



**BUILDING PROFESSIONALS
TO BUILD THE FUTURE**
Est. 1987

REGULATION 01: CODE OF CONDUCT

AMENDMENT 01

EFFECTIVE AS FROM 01 JUNE 2017

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1. PURPOSE OF THIS REGULATION

- 1.1 The purpose of this **Regulation** is to provide for a Code of Conduct for **Members** of **SAIAT** as required by
- 1.1.1.1 The **Constitution** of **SAIAT**;
- 1.1.1.2 The Architectural Profession Act (Act 44 of 2000) as amended.
- 1.2 This Regulation shall be read conjunction with the **SAIAT Constitution** and other **Regulations**.

2. DEFINITIONS

Where singular or male terms are used these shall simultaneously imply plural or female respectively, unless such interpretation is inconsistent with the context. In this **Regulation** unless the context indicates otherwise:

'Board of Directors' means the board formed by the **Directors**

'Constitution' means the 2016 edition of the **SAIAT Constitution** as approved by its **Members**

'Director' means a director of the company as registered in terms of the Companies Act (Act 71 of 2008) as amended

'Executive Committee' means the committee composed of the **Board of Directors** and the Ex-Officio: Administration and Registration Officer

'Institute' means the South African Institute of Architectural Technologists

'Member' means any member of **SAIAT** regardless of level of membership

'National Committee' means the committee of **Members** elected and / or co-opted to assist with the management of the affairs of the **Institute** established in terms of clause 6 of the **Constitution**

'Registered Person' means a duly registered professional of The South African Council for the Architectural Profession (**SACAP**) as established in terms of The Architectural Profession Act (Act 44 of 2000) as amended

'Regulation/s' means the latest **Regulations** including all modifications, alterations and additions thereto, made and in force in terms of this **Constitution**, to regulate the affairs of the **Institute** consistent with this **Constitution**

'SACAP' means The South African Council for the Architectural Profession

'SAIAT' means the South African Institute of Architectural Technologists

3. THE SAIAT MEMBER'S DUTY TO THE PUBLIC

- 3.1 To only accept commissions and to only carry out work for which he is qualified through his training and experience, whether it be architecture, contract administration or any other activity which he, as a **Registered Person**, is entitled to carry out.
- 3.2 To promote, in every possible way this **Institute** and thereby its **Members** and maintain a high professional standard which is appropriate to this Code.
- 3.3 To practice architecture so as to merit public confidence in the integrity of the profession, and seek to extend public knowledge and appreciation of the entire spectrum of the architectural profession and its achievements.
- 3.4 To continuously enhance his education and technical proficiency so that the public receives the benefit of improvements in architectural technology. The **SAIAT Member** shall keep abreast of developments in the building industry and the natural and built environment, extending his practical and technical knowledge throughout his years of professional activity.
- 3.5 To extend his practical and technical knowledge is being achieved by pursuing a programme of regular review and further study, by maintaining a core library of basic texts and technical literature, by reading architectural and building journals and by participating in continuous professional development activities as required by **SACAP** and provided by **SAIAT**.
- 3.6 To avoid incompetent, unethical and illegal practice and to conduct his practice of architecture in accordance with the law of the Republic of South Africa.
- 3.7 To collaborate with other members of the building profession in meeting their needs of the public in the built environment.

- 3.8 To guard against misinformation and misrepresentation regarding matters concerning building design, building construction and the role of the architectural professional in the development of the natural and built environment.
- 3.9 By having full regard of the public interest while executing his responsibility to his client.
- 3.10 By conducting his practice of architecture outside the border of the Republic of South Africa in accordance with this Code of Conduct insofar as it is not inconsistent with the law of the country concerned, provided that where there are recognized standards of professional conduct in such country outside the Republic of South Africa, he shall also adhere to those standards.
- 3.11 To protect the safety, health and welfare of the public, clients and fellow professionals and team members and speak out against abuses in those areas affecting the public interest.
- 3.12 To adhere to the Code of Professional Conduct as promulgated by **SACAP**, where registered with **SACAP** in a related professional category.

