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National Ethics Council



# Rules of Procedure

Revised July 2012

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## Chapter 1: Introduction

These Rules were established by the National Ethics Council (NEC) under the authority of Section 8.141 of the Bylaws of The American Institute of Architects. They are meant to provide for the fair and expeditious disposition of ethics cases filed with the NEC. They shall be interpreted to ensure that those charged with a violation of the Code of Ethics and Professional Conduct (the "Code") are afforded the rights due them and that the interests of justice and the Institute are kept in consonance.

The availability of these procedures for formal determinations of ethics complaints should not discourage members or any aggrieved person from attempting to resolve disputes through mediation or other informal methods. Voluntary settlement of disputes is almost always quicker than pursuing a formal complaint and often obtains a result more satisfactory to the parties. Communication and reasoned discussion to resolve disputes is always encouraged.

The flow chart at Appendix A is a graphic representation of the processing of a case, a process governed by the Rules in Chapters 3 through 7. The chart is intended to ease understanding of the process. However, no inferences should be drawn from it that are not supported in the language of the Rules. At Appendices B, C, and D are forms for use by Complainants and Respondents. These three forms are also available in electronic format on the AIA website at: <http://www.aia.org/about/ethicsandbylaws/>.

Also contained in this booklet, at Chapter 8, are the steps through which a Member may obtain an Advisory Opinion of the National Ethics Council. The Rules in Chapter 9 govern the reporting requirements of the National Ethics Council.

These Rules are subject to periodic amendment by the NEC. The revision date appears on the cover and at the foot of each page. At any time, you may determine the latest revision date of these rules by calling the Office of the General Counsel at the Institute.

The Office of the General Counsel of the Institute provides staff support for the NEC. The Office is also available to explain procedures to members and other persons involved in an ethics case.

The most recent version of the Code, redacted decisions in prior cases, and advisory opinions rendered by the NEC can be found on the AIA website at: <http://www.aia.org/about/ethicsandbylaws/>. These resource materials are not intended as binding precedent but to assist members and other persons in understanding and anticipating the NEC's probable course of action in matters that may be brought before it.

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## **Chapter 2: Summary of the Process for Consideration of a Charge That a Member Has Violated the Code of Ethics and Professional Conduct**

As is more fully explained in the chapters that follow, these are the basic procedures for consideration of an ethics charge against a member:

- The filing of a Complaint in proper format against a member of the Institute initiates an ethics case.
- The Chair of the NEC reviews the Complaint preliminarily to determine if the case should proceed. The Chair may dismiss or defer a Complaint that fails to meet the requirements stated in Chapter 3 of these rules.
- A Complaint not dismissed or deferred by the Chair is sent to the member charged with a violation (the "Respondent"), who has the opportunity to file a Response.
- A Hearing is held before a member of the NEC designated by the Chair as Hearing Officer. Based on the Complaint, Response, and any other verbal or written evidence submitted by the parties, the Hearing Officer prepares a written Report and Recommendation to the NEC.
- After an opportunity for the parties to comment in writing on the Report and Recommendation, the full NEC (absent the Hearing Officer) considers and decides the case. In the event the NEC finds a violation of the Code, it imposes a penalty.
- The parties receive a copy of the Decision of the NEC.
- A member found in violation of the Code has appeal rights.
- After all appeal rights have lapsed or been exhausted, the Institute will publish, in whatever format it chooses, NEC decisions resulting in a finding of violation on the website of the Institute.

This summary of the applicable rules is subordinate to the actual text of the Rules in Chapters 3 through 10.

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## Chapter 3: Instructions to Complainants

### 3.1 The Complaint

To initiate a case, the complaining party (the "Complainant") must prepare and submit a Complaint in the format of Appendix B. Four copies of the Complaint shall be filed with the NEC, addressed to:

Chair, National Ethics Council  
The American Institute of Architects  
1735 New York Avenue, NW  
Washington, DC 20006

A Complaint may be filed by a Member, component, or anyone directly aggrieved by the conduct of a Member.

A Complaint must be accompanied by a Release and Waiver in the form included in Appendix B.

### 3.2 Timeliness

A Complaint must be filed within one year of the alleged violation unless good cause for delay in filing is shown. A Complaint should be filed prior to or concurrent with any litigation or administrative (licensing) proceedings in order to preserve a timely filing under these Rules. See also section 3.4(4) below.

### 3.3 Basis for Charges

A Complaint must allege violation of one or more **Rules of Conduct** stated in the Code. The NEC will not consider alleged violations of the *Canons* or *Ethical Standards* in the Code, which are non-binding guides to the conduct of members.

