

BY-LAWS

**ASSOCIATION OF
INTERIOR DESIGNERS
OF NEW BRUNSWICK**

May 28, 2018

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1 **INTRODUCTION**

1.1 DEFINITIONS

ACT means “*Interior Designers Act*”, SNB 1987, c 67, as amended by SNB 2017, c 34.

ASSOCIATION or **IDNB** means the Association of Interior Designers of New Brunswick, continued under section 3 of the Act.

BOARD means the Board of Directors of the Association.

BY-LAWS refers to the by-laws of the Association.

CERTIFICATE means the certificate bearing the name and seal of the Association identifying a Registered Member by name, and being signed by the President and Treasurer of the Association.

CIDA refers to the Council for Interior Design Accreditation.

CONTINUING EDUCATION UNITS (CEUs) refer to units of study in interior design provided by accredited sources, including the Association, to the interior designer.

IDC refers to the Interior Designers of Canada, an association of member associations.

IDCEC refers to the Interior Design Continuing Education Council.

INTERIOR DESIGN EDUCATION PROGRAMS are those accredited by CIDA, recognised by NCIDQ and accepted by the Association.

INTERIOR DESIGNER The interior designer is qualified by education, experience and examination to enhance the function and quality of interior spaces, for the purpose of improving the quality of life, increasing productivity, and protecting the health, safety and welfare of the public. (See Appendix A.)

INTERN MEMBER is a member who is in the process of logging professional experience with the aim of qualifying to become a Registered Member of the Association.

MEMBER OF GOOD STANDING refers to any member of the Association who has paid in full the annual dues, has not violated the rules of conduct, and fulfils his/her responsibilities of professional ethics.

NCIDQ refers to the National Council for Interior Design Qualification.

PROFESSIONAL EXPERIENCE: constitutes an account of working experience completed to fulfil the requirements to become a Registered Member of the Association.

RECORD BOOK is a form approved by the Board for the purpose of logging professional experience.

REGISTERED MEMBER is a member who is qualified by education, accreditation and experience is registered under the Act and holds all rights and privileges of voting in the Association.

REGISTRAR refers to the position, typically held by the Treasurer of the Association, responsible for keeping the registry of members of good standing.

1.2 INTERPRETATION

Unless specifically indicated herein, words and expressions defined in the Act have the same meaning when used in these By-laws. Words importing the singular include the plural and vice-versa, and words importing a male person include a female person.

1.3 OBJECTIVES OF THE ASSOCIATION

- To establish, maintain and develop standards of knowledge and skill among its members.
- To govern the practice of interior design in order that the public interest might be served.
- To enhance public awareness of professional quality interior design and its importance to the human environment.
- To advocate quality interior design education and practice throughout New Brunswick and Canada.
- To initiate support and seek the expansion of quality continuing education and professional upgrading among the members of the Association.
- To co-operate with and support the Interior Designers of Canada and its member and allied associations.
- To establish, maintain and develop standards of professional ethics among its members. (See 5 of these By-laws.)
- To advance the interests of the public, the Association, the profession and its members.

2 **MEMBERSHIP**

2.1 REGISTERED MEMBER

2.1.1 Qualifications for Registered Membership

Registered membership shall be available to applicants who:

- have:
 - (a) graduated from a CIDA-accredited Interior Design Education Program with a degree or diploma, or have otherwise met the requirements of Routes 1, 6 or 7 in Appendix B, which when combined with interior design work experience meets the NCIDQ examination eligibility requirements (see Routes 1, 6 and 7 of Appendix B), or
 - (b) hold an equivalent membership in a member association of IDC and are members in good standing of that association;
- have successfully completed the NCIDQ examination and have provided verification of certification to the Association;
- have submitted a record of professional work experience in interior design to the Association, as per the application form approved by the Board;
- are permanent residents of the Province of New Brunswick;
- have paid all required fees to the Association.

