



## **Professional Ethics for Architects**

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## Ethics for Architects Final Exam

1. Ethics are defined as a set of \_\_\_\_\_ principles, especially ones relating to a specified group.
  - a. Legal
  - b. Moral
  - c. Religious
  - d. Legislated
2. As early as 1909, the AIA had published “Canons of Ethics” in a magazine called \_\_\_\_\_.
  - a. The American Architect
  - b. The Practice of Architecture
  - c. Architect’s Companion
  - d. Building with Integrity
3. \_\_\_\_\_ is what is sometimes called into question when an architect has been impaired by physical or mental disabilities.
  - a. Ability to properly review construction
  - b. Capacity to pay employees
  - c. Capability of recognizing excellence in design
  - d. Competence to provide services
4. When making public statements about architectural issues, architects must disclose if they \_\_\_\_\_.
  - a. Currently hold office as a publicly elected official
  - b. Are an officer in the AIA
  - c. Have an economic interest in the issue
  - d. Have been interviewed on the matter earlier
5. The confidentiality of what must be respected during the provision of architectural services?
  - a. Adherence to zoning regulations
  - b. Bribes made to governing officials
  - c. Personal relationships with clients
  - d. A client’s sensitive information
6. What should be used as a guide when considering duplicating or reproducing copyrighted works of other design professionals?
  - a. Proximity to the other professional’s location
  - b. The likelihood of their taking offense
  - c. The degree to which the previous design will change
  - d. Copyright laws of the United States

7. Architects should be environmentally responsible and advocate with their clientele \_\_\_\_\_ .
- a. To assist in roadside cleanup efforts
  - b. For sustainable site and building and community design
  - c. To join organizations active on Earth Day
  - d. To only use products certified as having been grown responsibly
8. The stated objective of 'Model Rules of Conduct' is \_\_\_\_\_ , not advancing the interests of the profession of architecture.
- a. Protecting the public
  - b. Raising demand by limiting the number of architects
  - c. Establishing a way to credential design schools
  - d. Defining how ladies and gentlemen should conduct themselves
9. Architects may not accept compensation from equipment or material suppliers in order to specify their products in projects. Under this rule, which of the following would not be allowed?
- a. Reasonable business hospitality
  - b. Entertainment
  - c. Product education
  - d. Unrelated stays at resorts
10. Disciplinary action in one jurisdiction may result in disciplinary action \_\_\_\_\_ .
- a. From applicable courts of law
  - b. In other jurisdictions
  - c. Elsewhere, once proof is obtained from a second party
  - d. Unless the proper fines are paid

**PROFESSIONAL ETHICS FOR ARCHITECTS**  
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**COURSE**

**INTRODUCTION TO ETHICS**

What is the best thing a professional can do in given situations? The answer is often based upon ethics accepted as being relative to that profession. What are ethics? A brief definition is “a set of moral principles, especially ones relating to, or affirming, a specified group, field or form of conduct.”

Ethics seek to address, ahead of time, questions and conflicts arising within many occupations. The point of discussing ethical standards for any profession is to clarify, or even identify, standards usable to govern responses applicable to different possible scenarios. This discussion will be no different. Because once such principles are decided upon, lengthy debate is no longer needed when complex issues arise.

There are various sets of guidelines seeking to establish ‘standards’ or ‘rules.’ The distinction is significant, because standards are advisory, whereas rules are enforceable. Rule violations are grounds for disciplinary actions, expulsion from a professional organization or forfeiture of a license to practice a profession.

Our goal will be to somewhat define, ethics and accepted principles useful for design professionals in given scenarios.

**AIA CODE OF ETHICS**

Ethics in practicing architecture is not a new subject. The following Canons of Ethics from the AIA, appeared in 1909 in a publication called ‘The American Architect.’ Items listed below were enumerated in more detail in the same article, but the excerpt below will give a fair idea of the scope and focus of the proposed guidelines.

