



Ethics for Structural Engineers

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Section 1 - Purpose of Ethics: Guidelines for Professional Conduct

Achieving an ethical professional career is a journey, not a destination. Your understanding of ethical behavior will change with time, experience, and discussion with others who have set out to take a similar journey. Only when you decide on a lifetime of learning about and discussing ethical behavior with others, can you hope to complete the journey successfully.

The responsibility borne by employers and senior members of the profession to set standards of ethical behavior in their own lives cannot be overstated. It is the responsibility of people in positions of authority and seniority to make their peers and colleagues aware of the need to read the code of ethics often. Further, these mentoring members have an ethical responsibility to model behaviors that others may learn from and to raise questions and engage their peers and colleagues in discussing ethical issues.

The ASCE Code of Ethics (Appendix A) provides guidance for engineers' personal and professional conduct. The first canon of the code of ethics, holding "paramount the safety, health, and welfare of the public," should be at the forefront of all decisions, designs, and execution of responsibilities. The remaining six canons amplify the importance of Canon 1 and further describe a professional engineer's responsibility not only to the public but also to his/her clients, employers, and other members of the engineering profession. Addressing the issues of all of these constituencies is essential to ensure the continued safety and quality of life of the public into the future, as well as to earn and sustain public trust and support for professional engineers in the efficient, safe, and economical performance of their duties.

This course was developed for use in the day-to-day conduct of engineers' professional and business-related affairs. The guidelines in this document reinforce the various State Boards of Engineering Code of Ethics, which all professional engineers are expected to know and practice.

Section 2 - Definitions of Key Terms

Bribe: A gift or favor, given or promised, with the intent to influence the judgment or conduct of another.

Confidential or Proprietary Information: Information that is the property of the employer, which the employer has the right to make available to or withhold from others within the firm or the general public, as he or she alone deems appropriate (such as lists or other information concerning an employer's clients, suppliers, personnel, or shareholders; competitive business strategies and plans; and special methods of operation). Annual reports, quarterly reports, and annual or other periodic filings that are considered public information once they are filed and press releases issued by the employer are not confidential or proprietary information.

Conflict of Interest: A conflict of interest is any activity, transaction, relationship, service, or consideration that is, or appears to be, contrary to the individual's professional responsibilities or in which the interests of the individual have the potential to be placed above his/her professional responsibilities.

Family Members: Family members include a spouse, children, parents, siblings, grandparents, in-laws, or any other person sharing the same home or otherwise in a close familial relationship with the Professional engineer.

Harassment: Harassment is any unwelcome and offensive verbal or physical conduct of one person toward another based on race, religion, gender, sexual orientation, or any other characteristic protected by law that has the purpose or effect of creating a hostile work environment; interferes with the individual's work performance; or otherwise affects or harms an individual's employment opportunities.

Kickback: The illegal giving back of a portion of a payment received for work or services as a means of obtaining or otherwise influencing the judgment or actions of another, or with the expectation of receiving special treatment not afforded to all.

Outside Employment: Providing work or services for pay for an employer, including yourself, who is not your normal full-time employer.

Section 3 - Guidelines

The following guidelines are intended to provide a framework for professional engineers to use in the construction of an ethical career. They are not intended to be hard and fast rules, but rather a guide and supplement to the member's professional judgment and reason.

Licensed engineers who violate the Engineering Code of Ethics are subject to disciplinary action, which may include loss of licensure or fines by the State Engineering Board.

1. Conflict of Interest

All professional and business decisions shall be made in the best interest of the public, the client, the employer, and the profession. Actual or perceived conflicts of interest can arise in many situations. Playing favorites or otherwise allowing personal interest to influence a professional decision is contrary to the expectation of just and ethical conduct to which members are obligated. In addition, it may be inappropriate for an engineer to take part in a decision where a conflict of interest exists, even if the engineer does not believe that his/her objectivity will be affected. Professional engineers are expected to avoid any relationship, influence, or activity that may be perceived to, or actually, impair their ability to make objective and just decisions when performing their work. When in doubt, they should share the facts of the situation with their leadership and work to resolve the conflict.

2. Ensuring Legal Compliance

Licensed engineers shall conduct their professional lives in accordance with applicable laws and regulations. Compliance with laws does not necessarily fulfill a member's entire ethical responsibility, but it is paramount for performance of one's professional duties. Licensees shall be truthful and responsive in all dealings with regulatory bodies or governmental agencies that establish rules or oversee their professional operations.

3. Employee and Public Safety

Professional engineers shall be committed to maintaining a drug- and alcohol-free, safe, and healthy work environment. Engineers 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 public shall be reported immediately to the appropriate person or authority.

