

CODE OF ETHICS AND PROFESSIONAL CONDUCT

**PROFESSIONAL ARCHITECTS BOARD
Commonwealth of the Bahamas**

PROFESSIONAL ARCHITECTS BOARD

P.O. Box CB-13040 Nassau, N.P., Bahamas
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PROFESSIONAL ARCHITECTS BOARD Commonwealth of the Bahamas

Under the virtue of the powers conferred by the Architects Act, 1994 Chapter 202, Revised Statute Law of The Bahamas, 2000, Section 7, the Regulations dated January 3rd, A.D. 1995 and all other powers enabling it in that behalf. The Board of the Professional Architects Board, assembled in a Board Meeting at Nassau, Bahamas on the 13th day of April A.D., 2011, has

- 1) Enacted the following as the Code of Professional Conduct of the Professional Architects Board.

13th. April 2011

Day, Month, Year

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PREAMBLE

The profession of architecture is a unique discipline, combining elements of art, science, commerce and law. The Professional Architects Board (PAB) of the Commonwealth of The Bahamas and its Licensees are dedicated to the advancement of architecture through involved and innovative practice, with the aim of raising the quality of the environment and, consequently, the quality of life. In this, it seeks to improve standards of health and safety for the protection and welfare of all members of the community.

Registered persons and architectural practices are subject to the disciplinary supervision of the Professional Architects Board.

The rules lay down standards of professional conduct and practice and, whereas, not every non-compliance with a provision, may necessarily constitute grounds for disciplinary proceedings. Failure to follow the guidance of the rules, will be taken into account should it become necessary to examine the conduct or compliance of a registered person.

It is an overriding obligation under the rules that in carrying out professional work, a registered person is expected to act competently and with integrity.

It is expected that a registered person shall refrain from conduct, which would be detrimental to the esteem, dignity and/or professionalism of the architectural profession or would tend to bring the architectural profession into disrepute.

If an architectural practice is in breach of any provision of any rule published in terms of the Act, which would have constituted improper or unprofessional conduct if committed by a registered person in the carrying on of his or her profession in private practice, the Board shall proceed against the principal officer of the practice.

The fact that a course of conduct is not specifically referred to in the rules does not mean that it cannot for the basis of disciplinary proceedings. In

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this context, the Board will investigate any complaint of unacceptable conduct i.e. conduct which falls short of the standard required of a registered person, or of serious professional incompetence.

In this Code, words importing the singular number shall include the plural number and vice-versa. Words importing the masculine gender shall include the feminine gender

APPLICATION OF THE CODE

1. Professionalism

The purpose of this code is to promote professional good conduct and best practices. Its spirit as well as its precise and express terms should at all times guide members.

2. The Law

Registered persons must comply with all relevant legal obligations. It is not the remit of this Code to duplicate the provisions of business, employment, health and safety, environmental and discrimination laws.

3. Amendments and Additions

Periodically the Board will publish further guidance on specific aspects of professional conduct. Registered persons must observe such amendments and additions as they come into effect.

OTHER APPLICABLE CODES

1. Commonwealth of The Bahamas

Registered persons in The Bahamas are subject to **The Architects' Code**, published by the **Professional Architects Board (PAB)**.

2. International Union of Architects (UIA) Code of Ethics

Architects practicing from UIA member countries shall observe and follow the Guidelines for the UIA Accord Policy on Conduct and Ethics, which forms part of the UIA Accord on Recommended International Standards of

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Professionalism in Architectural Practice, in addition to fulfilling the Professional Codes and Legislation in force in the Bahamas.

3. **Other National Codes**

Registered persons practicing in a country outside The Bahamas may be required to be a member of, or registered by, that country's professional or regulatory body for Architects. If this is the case, the Board recognizes that a member's first obligation will be to comply with the rules of conduct published by that local professional or regulatory body.

