



NCARB

Resolutions
to be Acted Upon at the
2013 Annual Meeting

MAY 2013

National Council of Architectural Registration Boards
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RESOLUTION 2013-01

Supported by the Council Board of Directors (14-0)

Title: *Model Law and Regulations* Amendment – Use of Electronic Seals and Signatures

Submitted By: Council Board of Directors

RESOLVED, that the first three sentences of Section 6, Seal in the *Model Law* be amended to read as follows:

“Every registered architect shall have a seal of a design authorized by the Board by regulation. All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect ~~with the impression of his/her seal and the signature of the architect~~. The signature and seal may be electronic and shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.”

FURTHER RESOLVED, that the first sentence sub-section (B) of section 100.805 (Professional Conduct) of the *Model Regulations* be amended to read as follows:

“(B) All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be signed and sealed by ~~with the impression of the seal and signature of the registered architect, which signature and seal may be electronic.~~”

FINALLY RESOLVED, that sub-section (B) of section 100.806 (Design and Use of Architect’s Seal) of the *Model Regulations* be amended to read as follows:

“(B) As required by [statutory reference], the seal and signature shall ~~be imprinted~~ appear on all technical submissions, as follows: on each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. ~~The original signature of the individual named on the seal shall appear across the face of each original seal imprint.~~ Such seal and signature may be electronic.”

SPONSORS’ STATEMENT OF SUPPORT:

The Member Board Executives Committee and the Procedures and Documents Committee have identified outdated language in the existing *Model Law* and the *Model Regulations* describing the seal and signature on technical submissions. Both reference an imprint or impression in describing the seal and require the physical application of the seal and signature. Neither allow for an electronic image of the seal or signature, which is now becoming common practice and is even required by governmental authorities in some jurisdictions. To align current practice, the

committees recommend modifying the language to allow for the use of an electronic image of the seal and signature.

This change is consistent with federal law, which now states that a contract or signature in interstate or foreign commerce “may not be denied legal effect, validity, or enforceability solely because it is in electronic form.” Electronic Signatures in Global and National Commerce Act (Pub.L. 106-229, 14 Stat. 464, enacted June 30, 2000, 15 U.S.C. ch.96).

RESOLUTION 2013-02

Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Alternative to Education Requirement

SUBMITTED BY: Council Board of Directors

RESOLVED, that sub-section B of section 2.2 of the *Certification Guidelines* be amended to read as follows:

- “B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) ~~granted by an academic institution outside the United States and Canada~~ must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.”

SPONSORS' STATEMENT OF SUPPORT:

The Broadly Experienced Architect (BEA) Committee recommends that any architect with a degree from a non-accredited program meets the NCARB *Education Standard* as verified by an Education Evaluation Services for Architects (EESA)-NCARB evaluation conducted by the National Architectural Accrediting Board (NAAB). Presently, only holders of degrees from academic institutions outside the United States and Canada may do this.

The committee believes that if there are no deficiencies to overcome, no further assessment beyond an EESA-NCARB evaluation should be required of anyone, and those architects meeting the *Education Standard* would also satisfy the education requirement for certification outside of the BEA Program. Architects who have not satisfied the *Education Standard* must satisfy any deficiencies as noted in the *Education Guidelines*.

RESOLUTION 2013-03

Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Modifications to Broadly Experienced Architect Terminology

SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 2.2, paragraph A, Alternatives to the Education Requirement of the *Certification Guidelines* be amended to read as follows:

“2.2 Alternatives to the Education Requirement

If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

- A. Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in comprehensive practice practicing architecture as defined in the *Legislative Guidelines and Model Law, Model Regulations* in which the applicant exercised responsible control within a U.S. jurisdiction while registered in such jurisdiction to demonstrate that a combination of education and/or comprehensive practice experience in practicing architecture satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are:
- Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or
 - Eight years for architects who hold any other baccalaureate or higher degree, or
 - Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.”

SPONSORS’ STATEMENT OF SUPPORT:

The Broadly Experienced Architect (BEA) Committee recommends replacing the term “comprehensive practice” with “practice of architecture” in the *Certification Guidelines* to clarify the purpose of the program. The BEA Program is a way for architects, who do not have a degree from a NAAB-accredited program, to demonstrate how their experience in the practice of architecture satisfies identified education deficiencies. The concept of comprehensive practice is not relevant to BEA Program eligibility, and review of a BEA dossier is focused on the projects, or parts of projects, that demonstrate that the architect has overcome the specific education deficiencies.

