

Ethics

Standards

of Professional

Conduct

for Civil Engineers



Ethics

Standards of Professional Conduct

American Society of Civil Engineers
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SECTION



Purpose of Standards of Professional Conduct


The Standards of Professional Conduct were developed to provide individuals or small businesses that don't have the resources or a complete set of principles and guidelines to govern the day-to-day aspects of ethics practices in our profession. These guidelines reinforce ASCE's Code of Ethics, which all ASCE members are expected to practice.

SECTION



Definition of Key Terms

- Stakeholders:* All constituencies with an interest in the success of the Employer, including Clients, ASCE, ASCE members, other employees, Regulators, and the general public, are stakeholders.
- Conflict of Interest:* A conflict of interest arises in any situation in which an ASCE member uses his or her contacts or position in his or her employment to advance his or her private business, financial interests, or that of family and friends, whether or not at the expense of the Employer.
- Significant Professional Relationship:* A significant professional relationship is one that is so substantial it creates a potential risk of interference with the employee's independent exercise of judgment.
- Family Members:* Family members include spouse, children, parents, siblings, grandparents, in-laws, or any person sharing the same home with the ASCE member.
- Insider Trading:* Trading (buying or selling securities) based on confidential information about your company or another company that is obtained through your employment before the information is released publicly.
- Confidential or Proprietary Information:* Information that is the property of the Employer and is intended to be treated as private.
- Outside Employment:* Working for any Employer, including yourself, other than for your Employer.
- Bribes:* A gift or favor given or promised with the intent to corrupt judgment or conduct.
- Kickback:* The return of a portion of a payment in return for special treatment not afforded to all.
- Harassment:* Repeated irritating, undesirable, and offensive conduct from one person to another of a ridiculing or offensive nature.

SECTION
 *Guidelines*

ASCE members who violate ASCE's Standards of Professional Conduct are subject to disciplinary action up to and including removal or suspension from ASCE.

1. Conflict of Interest

All professional and business decisions shall be made in the best interest of the Employer or profession. Conflicts of interest can arise in many situations, some of which may be based simply on perceptions. Playing favorites or engaging in conflicts of interest, whether in practice or just appearance, is contrary to the expectation of fair and ethical treatment to which we are entitled. ASCE members are expected to avoid any relationship, influence, or activity that might be perceived to or actually impair their ability to make objective and fair decisions when performing their jobs. When in doubt, they should share the facts of the situation with their leadership and resolve the conflict.

2. Ensuring Legal Compliance

ASCE members shall conduct their actions in accordance with applicable laws and regulations. Compliance with the law does not comprise our entire ethical responsibility, but it is absolutely essential for performance of our duties. We shall be truthful and responsive with regulatory bodies or recognized governmental agencies that establish rules or oversee our operations.

3. Employees and Public Safety

ASCE members shall be committed to maintaining a drug and alcohol free, safe, and healthy work environment. They shall comply with applicable environmental, health, and safety laws and regulations. Violations of safety rules or conditions that endanger the welfare of other employees, contractors, clients, or the general public should be reported immediately to appropriate authorities.

4. Workplace Quality

ASCE desires a workplace where its members feel respected, satisfied, and valued. Harassment, discrimination, or sexist behavior of any kind is unacceptable (in many cases it is illegal), and it shall not be tolerated. Providing a safe and productive environment that ensures ASCE members the opportunity to achieve excellence in the workplace is the responsibility of every ASCE member.

5. Use and Protection of Employer's Assets

Your Employer has many valued assets, such as cash, physical property, proprietary trade secrets, and confidential information. Protecting these assets against loss, theft, and misuse is every employee's responsibility. Your Employer's property may not be used for personal benefit, nor may it be lent, sold, disposed of, or given away without proper authorization. Where certain facilities are made available to ASCE members for personal use (e.g. computers), rules applicable to the specific use of those facilities shall apply.

Your Employer's assets shall be used for proper purposes during and following employment with that Employer. The removal from your company's facilities of the Employer's assets is prohibited unless specifically authorized. Improper use includes unauthorized personal appropriation (theft) or use of your Employer's assets or resources, including computer equipment, software, and data.

The Internet and electronic mail are valuable resources available to employees in the performance of job-related duties. The Internet should not be used to view, copy, save, or distribute unauthorized material. Electronic mail should not be used in the conduct of outside employment or personal business activities.

