

**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](http://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 or Loft

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

**Text:**

"Law for Professional Engineers", 4<sup>th</sup> 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](http://raic.org))*

"The Architect's Handbook of Professional Practice", 13<sup>th</sup> 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", 4<sup>th</sup> Ed.,

Sherry Diestler, Pearson Education Inc., 2005

"Start & Run a Consulting Business", any edition

Douglas Gray, BA, LLB, Self-Counsel Press

**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:

### **9 January,** Lesson 1: Architectural Practice: the Canadian legal context

*Group work: analysis of a typical scenario*

Follow-up (prior to Lesson 2):

Read: Marston, Chapters 1, 2 and 3

Maister, Charting your course: master strategies for organizing and managing architectural firms

CHOP 2.1.1, Organization of an Architectural Practice

Gray, Chap 4. Legal Forms of Business Structure (alternate, in Musagetes)

Do: Research facts re a firm with which you have experience

**upload Form to LEARN by Wed. 14 Jan., 9 pm (3% of term grade)**

### **16 January,** Lesson 2: Architectural Practice: modus operandi vs. legal form

*Why run a business?*

*Class comparison: Delivery, Service & Idea firms vs. Sole Props & Corps*

*Intro to Term Project*

Follow-up (prior to Lesson 3):

Read: selections from businessofarchitecture.com

AIA Handbook 6.1, Firm Planning

Do: Write Thinking Piece #1 (to prompt on handouts from Lesson 1)

**upload Thinking Piece to LEARN by Wed. 21 Jan., 9 pm (7%)**

### **23 January,** Lesson 3: Do Architects add Value? **\*\*LECTURE THEATRE\*\*1:30 pm\*\***

*Feedback re Thinking Piece #1*

*Guest: Professor Larry Smith, Department of Economics, UWaterloo*

Follow-up (prior to Lesson 4):

Read (ESSENTIAL):

Marston, Chapter 32

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

Do: Form your group and register 2 alternate ideas for your term project

**register roles, ideas, rationale on LEARN by Wed. 21 Jan., 9 pm (3%)**

### **30 January,** Lesson 4: Client – Architect reciprocity

*Overview of Business Ideas submitted so far*

*Scenario Training: A client meets an Architect*

Follow-up (prior to Lesson 5):

Read: McLachlin Chapter 5, Ethical Obligations

The Architects Act (high-lit selections)

O.Reg. 27 (high-lit selections)

**... this week cont'd next page ...**

CHOP 1.1.2, Professional Conduct & Ethics  
AIA Codes of Ethics: OAA, AIA, and UIA

Do: Write Thinking Piece #2 (to prompt on handout)  
**upload Thinking Piece to LEARN by Wed. 4 Feb., 9 pm (7%)**

**6 February,** Lesson 5: Agencies & Interns

*Guest: Nedra Brown, Registrar, Ontario Associations of Architects*

Follow-up (prior to Lesson 6):

Do: Answer "Recap: ethics & regulation" sheet

Read: ProDemnity Insurance Company

Glossary of Insurance Terms

Protecting yourself: what can you do when your client doesn't follow your advice?

**13 February,** Lesson 6: "Insurance 101" + Highlights of the Elliott Lake Inquiry

*Guest: John Hackett, ProDemnity Insurance*

**20 February: NO CLASS** (U. Waterloo Reading Week: 16-20 Feb.)

**so READ!** ... catch up on loose ends + move ahead

... prior to Lesson 7:

Do: **Quiz #1 on LEARN by Wed. 25 Feb., 9 pm (7%)**

Read: McLachlin Chapter 6, General Principles of Contract Law (part)

Marston Chapter 3, Tort Liability (part)

Do: answer questions on "Recap: Legal Fundamentals 1" sheet  
analyze a typical scenario according to legal principles

**27 February,** Lesson 7:

*Discussion/recap re contracts/torts & architectural scenarios*

*Discussion/recap re Ethics & Advocacy*

Follow-up (prior to Lesson 8):

Read: Cases from Pro-Demnity's Claims Bulletin (assigned in class)

Do: **Quiz #2 on LEARN by Wed. 4 March, 9 pm (7%)**

begin to write draft of Torts Essay

**6 March,** Lesson 8: "A matter arises"

*Guest: David Croft, ProDemnity Insurance*

Follow-up (prior to Lessons 9 & 10):

Do:

**submit Essay re Torts on LEARN by Wed 4 March, 9 pm (15%)**

Read on (ESSENTIAL):

From the MBA Kit: 1-5, Work Breakdown Structures  
1-6, Scope, Non-Traditional  
2A-1, Using the WBS

**cont'd ...**

2A-4, Task Duration  
3A-2, Project Planning  
Determining appropriate fees for the services of an Architect (RAIC 2009)  
Read: CHOP 2.3.1, Management of the Project  
CHOP 2.3.9, Construction Procurement  
CHOP 2.3.11, Contract Administration – Field Functions  
OAA Practice Bulletin A.10, General Review, Professional Standards

**13 March, MORNING** Lesson 9: Fees, Time & Money-management

*Two methods*

*Related matters: firm m.o. & advocating the Architect's "value-added"*

*Implications for your Business Plan*

Follow-up:

**submit "Time-and-\$\$" INDIVIDUAL worksheet by Wed 18 March (6%)**

**13 March, AFTERNOON** Lesson 10: The Architect's role during construction

*Architect – who needs one?*

*What does "putting my seal on" mean?*

*Tips for Internship*

Follow-up (prior to Lesson 11):

Do:

**submit individual worksheet Cost Factors 1, by Wed 18 March, 9 pm (2%)**

Read: 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)

**20 March**, Lesson 11: Project Cost Control

*The factors that drive construction costs: case study*

Do:

**Submit DRAFT Business Plan, for external review, by Wed 25 March NOON**

**27 March**, Lesson 12: Business Plan Project Clinic

Prepare a very brief oral synopsis of your business concept

Round 1: Manager-peers meet to peer-critique

Round 2: Each project group meets with guest business advisors (TBA)

Follow-up:

**submit individual worksheet Cost Factors 2, by Wed 1 April, 9 pm (7%)**

**submit FINAL Project by Friday, 10 April (36% of term grade)**

**Evaluation and Weighting:**

14% for reflective, individual "Thinking Pieces" (2@ 7%)

3% for Business Plan initial pitch

18% for individual work re in-class "scenario training" exercises (2 @ 3% + 2 @ 6%)

14% for individual Quizzes #1 and #2 (to be done on LEARN, individually, open book)

15% for individual Formal Essay

36% for Term Project: Business Plan (20% individual + 20% group)

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 more than one "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 in all exercises. 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 Wednesday 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/](http://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 a consulting setting, if one misleads someone, one is 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. 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.