

July 8, 2013

[ASSOCIATION OF PROFESSIONAL ARCHITECTS OF
BELIZE - CODE OF ETHICS AND PROFESSIONAL
CONDUCT]



CODE OF ETHICS AND PROFESSIONAL CONDUCT

PREAMBLE

Architects of the Association of Professional Architects of Belize (APAB) are dedicated to the highest standards of professionalism, integrity and competence. The following principles are guidelines for the conduct of Architects in fulfilling those obligations. They apply to all professional activities, wherever they occur. They address responsibilities to the public, which the profession serves and enriches; to the clients and users in the building industries, who help to shape the built environment; and to the art and science of architecture that continuum of knowledge and creation which is the heritage and legacy of the profession.

This Code is arranged in three tiers of statements: Canons, Ethical Standards, and Rules of Conduct. The **Canons** are the board principles of conduct. **Ethical Standards (E.S.)** are more specific goals toward which Architects should aspire in professional performance and behaviour. **The Rules of Conduct (R) are mandatory**, the violation of which is ground for disciplinary action by the Board. *The Rules of Conduct in some instances implement more than one Canon or Ethical Standards.*

Commentary is provided for some of the Rules of Conduct. That commentary is meant to clarify the intent of the rule. *The commentary is not part of the Code.* Enforcement of this Code will be on the application of the Rules of Conduct alone; but the commentary will assist those seeking to confirm their conduct to the Code and help with clarity for those charged with its enforcement.

The following practices are not, in themselves, unethical, unprofessional, or contrary to any policy of the APAB:

- (1) Submitting, at any time, competitive bids for price quotations, including, in circumstances where prices are the sole or principal consideration in the selection of an architect;
- (2) Providing discounts;
- (3) Providing free services; individual Architects or Architecture Firms, acting alone and not on behalf of the Board; are free to decide for themselves whether or not to engage in any of these practices.
- (4) Architects shall advocate for better legislations, policies, building codes and regulations governing the practice of architecture.

SCHEDULE 1

CANON 1 -GENERAL OBLIGATIONS

Architects should maintain and advance their knowledge of the art and science of architecture, respect the body of architectural accomplishment, contribute to its growth, thoughtfully consider the social and environmental impact of their professional activities, and exercise learned and uncompromised professional judgement.

Ethical Standards

1.1

Knowledge And Skill: Architects should strive to improve their professional knowledge and skill.

Rules of Conduct

1.101

In practicing architecture, Architects shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill, which is ordinarily applied by Architects of good standing practicing in the same locality.

Commentary:

By requiring a consistent pattern of adherence to the common law standard of competence, this rule allows for discipline of a Architect who more than infrequently does not achieve that standard. Isolated instances of minor lapses would not provide the basis for discipline.

Rules of Conduct

1.102

Architects shall not undertake to provide professional services if their competence is substantially impaired by physical or mental disabilities.

Ethical Standards

1.2

Standards of Excellence: Architects should continually seek to raise the standards of aesthetic excellence, architectural education, research, training, and practice.

Ethical Standards

1.3

Public Understanding: Architects should strive to improve public appreciation and understanding of architecture and the functions and responsibilities of Architects.

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Ethical Standards

1.4

Allied Arts & Industries: Architects should promote allied arts and contribute to the knowledge and capability of the building industries as a whole.

CANON II - OBLIGATIONS TO THE PUBLIC

Architects should embrace the spirit and letter of the law governing their professional practice and affairs and should promote and serve the public interest in their personal and professional activities.

Ethical Standards

2.1

Conduct: Architects shall uphold the law in the conduct of their professional activities.

Rules of Conduct

2.101

Architects shall not, in the conduct of their professional practice, knowingly violate the law.

Commentary:

The violation of any law, occurring in the conduct of an Architect's professional practice, is made the basis for discipline by this rule. Allegations of violations of these rules must be based on an independent finding of a violation of the law by a court or other regulatory body.

Rules of Conduct

2.102

Architects shall neither offer nor make any payment or gift to any government official with the intent of influencing the official's judgement in connection with an existing or prospective project in which the Architects are interested.

Commentary:

This rule does not prohibit campaign contributions made in conformity with the law.

Rules of Conduct

2.103

Architects serving in a public capacity shall not accept payments or gifts, which are intended to influence their judgement.