6. Maintaining Accurate and Complete Records

The importance of maintaining accurate and complete records cannot be overstated. Transactions between the member's company, its affiliates, its clients, and its vendors, regulators, outside individuals, and organizations must be entered in the Employer's books promptly, accurately, and honestly. Financial records should be maintained in accordance with generally accepted accounting practices, principles, and established Employer guidelines. Misrepresenting facts or falsifying records is illegal, shall not be tolerated, and should result in disciplinary action.

7. Gifts, Meals, Services, and Entertainment

It is improper for an ASCE member or family member to knowingly request, accept, or offer anything that could be construed as an attempt to influence the performance of duties or to favor a customer, supplier, or competitor that is contrary to the best interests of the Employer, its clients, or the profession. Generally, this includes receipt of gifts, payments, travel, or other benefits of greater than nominal value from any existing or potential customers, suppliers, competitors, or other special interest groups that are not in the best interests of the Employer, its clients, or the profession. Loans of any sort should be strictly prohibited.

Gifts of nominal value motivated by commonly accepted business courtesies may be accepted or given, but not if accepting or giving such gifts could cause the perceived or actual prejudice toward, or obligation to, the donor.

Before accepting any gift or gratuity, the ASCE member or family member should consider whether she or he has the opportunity to influence decisions about the Employer's business with the donor or if acceptance could be perceived by others as creating an obligation to the donor. If so, the gift or gratuity should not be accepted. When in doubt, share the facts of the situation with the leadership of your Employer.

Meals provided by an existing or potential client, supplier, or competitor may be acceptable if they are for a business purpose, are reasonable, and are not repetitive.

8. Confidential or Proprietary Information

In the course of normal professional activities, ASCE members may have access to information that is proprietary, confidential, privileged, or of competitive value to the Employer. In addition, clients and even competitors may sometimes divulge information to ASCE members that is proprietary to their business. ASCE members must respect these confidences by protecting the confidentiality and security of documents and related information.

The use or disclosure of confidential information is for the Employer's purposes only and not for personal benefit or the benefit of others. To preserve confidentiality, the disclosure and discussion of confidential or competitive information should be limited to those needing to know the information.

Lists or other information concerning your Employer's personnel, clients, suppliers, or shareholders are considered privileged information and are not to be disclosed to others, except as required by government agencies and with appropriate employer's approval.

ASCE members must also guard against improper disclosure of competitive business strategies and plans, special methods of operation, and other information that is of competitive value to the Employer, competitors, clients, or its suppliers. If an appropriate official of the Employer determines that disclosing such information furthers the Employer's business purposes, licensing agreements or other arrangements may be used to protect the Employer's rights and interests. If an ASCE member is unsure whether information is of a confidential nature, the ASCE member is advised to seek guidance from the leadership of the Employer.

Information which is not available to the general public should not be discussed with outsiders, including family, friends, or acquaintances. Examples of items that are available to the public and may be openly discussed are annual reports, quarterly reports, annual or periodic filings once filed, and press releases issued by the Employer.

9. Outside Employment/Activities

Outside employment or business activities not related to the Employer must not conflict with the employee's ability to properly perform his or her work. Such employment or business activity should not create or appear to create a conflict of interest. Company time or facilities, including telephone or electronic media, may not be used in the conduct of outside employment or personal business activities without the Employer's express approval.

Employment with an outside organization that has no actual or potential significant business relationship with the Employer is allowable so long as it does not interfere with job performance and safety. ASCE members must notify Employer in writing of current or contemplated outside employment. The Employer shall evaluate the specific circumstances and provide guidance on the issue of conflict of interest.

10. Purchases of Goods and Services

The acquisition of goods and services from external vendors may constitute a significant portion of the Employer's annual expenditures. Adherence to established guidelines and practices governing the procurement function are critical to ensure compliance with all commercial and legal requirements and to maximize the value received from these expenditures.

It is the responsibility of ASCE members to work to maintain the good name of the Employer, to develop and maintain good business relations between the Employer and its vendors, and to keep in mind that personal contacts form much of the basis for the supplier's opinion of the Employer. All sales and purchases by the Employer should be based on price, service, quality, and the consistency and dependability of the basic business relationships underlying each transaction.

