

# Code of Ethics and Professional Conduct of the American Institute of Organbuilders

*as adopted at the AIO General Meeting, October 1996*

## PREAMBLE

Members of The American Institute of Organbuilders are individuals who are dedicated to the highest standard of professionalism, integrity and competence. The following principles are guidelines for the conduct of members in fulfilling those obligations. They apply to all professional activities, wherever they occur. They address responsibilities to the public, which the profession serves and enriches, to the clients and users of our product and services, and to the art and science of pipe organ building, that continuum of knowledge and creation which is the heritage and legacy of the profession.

This Code is arranged in three tiers of statements: Canons, Ethical Standards and Rules of Conduct. The Canons are broad principles of conduct. The Ethical Standards (E.S.) are more specific goals towards which members should aspire in professional performance and behavior. The Rules of Conduct (R.) are mandatory, the violation of which is grounds for disciplinary action by the Institute. The Rules of Conduct in some instances implement more than one Canon or Ethical Standard.

Commentary is provided for some of the Rules of Conduct. That commentary is meant to clarify or elaborate the intent of the rule. The commentary is not part of the Code. Enforcement will turn on application of the Rules of Conduct alone. But the commentary will assist those seeking to conform their conduct to the code and those charged with its enforcement.

## *Canon I*

### GENERAL OBLIGATIONS

MEMBERS SHOULD MAINTAIN AND ADVANCE THEIR KNOWLEDGE OF THE ART AND SCIENCE OF PIPE ORGAN BUILDING, RESPECT THE BODY OF HISTORICAL ACCOMPLISHMENT AND CONTRIBUTE TO ITS GROWTH; LEARNED AND UNCOMPROMISED PROFESSIONAL JUDGMENT SHOULD TAKE PRECEDENCE OVER ANY OTHER MOTIVE IN THE PURSUIT OF THE ART AND SCIENCE OF PIPE ORGAN BUILDING.

**E.S. 1.1 Knowledge and Skill:** Members should strive to improve their professional knowledge and skill.

**R. 1.101** In practicing pipe organ building, members shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by pipe organ builders of good standing.

*Commentary: By requiring a "consistent pattern" of adherence to the common law standard of competence, this rule allows for discipline of members who more than infrequently do not achieve that standard. Isolated instances of minor lapses would not provide the basis for discipline.*

**R. 1.102** Members shall not undertake to provide professional services if their competence is substantially impaired by physical or mental disabilities.

**E.S. 1.2 Standards of Excellence:** Members should continually seek to raise the standards of aesthetic excellence, professional education, research, training and practice.

**E.S. 1.3 Public Understanding:** Members should strive to improve public appreciation and understanding of pipe organ building and the functions and responsibilities of pipe organ builders, service technicians and support personnel.

**E.S. 1.4 Allied Arts:** Members should promote allied arts and contribute to the knowledge and capability of the related fields as a whole.

*Canon II*  
**OBLIGATIONS TO THE PUBLIC**

MEMBERS SHOULD EMBRACE THE SPIRIT AND LETTER OF THE LAW GOVERNING THEIR PROFESSIONAL AFFAIRS AND SHOULD THOUGHTFULLY CONSIDER THE SOCIAL AND ENVIRONMENTAL IMPACT OF THEIR PROFESSIONAL ACTIVITIES.

**E.S. 2.1 Conduct:** Members should uphold the law in the conduct of their professional activities.

**R. 2.101** Members shall not, in the conduct of their professional practice, knowingly violate the law.

*Commentary: The violation of any law, local, state or federal, occurring in the conduct of members' professional practice, is made the basis for discipline by this rule. R. 2.104 speaks to law violations by members occurring other than in the practice of pipe organ building and servicing.*

**R. 2.102** Members shall neither offer nor make any payment or gift to a consultant, organist, committee member, pastor, architect, local, state or federal official or any other person perceived to be of influence, with the intent of influencing that person's judgment in connection with an existing or prospective project in which the members are interested.

