



National Ethics Council

Rules of Procedure

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1: Preamble

These Rules of Procedure (Rules) are established by the National Ethics Council (NEC) under the authority of Chapter 8 of the Bylaws of The American Institute of Architects (AIA). 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 (Code) are afforded the rights due them and that the interests of justice and the AIA 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.

Appendices A, B, and C are forms for use by Complainants and Respondents. These forms are also available in [electronic format](#).

Also contained in this booklet, at Section 7, are the steps through which a Member may obtain an Advisory Opinion of the NEC.

The AIA's Office of Legal and Business Affairs 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 Office is unable to answer whether an action is or is not ethical.

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. 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. The NEC may also create educational materials on the Code.

Section 1.1. These Rules may be amended by a majority vote of all the members of the NEC. Amendments shall apply to cases pending except where retroactivity would prejudice the interests of either party.

Section 1.2. These Rules may be waived only by a majority vote of all the members of the NEC.

Section 1.3. The NEC does not independently investigate or prosecute cases against AIA members. It is the sole responsibility of the Complainant and Respondent to submit evidence, call upon and produce witnesses, and present their respective cases. The NEC's deliberations and decisions are based solely on what the Complainant and Respondent present and submit as part of the case record.

2: Instructions to Complainants

Section 2.1. To initiate a case, the complaining party (Complainant) must prepare and submit a Complaint in the format of Appendix A.

The Complaint shall be filed electronically with the NEC, addressed to the Chair, National Ethics Council at aiaethics@aia.org.

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 A.

Section 2.2. A Complaint must:

- Allege violation of one (1) or more Rules of Conduct stated in the Code;
- State claims that would sustain a finding of violation of a Rule of Conduct, if found to be true;
- Not allege violations of a trivial nature; and
- Must be filed within one (1) year of the alleged violation.

Section 2.3. Complaints are reviewed by a Preliminary Review Panel (Review Panel) comprised of three (3) members of the NEC, one (1) of whom is the NEC Chair. Acting under the authority of the NEC Chair, the Review Panel has the authority to accept or dismiss a Complaint or require that Complainant amend the Complaint or provide additional information. The Review Panel may also defer proceedings because of pending litigation or administrative proceedings involving either party or the underlying set of facts alleged in the Complaint.

Section 2.4. The Review Panel may dismiss a Complaint that fails to meet any of the requirements of the Rules stated in this Section, or

- Upon a determination that the facts stated in the Complaint establish that no violation of the Rules cited occurred;
- Upon a determination that any violation that may have occurred was de minimis;
- Upon a determination that any violation appears to be more appropriately handled by a court (*e.g.*, a defamation or malpractice lawsuit or fee dispute) or a governmental agency (*e.g.*, a licensing disciplinary proceeding or employment-related agency);
- If the Complainant fails repeatedly to respond to any requests made by the Hearing Officer or Hearing Panel; or
- If the Complainant acts in a manner calculated to disrupt or obstruct the proceedings.

The Review Panel may permit a Complainant to refile the Complaint at the Review Panel's sole discretion.

Section 2.5. In the interests of fairness and justice, Complainant shall not publicly disclose or engage in discussion of the Complaint, the parties involved, and the issues under consideration. Breach of this requirement may result in dismissal of the Complaint. 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.

3: Instructions to Respondents

Section 3.1. Every Complaint not dismissed by the Review Panel is communicated to the Respondent. Every Respondent may, upon receipt of the Complaint, prepare a Response in the format of Appendix B.

The Response must be filed electronically within thirty (30) days from the date the Respondent receives the Complaint, and addressed to the Chair, National Ethics Council at

aiaethics@aia.org, the Respondent must send a copy of the Response to the Complainant.

Section 3.2. 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.

Section 3.3. 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.

Section 3.4. The Review Panel shall review the Response and may recommend to the Hearing Officer assigned to the case that the Complainant or Respondent provide additional information.

4: Hearings

Section 4.1. 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 AIA for special service. Former members of the NEC are chosen for this task, if feasible.

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.

Section 4.2. The Chair may appoint a Hearing Panel, consisting of three (3) 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.

Section 4.3. 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.

Section 4.4. The Hearing Officer has the full authority to issue instructions and make decisions for the fair and orderly presentation of evidence and conduct of a hearing.