4. THE SAIAT MEMBER'S DUTY TO THE CLIENT

- 4.1 If in private practice, a **Member** must enter into a written professional-client agreement with his client that satisfies the requirements of **SACAP's** Code of Conduct.
- 4.2 If in private practice, a **Member** must, prior to accepting a commission, conduct a risk assessment on his capacity to accept such commission and disclose the details of such risk assessment to the client.
- 4.3 A **Member** must discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and without undue delay.
- 4.4 A **Member** must give priority to the architectural needs of the client or the client at all times;
- 4.5 A **Member** ensure that clients are fully informed of their rights and their corresponding obligations as required by the Consumer Protection Act (Act 68 of 2008) as amended.

- 4.6 A **Member** must, as the faithful trustee for his client in professional and business matters, keep information on business affairs or technical processes of a client in confidence while employed and later, until such information is properly released in the public domain.
- 4.7 A **Member** has to inform his client, the **Institute** or any public agency or statutory body of which he is a member or registered with, of any circumstances that could lead to a conflict of interest.
- 4.8 A **Member** may neither give nor accept, directly or indirectly any gift, payment, commission or service from those with which he has business relationships unless such is disclosed in writing to his client.
- 4.9 When necessary, a **Member** must advise clients to consult with an architectural colleague or refer them for other professional consultation.
- 4.10 A **Member** cannot transfer his responsibilities, nor reduce the scope of his services by contracting without the prior consent of his client.
- 4.11 A **Member** must allow the client to criticize or object if there is dissatisfaction with any aspect of the service rendered, and in such circumstances, to treat a client with courtesy and understanding, referring him to other consultants for their opinion and arbitration if the matter cannot be resolved satisfactorily.
- 4.12 A **Member** must aid his clients by making informed judgments and choices without being deceptive, misleading or sensational, bearing in mind that clients can be advised only, and that, should they choose to disregard advice, the **Member** cannot insist on such advice being accepted.
- 4.13 A **Member** must protect his clients from unwarranted expenses and unnecessary procedures as well as from physical and mental distress, harm, danger and deprivation.
- 4.14 A **Member** must keep comprehensive and accurate records of consultations with clients and with other members of the professional team.
- 4.15 A **Member** cannot materially alter the scope and object of the project without the client's written consent to ensure work produced in respect of any project complies with the necessary legislative requirements.

- 4.16 A **Member** must disclose all details of his or her Professional Indemnity Insurance Cover, or the fact the he does not have such cover, to the client prior to accepting any commission.

5. THE SAIAT MEMBER'S DUTY TO HIS PROFESSION

- 5.1 At all times a **Member** must uphold the honour and dignity of the profession, by refraining from any behaviour in his professional, public and private life that could bring discredit to the profession.

- 5.2 A **Member** must promote cordial and unselfish relations with members of the profession, with other professions and people involved in the building industry and the built environment.

- 5.3 A **Member** must preserve the independence of the profession of architecture as a member of an independent profession whose duty it is to provide

- consultation,
- problem solving,
- creative planning,
- documentation,
- project and contract administration

for clients, whether this be in general architectural practice or by concentrating on specific fields, which should make a positive contribution to buildings or the built environment, and advise on other consultants at all times administer building agreements in an impartial way.

- 5.4 A **Member** shall refrain from

- implying his superiority or pre-eminence over colleagues,
- commenting disparagingly on the abilities of other architectural professionals
- making public his personal views and arising differences of professional nature that should be confined to professional meetings and journals
- making publicly known that services are rendered at discounted fees.

6. ADVERTISING OF SERVICES

6.1 A **Member** may not advertise his services

- in a self-laudatory manner,
- in a manner which is not true and factually correct,
- in a manner implying that other architectural professionals render an inferior service.

6.2 A **Member** may make known his practice, availability and experience by

- direct approaches to individuals and organisations
- by means of any directory, brochure or pamphlet

describing his experience and capabilities, and provided further that the information given is factual in substance and dignified in presentations, as well as relevant and not misleading, unfair to others or the discredit of the profession.

