



DAVID LEE INGRAM

LAND SURVEYING HISTORIAN

COMPARATIVE ETHICS

What can Surveyors learn from other professions?

and

**Why other professions' Ethics are different (and the same)
from Surveyors'.**

A workshop presented for the

Maryland Society of Surveyors

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Making the most of a reputation for ethical behavior

By Mark C. Zweig

One could easily argue that your success in any job — be that as an employee in a private-sector firm, a public servant, or the owner of your business — is largely dependent on your ability to convince others to do what you tell them to do. “Selling skills” are crucial.

A key to the ability to “sell” is trust. I have often thought that engineers — part of one of the most trusted and respected professions — should be better than they often are at convincing other people to do things.

According to the 2009 Gallup Poll on Honesty and Ethics, engineers are among the top five most highly rated professions, joined by doctors, nurses, police officers, and pharmacists. Interestingly, members of congress were lowest rated, joined by car salespeople, senators, and stockbrokers.

So why don’t engineers do a better job “selling?” There are a number of reasons, including:

1. Engineers believe you have to lie to sell, and they themselves aren’t liars. This is a big problem. Truth is, the best sellers don’t lie — that’s how they gain trust.
2. Engineers didn’t go to school to be “sellers;” they went to school to be engineers. This, too, is a fundamental problem.
3. Engineers would rather be engineering — that’s why they became engineers. They like solving problems and designing things!
4. Engineers think engineering is the only real work, especially those who work in consulting. The pressure is on to be chargeable to projects. Anything that takes away from that is a potential problem.

5. Engineers think people should do what they tell them to do because they are the ones who know. This attitude actually works against engineers who need to sell the benefits of their thinking. They seem intolerant or impatient with those who don’t possess the engineering credentials they have.
6. Engineers haven’t been trained in selling skills. Everyone can learn. Some training in public speaking, negotiation, and selling skills could really make a difference to an engineer who hasn’t been exposed to this stuff.
7. Engineers haven’t had success at selling, and the lack of positive reinforcement is discouraging. Once people experience success at convincing someone to do something, it can be addicting.

All of these attitudes and skill sets can be changed or improved. Every engineer has the potential to be more effective in his or her ability to communicate and convince others. I’m convinced that if engineers were better sellers than they are, they could use their trusted status to be more influential than they are. What do you think?

Enjoy the December issue of **CE News**, and as always, feel free to contact me.

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Research Guides

LEGAL ETHICS

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I. INTRODUCTION

Researching issues in professional responsibility is a complex process and requires use of materials beyond judicial decisions and statutes. At the core of issues of legal ethics are the **rules** governing the conduct of lawyers and judges that are adopted by each state. These state rules are based on **model rules** adopted by the American Bar Association, most recently the Model Rules of Professional Conduct and the Code of Judicial Conduct. In addition, each state bar association has some mechanism for enforcing the rules through **disciplinary proceedings** and through the issuance of **opinion letters** on ethical issues submitted to it.

You may need to consult bar association ethics opinions, the Model Rules, and the version of the rules of professional conduct for your particular state. **Case law** research can also be complicated because ethics issues can arise from attorney discipline proceedings and such diverse substantive areas as legal malpractice and criminal appeals. This research guide concentrates on materials other than case law, although a few tips on finding judicial decisions in the area of legal ethics are included.

II. GETTING STARTED

If you need some background on professional responsibility or an overview of key issues, start with the text, *Understanding Lawyers' Ethics* (4th ed.) by Monroe H. Freedman (KF306 .F76 2010), *Professional Responsibility and Regulation* (2d ed.) by Rhode & Hazard (KF306 .R468 2007), or *Legal Ethics in a Nutshell* (3d ed. 2007) by Ronald Rotunda (Reserve KF306.Z9 R668 2007).

Second Thoughts: Ethics and Free Trade

Professional Surveyor Magazine - May 1999
 Wilhelm A. Schmidt, PLS

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One article of the Pennsylvania statutory code of ethics on which I have relied many a time is the restraint on reviewing another surveyor's work without his or her knowledge before his or her services have been terminated. I have informed those who asked me about another surveyor's work that I am *legally* bound to contact the surveyor. I have also notified other surveyors who I learned had been contacted about work I was doing that they were obliged to withhold services until my contract was fulfilled.

A surreptitious review of another surveyor's work usually entails the breach of other restraints as well: the restraint from supplanting another surveyor after he or she has already been engaged, the restraint on making excessive claims about oneself or assertions that are injurious to another surveyor, and the restraint on undercharging. Not all of these restraints apply at once, although in egregious cases more than one applies.

Some Ethical Principles Illegal

Imagine my surprise on learning that these articles are technically *illegal*! They violate the Sherman Antitrust Act and the mandates of the Federal Trade Commission because they can be construed as restraint of free trade.

In the mid-1970s, the federal Department of Justice (DoJ) requested access to the files of the American Society of Civil Engineers (ASCE)—which has a surveying division. The DoJ was looking for incriminating material on the above articles. Its request was intimidating enough to get ASCE to sign a consent decree, delete these articles from its code and provide lengthy guidelines to ensure free trade (cf. "Ethics Spun from Fairy Tales," *Engineering Professionalism and Ethics*, p. 458ff).

Another challenge came around 1990, this time directed specifically at surveyors. The American Congress on Surveying and Mapping (ACSM) was notified by the Federal Trade Commission (FTC) that it was the subject of an investigation, the purpose of which was to determine whether the ACSM Code of Ethics (the old code) and Policy Statements issued by ACSM "unreasonably restrain competition and harm consumers." ACSM was rather quickly let off the hook, but without guarantees. The prudent decision was to recast its code (described in "The New ACSM Code of Ethics," *Professional Surveyor*, March 1999, p.45).

What remains of the old codes of ethics after these provisions are stricken? Presumably, the remaining articles do not hinder free trade. But is that true? They speak of acting as a faithful agent and trustee, accepting remuneration only for services rendered, competing fairly and practicing only within the limits of one's proficiency. Are these not business-related matters?

To my mind, the old codes were written entirely for the professional in business for himself or herself. They cover the basic practices of a professional business: compensation, advertising, competition for work and taking responsible charge of the work. They do not tell the practitioner what to *do* but to *refrain* from engaging in these practices in an excessive or a deficient way. Their premise is that extreme ways of engaging in these practices are unprofessional.

The articles that were not challenged can, of course, be read as having to do with competence and honesty. These two concerns summarize professional conduct: a professional is expected to know what he or she is doing and to do it truthfully. However, the stricken articles also address these two concerns.

Free Trade Undermines Ethics

If my understanding of the old codes is correct, there is nothing left of them once free trade becomes the standard of conducting a professional business. It undermines the remaining articles as well. The effect of using this standard is to reduce a professional service to a trade, to be bought and sold like a commodity with a guaranteed refund policy. Quality of service is replaced by price, and professional integrity is replaced by availability.

What, then, happens to professional ethics? Actually, I suspect, very little. The vast majority of practitioners have not read any of the codes of ethics anyway. They are decent people, living by principles that are probably better than any of the codes. They are generally fair in dealing with others, and the conduct of their business is tempered by a certain generosity. The question of unlimited autonomy in business matters is largely academic to them. The extent of their autonomy matters less than having it. They understand that "autonomy" means self-rule and implies self-restraint and that its exercise is not just self-directing, but self-moderating. Yet, this very self-restraint may put practitioners in a bind, insofar as their actions are consistent with their state code of ethics. Some states still adhere to the old ASCE code (such as New York) or to the old ACSM code (for example, Pennsylvania). Other types of state codes also contain wording that can be interpreted as restraint of free trade. Individuals practicing in these states seem to be in a no-win situation, being able to comply with either federal law or state law or code, but not both.

Parker Doctrine

The way out of this dilemma is to follow the state code of ethics, while avoiding any *appearance* of restraint of trade. The federal law applies to concerted group action, such as collusion. It does not apply to actions that are essentially individual and state-controlled, such as the practice of a profession. This limitation of federal law is called the Parker Doctrine.

Still, we are not entirely safe from federal intervention. This doctrine dates back to 1943—well before any of the challenges to our professional associations were initiated. If nothing else, the challenges should prove that federal agencies repeatedly try to preempt state rights. They do not hesitate to use their greater power to undermine practice that is professionally sound and *ethically* proper.

About the Author

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Code of Conduct

by Candace Webb, Demand Media

A code of conduct outlines the company policy with regard to situations that put the company at risk in ethical matters. In addition, it details expected behavior to encourage employees to devote their on-the-clock hours to company business and information on how to properly treat the company's customers. Developing a code of conduct can effectively prevent communication issues and outline expectations before problems arise.

Significance

Designing and implementing a code of conduct can assist in the defense of a law suit, should the company be faced with one. Having each employee read and sign a copy of the conduct code builds evidence that the employee was aware of the way he was supposed to conduct himself as a representative of the company. If a law suit arises that stems from anything addressed in the code of conduct, the signed document can prove the employee was aware of expectations before the offense. A code of conduct can also remove liability from a company and place it on the employee, in some cases, by showing the employee acted on his own and was aware that his behavior or actions were not condoned by the company.

Function

A code of conduct provides clear, concise details about expected behavior. Whether it outlines methods for handling customer complaints, discusses whether employees can make personal calls or check personal email while at work or explains the definition and punishment for sexual harassment, the code functions as the outline of the company "Golden Rules." It should be formatted a document that can be referred back to by the employee and the employer whenever a question arises.

Features

The code of conduct is typically enforced by a compliance officer or a human resources director. This person is trained in what should and should not go into the code, as well as how to enforce its contents. The original code of conduct can undergo changes as needed. Employees should be asked to read and sign all changes and amendments as they are added.

Considerations

Employees should be encouraged to report any violation of the company code of conduct to the human resource director or compliance officer as soon as possible. The company policy should clearly state that those who report code of conduct violations will be protected from retaliation from any employee, supervisor or other person associated with the company. Violations should be made in writing and should fully detail which areas of the code of conduct were violated, when and by whom.

Training

Offering training to employees to help them comply with the company code of conduct can increase compliance and goodwill. Whether it is a seminar on sexual harassment, a class on customer service or a meeting that addresses surfing the Internet during business hours, continued training will help employees maintain the company standards laid out in the code of conduct.

eth-ic (eth'ik), *n.* [Fr. *éthique*; L. *ethica*; Gr. *ēthikē* (*technē*), ethical (art); see **ETHICAL**], ethics or a system of ethics. *adj.* ethical.
eth-i-cal (eth'i-k'l), *adj.* [ethicus; Gr. *ēthikos*; ethical, moral < *ēthos*, character, custom, man's normal state; IE. base **swēdh-*, **swēdh-*, essential quality, own character; akin to Goth. *swēs*, one's own], 1. having to do with ethics or morality; of or conforming to moral standards. 2. conforming to the standards of conduct of a given profession; as, it is not *ethical* for a judge to hear a case involving his own interests. —*SYN.* see **moral**.

eth-i-cal-ly (eth'i-k'l-i, eth'ik-l-i), *adv.* 1. in an ethical manner. 2. according to ethics.

eth-i-cize (eth'a-siz'), *v.t.* [ETHICIZED (-sīzd'), ETHICIZING], to make, or regard as, ethical.

eth-ics (eth'iks), *n.pl.* [construed as sing. in 1 & 2], 1. the study of standards of conduct and moral judgment; moral philosophy. 2. a treatise on this study; book about morals. 3. the system or code of morals of a particular philosopher, religion, group, profession, etc.