*“The following canons are adopted by the American Institute of Architects as general guides, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, although not specifically mentioned. It should also be noted that the several sections indicate offenses of greatly varying degrees of gravity.*

*It is unprofessional for an architect:*

- 1. To engage directly or indirectly in any of the building trades.*
- 2. To guarantee an estimate or contract by bond or otherwise.*
- 3. To accept any commission or substantial service from a Contractor or from any interested party other than the Owner.*
- 4. To advertise.*

5. *To take part in any competition, the terms of which are not in harmony with the principles approved by the Institute.*
6. *To attempt in any way, except as a duly authorized competitor, to secure work for which a competition is in progress.*
7. *To attempt to influence, either directly or indirectly, the award of a competition in which he is a competitor.*
8. *To accept the commission to do the work for which a competition has been instituted if he has acted in an advisory capacity, either in drawing programme or making award.*
9. *To injure falsely or maliciously the professional reputation, prospects or business of a fellow architect.*
10. *To undertake a commission while the just claim of another architect who has previously undertaken it, remains unsatisfied, or until such claim has been referred to arbitration or issue has been jointed at law.*
11. *To attempt to supplant a fellow architect after definite steps have been taken towards his employment.*
12. *To compete knowingly with a fellow architect for employment on the basis on professional charges."*

These stated canons of ethics harken from a bygone era, seemingly more concerned with protecting architects from one another, than meeting obligations to clients or society. Note the use of the pronoun 'he' to refer to architects. This was also published in 1909, when competitions to award architectural commissions were apparently popular.

So professional organizations proposing principles of conduct with which they feel members should align, is nothing new. The American Institute of Architects currently offers six 'canons' all related to obligations assumed by seeking and obtaining professional licensure. These canons can be summarized as follows.

### **AIA Canon 1 - General Obligations**

Practicing architects should demonstrate a consistent pattern of care, competence and skill, ordinarily applied by architects also practicing in that area. This is the 'standard of care' that will be referenced later. This requirement sets up a reason to discipline an architect who frequently fails to meet that standard, not one who had a minor lapse.

Architects should not provide services if competence has been impaired by physical or mental disabilities.

Architects should continually improve their esthetic expression, architectural education, research, training and their practice.

Architects should help improve public appreciation and understanding of architecture, the purpose and the responsibilities of architects.

They should also promote allied arts and contribute to the improvement of the building industry as a whole.

## **AIA Canon 2 - Obligations to the Public**

Architects should uphold laws governing their provision of professional services.

They should not personally or professionally, knowingly violate local, state or federal laws. Doing so can initiate discipline. This comes into play only after allegations of violations have been substantiated with independent findings by a court, administrative or regulatory body.

Money or gifts shall not be made to any local, state or federal official, to influence their judgment regarding an existing or prospective project. This does not prohibit campaign contributions complying with state and federal campaign laws.

Architects shall not defraud or disregard the rights of others. Such actions bring into serious question, an architect's ability to assume a professional's fiduciary duties, even if such conduct did not occur while practicing. Allegations of such must be substantiated with independent findings by a court, administrative or regulatory body.

If an architect becomes aware of a decision by an employer or client which would jeopardize public safety in the finished project, the architect will refuse to consent to the decision and will report the issue to the local public official enforcing applicable laws and regulations. These actions should be taken only after efforts have been made to resolve the matter by other means. This rule also requires architects to oppose technical violations which do not jeopardize public safety. But in those cases, discipline would not be imposed if their opposition resulted in no change. The obligation to change violations of laws by others, only applies to situations involving public safety.

Architects will not assist clients with council or conduct, in activities known to be fraudulent or illegal. This also applies to activities which a competent architect should know to be illegal or fraudulent.

Architects should respect and conserve natural and cultural heritage, even while trying to improve the environment and quality of life within it.

Architects should be involved in civic activities, promoting public awareness of architectural issues.

Architects must disclose when they're being compensated for making public statements about architectural issues, or if they have an economic interest in the issue.

Architects should render public interest professional services and encourage employees to do the same.

In their professional activities, architects should not discriminate on the basis of race, religion, gender, national origin, age, disability or sexual orientation, when dealing with clients, colleagues or employees.

### **AIA Canon 3 - Obligations to the Client**

Architects should serve clients in a timely and competent manner.

When providing professional services, architects should honor laws and regulations governing those services. They may rely on other qualified professionals to help interpret such regulations.

Architects will perform professional services only when they or their consultants are qualified by education, training or experience in specific technical areas involved in the project. Avoid undertaking projects beyond their professional capacity. This does allow obtaining needed expertise with additional education, training or by retaining a qualified consultant.

Architects should not materially alter scopes or objectives of projects without the client's consent.

Architects must disclose to clients, owners or contractors, any circumstances possibly construed as creating a conflict of interest. They should jointly decide on precautions to be put in place to insure legitimate interests of other parties are not compromised, nor the architect's ability to render impartial judgment about the contract performance of others.

Architects should not accept compensation from more than one party on a project, unless circumstances are fully disclosed and agreed to by all parties. They should have no business associations, direct or indirect financial interests or any other interests substantial enough to influence their judgment regarding the provision of services, unless disclosed and agreed to by all parties. If their clients or employers object to such interests, architects will terminate those associations and interests or give up the commission on the project.