2.1.2 Responsibilities and Privileges of Registered Membership

The responsibilities of registered members include the following privileges and limitations:

Registered Members:

- are voting members and are entitled to hold office on the Executive of the Association;
- are entitled to use the designation “Interior Designer”, and may use the initials “IDNB” after their names as defined by the Interior Designers Act;
- are responsible for informing the Registrar of changes of information for their listing in the IDNB register of members;
- shall complete thirty (30) contact hours or 30 CEU credits of continuing education units in each three (3) year period preceding renewal of registration in accordance with the following and such guidelines as are established by the Board of Directors from time to time:
 - a minimum of fifteen (15) CEUs must be IDCEC approved CEUs;
 - a maximum of fifteen (15) CEUs can be non-IDCEC approved CEUs. ;

- a minimum of eight (8) CEUs must be Health, Safety and Welfare (HSW) CEUs, which can be either IDCEC or non-IDCEC approved;
- record-keeping of the CEUs is to be provided by IDCEC or an organisation approved by the Board from time to time.
- shall carry professional liability insurance in the minimum amount required by the Board from time to time and submit proof of same to the Association annually;
- shall ensure that all technical submissions prepared or issued by him or her and filed with the authority having jurisdiction for the purpose of obtaining building permits or other approvals:
 - contain such Registered Member's signature and stamp;
 - contain the date on which it was approved; and
 - be identified as an interior design document;
- shall, without limiting the generality of the previous clause, affix his or her stamp to working drawings issued for tender, construction, regulators, building permits, specifications or clarifications, addenda, change orders, progress claims, and final completion reports;
- shall register a copy of the stamp (electronic or physical stamp) used by such Registered Member with the Registrar annually;
- shall comply with the Code of Ethics set out at section 5 of these By-laws;
- shall submit a resignation to the Association in written form to be addressed to the secretary of the Association at the time of resignation and return their stamp and delete the electronic version;
- shall pay such annual and other fees established by the Board from time to time.

2.2 INTERN MEMBER

2.2.1 Qualifications for Intern Membership

Intern membership shall be available to applicants who:

- have graduated from a CIDA-accredited Interior Design Education Program with a degree or diploma that meets the NCIDQ examination eligibility requirements;

- have graduated from an interior design program of study granting a non-CIDA-accredited degree or diploma and that meets the alternate path for examination eligibility set out in Routes 6 and 7 in Appendix B or such other program as may be approved by the Board;
- are residents of the Province of New Brunswick;
- are required to log hours of professional experience to be eligible to write NCIDQ examinations.

2.2.2 Responsibilities and Privileges of Intern Membership

The responsibilities of Intern Members include the following privileges and limitations:

Intern Members:

- are non-voting members and, with the exception of the office of the Secretary, are not entitled to hold office on the Executive Committee of the Association;
- can act as intern representative to the Executive Committee of the Association;
- are responsible for informing the Registrar of changes of information for their listing in the IDNB register of members;
- may not use the designation "Interior Designer", "IDNB" or any other designation denoting membership in the Association; provided that:
 - an Intern Member may use the designation “Intern Interior Designer” or “ Intern IDNB”, provided that the word "Intern" is in the same font and size as "Interior Designer" or "IDNB", as the case may be;
- shall submit a Record Book to the Association with their annual membership fee renewal;
- shall complete twenty (20) CEUs in each three (3) year period preceding renewal of registration in accordance with the following and such guidelines as are established by the Board of Directors from time to time:
 - a minimum of five (5) CEUs must be IDCEC approved CEUs;
 - a maximum of fifteen (15) CEUs can be non-IDCEC approved CEUs. ;

- a minimum of eight (5) CEUs must be Health, Safety and Welfare (HSW) CEUs, which can be either IDCEC or non-IDCEC approved;
- record-keeping of the CEUs is to be provided by IDCEC or an organisation approved by the Board from time to time.
- shall carry professional liability insurance in the minimum amount required by the Board from time to time and submit proof of same with their annual membership fee renewal;
- upon qualifying as an Intern Member, shall successfully complete all sections of the NCIDQ examination, within five (5) calendar years of eligibility to write the NCIDQ examination. Failure to do so shall result in termination of membership in the Association;
- who do not successfully complete the NCIDQ examination within the time prescribed above, cease to be members of the Association and may apply for reinstatement after a period of one (1) calendar year following the date on which membership was terminated. As a condition of reinstatement, Intern Members must undertake to write the NCIDQ examination during the next two (2) consecutive sittings of that examination;
- shall comply with the Code of Ethics set out at section 5 of these By-laws;
- shall pay such admission and other fees established by the Board of Directors from time to time.

2.3 STUDENT MEMBER

2.3.1 Qualifications for Student Membership

Student membership shall be available to applicants who are enrolled in an Interior Design Education Program that grants a CIDA-accredited degree.

