Code of Ethics
Part II

> Bylaw Review Consultation and Information Session

February 11, 2020
Welcome! Please …

> Turn off your phones;
> Raise your hand and wait to be called upon;
> Comment or ask a question, one at a time;
> Give others their opportunity to reply; and
> Wait until others have replied before asking another question.

Thanks!
Overview

For many years, the AIBC has been engaged in a comprehensive process to review and amend AIBC bylaws for the self-governance of the profession in the public interest.
Overview

> The AIBC’s Code of Ethics and Professional Conduct (“Code of Ethics”) is comprised of approximately 115 bylaws and council rulings. Accordingly, the BRC is phasing amendments to them in several parts.
Overview

The previous set of Code of Ethics bylaw amendments received strong support from voting registrants and came into effect in October 2019.
Those bylaw amendments were related to:

- professional engagement (Bylaws 28.0, 28.1 & 28.3);
- reporting and disclosure (Bylaw 32.5); and
- architectural competitions (Bylaw 34.11 & 34.12).
Code of Ethics – Part II

> Amendments for discussion today are related to:

- Approved Partial Services Bylaw 28.1.1;
- Advertising (Promotional Activities) Bylaw 32.2.1;
- Harassment/Discrimination Bylaws 34.5 & 34.5.1;
- Supervision of Intern Architect Bylaw 34.1.1; and
- Client Confidentiality Bylaw 34.4.1.
Basic Services

> The BRC identified, with feedback from registrants, council, and the AIBC’s Investigations Committee, concerns about architects providing fewer services than basic services without the client’s understanding.
Basic Services Reminder

> What are ‘basic services’? Basic services are services for a design or construction project.

> They are set out in the AIBC Standard Form of Contract 6C between Client and Consultant 'Schedule of Consultant's Services'. They are the five phases of services listed in the grey boxes.
DESIGN DEVELOPMENT PHASE

Based on the Client approved schematic design documents and statement of probable Construction Cost (for Projects to be delivered in the traditional five-phase Design/Bid/Build method of Project Delivery, insert the following):

The Managing Consultant shall coordinate services of other Consultants as applicable, and jointly with those other Consultants, the Managing Consultant and the Consultant shall:

2.1 Prepare for the Client’s review and approval, design development documents consisting of drawings and other documents appropriate to the size of the Project, as listed below:

- Site plan
- Plans
- Elevations
- Sections
- Project Brief detailing area calculations, building systems and outline specifications to describe the size and character of the entire Project including the architectural, structural, mechanical, and electrical systems, materials and such other elements as may be appropriate;
Basic Services Reminder

>'Basic services' are also listed in the 'Sequence and Scope of Services Chart' of the Tariff of Fees for Architectural Services. They are the services with a black bullet.
### Basic Services Reminder

The following services are typically included under Basic Services as per the American Society of Consultant Engineers (ASCE) Guide to Professional Practice:

- **Architect’s Services**
- **Client-Supplied Data Coordination**
- **Design Coordination**
- **Architectural Design Coordination**
- **Structural Engineering Design Coordination**
- **Geotechnical Design Coordination**
- **Building Code Review**
- **Value Analysis**

**Special Consultants’ Services**

- **Environmental Design Coordination**
- **Civil Design Coordination**
- **Landscape Design Coordination**
- **Structural Design Coordination**
- **Architecture Design Coordination**
- **Geotechnical Engineering Design Coordination**
- **Building Code Review Coordination**
- **Value Analysis Coordination**

### Sequence and Scope of Services Chart

The chart outlines the sequence and scope of services for various phases of construction, including design, preconstruction, construction, and post-construction. Each phase is detailed with specific tasks and responsibilities.

**1.0 Preliminary**
- Preliminary Program
- Site Analysis
- Economic Feasibility Studies
- Program Evaluation
- Site visit

**2.0 Schematic Design**
- Architectural Design Development
- Structural Design Development
- Structural Engineering Design Development
- Geotechnical Design Development
- Building Code Review
- Value Analysis

**3.0 Design Development**
- Architectural Design Coordination
- Structural Engineering Design Coordination
- Geotechnical Engineering Design Coordination
- Building Code Review Coordination
- Value Analysis Coordination

**4.0 Construction Documents**
- Construction Documents Coordination
- Structural Engineering Documents Coordination
- Geotechnical Engineering Documents Coordination
- Building Code Review Coordination
- Value Analysis Coordination

