

MEMORANDUM OF AGREEMENT

BETWEEN

***PROFESSIONAL ENGINEERS & GEOSCIENTISTS
NEWFOUNDLAND AND LABRADOR***

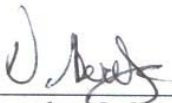
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NEWFOUNDLAND ASSOCIATION OF ARCHITECTS

**REGARDING THE ESTABLISHMENT AND OPERATION
OF**

JOINT BOARD OF PRACTICE

Executed this 20th day of January, 2006



Douglas N. Goodridge, P. Eng.
President, PEGNL



Stratford Barrett, NAA
President



Steve McLean, P. Eng.
Executive Director



Greg Snow, NAA
Vice President

INTRODUCTION

The **Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)** and the **Newfoundland Association of Architects (NAA)** through their respective Acts are responsible for the protection of the public and the sustainability of the professions. These two organizations share a common interest in the design work for the construction, enlargement, renovation or significant alteration of buildings in the Province of Newfoundland and Labrador.

PEGNL and **NAA** recognize that, although their Acts establish separate professional bodies, their inter-relationship and public responsibilities can be enhanced through cooperation and consultation with each other on matters of mutual interest with respect to construction and enlargement of buildings and matters affecting members' and public confidence in the professions.

The establishment of this standing committee called the **Joint Board of Practice (JBOP)** of both organizations affirms their desire to cooperate and consult on a regular basis for the purpose of furthering their individual and collective objectives.

VISION

The **Joint Board of Practice** is a means to develop and maintain positive and harmonious relationships between Architects, Engineers and the two organizations so that practice issues are resolved in ways that benefit the members, their clients and the public in general.

MISSION

The **NAA** and **PEGNL** have established a committee, called the **Joint Board of Practice**, with equal representation from each association to consider matters of mutual interest, to communicate regularly with each other and to recommend courses of action on issues of mutual concern with regard to the design for the construction, enlargement, renovation or significant alteration of buildings and associated site works---particularly relating to (but not exclusively) any concerns around cross practice and joint practice of architecture and engineering---in proactive and supportive ways so that their individual memberships, clients and the public gain awareness, knowledge and confidence in the professional roles played by architects and various engineering disciplines.

PRINCIPLES

PEGNL and **NAA** affirm the following principles embodied within the respective Acts:

- Where a Joint Practice Certificate¹ has been issued to a person by **NAA**, that person is approved to practice Architecture and Engineering within this Province
- Joint Practice Certificates as described in the 1992 MOU are no longer issued
- Persons who wish to practice both Architecture and Engineering in this Province must meet the registration requirements contained in the Acts of both **PEGNL** and **NAA**
- Engineers shall confine their professional activities to the practice of Engineering and Architects shall confine their professional activities to the practice of Architecture
- Either profession may be employed in the operation of Architectural firms or Engineering firms.

THE JOINT BOARD OF PRACTICE

Membership

The committee members shall be appointed for a term of two years and a total of 9 members shall be selected as follows:

From **PEGNL**:

- Three members who are active in the design of buildings
- The Executive Director of **PEGNL**

From **NAA**:

- Four members

Other:

- One person who is not a member of **PEGNL** or **NAA** shall be selected by the eight-member committee noted above. That person, who shall not be entitled to vote on matters, shall act as an independent advisor to the committee and s/he may lead processes relating to the conflict resolution component of this agreement or s/he may undertake such independent work as the committee may assign in order to facilitate the work of the committee.

PEGNL and **NAA** will arrange their appointments in such a manner that appointees may serve, at most, two consecutive two-year terms and in such a manner that allows for rotation of appointees and maintains continuity over time.

¹ One Joint Practice Certificate has been awarded under the terms of the 1992 MOU

Functions/Tasks

The committee may:

1. Advise **NAA** and **PEGNL** on matters affecting or likely to affect inter-professional relations
2. Discuss issues of an inter-professional nature or relating to cross-practice, which could result in a formal complaint, to provide opportunity for information sharing and early resolution
3. Evaluate and Recommend on the disposition of any issue of an inter-professional nature in cases where either association feels the other association has harmed the inter-professional relation by its decision
4. Deal with matters arising from the issuance of a Joint Practice Certificate under the 1992 Memorandum of Understanding and the Joint Board of Practice
5. Develop position papers on matters of common interest for submission to **NAA** and **PEGNL** to guide the creation of common policy statements
6. Initiate an action relating to a matter of common interest provided that such action is not contrary to the Acts or procedural guidelines of either Association
7. Establish liaison and hold discussions with such other groups as the committee may consider necessary to meet its objectives
8. Direct complaints from individuals about the work of the committee to that person's Association for their determination of the legitimacy of the complaint and for their direction on disposition of the complaint
9. Make recommendations to **NAA** and **PEGNL** on matters that are properly the responsibility of the Associations
10. Advise **NAA** and **PEGNL** on the content of publications of guidelines, standards, criteria and professional standards in the field of building design and construction
11. Review terms of this agreement and make recommendations for improvement

The committee will function as follows:

1. There will normally be six meetings per year and other meetings may be called by the chair as the need arises
2. The committee shall select a chair and recorder from amongst the members
3. The Executive Director of **PEGNL** may carry out an action decided by the committee in keeping with the authorities delegated to that person by **PEGNL** constitution and by-laws
4. A committee member named by **NAA** may carry out an action decided by the committee in keeping with the powers delegated to that person by the Executive of **NAA** or by resolution of an **NAA** general meeting
5. An action being contemplated as a committee requires agreement from both **NAA** and **PEGNL** representatives before it can be implemented
6. Decisions of the committee shall be reached through a consensus decision-making model but in the event a vote is required then a motion passes only if three (3) affirmative votes are recorded from **PEGNL** representatives **and** three (3) affirmative votes are recorded from **NAA** representatives

7. Correspondence and other documents created by the committee will be signed by members of the committee who are approved by their respective associations
8. Documents created by the committee must be copied to members of the Executive of each Association at the time of release of the document
9. The costs of operation of the committee shall be borne equally by the **NAA** and **PEGNL**
10. Conflict arising within the committee shall be resolved using the conflict resolution mechanism approved in this agreement

RELATIONSHIP OF JOINT BOARD OF PRACTICE TO PEGNL and NAA

The committee is a standing committee of **PEGNL** and **NAA** and as such the committee cannot act in place of either in matters where responsibilities are assigned to the respective organization by statute or through its constitution or by-laws.

PEGNL has adopted a governance model that outlines roles, responsibilities and authorities to act for its Executive Director and this committee will act in a manner consistent with that model.

NAA will establish a set of procedures and operating guidelines that allow its designated representative to carry out actions of the committee properly within its mandate.

CONFLICT RESOLUTION MECHANISM

The Joint Board of Practice will use the services of the independent person appointed to the committee to facilitate the workings of the committee, particularly in the area of conflict resolution.

That person is expected to use appropriate dispute resolution methods to resolve any conflict and if a dispute remains unresolved, the s/he will provide options to the committee on ways and means of resolving the dispute within the committee's mandate. The committee, then, by vote shall choose a method of resolving the dispute.