Sometimes, conflicts of interest are obvious. Like where an architect owns property adjacent to a project and may be making design decisions affecting the value of their own property. Other situations are not so clear, like when a design-build approach is being considered. The best approach will always be full disclosure of potential conflicts, followed by discussion about how to avoid them.

When an architect has been designated as the independent interpreter of the contract documents or judge of contract performance, they will render decisions impartially. This rule applies, even when the architect is paid by the owner and would seem to owe loyalty to them.

Architects should be truthful in all professional communications. They should not mislead existing or prospective clients about expected results in their provision of services. They should never imply they can achieve results by violating applicable laws. One example lies in providing conceptual drawings leading a client to believe the end result is achievable, when in fact, existing codes or zoning laws prohibit implementation of that design.

Architects must respect confidentiality of sensitive information, obtained while providing services. This applies to any information that if disclosed, could adversely affect the client's

ability to compete in their marketplace. Architects may reveal such information if they reasonably believe it is necessary to prevent an act endangering public health, safety or the property of others, and it seems the only way to prevent that is disclosure. They may also disclose such information to establish claims or defenses on their own behalf, or to comply with applicable laws. The law does not recognize any such thing as architect-client privilege that would prevent disclosure of sensitive information, if needed to comply with a subpoena or another legal process.

#### **AIA Canon 4 - Obligations to the Profession**

Architectural activities should be pursued with honesty and fairness.

When applying for registration or organizational membership, architects should not lie or hide material facts requested in their applications.

Architects should not assist others in obtaining such memberships or licensure, if they know they are unqualified in education, training, experience or character.

If an architect has information that another architect has committed a violation, raising serious questions as to that person's honesty, trustworthiness or fitness to practice, they will report that information to enforcing agencies. Only an architect can recognize when the behavior of another practitioner violates professional integrity. When such reporting is done in good faith, most jurisdictions protect the reporter from actions for libel or slander. If in doubt, an architect should seek counsel before reporting on someone else.

Architects may not sign or seal drawings, specifications, reports or other professional work for which they did not have direct knowledge or direct supervisory control. The work of an architect's registered consultant can be sealed if the architect has reviewed it, coordinated its preparation and intends to be responsible for its adequacy. In short, an architect's signature and seal should not be affixed to anything, unless the architect intends to accept professional responsibility for its adequacy.

When speaking in their professional capacity, architects shall not knowingly lie.

Architects shall not misrepresent qualifications, or the scope and nature of their responsibilities in any project in which they claim credit. Nor should they deny its other participants, their proper share of credit.

Using U.S. copyright laws as a guideline, architects will not copy or reproduce copyrighted works of other architects or design professionals.



## **AIA Canon 5 - Obligations to Colleagues**

Architects should respect rights and acknowledge professional aspirations and contributions of their colleagues.

Architects should provide a suitable working environment for employees, give them fair compensation and facilitate their professional development.

Architects should nurture fellow professionals through their careers, beginning with professional education, progressing through internship and continuing in practice.

If architects have agreed to let architectural interns gain experience required for licensure, they will reasonably help document such experience, in accordance with internship program requirements.

Architects will build professional reputations on their own service and performance, while giving credit to others for their professional work. They will recognize contributions by their employees, employers, colleagues and business associates.

When leaving a firm, architects will not take designs, drawings, data, reports, notes or other materials, without the permission of their employer or partner, regardless as to whether that work was performed by the one leaving. However, an architect should not unreasonably withhold permission from a departing employee to take copies of such material, performed by that employee. They may impose reasonable conditions for doing so, like paying for the cost of such copies.

## **AIA Canon 6 - Obligations to the Environment**

Members should promote sustainable design principles in their professional activities.

Architects should advocate with clientele for sustainable site, building and community design. Choices made should result in the least harm possible being done to the environment to be inherited by future generations.

Architects should use sustainable practices and encourage clients to do likewise.

### **A Quick Note**

Some principles listed above have been adopted in jurisdictional rules regarding architectural licensure. Some regulate the conduct of members within the AIA and whether such membership will be allowed to continue.

All these guidelines work toward establishing professionalism in the practice of architecture.