4. Workplace Quality

State engineering boards desire a workplace where its members are respected and professionally satisfied. Harassment, racism, or discriminatory behavior of any kind shall not be tolerated. Providing a



safe and healthful workplace environment that ensures all employees have the opportunity to achieve excellence is the responsibility of every professional engineer.

5. Use and Protection of Employer's Assets

All employers have 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. An employer's property shall not be used for personal benefit, nor shall it be loaned, sold, or given away without authorization from the employer. Where certain facilities are made available to Professional engineers for personal use (such as computers), rules applicable to the specific use of those facilities shall be agreed upon and strictly upheld.

An employer's assets shall be used for the employer's business purposes during employment with that employer. Removing employer's assets from the company's facilities shall be prohibited unless specifically authorized by the employer in advance. Improper use includes unauthorized personal appropriation (theft) or use of assets or resources, including computer equipment, software, and data, for any purpose other than the employer's business.

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

6. Maintaining Accurate and Complete Records

The importance of maintaining accurate and complete records cannot be over-stated. Transactions between a company or its affiliates and its clients, vendors, regulators, outside individuals, and organizations shall be entered in the employer's records promptly, accurately, and honestly. Financial records shall 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 appropriate disciplinary action.

7. Gifts, Meals, Services, and Entertainment

It is improper for a professional engineer or family member to request, accept, or offer anything that could reasonably be construed as an attempt to influence the performance or judgment of another (public officials, government employees, contractors, and others) or to favor a customer, supplier, or competitor. Generally, this includes receipt of gifts, payments, travel, or other benefits from any existing or potential customers, suppliers, competitors, or other special interest groups. It is also improper for a professional engineer or family member to provide a gift (other than gifts of nominal value) to public officials, government employees, or the immediate family of such persons, unless the member has a



familial or other close personal relationship with the recipient and the gift will not create the perception of inappropriate influence. It is similarly inappropriate to make loans to a customer, supplier, or competitor or to borrow from such sources, unless the source is a recognized lending institution.

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

Before accepting any gift or gratuity, the Professional engineer or family member shall ask himself or herself whether he or she has the opportunity to influence decisions regarding the employer's business dealings with the donor, or if acceptance might be perceived by others as creating an obligation to the donor. If so, the gift or gratuity shall not be accepted. When in doubt the member shall share the facts of the situation with the employer and a course of action regarding acceptance shall be determined.

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

8. Confidential or Proprietary Information

In the course of normal professional activities, Professional engineers 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 Professional engineers that is proprietary to their business. Professional engineers must respect these confidences by protecting the confidentiality and security of documents and related information.

The use or disclosure of confidential information shall be at the employer's sole discretion and for the employer's purposes only and shall not be used for personal benefit of the member or the benefit of others (including the benefit of a new employer). To preserve confidentiality, the disclosure and discussion of confidential or competitive information should be limited to those who specifically need to know the information.

9. Outside Employment/Activities

Outside employment or business activities not related to those of the employer must not diminish the employee's ability to properly fulfill his or her professional responsibilities to the employer. Such outside employment or business activity shall not create, or appear to create, a conflict of interest. Company time or facilities, including telephone or electronic media, shall not be used in the conduct of outside employment or personal business activities without the employer's prior knowledge and approval.

Employment with an outside organization that has no actual or potential business relationship with the employer is acceptable as long as it does not impair the employee's ability to fulfill all job-related functions and does not compromise the quality, productivity, or safety of the employer's operation.



Professional engineers shall notify their employer in writing of current or contemplated outside employment. The employer shall evaluate the specific circumstances and provide direction with respect to 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 an employer's annual expenditures. Consequently, employers should establish guidelines and practices governing procurements within their organization to ensure that the interests of their clients and the public are best served and protected. Similarly, employers should ensure that their corporate work environment emphasizes and conscientiously supports adherence to the procurement guidelines that are established.

It is the responsibility of Professional engineers to maintain the good name of the employer and to develop and maintain good business relations between the employer and its vendors by maintaining an awareness that personal relationships may 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 business relationships underlying each transaction.

Most of an employer's transactions relating to purchasing are likely confidential, especially with regard to the employer's vendors. It is inappropriate, as well as damaging to the employer, to allow proprietary information about one vendor's quotation or pricing structure to pass to another vendor. Unauthorized discussions between the employer's personnel and vendor representatives regarding product or vendor preferences shall be avoided.

11. Bribes and Kickbacks

ASCE prohibits its members from offering or accepting bribes, kickbacks, and all other forms of payoffs and benefits to or from suppliers, regulators, government officials, trade allies, or customers. As stated on page 5 in guideline 7, Professional engineers and agents are also prohibited from giving or receiving anything of value, directly or indirectly, to or from an outside source in connection with a transaction entered into by the employer. To offer or accept bribes or kickbacks is morally wrong and illegal.