RESOLUTION 2013-04

Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Modification to Broadly Experienced Foreign Architect Terminology

SUBMITTED BY: Council Board of Directors

RESOLVED, that section 5.4 Experience Requirement of the *Certification Guidelines* be amended to read as follows:

“5.4 Experience Requirement

You must have completed a minimum of seven (7) years of comprehensive practice as a credentialed architect over which you exercised responsible control in the foreign country in which you are credentialed.

- “Comprehensive practice” means the application of the knowledge and skills of those aspects of the profession assessed by an architectural practice that regularly involves familiarity with all of those areas tested on the Architect Registration Examination, including programming, design, technical and construction documents production, and construction administration.
- “Responsible control” means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by U.S. registered architects applying the required professional standard of care.”

SPONSORS’ STATEMENT OF SUPPORT:

The Broadly Experienced Architect (BEA) Committee, which oversees both the BEA and Broadly Experienced Foreign Architect (BEFA) Programs, recommends changes to the definition of “comprehensive practice” in the *Certification Guidelines* for clarity. It believes the current definition does not adequately define the depth and assessment required of the BEFA Program, which allows foreign architects to demonstrate competence to independently practice architecture, while protecting the health, safety, and welfare to meet the examination requirement of NCARB certification.

The change identified in the resolution provides a more accurate definition for the program requirement—to demonstrate competence through completed projects (application of knowledge and skill) in a foreign country. The committee also recommends eliminating the list of specific categories covered by the Architect Registration Examination (ARE) in the definition of comprehensive practice. This allows for flexibility for future changes to the divisions of the ARE without affecting the comprehensive practice.

RESOLUTION 2013-05

Supported by the Council Board of Directors (14-0)

TITLE: *Bylaws* Amendment – Eligibility for the Public Director Position

SUBMITTED BY: Council Board of Directors

RESOLVED, that the third paragraph of Article VII, section 2 of the *Bylaws* be amended to read as follows:

“A candidate for election as the Public Director (i) shall be (i) a citizen of the United States, (ii) shall not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a ~~person participating in the regulation of design of any portion of buildings or structures~~ member of a Member Board or Member Board Executive, and (iii) shall be nominated by the Council Board of Directors and elected at the Annual Meeting, ~~and (iv) such person so nominated shall be elected at the Annual Meeting.~~ A Public Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.”

SPONSORS’ STATEMENT OF SUPPORT:

The Governance Task Force recommends clarifying who may not be a public director on the NCARB Board of Directors. This resolution modifies the *Bylaws* to formally restrict a Member Board Member or a Member Board Executive from serving as the public director. It ensures that a person who can contribute an outsider’s perspective, which is not prejudiced or influenced by current involvement with NCARB, fills the position. The resolution also expands the ability of the Board to nominate someone who is familiar with architecture, such as a code official, but not engaged in or licensed to engage in the design of buildings or structures.

RESOLUTION 2013-06

Supported by the Council Board of Directors (14-0)

TITLE: *Inter-Recognition Agreement with Canada – Update and Conforming Changes to Certification Guidelines*

SUBMITTED BY: Council Board of Directors

RESOLVED, that the existing Inter-Recognition Agreement be dissolved and the new Mutual Recognition Agreement between the National Council of Architectural Registration Boards and the Canadian Architectural Licensing Authorities be and hereby is ratified and approved in the form published in the *Pre-Annual Meeting Report*.

FURTHER RESOLVED, that Sections 3 and 4 of the *Certification Guidelines* be deleted in their entirety.

SPONSORS' STATEMENT OF SUPPORT:

Architects licensed to practice in a U.S. or Canadian jurisdiction have benefitted from the long-standing *Inter-Recognition Agreement Between the National Council of Architectural Registration Boards and the Committee of Canadian Architectural Councils* (now known as the Canadian Architectural Licensing Authorities (CALA)) for the mutual recognition of licensure. The agreement, signed in 1994, established recognized standards and grandfathering provisions for education, internship, and examination for the basis of immediate and mutual recognition. The agreement has served the members of NCARB and CALA well and has been a model for mutual recognition agreements around the world. Evolution in the path to licensure within the Canadian provinces has necessitated a review and update of the existing agreement in order to continue the facilitation of the cross-border practice of architecture.