2.3.2 Responsibilities and Privileges of Student Membership

The responsibilities of Student members include the following privileges and limitations:

Student members:

- are non-voting members;
- are responsible for informing the Registrar of changes of information for their listing in the IDNB list of student members;

- may not use the designation “Interior Designer”, “IDNB” or any other designation denoting membership in the Association;
- shall comply with the Code of Ethics set out at section 5 of these By-laws;
- shall pay such fees established by the Board of Directors for student membership from time to time.

2.4 INACTIVE MEMBER

Inactive members:

- are non-voting members;
- may not use the designation “Interior Designer”, “IDNB”, or any other designation denoting membership in the Association;
- may be readmitted to the Association within three (3) years of resignation or retirement from the Association, and must pay a readmission fee (percentage of annual fees as determined by the Board) to be entitled for readmission;
- who are NCIDQ certified and are requesting readmission after three (3) years, may regain Registered membership status after paying a readmission fee (percentage of annual fees as determined by the Board), and the current annual membership fee;
- who were “registered” as experienced persons under the Act or who are non-NCIDQ certified founding members, and are requesting readmission after three (3) years, shall pay a readmission fee (percentage of annual fees as determined by the Board), and the current annual membership fee, and as a further condition of reinstatement, they must undertake to write the NCIDQ examination during the calendar year after reinstatement. If they do not successfully complete the examination, membership status will not be awarded.

2.5 NON-RESIDENT REGISTERED MEMBER

2.5.1 Qualifications for Non-resident registered membership

Non-resident registered membership is available to applicants who:

- do not reside in New Brunswick;
- have:
 - (a) graduated from an interior design program of study granting a CIDA-accredited degree or diploma, or have otherwise met the requirements of Routes 1, 6 or 7 in Appendix B, which when combined with interior design work experience meets the NCIDQ examination eligibility requirements (see Routes 1, 6 and 7 of Appendix B); or
 - (b) hold an equivalent membership in a member association of IDC and are members in good standing of that association;
- have successfully completed the NCIDQ examination and have provided verification of certification to the Association;
- shall complete thirty (30) contact hours or 30 CEU credits of continuing education units in each three (3) year period preceding renewal of registration in accordance with the following and such guidelines as are established by the Board of Directors from time to time:
 - a minimum of fifteen (15) CEUs must be IDCEC approved CEUs;
 - a maximum of fifteen (15) CEUs can be non-IDCEC approved CEUs. ;
 - a minimum of eight (8) CEUs must be Health, Safety and Welfare (HSW) CEUs, which can be either IDCEC or non-IDCEC approved;
 - record-keeping of the CEUs is to be provided by IDCEC or an organisation approved by the Board from time to time.
- shall paid such fees as are established by the Board of Directors for Non-Resident Membership from time to time.

2.5.2 Responsibilities and Privileges of non-resident registered membership

The responsibilities of Non-Resident Registered members include the following privileges and limitations:

Non-Resident Registered members:

- are non-voting members;
- are responsible for informing the Registrar of changes of information for their listing in the IDNB register of non-resident members;
- may use the designation “IDNB Non-Resident Member” after their names.
- shall carry professional liability insurance in the minimum amount required by the Board from time to time and submit proof of same with their annual membership fee renewal;
- shall comply with the Code of Ethics set out at section 5 of these By-laws;
- shall ensure that all technical submissions prepared or issued by him or her and filed with the authority having jurisdiction for the purpose of obtaining building permits or other approvals:
 - contain such Registered Member's signature and stamp;
 - contain the date on which it was approved; and
 - be identified as an interior design document;
- shall, without limiting the generality of the previous clause, affix his or her stamp to working drawings issued for tender, construction, regulators, building permits, specifications or clarifications, addenda, change orders, progress claims, and final completion reports;
- shall register a copy of the stamp (electronic or physical stamp) used by such Registered Member with the Registrar annually;
- shall submit a resignation to the Association in written form to be addressed to the secretary of the Association at the time of resignation and return their stamp and delete the electronic version;

2.6 RETIRED MEMBER

2.6.1 Qualifications for Retired Membership

Retired membership is available to those who were Registered Members in good standing with the Association prior to retirement and are fully retired from the practice of interior design.