## **Review Questions**

11. The difference between a standard and a rule is that a rule \_\_\_\_\_.
  - a. Has been passed by a legislative body
  - b. Violation results in incarceration
  - c. Is enforceable
  - d. Can only be interpreted in one way
12. In an early published list of canons of ethics, architects were discouraged from attempting to \_\_\_\_\_ another architect in the process of obtaining employment.
  - a. Supplant
  - b. Form a partnership with
  - c. Blacklist
  - d. Marry
13. Acts of fraud bring into serious question, an architect's ability to assume the \_\_\_\_\_ duties of a professional.
  - a. Trustworthy
  - b. Long-term
  - c. Societal
  - d. Fiduciary
14. Architects are required to disclose to clients, owners or contractors, any circumstances that could be construed as creating \_\_\_\_\_.
  - a. A conflict of interest
  - b. A barrier to proper design
  - c. A reason to doubt their integrity
  - d. An unsolvable quandary
15. Architects should not make false statements or fail to disclose material facts when seeking \_\_\_\_\_.
  - a. Political office
  - b. Professional registration
  - c. A spouse
  - d. To hire consultants
16. When leaving a place of employment, which of the following are architects allowed to take with them, without first obtaining permission from the previous employer?
  - a. Drawings
  - b. Experience
  - c. Data
  - d. Reports

## **NCARB MODEL LAW**

The National Council of Architectural Registration Boards (NCARB) is an organization that tests, licenses and credentials architects, to best protect the general public's health, safety and welfare. Its members are the legally constituted architectural registration boards of fifty states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands.

To better do this, NCARB also developed rules for professional conduct for recommendation to its Member Boards. Over a two-year period, they studied rules of conduct for various jurisdictions and other learned professions, held in-depth interviews with government and consumer affairs officials and carried out other research. Their subsequent 'Model Rules of Conduct' were developed and published, based on these considerations.

- The Rules, which will serve as the basis for the regulating and disciplining of architects, should be mandatory rules and should not include aspirational rules that often comprise the codes of professional associations;
- The Rules should have as their objective, the protection of the public and not the advancement of the interests of the profession of architecture;
- The architect should not be burdened unfairly with rules and expectations that are unreasonable. The public, however, expects to find architects in leadership positions on construction projects, to protect their interests. Consequently, while the architect is primarily enjoined to serve a client's best interests, the architect also has a supervening duty to the public; and
- The Rules are intended to set out those areas of behavior for which an architect risks being disciplined, including suspension or revocation of the privilege to practice, by a jurisdictional licensing board.

Note that these 'Model Rules of Conduct' are recommended for implementation by Member Boards. These jurisdictional licensing boards have authority to promulgate and enforce rules of conduct, applicable to their licensees. It would be wise to examine these rules judging professional conduct and an architect's ability to maintain licensure.

These model rules can be summarized as follows.

### **NCARB Rule 1, Competency**

A practicing architect's primary duty is to protect the public's health, safety and welfare. In doing so, an architect shall act with reasonable care and competence to 'apply the knowledge and skill ordinarily applied by architects in good standing, practicing in the same locality.'

Applicable federal, state and local building laws and regulations will need to be followed while designing a project. Advice may be sought from other professionals as to the intent and meaning of regulations. But once advice has been obtained, no project will knowingly violate such rules.

Architects will only provide and perform professional services for which they or their employees have the necessary knowledge and skill. Violation of this concept has led to many disciplinary actions.

If an architect's professional competence is severely impaired, as determined by a qualified professional, that architect may no longer practice. This rule lets a board act when they have reason to question competence, before the public is harmed.

### **NCARB Rule 2, Conflict of Interest**

An architect shall not accept compensation from more than one party on a project, unless circumstances are fully disclosed and waived in writing by all parties.

Architects may not solicit or accept compensation from equipment or material suppliers to specify their products. As used here, 'compensation' does not include reasonable business hospitality, entertainment or product education. What is 'reasonable' may be determined by jurisdictional ethics laws, company policies or tax guidelines.

Professional services will not be provided if a conflict of interest has not been fully disclosed and waived in writing by all impacted parties. These conflicts include an architect having a financial or other interest in the project, or an interest in someone else involved. Such relationships cloud professional judgment.

If the architect has been designated as the independent interpreter of contract documents or contract performance, they will render decisions impartially, even though paid by the owner. If the architect also has some ownership in the project, making it is impossible to render an impartial judgment, the architect should decline to fill that role.

An architect serving as an AXP Supervisor for an intern will not enter into any relationships with them, interfering with their ability to objectively certify the candidate's experience. Enough said.

### **NCARB Rule 3, Full Disclosure**

An architect shall not make statements that are misleading, deceptive or false.

Architects must disclose when they're being compensated for making public statements about architectural issues, or if they have an economic interest in the issue.

An architect should not misrepresent their qualifications, capabilities and experience or that of their firm. They won't exaggerate the scope of their involvement when claiming credit for work on past projects.

