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2020 Code of Ethics and Professional Conduct

FROM THE OFFICE OF GENERAL COUNSEL

Preamble

Members of The American Institute of Architects are dedicated to the highest standards of professionalism, integrity, and competence. This Code of Ethics and Professional Conduct states guidelines for the conduct of Members in fulfilling those obligations. The Code is arranged in three tiers of statements: Canons, Ethical Standards, and Rules of Conduct:

- Canons are broad principles of conduct.
- Ethical Standards (E.S.) are more specific goals toward which Members should aspire in professional performance and behavior.
- **Rules of Conduct (Rule) are mandatory; violation of a Rule is grounds for disciplinary action by the Institute.** Rules of Conduct, in some instances, implement more than one Canon or Ethical Standard.

The **Code** applies to the professional activities of all classes of Members, wherever they occur. It addresses responsibilities to the public, which the profession serves and enriches; to the clients and users of architecture and 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.

Commentary is provided for some of the Rules of Conduct. That commentary is meant to clarify or elaborate the intent of the rule.

The commentary is not part of the **Code**. Enforcement will be determined by application of the Rules of Conduct alone; the commentary will assist those seeking to conform their conduct to the **Code** and those charged with its enforcement.

Statement in Compliance With Antitrust Law

The following practices are not, in themselves, unethical, unprofessional, or contrary to any policy of The American Institute of Architects or any of its components:

- (1) submitting, at any time, competitive bids or price quotations, including in circumstances where price is the sole or principal consideration in the selection of an architect;
- (2) providing discounts; or
- (3) providing free services.

Individual architects or architecture firms, acting alone and not on behalf of the Institute or any of its components, are free to decide for themselves whether or not to engage in any of these practices. Antitrust law permits the Institute, its components, or Members to advocate legislative or other government policies or actions relating to these practices. Finally, architects should continue to consult with state laws or regulations governing the practice of architecture.

Statement on the Professional Standard of Care

The Code is not intended to suggest or define the standard of care an architect is required to meet in providing its professional services, and should not be used in a civil action against an architect as evidence that the standard of care has been breached. Finally, architects should continue to consult with state laws or regulations governing the practice of architecture.

CANON I

General Obligations

Members 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 judgment.

E.S. 1.1 Knowledge and Skill:

Members should strive to improve their professional knowledge and skill.

Rule 1.101 In practicing architecture, Members 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 Member who more than infrequently does not achieve that standard. Isolated instances of minor lapses would not provide the basis for discipline.

E.S. 1.2 Standards of Excellence: Members should continually seek to raise the standards of aesthetic excellence, architectural education, research, training, and practice.

E.S. 1.3 Natural and Cultural Heritage: Members should respect and help conserve their natural and cultural heritage while striving to improve the environment and the quality of life within it.

E.S. 1.4 Human Rights: Members should uphold human rights in all their professional endeavors.

Rule 1.401 Members shall not engage in harassment or discrimination in their professional activities on the basis of race, religion, national origin, age, disability, caregiver status, gender, gender identity, or sexual orientation.

Commentary: Harassment may include, but is not limited to, offensive jokes, slurs, epithets or name calling, unwelcome physical contact, or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of violation of this Rule.

Rule 1.402 Members shall not engage in conduct involving wanton disregard of the rights of others.

Commentary: Wanton disregard under this rule includes conduct taken in disregard of (1) a high degree of risk that the Complainant would be adversely affected, and (2) that risk would be apparent to a reasonable person. "Reasonable person" is an objective standard and considers someone who uses such qualities as attention, knowledge, intelligence, and judgement which a society requires of its members to protect their own interests and the interests of others. Wanton disregard under this rule also includes engaging in conduct that is severe or pervasive enough that a reasonable person would consider it harassing, hostile, or abusive. This includes, but is not limited to, sexual misconduct, bullying, intimidation, or retaliation.

E.S. 1.5 Design for Human Dignity and the Health, Safety, and Welfare of the Public:
Members should employ their professional knowledge and skill to design buildings and spaces that will enhance and facilitate human dignity and the health, safety, and welfare of the individual and the public.

Rule 1.403 Members shall not knowingly design spaces intended for execution.

Commentary: The purpose of Rule 1.403 is not to address individual positions or opinions. Rather, it is to codify how Members choose to embrace the highest standards of professionalism, integrity, and competence. They are part of a community of regulated professionals who, through their required education, training, and practice, protect the health, safety, and welfare of those who come into contact with their work. The design of spaces for execution is inconsistent with that ideal. Designing spaces intended to end human life is inconsistent with the ideal of upholding human rights. What is lawful and what is ethical are two separate inquiries; acting lawfully may not equate to acting ethically. With respect to Rule 1.403, Members should not be involved in the

design of spaces intended for execution, regardless of whether execution is legally authorized.