To dismiss a Complaint without hearing as follows:

- Because the Complainant has breached confidentiality;
- If the Complainant fails repeatedly to respond to any requests made by the Hearing Officer; or
- If the Complainant acts in a manner calculated to disrupt or obstruct the proceedings.

Section 4.5. The Hearing Officer, in consultation with the Complainant and the Respondent, sets a hearing time and date. The Hearing Officer may determine that the hearing take place virtually or in-person.

The Hearing Officer may call a pre-hearing conference in order to refine the issues, or for any other purpose useful to a fair and expeditious disposition of the matter.

Section 4.6. At a date set by the Hearing Officer no less than fifteen (15) days before the hearing, the Complainant and Respondent shall 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 Complainant or Respondent 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; and
- A realistic estimate of the length of time it will take to present testimony and evidence.

Section 4.7. The parties and all attendees at a hearing will conduct themselves respectfully and civilly and adhere to the Hearing Officer's directions and rulings.

The Hearing Officer may dismiss a Complaint or recommend discipline against a Respondent for the violation charged without further proceedings if either party, or such party's advisors or counsel, act in a disruptive or obstructive manner.

Section 4.8. 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.

Section 4.9. The parties may be accompanied by lawyer or advisors of their choosing. The Hearing Officer will allow any person so designated to participate in the proceedings, and such lawyer or advisor's representations are taken as representations of the party.

Section 4.10. The hearing is closed to all but the parties, their lawyer 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 AIA.

Section 4.11. The rules of evidence as they apply in judicial proceedings do not apply to NEC hearings. 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.

Section 4.12. 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.

Section 4.13. After the hearing, the Hearing Officer prepares a Report and Recommendation to the NEC, which summarizes the Hearing Officer's recommendation as to the disposition of the case. The Report and Recommendation is made available to all parties, informing them of the process of consideration by the NEC.

5: Case Decisions

Section 5.1. Any member of the NEC who served as a Hearing Officer or a member of a Hearing Panel 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 grounds 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 Board of Directors where such appeal is permitted.

A quorum of the NEC for consideration of a case shall be no less than three (3) members.

Section 5.2. 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; or
- Rulings of the Hearing Officer that substantially prejudiced the disposition of the matter as to either party.

Section 5.3. The NEC considers the Complaint, Response, Pre-hearing Submission Materials, Hearing transcript, and the Hearing Officer's Report and Recommendation 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 Report and Recommendation of the Hearing Officer, or return the case for rehearing. Upon conclusion of its deliberation, the NEC will issue a written decision.

The Decision is made available promptly to the parties. Any Decision imposing termination of membership is referred to the Board of Directors, which must approve it before it is final.

Section 5.4. If the Review Panel, the Hearing Officer, or the NEC dismisses a Complaint, a Respondent may request that the NEC provide individual notice to all persons that the Respondent, within reason, designates.

Section 5.5. If an appeal is permitted under these Rules, the NEC's decision is not final until the time to file an appeal is past or the decision is upheld on appeal.

Section 5.6. At no point shall the Complainant, Respondent, or any of either party's respective lawyer or advisors (except as otherwise expressly provided in these Rules of Procedure) have any contact with any member of the NEC concerning the case.

6: Appeals

Section 6.1. A Complainant may appeal the following actions to the NEC:

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

There is no other right or opportunity for Complainant to appeal from any decision or ruling of the Chair, Review Panel, Hearing Officer, or the NEC.

A Complainant may appeal by filing a Notice of Appeal within fifteen (15) days of receiving notification of the action appealed from. The Notice of Appeal may be sent electronically to aiaethics@aia.org:

The Notice of Appeal may not exceed five (5) 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 NEC shall notify and send Respondent the Notice of Appeal. Respondent will have fifteen (15) days to comment on a Notice of Appeal, which may be sent electronically to aiaethics@aia.org. Comments may not exceed five (5) pages in length.

The NEC will not consider facts or evidence not available to the Chair, the Review Panel, and Hearing Officer at the time the decision was made from which the appeal is taken.

Section 6.2. A Respondent found in violation of the Code by the NEC may appeal the NEC's decision to the AIA's Board of Directors. Such appeals are governed by Chapter 8 of the AIA's Rules of the Board. Respondent will be provided a copy of the Rules of the Board and advised of Respondent's right to appeal if found to be in violation of the Code.

All other actions by the Chair, Review Panel, or a Hearing Officer affecting the Respondent are subject to review by the NEC 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, or the Board of Directors.

