 Council may establish rules in relation to and consistent with the qualifications for registration in Section 36 of the Architects Act, including:

(a) the evidence, qualifications and further information described or permitted in Section 36 (1);
(b) the examinations required for registration in Section 36(1);
(c) the criteria or process for approving the architectural training required for admission as an architect in another jurisdiction as permitted in Section 36(1)(a);
(d) the criteria or process for approving the course and employment requirements in Section 36(1)(b); and
(e) the criteria or process for accepting related experience to reduce the internship period from three to two years as permitted by Section 36(2).

Alternative Qualification Section 37 Admission

9.2 Council may establish rules in relation to and consistent with the alternative qualifications for registration in Section 37 of the Architects Act, including:

(a) the examination that may be required by council in Section 37;
(b) the employment requirements in Sections 37(a) and (b); and
(c) the architectural practice requirements in Section 37(c).

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.

Seal

11.1 Each member upon registration may make application for the member's seal to the CEO by completing the application form required by council and paying the requisite fee.

11.2 The CEO shall procure, distribute, and be responsible for the issuance and return of architects’ seals.
HONORARY MEMBERS

Honorary Members

12.0 Honorary members nominated by the council shall be conferred by a four-fifths majority vote of members, to be conducted by electronic means.

12.1 Council shall establish rules for the conduct of the electronic vote established by bylaw 12.0.

12.2 REPEALED

ASSOCIATES

Associates

13.1 Associates shall be those persons who have been admitted by 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.

13.5 REPEALED

13.6 REPEALED

13.7 REPEALED

14.0 REPEALED

ARCHITECTURAL FIRMS

Firm Name

15.1 Council shall establish rules in relation to firm name requirements, including restrictions on firm names and name approvals required prior to firm registration.

Application Form

15.2 An architectural firm applying for registration must complete and submit the application form required by council for the type of firm registration sought.
Firm Update and Changes

15.3 Every architectural firm shall:

(a) complete and submit an annual firm update in the form and by the date required by council; and

(b) notify the institute of any firm ownership, name and other changes identified in the form and by the date required by council.

Qualifications

15.4 Architectural corporations must comply with the qualifications for registration in Sections 26(2) and (3) and 30(1) and (2) of the Architects Act at all times.

Compliance

15.5 Council may establish rules to address non-compliance by architectural corporations with Section 26(2) and (3) caused by the suspension from practice, resignation, death or other removal from the register of an architect in such firm.

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.

Professional Liability Insurance

16.1.1 On or before February 1, 2019, all architectural firms, members and licensees holding a certificate of practice must hold professional liability insurance and comply with the bylaws and council rules related to such insurance.

16.1.2 Council may establish rules relating to the minimum insurance amounts, coverage, evidence of insurance, any exemptions from the insurance requirements, and other terms and conditions of the professional liability insurance required under bylaw 16.1.1.

16.1.3 A certificate of practice holder must advise the institute in writing immediately if the insurance coverage required in bylaw 16.1.1 is cancelled, terminated, or expires.

16.2 An architectural firm, member, or licensee applying for a certificate of practice or renewal of a certificate of practice must complete and submit the form required by council.

16.3 A certificate of practice will expire without notice in any of the following circumstances:

(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.

Classes of Holders

16.4 Holders of certificates of practice shall be placed into one of the following classes:

(a) member;
(b) architectural firm (sole proprietorship);
(c) architectural firm (partnership);
(d) architectural firm (corporation); or
(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 in the format prescribed by the council, and accompanied by a written statement of the nominee that the nominee will serve if elected; and

(b) nominations must be submitted to the CEO at least sixty (60) 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.

Election Procedures

22.0 Council shall establish rules for the conduct of council elections conducted by mail ballot and by electronic vote. These rules must address procedures and information not already provided for in these bylaws or in the Architects Act, including:

(a) the format and contents of council election ballots;

(b) notification of the election to voting members, including the voting commencement date and time and the closing deadline for return of ballots on the date of the annual meeting;

(c) the confidentiality and security of the election process;

(d) the management of the election process, including appointment of scrutineers and announcement of election results; and

(e) dispute resolution in relation to irregularities in the nomination or voting processes

22.1 REPEALED

22.2 REPEALED

Ballot

23.0 The CEO or delegate must deliver each eligible voter an election ballot at least 15 days before the annual meeting

23.1 REPEALED

23.2 REPEALED

23.3 REPEALED

23.4 REPEALED
Voting

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

24.1 REPEALED

24.2 REPEALED

E-voting for Council Elections

24.3 REPEALED

FEES AND FINES

Fees and Fines

25.0 The council may:

(a) set fees and fines payable to the institute in relation to the regulation of architects, associates, architectural firms, and licensees, including but not limited to:

(i) application fees for registration and admission;

(ii) registration and reinstatement fees;

(iii) annual fees;

(iv) fees for obtaining an architect’s seal;

(v) fees for obtaining and renewal of certificates of practice;

(vi) firm change and firm closure fees;

(vii) fines for non-compliance with mandatory continuing education requirements;

(viii) fines for non-compliance with mandatory professional liability insurance requirements;

(ix) course and examination fees and course change/cancellation fees; and

(x) administrative fines related to late or insufficient payment of fees and fines and late or incomplete provision of firm update or firm change information;

(b) set different fees and fines for different classes of members, architectural firms, associates and licensees; and

(c) permit the pro-rating of any fees or fines set under this bylaw under specified circumstances.
1999 Deficit

26.0 REPEALED

26.1 REPEALED

1999 Homeowner Protection Office

26.2 REPEALED

26.3 REPEALED

Examination Fees

27.0 REPEALED

PROFESSIONAL ENGAGEMENT

Conditions of Service

28.0 An architect is not permitted to provide architectural services to a client until the following conditions are satisfied:

(a) All terms and conditions of engagement have been confirmed in a written architectural services contract with the client, executed by the parties; and

(b) The client has been advised in writing:

(i) whether professional liability insurance is in place in relation to the architectural services to be provided for the commission;

(ii) that the professional liability insurance policy in (i) is available for review by the client upon request; and

(iii) that the contract “is in compliance with AIBC Bylaws, including the Code of Ethics and Professional Conduct.”

