

***CODE OF PROFESSIONAL CONDUCT***

***NEWFOUNDLAND ASSOCIATION OF ARCHITECTS***

**Newfoundland Association of Architects**

P. O. Box 5204, St. John's, NF, A1C 5V5

Telephone: (709) 726-8550 / Fax (709) 726-1549

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## **CODE OF PROFESSIONAL CONDUCT OF THE NEWFOUNDLAND ASSOCIATION OF ARCHITECTS**

Under the virtue of the powers conferred by the Architects Act, chapter 64, Statutes of Newfoundland 1978, Section 15, the Regulations dated February 14th, A.D. 1981 and all other powers enabling it in that behalf, the Executive council of the Newfoundland Association of Architects, assembled in a Council Meeting at St. John's on the 4th day of October A.D. 1989, has

- 1) Revoked the Code of Professional Conduct of the Association previously enacted, and
- 2) Enacted the following as the Code of Professional Conduct of the Association,

October 4, 1989.

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**CODE OF PROFESSIONAL CONDUCT**

**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 up to date their professional knowledge and competence.
- (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 their interest is in conflict with their professional duty.

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- (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 for 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.

### **A.3 Impartiality**

- (a) An Architect shall be at all times apply the conditions of the contract with entire 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 Government Employed Architect**

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- (a) An Architect employed as a salaried Architect by an Government agency, who is by reason of their office 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 employing authority 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 their 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.
- (b) When rendering professional services, an Architect shall be guided by the conditions of Engagement and Schedule of Suggested Minimum Professional Charges of the Newfoundland Association of 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 another Architect was previously employed, shall notify, in writing, the fact to such Architect.

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B.2 Competitions and Design Proposals  
(Section B.2 as amended 1987-09-02 and 1987-10-17)

Proposal Calls and Competitions:

For the purposes of applying and interpreting the clauses in their 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, and as described in RAIC Document No. 6.

**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:** See CCAC "Rules for the Conduct of Architectural Competitions" as drafted 15 June 1987.

- (a) In response to a Proposal Call, an Architect shall not provide professional services.
- (b) In response to a Competition, an architect may provide professional services only if such a competition is sanctioned by the N.A.A.

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

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## C.1 Composition of Letterhead

- (a) Styling of Firm or Company names and composition of letter head shall not be such as to be misleading to the general 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.
  - (2) Anonymous designations may be used for Firm or Company names in strict compliance with the Architect's Act, provided that the principles of the Firm or Company and their designation are listed on the Firm or company letterhead.
  - (3) No designation shall be included which refers to the plural term (Architects, Engineers, etc.) or Associates, Partners, etc., when such do not exist.
  - (4) The Firm 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.
  - (5) 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, provided that 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.

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- (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, provided that 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 use 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.

### **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 ttheir 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 and phrased notice when seeking to hire persons for employment, or in connection with a legitimate public notice such as calling for tenders.

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- (4) As part of a general listing, authorized or sponsored by their Association.
- (b) An Architect may allow their 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 their 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 their 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 give or permit any public endorsement of any building material or service by means of a statement to which their name is attached or with which their portrait is displayed.
- (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**

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- (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, but he may identify their contribution to the project provided that 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 that other to continue or execute work relating to the same project.
- (d) An Architect is required to notify their Association of any illegal professional practice of which he/she has knowledge.

### D.4 Compliance with Acts and By-Laws

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

### D.5 Public Relations and Association Involvement

- (a) An Architect should be willing to serve their Association in whatever way he may be best fitted so that its affairs are kept in good order.

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- (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.

### **AMENDMENT CODE OF CONDUCT**

- 1. Recommendation to add to composition of letterhead and their change to be reflected throughout.
- 2. C.1 Change to read "Composition of Letterhead/Business Card Format"
- 3. *ADD: An advertisement may appear in the "yellow pages", Telephone Directory. It may take the format of letterhead or business card format. Proper names appearing in such ads must show professional or other designation of the constituent members whose name appears in the ad. In the case of anonymous designations, the principals proper name and professional and/or other designations must also appear.*
- 4. C.2 Office Ad Job signs  
C.6 Authorship.....

### **APPENDIX**

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- A**    ***RAIC Document Number 6 (Contact [naa@warp.nfld.net](mailto:naa@warp.nfld.net))***
- B**    ***CCAC "Rules for the conduct of Architectural Competitions" as drafted 15 June, 1987. (Contact [naa@warp.nfld.net](mailto:naa@warp.nfld.net))***

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