### 3.4 The Chair's Initial Ruling

The Chair of the NEC reviews all Complaints preliminarily to determine if: (1) the allegations, if found to be true, could sustain a finding of violation of a Rule of Conduct; (2) the alleged violation is not trivial; (3) there is good cause for any delay in filing a Complaint more than one year after the alleged violation occurred; and/or (4) deferral of proceedings is necessary or advisable because of pending litigation or administrative proceedings involving one or both of the parties. The Chair will not defer a Complaint if: (a) the Respondent has been convicted of a felony by a U.S. jurisdiction or equivalent by another jurisdiction, and (b) the Complaint alleges violation of Rule of Conduct 2.101 based on that conviction, and (c) the Complainant submits to the NEC documentation of that conviction.

### 3.5 Dismissal/Deferral of Complaints

The Chair may dismiss a Complaint that fails to meet any of the requirements of these Rules. When the Chair dismisses a Complaint, both the Complainant and Respondent are notified in writing of the Chair's action, with a statement of reasons. When the Chair defers proceedings, both the Complainant and Respondent are notified in writing of the Chair's action, with a statement of reasons.

### 3.6 Confidentiality

In the interests of fairness and justice, Complainant shall avoid public disclosure and discussion of the Complaint, the parties involved, and the issues under consideration. Breach of this requirement may result in dismissal of the Complaint under section 5.5. The Complainant may contact persons with knowledge of the matter, who are potential witnesses, or who might otherwise have information relevant to allegations in a complaint.

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## Chapter 4: Instructions to Respondents

### 4.1 Notice to Respondent

Every Complaint not dismissed by the Chair is promptly communicated to the Respondent. The Chair provides Respondents with a copy of the Code and these Rules.

### 4.2 Response to the Complaint

Every Respondent may, upon receipt of the Complaint from the Chair, prepare a Response in the format of Appendix C. The Response must be filed within thirty (30) days from the date the Respondent receives the Complaint, and addressed to:

Chair, National Ethics Council  
The American Institute of Architects  
1735 New York Avenue, NW  
Washington, DC 20006

**At the same time that the Response is filed, the Respondent must send a copy to the Complainant.**

The Response may contain any fact or statement relevant to the allegations in the Complaint and shall specifically note any pending litigation or administrative proceedings involving the parties or the subject matter of the Complaint.

### 4.3 Failure to Submit a Response or Submitting an Inadequate Response

A Respondent who fails to submit a Response within the time allowed, or who submits a Response that does not substantially conform to the requirements of these Rules, will be so notified in writing. Unless a proper Response is received within ten (10) days of the date of the notice, and upon proof that the Respondent has actually received the Complaint, the matter may be resolved as if the Complainant's allegations were proven true.

### 4.4 Membership Status While Complaint Is Pending

A Member against whom a charge of violating the Code is pending may not resign or be terminated from membership until all proceedings related to the charge are completed.

### 4.5 Confidentiality

In the interests of fairness and justice, Respondent shall avoid public disclosure and discussion of the Complaint, the parties involved, and the issues under consideration. Breach of this requirement may result in summary imposition of discipline. The Respondent may contact persons with knowledge of the matter, who are potential witnesses, or who might otherwise have information relevant to allegations in a complaint.

## Chapter 5: Hearings

### 5.1 Selection of the Hearing Officer

Except when a Complaint is dismissed or deferred, the Chair designates a member of the NEC as Hearing Officer in a case. Any member so designated will inform the Chair if there is any reason why he or she should not serve on the case, in which event the Chair designates a different member, if appropriate. In the event that a Hearing Officer cannot be designated from among the members of the NEC, the Chair, with the consent of the President, may select other Members of the Institute for special service. Former members of the NEC are chosen for this task, if feasible.

### 5.2 Challenges

Within ten (10) days of being notified of the appointment of a Hearing Officer, the Complainant or Respondent must inform the Chair, in writing, of any challenges to the Hearing Officer. The only bases for challenge are alleged bias, prejudice, or conflict of interest. The Chair's rulings on such challenges are subject to review only as they may be raised during the NEC's consideration of the Report and Recommendation.

### 5.3 Hearing Panel

In an exceptional case, the Chair may appoint a Hearing Panel, consisting of three members of the NEC. In such a case, the Chair shall designate from among them a Presiding Member. The Hearing Panel shall operate with the same authority and responsibilities as a Hearing Officer under these Rules.

### 5.4 No Ex Parte Communication

All submissions by either party concerning the case must be copied to the other party. Direct contact with the Hearing Officer is not permitted unless both parties participate and the Hearing Officer gives prior approval.

### 5.5 Authority of the Hearing Officer

The Hearing Officer has full authority to issue instructions and make decisions for the fair and orderly presentation of evidence and conduct of a hearing. At any time after being appointed to the case, the Hearing Officer, with the Chair's concurrence, may dismiss a Complaint upon a determination that the undisputed facts in the record establish that no violation of the Code occurred or that any violation that may have occurred was *de minimis* or because the Complainant has breached the confidentiality requirement of section 3.5. At any time after being appointed to the case, the Hearing Officer, with the Chair's concurrence, may (i) report the case without hearing because the Respondent has breached the confidentiality requirement of section 4.5, unless the Complainant requests that the hearing proceed, or (ii) proceed with the hearing but deny the Respondent the right to present a defense.

