



## THE CAPE INSTITUTE FOR ARCHITECTURE

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# CODE OF CONDUCT: CIA CODE OF ETHICS

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The Cape Institute for Architecture (CIA) is committed to maintaining the highest standards of professionalism, integrity and competence.

Members who voluntarily enrol with the CIA are required to uphold and subscribe to these objectives and, within the built environment, to strive to improve the standards of health and safety for the protection and welfare of all members of society and to enhance with their professional skills, the natural environment to the benefit of all.

Members of the CIA, registered as Professional Architects, Senior Architectural Technologists, Architectural Technologists and Architectural Draughtspersons, are educated and trained to provide leadership, critical judgement, specialist knowledge, skills and aptitude, for the design and development of the built environment.

The *CIA Code of Ethics* establishes principles for the conduct of Members in pursuance of these goals.

The *CIA Code of Ethics* consists of two sections:

**PART A: The Code of Conduct**

**PART B: Procedures for Enquiry into Allegations of Breach of the Code of Conduct**

The Code of Conduct is arranged in three sections:

**Principles** are broad principles of ethical conduct.

**Rules** are mandatory: violation of a rule is grounds for disciplinary action by the CIA

**Notes** serve as commentary to assist members in complying with the Code and those charged with the enforcement of the Rules. (The Notes do not form part of the Rules.)

The Code addresses the responsibilities of all Members in following their professional duties to:

- The public which the profession serves and the environment which the profession strives to enrich;
- The clients and users of architecture;
- Other members of the architectural profession;
- The promotion of the art and science of architecture - that continuum of knowledge and creation which is the heritage and legacy of the profession; and
- Contractors, consultants, members of the public and other third parties affected by their work.

## PART A: CODE OF CONDUCT

### 1 PRINCIPLE ONE

Members have a responsibility to serve and promote the public interest in a professional and responsible manner.

#### 1.1 RULES

Members shall:

- 1.1.1 Ensure that their professional actions contribute to the quality and sustainability of the natural and built environment and, within this context, to the health and safety of the public.
- 1.1.2 Ensure that qualifications, experience and authorship are stated accurately.
- 1.1.3 Ensure that they are identified in a professional manner on stationery, signboards, public notices and in publications.

#### 1.2 NOTES

Members should:

- 1.2.1 *Ensure that advice provided by members takes full and proper cognisance of the public interest;*
- 1.2.2 *Seek opportunities to be of service to their community in matters within the scope of their professional training and experience as architects;*
- 1.2.3 *Create within the community an awareness and appreciation of the impact that architects have on society;*
- 1.2.4 *Provide the community with an understanding of the work of an architect and the extent of architectural services available;*
- 1.2.5 *Provide the community with information that will assist it in formulating policies and making decisions on matters affecting the built environment;*
- 1.2.6 *Ensure that the natural environment is respected while striving to improve the built environment and the quality of life within it;*
- 1.2.7 *Conserve natural resources and the nation's heritage;*
- 1.2.8 *Observe the requirements of SAIA's environmental policy;*
- 1.2.9 *Note that matters of public interest referred to in Rule 1.1.1 are deemed to include: Barrier free environments, Historic and architecturally significant buildings and urban conservation areas; National Parks and nature reserves; Areas of special scientific or archaeological interest; The Coastline; Inland water expanses, rivers, lakes and islands; Urban parks and Areas of Special Scenic Significance.*

## 2 PRINCIPLE TWO

**Members have a responsibility to serve their clients and employers in a manner that will engender confidence and respect for the profession.**

### 2.1 RULES

Members shall:

- 2.1.1 Provide professional services conscientiously and competently.
- 2.1.2 Safeguard the trust placed in them by their clients.
- 2.1.3 Conduct their professional practice in a manner that shall not knowingly violate the law.
- 2.1.4 When offering professional services be expected to carry out to the best of their ability, their obligations in terms of the Institute's standard procedures, protocols and norms as provided for in the SAIA Practice Manual.
- 2.1.5 Inform their clients or employers of the existence or likelihood of any conflict between the interest of themselves, and that of their clients or employers.
- 2.1.6 Not transfer their responsibilities, nor reduce the scope of their services without the prior consent of their client, nor without defining the changes in the responsibilities of those concerned.
- 2.1.7 Not undertake professional work unless the parties have clearly agreed in writing to the terms and scope of the appointment.
- 2.1.8 Observe the client's confidentiality.

### 2.2 NOTES

Members should:

- 2.2.1 *When providing services as an architect, ensure that they are appropriately registered in accordance with the law.*
- 2.2.2 *Be aware that the violation of any law, local, regional or national, occurring in the conduct of a member's professional practice is made the basis for discipline under Rule 2.1.3. This includes the Copyright Act that prohibits copying architectural works without the permission of the copyright owner.*
- 2.2.3 *If, in the course of their work on a project, become aware of a decision taken by their employer or client which violates any law or regulation which will, in the Member's judgement of the finished project, materially affect adversely the safety and health of the public,*
  - *Advise their employer or client against the decision, and*
  - *Refuse to consent to the decision.*
- 2.2.4 *When appointed to give expert advice or to act as conciliators not to subsequently allow the terms of reference to be extended into those of an arbitrator.*
- 2.2.5 *Not evade their obligations by abandoning a commission without due cause.*

### 3 PRINCIPLE THREE

**Members have a responsibility to other Members of the Institute.**

#### 3.1 RULES

Members shall:

- 3.1.1 Behave with integrity towards their fellow members.
- 3.1.2 Have regard to those Codes by which associated professional consultants are obliged to conduct themselves.