Rules of Conduct

2.104

Architects shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Commentary:

Conduct which brings into serious question a Architect's qualification to assume the fiduciary duties of an architect is the basis for disciplinary action, even if that conduct did not occur in the course of practice. When an alleged violation of this rule is based on a violation of the law, then its proof must be based on an independent finding of a violation of the law by the court or a regulatory body.

Rules of Conduct

2.105

If, in the course of his work on a project, an Architect becomes aware of a decision taken by his employer or client, against the Architect's advice, which violates any law or regulation and which in the Architect's judgement adversely affect the safety of the public, the Architects shall unless he is able to cause the matter to be resolved by other means:

(a) Refuse to consent to the decision, and shall report the decision to the APAB Board and/or the local building inspector or other public officials charged with the enforcement of the law and regulations.

Commentary:

This rule extends only to violations of the building laws, which threatens the public safety. The obligation under this rule applies only to the safety of the finished project on obligation coextensive with the usual undertaking of an Architect.

Rules of Conduct

2.106

Architects shall not counsel or assist a client in conduct that the Architect knows, or reasonably should know, is fraudulent or illegal.

Commentary:

This rule extends not only to matters, which Architects know are illegal, but also to matters which an Architect of reasonable competence and prudence should know are illegal or fraudulent.

Ethical Standards

2.2

Natural and Cultural Heritage: Architects should respect and help conserve their natural and cultural

Ethical Standards

2.3

heritage while striving to improve the environment and the quality of life within it.

Architects should be involved in civic activities, as citizens and professionals, and should strive to improve public appreciation and understanding of architecture and the functions and responsibilities of Architects.

Rules of Conduct

2.301

Architects making public statements on architectural issues shall disclose when they are being compensated for making such statements or when they have an economic interest in the issue.

Ethical Standards

2.4

Public Interest Service: Architects should render public interest in professional services and encourage their employees to render such services.

Ethical Standards

2.5

Human Rights: Architects should uphold human rights in all their professional endeavours.

Rules of Conduct

2.501

Architects shall not discriminate in their professional activities on the basis of race, religion, gender, nationality, origin, age, disability, or sexual orientation.

Commentary:

This rule applies to all professional activities, including but not limited to dealings with clients, colleagues and employees. It is stated with such breadth here so as to avoid repetition under the other Canons. No ethical standard shall be construed as condoning inappropriate behaviour or establishing special privileges for any group or Architect of a group.

CANON III - OBLIGATIONS TO CLIENT

Architects should serve their clients competently and in a professional manner, and should exercise unprejudiced and unbiased judgement when performing all professional services.

Ethical Standards

3.1

Competence: Architects should serve their clients in a timely and competent manner.

Rules of Conduct

3.101

In performing professional services, Architects shall take into account applicable laws and regulations. Architects may rely on the advice of other qualified persons as to the intent and meaning of such regulations.

Rules of Conduct

3.102

Architects shall undertake to perform professional services only when they, together with those whom they may engage as consultants, are qualified by education, training, or experience on the specific technical areas involved.

Commentary:

This rule is meant to ensure that Architects do not undertake projects, which are beyond their professional capacity. Architects venturing into areas, which require expertise they do not possess, may obtain that expertise by additional training or through the retention of consultants with the necessary expertise.

Rules of Conduct

3.103

Architects shall not materially alter the scope or objectives of a project without the client's consent.

Ethical Standards

3.2

Conflict of Interest: Architects should avoid conflicts of interest in their professional practices and fully disclose all unavoidable conflicts as they arise.

Rules of Conduct

3.201

An Architect shall not render professional services if the Architect's professional judgment could be affected by responsibilities to another project or person, or by the Member's own interests, unless all those who rely on the Member's judgment consent after full disclosure.

Rules of Conduct

3.202

If Architects have any business association, direct or indirect financial interest, or other interest which could be substantial enough to influence their judgement in connection with their performance of professional services, the Architect shall fully disclose to their client or employers the nature of the business association, financial interest, or other interest, the Architects will either terminate such association or interest or give up the commission or employment.

Commentary:

This rule is intended to embrace the full range of situations that may present a Member with a conflict between his interests or responsibilities and the interest of others. Those who are entitled to disclosure may include a client, owner, employer, contractor, or others who rely on or are affected by the Member's professional decisions. A Member who cannot appropriately communicate about a conflict directly with an affected person must take steps to ensure that disclosure is made by other means.

Rules of Conduct

3.203

When acting by agreement of the parties as the independent interpreter of building contract documents and the judge of contract performance, Architects shall render decisions impartially.