4. **Other Professions' Codes**

This code applies to all Registered Architects and Technicians regardless of their fields of activity, contracts of employment or membership of other professional organizations. The Board recognizes that registered persons may participate in other professional activities and that when they do so the rules of the relevant profession's governing bodies will take precedence over this code. Under normal circumstances, the Board would take no action under this code if the matter were also under consideration by another, more directly involved, professional body. However, such action may be considered necessary if the matter raises issues connected with a member's status as a Member or Architect.

A. PROFESSIONAL STANDARDS

A.1 Integrity and Competency

- (a) In the discharge of their duties, an Architect must show a total sense of responsibility and business capacity, practice with integrity and judgement, and exhibit a high degree of artistic taste and technical ability.
- (b) An Architect must faithfully discharge their responsibilities to their Client, to their profession and to the public at large.
- (c) An Architect must at no time act in a manner detrimental to the interests of the profession.
- (d) An Architect should continuously bring their professional knowledge and competence up to date.

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- (e) An Architect must describe honestly their qualifications and their competence to provide services to a Client or an Employer. He should not undertake, without obtaining proper assistance, work for which their training and experience have not adequately prepared him. He shall attempt to limit the number of professional mandates he undertakes simultaneously; relative to their capacity to devote to each one of these mandates the personal attention and interaction they deserve.

A.2 Conflict of Interest

- (a) An Architect shall not assume or consciously accept or continue in a position in which his/her interest is in direct conflict with their professional duty.
- (b) An Architect shall not have ownership or pecuniary interest in any building material, device or invention proposed to be used in work for which he is Architect without informing their Client of that fact before use.
- (c) An Architect may act as professional adviser to a contractor or to a firm trading in materials connected with the building industry, provided that he is paid by professional fees and not by commission on sales or profits, and provided that he does not solicit orders from such a firm or contractor, and that such firm or contractor does not solicit work for the Architect.
- (d) An Architect shall not permit the insertion of any clause in tenders, bills of quantities, specifications, or other contract documents which provides for payment to be made to him by the contractor whatever may be the consideration unless with the full knowledge and approval of their Client.
- (e) An Architect shall not make use of services offered by manufacturers, contractors, or suppliers of building materials and equipment, which may be accompanied by an obligation detrimental to the best interests of their Client.
- (f) An Architect shall not, when expressing professional advice, put their own interest before that of their Client or Employer.

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A.3 Impartiality

- (a) An Architect at all times shall apply the conditions of the contract with fairness between Client and Contractor. In all cases of dispute between Client and Contractor, the Architect shall act in an impartial and responsible manner.

A.4 Confidentiality

- (a) An Architect shall not disclose information concerning the business affairs or technical processes of Clients or Employers without their consent except when compelled to do so by a Court of Law.

A.5 Salaried Architect

- (a) An Architect employed as a salaried Architect, who by reason of his/her office, is in a position to grant or influence the granting of any form of statutory or other approval, shall not undertake private work notwithstanding any permission from their employer, unless their position and action in the matter can be shown to be free from any suspicion or suggestion of abuse.

A.6 Improper Sealing of Drawings

- (a) An Architect shall not fix their name and seal or stamp to any document or drawing that was not prepared by himself or under their direction.
- (b) An Architect shall not permit his/her seal or stamp to be used in any fashion, which would contribute to the illegal practice of architecture, by a third party.

B. COMMISSIONS AND REMUNERATION**B.1 Obtaining Commission and Method of Remuneration**

- (a) An Architect shall be remunerated by the professional fees charged for the work and responsibilities to him/her.

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- (b) When rendering professional services, an Architect shall be guided by the Conditions of Engagement and Schedule of Suggested Minimum Professional Charges of the Institute of Bahamian Architects.
- (c) An Architect shall not attempt to supplant another Architect by any means.
- (d) When being engaged by a Client, the Architect shall ensure that the Client fully understands the scope of their services commensurate with the agreed fee.
- (e) An Architect, on being approached to proceed with professional work, upon which to his knowledge another registered architect was previously employed, shall notify the fact to that registered Architect /Technician before accepting the commission.

B.2 Competitions and Design Proposals

Proposal Calls and Competitions:

For the purposes of applying and interpreting the clauses in this section only, the following words are defined:

Professional Services: the development of written information, graphic material or models, pertaining specifically to the physical appearance and design of a project.