NCARB and CALA represent mature and sophisticated regulatory bodies that support professional licensure and protect the public. Each country conducts a practice analysis that serves to identify the competencies required to practice architecture. The results of the practice analysis are used to shape and inform the requirements of three rigorous components commonly referred to as the three "E"s: education, experience, and examination. NCARB traditionally looks at the three components individually, while Canada is moving toward a more holistic view.

Comparing and contrasting the current programs found:

- **EDUCATION:** A professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) is still considered to be the equivalent of a degree from a program accredited by the Canadian Architectural Certification Board (CACB). NAAB and CACB remain in close contact and regularly review each other's accreditation procedures and conditions.
- **EXPERIENCE:** The Intern Development Program (IDP) and Canada's Internship in Architecture Program (IAP) remain focused on the broad range of experience required prior to licensure; however, they now primarily differ in length. The IDP requires completion of 5,600 hours in a combination of three different experience settings, starting

as early as post-high school for those working in an architect's office. A revised IAP released in 2012 requires completion of 3,720 hours of experience; however, all hours are gained after completion of a CACB degree and only in the office of an architect. Some consider the IDP more flexible; others consider IAP more concentrated.

- EXAMINATION: The Architect Registration Examination® (ARE®) and Canada's Examination for Architects in Canada (ExAC), released in 2008, are significantly different in approach. The ARE is a seven-division computer-based examination that requires the demonstration of the knowledge and skill required to practice independently. The Canadian exam is a four division, paper-and-pencil exam administered over a two-day period once each year. The ExAC focuses on the *Canadian Handbook of Practice* and the *National Building Code of Canada*. The purpose of the ExAC is to assess the experience interns gain through the IAP. There is no consideration for testing the academic knowledge previously tested and proven through the education process.

When reviewing these recent changes, the leadership of NCARB and CALA determined that the terms and conditions of the existing agreement were no longer applicable. After more than a year of exploration and negotiation, both parties are proposing to their member regulators that all architects now be required to complete 2,000 hours (approximately one year) of licensed practice in their home jurisdiction prior to seeking reciprocal licensure. This new experience requirement and delayed recognition is intended to overcome perceived differences in the individual requirements for initial registration.

Under this new agreement, the architect must provide proof of licensure, attest to having completed 2,000 hours of licensed practice, and the regulatory authority must provide a statement of good standing. Through the NCARB Certificate, the architect can obtain authorization to practice from each host jurisdiction that is a signatory to the new agreement. The architect must comply with all practice requirements of the jurisdiction and is subject to all governing legislation and regulations of the jurisdiction.

The agreement is only accessible to those architects that are citizens or permanent residents of the United States or Canada and that acquired their license in a U.S. or Canadian jurisdiction without having been registered by means of a foreign reciprocal registration procedure such as the Broadly Experience Foreign Architect Program or other international mutual recognition agreement. Those architects currently licensed or certified under the existing agreement are not affected.

Supporting and implementing this new agreement allows current architects on both sides of the border the continued professional recognition afforded by the original agreement. However, the focus of the new forward-looking agreement is on the future generations of architects. The new agreement respects each country's rigorous path to licensure rather than dissecting the individual steps along the way and serves as a bold model for mutual recognition agreements in the future.

You can read the full draft agreement and supporting documents in Appendix A.

MUTUAL RECOGNITION AGREEMENT
Between The
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
And The
CANADIAN ARCHITECTURAL LICENSING AUTHORITIES

The National Council of Architectural Registration Boards (NCARB) representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities, a committee representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des architectes du Quebec; Nova Scotia Association of Architects; Architects Association of New Brunswick; Architect's Registration Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure within the United States;

WHEREAS, the NCARB Member Boards and the CALA jurisdictions are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including setting education, experience, and examination requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States and Canada have benefitted from many years of collaboration between NCARB and the CALA jurisdictions;

WHEREAS, accepting there are some differences between the systems in place in United States and Canada, there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects to practice in the United States and Canada;

WHEREAS, NCARB and the Committee of Canadian Architectural Councils previously entered into the Inter-Recognition Agreement which took effect on July 1, 1994. The Committee of Canadian Architectural Councils no longer exists as an organization, such former Inter-Recognition Agreement is hereby declared no longer to exist and the parties desire to enter into this new Mutual Recognition Agreement.