#### 3.2 NOTES

Members should:

- 3.2.1 Not attempt to supplant another architect, employed or consulting, who has been appointed with a firm commitment for a particular project;
- 3.2.2 Neither carelessly nor intentionally do anything to injure the reputation or business of other Members;
- 3.2.3 Not review for a particular client, the work of another Member except with the prior knowledge of such Member and providing such Member with a copy of the findings of the review;
- 3.2.4 Not knowingly take over the work of another member without first notifying the Member in writing and without being advised in writing by the client of the termination of employment of such Member;
- 3.2.5 Not have or take as a partner, co-director or co-member in an architectural practice any person who has been disqualified for registration in terms of legislation governing the architectural profession and whose name has been removed from the register;
- 3.2.6 Not knowingly compete for professional work with a fellow Member with whom negotiations are taking place in respect of such work;
- 3.2.7 Have consideration for other Members and practise courtesy towards them when seeking a commission from a potential client;
- 3.2.8 Give due regard to SAIA's Guidelines for the Employment of Architects;
- 3.2.9 Inform employers of any action by them that may place an employed member in a position where contravention of this Code is possible.

## 4 PRINCIPLE FOUR

**Members have a responsibility to the Institute and the profession.**

### 4.1 RULES

Members shall:

- 4.1.1 Promote the advancement of architecture.
- 4.1.2 Uphold the dignity and integrity of the profession.
- 4.1.3 Promote the concept of architectural excellence and ensure that the quality or adequacy of services offered is not compromised in establishing levels of recompense for these services.
- 4.1.4 Not enter any architectural competition that has not received the prior approval of the CIA, SAIA, or the relevant Regional Institute, or does not conform to accepted Institute guidelines.

### 4.2 NOTES

Members should:

- 4.2.1 *Not sign drawings, specifications, reports, or other professional work for which they do not have responsible control;*
- 4.2.2 *Seek to raise the standards of architectural proficiency, education, research and practice;*
- 4.2.3 *Ensure that their critical comment on architecture is informed and constructive;*
- 4.2.4 *At all times administer the requirements of the building contract in an impartial and responsible way;*
- 4.2.5 *Not certify monies not spent during a contract nor fail or cause to fail the honouring of a certificate already issued and signed.*
- 4.2.6 *Familiarise themselves with, and become involved in Institute's affairs;*
- 4.2.7 *Notify the CIA without delay of any change of address or employment;*
- 4.2.8 *Conform to the CIA's Constitutional requirements governing payment of subscription fees;*
- 4.2.9 *Notify the CIA of architectural competitions that they believe are prejudicial to the profession.*

## 5 PRINCIPLE FIVE

**Members have a responsibility to third parties affected by their work.**

### 5.1 RULES

Members shall:

- 5.1.1 Behave with professional integrity towards third parties affected by their work;
- 5.1.2 Ensure that their direct professional actions do not unfairly prejudice the legitimate interests of third parties affected by their work;
- 5.1.3 Not misrepresent facts or provide incomplete or misleading information to members of the public concerned or affected by their work;

### 5.2 NOTES

*By "third parties" is meant natural or artificial persons with whom a Member of the Institute has no direct contractual or legal association but is nonetheless directly affected by the professional work of members. Such persons may include, without limitation, the following:*

- *Building contractors employed by the member's client;*
- *Subcontractors employed by a building contractor;*
- *Other consultants employed by the member's client;*
- *Persons who purchase properties from a developer who is the member's client;*
- *Occupants and users of buildings designed by members.*

*Members should:*

- 5.2.1 *not issue, irregularly, certificates prejudicial to the legitimate interests of third parties contracted with members' employers or clients;*
- 5.2.2 *declare the existence of any conflict of interest that may affect the member's impartiality in dealing with the interests of third parties contracted with members' employers or clients;*
- 5.2.3 *not prejudice the legitimate rights of a third party through improper or irregular professional conduct.*

