

Code of
Ethics
&
Professional
Conduct
2010



INSTITUTE OF ARCHITECTS BANGLADESH

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Published by
Institute of Architects Bangladesh (IAB)
House 11, Road 4, Dhanmondi R/A, Dhaka-1205, Bangladesh
www.iab.com.bd

The Code of Ethics & Professional Conduct has been formulated by IAB.
Similar codes published by foreign professional bodies have been used as resource for
some sections.

First Edition: May, 2010

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Preamble

The Regulations given in this part have been framed to give effect to the sections 3.1.1, 3.1.2, 3.1.7, 3.1.8 & 4.5.1 of the constitution of Institute of Architects Bangladesh (IAB).

These Regulations will regulate and guide the Members of IAB in their professional conduct. Similarly, these Regulations will also give protection to the public who avails the services of Architects.

Wherever the word "Member", "An Architect" or "the Architect" is used, it refers to all categories of members of IAB except Student Members.

Wherever the words "she" and "her" are used, it refers to both female and male.

Members must adhere to the Code of Ethics & Professional Conduct as set out hereunder, failing which, the Member shall be debarred from certain privileges of a Member, reprimanded or suspended or expelled as per section 4.5 & 4.6 of the constitution of IAB.

Under these Regulations, a Member may be held responsible not only for their own actions but also for the conduct of their practices. They are advised, therefore, to bring this Code to the notice of all those associated with them in practice.

A Member who in a circumstances finds that her professional interest conflicts with the Principle of these Code, shall as the circumstances may require, either withdraw from the situation or remove the source of conflict within three months of publication of these Code. After that, the Code will be binding upon all the Members.

In case of a professional misconduct not specifically covered by these regulations, it will be dealt with by the Executive Committee of IAB with regard to the particular circumstances.

The Code of Ethics & Professional Conduct may be amended by IAB under the procedures necessary to amend any Bylaws of the Institute.

Principle One

Faithful
Discharge
of
Responsibilities

- 1.1 A Member shall faithfully carry out the duties undertaken by her, having proper regard for the interests of those who engage her services and of those who may be expected to use or enjoy the product of her work.
- 1.2 A Member, in private practice, at the inception of any engagement must inform her client of the conditions of engagement, scale of professional fees and agree with her client that those conditions shall be the basis of her appointment.
- 1.3 A Member practicing anywhere in Bangladesh shall comply with all statutory building laws with reasonable care. If, in the course of professional work related to a project, a Member becomes aware of a decision taken by her employer or client which violates any building law or regulation and which will, in the Member's judgment, materially affect adversely the interest or safety to the public of the finished project, the Member shall, in writing,
- a. Advise the employer or client against the decision
 - b. Refuse to consent to the decision
 - c. Report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the Member is able to cause the matter to be satisfactorily resolved by other means.
- 1.4 A Member serving in public capacity or a statutory body, or an autonomous body shall not undertake any private works notwithstanding any permission from her employing authority to do so. A Member, with approval from her employer, may carry out her own practice outside her normal working hours provided such activities do not conflict with the duties to her employer.
- 1.5 A Member shall arrange that her professional work, so far as it relates to architecture, is under the control of an architect.
- 1.6 A Member shall not sub commission or sublet architectural work without the prior agreement of her client.
- 1.7 A Member shall act impartially in all cases in which she is acting between parties and shall interpret the conditions of the contract between her client or employer and the contractor with fairness.
- 1.8 A Member serving in a public capacity or a statutory body shall not accept payments or gifts which are intended to influence her judgment.
- 1.9 A Member shall not offer or make payments or gifts to any person serving in a public capacity or a statutory body which are intended to influence that person's judgment.

Principle Two

Obligation
to the
Profession

- 2.1 A Member shall uphold the integrity and dignity of the profession.
- 2.2 A Member shall rely only on professional competence and achievement as the basis of her advancement.
- 2.3 A Member shall not intentionally mislead existing or prospective clients about the results that can be achieved through the use of the Member's service, nor shall the Member state that she can achieve results by means that violate applicable building laws.
- 2.4 A Member on being approached or instructed to proceed with work on a project, which she knows or can ascertain by reasonable enquiry, that another Member had been already engaged, the second Member shall notify the first Member that she has been so approached and shall seek confirmation from the first Member that she had been formally relieved of her responsibilities and that all fees due to her has been settled. The second Member shall then ask the prospective client to produce a clearance from the first Member certifying that she is no longer associated with the project and all related issues have been settled. In the case of a dispute, the matter shall be referred to IAB before the second Member accepts the engagement.
- 2.5 A Member shall not sign or put her signature to any drawings, documents or specifications, not prepared by the Member or her office or an associate for the purpose of obtaining the sanction of any building authority or for any other purpose. A Member working as the local counterpart of a foreign architect or firm as an associate or in joint venture may sign drawings, documents or specifications on its behalf. In such cases, the agreement of association or joint venture must specify the liabilities and indemnities of the Member putting signature.

Commentary: If a Member is found to violate the above code, then IAB may revoke the Member's signing authority to the relevant building authority temporarily or permanently.