Proposal Call: a request for the provision or submission of relevant material upon which comparative selection and subsequent engagement of an architect is made.

Competition:

1. An approved architectural competition is either a competition conducted according to the current Institute of Bahamian Architects (IBA) rules for the Conduct of Architectural Competitions or an alternate arrangement, specifically approved in writing by the Board, that assures equitable treatment and equal and adequate remuneration to participating Architects.
 - (a) Prior to an Architect's participation, an architectural competition "approved" status must be confirmed with the IBA.

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- (b) An Architect invited to participate in a non-approved architectural competition must decline the invitation and advise the Board or IBA of the competition.
- 2. An Architect's conduct when participating in an approved competition must comply with the rules of the IBA or as directed by the Board.
- 3. An Architect shall not attempt to influence the awards of an approved competition, except as a jury member.
 - (a) Any actions which involve bribery, pressure or unusual contact with the competition authorities are prohibited.
- 4. An Architect shall not attempt to obtain a commission to be awarded by an approved competition, except as an entrant. Any effort to circumvent the competition process would be considered supplanting and is unprofessional.

B.3 Acceptance of Gifts or Commissions

- (a) An Architect shall not accept gifts, commissions, or allowances, directly or indirectly, from contractors or other parties dealing with their Client or Employer, in connection with work for which he is responsible.
- (b) An Architect shall act in the interest of their Client with regard to the quality of the work with which he is entrusted. He shall not accept any form of profitable inducement to employ any special contractor, material or work.

C. PUBLICITY

C.1 Composition of Letterhead

- (a) Styling of Firm or Company names and composition of letterhead shall not be such as to be misleading to the public and shall comply with the following:
 - (1) Any proper names appearing in the Firm Title shall be those of the constituent members of the Firm. Professional designation of each constituent member must also be included in the composition of the letterhead.

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- (2) Anonymous designations may be use for Firm or Company names in strict compliance with the Architect's Act, if the principles of the Firm or Company and their designation are listed on the Firm or company letterhead.
- (3) The Firm's name or letterhead shall not incorporate any words, which would imply that offices are maintained in any other city, Province, or Country when such is in fact not the case.
- (4) Firm titles or letterheads shall not incorporate any wording, which would mislead potential clients.

C.2 Office and Job Signs

- (a) An Architect may display their name or that of their Firm at their place of business, if such name is not displayed ostentatiously.
- (b) An Architect or Firm shall be permitted to display a job sign of appropriate and dignified size at the site of a building project for which the Architect or Firm is providing architectural services. Such sign shall state only the name and address of the Architect or Firm, and may form part of a larger sign listing the project and/or other Firms connected with the construction.
- (c) With the approval of the Client, an Architect may affix their name permanently in a discreet fashion to work for which he has been the Architect

C.3 Brochures

- (a) An Architect may prepare a written or audio-visual presentation or brochure for distribution to prospective Clients, if the material consists solely of a description of the Firm and Personnel, and/or a factual outline of the activities of the Firm.
- (b) An Architect may used as credits with discretion and objectivity, work performed in previous firms as long as credit is also given to the firm for which the work was performed.

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C.4 Advertisements in Press

- (a) An Architect may be permitted to advertise their name or services on a paying basis in the public press only in accordance with the following recommendations:
- (1) An advertisement of a congratulatory nature on single occasions only, where there is connected with the publicizing of the completion of a particular building project with which the Architect has been connected.
 - (2) A notice dealing with the opening of a new practice, or any change of name, address, or telephone or legitimate change of make-up of a Firm, such notice shall be consistent in size and tone with the purpose of the notice.
 - (3) A suitably sized phrased notice, should be used when seeking to hire persons for employment, or in connection with a legitimate public notice such as calling for tenders.
 - (4) As part of a general listing, authorized or sponsored by his/her association.
- (b) An Architect may allow his/her name, or that of their Firm, to be used in connection with the publication or broadcasts of legitimate news or professional reports.
- (c) An Architect may allow his/her name or that of their Firm to be listed as "Patrons" in conjunction with affording financial support to educational, artistic or charitable organizations
- (d) An Architect may allow his/her name or that of their Firm to be displayed in business card form in Service Bulletins, Church Magazines, or similar publications.