Rule 1.404 Members shall not knowingly design spaces intended for torture, including indefinite or prolonged solitary confinement.

Commentary: For the purpose of Rule 1.404, solitary confinement shall be defined as the confinement of prisoners for twenty-two (22) hours or more per day without meaningful human contact. Prolonged solitary confinement shall be defined as solitary confinement, as defined above, for a time period in excess of fifteen (15) consecutive days.¹

E.S. 1.6 Allied Arts and Industries:
Members should promote allied arts and contribute to the knowledge and capability of the building industries as a whole.

CANON II **Obligations to the Public**

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

E.S. 2.1 Conduct:
Members should uphold the law in the conduct of their professional activities.

Rule 2.101 Members shall not, in the conduct of their professional practice, knowingly violate the law.

Commentary: The violation of any law, local, state or federal, occurring in the conduct of a Member's professional practice, is made the basis for discipline by this rule. This includes the federal Copyright Act, which prohibits copying architectural works without the permission of the copyright owner. Allegations of violations of this rule must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

Rule 2.102 Members shall neither offer nor make any payment or gift to a public official with the intent of influencing the official's judgment in connection with an existing or prospective project in which the Members are interested.

Commentary: This rule does not prohibit campaign contributions made in conformity with applicable campaign financing laws.

Rule 2.103 Members serving in a public capacity shall not accept payments or gifts which are intended to influence their judgment.

Rule 2.104 Members shall not engage in conduct involving fraud.

Commentary: This rule addresses serious misconduct whether or not related to a Member's professional practice. Proof of fraud must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.

Rule 2.105 If, in the course of their work on a project, the Members become aware of a decision taken by their employer or client which violates any law or regulation and which will, in the Members' judgment, materially affect adversely the safety to the public of the finished project, the Members shall:

- advise their employer or client against the decision,
- refuse to consent to the decision, and
- report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the Members are able to cause the matter to be satisfactorily resolved by other means.

Commentary: This rule extends only to violations of the building laws that threaten the public safety. The obligation under this rule applies only to the safety of the finished project, an obligation coextensive with the usual undertaking of an architect.

¹ Reference: UN Resolution 70/175, "United Nations Standard Minimum Rules for Treatment of Prisoners."

Rule 2.106 Members shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal.

E.S. 2.2 Public Interest Services: Members should render public interest professional services, including pro bono services, and encourage their employees to render such services. Pro bono services are those rendered without expecting compensation, including those rendered for indigent persons, after disasters, or in other emergencies.

E.S. 2.3 Civic Responsibility: Members 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.

Rule 2.301 Members 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.

E.S. 2.4 Environmental Equity and Justice: Members should promote fairness and safety in providing professional services and make reasonable efforts to advise their clients and employers of their obligations to the environment, including: access to clean air, water, sunlight and energy for all; sustainable production, extraction, transportation and consumption practices; a built environment that equitably supports human health and well-being and is resistant to climate change; and restoring degraded or depleted natural resources.

Rule 2.401 When performing professional services, Members shall make reasonable efforts to inform their clients of the potential environmental impacts or consequences the Member reasonably believes may occur as

a result of work performed on behalf of the clients.

CANON III Obligations to the Client

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

E.S. 3.1 Competence: Members should serve their clients in a timely and competent manner.

Rule 3.101 In performing professional services, Members shall take into account applicable laws and regulations. Members may rely on the advice of other qualified persons as to the intent and meaning of such regulations.

Rule 3.102 Members 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 in the specific technical areas involved.

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

Rule 3.103 Members shall not materially alter the scope or objectives of a project without the client's consent.

E.S. 3.2 Conflict of Interest: Members should avoid conflicts of interest in their professional practices and fully disclose all unavoidable conflicts as they arise.

Rule 3.201 A Member shall not render professional services if the Member'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.

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.

Rule 3.202 When acting by agreement of the parties as the independent interpreter of building contract documents and the judge of contract performance, Members shall render decisions impartially.

Commentary: This rule applies when the Member, though paid by the owner and owing the owner loyalty, is nonetheless required to act with impartiality in fulfilling the architect's professional responsibilities.

E.S. 3.3 Candor and Truthfulness: Members should be candid and truthful in their professional communications and keep their clients reasonably informed about the clients' projects.

Rule 3.301 Members shall not intentionally or recklessly mislead existing or prospective clients about the results that can be achieved through the use of the Members' services, nor shall the Members 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 a Member either in the course of soliciting a client or during performance.

E.S. 3.4 Confidentiality: Members should safeguard the trust placed in them by their clients.

Rule 3.401 Members shall not knowingly disclose information that would adversely affect their client or that they have been asked to maintain in confidence, except as otherwise allowed or required by this Code or applicable law.

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

Members should uphold the integrity and dignity of the profession.

E.S. 4.1 Honesty and Fairness:

Members should pursue their professional activities with honesty and fairness.