### 5.6 The Hearing Date and Pre-Hearing Conference

The Hearing Officer, in consultation with the Complainant and the Respondent, sets a date and place for a hearing at a location convenient to the parties, and, if appropriate and feasible, convenient to the site of any project involved in the matter.

The Hearing Officer may call a pre-hearing conference or issue pre-hearing instructions in order to refine the issues, determine the positions of the parties with respect to settlement, or for any other purpose useful to a fair and expeditious disposition of the matter.

### **5.7 Pre-Hearing Exchange**

At a date set by the Hearing Officer no less than fifteen (15) days before the hearing, the Complainant and Respondent provide to the Chair and all other parties:

- any amendments to the Complaint or Response, which the Hearing Officer may allow so long as the other party is not prejudiced;
- a list of all witnesses the party may call at the hearing, together with a summary stating the substance of each witness' testimony. Any witness omitted from this list or for whom no summary is provided will not be allowed to testify at the hearing;
- a copy of all documents or other tangible evidence to be introduced at the hearing. Exhibits attached to the Complaint or the Response need not be resubmitted. Any tangible evidence omitted cannot be introduced at the hearing unless good cause is shown for the omission and the other party is not substantially disadvantaged;
- any agreements as to facts or issues entered into by the parties. The parties must make a good faith effort to agree on those facts and issues not in dispute between them;
- a realistic estimate of the length of time it will take to present testimony and evidence.

### **5.8 Hearing Conduct**

The parties and all attendees at a hearing will conduct themselves properly and respect the Hearing Officer's directions and rulings.

The Hearing Officer may, in extraordinary circumstances, dismiss a Complaint or recommend discipline against a Respondent for the violation charged without further proceedings if the party, or their advisors or counsel, act in a manner calculated to thwart the proceedings.

### **5.9 Record of the Hearing**

A court reporter attends the hearing, and the Hearing Officer will have a transcript of the testimony. A Complainant or Respondent desiring a copy of the transcript of a hearing must obtain it directly from the court reporter.

### **5.10 Representation of the Parties**

The parties may be accompanied by counsel or advisors of their choosing. The Hearing Officer will allow any person so designated to participate in the proceedings, and his or her representations are taken as representations of the party.

**5.11 Attendance at the Hearing**

The hearing is closed to all but the parties, their counsel or advisors, and such persons as the Hearing Officer may allow in the interest of fairness to the parties or in the interest of the Institute.

**5.12 The Taking of Evidence**

The rules of evidence as they apply in judicial proceedings do not apply to a hearing under these Rules. Generally, the Hearing Officer will accept all evidence that bears on the truth or falsity of a charge and give such evidence the weight it deserves. Evidence that is repetitive or irrelevant may be excluded. Each party shall be afforded the opportunity to question witnesses presented by the opposing party.

**5.13 The Burden of Proof**

The Complainant has the burden of proving the facts upon which a violation may be found. In the event the Complainant's evidence does not establish a violation, the Complaint is dismissed.

**5.14 The Hearing Officer's Report and Recommendation**

After the hearing, the Hearing Officer prepares a Report and Recommendation to the NEC. The report includes Findings of Fact based on evidence introduced at the hearing and Conclusions as to whether, on the facts as found, the Respondent violated the Code as alleged in the Complaint. If the Hearing Officer concludes that no violation was proven, the Report recommends dismissal of the Complaint.

In the event that a violation is found, the Hearing Officer recommends one of the following penalties:

- (a) admonishment;
- (b) censure;
- (c) suspension for a period of time; or
- (d) termination of membership.

The Report and Recommendation is presented to the Chair, who promptly makes it available to all parties, informing them of the process of consideration by the NEC.

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## **Chapter 6: The National Ethics Council's Consideration of a Report and Recommendation**

### **6.1 Composition of the NEC for Consideration of a Case**

Any member of the NEC who served as a Hearing Officer in a case does not participate in the NEC's deliberation of that case.

Any member of the NEC who has a reason to withdraw from consideration of a case may inform the Chair and not participate further.

Either party may challenge the participation of an NEC member in the consideration of a case. The only bases for such challenge are alleged bias, prejudice, or conflict of interest. The Chair's rulings on such challenges are final, except as they may be raised on appeal to the Executive Committee or the Board of Directors.

A quorum of the NEC for consideration of a case shall be no less than three members.

### **6.2 Comments by the Parties Prior to NEC Consideration**

The Complainant and Respondent may each present written comments to the NEC before it considers a Report and Recommendation. Written comments on the Report and Recommendation are due on a schedule set by the Chair.

