

# EAST AFRICA INSTITUTE OF ARCHITECTS CODE OF ETHICS & PROFESSIONAL CONDUCT

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## Part 1. Introduction

- 1) This Code shall be called the *East Africa Institute of Architects Code of Ethics and Professional Conduct*.
- 2) This Code draws its mandate from:
  - a) The Constitution of the EAIA 2011; specifically the goals of the Institute 3.2, 3.5, 3.6 and 3.11 among others
  - b) From the Mutual Recognition Agreement 2011
- 3) This Code applies to:
  - a) All Members of the Institute
  - b) Section members in their dealings as an Institute
  - c) Section members in their dealings with each other
  - d) Section members in their dealings with third parties
  - e) Individuals practicing architecture in the East African Community (EAC)

It is a statement of the minimum standard of professionalism expected of architects in their interactions with each other and in the provision of architectural services.

## Part 2. Objectives of the Code

- 1) To promote mutual confidence amongst architects
- 2) To promote confidence by the public in architects and in the architectural profession
- 3) To benchmark and harmonize the standards of professional practice and ethics expected of the architectural profession practice in the East African Community.
- 4) To inform and guide architects registered to practice in the EAC of the following:
  - a) The ethical standards is expected of them in their ethical conduct
  - b) The standard of professional accountability expected in the provision of architectural services.
  - c) To understand the obligations imposed on them in their dealings with clients, and
  - d) To establish the expectations on architects by persons who consume architectural services.
- 5) This code may be adopted by Section members in the resolution of disputes and enforcement of local standards. Failure to comply with the Code will constitute unsatisfactory professional conduct *under the EAIA, and the EAC common market* and may be grounds for disciplinary action under *Regulation 8 of the CMP Annex VI Part II (Mutual Recognition of Professional Qualifications)*.
- 6) This Code shall be utilized, among other applicable legal documents, as the set of rules that apply in the resolution of disputes under appeal at the EAIA.
- 7) Members shall, in their own Codes, take cognizance of the objectives of this Code and incorporate its elements in order to avoid ambiguity. Where there is a conflict between this code and that of a Section member, the EAIA code shall prevail.

## Part 3. Definitions

In this Code:

**architect** means a person who is registered as an architect in any of the Partner States of the EAC.

**architectural service** means a service provided in connection with the design, planning, presentation, project management and/or monitoring of construction in the built environment as is ordinarily provided by architects.

**board** means the Competent Authority in a Partner State mandated to administer and/or enforce architectural standards and ethics as determined in this Code

**“Client”** means a person who engages an architect (whether or not for payment) to provide an architectural service.

**“common market protocol (CMP)”** means the East African Community Common Market protocol as signed by the Partner States and which came into effect on 1<sup>st</sup> July 2010.

**competent authority** means a validly recognized national or regional body mandated to monitor and carry out the functions described in this Code.

**“section members”** are as defined in the EAIA constitution 2011.

**“third parties”** are those countries, associations or persons who are not members of the EAIA.

**“Institute”** means the East Africa Institute of Architects

## Part 4. Standards concerning dealings with other Architects

The Golden Rule of Reciprocity: Do not do unto others what you would not want others to do to you.

### Dealings with other architects

- 1) In any dealings with other architects in an architect's professional practice, the architect should maintain a high standard of integrity and act honestly and fairly.
- 2) If an architect is assuming responsibility for the provision of an architectural service to a client from another architect who is to discontinue providing the service, the new architect should, to the extent that it is commercially reasonable and without breaching any duty of confidentiality, **notify** the former architect in writing of the Client's decision to appoint them.
- 3) If an architect (the **new architect**) is assuming responsibility for the provision of an architectural service to a client from another architect who is to discontinue providing the service (the **former architect**), the former architect should, to the extent that it is commercially reasonable and without breaching any duty of confidentiality,
  - (a) inform the new architect in writing of any matters that the former architect could be reasonably supposed to consider important concerning the provision of the service, and
  - (b) not withhold any information from the new architect that may assist the new architect to understand the history and nature of the service.

