



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

**CONSTITUTION 2023
REGULATION 01:
CODE OF CONDUCT**



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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 latest edition of the Constitution of the Institute;

1.1.1.2 The Architectural Profession Act (Act 44 of 2000) as amended;

1.1.1.3 Latest Board Notice published by the South African Council for the Architectural Profession relating to the Requirements for Recognition and Maintenance of a Voluntary Association.

1.2 This Regulation shall be read in conjunction with the latest editions of the Institute's Constitution and Regulations published in terms of such Constitution.

2. DEFINITIONS

In this Regulation unless the context indicates otherwise:

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

'Code of Conduct' means the rules contained in this Regulation.

'Constitution' means the latest edition of the SAIAT Constitution as approved by its Members.

'Director' means a director of the company - The South African Institute of Architectural Technologists NPC - as registered in terms of the Companies Act (Act 71 of 2008) as amended.

'Institute' means the South African Institute of Architectural Technologists NPC.

'Member' means any member of the Institute regardless of level of membership.

'National Committee of Members' means the committee of Members elected and / or co-opted to assist with the management of member 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' means a supplementary document that is part of the Constitution as per Clause 7;

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

3. PREAMBLE

- 3.1** This regulation lays down standards of professional conduct and practice which members of the Institute shall comply with. Failure to do so may lead to an investigation which may result in a disciplinary hearing.
- 3.2** All members shall comply with the Code of Conduct as contained in this regulation and failure to do so may constitute improper conduct.
- 3.3** Any failure to comply with the provisions of this regulation shall not automatically be regarded as unacceptable conduct, but unprofessional conduct (because of the failure to uphold these rules) may be considered in any disciplinary proceedings.
- 3.4** Where a conduct is not specifically stipulated in this regulation it does not mean that such conduct cannot form the basis of disciplinary proceedings. Each case shall be judged on its facts, and there may be circumstances in which unacceptable or improper conduct is found even where there has been no clear breach of the express terms of this regulation.
- 3.5** A disciplinary order made against any registered person by the South African Council for the Architectural Profession may result in cancellation of membership of the Institute.

4. APPLICATION

- 4.1** This regulation applies to all members of the Institute in whatsoever capacity.
- 4.2** If a member fails to comply with any provision of this regulation or any other regulation or the Constitution of the Institute, which may be deemed as unprofessional conduct, the National Committee of Members shall proceed with an investigation regarding the conduct of such member.

4.3 In the event of any improper conduct committed prior to the effective date of this regulation, the National Committee of Members shall have an election to either proceed with action against the member in terms of this regulation or the prior regulation.

5. THE MEMBER'S DUTY TO THE PUBLIC

5.1 A member shall only accept commissions and carry out work for which he / she is qualified through training and experience, whether it be architecture, contract administration or any other activity which he / she, as a registered person, is entitled to carry out.

5.2 A member shall promote in every possible way this Institute, and thereby its members, and maintain a high professional standard which is appropriate to the architectural profession.

5.3 A member shall practice architecture 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.

5.4 A member shall continuously enhance his education and technical proficiency so that the public receives the benefit of improvements in architectural technology.

5.5 A member shall keep abreast of developments in the building industry and the natural and built environment, extending practical and technical knowledge throughout the years of professional activity.

5.5 A member shall, to extend practical and technical knowledge, pursue 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 the Architectural Profession Act (as amended) and provided by the Institute.

5.6 A member shall conduct its practice of architecture in accordance with the law of the Republic of South Africa to avoid incompetent, unethical and illegal practice.

5.7 A member shall collaborate with other members of the building profession in meeting the needs of the public in the built environment.

