



Giving Appropriate Credit To Associated Architect in Media Articles and Design Awards Program.

Summary

The Council found no violation of R. 4.107 and R. 5.201--failing to accurately represent the scope and nature of responsibilities in connection with a particular project, and failing to recognize and respect the professional contributions of a business associate--because an associated architect's name was omitted from two media articles and a chapter awards program.

Reference

Code of Ethics and Professional Conduct, Canon IV, Obligations to the Profession

R. 4.107 Members shall accurately represent their qualifications and the scope and nature of their responsibilities in connection with work for which they are claiming credit.

Commentary: This rule is meant to prevent members from claiming credit for work that they did not do, misleading others, and denying other participants in a project their proper share of credit.

Code of Ethics and Professional Conduct, Canon V, Obligations to Colleagues

R. 5.201 Members shall recognize and respect the professional contributions of their employees, employers, and business associates.

Facts

Architect A and Architect B associated to compete for Project X. They were awarded the commission and completed the project. Project X was selected by an AIA component to receive an award. When the award was announced, Architect A was contacted by the media to provide information about the project. He provided information both in oral and written form. He also provided information about the project and the participants in the project to the AIA component. When the media publicized the information about the award and the project, Architect B was not mentioned. The media information also portrayed Architect A as the originator of the rather unique design concept that won the award for the project. Architect B's name was not included in the awards program prepared by the component, even though an award certificate with his name on it was presented at the awards banquet. Both Architect A and Architect B attended the awards banquet and made acceptance speeches upon receipt of the award.

When Architect B became aware of the media publicity about the project and the fact that he was not mentioned as the associated architect, he felt that Architect A was trying to claim sole credit for Project X. That feeling was bolstered by the reporter, who felt that he was on to a "hot" story about unethical activity among architects. A follow-up article highlighted the omission of Architect B's name as associated architect, described Architect B's version of his participation in the project, and generally portrayed Architect A in a less than favorable light. This generated more media attention from another reporter, who felt that the second story should not have been published without more



careful investigation.

Architect B filed an ethics Complaint against Architect A based on the media reports, and the absence of Architect B's name from the component awards program. At the hearing, Architect A presented evidence that he had provided all the correct information, in writing, about the two architects who associated on the project to the person preparing the media report. Architect A also presented evidence that the correct information, in writing, about the two architects associated on the project had been presented to the component. The absence of Architect B's name from the program was an unfortunate printing error, the timing of which simply exacerbated Architect B's feelings that proper acknowledgment of his role in the design and construction of the award-winning building was being suppressed. Architect A presented evidence to show that he had, in fact, asked the component executive to specifically contact Architect B to invite him to the awards' banquet. Evidence was also presented to show that Architect B's award certificate had been prepared well in advance of the awards' ceremony, and not at the last minute, as he had alleged. The witnesses presented by Architect B did not support his allegation that Architect A had attempted to take sole credit for originating the design detail that made Project X unique.

Discussion

None of the evidence presented showed that Architect A attempted in any way to deny Architect B proper credit for his role in the design and construction of the award-winning project on which they had associated. Because the person who prepared the first two media reports refused to appear at the hearing and testify, the Council had no way of knowing why the written information provided by Architect A was not used.

AIA Bylaws provide that components be offered

an opportunity to mediate a settlement between the parties when an ethics Complaint is filed with the Council. This mediation, if it occurs, takes place before a hearing is held and involves no

finding of a violation of the AIA Code of Ethics and Professional Conduct. Only the National Judicial Council may determine whether or not the Code has been violated. However, cases alleging failure to properly credit the members of a design team appear to offer a good opportunity for mediation. Unfortunately, most components choose not to attempt mediation. This case, in particular, may have provided an excellent opportunity for mediation. Had mediation occurred, the written evidence presented by Architect A to the media and the component could have been presented to Architect B in a more neutral setting. He would have had the chance to reconsider his formal Complaint and the evidence on which he had based that Complaint.

Conclusion

The Council concluded that Architect A did not violate R. 4.107 or R. 5.201.

L. Kirk Miller, AIA, Chairman
Melvin Brecher, FAIA
Glenn Allen Buff, FAIA
Robert V. M. Harrison, FAIA
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The hearing officer, James A. Clutts, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedures.

May 29, 1993