Ethics. Of or relating to moral action, conduct, motive or character; as, ethical emotion; also, treating of moral feelings, duties or conduct; containing precepts of morality; moral. Professionally right or befitting; conforming to professional standards of conduct. *Kraushaar v. La Vin*, 181 Misc. 508, 42 N.Y.S.2d 857, 859.

Legal ethics. See **Canon (Canons of judicial ethics); Code of Professional Responsibility; Legal ethics.**

ethical, adj. 1. Of or relating to moral obligations that one person owes another; esp., in law, of or relating to legal ethics <the ethical rules regarding confidences>. See **LEGAL ETHICS**. 2. In conformity with moral norms or standards of professional conduct <the judge's recusal was a perfectly ethical act>. **ethical absolutism.** See **MORAL ABSOLUTISM**.

ethical consideration. (*often cap.*) An aspirational goal or principle intended to guide a lawyer's professional conduct. • A lawyer's violation of these considerations (which are contained in the Model Code of Professional Responsibility) does not necessarily subject the lawyer to discipline. — Abbr. E.C. Cf. **DISCIPLINARY RULE**. [Cases: Attorney and Client §32. C.J.S. *Attorney and Client* §§ 6, 43-58, 86.]

ethical drug. See **DRUG**.

ethical jurisprudence. See **JURISPRUDENCE**.

ethical relativism. See **MORAL RELATIVISM**.

ethical wall. A screening mechanism that protects a client from a conflict of interest by preventing one or more lawyers within an organization from participating in any matter involving that client. • This mechanism is designed to allow a lawyer to move to a new job without the fear of vicariously disqualifying the new employer from representing certain clients. Creating an ethical wall generally entails (1) prohibiting certain lawyers and paralegals from having any connection with the matter; (2) banning discussions with or the transfer of documents to those individuals; (3) restricting access to files; and (4) educating all members of the firm, corporation, or entity about the separation of the lawyers and paralegals (both organizationally and physically) from the pending matter. — Also termed *Chinese wall*; *screening mecha-*

FLIGHT INSTRUCTORS MODEL CODE OF CONDUCT



**Tools to Advance Flight
and Ground Instructor
Safety and Professionalism**

Benefits of the Code of Conduct:

The Code of Conduct benefits instructors and the aviation community by:

- ❑ highlighting practices to support professionalism and safety among instructors,
- ❑ promoting improved pilot training, airmanship, conduct, personal responsibility, and instructor contributions to the aviation community and society at large,
- ❑ encouraging the development and adoption of good judgment and ethical behavior,
- ❑ advancing self-regulation through the aviation community as an alternative to government regulation,
- ❑ supporting improved communications between instructors, students, regulators, and others in the aviation industry, and
- ❑ promoting recognition of instruction as a highly respected and rewarding profession.

PRINCIPLES AND RECOMMENDED PRACTICES

I. GENERAL RESPONSIBILITIES OF INSTRUCTORS

Instructors should:

- a. make safety a high priority,
- b. seek excellence in airmanship,
- c. develop, exercise, and teach good judgment, and aeronautical decision-making,
- d. recognize and manage risks effectively, and teach sound principles of risk management,
- e. demonstrate and teach situational awareness, prudent operating practices and personal operating parameters (e.g., minimums),
- f. aspire to professionalism,
- g. act with responsibility and courtesy, and
- h. adhere to applicable laws and regulations.

II. STUDENTS, PASSENGERS, AND PEOPLE ON THE SURFACE

Instructors should:

- a. maintain student and passenger safety first, and then reasonable student and passenger comfort,
- b. manage risk and avoid unnecessary risk to students, passengers, people and property on the surface, and people in other aircraft,
- c. brief and debrief students on planned flight lessons and inform them of any significant or unusual risk associated with the flight,
- d. seek to prevent unsafe conduct by students and passengers, and
- e. avoid operations that may alarm, disturb, or endanger students, passengers or people on the surface.

III. TRAINING AND PROFICIENCY

Instructors should:

- a. participate in regular recurrent training to maintain and improve instructor proficiency beyond legal requirements,
- b. participate in flight safety education programs,
- c. remain vigilant and avoid complacency,
- d. train to recognize and deal effectively with emergencies,
- e. plan every lesson carefully,
- f. follow a training syllabus and ensure students are progressing, and
- g. maintain an accurate log to satisfy training, currency requirements, endorsements given, and maneuvers practiced, for both instructor and student.

IV. SECURITY

Instructors should:

- a. seek to maintain the security of all persons and property associated with their aviation activities,
- b. remain vigilant and immediately report suspicious, reckless, or illegal activities,
- c. become familiar with the latest security regulations, and
- d. avoid special-use airspace except when approved or necessary in an emergency.

V. ENVIRONMENTAL ISSUES

Instructors should:

- a. teach and seek to mitigate the environmental impact of aircraft operations,
- b. minimize the discharge of fuel, oil, and other chemicals into the environment during refueling, preflight preparations, ground servicing, and flight operations,
- c. respect and protect environmentally sensitive areas, and set such examples for students,
- d. comply with and teach applicable noise-abatement procedures and mitigate aircraft noise near noise-sensitive areas, and
- e. review and adhere to prudent hazardous materials handling procedures.

VI. USE OF TECHNOLOGY

Instructors should:

- a. become familiar with, properly use, and teach appropriate technologies,
- b. teach students to monitor applicable airport advisory frequencies and report position accurately when approaching airports without an operating control tower and other higher-risk areas, if radio-equipped,
- c. use transponders or other position-indicating technologies during training flights, if available or otherwise directed by ATC, and use ATC radar advisories for VFR enroute operations,
- d. carry redundant transceivers and navigational equipment and use them in appropriate circumstances, and
- e. use flight simulators and training devices as available and appropriate.

VII. ADVANCEMENT AND PROMOTION OF AVIATION INSTRUCTION

Instructors should:

- a. advance and promote aviation safety and adherence to the Code of Conduct,
- b. volunteer in and contribute to organizations that promote aviation and airports, and should use their skills to contribute to society at large—and encourage their students to do so too,
- c. demonstrate appreciation for other aviation professionals and service providers,
- d. advance a training culture that values openness, humility, integrity, positive attitudes, and the pursuit of personal improvement,
- e. promote ethical behavior within the aviation community, and
- f. mentor new and future instructors.

Surveyor's Creed and Canons

As a Professional Surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare.

I pledge:

To give the utmost of performance;

To participate in none but honest enterprise;

To live and work according to the laws of humankind and the highest standards of professional conduct;

To place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations;

In humility and with need for Divine Guidance, I make this pledge.

Canon 1.

A Professional Surveyor should refrain from conduct that is detrimental to the public.

Canon 2.

A Professional Surveyor should abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction.

Canon 3.

A Professional Surveyor should accept assignments only in one's area of professional competence and expertise.

Canon 4.

A Professional Surveyor should develop and communicate a professional analysis and opinion without bias or personal interest.

Canon 5.

A Professional Surveyor should maintain the confidential nature of the surveyor-client relationship.

Canon 6.

A Professional Surveyor should use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest.

Canon 7.

A Professional Surveyor should maintain professional integrity when dealing with members of other professions.

MARYLAND

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying

Authority: Business Occupations and Professions Article, §15-205, Annotated Code of Maryland

.01 Definitions.

A. In the Code of Ethics, the following words have the meaning indicated.

B. Terms Defined.

(1) "Board" means the Board for Professional Land Surveyors.

(2) "Registrant" means any person holding a certificate of registration from the State as a professional land surveyor or a property line surveyor.

.02 Responsibility to the Public.

In the performance of his professional duties, a registrant shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the registrant's professional judgment is overruled under circumstances in which the safety, health, property, or welfare of the public is endangered, the registrant shall inform his employer or client of the possible consequences.

.03 Public Statements, Reports, and Testimony.

A. A registrant may not make statements or reports, or give expert testimony, on land-surveying matters connected with public policy, if his remarks are inspired or paid for by an interested party, unless he precedes his remarks by identifying himself, by disclosing the identity of the party on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he has in the matter.

B. A registrant may express publicly a professional opinion on a land-surveying subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In a professional report, statement, or testimony, a registrant may not be untruthful or deceptive.

.04 Competency for Assignments Undertaken or Approved.

A. A registrant may undertake or perform land-surveying assignments only when qualified to do so by education or experience, or both, in the specific field of land surveying involved.

B. A registrant may affix his signature or seal to land surveying documents only if:

(1) He is competent in the subject matter of those documents by virtue of education or experience, or both; and

(2) The documents were prepared under his direction as principal by an employee or an associate competent in the subject matter of those documents by virtue of education or experience, or both.

.05 Conflicts of Interest.

A. A registrant shall avoid conflicts of interest with his employer or client. Whenever conflicts of interest appear unavoidable, however, the registrant shall disclose promptly and fully all the circumstances to the employer or client.

B. A registrant shall promptly inform his employer or client of any business association, interests, or circumstances which may influence his judgment or the quality of his services to his employer or client.

MARYLAND

C. A registrant may not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project, unless he makes full disclosure to all interested parties.

D. A registrant may not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products, except when the registrant is a previously announced employee or agent of the supplier.

E. A registrant may not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer, land surveyor, or other party dealing with the registrant's employer or client in connection with work for which the registrant is responsible.

.06 Improper Solicitation of Professional Employment.

A. Other than the usual commissions paid to licensed employment agencies, a registrant may not compensate, give anything of value, or offer to compensate or give anything of value, as follows:

- (1) To a person or organization to recommend or secure his employment as a land surveyor; or
- (2) As a reward for having made a recommendation resulting in his employment as a land surveyor.

B. When competing for professional employment, a registrant may not falsify or permit misrepresentation of his qualifications or those of his associates.

C. An employed surveyor may not solicit or accept other employment to the detriment of his regular work or the interests of his employer.

.07 Knowledge of Improper Conduct by Others.

Except to the extent the rules of privilege recognized in the State apply, when questioned by any member or authorized representative of the Board concerning any alleged violation of another person or organization, a registrant may not conceal or refuse to divulge information that he may have, or make false or misleading statements about the matter.

.08 Designation of Registrants.

A registrant may not use any designation after the registrant's name on any business communication which misleads the public as to whether the registrant is a professional land surveyor or a property line surveyor. For example, registrants may not use the initials "P.L.S." after their name because of the ambiguity of this designation.

.09 Failure to Respond.

A licensee shall respond to the Board in writing within 20 days of receipt of a written communication directed to the licensee by the Board. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §15-317(a)(1)(v), Annotated Code of Maryland.