6.3 A **Member** may submit articles to the media or be interviewed about his own work or about architectural topics of general interest, provided that he does not offer or give monetary or other consideration for any publication, broadcast or telecast.

6.4 A **Member** may display his name outside his office and display his name on sites of buildings in the course of construction, alterations and extensions where he is the architectural professional on condition that it makes the correct reference to his category of registration with **SACAP**.

7. THE SAIAT MEMBER'S DUTY AS AN EMPLOYER

7.1 A **Member** shall consider it their responsibility to ensure that their staff is up to date on at least the relevant statutory and regulatory information, the latest construction trends and technical innovations.

7.2 A **Member** shall create a suitable work environment that will encourage employees to participate in continuing professional development activities and allow them time to fulfil their obligations.

7.3 A **Member** shall strive to support employees by contributing financially, where possible, to participate in continuing professional development activities.

7.4 A **Member** shall strive to assist employees with the identification of areas of personal shortcoming and their special fields of professional interests.

8. INVESTIGATION INTO AND CHARGE OF IMPROPER CONDUCT

8.1 If the **National Committee** of **SAIAT** has reasonable grounds to suspect or has become aware of improper conduct of a **Member** of **SAIAT**, or has receives any complaint, charge or allegation of improper conduct, the **National Committee** will investigate any such complaint, charge or allegation.

8.2 The **National Committee** of **SAIAT** must compile an Investigation Document on which it will record meetings and procedures of the investigation into the alleged improper conduct of such registered person.

8.3 Where a member of the **National Committee** of **SAIAT**, provides the **Board of Directors** with a written declaration and evidence that a member of the **National Committee** is unable, unfit or unsuitable to discharge the powers and duties of his office, the **Board of Directors** shall suspend the member of the **National Committee** temporarily from his/her duties. The **Board of Directors** shall then within one working day provide the **National Committee** with the written declaration submitted who shall then investigate any such complaint, charge or allegation within a period of three working days from date of such notification.

9. APPOINTMENT OF A DISCIPLINARY COMMITTEE AND THE HEARING

9.1 On recommendation from the **National Committee** in terms of 8.2, the **Board of Directors** will establish a Disciplinary Committee that will consist of at least

9.1.1 Two **Directors**

9.1.2 A person who specialises in the field concerning the charge

9.1.3 A member of the **National Committee** other than a **Director**

9.1.4 Any other full **Member**

- 9.2 On recommendation from the **National Committee** in terms of 8.3, the **Board of Directors** will establish a Disciplinary Committee that will consist of at least
- 9.2.1 Two **Directors**
- 9.2.2 Two past presidents of **SAIAT**
- 9.2.3 A member of the **National Committee** other than a **Director**
- 9.3 Another person may assist the summoned **Member** during the proceedings. The **Member** may admit at any time guilt of the charges brought against him or her, despite the fact that he or she has previously denied the charges or has previously failed to respond to the summons.
- 9.4 The **Member** has the right to be heard, may call witness, may cross-examine any person called as a witness in support of the charge, may have access to documents produced in evidence.
- 9.5 The Disciplinary Committee may call witness to the hearing, whose material information concerning the subject I considered important.
- 9.6 All discussions and decisions made during the meetings of the Disciplinary Committee are to be recorded in writing and the correctness of the records are to be confirmed with the signature of each attendant.
- 9.7 The Disciplinary Committee will, after the proceeding, submit their findings in writing to the **Board of Directors** who will then either
- declare the **Member** not guilty of contravening the **SAIAT** Code of Conduct or if found guilty of contravening the **SAIAT** Code of Conduct
 - reprimand the **Member**
 - suspend the **Member's** membership to **SAIAT** for a period of time as decided by the **Board of Directors**
 - cancel the membership of the **Member**
- 9.8 If the **Member** is a member of the **National Committee** and found unfit or unsuitable to discharge the powers and duties of his office, the **Board of Directors** will then declare him/her unfit to hold such office.
- 9.9 If the **Member** concerned is a **Registered Person**, forward the details of the complaint and the outcome of the disciplinary action to **SACAP**.