2.6 A Member shall not attempt to supplant another Member nor shall he compete with another Member by means of reduction of fees or by other inducements.

2.7 A Member 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 IAB.

2.8 A Member shall not participate either as a competitor or as an assessor in any competitions or give unpaid services or submit design proposals to prospective clients in competition with other Members unless it is in compliance with IAB Regulations for Architectural Competitions. In case of a Member being invited to participate in a limited competition, she must notify the Executive Committee of IAB and shall submit the particulars of the competition for approval before accepting the invitation.

Commentary: If a Member disrespects the above code, she may be debarred from participating in any IAB organized Architectural Competitions and other design awards. IAB may also take other disciplinary actions against the member as per its constitution.

2.9 A Member shall not act as architect or joint architect for works which is or has been the subject of a competition in which he is or has been engaged as assessor or competition manager.

2.10 A Member may respond to an advertisement inviting Members of the profession to submit their resume or portfolio for inclusion in a panel list of architects from which the advertiser may select a Member for a project, provided the advertisement does not contravene the IAB Guidelines for Selection of Architects.

- 2.11 A Member shall not submit or pay any earnest money or security money or bank guarantee for offering her service as consultant in a competitive bidding except for turnkey proposals.
- 2.12 In cases where the Member is appointed as consultant in a project by a real estate developer or by the contractor, the Member shall remain cautious to avoid conflicts of interest arising out of her responsibilities to the client and interest of the end users of the project.

Principle Three | Remuneration

- 3.1 A Member shall uphold the minimum scale of professional fees and expenses recommended by IAB.
- 3.2 A Member in private practice shall be remunerated solely by professional fee payable by her client and a Member employed by a government department or a firm by salary & benefits payable by her employer.
- 3.3 A Member may quote her professional fees and charges provided she is invited by a prospective client to do so, based on a clearly defined scope of services, only as per the minimum scale of professional fees recommended by IAB.
- 3.4 A Member shall not revise her fee quotation to take account of the fee quoted by another Member for the same service.
- 3.5 A Member shall not accept any work which involves giving or receiving of discounts, gifts or commissions and shall not accept discounts, gifts or commissions from contractors or tradesmen whether employed in their work or not.
- 3.6 The above rule does not prevent a Member in her capacity as a contractor from accepting or giving the trade and cash discounts customarily allowed by manufacturers or suppliers.

Principle Four

Involvement
with
Other Trades

- 4.1 A Member shall not engage in any trade or business which is in conflict with her professional duties or that are likely to raise doubts about her integrity or may bring disrepute to IAB and the profession.
- 4.2 A Member shall declare in writing to any prospective client any business interest, the existence of which, if not so declared, is likely to raise doubts about her integrity by reason of an actual apparent connection.
- 4.3 A Member, while practicing the profession, may engage in any business of trading in land or building as real estate developers, agents, contractors or as turnkey operators, or trading in building materials or in activities that are connected with construction work or the building industry, provided that :
- The role does not contravene sections 2.3 and 4.5.3 of the constitution of IAB.
 - The Member avoids being in a position of conflict in discharging her professional duties and upholds the principles mentioned in 4.1.
 - The Member declares to all concerned that the combination would not prevent her compliance with the Principles of this Code.

Principle Five

Involvement
with
Other Persons

- 5.1 A Member must not hold, assume or consciously accept a position, as a partner, director or an employee of a company, in which her professional interest is in conflict with this Code. Breach of this Code by the other partners or directors or any other persons of the practice shall be considered a breach by the Member.
- 5.2 A Member may enter into partnership with a foreign consultant or may employ foreign architects provided the Member remains responsible for her partner's or employee's professional work or conduct.
- 5.3 A Member shall not enter into business or partnership with a person who is disqualified to be a Member of IAB by reasons of the fact that her name has been removed from the register of IAB for disciplinary reasons.
- 5.4 A Member shall not permit herself or her practice to be used as a cover by persons not qualified and/or entitled to practice as an Architect or by Architects not eligible to sign or design buildings as per building regulations.

Principle Six

Advertising
&
Soliciting

- 6.1 A Member shall not recommend or allow her name to be used with the promotion or advertisement of any service or product.
- 6.2 A Member may publish or consent to the publication of a series of illustrations, circulars, brochures, website or books, provided that there is no attempt to distribute the publication unsolicited, to potential clients.
- 6.3 A Member may publicize information on her practice in trade directories or websites.
- 6.4 A Member may advertise for invitation to tenders, professional appointment or change of address, provided that:
- It is not an attempt to bring the activities of the Architect or her firm to the notice of the public:
 - It contains no illustrations.
 - The name of the advertiser is not published with undue prominence; and the published information is factual.
- 6.5 A Member may allow her works, views, ideas, illustrations etc. to be published in the press, webpages, trade journals, exhibitions, present it in forums, conferences, etc. with or without monetary gain provided the material is of benefit to the profession.
- 6.6 A Member may place a signboard following guidelines below:
- Business Plate of Firm: Lettering less than 50 mm high; Logo less than 100 mm square.
 - Sign on Completed Building: Lettering less than 50 mm high; Logo less than 100 mm square.
- 6.7 A Member's calling cards or visiting cards shall bear only the factual qualifications.