## **Part 5. Standards concerning dealings in associations.**

- 1) In any dealings between competent authorities in the Partner States, and between competent authorities and third parties, there should be maintained a high standard of honesty and fairness without breaching any duty of confidentiality or duty to the competent authority.
- 2) There should be observance of the principle of non-discrimination of nationals of Partner States on grounds of nationality;
- 3) Competent authorities should accord to nationals of other Partner States, treatment not less favourable than the treatment accorded to third parties;
- 4) There should be transparency in matters concerning the other Partner States; and
- 5) Competent authorities should disclose to each other and share information pertinent to the registration and disciplinary status of architects and any other information necessary for the harmonization of architectural ethics and standards in the EAC. As per the CMP.
- 6) A unanimously agreed decision is binding on all members

## **Part 6. Standards concerning the public**

- 1) An architect should seek to avoid undermining the confidence of the public in the architectural profession by the architect's conduct in his or her professional practice.
- 2) An architect should, in the architect's professional practice, take reasonable steps, given the architect's circumstances and opportunities, to promote the advancement of architecture and reflect the current standards of architectural proficiency, education, research and practice.

### **Dealings with the public:**

- 3) When dealing with the public in the course of an architect's professional practice, an architect should ensure that:
  - a) the architect's qualifications, experience and authorship of any work, document or publication are stated accurately,
  - b) the architect is identified clearly and accurately on stationery, sign boards, public notices and in publications.
  - c) the architect's registration number is included on any stationery, sign boards, public notices or advertisements used or placed by the architect in connection with the architect's professional practice
  - d) if the architect claims to have received any award or honour for the provision of architectural services, all persons or bodies that shared in the award or honour are identified accurately in the claim.

## Representations concerning architectural work

- 4) An architect should not, in the architect's professional practice, sign or stamp as checked, approved or supervised, any drawings or other documents that the architect has not in fact checked, approved or supervised.
- 5) An architect should not, in the architect's professional practice, permit the architect's name to be used in relation to any work, document or publication in a manner that misleadingly implies authorship of, responsibility for or agreement with the content or form of, the work, document or publication.

## Part 7. General Architectural Practice standards

In providing architectural services, an architect should:

- 1) act with integrity and reasonable care, and provide the services:
  - (a) in a manner that (at the time the service is provided) is widely accepted in the EAC by peer professional opinion as competent professional architectural practice, and
  - (b) in conformity with any laws applicable to the provision of such services.
- 2) An architect should provide architectural services to a client:
  - (a) with reasonable promptness, and
  - (b) in accordance with any agreed time program or in reasonable time as far as is permitted by the provision of instructions to the architect by the client.
- 3) An architect should withdraw from the provision of any architectural service if the architect reasonably believes in the architect's professional judgment that the provision of the service would require the architect to act:
  - (a) in a manner that the architect considers unethical, or
  - (b) in contravention of local legislation or this Code.
- 4) An architect should not offer to clients, without proper disclosure and the informed consent of the client, architectural services outside the architect's skill, competency or experience or that of other architects under the architect's supervision.
- 5) If an architect considers that it would be prudent for a client to obtain any specialist advice or service from a person other than an architect (for example, an engineer) concerning an issue arising in connection with the provision of an architectural service, the architect should inform client of this if it is reasonably practicable for the architect to do so.
- 6) Before an architect enters into a contract or other arrangement to provide architectural services to a client or an employer, the architect should:
  - a) disclose to the client or employer if a conflict of interest exists, or is likely to exist in the future, between the interests of the client or employer and the interests of the architect (or an existing client of the architect), and
  - b) if the conflict of interest exists, or could reasonably be expected to arise in the future, because of the interests of an existing client—obtain the informed consent of the existing client to the contract or arrangement.

- 7) An architect should disclose to a client, or to a prospective client, for an architectural service if the architect has received any payment or other advantage for endorsing, or making comments about, any product or service likely to be used in connection with the provision of the architectural service.

## **Part 8. Standards concerning dealings with clients**

- 1) An architect should avoid making misleading or false comparisons with architectural services provided by competitors.