- 5.8** A member shall guard against spreading misinformation regarding matters concerning building design, building construction, and the role of the architectural professional in the development of the natural and built environment.
- 5.9** A member shall have regard of the public interest while executing its responsibility to a client.
- 5.10** A member shall, in conducting its practice of architecture outside the border of the Republic of South Africa, do it in accordance with this regulation insofar as it is not inconsistent with the law of the country concerned. Where there are recognized standards of professional conduct in such country outside the Republic of South Africa, a member shall also adhere to those standards.
- 5.11** A member shall, to protect the safety, health and welfare of the public, clients and fellow professionals and team members, speak out against abuses in those areas affecting the public interest.
- 5.12** A member shall adhere to the Code of Professional Conduct as promulgated by SACAP, where registered with SACAP in a related professional category.

6. THE MEMBER'S DUTY TO THE CLIENT

- 6.1** If in private practice, a member shall enter into a written professional - client agreement with its client, and this agreement shall satisfy the requirements of SACAP's Code of Conduct.
- 6.2** If in private practice, a member shall, prior to accepting a commission, conduct a risk assessment on a member's capacity to accept such commission.
- 6.3** A member shall discharge duties to clients in an efficient and competent manner with complete fidelity and without undue delay.
- 6.4** A member shall always give priority to the architectural needs of the client.
- 6.5** A member shall ensure that the client is fully informed of their rights and their corresponding obligations as required by the Consumer Protection Act (Act 68 of 2008), as amended.
- 6.6** A member shall, as the faithful trustee for its 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.

- 6.7** A member shall inform clients, the Institute or any public agency or statutory body of which he / she is a member of or registered with, of any circumstances that could lead to a conflict of interest.
- 6.8** 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.
- 6.9** When necessary or required, a member shall advise clients to consult with an architectural colleague or refer them for other professional consultation.
- 6.10** A member cannot transfer responsibilities, nor reduce the scope of services by contracting without the prior consent of his client.
- 6.11** A member shall allow the client to criticize or object if there is dissatisfaction with any aspect of the service rendered, and in such circumstances, treat a client with courtesy and understanding, referring the client to other consultants for their opinion and arbitration if the matter cannot be resolved satisfactorily.
- 6.12** A member shall aid 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.
- 6.13** A member shall protect clients from unwarranted expenses and unnecessary procedures as well as from physical and mental distress, harm, danger, and deprivation.
- 6.14** A member shall keep comprehensive and accurate records of consultations with clients and with other members of the professional team.
- 6.15** 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.
- 6.16** If in private practice, a member shall be protected by Professional Indemnity Insurance Cover and disclose all details of such Professional Indemnity Insurance Cover to the client prior to accepting any commission.

7. THE MEMBER'S DUTY TO HIS PROFESSION

7.1 At all times a member shall uphold the honour and dignity of the profession by refraining from any behaviour in professional, public, and private life that could bring discredit to the profession.

7.2 A member shall promote cordial and unselfish relations with members of the profession, with other professions and people involved in the building industry and the built environment.

7.3 A member shall 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 and administer building agreements in an impartial way.

7.4 A member shall refrain from:

- implying superiority or pre-eminence over colleagues,
- commenting disparagingly on the abilities of other architectural professionals
- making public 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 non-market related fees.

8. ADVERTISING OF SERVICES

8.1 A member may not advertise 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.

8.2 A member may make known its practice, availability, and experience by:

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

describing experience and capabilities and provided further that the information given is:

- factual in substance
- dignified in presentations
- relevant
- not misleading
- not unfair to others
- not to the discredit of the profession.

8.3 A member may submit articles to the media or be interviewed about own work or about architectural topics of general interest, if he / she does not offer or give monetary or other consideration for any publication, broadcast or telecast.

8.4 A member may display its name outside an office and display its name on sites of buildings in the course of construction, alterations, and extensions where the member is the architectural professional, on condition that it makes the correct reference to its category of registration with SACAP.

9. THE MEMBER'S DUTY AS AN EMPLOYER

9.1 A member shall consider it their responsibility to ensure that staff is up to date on the relevant statutory and regulatory information, the latest construction trends, and technical innovations.