*Commentary: This rule does not prohibit campaign contributions made in conformity with applicable federal and state campaign financing laws.*

**R. 2.103** Members shall not accept payments or gifts which are intended to influence their judgment.

**R. 2.104** Members shall not engage in conduct involving fraud or wanton disregard of the rights of others.

*Commentary: Conduct which brings into serious question members' qualification to assume the fiduciary duties of pipe organ builders, service technicians or suppliers is the basis for discipline even if that conduct did not occur in the course of practice.*

**R. 2.105** If, in the course of their work on a project, the members become aware of a decision taken by their employer or client, against the members' advice, which violates any law or regulation and which will, in the members' judgment, materially affect adversely the safety to the public of the finished project, the members shall:

- (a) refuse to consent to the decision, and
- (b) report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the members are able to cause the matter to be satisfactorily resolved by other means, and
- (c) for cases where one or more offenses have been demonstrated, the employer shall not take retribution on the reporting member.

*Commentary: This rule extends only to violations of the building and/or electrical codes which threaten the public safety. Ethical Standard 2.1 calls on a pipe organ builder or service technician to oppose technical violations of the law which are not threatening to safety, in which case discipline would not be imposed in the event that opposition is not successful. The obligation under this rule applies only to the safety of the finished project, an obligation coextensive with the usual undertaking of a pipe organ builder or service technician.*

**R. 2.106** Members shall not counsel or assist a client in conduct that the member knows, or reasonably should know, is fraudulent or illegal or does not meet building and/or electrical codes.

*Commentary: This rule extends not only to matters which members know are illegal, but also to matters which pipe organ builders, service technicians or suppliers of reasonable competence and prudence "should know" are illegal or fraudulent or do not meet publicized codes.*

**E.S. 2.2 Natural and Cultural Heritage:** Members should respect and help conserve their natural and cultural heritage.

**E.S. 2.3 Civic Responsibility:** Members should be involved in civic activities as citizens and professionals, and promote public awareness of the pipe organ and its music as an artistic musical medium.

- R. 2.301** Members making public statements on issues concerning a specific pipe organ project shall disclose when they are being compensated for making such statements or when they have an economic interest in the issue.
- E.S. 2.4 Public Interest Services:** Members should render public interest professional services and encourage their employees to render such services.
- E.S. 2.5 Human Rights:** Members should uphold human rights in all their professional endeavors.
- Commentary: This rule applies to all professional activities of members, including but not limited to dealings with clients, colleagues and employees. It is stated with such breadth here so as to avoid repetition under the other canons.*

### *Canon III*

## **OBLIGATIONS TO THE CLIENT**

MEMBERS SHOULD SERVE THEIR CLIENTS COMPETENTLY AND IN A PROFESSIONAL MANNER, AND SHOULD EXERCISE UNPREJUDICED AND UNBIASED JUDGMENT ON THEIR BEHALF.

- E.S. 3.1 Competence:** Members should serve their clients in a timely and competent manner.
- R. 3.101** In performing professional services, members shall take into account applicable laws, regulations and codes. Members may rely on the advice of other qualified persons as to the intent and meaning of such regulations and codes.
- R. 3.102** Members shall undertake to perform professional services only when they, together with those whom they may employ or consult, are qualified by education, training or experience in the specific technical areas involved.
- Commentary: This rule is meant to ensure that members not undertake projects which are beyond their professional capacity. Members venturing into areas which require expertise they do not possess may obtain that expertise by additional education, training or through the retention of consultants with the necessary expertise.*
- R. 3.103** Members shall not materially alter the scope or objectives of a project without the client's consent.
- R. 3.104** When serving as an outside independent consultant or acting by agreement of the parties as the interpreter of organ contract documents or the judge of contract performance, members shall render decisions impartially, favoring neither party to the contract.
- Commentary: This rule applies when members, though paid by a specific party and owing that party loyalty, are nonetheless required to act with impartiality in any evaluation of work proposed or contracted as well as the results of that work based on typical industry standards.*
- E.S. 3.2 Conflict of Interest:** Members should disclose to clients or owners significant circumstances that could be construed as conflicts of interest and should ensure that such conflicts do not compromise those interests.
- R. 3.201** Members shall not accept compensation for their services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all interested parties.
- R. 3.202** If members have any business association, direct or indirect financial interest or other interest which could be substantial enough to influence their judgment in connection with their performance of professional services, the members shall fully disclose to their employers or clients the nature of the business association, financial interest or other interest, and if the employers or clients object to such association, financial interest or other interest, the members will either terminate such association or interest or give up the employment.
- Commentary: These rules are intended to embrace the full range of situations which may present members with a conflict between their interests and those of their employers or clients. In every case members must take adequate steps to ensure that employers or clients are aware of any substantial interest which might run counter to the interests of the employers or clients.*

**E.S. 3.3 Candor and Truthfulness:** Members should be candid and truthful in their professional communications, advertising, proposals and contracts.