The Employee shall not purchase goods or services from family members except in

instances where it makes good business sense. When business needs require a related party purchase, the Employer must be made aware of the relationship to ensure that no conflict of interest exists. In no instance may the related ASCE member be the final decision-maker.

Most of the Employer's transactions relating to purchasing should be confidential, especially with regard to vendors. It is unethical, as well as damaging to the Employer, to allow proprietary information about one vendor's quotation or pricing structure to pass to another vendor. Care should be taken to ensure the protection of this information, and ASCE members should maintain an awareness of the ways this situation could inadvertently occur and take steps to avoid it. Discussions between the Employer's personnel and vendor representatives regarding product or vendor preferences should be avoided.

11. Bribes and Kickbacks

ASCE prohibits its members to offer or accept bribes, kickbacks, and other similar payoffs and benefits to or from suppliers, regulators, government officials, trade allies, or customers. As stated in guideline #7, ASCE members and agents should also be prohibited from giving or receiving, directly or indirectly, anything of a significant value to, or from, an outside source in connection with a transaction entered into by the Employer. To offer or accept bribes or kickbacks is a crime, both morally and legally, and could result in disciplinary action up to and including dismissal.

12. Relationships with Competitors

ASCE members should be aware that the Employer may be in a competitive environment. Discussions with existing or potential competitors regarding common issues should be conducted with care taken to protect all Employer information of a sensitive or proprietary nature that may benefit another party.

13. Relationships with Clients, Outside Contractors, and Consultants

Clients, contractors, and consultants should be treated honestly, without unfair discrimination or deception, in a manner conforming to local, state, and national laws, and consistent with good business practice. ASCE member should not make misleading or false remarks about other employers, including the Employer's competitors.

14. Environmental Protection

The Employer and the ASCE member shall comply with both the letter and the spirit of applicable environmental laws and foster an open and constructive relationship with regulatory agencies, environmental groups, other ASCE members, and citizens with respect to environmental issues. ASCE members who are aware of situations in which the Employer may not be complying with environmental laws or is improperly handling, disposing of, or otherwise discharging any toxic or hazardous substance should immediately contact the Employer.

15. Whistle Blowing

"Whistle blowing" is when an employee reports an employer who is breaking the law. Employees who blow the whistle on their employers are protected by law. If they are fired or otherwise retaliated against for whistle blowing, they can take legal recourse. To actually

whistle blow, the employee must report the illegal act outside the company to a government or law-enforcement agency. If the employee just complains to someone inside the company, that is not whistle blowing, and the employee is not protected by the whistle blower laws.

It is not necessary that the employer actually break the law. The employee could blow the whistle on something that isn't illegal in the first place. The employee is still protected from retaliation or termination. However, the employee must believe that he or she is reporting a violation of the law, and the employee's belief must be reasonable.

If the employee has reported the allegedly illegal activity to a government or law enforcement agency, he or she is protected. The employer cannot retaliate against the employee. The employer cannot fire the employee for the whistle blowing. The employer cannot mistreat the employee for whistle blowing.

This does not mean that after whistle blowing, the employee cannot be fired for any reason. The employer can continue to treat the employee like any other employee. But the employer cannot treat the employee differently because of the whistle blowing.

4 *Communicating and Monitoring*

This *Standards of Professional Conduct* (“*Standards*”) will be distributed or made available to all ASCE members. ASCE members in management positions are suggested to provide their professional staff with a copy of the *Standards*.

There are several actions that ASCE members can take to assure that their commitment to ethical business conduct pays off in practice.

1. The Role of the ASCE member

The Employer usually provides a mechanism to help employees handle difficult judgment decisions, those “gray areas” where it is often hard to differentiate right from wrong. No ASCE member should be uncomfortable in handling a question involving proper professional conduct.

If you are uncertain about what is proper ethical conduct in a particular situation, if you are concerned about your own conduct, or if you believe that a fellow ASCE member may have violated the *Standards*, you should contact one of the following:

- Your immediate supervisor, owner, or department head
- ASCE’s Committee on Professional Conduct through ASCE’s legal counsel.