Written comments must be brief and to the point, covering only:

- Subjects pertinent to the NEC's role as defined in this section.
- Rulings of the Hearing Officer that substantially prejudiced the disposition of the matter as to either party.

### **6.3 Appearances Before the NEC**

The Chair, upon request, may allow the parties to appear in person or through counsel before the NEC to make a brief oral presentation and to respond to questions from the members of the NEC.

### **6.4 Role of the NEC**

The NEC considers the Report and Recommendation and the case record to determine if the facts as found have support in the evidence, and if, on the facts as supported by the evidence, a violation of the Code has been established. The NEC may accept, reject, or modify the Recommendation of the Hearing Officer, or return the case for rehearing.

## **6.5 Decision of the NEC**

The NEC will issue a written decision in a case. Members may submit separate concurring or dissenting views as part of the Decision. If the members of the NEC are evenly divided on the question of whether a violation of the Code occurred, the conclusion stated in the Report and Recommendation governs. If members are evenly divided on the appropriate penalty, the penalty cited in the Report and Recommendation is imposed.

The Decision is made available promptly to the parties and to the Secretary of the Institute, and with appropriate modifications published to the membership pursuant to these Rules. Any Decision imposing termination of membership is referred to the Executive Committee and the Board of Directors, who must approve it before it is final.

## **6.6 Implementation of the NEC Decision**

Dismissals. If the Chair, the Hearing Officer, or the NEC dismisses a Complaint, a Respondent may request that the NEC publish a notice of that fact in a publication of the Institute, and request individual notice to all persons that the Respondent, within reason, designates.

Rehearing. If a case is returned for rehearing, it shall proceed as stated in Chapter 5 of these Rules.

Imposition of Discipline. If the NEC finds a violation and imposes a penalty, the Secretary of the Institute ensures that the discipline is appropriately carried out.

Stay of Implementation During Appeal. If an appeal is permitted under the rules in Chapter 7, the NEC's decision is not final until the time to file an appeal is past or the decision is upheld on appeal.

## **6.7 No Ex Parte Communication**

At no point subsequent to a Decision issued by the NEC shall the Complainant, Respondent or any other person (except as otherwise expressly provided in these Rules of Procedure) have any contact with any member of the NEC concerning the Decision or any other aspect of the case in which it was issued.

## Chapter 7: Appeals

### 7.1 Appeal by Complainant

A Complainant may appeal the following actions to the NEC:

- Dismissal or deferral of a Complaint by the Chair; or
- Dismissal of a Complaint by a Hearing Officer without a hearing.

All other actions by the Chair or a Hearing Officer affecting the Complaint are subject to review only in connection with the NEC's consideration of a Report and Recommendation.

### 7.2 Procedure for Appeal by Complainant

A Complainant may appeal as permitted in Section 7.1 above by filing a Notice of Appeal within fifteen days of receiving notification of the action appealed from. The Notice of Appeal is addressed to:

The American Institute of Architects  
National Ethics Council  
1735 New York Avenue, NW  
Washington DC 20006

The Complainant shall send a copy of the Notice of Appeal to the Respondent (except where the Complaint was dismissed under Chapter 3 of these Rules of Procedure). The Notice of Appeal may not exceed five pages in length, and should address the reasons for the action appealed from. Where a Respondent is entitled to receive a copy of the Notice of Appeal, the Respondent may comment on a Notice of Appeal in writing within fifteen days of receiving it. Comments may not exceed five pages in length. The NEC will not consider facts or evidence not available to the Chair and/or Hearing Officer at the time the decision was made from which the appeal is taken.

### 7.3 Limitations on Appeals by Complainants

Complainant opportunities to appeal are only as specified in Section 7.1 above. There is no other right or opportunity to appeal from any decision or ruling of the Chair, the Hearing Officer, or the NEC.

### 7.4 Appeals by Respondents

A Respondent found in violation of the Code by the NEC may appeal as provided in the Rules of the Board reprinted below. All other actions by the Chair or a Hearing Officer affecting the Respondent are subject to review only in connection with the NEC's consideration of a Report and Recommendation. There is no other right or opportunity to appeal from any decision or ruling of the Chair, the Hearing Officer, the NEC, the Executive Committee, or the Board of Directors.