**R. 3.301** Members shall not intentionally or recklessly mislead existing or prospective clients about the results that can be achieved through the use of the members' services, nor shall the members state that they can achieve results by means that violate applicable law or this Code.

*Commentary: This rule is meant to preclude dishonest, reckless or illegal representations by members in the course of advertising, soliciting clients or during performance. For example, it would cover the conduct of members who provide conceptual drawings, stoplists or cost estimates, which lead prospective clients to believe that a design could be achieved successfully when in fact it could not.*

**E.S. 3.4 Confidentiality:** Members should respect the confidentiality of sensitive information obtained in the course of their professional activities.

**R. 3.401** Members shall not reveal information obtained in the course of their professional activities which they have been asked to maintain in confidence, or which the reasonably prudent pipe organ builder, service technician or supplier would recognize as likely, if disclosed, to affect the interests of another adversely. However, under the following exceptional circumstances members may reveal such information to the extent the members reasonably believe necessary:

- (a) To stop an act which creates an appreciable risk of significant harm to the public health or safety or property of others and which the members are unable to prevent in any other manner; or
- (b) To establish claims or defenses on behalf of the members; or
- (c) To comply with applicable law or with this Code.

*Commentary: This rule embodies generally accepted standards of client confidentiality, recognizing that under certain circumstances that confidentiality must yield to other interests. The rule permits members to reveal a confidence when necessary to comply with a subpoena or other legal process.*

## *Canon IV*

### **OBLIGATIONS TO THE PROFESSION**

MEMBERS SHOULD UPHOLD THE INTEGRITY AND DIGNITY OF THE PROFESSION.

**E.S. 4.1 Honesty and Fairness:** Members should pursue their professional activities with honesty and fairness.

**R. 4.101** Members shall comply with all laws, regulations and codes governing their professional practice.

**R. 4.102** Members shall not knowingly make false statements or knowingly fail to disclose a material fact requested in connection with their application for AIO membership.

**R. 4.103** Members shall not assist the application for AIO membership of a person known by the members to be unqualified with respect to training, experience or character.

**R. 4.104** Members having substantial information which leads to a reasonable belief that another member has committed a violation of this Code which raises a serious question as to that member's honesty, trustworthiness or fitness as a member shall report such information to the body charged with enforcing the Code.

*Commentary: Often, only members can recognize that the behavior of other members poses a serious question as to those others' professional integrity. In those circumstances the duty to the professional's calling requires that the matter be brought to the attention of the proper authorities. In most jurisdictions such reporting, an implementation of professional standards, is protected from a libel or slander action if the report was made in good faith. If in doubt, members should seek counsel before reporting on another under this rule.*

**R. 4.105** Members shall not present, sign or seal drawings, specifications, reports or other professional work for which they do not have direct professional knowledge or direct supervisory control; however, in the case of those portions of such professional work prepared by the members' employees or consultants, the members may present, sign or

seal said portions of the professional work if the members have reviewed such portions, have coordinated their preparations or intend to be responsible for their adequacy.

*Commentary: The essence of this rule is that members should not present, sign or seal any professional work unless the members intend to accept professional responsibility for its adequacy. The requirement that members have professional knowledge or supervisory control or have reviewed or coordinated consultants' work is evidence of the intent to assume professional responsibility.*

**R. 4.106** Members speaking in their capacity as pipe organ builders, service technicians or suppliers shall not knowingly make false statements of material fact.

**R. 4.107** Members shall accurately represent their qualifications and the scope and nature of their responsibilities in connection with work for which they are claiming credit.

*Commentary: This rule is meant to prevent members from claiming credit for work which they did not do, misleading others and denying other participants in a project their proper share of credit.*

**E.S. 4.2 Dignity and Integrity:** Members should strive, through their actions, to promote the dignity and integrity of the profession, and to ensure that their representatives, employees and coworkers conform their conduct to this Code.