If an architect becomes aware of a decision by employer or client which would jeopardize public safety in the finished project, the architect will do this. They will refuse to consent to the decision and will report the issue to the local public official enforcing applicable laws and regulations. These actions should be taken only after efforts have been made to resolve the

matter by other means. This rule also requires architects to oppose technical violations which do not jeopardize public safety. But in those cases, discipline would not be imposed if their opposition resulted in no change. The obligation to change violations of laws by others, only applies to situations involving public safety.

That decision must be made to involve the building official, even when it will adversely affect the client or employer. This rule specifically excludes matters of safety during the course of construction, falling under the responsibilities of the Contractor.

Architects will not lie or hide material facts lawfully requested by a licensing board, in an architect's application for licensure or renewal. Nor will they sign verification documents related to licensure containing false or misleading information. These may include questions related to recent convictions on felony charges and even questions regarding being current on payments for child support. Lying when answering such questions can cost an architect the right to practice in any jurisdiction.

An architect will not assist in an application for licensure for someone they know to be unqualified. If they possess knowledge of a candidate's qualifications, they will cooperate with the candidate, the licensing board and NCARB with timely and appropriate responses to questions.

It is the professional duty of an architect possessing knowledge of someone else's violation of laws or rules governing practice, to report the same to the licensing board.

#### **NCARB Rule 4, Compliance with Laws**

An architect shall not violate federal or jurisdictional laws that in any material way, relate to the conduct of the architect's practice.

They shall not defraud or deliberately disregard the rights of others.

An architect will comply with licensing laws governing their practice in any jurisdiction. Disciplinary action in one jurisdiction may result in disciplinary action in others.

No gifts (bribes) may be given for the intent of influencing an official's judgment in connection with a project.

An architect found guilty in court of abusing employee rights, through harassment, discrimination or unfair compensation, may be subject to further discipline by the licensing board.

#### **NCARB Rule 5, Signing and Sealing Documents**

An architect shall sign and seal only technical submissions prepared under the architect's responsible control, except for certain types of submissions.

Technical submissions done by others, that can be sealed by an architect, are those not required by law to be prepared by an architect. These include information supplied by manufacturers, suppliers, installers, contractors or the architect of record's consultants, when that information is intended to be incorporated into the architect's technical submission. Before sealing them, the architect must review them and be reasonably sure of their accuracy.

An architect can sign, seal and incorporate prototype drawings prepared by another licensed architect, after verifying their compliance with the jurisdiction over the project.

Other than these exceptions, placing their seal on documents produced by someone an architect has not supervised, is a very good way to have a license revoked.

### **A Quick Note**

This again is a reminder that a large number of jurisdictions have adopted these NCARB rules, in whole or in part, as guidelines for whether a license to practice architecture will be granted or renewed.

## **THE PRECEDENCE OF LAW**

There are certain legal definitions that directly affect how architecture is practiced, in ways that resemble ethical considerations. One of these is termed as a "standard of care" that a client can reasonably expect to be given.

### **Applying an Appropriate Standard of Care**

This is the 'Standard of Care' definition, taken directly from the document titled "AIA Doc. B101." "The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same circumstances."

If architects fail to carry out their duties with the appropriate skill and care, and the client suffers a loss as a result, they may be able to bring a claim for professional negligence. This requirement does not require the architect to create defect-free documents. Nor does it allow minor defects to be called negligence.

### **A Few Legal Concepts Related to Standard of Care**

Legal negligence is considered to be errors and omissions that fail to meet the "normal" standard of care. This happens when an architect fails to take the same amount of care while providing services, that others with their specialized knowledge and training would take.

Under English law, professional services are those which are based on "learned opinion," or a lot of knowledge gained by studying.

Because the appropriate standard of care is what is covered by insurance, statements in either contracts or marketing, that promise better than normal, are not covered by professional liability insurance. It is prudent in such communications, not to use terms like ‘better,’ ‘best,’ ‘higher,’ ‘highest,’ ‘more,’ or any such word or phrase, in comparison to other architects.

### **Understanding The Spearin Doctrine**

This legal concept governing the provision of architectural services, first appeared in the 1918 U.S. Supreme Court case entitled ‘United States vs. Spearin.’ Their ruling specifically stated that “If the contractor is bound to build according to plans and specifications prepared by the owner (owner’s architect), the contractor will not be responsible for the consequences of defects in the plans and specifications.” In other words, since contractors are bound to build according to the plans and specifications provided by the owner, the contractor should not be responsible for damages that, through no fault of their own, occur when said plans and specifications are defective.