9.2 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.

- 9.3** A member shall strive to support employees by contributing financially, where possible, to participate in continuing professional development activities.
- 9.4** A member shall strive to assist employees with the identification of areas of personal shortcoming and their special fields of professional interests.

10. SPECIFIC CONDUCT REQUIRED FOR MEMBERS REPRESENTING THE INSTITUTE IN AN OFFICIAL ROLE

- 10.1** A member elected, volunteered, or co-opted into a position where the member will be representing the Institute, shall, before taking up such a position, inform the National Committee of Members in writing of membership or association to any other Voluntary Association recognised by SACAP or to any other institution or association which operations may be similar or in direct conflict with that of the Institute.
- 10.2** The National Committee of Members may order such member to cancel such membership or association before taking up such position to which the member was elected, volunteered, or co-opted to.
- 10.3** Failure to disclose such details in writing to the National Committee of Members may result in the immediate removal of such member from such position to which the member was elected, volunteered, or co-opted to.

11. INVESTIGATION INTO AND CHARGE OF IMPROPER CONDUCT

- 11.1** If the National Committee of Members of the Institute has reasonable grounds to suspect or has become aware of improper conduct of a member of the Institute, or has received any complaint, charge or allegation of improper conduct, the National Committee of Members will investigate any such complaint, charge, or allegation within twenty-one business days from becoming aware of such improper conduct.

- 11.2** The National Committee of Members of the Institute shall compile an Investigation Document on which it will record meetings and procedures of the investigation into the alleged improper conduct of such registered person.
- 11.3** Where a member was elected, volunteered, or co-opted into a position where he / she is representing the Institute, and the National Committee of Members is provided with a written declaration and evidence that such member is unable, unfit, or unsuitable to discharge the powers and duties of the office, the National Committee of Members shall suspend such member temporarily from duties. The National Committee of Members shall investigate any such complaint, charge, or allegation within a period of ten business days from date of such notification.

12. APPOINTMENT OF A DISCIPLINARY TRIBUNAL AND THE HEARING

- 12.1** The National Committee of Members in terms of Clause 11.2 and 11.3 shall establish an Disciplinary Tribunal consisting of at least:
- 12.1.1** one director;
 - 12.1.2** a past presidents of the Institute;
 - 12.1.3** any other member.
- 12.2** Any other member may assist the summoned member during the proceedings. The member may admit at any time guilt of the charges brought against him or her, even though he or she has previously denied the charges or has previously failed to respond to the summons.
- 12.3** 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.
- 12.4** The Disciplinary Tribunal may call witnesses to the hearing, whose material information concerning the subject is considered important.
- 12.5** All discussions and decisions made during the meetings of the Disciplinary Tribunal are to be recorded in writing and the correctness of the records are to be confirmed with the signature of each attendant.

- 12.6** The Disciplinary Tribunal will, after the proceeding, submit their findings in writing to the National Committee of Members who will then either
- 12.6.1** declare the member not guilty of contravening the Institute's Code of Conduct;
- 12.6.2** or if found guilty of contravening the Institute's Code of Conduct
- reprimand the member;
 - suspend the member's membership to the Institute for a period as decided by the National Committee of Members;
 - revoke the membership of the member.
- 12.7** If the member is a member elected, volunteered, or co-opted into a position where he / she will be representing the Institute and found unfit or unsuitable to discharge the powers and duties of its office, the National Committee of Members will then declare him/her unfit to hold any such office.
- 12.8** If the member concerned is a Registered Person, the National Committee of Members shall forward the details of the complaint and the outcome of the disciplinary action to SACAP.
- 12.9** No legal representation is allowed during any of the proceeding mentioned in this regulation.

13. ADOPTION AND REPEAL

13.1 This regulation was approved and adopted by the National Committee of Members on 17 October 2023.

13.2 This regulation repeals any previous edition of this regulation.