## **7.5 Procedures for Appeals to the Executive Committee**

Respondent appeals to the Executive Committee are governed by Chapter 8 of the Rules of the Board. Those Rules are quoted herein:

*(Rules of the Board, Chapter 8, Code of Ethics and Professional Conduct, follows)*

### **8.0 PROCEDURES FOR REVIEW BY THE EXECUTIVE COMMITTEE**

#### **8.01 Notice of Intent to Appeal from a Decision of the National Ethics Council.**

*8.011 Notice of Appeal. A Respondent desiring to appeal from a Decision of the National Ethics Council shall, within fifteen (15) days of receipt of the Decision, file a Notice of Appeal with the Secretary of the Institute.*

*8.012 Appeals in Termination Cases. A Decision to terminate membership shall be considered by the Executive Committee as an appeal whether or not requested by the Respondent.*

*8.013 Notice to Parties. Upon receipt of a Notice of Appeal, the Secretary shall inform the other party and the Chair of the National Ethics Council.*

#### **8.02 Appeals by Respondents.**

*8.021 Filing of Statements. On a schedule and in a manner set by the Secretary, a Respondent who has filed a Notice of Appeal shall file a statement stating the reasons the Decision of the National Ethics Council should be rejected or modified. The Complainant shall be afforded an opportunity to respond before the Executive Committee considers the Appeal.*

#### **8.03 Executive Committee Consideration of an Appeal.**

*8.031 Schedule. The Executive Committee shall, at its earliest convenience, consider any Appeal, affording the parties an opportunity to appear if in its judgment the interests of justice require.*

*8.032 Executive Committee Action. In disposing of any Appeal, the Executive Committee may take one of the following actions:*

- (1) approve the Decision of the National Ethics Council and the penalty imposed;*
- (2) approve the Decision, but reduce the penalty;*
- (3) dismiss the Complaint, but only if the Decision is arbitrary or unsupported by the evidence in the record taken as a whole; or*
- (4) return the matter to the National Ethics Council for further proceedings. The action of the Executive Committee disposing of any Appeal shall be in writing, and the Secretary shall be charged with putting the Decision into effect.*

*8.033 Finality. Decisions of the Executive Committee on Appeal in matters other than termination of membership shall be final. No further appeal is allowed.*

*8.04 Withdrawal of Executive Committee Members.*

*8.041 Notice to Secretary. Any Executive Committee member who believes that he or she should not participate in the Executive Committee's consideration of a case shall so notify the Secretary, and thereafter withdraw from any Executive Committee proceedings in the case.*

*8.042 Challenge by Parties. Either party may challenge the participation of any Executive Committee member on the basis of bias, prejudice, or conflict of interest. Prior to the Executive Committee's consideration of the case, the Executive Committee shall rule on all such challenges.*

*8.1 PROCEDURES FOR REVIEW BY THE BOARD.*

*8.11 National Ethics Council Decisions to be Reviewed. All Decisions of the National Ethics Council to terminate membership that are approved by the Executive Committee shall be reviewed by the Board on a schedule determined by the Secretary. No termination of membership for violation of the Code of Ethics shall take effect without approval by the Board.*

*8.12 Withdrawal of Board Members.*

*8.121 Notice to Secretary. Any Board member who believes that he or she should not participate in the Board's consideration of a case shall so notify the Secretary, and thereafter withdraw from any Board proceedings in the case.*

*8.122 Challenge by Parties. Either party may challenge the participation of any Board member on the basis of bias, prejudice, or conflict of interest. Prior to the Board's consideration of the case, the Board shall rule on all such challenges.*

*8.13 Board Deliberations. The Board's consideration of the matter shall be limited to the Decision of the National Ethics Council, the comments provided by the parties to the Executive Committee, and the decision of the Executive Committee. The Board may, in its discretion, allow the parties an opportunity to appear.*

*8.14 The Board's Decision. The Board may concur in the decision of the Executive Committee, or return the matter for reconsideration. The Board shall report its decision to the parties, and the Secretary shall be charged with putting the Decision into effect.*

## Chapter 8: Advisory Opinions

- 8.1 Purpose of Advisory Opinions** The NEC periodically publishes Advisory Opinions to illustrate the meaning of the Code as it may apply to particular activities of the membership.
- 8.2 Request From a Member** If a request is received from a Member, the NEC may publish an Advisory Opinion applying the Code to a particular factual situation.
- 8.3 Form of the Request** The request should describe with particularity the factual situation, which the Member believes raises a question under the Code.

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## **Chapter 9: Reports of the Conduct of the Business of the National Ethics Council**

- 9.1 Reports of Decisions** NEC Decisions, Executive Committee Decisions on Appeals, and results of Board Reviews shall be published periodically in a form sufficient to apprise the Members of the application of the Code. The Council may also publish the rulings of the Chair on the sufficiency of Complaints, issued under these rules and Reports and Recommendations, appropriately edited to protect confidentiality, when such publication will assist in understanding of the Code and its application.
- 9.2 Public Records** NEC Decisions and Advisory Opinions, Executive Committee Decisions on Appeal and results of Board Reviews, organized to facilitate inquiry and modified to protect confidentiality, shall be available for public inspection at the office of the General Counsel of the Institute, except that the Executive Committee may direct that all the records of a particular case be kept confidential.
- 9.3 Confidentiality** In cases where no violation is found or where the discipline imposed is admonishment, all the information respecting the case, if published, shall be modified for publication so that no one unfamiliar with the case could, from a reading of the published report, identify the parties involved.
- 9.4 Annual Report to the Board of Directors** The National Ethics Council shall submit an annual report to the Board of Directors which:
- describes the Council's caseload for the year;
  - recommends any changes to the Code or Bylaws which it believes necessary to further the interests of the Institute;
  - notifies the Board of any changes in these Rules; and
  - makes such other recommendations or suggestions as it deems necessary.