2.6.2 Responsibilities and Privileges of Retired Membership

Retired members are non-voting members, who do not pay membership fees to IDNB. They are responsible for informing the Registrar of changes of information for their listing in the IDNB register of retired members.

3 **MANAGEMENT**

3.1 BOARD OF DIRECTORS

The affairs of the Association shall be managed by a Board which may exercise the powers and do all the acts and things that the Association may exercise and do, subject to:

- the Act and all laws affecting the Association;
- these By-laws;
- rules, not being inconsistent with these By-laws which are made from time to time by the Board.

The Board shall consist of no fewer than five (5) nor more than nine (9) Registered Members elected from the membership of the Association in accordance with these By-laws.

Notwithstanding the above, the Association may by By-law provide for the appointment to the Board of up to three persons who are not members of the Association; those so appointed will have no vote.

The Board shall include the Executive Officers of the Association and such other Directors as may be elected by the members.

The Directors shall:

- be elected by the members at the Annual General Meeting;
- when serving as Executive Officers, be elected at an Annual General Meeting for the term of office assigned (See 3.2.1 of these By-laws.)
- resign at the Annual General Meeting when their successors are elected;
- not be remunerated for being or acting as a Director, except as approved by resolution of the members; however, Directors shall be reimbursed for expenses necessarily and reasonably incurred while engaged in the affairs of the Association.

3.2 EXECUTIVE OFFICERS

The Executive Officers of the Association shall constitute the Executive Committee, being the President, the Vice-President, the Secretary and the Treasurer.

The Executive Officers of the Association shall be Registered Members, with the exception of the Secretary who can be a non-registered member.

3.2.1 Terms of Office for Executive Officers

The Executive Officers shall serve the following terms of office:

- President, two (2) years;
- Vice-President, two (2) years;
- Secretary, two (2) years;
- Treasurer, two (2) years.

3.3 DUTIES OF OFFICERS AND DIRECTORS

3.3.1 President

The President of the Association shall,

- be the chief executive officer and shall supervise the duties of the Executive Officers;
- preside at all general meetings and Board meetings;
- cast the deciding vote, in the event of a deadlock, if required at such meetings;
- supervise the affairs of the Association;
- be “ex officio” of all Committees, except the Nominations Committee;
- with the Secretary, execute all contracts on behalf of the Association;
- perform all other duties that may be prescribed from time to time by the Board.

3.3.2 Vice-President

The Vice-President of the Association shall

- in the absence of the President, act on his/her behalf;

- be responsible for maintaining a current set of by-laws and incorporating changes that result from motions passed during general meetings;
- accept applications for membership and Professional Experience record books on behalf of the Association;
- act as Chairperson of the Membership Review Committee (See 4.3.2 of these By-laws);
- present applications and experience record books to the Executive Committee on behalf of applicants;
- be responsible for relaying all membership information to the Executive Committee.

3.3.3 Secretary

The Secretary of the Association shall

- maintain a record of the proceedings of all general and Board meetings and maintain all legal documents for the Association;
- be responsible for the preparation and distribution of minutes of meetings, notices of motion and meetings, proxy forms and other documents to the membership;
- shall collect committee reports prior to distribution at the Annual General Meetings, and shall prepare meeting agendas in conjunction with the President;
- have custody of or arrange for proper care of the Corporate Seal and all records, papers and other documents relating to the Affairs of the Association;
- develop and maintain administrative forms and procedures;
- upon notice from the Vice-President of the acceptance of a new member, will issue to that new member a set of By-Laws of the Association and a certificate of membership as prepared by the Registrar.

In the absence of the Secretary from a meeting, the Board shall appoint another person to act as Secretary for that meeting.

3.3.4 Treasurer

The Treasurer of the Association shall,

- receive and disburse the funds of the Association and keep a true and accurate record of the accounts and shall deposit all monies in the name of

the Association in such banks as may be designated by the Executive Committee. All cheques, notes and evidences of indebtedness of the Association shall be signed by the Treasurer and co-signed by a designated member of the Executive Committee;

- prepare the Annual Report of Finance, in conjunction with the accountants of the Association and forward same to all members of the Association at least seven (7) days prior to the Annual General Meeting;
- invoice members for annual dues, as prescribed in 4.5 of these By-laws, no later than November 1st of each year for the following year's dues;
- prepare list of members in good standing as of January 31st of each year, for the purpose of submitting this record to IDC, and for the update of the IDNB membership listing;
- be the Registrar of the Association (unless otherwise designated by the Board) and shall maintain a register of all members;

3.3.5 Past President

The Past President of the Association shall,

- be the historian of the Association;
- act as chairperson of the Nominations Committee.