WHEREAS, NCARB and the CALA jurisdictions recognize the NCARB Member Boards and the CALA jurisdictions as mature and sophisticated regulators to which the utmost full faith and credit should be accorded and desire to facilitate reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect seeking to engage or actively engaging in the practice of architecture in any NCARB Member Board or CALA jurisdiction must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB and the CALA jurisdictions agree as follows:

ELIGIBILITY

1. Architects who are able to benefit from the provisions of this agreement must be citizens respectively of the United States or Canada or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in the other country as the host country under this Agreement. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Agreement.
2. Architects must also be licensed/registered in a jurisdiction of their home country and must have completed at least 2,000 hours of post-licensure/registration experience practicing as an architect in their home country.
3. Notwithstanding items 2 and 3 above, Architects who have been licensed by means of a Broadly Experienced Foreign Architect programs of either of the two countries or other foreign reciprocal licensing agreement are not eligible under this agreement.

CONDITIONS

U.S. Architect to Canadian Jurisdiction

Upon application, those CALA jurisdictions who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective province or territory any architect who

1. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

Canadian Architect to U.S. Jurisdiction

Upon application, NCARB shall issue an NCARB Certificate to any architect licensed/registered in one or more CALA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective jurisdictions any architect who

1. is currently licensed/registered in good standing by one or more of the CALA jurisdiction(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

DEFINITIONS

Demonstration of Required Experience

2,000 cumulative hours of post-licensure experience shall be demonstrated by individual applicants through the provision of proof of licensure in good standing and a signed affidavit attesting to the experience.

Principal Place of Practice

The address declared by the architect to be the address at which the architect is predominantly offering architectural services. The architect may only identify one principal place of practice.

LIMITATIONS

Nothing in this Agreement limits the ability of an NCARB Member Board or CALA jurisdiction to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest. Nothing in this Agreement limits the ability of NCARB, an NCARB Member Board or a CALA jurisdiction to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Agreement.

MONITORING COMMITTEE

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Agreement to assure the effective and efficient implementation of this Agreement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by CALA and five individuals appointed by NCARB. The Monitoring Committee shall convene at least one meeting in each calendar year, and more frequently if circumstances so require.

AMENDMENT

This agreement may only be amended with the written consent of NCARB and all of the CALA jurisdictions who are initial signatories. Any such amendment will be submitted to all of the NCARB jurisdictions who may re-affirm their respective assent to this Agreement as so amended or may withdraw as a signatory.

SIGNING AND WITHDRAWING

Any NCARB Member Board or CALA jurisdiction may become a party to the applicable provisions of this Agreement upon submitting a written affirmation of its intent to become a signatory in the case of NCARB Member Boards to NCARB and in the case of CALA jurisdictions either by signing this Agreement or submitting a written affirmation of its intent to become a signatory to NCARB and the other CALA jurisdictions. Any NCARB Member Board or CALA jurisdiction may likewise withdraw from this Agreement with 90-days written notice given respectively to the same parties in the same manner. NCARB and the CALA jurisdictions shall each promptly notify the other in writing of all signatories and withdrawals. In the event of withdrawal, all licenses/registrations and NCARB certification granted to architects pursuant to this Agreement shall remain valid as long as all renewal obligations are maintained and all other generally applicable requirements are met or unless revoked for cause.

TERMINATION

NCARB or CALA may invoke termination of this agreement with 90-days written notice to the other party. This Agreement shall also terminate if more than one-half of the respective NCARB Member Boards and CALA jurisdictions cease to be signatories to this Agreement. In the event of termination, all licenses/registrations granted to architects of either country prior to the effective termination date shall remain valid as long as all registration renewal obligations are maintained or unless registration is revoked for cause.

ENTRY INTO FORCE

This Agreement shall come into force at such time as more than one-half of all NCARB Member Boards have become parties to this Agreement and more than one-half of all CALA jurisdictions have become parties to this Agreement all as described above so long as such condition is met on or before January 1, 2014, or as mutually extended by the NCARB Board of Directors and the CALA International Relations Committee.

Signatures

NCARB

CALA

President

Chair, IRC

CEO

Witness

Witness

Witness

Witness

Witness

Witness

Witness