Rule 4.101 Members having substantial information which leads to a reasonable belief that another Member has committed a violation of this Code which raises a serious question as to that Member's honesty, trustworthiness, or fitness as a Member, shall file a complaint with the National Ethics Council.

Commentary: Often, only an architect can recognize that the behavior 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 a complaint be filed. In most jurisdictions, a complaint that invokes professional standards is protected from a libel or slander action if the complaint was made in good faith. If in doubt, a Member should seek counsel before reporting on another under this rule.

Enforcement of Rule 4.101 refers to and supports enforcement of other Rules. A violation of Rule 4.101 cannot be established without proof of a pertinent violation of at least one other Rule.

Rule 4.102 Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have responsible control.

Commentary: Responsible control means the degree of knowledge and supervision ordinarily required by the professional standard of care. With respect to the work of licensed consultants, Members may sign or seal such work if they have reviewed it, coordinated its preparation, or intend to be responsible for its adequacy.

Rule 4.103 Members 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 AIA membership.

E.S. 4.2 Dignity and Integrity: Members should strive, through their actions, to promote the dignity and integrity of the profession, and to ensure that their representatives and employees conform their conduct to this Code.

Rule 4.201 Members 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 Members from claiming or implying credit for work which they did not do, misleading others, and denying other participants in a project their proper share of credit.

Rule 4.202 Members shall make reasonable efforts to ensure that those over whom they have supervisory authority conform their conduct to this Code.

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

Enforcement of Rule 4.202 refers to and supports enforcement of other Rules. A violation of Rule 4.202 cannot be established without proof of a pertinent violation of at least one other Rule.

CANON V

Obligations to Colleagues

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

E.S. 5.1 Professional Environment:

Members should provide their colleagues and employees with a fair and equitable working environment, compensate them fairly, and facilitate their professional development.

Rule 5.101 Members shall treat their colleagues and employees with mutual respect, and provide an equitable working environment.

E.S. 5.2 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.

Rule 5.201 Members who have agreed to work with individuals engaged in an architectural internship program or an experience requirement for licensure shall reasonably assist in proper and timely documentation in accordance with that program.

E.S. 5.3 Professional Recognition: Members should build their professional reputation on the merits of their own service and performance and should recognize and give credit to others for the professional work they have performed.

Rule 5.301 Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

Rule 5.302 Members 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 Member.

Rule 5.303 A Member 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 performed by the employee or partner that are not confidential.

Commentary: A Member 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 recognize and acknowledge the professional responsibilities they have to promote sustainable design and development in the natural and built environments and to implement energy and resource conscious design.

E.S. 6.1 Energy conservation:
Members should set ambitious performance goals for greenhouse gas emission reduction with their clients for each project.

E.S. 6.2 Water Use:
Members should optimize water conservation in each project to reduce water use and protect water supply, water quality, and watershed resources.

E.S. 6.3 Building Materials:
Members should select and use building materials to minimize exposure to toxins and pollutants in the environment to promote environmental and human health and to reduce waste and pollution.

E.S. 6.4 Ecosystems
Members should consider with their clients the impact of each project on the natural habitat and ecosystem to promote environmental and human health.

E.S. 6.5 Climate Change
Members should incorporate adaptation strategies with their clients to anticipate extreme weather events and minimize adverse effects on the environment, economy and public health.

Rule 6.501 Members shall consider with their clients the environmental effects of their project decisions.

RULES OF APPLICATION, ENFORCEMENT, AND AMENDMENT

Application

The **Code of Ethics and Professional Conduct** applies to the professional activities of all members of the AIA.

Enforcement

The Bylaws of the Institute state procedures for the enforcement of the **Code of Ethics and Professional Conduct**.

Such procedures provide that:

- (1) Enforcement of the **Code** is administered through a National Ethics Council, appointed by the AIA Board of Directors.
- (2) Formal charges are filed directly with the National Ethics Council by Members, components, or anyone directly aggrieved by the conduct of the Members.
- (3) Penalties that may be imposed by the National Ethics Council are:
 - (a) Admonition
 - (b) Censure
 - (c) Suspension of membership for a period of time
 - (d) Termination of membership.
- (4) Appeal procedures are available.
- (5) All proceedings are confidential, as is the imposition of an admonishment; however, all other penalties shall be made public.

Enforcement of Rules 4.101 and 4.202 refer to and support enforcement of other Rules. A violation of Rules 4.101 or 4.202 cannot be established without proof of a pertinent violation of at least one other Rule.

Amendment

The **Code of Ethics and Professional Conduct** may be amended by the convention of the Institute under the same procedures as are necessary to amend the Institute’s Bylaws. The **Code** may also be amended by the AIA Board of Directors upon a two-thirds vote of the entire Board.

***2020 Edition.** *This copy of the **Code of Ethics** is current as of December 10, 2020. Contact the General Counsel’s Office for further information at (202) 626-7311.*