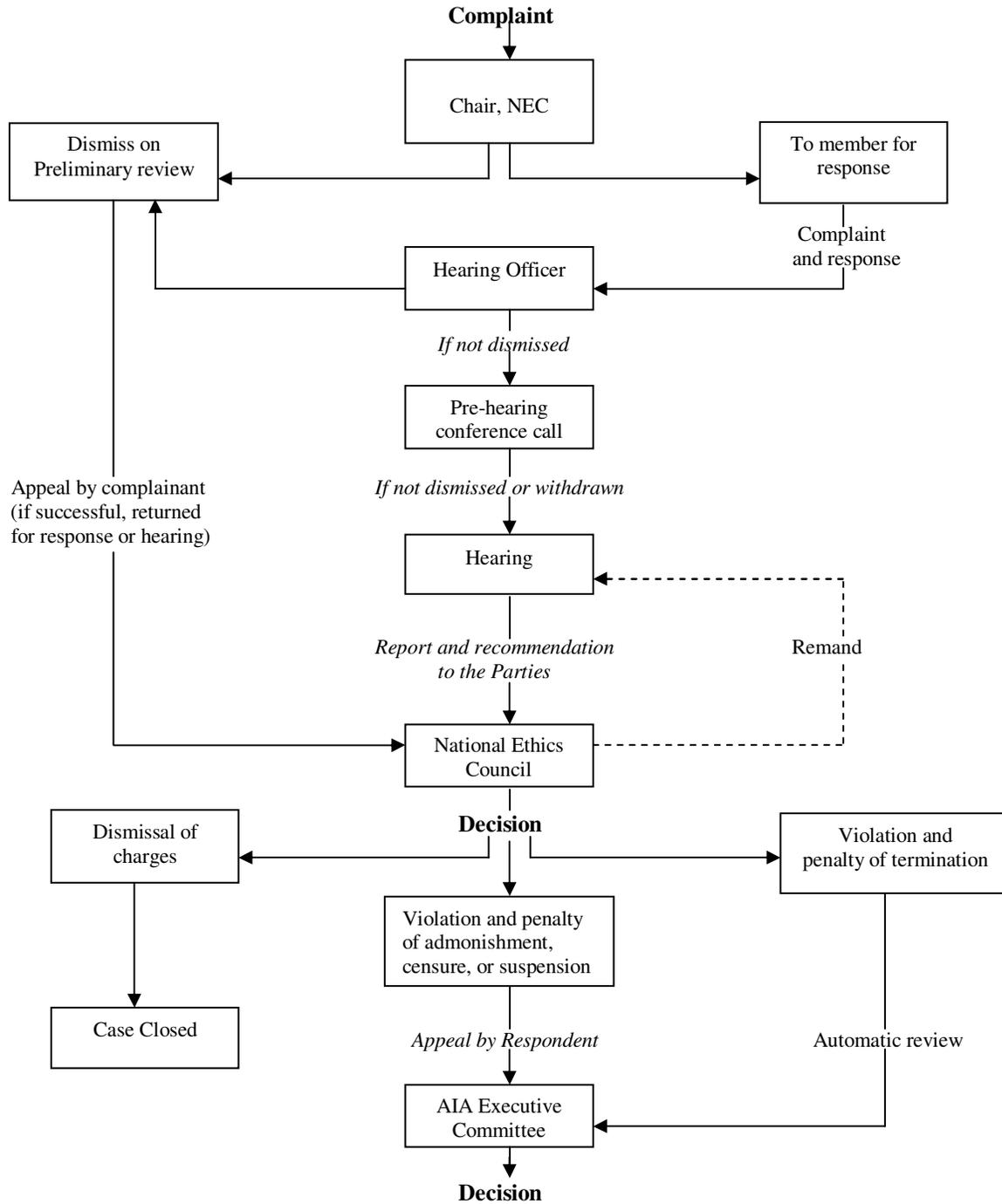
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## Chapter 10: Miscellaneous Rules

- 10.1 The Computation of Time** All correspondence or notices which trigger the running of a time limit, such as the date of receipt of the Complaint by the Respondent, shall be sent by registered mail or by some other form of delivery which provides a record of the date of receipt.
- All time periods are stated in calendar days.
- 10.2 Amendment of These Rules** These Rules may be amended by a majority vote of all the members of the National Ethics Council. Amendments shall apply to cases pending except where retroactivity would prejudice the interests of either party.
- 10.3 Waiver of the Rules** These Rules may be waived only by a majority vote of all the members of the National Ethics Council, except that the Chair may grant extension of time when fairness requires.