3.3.6 IDC Director

The IDC Director of the Association shall,

- be responsible for facilitating interaction between IDC and IDNB;
- “act on behalf” of IDNB at all IDC Directors’ meetings;
- submit an annual report to the Association’s Annual General Meeting;
- report on the business and activities of IDC to the Executive Committee on a regular basis.

3.3.7 Resignation and Vacancies

The resignation of any Director or Officer shall be made in writing and submitted to the Secretary of the Association.

Vacant offices of the Executive Officers shall be filled by appointment of the Executive Committee.

4 OPERATIONS AND PROCEDURES

4.1 DUTIES AND POWER OF THE ASSOCIATION

The administrative office of the Association shall be at the City of Fredericton, New Brunswick.

The Association shall have the power to acquire and hold real estate for the purpose of the Association, and to alienate, mortgage, lease or otherwise change or dispose of such real estate or any part thereof as occasion may require.

The Association is authorized to establish out of its funds, scholarships and prizes for students of interior design at accredited schools as the Executive Committee may from time to time select, and to determine the value of scholarships or prizes, the conditions governing their award and the duration of their tenure.

The Association is authorized to borrow money at such rates of interest and upon such terms and conditions as may be agreed upon, with full power to secure such loans by any mortgage, pledge, assignment of or charge upon.

4.2 MEETINGS

4.2.1 Meetings of the Board of Directors

The Board shall hold a minimum of four (4) General Meetings each year (including the Annual General Meeting), one each quarter. One meeting to be held in person, three may be held by teleconference.

The Board, at its discretion, may call Special Meetings of the general membership as may be necessary at any time.

Members eligible to vote at any General Meeting, Special Meeting or Annual General Meeting shall be Registered Members.

4.2.2 Annual General Meeting

The Annual General Meeting shall be held once each calendar year prior to July 15 for the following purposes:

- to receive the Financial Report, Balance Sheet and Statement of Accounts for the preceding year;
- to receive reports from the past year's Executive and Committees;
- to elect the Directors, Executive Committee members and Committees for the Association for the coming year, subject to the terms of office set out in Bylaw 3.2.1, as the case may be;
- to appoint accountants and legal representation.

4.3 COMMITTEES

Committees shall be established and members appointed by the Executive Committee. Committees shall be chaired by Registered Members in good standing.

4.3.1 Standing Committees

The following Standing Committees may be deemed necessary by the Board of Directors, and may be formed to address specific issues or programs of the Association:

- Practice Act Committee
- Public Relations Committee
- National / International Issues Committee
- Education Committee
- Continuing Education Committee

4.3.2 Membership Committees

The Membership Applications Review Committee must be in place at all times. The Vice-President acts as Chairperson of the committee, and is responsible for reviewing, then submitting all applications for membership to the Executive Committee.

The Membership Qualifications Review Board shall be comprised of three persons appointed by the Executive Committee to review the applications for membership submitted by the Vice-President. These persons shall be Registered Members or Retired Members of the Association.

4.4 AMENDMENT OF BY-LAWS

These By-Laws may be amended by resolution approved by three-quarters (3/4) of the members present at any meeting of the Association. Editorial, numbering and consequential changes to the By-laws may be made by the Board

Notice, in writing, to amend any by-law shall be delivered to the Secretary of the Association in such time as to enable the Secretary to send fourteen (14) days in advance, by electronic or regular mail to all voting members, notice of such proposed amendment.

4.5 MEMBERSHIP FEES

The Association shall review the membership fees for each category of membership at the Annual General Meeting.

Fees shall be invoiced by the Treasurer as prescribed in 3.3.4 of these By-laws.

All categories for membership for annual dues must be invoiced by November 1st prior to the upcoming new year.

Fees for all membership categories must be paid in full by December 1st prior to the upcoming new year. Cheques will be made payable to “The Association of Interior Designers of New Brunswick”.

4.6 TRADE AFFILIATES

Trade Affiliates may be individuals, companies or associations engaged in the manufacturing, supply or marketing of furnishings, materials, services or processes used in the practice of interior design by registered interior designers. In the case of a company or association, one designated representative shall be considered the Trade Affiliate.