C.5 Product Endorsement

- (a) An Architect shall not endorse any building material for profit, gifts or consideration. Any endorsement must reflect his personal experience with

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the material or service and should not be used as part of any promotion or company advertisement

- (b) The name of an Architect should appear in a discreet manner in a product advertisement under a photograph of a building designed by that Architect, and an Architect knowing of the intent of publication shall advise the advertiser accordingly of their approval.
- (c) An Architect shall not solicit or allow someone to solicit on his or her behalf, advertising for a publication promoting their work.

D. GENERAL BEHAVIOR

D.1 Personal Behavior

- (a) An Architect shall at all times conduct himself in a manner befitting a member of a learned and dignified profession.

D.2 Public Comments

- (a) An Architect shall not injure falsely or maliciously, directly or indirectly, the professional reputation of a fellow Architect.

D.3 Relationship with Other Architects

- (a) An Architect must not attempt to supplant another Architect by any means after definite steps have been taken towards the latter's engagement.
- (b) An Architect shall not copy or pass off the work of another Architect as their own, and shall not claim authorship of the design of a project executed under a firm name other than their own. However, he/she may identify their contribution to the project if he acknowledges the author-firm name.
- (c) An Architect shall not, without justification, refuse to provide to another information or documents in their possession concerning a project in order to enable the other to continue or execute work relating to the same project.

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- (d) An Architect is required to notify the Board and or their Association of any illegal professional practice of which he/she has knowledge.
- (e) All drawings, specifications, models and documents prepared by the Architect as instruments of service shall remain the Architect's property, the copyright in the same being reserved to the Architect in the first instance. As a precondition of their use, all fees and reimbursable expenses due the Architect are to be paid.

D.4 Compliance with Acts and Regulations

- (a) An Architect must not be a party to any attempt to evade or circumvent, or commit a breach of the provisions of The Architects Act or of their Association's Rules or by-laws.
- (b) An Architect shall respond promptly to any letter received from the Architects Board or Council of their Association relating to their professional conduct.
- (c) An Architect shall not refuse a request to appear before appointed committee of the Board or an appointed committee of their Association without proper justification.

D.5 Public Relations and Board Involvement

- (a) An Architect should be willing to serve on the Board in whatever way he/she may be best suited, to help fulfill the mandate of the Board.
- (b) An Architect should endeavor to provide opportunities for continuing professional development to those entering the profession, by assisting them to acquire a full understanding of the functions, duties and responsibilities incumbent upon members of the profession.
- (c) An Architect should be willing to explain to the public at every opportunity the value and service of the Architect.

E. CONTINUING PROFESSIONAL DEVELOPMENT

E.1 Continuing Professional Education

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- (1) An Architect should take all reasonable steps during each financial year to maintain and improve the skills and knowledge necessary for the provision of the architectural services that the architect normally provides through:
 - (a) such activities that the Board is satisfied demonstrate the maintenance and improvement of the architect's skills and knowledge, or
 - (b) such other means as may be approved by the Board from time to time
- (2) Sub-clause (1) does not apply to any non-practicing Architect.

F. ENFORCEMENT

- (a) Each Registered Architect, as a condition of registration, agrees to be bound by and to abide by this Code of Professional Conduct and by duly adopted amendments hereto, and to voluntarily participate in compliance, disciplinary proceedings and discipline as required by the Board's Disciplinary Committee.
- (b) The Registered Architect/Technician subject to disciplinary action may, after hearing, be subject to admonition, censure, citations, suspension or termination of registration or registration status.
- (c) All proceedings will be confidential, as shall the imposition of an admonishment; however, all other penalties shall be made public.

G. AMENDMENT

- (a) This Code of Ethics and Professional Conduct may be amended from time to time by a vote of two-thirds (2/3) of a majority of the Board Members at a duly constituted meeting of the Board.

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