When you communicate a question of ethics/professional conduct to one of the above:

- You shall be treated with dignity and respect.
- Your concerns shall be seriously addressed and you shall be informed of the outcome.
- Your communications shall be protected to the greatest extent possible:
 - Questions of guidance or clarification may be asked anonymously.
 - A report of possible misconduct requires identification of the ASCE member making the report.
 - The identity of an ASCE member who in good faith reports violations of the *Standards* shall be treated as confidential, and no reprisal should be taken against them.
 - Disciplinary action shall be taken against anyone who retaliates, either directly or indirectly, or encourages others to do so, against any ASCE member who reports a violation of the *Standards*.
 - **The identity of the reporting person shall only be disclosed on a “need to know” basis.**

2. The Role of Management

Normally, the ASCE member should discuss the matter first with his or her immediate supervisor or department head, who may provide valuable insight and allow for resolution within the appropriate work unit.

3. The Role of the ASCE Committee on Professional Conduct (CPC)

The Ethics Referral Sub Committee consists of three ASCE members who report to or are members of the CPC. The subcommittee shall be charged with the responsibility of monitoring compliance with the *Standards*. The subcommittee shall perform inquiries in a fair and unbiased manner and shall recommend actions necessary for resolution. Every effort shall be made to resolve issues brought before the subcommittee in an expeditious manner. The subcommittee shall only have access to the identity of the person reporting suspected misconduct on a “need to know” basis.

SECTION

5

Ethical Decision Making Guidelines

The general guidelines presented are provided to help ASCE members, member-owned companies, and others better understand what should be expected from them in their professional dealings. In making decisions, all ASCE members are encouraged to use the following guidelines (**PLUS**):

- P**olicies Is it consistent with your Employer’s policies, procedures, and guidelines and ASCE’s Code of Ethics?

- L**egal Is it acceptable under applicable laws and regulations?

- U**niversal Does it conform to the universal principles/values that your Employer and the profession have adopted?

- S**elf Does it satisfy your own personal definition of right, good, and fair?

If you are still unsure about whether or not to act, consult the leadership of your organization for guidance, as well as the ASCE Committee on Professional Conduct.

The preceding policies are intended to re-emphasize the commitment that ASCE and all of its members have toward integrity and ethical business conduct. The Standards of Professional Conduct simply documents the good judgment and honesty with which ASCE members have always conducted their daily business.

Acknowledgements:

The preceding “Standards of Professional Conduct” was prepared by ASCE’s Committee on Practice Guidelines. It was modified from Sierra Pacific Power’s “Standards of Business Conduct.”



ASCE Code of Ethics

Edict

1. Code of Ethics

ASCE is committed to the highest levels of ethical conduct. To preserve the high ethical standards of the civil engineering profession, the society maintains and enforces a code of ethics.¹

1. **Applicability:** All Society members must subscribe to the Society's Code of Ethics (the "Code"). ASCE Constitution, Article II, § 1. (Attachment 1, ASCE Code of Ethics, 1998).¹
2. **Duty:** It is the duty of every Society member to report promptly to the Committee on Professional Conduct any observed violation of the Code. ASCE Rules of Policy and Procedure, Article III, § 1.1.

2. History

The code was first adopted in 1914 and has been amended numerous times since.¹

1. **Background:** From 1877 to 1914, the Society's Board of Direction believed that ethics was a matter of an engineer's personal responsibility and honor and not appropriate for a written code. In response to a motion concerning professional conduct in 1877, the Board resolved "[t]hat it is inexpedient for the Society to instruct its members as to their duties in private professional matters." In 1914, a special committee of the Board of Direction was appointed to draft a Code. The original Code contains six principles. It was approved by letter ballot of the membership and was adopted on September 2, 1914. (Attachment 2, ASCE Code of Ethics, 1914).¹
2. **Original Scope:** The original Code focused largely on relationships of engineers with their clients or with other engineers, rather than responsibilities to the public.¹
3. **Guidelines to Practice:** On April 10-11, 1961, the Board of Direction adopted the Guidelines to practice, as an adjunct to the Code.¹
4. **Fundamental Principles:** The fundamental Principles were approved by the Engineers' Council for Professional Development on September 30, 1963, and endorsed by the ASCE Board of Direction on May 11-12, 1964. A revised version was approved by the ASCE Board of Direction on April 12-14, 1975.¹
5. **Antitrust:** Periodically, the Code has been the subject of Department of Justice antitrust investigations.¹

3. Fundamental Principles

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.