### Flow Chart for Processing Complaints Under the AIA Code of Ethics and Professional Conduct

(Source: National Ethics Council, The American Institute of Architects, 2009)



Accept or reject NEC decision, accept or diminish penalty.  
 In case of termination, make recommendation to AIA Board of Directors

**FORMAT FOR SUBMISSION OF A COMPLAINT**

**TO:** Chair, National Ethics Council  
 The American Institute of Architects  
 1735 New York Avenue, NW  
 Washington, DC 20006

**1. COMPLAINT DATE** [date Complaint is sent to National Ethics Council]

**2. COMPLAINANT(S)** [Name]  
 (submitter of Complaint) [Street address]  
 [City], [State] [Zip]  
 [Telephone number]  
 [E-mail address]  
 [Local AIA Chapter, if any]

**3. COMPLAINANT'S ADVISOR OR COUNSEL** [Name] [Capacity: Advisor or Counsel (if member of Bar)]  
 (optional) [Street address]  
 [City], [State] [Zip]  
 [Telephone number]  
 [E-mail address]

Complainant acknowledges that all acts and representations by this advisor or counsel will be taken as acts or representations of the Complainant.

**4. COMPLAINANT'S CONTACT** [Complainant / Advisor / Counsel]  
 (choose only one) All correspondence with regard to this matter will be sent to this person.

**5. RESPONDENT(S)** [Name(s) of Member charged] [AIA, FAIA, Assoc. AIA, etc.]  
 (subject of Complaint) [Street address]  
 [City], [State] [Zip]  
 [Telephone number]  
 [E-mail address]

**6. RULE(S) VIOLATED**  
 (no Canons or Ethical Standards)  
 (provide Chronological Narrative as Item 13 below)

Rule Violated*	Last Violation Date	Time Elapsed Until Complaint** (days between Last Violation Date and Complaint Date)
[Rule number]	[last possible date of violation]	[number of elapsed days]
[Rule number]	[last possible date of violation]	[number of elapsed days]
[Rule number]	[last possible date of violation]	[number of elapsed days]
[Rule number]	[last possible date of violation]	[number of elapsed days]

\* If claiming a violation regarding responsibility claimed or credit due for projects or other work, complete Appendix D and file the required information with this Complaint.

\*\* If this number exceeds 365 days, Complaint is considered delayed and may not be heard. Litigation or licensing proceedings may not be good cause for delay. Explain any mitigating cause for delay: [insert response here]

**7. KNOWLEDGEABLE PARTIES** *[insert or attach list of all persons with knowledge of the matter]*

**8. SUPPORTING DOCUMENTS** *[insert or attach list of exhibits, identified by number or letter]*

**9. OTHER FILINGS** There *[is / is not]* (indicate only one) currently pending civil litigation or an administrative (Licensing Board) proceeding concerning the subject matter of this Complaint. If yes, give details and describe the schedule for resolution.  
*[insert description here]*

**10. CONFIDENTIALITY** Complainant agrees to avoid public disclosure and discussion of this Complaint, the parties involved, and the issues under consideration. The Complainant may contact persons with knowledge of the matter, who are potential witnesses, or who might otherwise have information relevant to allegations in a complaint

**11. RELEASE AND WAIVER** The undersigned hereby gives consent to The American Institute of Architects, its officers, directors, committee members, staff, members of the National Ethics Council, or other members (“hereafter AIA”) for the disclosure of the Complaint and all other submissions by or on behalf of Complainant to: (1) the Respondent(s) named in the Complaint and any counsel or advisor designated by Respondent(s); (2) the AIA directors, officers, committee members, and staff whose access to the submissions is necessary for the resolution of the proceeding; and (3) the membership and the public generally in the event a Respondent is found in violation of the Code of Ethics and Professional Conduct and a nonconfidential sanction is imposed.

**THE UNDERSIGNED, INDIVIDUALLY AND ON BEHALF OF ANY FIRM OF WHICH THE UNDERSIGNED IS AN OWNER OR MANAGER, AGREES TO RELEASE AND WAIVE AND AGREES NOT TO SUE THE AIA FOR ANY DAMAGES RESULTING OR ALLEGED TO RESULT FROM THE FILING OF THIS COMPLAINT, INCLUDING AIA'S RECEIPT, REVIEW, AND ANY ACTION THEREON, INCLUDING PUBLIC DISCLOSURE OF ITS CONTENTS.**

**12. COMPLAINANT'S SIGNATURE**

\_\_\_\_\_  
*Signature of Complainant*

\_\_\_\_\_  
*Printed or Typed Name of Complainant*

\_\_\_\_\_  
*Date*

**13. CHRONOLOGICAL NARRATIVE**  
 (proceed date-by-date through events and expand as necessary)

<b>Date</b>	<b>Event</b> (state the facts of what occurred)	<b>Related Rule(s)</b> (when applicable)	<b>Supporting Exhibit(s)</b> (when applicable)
[date]	[text]	[Rule No.]	[Exhibit No.]
[date]	[text]	[Rule No.]	[Exhibit No.]
[date]	[text]	[Rule No.]	[Exhibit No.]
[date]	[text]	[Rule No.]	[Exhibit No.]
[date]	[text]	[Rule No.]	[Exhibit No.]
[date]	[text]	[Rule No.]	[Exhibit No.]