**R. 4.201** Members shall not make misleading, deceptive or false statements or claims about their professional qualifications, experience or performance.

**R. 4.202** Members shall not make misleading, deceptive, or false statements or claims about their competitors' professional qualifications, experience, or performance.

**R. 4.203** Members shall make reasonable efforts to ensure that those over whom they have supervisory authority conform their conduct to this Code.

*Commentary: What constitutes "reasonable efforts" under this rule is a common sense matter. As it makes sense to ensure that those over whom members exercise supervision be made generally aware of the Code, it can also make sense to bring a particular provision to the attention of a particular employee when a situation is present which might give rise to violation.*

## Canon V

### OBLIGATIONS TO COLLEAGUES

MEMBERS SHOULD RESPECT THE RIGHTS AND ACKNOWLEDGE THE PROFESSIONAL ASPIRATIONS AND CONTRIBUTIONS OF THEIR COLLEAGUES.

**E.S. 5.1 Professional Environment:** Members should provide their associates and employees with a suitable working environment, compensate them fairly and facilitate their professional development.

**E.S. 5.2 Professional Recognition:** Members should build their professional reputation on the merits of their own service and performance and should recognize and give credit to others for the professional work they have performed.

**R. 5.201** Members shall recognize and respect the professional contributions of their employees, employers and business associates.

**R. 5.202** Members leaving an employer's service shall not without the permission of the employer take designs, drawings, data, reports, notes or other materials relating to work performed in the employer's service by the members.

**R. 5.203** Members shall not unreasonably withhold permission from departing employees to take copies of designs, drawings, data, reports, notes or other materials relating to work performed by the employees in the members' service which are not confidential.

*Commentary: Members may impose reasonable conditions, such as the payment of copying costs, on the right of departing employees to take copies of work performed while in the members' service.*

# **RULES OF ENACTMENT, APPLICATION, ENFORCEMENT AND AMENDMENT**

## *Article I*

### **ENACTMENT**

The Canons of Ethics, Ethical Standards and Rules of Conduct, referred to as the “Code of Ethics and Professional Conduct,” shall be adopted by the convention of the Institute, and shall take effect at such time as the resolution of adoption sets.

## *Article II*

### **APPLICATION**

The Code of Ethics and Professional Conduct applies to the professional activities of all members in all membership categories of the AIO.

## *Article III*

### **ENFORCEMENT**

The AIO Board of Directors shall provide in the Bylaws of the Institute procedures for the enforcement of the Code of Ethics and Professional Conduct. Such procedures shall provide that:

- (1) Enforcement of the Code shall be administered through the AIO Ethics Committee, appointed by the AIO Board of Directors.
- (2) Formal written charges with complete supporting documentation will be filed directly with the AIO Ethics Committee by members or anyone directly aggrieved by the conduct of any member.
- (3) The AIO Ethics Committee may defer action on a charge to allow an opportunity for an informal settlement between the parties.
- (4) The AIO Ethics Committee may take the following action(s):
  - (a) dismiss without a finding if there is insufficient evidence to prove wrongdoing, if it finds the complaint to be unfounded or the complaint is irrelevant to the issue of ethics;
  - (b) exonerate the defendant and close the case;
  - (c) issue a private letter of admonition to the member;
  - (d) make a recommendation to the AIO Board of Directors to issue a public letter of censure in the *Journal of American Organbuilding*;
  - (e) make a recommendation to the AIO Board of Directors for termination of membership, allowing the member to re-apply for membership at a future time, to be specified by the Ethics Committee;
  - (f) make a recommendation to the AIO Board of Directors for permanent expulsion of the member.
- (5) A member may appeal the findings of the AIO Ethics Committee to the AIO Board of Directors in writing within thirty (30) days of the Committee’s finding, and the Board must act within the next sixty (60) days.
- (6) All proceedings will be confidential, as shall the imposition of an admonishment; however, all other penalties shall be made public.

## *Article IV*

### **AMENDMENT**

The Code of Ethics and Professional Conduct may be amended by the convention of the Institute under the same procedures as are necessary to amend the Institute’s Bylaws.