In further development of this concept, the “Spearin Gap” was defined to be a difference or “gap” between the “Standard of Care” and “defect-free documents.”

In this established precedent, designers are responsible to the owner for meeting the standard of care, but not warranting plans and specifications to the owner. The drawings are not guaranteed to be perfect. The owner implies the sufficiency of the contract documents to the contractor, effectively guaranteeing they will be enough to do the job right. As a result, when the design team meets the standard of care and the contractor meets their obligations, the owner is the one responsible for covering the costs of issues that arise.

Hence the gap.

## **JURISDICTIONAL LAWS**

As mentioned earlier, principles from the AIA canons and the NCARB rules of conduct appear in many jurisdictional rules regulating the practice of architecture. Note the underlying principles found in the following oath, taken by licensed architects in Indiana.

### **The State of Indiana Architect’s Oath**

“Humbly and proudly I profess my competence under the discipline of architecture.

Upon my honor I promise unending devotion to the task of continually studying, learning, seeking, experimenting, that I may become ever better educated and trained for my work.

Upon my honor I promise to my community undeviating adherence to the ideal service to my fellow men, as the goal of my effort, that I may honestly and fully earn my living – my right to live among them.

Upon my honor I promise to maintain that integrity in practice which will insure to each client the finest possible stewardship of his interest.

Upon my honor I promise in the execution of every commission to strive to create beauty as well as order, character as well as safety, spiritual value as well as convenience.

Upon my honor I promise to join with my fellow architects to make our profession of greatest possible usefulness and benefit to our society, to share and disseminate all valuable professional knowledge, and to pass on to the succeeding generation the full and fine discipline of our profession, enriched because of my dedication.”

### **Professional Licensing Laws From the State of Indiana**

Such oaths sound rather lofty and many fall under the category of standards or rather, suggested behavior. But failure to follow these summations of actual laws regulating the practice of architecture in Indiana, can result in the loss of licensure.

*Sec. 5. (a) Practitioners must comply with standards established by boards regulating professions. They can be disciplined if, after a hearing, the board finds:*

*(1) A practitioner knowingly cooperated in fraud or material deception in obtaining a license to practice This includes cheating on an exam; fraud or deception in professional services or activities; advertising in a false or misleading manner; conviction of a crime or being penalized for fraudulent billing practices. Licenses obtained fraudulently can be rescinded after being issued and a time frame established in which an applicant cannot reapply. If so, they are entitled to a hearing and appeal rights under these rules.*

*(2) They are guilty of a crime harmful to the public or hindering their continued ability to practice competently.*

*(3) They knowingly broke a state or federal statute or regulation regulating their profession.*

*(4) They are still practicing, though now unfit to do so because of professional incompetence. This includes; providing services for which they lack training or experience, lack of continuing education, physical or mental disabilities or severe dependency on alcohol or other drugs that impair their ability to practice safely.*

*(5) They engage in lewd or immoral conduct while delivering services to the public.*

*(6) They let their name or issued license be used by someone else, rendering services beyond that individual's training, experience or competence.*

*(7) They underwent disciplinary action against their license in any state or jurisdiction, on grounds similar to these.*

*(8) They helped someone else commit an act violating these statutes.*



*(9) They let their license be used by another person or displayed their license to the public, knowing it was no longer active.*

*Architects cannot allow their seal to be affixed to plans, specifications or drawings, not prepared by the practitioner or under their personal supervision by regularly employed subordinates. Nor can they use the title "engineer" or practice engineering if not registered as such.*

*Practitioners can be ordered to submit to a reasonable physical or mental examination, at their expense, if their physical or mental capacity to practice is in question in a disciplinary proceeding. Refusing to be examined can result in a summary suspension of licensure.*

*Disciplinary sanctions that may be imposed by the board include:*

- (1) Permanently revoke a practitioner's license.*
- (2) Suspend a practitioner's license.*
- (3) Censure a practitioner.*
- (4) Issue a letter of reprimand.*
- (5) Place a practitioner on probation status and require regular reports on matters leading to the probation*
- (6) Limit practice to areas prescribed by the board*
- (7) Require continued education until a satisfactory degree of skill has been attained in areas forming the basis of the probation*
- (8) Require the practitioner to perform or refrain from any acts, including community restitution or pro bono service, which the board considers appropriate to public interest or rehabilitation or treatment of the practitioner*
- (9) Complete a quality review or peer review specified as a condition for termination of probation*
- (10) Pay a civil penalty of not more than one thousand dollars (\$1,000) for each violation except a finding of incompetency.*
- (7) Pay restitution to those who suffered damages as a result of the reason for the disciplinary sanctions.*

*When imposing a civil penalty, the board considers the practitioner's ability to pay the amount. If the practitioner fails to pay the penalty, the board can suspend their license without additional proceedings, unless it is due to an inability to pay.*

*The probation can be modified or withdrawn if another hearing by the board finds the deficiency requiring disciplinary action has been remedied.*

### **GOING BEYOND 'IT IS WRITTEN'**

In addition to principles so well defined by the AIA, NCARB and diverse licensing regulations, there are additional principles which can inform questions that arise. Some are inferred, others envisioned by well-meaning practitioners, seeking to impose their values on others.