Administrative History

Effective date: December 30, 1977 (4:27 Md. R. 2106)

Regulation .08 adopted effective May 6, 1985 (12:9 Md. R. 810)

Regulation .09 adopted effective October 20, 2008 (35:21 Md. R. 1824)

CODE OF VIRGINIA

[prev](#) | [next](#)**§ 54.1-404. Regulations; code of professional practice and conduct.**

A. The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.

B. The Board may impose different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours, or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology who are not otherwise exempt pursuant to subsection C of § 54.1-402. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.

Any license issued pursuant to this subsection shall be distinctive, reflecting the limited area of the practice of land surveying so authorized, and considered as a land surveyor and the practice of land surveying for the purposes of §§ 13.1-549, 13.1-1111, 54.1-402, 54.1-405, 54.1-406 and 54.1-411. Nothing herein shall be construed to authorize a person issued a limited license pursuant to this subsection to practice beyond such limited area of practice. The establishment of any such limited license shall not prohibit any duly qualified land surveyor licensed pursuant to § 54.1-400 from engaging in any such limited area of practice.

C. The regulations may include a code of professional practice and conduct, the provisions of which shall serve any or all of the following purposes:

1. The protection of the public health, safety and welfare;
2. The maintenance of standards of objectivity, truthfulness and reliability in public statements by professionals;
3. The avoidance by professionals of conflicts of interests;
4. The prohibition of solicitation or acceptance of work by professionals on any basis other than their qualifications for the work offered;
5. The restriction by the professional in the conduct of his professional activity from association with any person engaging in illegal or dishonest activities; or
6. The limitation of professional service to the area of competence of each professional.

(Code 1950, § 54-25; 1974, c. 459; 1982, c. 590; 1988, c. 765; 2005, cc. 359, 440.)

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WEST VIRGINIA MINIMUM STANDARDS FOR SURVEYORS

§23-5-8. Unethical Practices

In addition to the reasons for suspension or revocation of a license set forth in WV Code §§30-1-1 et seq. or 30-13A-1 et seq., any licensee who has committed any of the following unethical practices may be subject to disciplinary action by the Board:

8.1. Failing or refusing to comply with any provision of WV Code §30-13A-1 et seq. or any rule promulgated by the Board or any request, order or final decision of the Board. For the purposes of this subsection:

8.1.a. If any licensee orders, counsels, encourages, incites, supports, helps, or assists another person to fail or refuse to comply with any statutory provision, rule, request, order or final decision; or,

8.1.b. After the failure or refusal, if a licensee helps or assists the other person to avoid detection of the failure or refusal, then the licensee is considered to have also failed or refused to comply;

8.2. Failing to respond within thirty (30) days to written communications from the Board and to make available any records relevant to an inquiry or complaint about the licensee's professional conduct. The thirty (30) day period begins on the date when the communication was sent by the Board by certified mail with return receipt requested to the last known address of the surveyor;

8.3. Accepting, paying, or offering to pay, either directly or indirectly, any gift, bribe, or other consideration to make an improper survey;

8.4. Associating with any survey project known by the licensee to be fraudulent or dishonest in character;

8.5. Reviewing the work of another surveyor for the same client, except with the knowledge of the surveyor, or unless the contractual relationship of the surveyor and the client has been terminated;

8.6. Using advertising that is false, fraudulent, deceptive, misleading or unlawful; or

8.7. Accepting and undertaking to perform survey services which the surveyor is not competent to perform without obtaining qualified associates, consultants or employees, or failing to directly supervise the work of subordinates in performing these services.

§23-5-9. Disciplinary Actions by the Board

9.1. The Board may at any time upon its own motion and shall upon the verified written complaint of any person conduct an investigation to determine whether there are any grounds for a disciplinary action relevant to a license issued under the provisions of WV Code §§ 30-1-1 et seq. or 30-13A-1 et seq. and the rules issued by the Board.

9.2. The Board may place on probation, suspend or revoke any license; may issue a letter of caution or reprimand, cease and desist order, settlement agreement, consent agreement and order, probable cause order, final or administrative order resulting from a formal hearing or other similar agreements and orders; may impose a fine not to exceed one thousand dollars (\$1,000.00) per infraction; may require additional education or training; or may impose any combination of these disciplinary actions, when it finds a licensee has:

9.2.a. Been convicted of a felony or a crime involving moral turpitude;

9.2.b. Obtained a license by means of fraud or deceit;

Code of Ethics

State of Pennsylvania

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or professional land surveyor:

- (1) To act for his client or employer in professional matters otherwise than as a faithful agent or trustee, or to accept an remuneration other than his stated recompense for services rendered.*
- (2) To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone.*
- (3) To attempt to supplant another engineer or land surveyor after definite steps have been taken toward his employment.*
- (4) To compete with another engineer or land surveyor for employment by the use of unethical practices.*
- (5) To review the work of another engineer or land surveyor for the same client, except with the knowledge of such engineer or land surveyor, or unless the connection of such engineer or land surveyor with the work has terminated.*
- (6) To attempt to obtain or render technical services or assistance without fair and just compensation commensurate with the services rendered: Provided, however, the donation of such services to civic, charitable, religious or eleemosynary organization shall not be deemed a violation.*
- (7) To advertise in self-laudatory language, or in any other manner, derogatory to the dignity of the profession.*
- (8) To attempt to practice in any field of engineering or land surveying in which the registrant is not proficient.*
- (9) To use or permit the use of his professional seal on work over which he was not in responsible charge.*
- (10) To aid or abet any person in the practice of engineering or land surveying not in accordance with the provision of this act or prior laws.*

13:40-3.5 Enumeration of prohibited acts

(a) Misconduct in the practice of professional engineering or professional land surveying shall include, without limitation:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.
2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.
3. Advertising in violation of N.J.A.C. 13:40-3.3.
4. Engaging in any activity which involves him in a conflict of interest, including without limitation:
 - i. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.
 - ii. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.
 - iii. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.
 - iv. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties.
 - v. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.
 - vi. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.
5. Affixing his or her signature and seal to any plans, specifications, plats or reports or surveys which were not prepared by him or her or under his or her supervision by his or her employees or subordinates.

6. Failure to comply with Federal, state or local laws, rules or regulations relating to the practice of the profession.

7. Permitting or allowing any person not appropriately licensed pursuant to N.J.S.A. 45:8-27 et seq. or this chapter to act for or on behalf of the licensee as his representative, surrogate or agent while appearing before any public or private body for the purpose of rendering professional engineering or professional land surveying services.

8. Failure to determine and document the identity of the client prior to commencing any work. All correspondence, contracts, bills shall be addressed to that client, unless expressly directed otherwise, in writing, by the client.

9. Failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

10. Failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions.

11. Failure of a licensee to respond in writing within 30 days to a written communication from the State Board of Professional Engineers and Land Surveyors with respect to any investigative inquiry relating to the possible violation of any statute or regulation administered by the Board, and to make available any relevant records with respect to such an inquiry. The 30-day period shall begin on the day when such communication was sent from the Board by certified mail with return receipt requested to the address appearing on the last registration.

12. Rendering engineering or land surveying services and/or professional opinions when not qualified by training, education and experience in the specific discipline of professional engineering and/or professional land surveying that is involved.

13. Engaging in any activity which results in suspension, revocation or surrender of a professional license or certification in another jurisdiction.

14. Failure to comply with the requirements set forth in N.J.A.C. 13:40-5.1(d) and 5.2 concerning the waiver of the setting of corner markers.

R.1970 d.67, eff. June 8, 1970.

See: 2 N.J.R. 35(a), 2 N.J.R. 55(g).

As amended, R.1976 d.228, eff. July 21, 1976.

See: 8 N.J.R. 250(a), 8 N.J.R. 402(a).

As amended, R.1983 d.16, eff. February 7, 1983.

See: 14 N.J.R. 1196(b), 15 N.J.R. 158(a).

Deleted reference to N.J.S.A. 45:8-38. Also deleted language concerning "practice likely to discredit or reflect unfavorably upon the dignity or honor of the profession." Also deleted limitations on listings.

As amended, R.1984 d.486, eff. November 5, 1984.

See: 16 N.J.R. 1321(a), 16 N.J.R. 3055(a).

Section recodified.

Amended by R.1987 d.355, effective September 8, 1987.

See: 19 N.J.R. 851(a), 19 N.J.R. 1649(a).

Added (a)8, 9 and 10.

Amended by R.1988 d.394, effective August 15, 1988.

See: 20 N.J.R. 736(a), 20 N.J.R. 2068(a).

Substantially amended.

Amended by R.1995 d.474, effective September 5, 1995.

See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

Amended by R.2005 d.280, effective September 6, 2005.

See: 36 N.J.R. 3500(a), 37 N.J.R. 3440(a).

In (a), added 14.

Recodified from N.J.A.C. 13:40-3.1 and amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Rewrote (a)3, in (a)5, deleted "*" throughout; in (a)7, added "et seq. or this chapter"; in (a)11, added "State."

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In the introductory paragraph of (a), inserted "professional" preceding "land"; in (a)7, substituted "professional land surveying" for "land surveyor"; and in (a)12, deleted a comma following "education" and inserted "professional" preceding the second occurrence of "land".

Case Notes

License revocation. (Decided on statutory grounds). Hyland v. Ponzio, 159 N.J.Super. 233, 387 A.2d 1206 (App.Div.1978).

13:40-3.6 Reporting incidents of professional misconduct

If a licensee has knowledge or reason to believe that another person or firm may be in violation of or has violated any of the statutes or rules administered by the State Board of Professional Engineers and Land Surveyors, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such information or assistance as may be required by the Board.

New Rule, R.1985 d.465, effective September 3, 1985.

See: 17 N.J.R. 799(a), 17 N.J.R. 2140(a).

Recodified from N.J.A.C. 13:40-3.2 and amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Added "State."

SUBCHAPTER 4. GENERAL PROVISIONS

13:40-4.1 Notification of change of address; service of process

(a) A licensee of the State Board of Professional Engineers and Land Surveyors shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

1. All addresses of licensees shall contain street names and numbers. Post office box numbers without street addresses shall not be acceptable.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action.

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address on file with the Board shall be deemed adequate notice when service by certified or regular mail is acceptable and shall allow the commencement of any disciplinary proceedings.

New Rule, R.1985 d.465, effective September 5, 1985.

See: 17 N.J.R. 799(a), 17 N.J.R. 2140(a).

Amended by R.1995 d.474, effective September 5, 1995.

See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

Amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

In introductory paragraph (a), added "State"; in (b), deleted N.J.S.A. reference; in (c), deleted "currently" and N.J.A.C. reference and added "when service by certified or regular mail is acceptable and shall allow."

13:40-4.2 Scope of practice; home inspections

(a) An engineer licensed by the State Board of Professional Engineers and Land Surveyors may apply to the Board for certification of eligibility for licensure as a home inspector.

(b) The licensed professional engineer shall submit to the Board an application provided by the Board and the application fee in the amount set forth at N.J.A.C. 13:40-15.23. The licensed professional engineer shall document through submission of the application that the engineer possesses the requisite training, education and experience to conduct home inspections specifically related to the following systems and components:

1. Structural components;
2. Exterior components;
3. Roofing system;
4. Plumbing system;
5. Electrical system;
6. Heating system;
7. Cooling system;
8. Interior component system;
9. Insulation system;
10. Ventilation system;
11. Fireplace system;
12. Solid fuel burning appliances or systems; and
13. Related residential housing component systems.