## **PART B: PROCEDURE FOR ENQUIRY INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT**

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- 1 Any allegation that a member of the CIA is in breach of the Code of Conduct shall be made in writing to the CIA and the Ethics Committee shall consider the allegation.
- 2 The Ethics Committee may require the person who made the allegation to confirm the allegations of fact by way of an affidavit.
- 3 If it appears to the Ethics Committee that the allegation supports a prima facie case of improper conduct, a copy of the allegation shall be sent to the member against whom the allegation has been made who shall be required to submit his written reply to the allegation within twenty-one days. The factual elements in the reply may be required to be confirmed by affidavit, at the discretion of the Ethics Committee.
- 4 On receipt of the reply, the Ethics Committee may:
  - 4.1 require the complainant or the member or both to submit further particulars in writing, which particulars may also be confirmed by affidavit, OR
  - 4.2 Resolve to dismiss the allegation or to take no further action in the matter, whereupon it shall forthwith advise the complainant and the member concerned of its decision and thereafter the matter shall be considered closed, OR
  - 4.3 resolve to accept the member's admission of guilt, whereupon it shall record the admission and impose such sanction provided in paragraph 9 hereunder as it deems appropriate, OR
  - 4.4 resolve to enquire into the conduct of the member concerned, whereupon it shall:
    - 4.4.1 Appoint no more than two persons to investigate the complaint, one of whom shall also be appointed to lead evidence to the Ethics Committee at a hearing.
    - 4.4.2 The person(s) appointed in terms of clause 4.4.1 shall further investigate the complaint and in writing formally charge the member concerned with a breach of one or more of the Rules of the Code of Ethics and shall specify the conduct of the member which it alleges constitutes a breach of one or more of the Rules of the Code of Ethics and which of the Rules it alleges have thereby been breached,
- 5 The Executive Officer of the CIA shall in writing inform the member concerned of the date when and the place where the hearing is to be held.
- 6 The person who made the originating allegation may be requested to give evidence but cannot be compelled to do so.
- 7 Save as aforesaid, the Ethics Committee shall decide its procedure provided that the rules of natural justice are duly observed.
- 8 The Ethics Committee shall hold a hearing at the conclusion of which it shall either:
  - 8.1 find that the member is guilty as charged, or
  - 8.2 find that all or some of the charges have not been proved and shall dismiss such charges. Charges that have once been dismissed in respect of a particular set of circumstances may not be made again against the member in respect of the same circumstances.
- 9 Where the Ethics Committee find a member guilty as charged of a breach of one or more Rules of the *Code of Conduct*, it may impose one or more of the following sanctions:
  - 9.1 a reprimand with a warning
  - 9.2 temporary suspension of membership of the CIA for one year
  - 9.3 cancellation of membership of the CIA.

- 10** Where the Ethics Committee finds a member guilty as charged of a breach of one or more Rules of the *Code of Conduct* and considers that the member's membership of the CIA should be cancelled, it shall report accordingly to the Management Committee. The Management Committee, having considered the report by the Ethics Committee and the recommendation of sanction may
- 10.1 impose the sanction recommended by the Ethics Committee, OR
  - 10.2 impose a lesser sanction
- 11** A member of the CIA whom is also a member of SAIA and who is aggrieved by a finding and a sanction may appeal to the Board of Representatives of SAIA. A member of the CIA whom is not a member of SAIA and who is aggrieved by a finding and a sanction may appeal to the CIA Management Committee. In the event of such an appeal all members of the Ethics Committee who are also members of the SIA Board of Representatives or the CIA Management Committee (as the case may be) shall be obliged to excuse themselves from such appeal proceedings
- 12** A request for such appeal shall be made in writing within thirty days of notification of the finding and sanction, stating briefly the grounds on which such appeal is made. On receiving the appeal the SIA Board of Representatives or the CIA Management Committee (as the case may be) shall send a copy of the request to the Ethics Committee and shall request a report on the hearing and finding. On receipt of the report the SIA Board of Representatives or CIA Management Committee shall appoint an appeal committee consisting of not more than three members of SAIA at least one of whom shall be a member of the SIA Board of Representatives or CIA Management Committee, to consider the request for an appeal and the Ethics Committee's report.
- 13** Having considered the evidence, the appeal committee shall recommend to the SIA Board of Representatives or the CIA Management Committee either:
- 13.1 that the previous finding be confirmed, OR
  - 13.2 that the previous finding be confirmed but that the sanction be reduced, OR
  - 13.3 that the previous finding and sanction be set aside.
- 14** On receipt of the appeal committee's recommendation, the SIA Board of Representatives or CIA Management Committee shall either:
- 14.1 confirm the original finding and sanction, OR
  - 14.2 confirm the original finding but reduce the sanction, OR
  - 14.3 dismiss the original finding and sanction.
- 15** The SAIA Board of Representatives or CIA Management Committee shall convey its decision to the appellant and to the Ethics Committee.
- 16** The power of the SAIA Board of Representatives or CIA Management Committee and any appeal committee it may appoint shall be limited to a consideration of the written representation of the appellant and the report of the Ethics Committee and it shall not be empowered to hear further evidence.
- 17** The Ethics Committee may in appropriate circumstances recover from the member, if found guilty as charged, any costs reasonably incurred by the Institute in respect of the enquiry.
- 18** The Ethics Committee may publish its finding against a member for breach of a Rule of the Code of Conduct and the sanction imposed in such manner as it deems appropriate. Save as aforesaid, the proceedings in connection with any enquiry into an allegation of breach of the Rules of the Code of Conduct shall be confidential.
- 19** Where the allegation of a breach of any Rule of the Code of Conduct is made against a juristic body registered as an architectural practice, the charge shall be made against all the directors or members of the juristic body who are members of the CIA and any finding and any sanction shall be made jointly and severally against those of its directors or members who are members of the CIA.