Form of Agreement

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

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 REPEALED

TARIFF OF FEES FOR ARCHITECTURAL SERVICES

Tariff

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

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 must promptly notify the AIBC in writing in any of the following circumstances:

(a) Having reasonable grounds to believe that a non-AIBC registrant has illegally practised or offered to practise the profession of architecture, or otherwise violated the Architects Act;

(b) Having reasonable grounds to believe that an AIBC registrant, including oneself, has breached any standard related to competency, professional conduct, or public safety, including any breach of the Code of Ethics and Professional Conduct;

(c) Upon filing for assignment or upon being petitioned into bankruptcy or receivership;

(d) In the event of a finding or admission of professional misconduct, unprofessional conduct, incompetency, conduct unbecoming or other disciplinary breach in another jurisdiction in which the architect is registered;

(e) Upon being charged with an offence under the Criminal Code; and

(f) Upon receipt or service of a notice of civil claim or other legal proceeding in which allegations are made of professional negligence, fraud, or other cause of action, claim, or offence that may be determined by council rules.

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 architectural competition rules approved by council, or an alternate arrangement, specifically approved in writing by council.

34.12 An architect's conduct when participating in an approved competition must comply with the architectural competition rules or alternate arrangement approved by council in Bylaw 34.11.

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* and in accordance with these bylaws.
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.

Panel Appointment and Composition

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 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 all 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 a schedule of costs 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 schedule of costs 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 may 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 37.9 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 Hearings of the disciplinary committee 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.


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.

2017: This revised edition (January 3, 2017) of AIBC bylaws supersedes the August 2016 edition. Former associates’ bylaws 13.1, 13.2, 13.4, 13.5, 13.6 and 13.7 were repealed and replaced with new associate bylaws 13.1 through 13.4. Former associate bylaw 13.3 was amended and moved to become bylaw 8.6. No other bylaws were amended or renumbered.

2017: This revised edition (September 1, 2017) of AIBC bylaws supersedes the January 2017 edition. The September 2017 edition incorporated new professional liability insurance bylaws 16.1.1 through 16.1.3. No other bylaws were amended or renumbered.

2018: This revised edition (August 7, 2018) of AIBC Bylaws supersedes the September 2017 edition. The August 2018 edition incorporates the following changes:

• Former Chapters Bylaws 8.1-8.6 were repealed and replaced with new Chapter Bylaw 8.1;
• Former Membership and Registration Bylaws 9.0, 11.1 and 11.2 were repealed and replaced with Admission and Registration Bylaws 9.0, 11.1 and 11.2;
• New Admission and Registration Bylaws 9.1 and 9.2 were added;
• Former Architectural Firms Bylaws 15.1-15.5, 16.2 and 16.4 were amended by repeal and replaced with new Architectural Firm Bylaws 15.1, 15.2, 15.3, 15.4, 15.5, 16.2, and 16.4; and
• Former Fees, Fines and Levies Bylaws 25.0 and 27.0 were repealed and replaced with new Fees and Fines Bylaw 25.0.

No other bylaws were amended or renumbered.

2019: This revised edition (February 5, 2019) of AIBC Bylaws supersedes the August 2018 edition. The February 2019 edition incorporates the following changes:

• Former Seal of the Institute Bylaws 1.0 and 2.0 were repealed and replaced with new Seal Bylaw 1.0;
• Former Officers and Council Bylaws 3.4 and 3.5 were repealed and Bylaw 3.8 was amended;
• Former Boards, Task Forces and Committees Bylaws 4.0, 5.1 and 5.2 were repealed and replaced with Bylaws 4.0 and 5.1; Bylaw 4.1 was amended;
• New Boards, Task Forces and Committees Bylaw 4.0.1 was added;
• Former Remuneration and Expenses Bylaws 6.0 and 7.0 were repealed and replaced with new Remuneration and Expenses Bylaw 6.0;
• Nominations Bylaw 21.0 was amended;
• Former Elections Bylaws 22.1, 22.2, 23.1, 23.2, 23.4, 24.1, 24.2, 24.3 were repealed and replaced with new Elections Bylaws 22.0, 23.0 and 24.0; and
• New style template applied to the bylaw document.

No other bylaws were amended or renumbered.

2019: This revised edition (October 8, 2019) of AIBC Bylaws supersedes the February 2019 edition. The October 2019 edition incorporates the following changes:

• Former Professional Engagement Bylaws 28.0 and 28.1 were repealed and replaced with new Professional Engagement Bylaws 28.0 and 28.1;
• Former Copyright Bylaw 28.3 was repealed;
• Former Reporting and Disclosure Bylaw 32.5 was repealed and replaced with new Reporting and Disclosure Bylaw 32.5;
• Former Architectural Competition Bylaws 34.11 and 34.12 were amended;
• Former Investigation and Discipline Bylaws 36.3, 36.21, 36.22, 37.2, 37.16 and 37.31 were amended;
• Former Honorary Member Bylaw 12.1 was renumbered to 12.0 and amended; and
• New Honorary Member Bylaw 12.1 was added.

No other bylaws were amended or renumbered.