**5.0 Bidding or Negotiation**
- Architect’s Services
- Special Consultants’ Services
- Coordination of Normal Engineering Services
- Preparation of Bid Documents
- Preparation of Contract Documents
- Project Management
- Procurement

**6.0 Construction Contract Administration**
- Architect’s Services
- Construction Contract Administration
- Change Orders
- Change Orders Coordination
- Scheduling
- Change Orders Coordination
- Change Orders Review
- Change Orders Approval
- Change Orders Final
- Final Report

**7.0 Post-Construction**
- Architect’s Services
- Construction Administration
- Final Report
- Final Payment
- Final Reports
- Final Reports Coordination
- Final Reports Review
- Final Reports Approval
- Final Reports Final

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**Notes:**

- Basic Services: Normally provided as defined in the AIA Standard Form of Agreement, as per AIA forms.
- Additional Services: Provided to meet specific project needs.
- **Fields:**
  - Architecture
  - Engineering
  - Environmental Design
  - Civil Engineering
  - Structural Engineering
  - Geotechnical Engineering
  - Building Code Review
  - Value Analysis

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For more detailed information, please refer to the ASCE Guide to Professional Practice or consult with an ASCE registered professional.
Approved Partial Services

- Approved partial services omit, as approved by council, one or more basic service(s) for a design or construction project.

- For example, services related to certificates of payment, bidding, etc., may be omitted after notifying the client in writing.
Approved Partial Services

> Approved partial services are described in Bulletin 90: Minimum Scope of Architectural Services.

> Basic services with an asterisk may be omitted.
And, approved partial services for residential condos are listed in Bulletin 55: Tariff For Market Multiple-Residential Sector and its Appendix II Sequence and Scope of Services Chart.

Basic services without a black bullet may be omitted.
Approved Partial Services

> The only basic services that may be omitted for a design or construction project are the basic services that council has approved, e.g., Bulletins 90 and 55.

> Rationale: The omissions do not endanger the public interest and the client understands and undertakes the risks when an architect does not provide the omitted services.
The proposed bylaw establishes a notification requirement that architects must accurately describe in their contract any basic service(s) that will be omitted and thereby notify clients specifically which basic service(s) will not be provided.
Informing clients of basic services that will be omitted is consistent with historic and more recent AIBC professional standards directed at notifying clients and the public of important professional matters.

For example, architects notifying clients of insurance status; associates notifying clients and AHJs of associate registration status.
Consistency with Contract Standards

> The proposed new bylaw complements the bylaw amendments made to Bylaw 28.0 and 28.1 during the previous round of Code of Ethics amendments.

> Bylaw 28.0 requires an executed contract and notifications about PLI coverage and AIBC bylaw compliance before providing any services.
Bylaw 28.1 Reminder

> Bylaw 28.1 requires that an architectural services contract must be a standard form contract approved by council or based upon, and generally consistent with, a standard contract in relation to services, responsibilities, and general conditions.

> Council-approved contracts: AIBC 6C, 6C-H & 8C; RAIC 6 & 9; CCDC 15 & 30 and ACEC 31.
Proposed New Bylaw 28.1.1:

28.1.1 An architect who will provide only approved partial services on any for a design or construction architectural commission must:

(a) accurately describe the reduced scope of basic service(s) to be omitted in the architectural services contract required under Bylaw 28.0; and
Approved Partial Services Bylaw

(b) either in the scope of services description in (a) above, or otherwise in writing; specifically notify the client which other basic service(s) found in the Schedule of Consultant’s Services in AIBC Standard Form of Contract 6C will not be provided during the commission.
Approved Partial Services

Example: AIBC 6C Schedule of Consultant’s Services: Construction Documents Phase

3.1 Prepare for the Client’s review and approval, construction documents consisting of drawings and specifications setting forth in detail the requirements for the construction of the Project;
3.3 Obtain instructions from and advise the Client on the preparation of the necessary bidding information, bidding forms, conditions of the contract and the form of contract between the Client and Contractor;

3.4 Review statutes, regulations, codes and by-laws applicable to the design and where necessary review the same with the authorities having jurisdiction in order that the Client may apply for and obtain the consents, approvals, licences and permits necessary for the Project;
Bulletin 90: *Minimum Scope of Architectural Services* is scheduled for review and will be updated soon.
Advertising/ Promotions

> The BRC recommends an advertising bylaw that requires registrants to be accurate, factual, and not misleading in advertising and promotions.
This new bylaw will accompany existing Bylaw 32.2, which requires accurate representations regarding qualifications, and scope of responsibility and credit for work.
> Proposed New Bylaw 32.2.1:

32.2.1 An architect must ensure that all advertising, marketing, and other promotional information is accurate, factual, and not misleading.
Harassment/Discrimination

- The BRC has considered the #metoo movement and whether the current Code of Ethics adequately addresses registrant behavior with regard to harassment and discrimination.
The BRC recommends amendments to the current Bylaw 34.5, and the creation of new bylaw 34.5.1. The proposed amendments to Bylaw 34.5 include consolidating the first five council rulings under this bylaw and adding a new paragraph specifically prohibiting harassment and discrimination.
Proposed new Bylaw 34.5.1 combines the remaining three council rulings that relate to registrant’s obligations to the AIBC; namely:

- respond promptly;
- cooperate with investigations; and
- promptly advise of changes in contact information.
Harassment/Discrimination

> Proposed Amended Bylaw 34.5:

34.5  An architect shall *Architects must conduct their* the architect’s affairs in a professional manner and refrain from any act which would reflect unfavourably on the profession as a whole, including but not limited to refraining from:
Harassment/Discrimination

(a) dishonourable or discourteous conduct towards the public, other registrants or any other party, person or entity, or conduct unbecoming in the professional or personal life of an architect;

(b) harassment, discrimination or other failure to comply with human rights laws in force in Canada, its provinces and territories; and
Harassment/Discrimination

(c) behaviour that would reflect unfavourably on the profession.
Proposed New Bylaw 34.5.1:

34.5.1 An architect must:

(a) respond promptly to any AIBC communication requiring a response;

(b) promptly notify the AIBC of any change in contact information that the AIBC may from time to time request; and
Harassment/Discrimination Bylaw

(c) cooperate fully with the AIBC in a professional conduct matter at whatever stage, including attending in person upon request, summons or notification by the investigations committee, consensual resolution review panel, or disciplinary committee.
Supervision of Intern Architect

> On occasion, concerns have arisen regarding the degree and quality of intern supervision and training.

> In response to these concerns, the BRC recommends the creation of an intern supervision standard.
The recommended approach is similar to the Law Society of BC’s approach and would require that supervising architects agree to sign and comply with a “supervision undertaking” established by council.
Supervision of Intern Architect

> Proposed New Bylaw 34.4.1:

34.4.1 An architect supervising an intern architect must sign and comply with the supervision undertaking established by council.
Supervision of Intern Architect

> A draft Supervising Architect Undertaking:

I [name of architect] … undertake that:

1. I am familiar with the requirements and objectives of the intern architect program (IAP);

2. I have the time and ability to assess the quality of work of the intern;
Supervision of Intern Architect

3. I will meet as necessary with the Intern, and in any event no less than twice per year, to specifically review logbooks, assess and monitor work and strategize on plan future project experiences;

4. I will provide reasonable assistance to the Intern in preparation for written and oral examinations;
5. I will provide such personal professional supervision of and guidance to the Intern as appropriate, including assisting the Intern to obtain the necessary range of practical architectural experience for registration; and

6. I will support the Intern’s efforts in relation to continuing education and Intern courses to the extent reasonably possible within my firm’s capacity.
Client Confidentiality

> The BRC is recommending a simple bylaw that reinforces the expectation that registrants maintain client confidentiality.

> The new bylaw would complement contractual confidentiality requirements that are enforced through private litigation.
Client Confidentiality

> What is confidential information?
Client Confidentiality

> Proposed New Bylaw 34.4.1:

34.4.1 An architect must maintain the confidentiality of confidential client information and not disclose such information except:

(a) with client consent;
(b) where required to deliver such information to the AIBC;
(c) as may be required by law; or

(d) In the event the architect believes on reasonable grounds that there is an imminent risk of serious public harm.
As with previous bylaw votes, your suggestions during this consultation session will be reviewed by the BRC to fine-tune the proposed bylaws and they will be appended to the BRC's final submission for council's consideration before council votes whether to approve these proposed bylaws for our e-vote.
Next Steps

> If council approves the BRC's final submission of these proposed bylaws, our e-vote is likely in March - April, 2020.
Next Steps

> Our next phase of Code of Ethics bylaw amendments (Part 3) will include amendments to bylaws and rulings about:

• competency;
• project takeover; and
• use of seal.
Feedback

> Read the proposed bylaws amendments and supporting rationales (PDF).

> Consultation/Information Session.

> Email bylawfeedback@aibc.ca.

> Online feedback form.

Thank you for attending.