

The Manitoba Association of Landscape Architects

a component organization of the Canadian Society of Landscape Architects

Code of Conduct

Introduction

The Manitoba Association of Landscape Architects (the “Association”) represents and sets standards for Landscape Architects in the Province of Manitoba as contemplated by *The Landscape Architects Act* (Manitoba) (the “Act”). The Association is one of the nine provincial, regional or territorial bodies that constitute the Canadian Society of Landscape Architects.

Landscape Architecture is the profession that applies knowledge of the earth's natural systems and human cultures to the planning, design and management of urban and rural developments. Its goals are to promote attitudes of respect, care and responsibility in conserving the landscapes of human heritage and understanding the physical and cultural environments in which new places are created.

The *Code of Conduct* (the “Code”) is designed to ensure that Members act honestly and with dignity and integrity in serving clients and in dealing with other Members and the public. It applies equally to all members, whether Fellows, Members, Associate Members or Student Members of the Association. References in the Code to “Members” apply equally to all categories of member.

1: General Professional Responsibilities

A Member **shall**:

- 1: use the name “Manitoba Association of Landscape Architects” and/or the title “Landscape Architect” only as permitted by the Association
- 2: not give or accept any commissions or gifts or other inducements or show undue favour to any person or body in the provision of their services
- 3: provide or offer to provide only those services for which the Member has the requisite training or expertise
- 4: sign or seal only those drawings or other documents for whose production the Member has had direct responsibility
- 5: purchase and maintain in force insurance policies:
 - a: relating to the services provided by the Member as would be prudent for any person providing such services, and
 - b: as may otherwise be required by the Association from time to time
- 6: in the case of a Member in public sector employment, not to use the benefits of that employment to compete unfairly with other Members
- 7: take all due care with proper regard to current professional and technical standards in providing services as a Landscape Architect
- 8: maintain a level of knowledge and skill (through continuing education or otherwise) as may be required to provide a proper standard of services as a Landscape Architect
- 9: take available opportunities to disseminate research and examples of good practice in Landscape Architecture
- 10: ensure that the Member's personal and professional finances are managed in such a way that they do not prejudice the Member's ability to provide services as contracted
- 11: ensure that complaints concerning the Member's professional services and business practices are dealt with as required by the Act.

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2: *Environmental Responsibilities*

A Member is **expected** to understand that complex and diversified ecosystems provide stability for the earth's life support processes and that development and other human activities can undermine this stability and threaten these processes. A Member is **expected** to assume a responsible position in the protection, regeneration and enhancement of the natural and cultural environments consistent with their role as agents of social and ecological change. A Member is also **expected** to be mindful of:

- 1: current issues with respect to habitat protection and animal rights
- 2: ecological principles affecting all aspects of the Member's professional work
- 3: the conservation of cultural resources in the execution of the Member's work
- 4: construction techniques and materials that are conducive to the tenets of sustainable development and which employ principles of recyclability and the assimilation of residual wastes by ecological systems
- 5: the consumption of energy and natural resources in the way that the Member organizes and manages the Member's business practices.

3: *Responsibilities to Society*

A Member **shall**:

- 1: be mindful of the short and long term social impacts of the Member's work
- 2: seek to ensure that information with respect to the Member's work that is of importance to human health and environmental protection is not willfully concealed from the public
- 3: provide full, clear and accurate information on projects to decision-makers and the public providing that this does not conflict with clients' rights to confidentiality
- 4: seek to provide "pro-bono" services as part of the profession's commitment to the community. Pro-bono services are those rendered without charge for the public good, intended for an impecunious client or not-for-profit organization that would otherwise suffer for lack of professional expertise.

4: *Responsibilities to Clients*

A Member **shall**:

- 1: declare to all clients any ongoing business relationship that the Member has with any design-build operation wherever such a relationship may conflict with requirements under the Code
- 2: charge a separately identified commercial fee for the design component of any design-build project that the Member undertakes
- 3: provide clients at each date of estimate and invoice with clear statements of the costs of the design and of the construction components of the Member's services
- 4: **not** work, in the case of a design-build project, for both an owner/client and an independent contractor. The Association recommends that a Member should seek to have a single point of contract, direct liability to one party only and single lines of communication with clients and contractors
- 5: respect clients' rights to confidentiality - particularly with respect to information gathered through a professional relationship
- 6: disclose fully to clients or employers any direct or indirect personal financial or other interest in a project for which the Member provides services as soon as the Member is aware of them
- 7: keep clients fully informed of the progress and financial consequences of work undertaken on their behalf

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- 8: ensure the security of monies entrusted to the Member's care in the course of practice or business
- 9: inform clients of any conflict between their requirements and the requirements set out in the Code
- 10: **not** commence work on a project without a written agreement with a client describing in sufficient detail the Member's responsibilities and the method, form and timing of remuneration for services performed
- 11: **not** receive compensation for services from more than one party unless all parties agree to such an arrangement in writing.

5: **Responsibilities to Contractors**

A Member **shall**:

- 1: guard equally the interests of the contractor and the owner in the administration of any construction contract
- 2: demand equally of all contractors under the Member's direction the qualities of workmanship and materials that are specified in contract documents and consistent with accepted standards of good practice.