Principle Seven

Obligation
to
Colleagues

- 7.1 Members should respect the rights and acknowledge the professional aspirations and contributions of their colleagues.
- 7.2 A Member shall compensate her associates and employees fairly, and facilitate their professional development.
- 7.3 Members shall build their professional reputation on the merit of their own service and performance and should recognize and give credit to others for the professional work they have performed.
- 7.4 A Member leaving a firm shall not, without permission the 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.
- 7.5 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: Under the above mentioned codes complaint cannot be brought against a Member for any unethical act or for professional misconduct committed before the date of giving effect to this Code.

Procedure of Inquiry & Disciplinary Action for Professional Misconduct, Unethical Act and Malpractice

1. A complaint charging an IAB Member, hereinafter referred to as the Respondent, with professional misconduct and/or unethical acts, must be in writing, addressed to the General Secretary of IAB and shall state the grounds of complaint clearly and shall be accompanied by declarations as to the facts of the case.
2. Every declaration must state the description and true place of abode of the Complainant and, where the fact stated in a declaration is not within the personal knowledge of the Complainant, the source of information and grounds for the belief of the Complainant in its truth must be accurately and fully stated.
3.
 - (a) The General Secretary of IAB shall place the written complaint and all other documents that may have been received from the Complainant before the Executive Committee of IAB. If the Committee deems fit, the General Secretary shall ask the Respondent by means of a registered letter for explanation within such time as may be fixed by the Executive Committee. Notices or letters left at the address of the Respondent Member listed in current directory of IAB will be deemed to have been served.

After the expiry of that time, the documents with the explanation, if any, shall be referred for consideration to the Executive Committee which shall have power to cause further investigations to be made and further evidence, to be taken and, if necessary, obtain further legal or other advice.
 - (b) The General Secretary shall circulate copies of all material documents, which are furnished as evidence in regard, to each Member of the Committee.
 - (c) On completion of its investigation, if the Executive Committee considers necessary, shall fix a date of hearing and send a notice to the Respondent in writing.

- (d) The notice under clause 3(c) shall -
- (1) specify the clause(s) of Code of Ethics and Professional Conduct under which it is an act of violation;
 - (2) fix the date, place and time on which the Executive Committee intends to meet the Respondent, and
 - (3) call upon the Respondent to answer the charge in writing and to appear before the Committee on the appointed date, place and time.
4. The notice referred to in clause 3(c) shall be sent at least seven days before the date of the inquiry and shall be accompanied by a copy of the Code of Ethics and Professional Conduct. A copy of the notice shall, at the same time, be sent to the Complainant.
5. The procedure for hearing shall be as follows -
- (a) The General Secretary will read to the Committee the notice of the inquiry addressed to the Respondent.
 - (b) The Complainant will then be invited to state her opinion and to produce her evidence in support of it. At the conclusion of the Complainant's evidence, her case will be closed.
 - (c) The Respondent will then be invited to state her opinion and to produce her evidence in support of it.
 - (d) At the conclusion of the Respondent's statement, the Committee will, if the Respondent has produced evidence, hear the Complainant in reply on the case generally but will receive no further evidence, except in very special case in which the Committee may think it right to receive such further evidence. If the Respondent produces no evidence, the Complainant will not be heard in reply.
6. Where no Complainant appears, the enquiry shall be suspended or shall be closed by the Executive Committee, as it feels deemed necessary.
7. (a) Upon the conclusion of hearing of both the parties and on the basis of the documentary evidences, the Committee shall deliberate thereon in private and, at the conclusion of the deliberations, the General Secretary shall call upon the Committee Members to vote on the question whether disciplinary action is to be taken against the Respondent or not for professional misconduct, unethical act and/or malpractice.

(b) If majority of the Members of the Committee votes to take action against the Respondent, then following disciplinary measures may be recommended, which shall have to be vetted by the Executive Committee of IAB in a separate meeting -

(1) Reprimand her and she may be given the option, if the situation permits, of withdrawing herself from the situation within a given period of time or

(2) Reprimand her and debar her from certain privileges as IAB Member or

(3) Suspend her Membership for a maximum period one year or

(4) Refer the matter of expulsion to an extra ordinary general meeting or an annual general meeting or bi-annual general meeting whichever may be the case, for voting.

(c) The Executive Committee of IAB, may either on its own or upon application made to it, within a period of thirty days from the date of its decision under the rules, review its decision after giving reasonable notice to the parties affected thereby and while so reviewing modify, reverse or confirm the order.

(d) In case of expulsion, the decision of two third majorities of the current Members present in the extra-ordinary general meeting or an annual general meeting or bi-annual general meeting, whichever may be the case, through voting, shall be final and binding upon all.

8. (a) The decision of the disciplinary action against a Member is to be communicated in writing to her by the General Secretary within 14 days. Notices or letters left at the address of the Respondent Member listed in current directory of IAB will be deemed to have been served.

(b) The Executive Committee of IAB shall have the right to publish the decision of the disciplinary action in any media.

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