Trade Affiliates do not attend meetings of the Association, unless by invitation of the Executive Committee. Trade Affiliates are invited to participate in Continuing Education events, special community events and social events that involve the participation of IDNB members.

A list of the current Trade Affiliates is prepared and published by the Secretary of the Association and is distributed to all its members annually.

5 CODE OF ETHICS

This Code of Ethics serves not only as a guide to professional interior designers in dealing with complex business relationships but also as an assurance for their clients. All members of the Association will undertake as a condition of their membership to abide by this Code of Ethics.

The Code of Ethics for the Association is divided into two parts:

- “Rules of Conduct” are the enforceable ethical standards of the Association;
- “Ethical Conduct and Responsibilities to the Public” recommends behaviour beyond that called for in the Rules of Conduct. It is intended as a philosophical recommendation for the professional conduct of members of the Interior Designers of New Brunswick.

Rules of Conduct:

- A member will not make misleading, deceptive or false statements about professional qualifications, experience or performance.
- A member will not supplant a fellow designer who is already engaged on a project and will not knowingly accept any professional assignment on which another designer has been working, except with the agreement of the other designer, or unless satisfied that the former agreement has been properly terminated.

- A member will not permit his/her name to be used in conjunction with a design or project in which he/she was not directly involved.
- A member will disclose in writing to his/her employer or client prior to any engagement as a practising member of the Association of Interior Designers of New Brunswick any financial interest that he/she may have that could affect his/her impartiality in specifying goods and services.
- A member will be required to state the method of compensation being received for design services to his/her client.
- A member will not receive any financial or other reward in addition to his/her professional form or remuneration.
- A member will not knowingly plagiarize the design of another designer.
- A member will treat his/her fellow designers with respect.
- A member will not disclose confidential information imparted to client or employer or release information concerning his/her said client, employer or business organization unless given prior consent.
- A member, in the case of a dispute not involving him/her directly during his/her engagement on a project, will take an independent position in total fairness to the parties in dispute.
- A member will, in competition with other designers, seek his/her engagement only through knowledge, skill, and by understanding and observing highest professional ethics.
- Notice of contravention of the above ethical standards must be made in writing. A member found in contravention of this Code of Ethics will submit to the ruling of the Executive Committee of the Association of Registered Interior Designers of New Brunswick.

Ethical Conduct and Responsibilities to the Public:

To be a professional involves the acceptance of responsibilities to the public. The Association's Rules of Conduct are minimum levels of acceptable conduct and are mandatory and enforceable. Ethical conduct requires unswerving commitment to honourable behaviour, even at the sacrifice of personal advantage.

- A member will at all times give his/her professional best to be a worthy member of the Association.
- A member will practise his/her profession by offering knowledge, skill and understanding in the solving of environmental, people and space related problems to individuals, the public and other professions.

- A member may take out advertising space in any media to advertise his/her professional services providing it is within the framework of the Code of Ethics and under the following conditions:
 - when advertising in any media, must not mention any fees, nor take credit for work not solely his/hers without giving credit to other participating parties;
 - by using a temporary project sign where work is being carried out;
 - by using a letter or brochure to a potential client;
 - by using an announcement for the introduction or completion of a project.
- A Registered Member may use the designation "IDNB" on business cards and stationery, temporary project signs, building plaques, professional documents, office identification signs, building directories and similar professional notices, and on social media in compliance with these By-laws.
- Members will not discriminate against any business associate, employee or applicant because of race, religion, sex, national origin, age, handicap or sexual orientation.
- Members should conduct themselves in a professional manner to inspire the confidence, respect and trust of their clients and of the public.

6 DISCIPLINE

6.1 DISCIPLINE COMMITTEE

The Discipline Committee shall be comprised of three persons appointed by the Executive Committee. The Discipline Committee shall be chaired by a member of the Executive Committee. The other persons shall be Registered Members of the Association. The Committee shall respond to any written complaint received by the President alleging that any member has:

- violated the Act or a by-law of this Association; or
- been guilty of professional misconduct, including negligence in his/her professional duty; incompetence or unprofessional conduct; or
- been convicted of a violation of a criminal statute of Canada, its provinces or any other jurisdiction; or
- been issued membership by reason of misrepresentation by such person.