(c) The Board shall review the qualifications of the licensed professional engineer to determine whether the engineer is qualified to perform a home inspection pursuant to the requirements of (b) above. If the Board determines that the applicant is qualified to perform home inspections, the Board shall refer the application to the Home Inspection Advisory Committee which shall issue a home inspector license to the engineer in accordance with the requirements of N.J.A.C. 13:40-15.

DELAWARE

§ 2712. Grounds for discipline.

(a) A practitioner licensed under this chapter shall be subject to disciplinary actions set forth in § 2714 of this title after a hearing, the Board finds that the land surveyor:

(1) Has employed or knowingly cooperated in fraud or material deception in order to acquire a license as a land surveyor; has impersonated another person holding a license or registration or allowed another person to use that land surveyor's license, or aided or abetted a person not licensed as a land surveyor to represent himself or herself as a land surveyor;

(2) Has been convicted of a crime that is substantially related to the practice of land surveying; a copy of the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence therefor;

(3) Has excessively used or abused drugs;

(4) Has engaged in an act of consumer fraud or deception; engaged in the restraint of competition; or participated in price-fixing activities;

(5) Has engaged in illegal, incompetent or grossly negligent conduct in the practice of land surveying;

(6) Has violated a lawful provision of this chapter or any lawful regulation established thereunder;

(7) Has had that land surveyor's license, certification or registration as a land surveyor suspended or revoked or other disciplinary action taken by the appropriate licensing authority in another jurisdiction; provided, however, that the underlying grounds for such action in another jurisdiction have been presented to the Board by certified record and the Board has determined that the facts found by the appropriate authority in the other jurisdiction constitute 1 or more of the acts defined in this chapter. Every person licensed as a land surveyor in this State shall be deemed to have given consent to the release of this information by the Board or other comparable agencies in another jurisdiction and to waive all objections to the admissibility of previously adjudicated evidence of such acts or offenses;

(8) Has failed to notify the Board that the land surveyor's license or registration as a land surveyor in another state has been subject to discipline or has been surrendered, suspended or revoked. A certified copy of the record of disciplinary action, surrender, suspension or revocation shall be conclusive evidence thereof; or

(9) While acting as a supervising land surveyor, has failed to supervise and take reasonable steps to see that unlicensed persons acting under the supervising land surveyor's direction or control perform services responsibly, competently and ethically, in accordance with rules and regulations established by the Board. Supervising land surveyors shall be subject to disciplinary action for any acts or offenses which are grounds for such action when such acts or offenses are undertaken by unlicensed persons acting under the supervising land surveyor's direction or control; or

(10) Has practiced or offered to practice as a land surveyor when the practitioner's license has expired or lapsed.

v

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Supplement to Chapter 27

TYPICAL CODE OF ETHICS

It should be considered unprofessional and inconsistent with honorable and dignified bearing for any professional practitioner:

1. To act for his client, or employer, in professional matters otherwise than as a faithful agent or trustee, or to accept any remuneration other than his stated recompense for services rendered.
2. To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, or business of anyone.
3. To attempt to supplant another fellow professional practitioner after definite steps have been taken toward his employment.
4. To compete with another fellow practitioner for employment by the use of unethical practices.
5. To review the work of another fellow practitioner for the same client, except with the knowledge of such practitioner or unless the connection of such practitioner with the work has terminated.
6. To attempt to obtain or render technical services or assistance without fair and just compensation commensurate with the services rendered.
7. To advertise in self-laudatory language or any other manner derogatory to the dignity of the profession.
8. To attempt to practice in any professional field in which the registrant is not proficient.

HITK B10 - L. S. REF. MAN.



International Federation of Surveyors
Fédération Internationale des Géomètres
Internationale Vereinigung der Vermessungsingenleure

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[[FIG E-NEWSLETTERS](#)] [[COMMISSION NEWSLETTERS](#)] [[COMMISSION PUBLICATIONS](#)]
[[UNDER-REPRESENTED GROUPS IN SURVEYING](#)] [[OTHER PUBLICATIONS](#)]

FIG Publications

[No. 1] [No. 11] [No. 13A] [No. 13B] [No. 14] [No. 15] [No. 16] [No. 16 Française] [No. 17] [No. 17 Française]
[No. 19] [No. 20] [No. 21] [No. 22] [No. 23] [No. 23 - Spanish] [No. 24] [No. 25] [No. 26] [No. 27] [No. 28]
[No. 28A] [No. 29] [No. 30] [No. 31] [No. 33] [No. 34] [No. 35] [No. 36] [No. 37] [No. 38] [No. 39] [No. 40]
[No. 41] [No. 42] [No. 43] [No. 43 - Español] [No. 44] [No. 45] [No. 46] [No. 47] [No. 48] [No. 49] [No. 50]
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FIG PUBLICATION NO. 17

Statement of Ethical Principles and Model Code of Professional Conduct



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Preface

The International Federation of Surveyors (FIG) is a UN -accredited non-government organisation which represents the interests of surveyors throughout the world. Those who belong to its member associations work in government, in the corporate sector and in the private sector, as practitioners, academics or researchers. All seek the highest standards of professional and technical in the delivery of their services.

One consequence of globalisation and the opening up of markets to foreign participation is the need for professional and ethical standards that apply to all. This is to ensure fair competition, to build and retain the confidence of clients, to protect the environment within which we all live, and to respect the interests of third parties.

Whereas cultures, political systems, awareness and understanding of professional practice differ from nation to nation, there are certain fundamental principles that, in the view of FIG, should apply to all. Whilst it is the responsibility of national professional bodies to set local standards for professional conduct, FIG has sought to help its members by preparing the following statement of ethical principles and model code of professional conduct which between identify the key issues that need to be included in any national code.

On behalf of FIG I would like to thank Ken Allred and those colleagues who worked with him on the preparation of this document. Together with the FIG companion publications on constituting professional associations and on continuing professional development, it will help all who practise the disciplines of surveying to meet the needs of the markets and the communities that they serve.

Professor Peter Dale
President, FIG

Background

1. The surveying profession is recognised globally as one that adheres to fundamental ethical principles.
2. The International Federation of Surveyors (FIG) recognises that, due to international differences of culture, language, and legal and social systems, the task of preparing a detailed code of professional conduct must rest with each member association, which also has the responsibility to implement and enforce such a code.
3. FIG also recognises that, given the global mobility of surveyors, it is important to establish common ethical principles and codes of professional conduct. As part of its role in providing guidance and encouraging the harmonisation of standards, FIG offers this model code.
4. A professional is distinguished by certain characteristics including:
 - mastery of a particular intellectual skill, acquired by education and training;
 - acceptance of duties to society in addition to duties to clients and employers;
 - an outlook that is essentially objective; and
 - the rendering of personal service to a high standard of conduct and performance.
5. Professional surveyors recognise that their ethical responsibilities extend to the public, to their clients and employers, to their peers and to their employees. Accordingly they acknowledge the need for integrity, independence, care and competence, and a sense of duty. They uphold and advance these values by:
 - supporting and participating in the continuing development of the surveying profession;
 - serving with honesty and forthrightness and within areas of their competence; and
 - using their expertise for the enhancement of society and the stewardship of resources.
6. FIG recommends that surveyors and associations of surveyors adopt the following ethical principles and model codes of professional conduct or, where appropriate, adapt them to local values and customs.

Ethical Principles

Integrity

Surveyors

- maintain the highest standards of honesty and integrity towards those with whom they come into contact, either directly or indirectly; and
- accurately and conscientiously measure, record and interpret all data and offer impartial advice based thereon.

Independence

Surveyors

- diligently and faithfully execute their role according to the law; and
- maintain their objectivity and give their clients and employers unbiased advice, without prejudice or favour either towards or against other organisations or persons.

Care and competence

Surveyors

- maintain their knowledge and skills, keep abreast of developments in their fields of practice and apply their expertise for the benefit of society;
- only take on work that they reasonably believe they will be able to carry out in a professional manner; and
- exercise care in the performance of their duties.

Duty

Surveyors

- maintain confidentiality about the affairs of their current and former clients and employers unless required by law to make disclosures;
- avoid conflicts of interest;
- take environmental concerns into account in their operations and activities;
- recognise the interests of the public when providing services to their clients or employers; and
- conduct their work to the best of their ability, giving due consideration to the rights of all parties.

The Public Interest

1. The first duty of surveyors is normally to their clients or employers but as professionals they also have a duty to the public. Surveyors are fact finders and providers of opinions and advice. It is important that they are diligent, competent, impartial and of unquestionable integrity in ensuring that the information they provide is true and complete and that the opinions and advice that they give are of the highest quality.
2. The work of surveyors has cumulative and long term effects on future generations. Many of the functions of surveyors, even those performed for private clients, are by their nature functions that have a lasting impact on society. Most information becomes public information at some point in time and may be used for purposes other than those for which it was initially intended. The information recorded by early surveyors and explorers has, for example, subsequently

been used for the expansion of geographical knowledge and for land development. Similarly, land management systems designed for today create an environment in which future generations will live, work and play. The principles of sustainable development require surveyors to work as much for the future as for the present.

3. Clients, employers and the public must be confident that surveyors have exercised objectivity in arriving at their professional opinions. These obligations may sometimes appear to be in conflict with the obligations that surveyors owe to their clients, their employers and their peers. Surveyors have a duty to the truth, even when it may not be in the best interest of their clients or employers.
4. All surveyors, whether they be private practitioners, employees in the private sector, public servants or educators, should discharge their professional duties and adhere to ethical principles in accordance with the following model code of professional conduct.

Model Code of Professional Conduct

FIG recommends the following code of conduct as the minimum to be expected of all professional surveyors.

1. In general, surveyors

- exercise unbiased independent professional judgement;
- act competently and do not accept assignments that are outside the scope of their professional competence;
- advance their knowledge and skills by participating in relevant programmes of continuing professional development;
- ensure that they understand the fundamental principles involved when working in new areas of expertise, conducting thorough research and consulting with other experts as appropriate; and
- do not accept assignments that are beyond their resources to complete in a reasonable time and in a professional manner.

2. As employers, surveyors:

- assume responsibility for all work carried out by their professional and non-professional staff;
- assist their employees to achieve their optimum levels of technical or professional advancement;
- ensure that their employees have proper working conditions and equitable remuneration; and
- cultivate in their employees integrity and an understanding of the professional obligations of surveyors to society.

3. When dealing with clients, surveyors:

- avoid any appearance of professional impropriety;
- disclose any potential conflicts of interest, affiliations or prior involvement that could affect the quality of service to be provided;
- avoid associating with any persons or enterprises of doubtful character;
- do not receive remuneration for one project from multiple sources without the knowledge of the parties involved;
- preserve the confidences and regard as privileged all information about their clients' affairs; and
- maintain confidentiality during as well as after the completion of their service.