7: Advisory Opinions and Publication of Cases

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

NEC Decisions and Board of Director Decisions on appeal under these Rules may be published periodically in a form sufficient to apprise the Members of the application of the Code. The NEC may also publish the rulings of the Chair or Hearing Officer when such publication will assist in understanding of the Code and its application.

NEC Decisions and Advisory Opinions and Board of Director Decisions on appeal shall be available for public inspection through the AIA's Office of Legal and Business Affairs, except that the Board of Directors may direct that all the records of a particular case be kept confidential.

All the information respecting a case selected for publication or provided to the public shall be modified or redacted to protect confidentiality, so no one unfamiliar with the case could identify the parties involved.

Appendix A: Format for Submission of a Complaint

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

Email to: aiaethics@aia.org

1. Complaint Date:

2. Complainant(s): (submitter of Complaint)

Name:

Firm:

Street Address:

City, State & Zip Code:

E-mail:

Telephone:

3. Complainant's Advisor or Counsel: (optional)

Do you have an Advisor or Counsel? Yes No

Name:

Firm:

Street Address:

City, State & Zip Code:

E-mail:

Telephone:

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

4. Complainant's Contact:

All correspondence with regard to this matter will be sent to this person.

5. Respondent(s): (subject of Complaint)

Name:

Firm:

Street Address:

City, State & Zip Code:

E-mail:

Telephone:

6. Rule(s) Violated: (no Canons or Ethical Standards) (provide Chronological Narrative as Item 13 below)

Rule Citation Violated*	Last Violation Date	Time Elapsed Until Complaint** (days between Last Violation Date and Complaint Date)

* If claiming a violation regarding responsibility claimed or credit due for projects or other work, complete Appendix C 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:

7. Knowledgeable Parties:

8. Supporting Documents:

9. Other Filings:

Is there currently pending civil litigation or an administrative (Licensing Board) proceeding concerning the subject matter of this Complaint?

Yes No *[indicate only one]*

If yes, give details and describe the schedule for resolution.

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.

Yes No *[indicate only one]*

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 (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 lawyer 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

Date

Printed or Typed Name of Complainant

13. Chronological Narrative:
(proceed date-by-date through events and expand as necessary)

Date	Event (state the facts of what occurred)	Related Rule(s) (when applicable)	Supporting Exhibit(s) (when applicable)

Appendix B: Format for Submission of a Response

Mail to:	Chair, National Ethics Council The American Institute of Architects 1735 New York Avenue, NW; Washington, DC 20006
Email to:	aiaethics@aia.org
1. Response Date:	
2. Respondent(s): (submitter of Response)	Name: <u>[AIA, FAIA, Assoc. AIA, etc.]</u> Firm: _____ Street Address: _____ City, State & Zip Code: _____ E-mail: _____ Telephone: _____
3. Respondent's Advisor or Counsel: (optional)	Do you have an Advisor or Counsel? <input type="checkbox"/> Yes <input type="checkbox"/> No Name: _____ Firm: _____ Street Address: _____ City, State & Zip Code: _____ E-mail: _____ Telephone: _____ Respondent acknowledges that all acts and representations by this advisor or lawyer will be taken as acts or representations of the Respondent.
4. Respondent's Contact:	All correspondence with regard to this matter will be sent to this person.
5. Admission or Denial: (subject of Complaint)	The undersigned Respondent <input type="checkbox"/> admits <input type="checkbox"/> denies [<i>indicate only one</i>] that he/she is in violation of Rule(s) [<i>Insert list of Rules alleged in Complaint</i>] of the AIA Code of Ethics and Professional Conduct as charged in the Complaint dated: _____
6. Knowledgeable Parties:	
7. Supporting Documents:	
8. Other Filings:	Is there currently pending civil litigation or an administrative (Licensing Board) proceeding concerning the subject matter of this Complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No [<i>indicate only one</i>] <i>If yes, give details and describe the schedule for resolution.</i>
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 or 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.) [<i>Insert or attach additional statement.</i>]

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.
 Yes No [*indicate only one*]

11. Respondent's Signature:

Signature of Respondent *Date*

Printed or Typed Name of Respondent

12. Chronological Narrative: (proceed date-by-date through events and expand as necessary)	Date	Event (state the facts of what occurred)	Related Rule(s) (when applicable)	Supporting Exhibit(s) (when applicable)

Appendix C: 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 C must be followed and documented before your Complaint will be heard.
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

