

Architectural Practice: Ethics, Professional Liability and Business

Loft, 9:30 am – 12:30 pm

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Course Website: go to www.uwaterloo.ca ... Offices & Services ... Waterloo LEARN
See the file ViableBrowsers.pdf and use one of them.

Office hours: selected FRIDAYS, TBA – typically 2:00 – 4:00 p.m., Musagetes

Prior to 1 February: kindly fill out the Student Questionnaire on LEARN

Text:

"Law for Professional Engineers", 4th edition

D.L. Marston, B.Sc., P.Eng., LL.B., McGraw-Hill Ryerson

Readings:

Clips are on LEARN (in .pdf), entire book is on reserve at Musagetes:

"The Canadian Law of Architecture and Engineering",

Beverley M. McLachlin and Wilfred J. Wallace, Butterworths, 1987

"Canadian Handbook of Practice for Architects", Second Edition, vols. 1-3,

Royal Architectural Institute of Canada

(optional: students may order a complete electronic copy for \$75 at raic.org)

"The Architect's Handbook of Professional Practice", 13th ed.,

The American Institute of Architects, Joseph A. Demkin ed., 2001

"Mastering the Business of Architecture",

David A. Stone, Impact Initiatives Inc. for the Ontario Association of Architects, 1999

"Becoming a Critical Thinker", 4th Ed.,

Sherry Diestler, Pearson Education Inc., 2005

Course Description: This course is an introduction to the nature of the self-governing profession in Ontario, the legal context in which architects practice in Canada, and the essential fiduciary relationships between professionals and others. This course aims to provide an understanding of the roles an architect may be asked to take, and the inherent risks. Forms of partnership, rules of professional conduct, the constituents of an enforceable contract, and client-architect relations are among the essential elements to be studied. Factors affecting both the cost of construction and the ability of an architect to conduct a viable business will be presented. Students will explore typical challenges encountered in practice and discuss these with experienced professionals. Students will:

- Participate in several "scenario training" sessions, in class,
- Complete a series of required readings and quizzes (on LEARN) within the time periods proscribed (see Lesson Schedule),
- Complete a term project.

Lesson Schedule:

10 January, Lesson 1: Practice in its legal context: the law of contract & tort

Prior to Lesson 2, read:

Cases from Pro-Demnity's Claims Bulletin (assigned in class)
McLachlin Chapter 6, General Principles of Contract Law (part)
Marston Chapter 3, Tort Liability (part)

Follow-up: answer questions on "Recap: Legal Fundamentals 1" sheet
see checklist on LEARN for to-do list & additional resources
analyze a typical scenario according to legal principles

17 January, Lesson 2: "Insurance 101" + "A matter arises"

Guests: David Croft & John Hackett, ProDemnity Insurance

Follow-up: begin to write draft of Torts Essay
finish reading Marston & McLachlin chapters (as assigned in class)
answer "Recap: Legal Fundamentals 2" sheet

24 January, Lesson 3

Part A: Discussion/recap re contracts/torts & architectural scenarios

Part B: Intro to Ethics - what is "practicing architecture"?

for Thursday 30 January: Test #1, Contracts & Torts

in TWO parts = 1,000-word essay + online quiz (24%)

31 January, Lesson 4:

Part A: Ethics, regulation & advocacy

Related reading:

McLachlin Chapter 5, Ethical Obligations
The Architects Act (high-lit selections)
O.Reg. 27 (high-lit selections)
CHOP 1.1.2, Professional Conduct & Ethics
AIA Codes of Ethics: OAA, AIA, and UIA

Part B: Architect – who needs one?

Related reading:

CHOP 2.3.9, Construction Procurement
CHOP 2.3.11, Contract Administration – Field Functions
OAA Practice Bulletin A.10, General Review, Professional Standards

Follow-up A: Answer "Recap: ethics & regulation" sheet

Follow-up B: Answer "Recap: The Architect's role during construction" sheet

7 February, Lesson 5: Intro to Term Project & Intro to Practice Structures

Related readings: Readings to prepare for Scenario Training

CHOP 2.1.1, Organization of an Architectural Practice
AIA Handbook 6.1, Firm Planning
Douglas Gray, 4. Legal Forms of Business Structure

for Tuesday 11 February, 9 p.m.: Register your group & choice of business

As per instructions in class, register via LEARN (0%), preparation for Lessons 8 & 9

14 February, Lesson 6: Client – Architect reciprocity – Scenario Training**

Prior to Lesson 7, read (ESSENTIAL):

David Maister, How Clients Choose

Ten things you need to know about your potential clients

RAIC Practice Builder, An Intense Look at Decision Makers

Researching the Project (clipped from OAA & MBA Kit)

CHOP Go/NoGo Checklist

Skim (be aware of):

RAIC website re Competitions (esp. Definitions)

CHOP 2.1.3, Public Relations and Marketing

for Tuesday 18 February, NOON: Submit "Client-Architect" INDIVIDUAL worksheet (8%)

21 February: NO CLASS (U. Waterloo Reading Week: 17-21 Feb.)

so READ! ... catch up on loose ends + move ahead into your Term Project

for Thursday, 26 February, 9 pm: Test#2, Practice, regulation, roles
in TWO parts = 1,000-word essay + online quiz (24%)

28 February, Lesson 7: Fees & Time Management – Scenario Training**

Prior to Lesson 9, read (ESSENTIAL):

From the MBA Kit:

1-5, Work Breakdown Structures

1-6, Scope, Non-Traditional

2A-1, Using the WBS

2A-4, Task Duration

3A-2, Project Planning

Determining appropriate fees for the services of an Architect (RAIC 2009)

CHOP 2.3.1, Management of the Project

for Tuesday 4 March: Submit "Time-and-\$\$" INDIVIDUAL worksheet (8%)