4. When providing professional services, surveyors:

- seek remuneration commensurate with the technical complexity, level of responsibility and

- liability for the services rendered;
- make no fraudulent charges for services rendered;
- provide details on the determination of remuneration at the request of their clients; and
- do not sign certificates, reports or plans unless these were prepared and completed under their personal supervision.

5. As members of a professional association, surveyors:

- do not enter into arrangements that would enable unqualified persons to practise as if they were professionally qualified;
- report any unauthorised practice to the governing body of the profession;
- refuse to advance the application for professional status of any person known to be unqualified by education, experience or character; and
- promote the surveying profession to clients and the public.

6. As business practitioners, surveyors:

- do not make false or misleading statements in advertising or other marketing media;
- do not, either directly or indirectly, act to undermine the reputation or business prospects of other surveyors;
- do not supplant other surveyors under agreement with their clients; and
- do not establish branch offices that purport to be under the direction and management of a responsible professional surveyor unless this is actually the case.

7. As resource managers, surveyors:

- approach environmental concerns with perception, diligence and integrity;
- develop and maintain a reasonable level of understanding of environmental issues and the principles of sustainable development;
- bring any matter of concern relating to the physical environment and sustainable development to the attention of their clients or employers;
- employ the expertise of others when their knowledge and ability are inadequate for addressing specific environmental issues;
- include the costs of environmental protection and remediation among the essential factors used for project evaluation;
- ensure that environmental assessment, planning and management are integrated into projects that are likely to impact on the environment; and
- encourage additional environmental protection when the benefits to society justify the costs.

FIG PUBLICATION No 17

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FIG Office, Lindevangs Allé 4, DK-2000 Frederiksberg, DENMARK,
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C. Retirement of Licensure Option

When a licensed professional engineer/professional surveyor in good standing desires to retire his/her license, he/she may do so upon application to the jurisdiction board. Upon meeting the requirements established by the board, a permanent identification card may be issued and the retired licensee shall receive all rights and benefits as established by the board. Upon retirement of said license, the retiree shall not practice the profession.

D. Reissuance of Certificate

When a certificate of licensure or certificate of authorization is lost, destroyed, or mutilated, it will be replaced upon request by a licensee in good standing who has paid a fee established by regulation of the board.

(Section 140.30, Issuance of Duplicate Certificates, NCEES Model Law)

240.15 Rules of Professional Conduct

A. Licensee's Obligation to Society

1. Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and surveying standards and safeguard the life, health, property, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.
4. Licensees shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant

and pertinent information in such reports, statements, or testimony.

5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
 6. Licensees shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
 7. Licensees shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
 8. Licensees having knowledge of possible violations of any of these Rules of Professional Conduct shall provide the board with the information and assistance necessary to make the final determination of such violation.
(Section 150, Disciplinary Action, NCEES Model Law)
- B. Licensee's Obligation to Employer and Clients**
1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
 2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.
 3. Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed and

sealed by the licensee responsible for preparation of that design segment.

4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
 5. Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.
 6. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
 7. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.
(Section 150, Disciplinary Action, NCEES Model Law)
- C. Licensee's Obligation to Other Licensees
1. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional

qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
(Section 150, Disciplinary Action, NCEES Model Law)

240.20 Seals

A. Seal of the Board

The seal of this board is and shall be affixed to each certificate of licensure.
(Section 120.60 A, Board Powers, NCEES Model Law)

B. Seal of Licensee

When an applicant is granted licensure, he/she may obtain a seal. It may be a rubber stamp. It shall contain the following:

1. Jurisdiction of licensure
2. Licensee's name
3. License/certificate/registration number
4. The words "Professional Engineer" and discipline (if licensed by) or "Professional Surveyor"
(In part from Section 140.10 C, Certificates, Seals, NCEES Model Law)

Federal Employee Code of Ethics

By Elizabeth (Lisa)Thompson, Contributor

Federal employees follow a detailed code of ethics.

Federal employees are responsible to the United States Government, its citizens and the Constitution. The employee must respect detailed principles of ethical behavior as outlined by the United States Office of Government Ethics and his respective agency.

Finances

- Since public servants uphold public trust, they must maintain financial integrity and avoid the appearance of any monetary wrongdoing, including the acceptance of gifts valued at more than \$20.

Discrimination

- They must abide by laws prohibiting discrimination.

Conflict of Interest

- The federal employee must avoid all appearances of conflicts of interests, whether in relationships, outside employment or financial issues not covered by the monetary section.

Stewardship

- Federal employees must demonstrate appropriate stewardship with both time and government property.

Disciplinary Measures

- Federal employees may be subject to disciplinary measures for failure to comply with applicable codes of ethics.

Principles of Medical Ethics

Preamble

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. The following Principles adopted by the American Medical Association are not laws, but standards of conduct which define the essentials of honorable behavior for the physician.

Principles of medical ethics

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
- IV. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.
- V. A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
- VI. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.
- VII. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.
- VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.
- IX. A physician shall support access to medical care for all people.

Adopted June 1957; revised June 1980; revised June 2001.

The BBB Code of Business Practices represents sound advertising, selling and customer service practices that enhance customer trust and confidence in business. The Code is built on the BBB Standards for Trust, eight principles that summarize important elements of creating and maintaining trust in business.

This Code also represents standards for business accreditation by BBB. Businesses based in the United States and Canada that meet these standards and complete application procedures will be accredited by BBB.

To be accredited by BBB a business or organization affirms that it meets and will abide by the following standards:

1. Build Trust

Establish and maintain a positive track record in the marketplace.

An accredited business or organization agrees to:

A. Have been operational (actively selling products or services) in any BBB service area for at least the most recent 12 months, unless the principal(s) previously operated a similar business with an eligible record (one that qualifies for BBB accreditation).

B. Fulfill all licensing and bonding requirements of applicable jurisdictions; provide all license and bonding information upon application for BBB accreditation; and provide periodic updates upon request of BBB.

C. Be free from government action that demonstrates a significant failure to support BBB ethical principles in marketplace transactions (this requires a determination by BBB as to the nature of any violation, whether it was caused or condoned by management, and actions taken to resolve underlying issues that led to the government action).

D. Be free of an unsatisfactory rating and maintain at least a B rating at the accrediting BBB and the BBB where it is headquartered, if different.

E. In its relationship with BBB:

- meet all applicable standards within this Code of Business Practices
- cooperate with BBB's activities and efforts to promote voluntary self-regulation within the business' industry
- honor any settlements, agreements or decisions reached as an outcome of a BBB dispute resolution process
- complete the required application and pay all monetary obligations to BBB in a timely manner

2. Advertise Honestly

Adhere to established standards of advertising and selling.

An accredited business or organization agrees to:

A. Follow federal, state/provincial and local advertising laws.

B. Abide by the BBB Code of Advertising. Supply, upon request, substantiation for advertising and selling claims. Correct advertising and selling practices, when recommended by BBB.

C. Adhere to applicable BBB industry codes of advertising.

D. Cooperate with BBB self-regulatory programs for the resolution of advertising disputes.

E. Use the BBB name and logos in accordance with BBB policy.

F. Avoid misleading customers by creating the false impression of sponsorship, endorsement, popularity, trustworthiness, product quality or business size through the misuse of logos, trustmarks, pictures, testimonials, or other means.

3. Tell the Truth

Honestly represent products and services, including clear and adequate disclosures of all material terms.

An accredited business or organization agrees to:

A. Make known all material facts in both written and verbal representations, remembering that misrepresentation may result not only from direct statements but by omitting or obscuring relevant facts.

B. Ensure that any written materials are readily available, clear, accurate and complete.

4. Be Transparent

Openly identify the nature, location, and ownership of the business, and clearly disclose all policies, guarantees and procedures that bear on a customer's decision to buy.

An accredited business or organization agrees to:

A. Upon request, provide BBB with all information required to evaluate compliance with BBB standards. This may include, but is not limited to business name, address and contact information; names and background of principals; business and banking references; licensing and/or professional accreditation; and a complete description of the nature of the business.

B. Clearly disclose to customers:

- direct and effective means to contact the business
- terms of any written contract
- any guarantees or warranties accompanying a product
- any restrictions or limitations imposed (e.g. limited supply, maximum number available per customer)
- the business' return/refund policy

- any recurring commitment into which the customer may be entering, including information on how future billing will occur
- total cost of the transaction, including tax, shipping and handling, and other related charges

C. If selling products or providing services on Web sites or via other electronic means:

- provide any required product labeling information
- disclose the nature and terms of shipping, including any known delays or shortages of stock
- provide an opportunity to review and confirm the transaction before the sale is completed
- provide a receipt summarizing the transaction after the purchase

5. Honor Promises

Abide by all written agreements and verbal representations.

An accredited business or organization agrees to:

- A. Fulfill contracts signed and agreements reached.**
- B. Honor representations by correcting mistakes as quickly as possible.**

6. Be Responsive

Address marketplace disputes quickly, professionally, and in good faith.

An accredited business or organization agrees to:

- A. Promptly respond to all complaints forwarded by BBB by:**
 - 1. Resolving the complaint directly with the complainant and notifying BBB, or**
 - 2. Providing BBB with a response that BBB determines:**
 - is professional,
 - addresses all of the issues raised by the complainant,
 - includes appropriate evidence and documents supporting the business' position, and
 - explains why any relief sought by the complainant cannot or should not be granted.
- B. Make a good faith effort to resolve disputes, which includes mediation if requested by BBB. Other dispute resolution options, including arbitration, may be recommended by BBB when other efforts to resolve a dispute have failed. BBB may consider a business' willingness to**

participate in recommended dispute resolution options in determining compliance with these standards.

C. Comply with any settlements, agreements or decisions reached as an outcome of a BBB dispute resolution process.

D. Cooperate with BBB in efforts to eliminate the underlying cause of patterns of customer complaints that are identified by BBB.

7. Safeguard Privacy

Protect any data collected against mishandling and fraud, collect personal information only as needed, and respect the preferences of customers regarding the use of their information.

An accredited business or organization agrees to:

A. Respect Privacy

Businesses conducting e-commerce agree to disclose on their Web site the following:

- what information they collect,
- with whom it is shared,
- how it can be corrected,
- how it is secured,
- how policy changes will be communicated, and;
- how to address concerns over misuse of personal data.

B. Secure Sensitive Data

Businesses that collect sensitive data online (credit card, bank account numbers, Social Security number, salary or other personal financial information, medical history or records, etc.) will ensure that it is transmitted via secure means. Businesses will make best efforts to comply with industry standards for the protection and proper disposal of all sensitive data, both online and offline.

C. Honor Customer Preferences

Businesses agree to respect customer preferences regarding contact by telephone, fax and e-mail, and agree to remedy the underlying cause of any failure to do so.

8. Embody Integrity

Approach all business dealings, marketplace transactions and commitments with integrity.

An accredited business or organization agrees to:

Avoid involvement, by the business or its principals, in activities that reflect unfavorably on, or otherwise adversely affect the public image of BBB or its accredited businesses.

MODEL RULES OF PROFESSIONAL CONDUCT

Nothing contained in this book is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel.