Commentary:

This rule applies when the Architects, though paid by the owner and owing the owner loyalty, is nonetheless required to act with impartially in fulfilling the Architects professional responsibilities.

Ethical Standards

3.3

Candor and Truthfulness: Architects should be candid and truthful in their professional communications and keep their clients reasonably informed about the clients' projects.

Rules of Conduct

3.301

Architects shall not recklessly or intentionally mislead existing or prospective clients about the results that can be achieved through the use of the Architects services, nor shall the Architects state that they can achieve results by means that violate applicable law or this Code.

Commentary:

This rule is meant to preclude dishonest, reckless or illegal representations by an Architect either in the course of soliciting a client or during performance. For example, it would cover the conduct of an architect who provides conceptual drawings based on an inadequate site examination or without regard for zoning laws, which lead a prospective client to believe that design could be achieved when, in fact, it could not.

Ethical Standards

3.4

Confidentiality: Architects should respect the confidentiality of sensitive information obtained in the course of their professional activities.

Rules of Conduct

3.401

Architects shall not reveal information obtained in the course of their professional activities which they have been asked to maintain in confidence, or which the reasonably prudent architect would recognize as likely, if disclosed, to affect the interest of another adversely. However, under the following exceptional circumstances, Architects may reveal such information to the extent the Architects reasonably believe necessary.

- (a) To stop an act which creates an appreciable risk of significant harm to the public health or safety or property of other s and which the Architects are unable to prevent in any other manner, or
- (b) To establish claims or defences on behalf of the Architects, or
- (c) To comply with applicable law or with this Code.

Commentary:

To encourage the full and open exchange of information necessary for a successful professional relationship, Members must recognize and respect the sensitive nature of confidential client communications. Because the law does not recognize an architect-client privilege, however, the rule permits a Member to reveal a confidence when a failure to do so would be unlawful or contrary to another ethical duty imposed by this Code.

CANON IV - OBLIGATIONS TO THE PROFESSION

Architects should uphold the integrity and dignity of the profession

Ethical Standards

4.1

Honesty and Fairness: Architects should pursue their professional activities with honesty and fairness.

Rules of Conduct

4.101

Architects shall comply with the registration laws and regulations governing their professional practice.

Rules of Conduct

4.102

Architects shall not knowingly make false statements or knowingly fail to disclose a material fact requested in connection with their application for registration with the Association of Professional Architects of Belize.

Rules of Conduct

4.103

Architects shall not assist the application for registration of a person known by the Architects to be unqualified with respect to education, training, experience, or character.

Rules of Conduct

4.104

Architects having substantial information which leads to a reasonable belief that another Architect has committed a violation of this Code which raises a serious question as to that Architect's honesty, trustworthiness, or fitness as an Architect, shall report such information to the Board.

Commentary

Often, only an Architect can recognize that the behaviour of another architect poses a serious question as to that other's professional integrity. In those circumstances, the duty to the professional's calling requires that the matter be brought to the attention of the Board. The Board shall not view these complaints as libellous or slanderous -in cases where

a complaint that invokes professional standards, if the report was made in good faith. If in doubt, an Architect should seek counsel before reporting on another under these rules.

Rules of Conduct

4.105

Sign or Seal drawings:

Architects shall restrain from signing and/or sealing drawings, specifications, reports or other professional work unless they:

- a. they are members in good standing with APAB
- b. they can prove that they were directly involved with the project or professional works during all critical phases of its development
- c. and/or have responsible control over the project and or works.

All drawings and other professional works which are signed or seal shall bear the unique logo and title block of the Architect(s) registered with APAB.

Commentary:

“Responsible control” means the degree of knowledge and supervision ordinarily required by the professional standard of care. In cases of joint collaborative works with all no--registered members of APAB, including professional consultants, foreign architects, foreign draftsmen, Architects may sign or seal such drawings of professional works only if they coordinated its preparation, and were directly involved during all critical phases of its development, and such documents bear the unique title block and logo of the Architect. “Good standing” means that the Architect is duly registered with APAB and has paid all fees owed, is not on suspension, or in the process of expulsion.

Rules of Conduct

4.106

Architects speaking in their professional capacity shall not knowingly make false statements of material fact.

Commentary:

This rule applies to statements in all professional contexts, including applications for licensure and APAB membership.