7 March, Lesson 8: Do Architects add Value? ****LECTURE THEATRE**2:00 pm****

Guest: Professor Larry Smith, Department of Economics, UWaterloo

14 March, Lesson 9: Fees, Time & Money-management, continued

Prior to Lesson 9, answer "Recap: Fees & time management" sheet

21 March, Lesson 10: Project Cost Control

Related reading:

CHOP 2.3.3, Cost Planning & Control

AIA Handbook 14.4, Construction Cost Management

Donald Trump speaks out about the United Nations Building (1 & 2)

for Tuesday 25 March NOON: Submit DRAFT Project, for external review

28 March, Lesson 11: Project Clinic

Bring a synopsis of your business concept,

Peer-critique & Meetings with business advisors

for Friday, 4 April at class: Submit FINAL Project, for grades

4 April, Lesson 12: Where do we go from here?

Wrap up Arch 655 & go-forward discussion

Evaluation and Weighting:

16% for in-class "scenario training" exercises (2 @ 8%)

48% for Tests #1 & #2 (to be done on LEARN: 2 @ 24%)

36% for Term Project: Business Plan

5% maximum for additional elective activities or substitutions

Expectations

Attendance will be taken at every class. If an absence is unavoidable, please notify the professor as early as humanly possible. Exemplary, positive contributions to the work of the class may result in a grade bonus. A second absence will result in a 5% grade penalty. A third absence will constitute a failure of the entire course. Depending on the circumstances, a maximum of one elective activity may be done, to make up a maximum of 5% of the term grade – this requires student initiative and the professor's permission in advance.

The in-class, group exercises ("scenario training") are intended for students to practice identifying issues. Students are expected to engage in short "brainstorming" work, and to take turns presenting the findings to the class as a whole. The worksheets as follow-up are expected to contain the unique reflections and expressions of the individual student making the submission. That is, the usual University expectations with respect to academic integrity apply (see below). Missing a "scenario training" exercises will constitute a failure of the entire course.

Tests will reflect in-class discussions and scenario training. Students are required to prepare for each class by completing the relevant readings and to follow-up, using the self-study aids. Tests may be taken open-book, at a time and location chosen by the student, by the hour indicated. Test submissions are expected to be the work of the individual student, working alone, and using his/her own words. Failure to write a test within the proscribed time limit will result in forfeiture of the opportunity to write the test at another time.

The objectives and format of the term project will be described in class. It is to be submitted in hard copy as well as in digital (.pdf) format. Procedures for choosing and registering the topic of the project details will be discussed in class, as well as the assignment of grades to group or individual work. Failure to submit the project will constitute a failure of the entire course.

Participation grades: Authentic participation will be rewarded during scenario training. Students will be encouraged to question assumptions and discover areas for further inquiry. The quality of critical thinking will receive better grades than knowledge of "the right answer".

Class participation: Please do NOT use personal electronic devices during class time.

Digital submissions: Projects must be submitted in hard copy and supplemented with a digital copy in .pdf format. Quizzes must be submitted via Waterloo LEARN.

Late submissions: If due dates in this class conflict with other academic obligations, within the M. Arch. program, students are expected to negotiate alternative arrangements in advance. If this is not done, then grades will be deducted at a rate of 1% per business day, to a maximum of half of the available grades for the assignment.

Office hours: Students are invited to make individual appointments, during hours to be announced in class (typically Friday afternoons). Responses to student queries, via email, will be made, as far as possible, on Tuesday mornings ONLY.

Academic Integrity:

In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect and responsibility. Check www.uwaterloo.ca/academicintegrity/ for more information.

A student is expected to know what constitutes academic integrity, to avoid committing academic offenses, and to take responsibility for her/his actions. A student who is unsure whether an action constitutes an offense, or who needs help in learning how to avoid offenses (e.g. plagiarism, cheating) or about rules for group work / collaboration should seek guidance from the course professor.

For information on categories of offenses and types of penalties, students should refer to Policy #71, Student Academic Discipline, <http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm>. A student who believes that a decision affecting some aspect of his/her university life has been unfair or unreasonable may have grounds for initiating a grievance, in accord with Policy #70, Student Grievance; see <http://www.adm.uwaterloo.ca/infosec/Policies/policy70.htm>. A decision made or penalty imposed under Policy 70 or Policy 71 may be appealed, if there is a ground; see Policy 72.

Integrity is integrity – no matter what the setting. One who chooses to plagiarize or collaborate outside the protocols established in class misrepresents oneself and insults the readers and reviewers of one's work as well as one's fellow students. Since doing intellectual work is the core business of the academy, this kind of behaviour is considered a very serious offense; the one who is found guilty of such misrepresentation is very likely to face an early end to his or her relationship with the academy. Likewise, in an consulting setting, if one misleads someone, one guilty of professional misconduct – the consequence in that case would be that one's relationship with the profession would likely end.

ANY time you take someone else's words from one piece of paper and put them onto another piece of paper and put your name over them, without citing your source, you are misleading your readers. THERE ARE NO EXCEPTIONS. For a swift, accessible overview of the specifics of academic integrity, I recommend watching all three of the 5-minute videos re plagiarism, collaboration and honesty, via <http://www.lib.uwaterloo.ca/gradait/>

Plagiarism detection software (Turnitin) will be used to screen assignments in this course. This is being done to verify that use of all materials and sources in assignments is documented. Students will be given an option if they do not want to have their assignment screened by Turnitin. In the first week of the term, details will be provided about arrangements and alternatives for the use of Turnitin in this course.

Note for students with disabilities: The Office for Persons with Disabilities (OPD), located in Needles Hall, Room 1132, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the OPD at the beginning of each academic term. Once registered with OPD, please meet with the professor, in confidence, during my office hours to discuss your needs.