**FORMAT FOR SUBMISSION OF A RESPONSE**

**TO:** Chair, National Ethics Council  
The American Institute of Architects  
1735 New York Avenue, NW  
Washington, DC 20006

- 1. RESPONSE DATE** *[due 30 days after receipt of Complaint]*
  
- 2. RESPONDENT(S)** *[Name] [AIA, FAIA, Assoc. AIA, etc.]*  
(submitter of Response) *[Street address]*  
*[City], [State] [Zip]*  
*[Telephone number]*  
*[E-mail address]*  
*[Local AIA Chapter]*
  
- 3. RESPONDENT'S ADVISOR OR COUNSEL** *[Name] [Capacity: Advisor or Counsel (if member of Bar)]*  
(optional) *[Street address]*  
*[City], [State] [Zip]*  
*[Telephone number]*  
*[E-mail address]*  

Respondent acknowledges that all acts and representations by this advisor or counsel will be taken as acts or representations of the Respondent.
  
- 4. RESPONDENT'S CONTACT** *[Respondent / Advisor / Counsel]*  
(choose only one) All correspondence with regard to this matter will be sent to this person.
  
- 5. ADMISSION OR DENIAL** The undersigned Respondent *[admits / denies]* (indicate only one) that he/she is in violation of Rule(s) \_\_\_\_\_ *[insert list of Rules alleged in Complaint]* of the AIA Code of Ethics and Professional Conduct as charged in the Complaint dated \_\_\_\_\_ *[insert date of Complaint]*.  
(provide Chronological Narrative as Item 12 below)
  
- 6. KNOWLEDGEABLE PARTIES** *[insert or attach list of all persons with knowledge of the matter]*
  
- 7. SUPPORTING DOCUMENTS** *[insert or attach list of exhibits, identified by number or letter]*
  
- 8. OTHER FILINGS** There *[is / is not]* (indicate only one) currently pending civil litigation or an administrative (Licensing Board) proceeding concerning the subject matter of this Complaint. If yes, give details and describe the schedule for resolution.  
*[insert description here]*
  
- 9. ADDITIONAL STATEMENT** In addition to the facts recited in the Chronological Narrative in Item 12 below, I offer the following additional reasons for denying the Complaint:  
(Respondent may state reasons he/she believes that the alleged conduct is not in

violation of the AIA Code of Ethics and Professional Conduct or the Complaint is otherwise untrue.)

*[insert or attach additional statement]*

**10. CONFIDENTIALITY**

Respondent agrees to avoid public disclosure and discussion of this Complaint, the parties involved, and the issues under consideration. The Respondent may contact persons with knowledge of the matter, who are potential witnesses, or who might otherwise have information relevant to allegations in a complaint.

**11. RESPONDENT'S SIGNATURE**

\_\_\_\_\_  
*Signature of Respondent*

\_\_\_\_\_  
*Printed or Typed Name of Respondent*

\_\_\_\_\_  
*Date*

**12. CHRONOLOGICAL NARRATIVE**  
 (proceed date-by-date through events and expand as necessary)

<b>Date</b>	<b>Event</b> (state the facts of what occurred)	<b>Related Rule(s)</b> (when applicable)	<b>Supporting Exhibit(s)</b> (when applicable)
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>
<i>[date]</i>	<i>[text]</i>	<i>[Rule No.]</i>	<i>[Exhibit No.]</i>

**RESPONSIBILITY CLAIMED OR CREDIT DUE**

**1. INSTRUCTIONS TO COMPLAINANT**

If all or part of your Complaint relates to responsibility claimed or credit due for projects or other work, the procedure described in this Appendix D must be followed and documented before your Complaint will be heard. If necessary to preserve your rights to a timely filing under Section 3.2 of the Rules of Procedure, you should file a Complaint prior to or concurrent with this procedure.

**2. INSTRUCTIONS TO RESPONDENT**

The receipt of this form, or communications regarding it, indicates that the filing of a Complaint against you for the alleged violation of the AIA Code of Ethics and Professional Conduct may be pending. Your good faith participation in the procedure described here will assist in the fair disposition of this matter and can serve to expedite its resolution.

**3. REQUIRED PROCEDURE**