“Professional misconduct” includes:

- contravention of any provision of the Act, By-laws or Code of Ethics;
- knowingly contravening or authorizing, permitting, counseling, assisting in any contravention of any federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings;
- authorizing, permitting, counselling, assisting in any contravention of the Act, By-laws or Code of Ethics of the Association or any conduct that constitutes professional misconduct;
- charging a fee for interior design services not performed;
- undertaking to provide interior design services at a fee that is not fully disclosed, fair or reasonable;
- knowingly submitting false or misleading, account or charge for interior design services rendered to a client;
- knowingly signing or issuing a false or misleading certificate, report or document;
- failure of a member to provide to the Discipline Committee upon request, any design, document or record relating to an investigation or a proceeding in respect of the professional conduct, incompetence or incapacity of a member;
- becoming bankrupt or failure of a member to notify the Executive Committee of the receipt of a petition to declare the member bankrupt, or the making of a general assignment for the benefit of the creditors, if the professional responsibilities of the member have not been discharged;
- making a false or malicious statement or publication that injures the professional reputation, prospects or the practice of interior design of another company or member;
- copying or claiming ownership of the design or work of another person without the consent or agreement of the other person;
- doing or failing to do anything while engaged in the practice of interior design that shows a deliberate or reckless disregard for the rights and safety of others;
- failing to perform interior design services with reasonable skill and judgment;

- making use of goods or services offered by manufacturers, suppliers or contractors that are accompanied by an obligation that is detrimental to the best interest of the client;
- disclosing confidential information received from a client or employer except as authorized by law or with the consent of the client or employer;
- disclosing confidential information received as a member of the Board or a committee or as a representative of the Association;
- soliciting or accepting any work when the member knows or has a reason to believe that another member has been engaged or employed for the same purpose by the same client;
- withdrawing services except for good cause and upon reasonable notice;
- providing interior design services without an expressed written or oral contract;
- failing to carry out the terms of a contract to provide interior design services;
- conduct or an act relevant to the practice of interior design that, having regard to all the circumstances, would reasonably be regarded by members of the Association as unprofessional;
- requesting or accepting a “specifier’s fee” or inducement (monetary or otherwise) for the express specification of a good or service.

6.2 DISCIPLINE COMMITTEE PROCEDURE

The Discipline Committee may establish its own procedures, not inconsistent with the Act which include the following format:

Upon receipt of a written complaint, the entire Discipline Committee shall consider the matter on a preliminary basis and shall:

- decide that no further action be taken, because the complaint is deemed frivolous; or
- direct that the complaint be dealt with.
- In dealing with a complaint, the Discipline Committee shall:
- notify the member in writing of the nature and substance of the complaint made against him/her;
- forward to the member a copy of the complaint;

- give the member an opportunity to inspect and receive copies of any material the Committee will consider;
- give the member the right to appear before the Committee, with witnesses and legal counsel, to answer the complaint.

Upon considering the complaint and having afforded the member an opportunity to answer the complaint, the Discipline Committee may:

- dismiss the complaint and decide that no further action be taken; or
- determine the member to have been guilty of professional misconduct, or other incompetence and levy such penalties or sanctions against the member as are appropriate.

The decision of the Discipline Committee and its reasons shall:

- be made in writing; and
- be served on the member in question and the complainant by ordinary mail.

Where it has found a member guilty of professional misconduct, or other incompetence, the Discipline Committee may discipline, expel or order such penalties or sanctions against the member as the Committee deems reasonable and appropriate including:

- reprimand the member;
- ordering the name of the member to be removed from the register of the Association;
- suspend the member for a period not to exceed two (2) years;
- permit the member to maintain his/her membership upon such terms and conditions as the Discipline Committee may deem appropriate.

APPENDIX A

DEFINITION OF INTERIOR DESIGN

Source: National Council for Interior Design Qualification www.ncidq.org (05 April 2018)

Interior design is a multi-faceted profession in which creative and technical solutions are applied within a structure to achieve a built interior environment. These solutions are functional, enhance the quality of life and culture of the occupants and are aesthetically attractive. Designs are created in response to and coordinated with the building shell and acknowledge the physical location and social context of the project. Designs must adhere to code and regulatory requirements, and encourage the principles of environmental sustainability. The interior design process follows a systematic and coordinated methodology, including research, analysis and integration of knowledge into the creative process, whereby the needs and resources of the client are satisfied to produce an interior space that fulfills the project goals.