6: **Responsibilities to Fellow Professionals**

A Member **shall**:

- 1: conduct himself or herself towards other Members with courtesy and good faith
- 2: **not** take over a project from another Member if fees are still due to that Member for work to date on that project
- 3: **not** make unauthorized use of any work of another party, including that of other Members or of other environmental planning, design and engineering professionals
- 4: respect the roles and responsibilities of members of other professions, particularly related environmental planning, design and engineering professions.

A Member is **expected** to:

- 5: promote and further the aims of the profession and to participate in and contribute to the activities of the Association
- 6: acknowledge the contribution to projects by other firms and members of other professions in third party publications and other material covering those projects
- 7: establish and maintain communication with instructors and students in educational institutions with CSLA accredited courses in Landscape Architecture and to serve as an advisor to students in those institutions.

7: **Responsibilities as Employers**

A Member who acts as an employer **shall** ensure that the Member's employees are aware of and do not compromise the Member's ability to meet the requirements set out in the Code.

A Member who acts as an employer is **expected** to:

- 1: provide opportunities for professional education, mentoring and development of students and graduates in landscape architecture and to provide opportunities for the continuing professional development of all of the Member's employees
- 2: pay proper attention to the experience and abilities of the Member's staff when allocating tasks and responsibilities
- 3: acknowledge the contribution to projects by individual employees in third party publications covering those projects

The Manitoba Association of Landscape Architects

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- 4: allow employees to take for their personal records reasonable copies of materials on which they have worked.

8: Responsibilities as Employees

A Member who is an employee **shall**:

- 1: respect the employer's and the employer's clients' rights to confidentiality with respect to information gathered through a professional relationship
- 2: **not** claim credit for work undertaken for a former employer without giving adequate acknowledgement to the former employer
- 3: **not** take copies of work undertaken for an employer without the employer's express consent
- 4: take available opportunities for professional education, mentoring and development.

9: Responsibilities to Oneself

A Member has a responsibility to herself or himself to take pride in the profession, to be honest and fair in assessing their own strengths and to take time for family and friends.

Procedures for Enforcement of Code of Conduct

Failure to comply with any Requirements under these Procedures amounts to a breach of the Code.

A: Complaints

A complaint relating to a breach of this Code may be made by any person by submitting written notice thereof to the Manitoba Association of Landscape Architects at 131 Callum Crescent, Winnipeg, Manitoba, R2G 2C7. Complaints must include a description of all facts relevant to the complaint, including, where applicable, copies of relevant documentation.

The Chair of the Association's Ethics Committee (the "Chair") shall determine if, based upon the written complaint, there is reason to believe that there may have been a breach of the Code. The Chair shall notify the applicable Member by written notice enclosing a copy of the complaint and requiring a written response and explanation within fourteen [14] calendar days. Failure of the member to respond as requested will, in and of itself, constitute a breach of the Code.

The Chair may also collect and examine information from all parties involved in the matter and through discussions with these parties attempt to mediate and bring all parties to an agreed resolution of differences. If the Chair is unable to bring all parties to an agreed resolution of differences and believes that the member still has a case to answer, s/he will refer the matter to the Investigation Unit.

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B: Investigation Unit, Inquiries and Recommendations

The Chair, in consultation with the Ethics Committee, shall appoint an Investigation Unit, which shall choose from among its members a person to serve as Chair of that Unit. The Investigation Unit shall include at least two [2] Members of the Association. Members may not be selected to participate on an Investigation Unit if the Member has any direct or indirect business or personal relationship with the complainant or the Member who is the subject of the complaint.

Once the Investigation Unit has been established, the Chair shall provide to the Unit within fourteen [14] days all documents relating to the Complaint in the possession of the Chair. The Investigation Unit may:

- a: request the Member to produce any other records, books, papers and other documents or items in the Member's possession or control relevant to the investigation
- b: request the Member concerned or any other Member to attend at or in connection with the investigation.

The Member will be afforded a full opportunity to be present at any hearing, to make submissions and to be represented by (an) advocate(s) on their behalf.

The Investigation Unit shall prepare a written report to the Council of the Association. The Report should conclude with a recommendation that:

- a: the complaint should proceed no further, or
- b: a formal **Letter of Reproach** be sent to the Member by the Council of the Association, or
- c: a formal **Letter of Reprimand** be sent to the Member by the Council of the Association
- d: the Member be subject to **Temporary Suspension** of membership of the Association, or
- e: the Member be subject to **Permanent Termination** of membership of the Association.

C: Council Action and Members' Rights of Appeal

Upon receipt and consideration of the Report from the Investigation Unit, the Council of the Association shall determine within fourteen [14] days whether to accept the recommendation of the Unit or to select another course of action and shall forthwith notify the Member and complainant in writing of its decision.

The Member and, if appropriate, the complainant will then have the right to appeal this decision in writing within a specified number of days (normally fourteen [14] calendar days) of its being received. The Council and the Member will then refer the matter to an independent arbitrator acceptable to both parties. The costs of such arbitration shall be borne equally by the Association and the Member.

All matters dealt with under these Procedures shall be treated as confidential until a final decision has been made on them. The Council of the Association shall make such final decisions public if and in the manner that it deems appropriate.