- [Russian Translation \(2009\)](#)
- [Other Model Rules Resources](#)
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Comment on Rule 1.2

Client-Lawyer Relationship

Rule 1.2 Scope Of Representation And Allocation Of Authority Between Client And Lawyer

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

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Client-Lawyer Relationship**Rule 1.5 Fees**

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.

(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

(d) A lawyer shall not enter into an arrangement for, charge, or collect:

(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or

(2) a contingent fee for representing a defendant in a criminal case.

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

- (1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;
- (2) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and
- (3) the total fee is reasonable.

Client-Lawyer Relationship**Rule 1.9 Duties To Former Clients**

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;

unless the former client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Client-Lawyer Relationship

Rule 1.15 Safekeeping Property

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of [five years] after termination of the representation.

(b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.

(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.

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Code of Ethics for Engineers

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
 - a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
 - a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
 - b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.
 - a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - b. Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
 - c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
 - d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
 - e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.
 - a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
 - b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
 - a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
 - b. Engineers shall advise their clients or employers when they believe a project will not be successful.
 - c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
 - d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
 - e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
 - b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
 - c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
 - d. Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.

3. Engineers shall avoid all conduct or practice that deceives the public.
 - a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
 - b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
 - a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
 - b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
 - a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
 - b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
 - c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
 - a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
 - a. Engineers shall conform with state registration laws in the practice of engineering.
 - b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
 - a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

As Revised July 2007

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:

1. Engineers and firms may individually refuse to bid for engineering services.
2. Clients are not required to seek bids for engineering services.
3. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
4. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
5. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
6. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.



**National Society of
Professional Engineers**

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American Society of Civil Engineers

Code of Ethics¹

Fundamental Principles²

Engineers uphold and advance the integrity, honor and dignity of the engineering profession by:

1. using their knowledge and skill for the enhancement of human welfare and the environment;
2. being honest and impartial and serving with fidelity the public, their employers and clients;
3. striving to increase the competence and prestige of the engineering profession; and
4. supporting the professional and technical societies of their disciplines.

Fundamental Canons

1. Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development³ in the performance of their professional duties.
2. Engineers shall perform services only in areas of their competence.
3. Engineers shall issue public statements only in an objective and truthful manner.
4. Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
5. Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
6. Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.
7. Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

Guidelines to Practice Under the Fundamental Canons of Ethics

CANON 1.

Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

- a. Engineers shall recognize that the lives, safety, health and welfare of the general public are dependent upon engineering judgments, decisions and practices incorporated into structures, machines, products, processes and devices.
- b. Engineers shall approve or seal only those design documents, reviewed or prepared by them, which are determined to be safe for public health and welfare in conformity with accepted engineering standards.
- c. Engineers whose professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, or the principles of sustainable development ignored, shall inform their clients or employers of the possible consequences.
- d. Engineers who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of Canon 1 shall present such information to the proper authority in writing and shall cooperate with the proper authority in furnishing such further information or assistance as may be required.
- e. Engineers should seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well-being of their communities, and the protection of the environment through the practice of sustainable development.
- f. Engineers should be committed to improving the environment by adherence to the principles of sustainable development so as to enhance the quality of life of the general public.

CANON 2.

Engineers shall perform services only in areas of their competence.

- a. Engineers shall undertake to perform engineering assignments only when qualified by education or experience in the technical field of engineering involved.
- b. Engineers may accept an assignment requiring education or experience outside of their own fields of competence, provided their services are restricted to those phases of the project in which they are

- qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- c. Engineers shall not affix their signatures or seals to any engineering plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not reviewed or prepared under their supervisory control.

CANON 3.

Engineers shall issue public statements only in an objective and truthful manner.

- a. Engineers should endeavor to extend the public knowledge of engineering and sustainable development, and shall not participate in the dissemination of untrue, unfair or exaggerated statements regarding engineering.
- b. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
- c. Engineers, when serving as expert witnesses, shall express an engineering opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.
- d. Engineers shall issue no statements, criticisms, or arguments on engineering matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.
- e. Engineers shall be dignified and modest in explaining their work and merit, and will avoid any act tending to promote their own interests at the expense of the integrity, honor and dignity of the profession.

CANON 4.

Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

- a. Engineers shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interests, or circumstances which could influence their judgment or the quality of their services.
- b. Engineers shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

- c. Engineers shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering practice.
- e. Engineers shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.
- f. Engineers shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.
- g. Engineers shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

CANON 5.

Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

- a. Engineers shall not give, solicit or receive either directly or indirectly, any political contribution, gratuity, or unlawful consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- b. Engineers should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.
- c. Engineers may request, propose or accept professional commissions on a contingent basis only under circumstances in which their professional judgments would not be compromised.
- d. Engineers shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.
- e. Engineers shall give proper credit for engineering work to those to whom credit is due, and shall recognize the proprietary interests of others. Whenever possible, they shall name the person or persons who may be responsible for designs, inventions, writings or other accomplishments.
- f. Engineers may advertise professional services in a way that does not contain misleading language or is in any other manner derogatory to the dignity of the profession. Examples of permissible advertising are as follows:

- Professional cards in recognized, dignified publications, and listings in rosters or directories published by responsible organizations, provided that the cards or listings are consistent in size and content and are in a section of the publication regularly devoted to such professional cards.
- Brochures which factually describe experience, facilities, personnel and capacity to render service, providing they are not misleading with respect to the engineer's participation in projects described.
- Display advertising in recognized dignified business and professional publications, providing it is factual and is not misleading with respect to the engineer's extent of participation in projects described.
- A statement of the engineers' names or the name of the firm and statement of the type of service posted on projects for which they render services.
- Preparation or authorization of descriptive articles for the lay or technical press, which are factual and dignified. Such articles shall not imply anything more than direct participation in the project described.
- Permission by engineers for their names to be used in commercial advertisements, such as may be published by contractors, material suppliers, etc., only by means of a modest, dignified notation acknowledging the engineers' participation in the project described. Such permission shall not include public endorsement of proprietary products.
- g. Engineers shall not maliciously or falsely, directly or indirectly, injure the professional reputation, prospects, practice or employment of another engineer or indiscriminately criticize another's work.
- h. Engineers shall not use equipment, supplies, laboratory or office facilities of their employers to carry on outside private practice without the consent of their employers.

CANON 6.

Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.

- a. Engineers shall not knowingly engage in business or professional practices of a fraudulent, dishonest or unethical nature.
- b. Engineers shall be scrupulously honest in their control and spending of monies, and promote effective use of resources through open, honest

- and impartial service with fidelity to the public, employers, associates and clients.
- c. Engineers shall act with zero-tolerance for bribery, fraud, and corruption in all engineering or construction activities in which they are engaged.
 - d. Engineers should be especially vigilant to maintain appropriate ethical behavior where payments of gratuities or bribes are institutionalized practices.
 - e. Engineers should strive for transparency in the procurement and execution of projects. Transparency includes disclosure of names, addresses, purposes, and fees or commissions paid for all agents facilitating projects.
 - f. Engineers should encourage the use of certifications specifying zero-tolerance for bribery, fraud, and corruption in all contracts.

CANON 7.

Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

- a. Engineers should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.
- b. Engineers should encourage their engineering employees to become registered at the earliest possible date.
- c. Engineers should encourage engineering employees to attend and present papers at professional and technical society meetings.
- d. Engineers shall uphold the principle of mutually satisfying relationships between employers and employees with respect to terms of employment including professional grade descriptions, salary ranges, and fringe benefits.

¹ The Society's Code of Ethics was adopted on September 2, 1914 and was most recently amended on July 23, 2006. Pursuant to the Society's Bylaws, it is the duty of every Society member to report promptly to the Committee on Professional Conduct any observed violation of the Code of Ethics.

² In April 1975, the ASCE Board of Direction adopted the fundamental principles of the Code of Ethics of Engineers as accepted by the Accreditation Board for Engineering and Technology, Inc. (ABET).



THE AMERICAN
INSTITUTE
OF ARCHITECTS

Ethics

FROM THE OFFICE OF GENERAL COUNSEL

2007 Code of Ethics & Professional Conduct

Preamble

Members of The American Institute of Architects are dedicated to the highest standards of professionalism, integrity, and competence. This Code of Ethics and Professional Conduct states guidelines for the conduct of Members in fulfilling those obligations. The Code is arranged in three tiers of statements: Canons, Ethical Standards, and Rules of Conduct:

- Canons are broad principles of conduct.
- Ethical Standards (E.S.) are more specific goals toward which Members should aspire in professional performance and behavior.
- Rules of Conduct (**Rule**) are mandatory; violation of a Rule is grounds for disciplinary action by the Institute. Rules of Conduct, in some instances, implement more than one Canon or Ethical Standard.

The **Code** applies to the professional activities of all classes of Members, wherever they occur. It addresses responsibilities to the public, which the profession serves and enriches; to the clients and users of architecture and in the building industries, who help to shape the built environment; and to the art and science of architecture, that continuum of knowledge and creation which is the heritage and legacy of the profession.

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 be determined by application of the Rules of Conduct alone; the commentary will assist those seeking to conform their conduct to the Code and those charged with its enforcement.

Statement In Compliance With Antitrust Law

The following practices are not, in themselves, unethical, unprofessional, or contrary to any policy of The American Institute of Architects or any of its components:

- (1) submitting, at any time, competitive bids or price quotations, including in circumstances where price is the sole or principal consideration in the selection of an architect;
- (2) providing discounts; or
- (3) providing free services.

Individual architects or architecture firms, acting alone and not on behalf of the Institute or any of its components, are free to decide for themselves whether or not to engage in any of these practices. Antitrust law permits the Institute, its components, or Members to advocate legislative or other government policies or actions relating to these practices. Finally, architects should continue to consult with state laws or regulations governing the practice of architecture.

CANON I

General Obligations

Members should maintain and advance their knowledge of the art and science of architecture, respect the body of architectural accomplishment, contribute to its growth, thoughtfully consider the social and environmental impact of their professional activities, and exercise learned and uncompromised professional judgment.

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

- Rule** In practicing architecture,
1.101 Members shall demonstrate a

consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing practicing in the same locality.

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

- E.S. 1.2 Standards of Excellence:
Members should continually seek to raise the standards of aesthetic excellence, archi-

tectural education, research, training, and practice.

- E.S. 1.3 Natural and Cultural Heritage:
Members should respect and help conserve their natural and cultural heritage while striving to improve the environment and the quality of life within it.

- E.S. 1.4 Human Rights:
Members should uphold human rights in all their professional endeavors.

- Rule** Members shall not discriminate
1.401 in their professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation.

E.S. 1.5 Allied Arts & Industries:
Members should promote allied arts and contribute to the knowledge and capability of the building industries 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 promote and serve the public interest in their personal and professional activities.

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

Rule 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 a Member's professional practice, is made the basis for discipline by this rule. This includes the federal Copyright Act, which prohibits copying architectural works without the permission of the copyright owner. Allegations of violations of this rule must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

Rule 2.102 Members shall neither offer nor make any payment or gift to a public official with the intent of influencing the official'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 campaign financing laws.

Rule 2.103 Members serving in a public capacity shall not accept payments or gifts which are intended to influence their judgment.