## **Types of Ethics**

It helps to understand that ethics fall into various categories.

Character-based ethics focus on determining what makes a person or character ‘good,’ rather than what makes actions good, supposing that a good person consistently performs good actions.

Contract-based ethics suppose that people live together in accordance with agreements establishing moral and political rules of behavior. Adherence to those agreements defines good and bad.

Duty-based ethics say acts are right or wrong because what they are, and people should act accordingly, regardless of good or bad consequences produced. That actions are wrong or right in themselves, regardless of consequences.

Results-based ethics can be stated as ‘the ends justify the means.’ The ethically right choice is the one producing the most happiness and least unhappiness for the largest number of people.

## **Ethics Based on Social Responsibility**

Some believe it is the responsibility of architects, as influencers and creators, to better their physical environment through their work. Meeting that societal need should steer their efforts.

One goal is creating change that has a ‘social impact.’ For example, a positive change with housing solutions that address the growing problem of homelessness.

To what extent should ‘public interest,’ the welfare or well-being of the general public, drive an architect’s decisions on projects, versus the client’s interests, if they conflict? And who decides what is that best interest?

‘Health, safety and welfare’ are very much emphasized as aspects of professional practice. Failure to focus on these societal needs can lead to catastrophic building failures, including loss of life.

‘Sustainability’ describes meeting current needs, without compromising the ability of future generations to meet their needs, in the environment we will leave them.

‘Resilient design’ is anticipating and designing to enable how a client, a community or a region will respond to significant events like natural disasters, while creating buildings, landscapes and communities. This may involve additional funds spent to basically insure against events which may never occur.

‘Community-based design’ includes public workshops with key stakeholders, team members, the general public and clients to obtain their input to further inform the design process.

‘Pro bono’ is understood as “the offering of free services,” but actually means “for the public good.”

## **The Four Obligations**

With so many defined and proposed ethics, discussions regarding them go in many different directions.

In a video by Henry Cobb and Carl Sapers, they propose such ethics should not involve practice, but the ‘voice of the architect,’ the way buildings ‘speak.’ This approach moves beyond specific principles to look at a broader framework.

Here, ethics are defined as meeting four primary obligations. The first three ‘tension points’ are defined as: enough income to support the architect, serving the client and the sometimes competing interest of serving the public. The first is necessary, but is not usually discussed. The next two are the core of the AIA and NCARB principles. They dictate the architect must place a client’s interest over their own and public interest over both.

The fourth tension point is “devotion to the art of architecture.” Few architects consider themselves successful without paying attention to this aspect. Pride is a peculiar attribute of architects.

Sticking to the “friendly confines of common ethical codes” ignores our actual societal role. We must look beyond process to the product, understand tensions that produced the project and how the architect strove to resolve them all.

Only by experiencing the design and its impact on users, can we judge how well architects did their job.

## **Should Architects Be Held to High Standards**

Some wonder why architects should even be judged differently than other creative professions, who seem unconcerned by ethic other than meeting their client’s objectives. Should architects be criticized for doing the same?

Claiming to have ethics implies architects believe they have power extending beyond confines of their commissions. What makes architects think their influence extends beyond a single contract?

## **The Duty to Design Sustainably**

Do architects really have a ‘duty’ to design ‘sustainably’ as a matter of ethics? Should the perceived interests of future society be placed ahead of those of our clients or ourselves? Is it possible to even do our job if it is against the wishes of the client and involves additional, undesired expense? Is the planet Earth really in danger from carbon emissions? And which products are really ‘green’ when that changes, based on payments for ‘green’ designations? How about when the process of obtaining or creating ‘green’ products destroys the surrounding

environment? Can we refrain from fouling our nests with pollution, without solving problems for a world population that doesn't share our concerns and certainly won't help pay to meet our first world goals?