Interior design includes a scope of services performed by a professional design practitioner, qualified by means of education, experience and examination, to protect and enhance the health, life safety and welfare of the public. These services may include any or all of the following tasks:

Research and analysis of the client's goals and requirements; and development of documents, drawings and diagrams that outline those needs.

Formulation of preliminary space plans and two and three dimensional design concept studies and sketches that integrate the client's program needs and are based on knowledge of the principles of interior design and theories of human behavior.

Confirmation that preliminary space plans and design concepts are safe, functional, aesthetically appropriate, and meet all public health, safety and welfare requirements, including code, accessibility, environmental and sustainability guidelines.

Selection of colors, materials and finishes to appropriately convey the design concept and to meet socio-psychological, functional, maintenance, lifecycle performance, environmental, and safety requirements.

Selection and specification of furniture, fixtures, equipment and millwork, including layout drawings and detailed product description; and provision of contract documentation to facilitate pricing, procurement and installation of furniture.

Provision of project management services, including preparation of project budgets and schedules.

Preparation of construction documents, consisting of plans, elevations, details and specifications, to illustrate non-structural and/or non-seismic partition layouts; power and communications locations; reflected ceiling plans and lighting designs; materials and finishes; and furniture layouts.

Preparation of construction documents to adhere to regional building and fire codes, municipal codes, and any other jurisdictional statutes, regulations and guidelines applicable to the interior space.

Coordination and collaboration with other allied design professionals who may be retained to provide consulting services, including but not limited to architects; structural, mechanical and electrical engineers, and various specialty consultants.

Confirmation that construction documents for non-structural and/or non-seismic construction are signed and sealed by the responsible interior designer, as applicable to jurisdictional requirements for filing with code enforcement officials.

Administration of contract documents, bids and negotiations as the client's agent.

Observation and reporting on the implementation of projects while in progress and upon completion, as a representative of and on behalf of the client; and conducting post-occupancy evaluation reports.

GLOSSARY OF TERMS

Accessibility - features of buildings or spaces that enable use by people regardless of their level of ability.

Building Shell - the architecture of the existing building, including the framework, the perimeter/exterior walls, the building core and columns, and other structural, load-bearing elements of the building.

Construction Documents - the detailed working drawings that define the work to be constructed. This may include partition plans, power and communications plans, reflected ceiling plans, material and finishes plans, and furniture layout plans, as well as elevations, sections and details, along with the drawings of associated consultants.

Contract Documents - the set of documents that form a part of the legal contract for services between two or more parties. These typically include detailed instructions to the contractor, tender forms, construction documents and specifications.

Contract Administration - the set of services which may include developing and monitoring schedules and construction costs; ensuring construction is completed in conformance with contracts and design intent; liaison with contractors and consultants throughout the course of construction; reviewing shop drawings and submissions from the contractor; observing and commenting on construction progress; monitoring move-in and furniture installation; and conducting required post-occupancy evaluations.

Environmental - the aggregate of the physical conditions of the interior environment that affects the health and safety of the occupants, including air quality and circulation, temperature control, ergonomic layout, physical circulation plan and related matters.

Maintenance - the ability of a product or material to be kept to its proper condition, and the work required to sustain that condition over the life of that material.

Non-Structural or Non-Seismic - interior elements or components that are not load-bearing or do not assist in the seismic design and do not require design computations for a building's structure. It excludes the structural frame supporting a building. Common non-structural elements or components include, but are not limited to, ceiling and partition systems. These elements employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Partition - a wall which does not support a vertical load of a structure other than its own weight, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a structure designed for human habitation or occupancy, to the underside of the deck of that structure.

Programming - the scope of work which includes, but is not limited to, conducting research; identifying and analyzing the needs and goals of the client and/or occupant(s) of the space; evaluating existing documentation and conditions; assessing project resources and limitations; identifying life, safety and code requirements; and developing project schedules and budgets.

Reflected Ceiling Plan - a ceiling design that illustrates a ceiling as if it was projected downward and may include lighting and other elements.

Space Planning - the analysis and design of spatial and occupancy requirements, including, but not limited to, space layouts and final planning.

Specifications - the detailed written description of construction, workmanship and materials of the work to be undertaken.

Sustainability - the use of resources in such a way that they are not depleted; a method of practice or use of materials that is capable of being continued with minimal long-term effect on the environment.