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

Commentary: This rule addresses serious misconduct whether or not related to a Member's professional practice. When an alleged violation of this rule is based on a violation of a law, or of fraud, then its proof must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.

Rule 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 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) advise their employer or client against the decision,
(b) refuse to consent to the decision, and
(c) 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.

Commentary: This rule extends only to violations of the building laws that threaten the public safety. The obligation under this rule applies only to the safety of the finished project, an obligation coextensive with the usual undertaking of an architect.

Rule 2.106 Members shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal.

E.S. 2.2 Public Interest Services:
Members should render public interest professional services, including pro bono services, and encourage their employees to render such services. Pro bono services are those rendered without expecting compensation, including those rendered for indigent persons, after disasters, or in other emergencies.

E.S. 2.3 Civic Responsibility:
Members should be involved in civic activities as citizens and

professionals, and should strive to improve public appreciation and understanding of architecture and the functions and responsibilities of architects.

Rule 2.301 Members making public statements on architectural issues shall disclose when they are being compensated for making such statements or when they have an economic interest in the issue.

CANON III

Obligations to the Client

Members should serve their clients competently and in a professional manner, and should exercise unprejudiced and unbiased judgment when performing all professional services.

E.S. 3.1 Competence:
Members should serve their clients in a timely and competent manner.

Rule 3.101 In performing professional services, Members shall take into account applicable laws and regulations. Members may rely on the advice of other qualified persons as to the intent and meaning of such regulations.

Rule 3.102 Members shall undertake to perform professional services only when they, together with those whom they may engage as consultants, 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 that are beyond their professional capacity. Members venturing into areas that require expertise they do not possess may obtain that expertise by additional education, training, or through the retention of consultants with the necessary expertise.

Rule 3.103 Members shall not materially alter the scope or objectives of a project without the client's consent.

E.S. 3.2 Conflict of Interest:

Members should avoid conflicts of interest in their professional practices and fully disclose all unavoidable conflicts as they arise.

- Rule 3.201** A Member shall not render professional services if the Member's professional judgment could be affected by responsibilities to another project or person, or by the Member's own interests, unless all those who rely on the Member's judgment consent after full disclosure.

Commentary: This rule is intended to embrace the full range of situations that may present a Member with a conflict between his interests or responsibilities and the interest of others. Those who are entitled to disclosure may include a client, owner, employer, contractor, or others who rely on or are affected by the Member's professional decisions. A Member who cannot appropriately communicate about a conflict directly with an affected person must take steps to ensure that disclosure is made by other means.

- Rule 3.202** When acting by agreement of the parties as the independent interpreter of building contract documents and the judge of contract performance, Members shall render decisions impartially.

Commentary: This rule applies when the Member, though paid by the owner and owing the owner loyalty, is nonetheless required to act with impartiality in fulfilling the architect's professional responsibilities.

E.S. 3.3 Candor and Truthfulness:

Members should be candid and truthful in their professional communications and keep their clients reasonably informed about the clients' projects.

- Rule 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 a Member either in

the course of soliciting a client or during performance.

E.S. 3.4 Confidentiality:

Members should safeguard the trust placed in them by their clients.

- Rule 3.401** Members shall not knowingly disclose information that would adversely affect their client or that they have been asked to maintain in confidence, except as otherwise allowed or required by this Code or applicable law.

Commentary: To encourage the full and open exchange of information necessary for a successful professional relationship, Members must recognize and respect the sensitive nature of confidential client communications. Because the law does not recognize an architect-client privilege, however, the rule permits a Member to reveal a confidence when a failure to do so would be unlawful or contrary to another ethical duty imposed by this Code.

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.

- Rule 4.101** 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 file a complaint with the National Ethics Council.

Commentary: Often, only an architect can recognize that the behavior of another architect poses a serious question as to that other's professional integrity. In those circumstances, the duty to the professional's calling requires that a complaint be filed. In most jurisdictions, a complaint that invokes professional standards is protected from a libel or slander action if the complaint was made in good faith. If in doubt, a Member

should seek counsel before reporting on another under this rule.

- Rule 4.102** Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have responsible control.

Commentary: Responsible control means the degree of knowledge and supervision ordinarily required by the professional standard of care. With respect to the work of licensed consultants, Members may sign or seal such work if they have reviewed it, coordinated its preparation, or intend to be responsible for its adequacy.

- Rule 4.103** Members speaking in their professional capacity shall not knowingly make false statements of material fact.

Commentary: This rule applies to statements in all professional contexts, including applications for licensure and AIA membership.

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 and employees conform their conduct to this Code.

- Rule 4.201** Members shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance and shall accurately state 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 or implying credit for work which they did not do, misleading others, and denying other participants in a project their proper share of credit.

- Rule 4.202** 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 the

architect exercises 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 Intern and Professional Development:

Members should recognize and fulfill their obligation to nurture fellow professionals as they progress through all stages of their career, beginning with professional education in the academy, progressing through internship and continuing throughout their career.

E.S. 5.3 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.

Rule 5.301 Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

Rule 5.302 Members leaving a firm shall not, without the permission of their employer or partner, take designs, drawings, data, reports, notes, or other materials relating to the firm's work, whether or not performed by the Member.

Rule 5.303 A Member shall not unreasonably withhold permission from a departing

employee or partner to take copies of designs, drawings, data, reports, notes, or other materials relating to work performed by the employee or partner that are not confidential.

Commentary: A Member may impose reasonable conditions, such as the payment of copying costs, on the right of departing persons to take copies of their work.

CANON VI

Obligations to the Environment

Members should promote sustainable design and development principles in their professional activities.

E.S. 6.1 Sustainable Design:

In performing design work, Members should be environmentally responsible and advocate sustainable building and site design.

E.S. 6.2 Sustainable Development:

In performing professional services, Members should advocate the design, construction, and operation of sustainable buildings and communities.

E.S. 6.3 Sustainable Practices:

Members should use sustainable practices within their firms and professional organizations, and they should encourage their clients to do the same.

RULES OF APPLICATION, ENFORCEMENT, AND AMENDMENT

Application

The Code of Ethics and Professional Conduct applies to the professional activities of all members of the AIA.

Enforcement

The Bylaws of the Institute state procedures for the enforcement of the Code of Ethics and Professional Conduct. Such procedures provide that:

(1) Enforcement of the Code is administered through a National Ethics

Council, appointed by the AIA Board of Directors.

(2) Formal charges are filed directly with the National Ethics Council by Members, components, or anyone directly aggrieved by the conduct of the Members.

(3) Penalties that may be imposed by the National Ethics Council are:

- (a) Admonition
- (b) Censure
- (c) Suspension of membership for a period of time
- (d) Termination of membership.

(4) Appeal procedures are available.

(5) All proceedings are confidential, as is the imposition of an admonishment; however, all other penalties shall be made public.

Enforcement of Rules 4.101 and 4.202 refer to and support enforcement of other Rules. A violation of Rules 4.101 or 4.202 cannot be established without proof of a pertinent violation of at least one other Rule.

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. The Code may also be amended by the AIA Board of Directors upon a two-thirds vote of the entire Board.

**2007 Edition. This copy of the Code of Ethics is current as of December 2007. Contact the General Counsel's Office for further information at (202) 626-7311.*

CODE OF ETHICS

The GIS Certification Institute

This Code of Ethics is intended to provide guidelines for GIS (geographic information system) professionals. It should help professionals make appropriate and ethical choices. It should provide a basis for evaluating their work from an ethical point of view. By heeding this code, GIS professionals will help to preserve and enhance public trust in the discipline.

This code is based on the ethical principle of always treating others with respect and never merely as means to an end: i.e., *deontology*. It requires us to consider the impact of our actions on other persons and to modify our actions to reflect the respect and concern we have for them. It emphasizes our obligations to other persons, to our colleagues and the profession, to our employers, and to society as a whole. Those obligations provide the organizing structure for these guidelines.

The text of this code draws on the work of many professional societies. It is not surprising that many codes of ethics have a similar structure and provide similar guidelines to their professionals, because they are based upon a similar concept of morality. A few of the guidelines that are unique to the GIS profession include the encouragement to make data and findings widely available, to document data and products, to be actively involved in data retention and security, to show respect for copyright and other intellectual property rights, and to display concern for the sensitive data about individuals discovered through geospatial or database manipulations. Longer statements expand on or provide examples for the GIS profession.

A positive tone is taken throughout the text of this code. GIS professionals commit themselves to ethical behavior rather than merely seeking to avoid specific acts. The problems with listing acts to be avoided are: 1) there are usually reasonable exceptions to any avoidance rule and 2) there is implicit approval of any act not on the list. Instead, this code provides a list of many positive actions. These explicit actions illustrate respect for others and help strengthen both an understanding of this ethos and a commitment to it.

This code is not expected to provide guidelines for all situations. Ambiguities will occur and personal judgment will be required. Sometimes a GIS professional becomes stuck in a dilemma where two right actions are in conflict with each other or any course of action violates some aspect of this code. Help might come from talking with colleagues or reading relevant works such as those listed in the bibliography. Ultimately, a professional must reflect carefully on such situations before making the tough decision. Contemplating the values and goals of alternative ethical paradigms may be useful in reaching a decision:

- View persons who exemplify morality as your own guide (Virtue Ethics)
- Attempt to maximize the happiness of everyone affected (Utilitarianism)
- Only follow maxims of conduct that everyone else could adopt (Kantianism)
- Always treat other persons as ends, never merely as means (Deontology)

I. Obligations to Society

The GIS professional recognizes the impact of his or her work on society as a whole, on subgroups of society including geographic or demographic minorities, on future generations, and inclusive of social, economic, environmental, or technical fields of endeavor. Obligations to society shall be paramount when there is conflict with other obligations. Therefore, the GIS professional will:

1. Do the Best Work Possible

- Be objective, use due care, and make full use of education and skills.
- Practice integrity and not be unduly swayed by the demands of others.
- Provide full, clear, and accurate information.
- Be aware of consequences, good and bad.
- Strive to do what is right, not just what is legal.

2. Contribute to the Community to the Extent Possible, Feasible, and Advisable

- Make data and findings widely available.
- Strive for broad citizen involvement in problem definition, data identification, analysis, and decision-making.
- Donate services to the community.

3. Speak Out About Issues

- Call attention to emerging public issues and identify appropriate responses based on personal expertise.
- Call attention to the unprofessional work of others. First take concerns to those persons; if satisfaction is not gained and the problems warrant, then additional people and organizations should be notified.
- Admit when a mistake has been made and make corrections where possible.

II. Obligations to Employers and Funders

The GIS professional recognizes that he or she has been hired to deliver needed products and services. The employer (or funder) expects quality work and professional conduct. Therefore the GIS professional will:

1. Deliver Quality Work

- Be qualified for the tasks accepted.
- Keep current in the field through readings and professional development.
- Identify risks and the potential means to reduce them.
- Define alternative strategies to reach employer/funder goals, if possible, and the implications of each.
- Document work so that others can use it. This includes metadata and program documentation.