Certain 'sustainable' principles make sense for the planet and the client. Designing the smallest spaces possible to meet needs saves clients time and resources, otherwise pulled from the environment. Sourcing materials locally saves fuel use and money spent on transportation costs. Passively utilizing site features saves energy for utilities, meaning less fossil fuels are consumed for electricity. But common sense is lost in strident claims of environmental evangelists, demanding others follow their rules or be judged as being morally deficient.

## **CASE STUDIES**

### **Case Study 1**

An architect is typically responsible to verify accuracy of a Contractor's Requests for Payment, before forwarding it to the Owner for payment.

Items are sometimes listed on the application for goods or equipment, claimed to be purchased and stored, though not yet incorporated into the project. Despite invoking irritation, it is still the responsibility of the architect to request proof of purchase and storage, before certifying the application for payment.

There may also be discrepancies in the percentage of work claimed as completed, compared to the Schedule of Values submitted before work began. While the intent is to be fair to both Owner and Contractor, total payments should not exceed the value of what has actually been accomplished and purchased, a process known as 'front-end loading.'

When there are significant discrepancies, the payment application should be revised and resubmitted, or line items in question should be stricken and a revised amount approved.

### **Case Study 2**

While performing construction observation duties on one project, is a poor time to be discussing a possible future design-build collaboration with that Contractor. Interest in such a future business relationship would absolutely compromise an architect's ability to represent the Owner's interest on the current project.

If such potential really exists, best wait until the current project is complete, before continuing further collaboration discussions. If pursued beforehand, the potential conflict of interest should be run by the current project's Owner for their approval.

## **SUMMARY**

Discussions about ethics to which architects should adhere, are numerous and still ongoing. But some that most will need to follow, have been well established.

We have numerous guidelines to influence decisions. The AIA has published, and periodically updated, ethical canons. NCARB offers ethics rules incorporated into licensing laws of many member jurisdictions. Many are already found in statutes governing the practice of architecture, including oaths taken upon accepting licensure.

Beyond these, every architect additionally and individually decides, how they conduct themselves while pursuing their passion and profession. Since we all live in societies, we need to decide beforehand, how we will best serve our fellow citizens through our profession.

At the end of the day, it may well be we ourselves, who best judge how well we achieved success in filling that responsibility.

### **Review Questions**

7. What is not a function of the National Council of Architectural Registration Boards (NCARB)?
  - a. Test architects
  - b. License architects
  - c. Compensate architects**
  - d. Credential architects
  
8. Architects will only provide and perform professional services when they have \_\_\_\_\_ to do so.
  - a. The knowledge and skill**
  - b. Enough office staff
  - c. Sufficient payroll funds
  - d. Enough respect among their peers
  
9. Architects are not to exaggerate the \_\_\_\_\_ when claiming credit for work on past projects.
  - a. Speed with which the drawings were created
  - b. Scope of their involvement**
  - c. The length of time they remained awake
  - d. Amount of compensation
  
10. The “Spearin Gap” is defined to be a difference or “gap” between the “Standard of Care” and \_\_\_\_\_.
  - a. Best efforts
  - b. Any advertised level of services
  - c. Defect free documents**
  - d. Design efforts involved in the client’s last project

## **CREDITS**

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“Ethics: From Building to Architecture” – a YouTube video by Henry Cobb FAIA, Carl Sapers  
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### **Review Question Answers**

1. The difference between a standard and a rule is that a rule \_\_\_\_\_.
  - a. Has been passed by a legislative body
  - b. Violation results in incarceration
  - c. Is enforceable**
  - d. Can only be interpreted in one way
2. In an early published list of canons of ethics, architects were discouraged from attempting to \_\_\_\_\_ another architect in the process of obtaining employment.
  - a. Supplant**
  - b. Form a partnership with
  - c. Blacklist
  - d. Marry
3. Acts of fraud bring into serious question, an architect's ability to assume the \_\_\_\_\_ duties of a professional.
  - a. Trustworthy
  - b. Long-term
  - c. Societal
  - d. Fiduciary**
4. Architects are required to disclose to clients, owners or contractors, any circumstances that could be construed as creating \_\_\_\_\_.
  - a. A conflict of interest**
  - b. A barrier to proper design
  - c. A reason to doubt their integrity
  - d. An unsolvable quandary
5. Architects should not make false statements or fail to disclose material facts when seeking \_\_\_\_\_.
  - a. Political office
  - b. Professional registration**
  - c. A spouse
  - d. To hire consultants
6. When leaving a place of employment, which of the following are architects allowed to take with them, without first obtaining permission from the previous employer?
  - a. Drawings
  - b. Experience**
  - c. Data
  - d. Reports
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  - b. License architects

- c. **Compensate architects**
  - d. Credential architects
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