### **Disclosure of Information**

- 2) An architect should provide sufficient relevant information with reasonable promptness to enable a client or prospective client to make an informed decision in relation to the provision of architectural services.
- 3) An architect should take all reasonable steps to:
  - a) ensure that all information and material provided is truthful, accurate and unambiguous and relevant to the client's interests,
  - b) provide a client with information about an architectural service that is sufficient to enable the client to make decisions about the provision of the service and that clearly identifies the implications of various decisions that could be made by the client about the service,
- 4) An architect should take all reasonable steps to ensure that a client is informed of:
  - a) the decisions required of the client in respect of the architectural service being provided by the architect, and
  - b) the implications of those decisions for the performance of the service (particularly those implications related to timeliness, cost and changes to the service and any building or building related work consequential to the service).
- 5) An architect should advise a client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements for the architectural service concerned.
- 6) An architect should not disclose to any person any information agreed as, or understood to be, confidential that is acquired from or provided by a client in the course of the provision of an architectural service by the architect unless authorized to do so by the client in writing or as required by law.
- 7) An architect should, with reasonable promptness, respond to a client's reasonable requests for information or other communications concerning an architectural service being provided by the architect to the client.

### **Client Agreements**

- 8) An architect should enter into a written agreement with the client concerning the provision of an architectural service.
- 9) The architect should ensure that the cost of architectural services provided to a client:

- a) reflects the fee structure specified in an agreement, and in accordance with local legislation if any
- b) accurately reflects the amount of work done or to be done for the client in the provision of the services (including any variations to the services).

10) The architect should enter into such a written agreement before commencing to provide the architectural service concerned. However, if the service to be provided is urgent, the agreement should be provided to the client within 14 business days of commencing to provide the service.

### **Building contracts**

*For the purposes of this clause, an architect administers a building contract on behalf of a client if:*

- a. *the contract concerns the construction of a building and is entered into by the client with a builder (the **building contractor**),*
- b. *the architect is not a party to the contract, and*
- c. *the architect has been engaged by the client to inspect and administer the provision of services by the building contractor under the contract.*

11) If an architect is administering a building contract on behalf of a client, the architect should:

- a. act with fairness and impartiality in administering the contract,
- b. discharge the architect's obligations in connection with the administration of the contract diligently and promptly,
- c. provide the client with relevant information about the administration of the contract in a timely manner,
- d. not seek or receive any payments or other inducements from any person wishing to influence the architect to administer the contract for the benefit or detriment of any party to the contract.

### **Record keeping**

12) If an architect provides an architectural service to a client, the architect should maintain records of the following:

- a) correspondence sent and received concerning any such service,
- b) financial transactions concerning any such service,
- c) client instructions and meetings held with the client concerning the service,
- d) drawings, photographs of works in progress, project journals and diaries created in connection with providing the service.

13) Any such records may be maintained in hard copy or electronic form.

14) If any such records are maintained in electronic form, the architect

- a) should maintain adequate electronic copies of the records to enable the records to be restored should one electronic copy be destroyed or damaged.
- b) Any such records should be maintained for a period that is not less than 5 years after the completion of the architectural service concerned.

### **15) Provision of statements of account**

Unless otherwise expressly agreed by an architect and the architect's client, the architect should provide the client with regular statements of account for any architectural service provided.

16) An architect in charge of a client's architectural project should maintain a thorough knowledge of the architectural services to be provided in relation to that project and of matters relating to the performance of those services.

**17) Advising client of inability to follow client's instructions**

An architect should, as soon as is reasonably practicable, advise the client in writing of anything that would, or would be likely to, prevent the client's instructions related to an architectural service being followed, including the responsibility of an architect to withdraw from the provision of the service.

**Part 9. Standards concerning Continuing Professional Education**

- 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 competent authority is satisfied demonstrate the maintenance and improvement of the architect's skill and knowledge, or
  - b. such other means as may be approved by the competent authorities from time to time

**Part 10. Standards concerning dispute resolution**

- 1) An architect should inform a prospective client that a written agreement between the architect and the prospective client in respect of the provision of architectural services may provide for alternative dispute resolution to be used to resolve disputes between them instead of court proceedings.
- 2) An architect should utilize amicable resolution or alternative dispute resolution through the competent authorities, as a first means to resolve disputes between architects, or between architects and other professions.