4. 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 development 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 manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession.
7. Engineers shall continue their professional development throughout their careers and shall provide opportunities for the professional development of those engineers under their supervision.

Enforcement

5. Enforcement of the Code

The board of direction or the executive committee may take disciplinary action against ASCE members who violate the code.¹

1. **Complaints:** Charges of unethical conduct may be brought by Society members and non-members. Complaints are referred to the Society's Committee on Professional Conduct ("CPC") for investigation.¹
2. **Investigation:** CPC comprises at least four past members of the Board of Direction. ASCE Bylaws, Article VIII, §2 (a).¹
 - A. **Composition:** CPC comprises at least four past members of the Board of Direction. ASCE Bylaws, Article VIII, §2 (a). There are currently five members on the commit-

tee, including at least one member from each zone. CPC members are appointed to a three-year term.¹

- B. **Investigation:** CPC investigates possible ethics infractions in accordance with the Society's Procedures for Professional Conduct Cases (Attachment 5, Procedures for Professional Conduct Cases), Article III of the Society's Bylaws, and Professional Conduct Precepts. (Attachment 6, Professional Conduct Precepts). During the investigation phase, CPC acts like a grand jury. If CPC finds sufficient evidence to warrant disciplinary action, the case is scheduled for hearing before the Executive Committee.¹

Section Role: In conducting professional conduct investigations, CPC may solicit assistance from local Society members or Sections. (Attachment 7, Role of ASCE Sections in Professional Conduct Cases).¹

- 3. **Executive Committee Proceeding.** The Executive Committee considers proceedings for the discipline of a Society member upon the (a) recommendation of CPC, or (b) written request of 10 or more Society members. ASCE Bylaws, Article III, § 1 (a); Procedures for Professional Conduct Cases.¹
 - A. **Due Process:** Hearings are conducted in accordance with the Procedures for Professional Conduct Cases. Due process is afforded to the member, including reasonable notice of the charges and the hearing; fair opportunity to hear the evidence, question witnesses, and refute the evidence; and a hearing before an unbiased panel.¹
 - B. **Role:** The Executive Committee acts as Judge or Jury. At this point, a CPC member serves a function similar to a prosecutor.¹
 - C. **Disciplinary Action:** Upon finding a violation of the Code, the Executive Committee may take disciplinary action, other than expulsion, by a majority vote. Such action typically includes a letter of admonition or a suspension from membership. The most severe penalty is expulsion from the Society. The Executive Committee cannot expel a member, but can make a recommendation to the Board of Direction that the member be expelled.¹
- 4. **Board of Direction Proceeding.** If the Executive Committee votes to recommend expulsion, the case is scheduled for hearing before the Board of Direction, with the same due process protections afforded at the Executive Committee hearing. A decision to expel the member requires a 75 percent vote of the Board. The Board may impose lesser disciplinary actions upon a majority vote. ASCE Bylaws, Article III; Procedures for Professional Conduct Cases.¹
- 5. **Publication.** The Executive Committee and Board of Direction have discretionary authority to publish the action, with or without the name of the member. Such notice is typically published in Civil Engineering Magazine. The Executive Committee and Board of Direction also have discretionary authority to notify other professional organizations or registration boards of the action. ASCE Bylaws, Article III; Procedures for Professional Conduct Cases.¹

1. ASCE ETHICS, Edict, Enforcement, and Education, American Society of Civil Engineers, 1999 Zone Management and Leadership Conference, Thomas W. Smith, III, ASCE General Counsel.

*Code of Ethics*¹

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.
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 that 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 that 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 that 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 that 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 that 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. Engineer shall not be compensated in exchange for their endorsement of products and services by others.

- 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.
- a. Engineers shall not knowingly act in a manner that will be derogatory to the honor, integrity, or dignity of the engineering profession or knowingly engage in business or professional practices of a fraudulent, dishonest, or unethical nature.

- 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. As adopted September 2, 1914 and most recently amended November 10, 1996.

2. The American Society of Civil Engineers adopted THE FUNDAMENTAL PRINCIPLES of the ABET Code of Ethics of Engineers as accepted by the Accreditation Board for Engineering and Technology, Inc. (ABET). (By ASCE Board of Direction action April 12-14, 1975)

3. In November 1996, the ASCE Board of Direction adopted the following definition of Sustainable Development: "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."