2. Have a Professional Relationship

- Hold information confidential unless authorized to release it.
- Avoid all conflicts of interest with clients and employers if possible, but when they are unavoidable, disclose that conflict.
- Avoid soliciting, accepting, or offering any gratuity or inappropriate benefit connected to a potential or existing business or working relationship.
- Accept work reviews as a means to improve performance.
- Honor contracts and assigned responsibilities.
- Accept decisions of employers and clients, unless they are illegal or unethical.
- Help develop security, backup, retention, recovery, and disposal rules.
- Acknowledge and accept rules about the personal use of employer resources. This includes computers, data, telecommunication equipment, and other resources.
- Strive to resolve differences.

3. Be Honest in Representations

- State professional qualifications truthfully.
- Make honest proposals that allow the work to be completed for the resources requested.
- Deliver an hour's work for an hour's pay.
- Describe products and services fully.
- Be forthcoming about any limitations of data, software, assumptions, models, methods, and analysis.

III. Obligations to Colleagues and the Profession

The GIS professional recognizes the value of being part of a community of other professionals. Together, we support each other and add to the stature of the field. Therefore, the GIS professional will:

1. Respect the Work of Others.

- Cite the work of others whenever possible and appropriate.
- Honor the intellectual property rights of others. This includes their rights in software and data.
- Accept and provide fair critical comments on professional work.
- Recognize the limitations of one's own knowledge and skills and recognize and use the skills of other professionals as needed. This includes both those in other disciplines and GIS professionals with deeper skills in critical sub-areas of the field.
- Work respectfully and capably with others in GIS and other disciplines.
- Respect existing working relationships between others, including employer/employee and contractor/client relationships.
- Deal honestly and fairly with prospective employees, contractors, and vendors.

2. Contribute to the Discipline to the Extent Possible

- Publish results so others can learn about them.
- Volunteer time to professional educational and organizational efforts: local, national, or global.
- Support individual colleagues in their professional development. Special attention should be given to underrepresented groups whose diverse backgrounds will add to the strength of the profession.

IV. Obligations to Individuals in Society

The GIS professional recognizes the impact of his or her work on individual people and will strive to avoid harm to them. Therefore, the GIS professional will:

1. Respect Privacy

- Protect individual privacy, especially about sensitive information.
- Be especially careful with new information discovered about an individual through GIS-based manipulations (such as geocoding) or the combination of two or more databases.

2. Respect Individuals

- Encourage individual autonomy. For example, allow individuals to withhold consent from being added to a database, correct information about themselves in a database, and remove themselves from a database.
- Avoid undue intrusions into the lives of individuals.
- Be truthful when disclosing information about an individual.
- Treat all individuals equally, without regard to race, gender, or other personal characteristic not related to the task at hand.

Bibliography

American Institute of Certified Planners. 1991. *AICP Code of Ethics and Professional Conduct*, <http://www.planning.org/ethics/conduct.html>.

ASPRS. 2001. Code of Ethics of the American Society for Photogrammetry and Remote Sensing, http://www.asprs.org/asprs/membership/certification/appendix_a.html.

Association for Computing Machinery. 1992. ACM Code of Ethics and Professional Conduct, <http://www.acm.org/constitution/code.html>.

Craig, William J. 1993. A GIS Code of Ethics: What Can We Learn from Other Organizations? *Journal of the Urban and Regional Information Systems Association*, 5(2): 13-16. See <http://www.urisa.org/certification/craigeth.pdf>.

Edson, Curtis, Brian Garcia, Jordan Hantman, Nicole Hartz, Hannah Jensen, Jill Leale, Kelley Lewelling, John Marks, Jeff Maxted, Bruce Moore, Brendan Vierk Rivera, Anna Weitzel. 2001. "Code of Ethics for GIS Professionals," paper for IES 400, GIS and Society, Institute for Environmental Studies, University of Wisconsin-Madison. See http://www.ersc.wisc.edu/academics/courses/IES400GISandSociety/Code%20of%20Ethics/ethics_code1.pdf

RULES OF CONDUCT

The GIS Certification Institute

Rules of Conduct for Certified GIS Professionals (GISPs)

Introduction

The Code of Ethics presents a set of objectives toward which we, as professionals, must continually strive. The Rules of Conduct is a set of implementing laws of professional practice that seek to express the primary examples of ethical behavior consistent with the Code of Ethics. Both the Code and the Rules govern ethical professional practice standards, and violations of each may be brought before the GISCI as an ethics issue.

The GIS professional should not interpret the lack of a specific context or act from the Rules of Conduct as permission to behave in any particular manner. For example, part of the Code of Ethics is the need to deliver an hour's work for an hour's pay. This is not simply a mandate for the office. It also means that you cannot ethically go to a conference and claim education points for the period of time when you were not actually participating in conference activities.

The Code and Rules represent a way of living a professional life, not simply how you are to behave at work. Achieving the GISP certification is an initial hurdle to jump in order to be recognized as a professional. Living the ethical life of a professional is a never ending test that will present numerous challenges for which the Code and Rules offer a guide to decision making.

The Rules of Conduct have been arranged under the headings used in the Code of Ethics as a means of indicating a primary association. The intent is to aid the user in identifying those rules that may be most applicable in a given context. Many rules, however, may be applicable in a variety of settings and situations beyond those with which they have a primary association. Any rule may ultimately be useful in resolving a specific question of ethical conduct.

Rules

Section I. Obligations to Society

1. GIS products and services should benefit society, and enhance the well-being of individuals and groups, within the constraints of existing law. Some applications of GIS products and services may harm individuals (directly or indirectly) while advancing government policies that some citizens regard as morally questionable. GIS professionals' participation in such applications is a matter of individual conscience.
2. We shall not intentionally alter data or outputs where the practice does not conform to standard analysis procedures.
3. We shall not engage in conduct involving fraud or wanton disregard of the rights of others.
4. We shall hold paramount the safety, health, and welfare of the public.
5. We shall not knowingly perpetuate bad or outdated data. We shall include all disclaimers (where applicable) about the current condition of the data at the time of creation and/or the original intent of the data.
6. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that is known to be illegal or in violation of GISCI Rules of Conduct.
7. When it is evident to a GIS professional that another GIS professional or practitioner is operating in violation of this Code, the GIS professional shall discuss ethical GIS work practices with the other person.
8. Having substantial information which leads to a reasonable belief that a GIS professional has committed a violation of this Code which raises a serious question as to that professional's honesty, trustworthiness, or fitness as a GIS professional, and having exhausted all efforts to counsel or mentor that GIS professional, we shall file a formal complaint with the GISCI Ethics Committee following established procedures.
9. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another GIS professional.
10. We shall not knowingly violate the law in the conduct of our professional duties. Furthermore, we shall take into account applicable laws and regulations, and may rely on the advice of other qualified persons as to the intent and meaning of such regulations.
11. We shall acknowledge our errors and shall not distort or alter the facts.
12. We, speaking in our professional capacity, shall not knowingly make false statements of material fact, nor shall we omit material facts.

13. We shall not knowingly withhold cooperation or information from the Ethics Officer or the Ethics Committee if a charge of ethical misconduct has been filed, reserving the right to avoid self-incrimination.

Section II. Obligations to Employers and Funders

1. All data shall have appropriate metadata documentation sufficient to meet the minimum standard as stated here. All data to be published for general public consumption shall note: 1) source(s) of data or at least from whom you obtained the data, 2) date(s) collection/aggregation of data or at least the date you obtained the data, 3) projection, and 4) author/compiler's contact information or other contact information.
2. We shall not discriminate in our professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation.
3. We shall not sell nor offer to sell services by stating or implying an ability to influence decisions by improper means.
4. We shall disclose all known conflicts of interest that could influence or appear to influence our judgment or the quality of our services.
5. We shall not solicit nor accept financial or other valuable consideration, directly or indirectly, when to do so creates, or appears to create, a conflict of interest with the original work for which we are responsible.
6. We shall not counsel nor assist a client or employer in conduct that we know, or reasonably should know, is fraudulent, illegal, or unethical. If a client or employer does suggest or disclose such conduct, we shall advise the client or employer of the aspects of the proposal that are fraudulent, illegal, or unethical.
7. We shall not use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice without explicit employer consent.
8. We shall describe our products and services fully, accurately, and truthfully; we shall honestly describe the capabilities of products, systems, or services with which we are concerned and shall not take advantage of the lack of knowledge or inexperience of potential clients or employers.
9. When notified of an error in the database, the professional will take action to correct it.
10. We shall undertake to perform professional services only when we are qualified by education, training, or experience in the specific technical areas involved. Collaboration with other qualified professionals shall be undertaken if deficiencies are identified.
11. We shall not misstate, verbally or in writing, our educational experience, training, or any other facts which are relevant to our professional qualifications.

12. We shall adequately document all programs written and/or edited as part of our work product for the benefit of subsequent users or editors such that our work may be followed and replicated.

13. Where documented limitations exist, we shall not accept gifts, loans, services, or hospitality from any current or potential suppliers of services above and/or outside of those documented limits. Furthermore, where documented limitations do not exist, we shall use our professional judgment to decline gifts, loans, services, or hospitality that may appear excessive.

Section III. Obligations to Colleagues and the Profession

1. We shall not direct nor coerce other professionals to make analyses or reach findings not supported by available evidence.

2. We shall recognize and respect the professional contributions of our employees, employers, professional colleagues, and business associates; and, we shall not use the product of others' efforts to seek the professional recognition or acclaim intended for the producers of the original work.

3. We shall not deliberately nor with reckless indifference misrepresent the qualifications, views, and findings of other professionals; and we shall not engage in slander against our peers.

4. We shall not file a frivolous charge of ethical misconduct against another GIS professional.

5. We shall not retaliate nor threaten retaliation against a person who has filed a charge of ethical misconduct against us or another GIS professional, or who is cooperating in a GISCI Ethics Committee investigation of an ethics complaint.

6. We shall not deliberately or with reckless indifference commit any wrongful act that reflects adversely on our professional fitness whether or not it is specified in the Rules of Conduct.

7. We shall honor the intellectual property rights of others, including the rights to software, data, and other relevant information and analysis associated with the work of others. Furthermore, we shall adhere to software and data licensing requirements and the specifics contained in associated licensing agreements.

8. We shall not promote our own interest at the expense of the dignity and integrity of the profession.

Section IV. Obligations to Individuals in Society

1. We shall respect the privacy of individuals and not share information learned in the workplace with friends or others outside that environment.
2. We shall protect individual privacy with secure systems. If those systems are breached, we shall endeavor to notify all those affected.
3. We shall allow people to know whether they are included in a database and to see the information listed about themselves. We shall encourage them to correct any inaccurate information about themselves. We shall allow them to remove their inclusion unless prevented by law or a greater societal good.
4. We shall listen thoughtfully to individual comments and complaints about our work and advocate for changes when appropriate.
5. We shall not use confidential or personal information for personal gain nor to benefit a third party, except with prior written permission of the individual(s) or as permissible by law.
6. We shall strive to ensure the accuracy of information about individuals developed or maintained in our databases. If there is a potential for harm to the individual, spurious and questionable data about him or her will be validated, removed, or denoted.