Ethical Standards

4.2

Dignity and Integrity: Architects should strive through their actions, to promote the dignity and integrity of the profession, and to ensure that their representative and employees conform their conduct to this Code.

Rules of Conduct

4.201

Architects shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience or performance and shall accurately state the scope and nature of their responsibilities in connection with work for which they are claiming credit.

Commentary:

This rule is meant to prevent Architects from claiming credit for work, which they did not do, misleading others, and denying other participants in a project their proper share of credit. The Copyright laws of Belize shall be one of the guidelines use in the interpretation and enforcement of this Rule.

Rules of Conduct

4.108

Architects shall make reasonable efforts to ensure that those over whom they have supervisory authority conform their conduct to this Code.

Commentary:

What constitutes “reasonable effort” under this rule is a common sense matter. As it makes sense to ensure that those over who the architect exercises supervision be made generally aware of the Code, it can also make sense to bring a particular provisions to the attention of a particular employee when a situation is present which might give rise to violation.

CANON V - OBLIGATIONS TO COLLEAGUES

Architects should respect the rights and acknowledge the Professional aspiration and contributions of their colleagues

Ethical Standards

5.1

Professional Environment: Architects should provide their associates and employees with a suitable working environment, compensate them fairly, and facilitate their professional development.

Ethical Standards

5.2

Professional Recognition: Architects should build their professional reputation on the merits of their own service and performance; should recognize and give credit to others for the professional work they have performed.

Ethical Standards

5.3

Intern and Professional Development: Members should recognize and fulfill their obligation to nurture fellow professionals as they progress through all stages of their career, beginning with professional education in the academy, progressing through internship and continuing throughout their career.

Rules of Conduct

5.201

Architects shall recognize and respect the professional contributions of their employees, employers and business associates.

Rules of Conduct

5.202

Architects leaving a firm shall not, without the permission of their employer or partner, take designs, drawings, data, reports, notes or other materials relating to the firm's work, whether or not performed by the Architect.

Rules of Conduct

5.203

An Architect shall not unreasonably withhold permission from a departing employee or partner to take copies of designs, drawings, data, reports, notes or other materials relating to work performance by the employees in the Architect's service which are not confidential.

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Commentary

An Architect may impose reasonable conditions, such as the payment of copying costs, on the right of departing persons to take copies of their work.

CANON VI - OBLIGATIONS TO THE ENVIRONMENT

Members should promote sustainable design and development principles in their Professional activities.

Ethical Standards

6.1

Sustainable Design:

In performing design work, Members should be environmentally responsible and advocate sustainable building and site design.

Ethical Standards

6.2

Sustainable Development:

In performing professional services, Members should advocate the design, construction, and operation of sustainable buildings and communities.

Ethical Standards

6.3

Sustainable Practices:

Members should use sustainable practices within their firms and professional organizations, and they should encourage their clients to do the same.

RULES OF ENACTMENT, APPLICATION, ENFORCEMENT AND AMENDMENT

ARTICLE 1 - ENACTMENT

The Canons of Ethics, Ethical Standards, and Rules of Conduct, referred to as the Code of Ethics and professional conduct shall be adopted by the Association of Professional Architects of Belize, and shall take effect at such time – by a resolution of the Board.

ARTICLE II - APPLICATION

The Code of Ethics applies to the professional activities of all the members of the Association of Professional Architects of Belize.

ARTICLE III - ENFORCEMENT

The Association of Professional Architects of Belize shall provide in the Bylaws of the Association procedures for the enforcement of the Code of Ethics and Professional Conduct. Such procedures shall provide that:

- (1) Enforcement of the Code shall be administered by the Board or a committee established by the Board for the enforcement of this Code.
- (2) Formal charges are filed directly to the Board by Architects, components, or anyone directly aggrieved by the conduct of the Architects.
- (3) The Ethics Committee shall defer action on a charge to allow a component, which desires, as opportunity to obtain an informal settlement.
- (4) Penalties which may be imposed by the Board are:
 - (a) Admonition
 - (b) Censure
 - (c) Suspension of membership for a period of time.
 - (d) Termination/ expulsion of member from APAB
- (5) Appeal procedure is available.
- (6) All proceedings are confidential, as shall the imposition of an admonishment; however, all other penalties shall be made public.

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ARTICLE IV – AMENDMENT

The Code of Ethics and Professional Conduct may be amended under the same procedures necessary to amend the Associations Bylaws. The Code may also be amended by the Board of Directors upon a two thirds vote of the entire membership.