12. Relationships with Competitors

Professional engineers shall be aware that the employer operates in a competitive economic environment. Discussions with existing or potential competitors regarding common issues shall be conducted with care to protect all employer information that may be of a sensitive or proprietary nature or that could otherwise benefit competing parties.

13. Relationships with Clients, Outside Contractors, and Consultants

Clients, outside contractors, and consultants shall be treated honestly, without discrimination or deception, in a manner conforming to local, state, and national laws and consistent with good business practices. Professional engineers shall not make misleading or false remarks about others, including the employer's competitors.

14. Environmental Protection

The employer and Professional engineers 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 Professional engineers, and the public with respect to environmental issues. Professional engineers who are aware of situations in which the employer may not be complying with environmental laws or is improperly handling, discarding, or otherwise discharging any toxic or hazardous substance, shall immediately notify the employer of the infraction or offending conduct.

15. Whistle Blowing

"Whistle blowing" describes the action taken by an employee who notifies outside authorities that the employer is breaking a law, rule, or regulation or is otherwise posing a direct threat to the safety, health, or welfare of the public. Employees who "blow the whistle" on their employers are afforded certain protections under U.S. law. If an employee is fired or otherwise retaliated against for whistle blowing, an attorney should be consulted to identify legal protections available to the employee. If it becomes necessary to blow the whistle, the employee must advise the appropriate regulatory agency or a law enforcement agency of the illegal act. Simply complaining to someone inside the company is not whistle blowing and leaves the employee without protection of whistle blower laws.

Professional engineers are encouraged to notify and assist employers to comply with all applicable laws, rules, and regulations. Professional engineers should look upon the act of whistle blowing as the last available measure to be used for ensuring a safe, healthful, and legally compliant workplace.

If after a Professional engineer makes a good faith effort to notify an employer of illegal operations or actions and the offending condition continues, the member shall, as a protection to the public, notify the appropriate regulatory or other law enforcement agency.

Section 4 - Roles and Responsibilities

These guidelines for professional conduct are appropriate for all professional engineers. Engineers in management positions are encouraged to provide their professional staff with a copy of the guidelines and to review and discuss them regularly.

This section contains a short discussion regarding the roles and responsibilities of the individual professional engineer, the employer, and the Society in the successful resolution of difficult ethical matters.

1. The Role of the Licensee

Employers usually provide a mechanism to help employees handle difficult judgment decisions, those “gray areas” where it is often hard to clearly differentiate right from wrong. It is important that no one be fearful or uncomfortable in discussing matters related to appropriate professional conduct.

If a professional engineer is uncertain about ethical conduct in a particular situation, if he or she is concerned about personal conduct, or if it appears that a fellow Professional engineer may have violated the ASCE Code of Ethics, the member should discuss his/her concerns with his/her immediate supervisor, owner, department head, or mentor. If this is not possible, or if after such discussion the concern persists, the member is encouraged to contact their State Engineering Board.

Ethical conduct is most often related to the professional behavior of the individual and requires constant self-evaluation and personal accountability. There are occasions, however, when protecting the safety, health, and welfare of the public and the profession requires that Professional engineers hold each other accountable. When a question related to the ethical professional conduct of another member is communicated to a State Engineering Board:

- The questioning licensee will be treated with dignity and respect.
- The concerns raised will be seriously addressed, and the concerned member will be informed of the outcome.
- All communications will be held in confidence to the greatest extent possible:
 - Questions of guidance or clarification may be asked anonymously.
 - A report of possible misconduct requires identification of the licensee making the report.
 - The identity of a licensee who, in good faith, reports violations of the code of ethics will be treated as confidential, and no reprisal will be taken against him/her.



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- Disciplinary action may be taken against anyone who retaliates, either directly or indirectly, or encourages others to do so against any licensee who, in good faith, reports a violation of the code of ethics.
- The identity of the reporting person will only be disclosed on a need-to-know basis.

2. The Role of Management

Professional engineers are strongly encouraged to discuss matters of concern with their immediate supervisor, department head, or mentor first. Such a discussion often provides valuable insight and allows for resolution of the matter within the appropriate work unit. Ethical behavior and practices are based upon clear, honest, effective communication and mutual trust.

3. The Role of various State Engineering Boards on Professional Conduct (the Board)

State Engineering Boards are charged with the responsibility of investigating complaints alleging that a licensee has violated the Code of Ethics. The Board performs inquiries in a just and unbiased manner and recommends actions necessary for resolution. Every effort is made to resolve issues brought before the Board in an expeditious manner.

Section 5 - Ethical Decision-Making Guidelines

The guidelines presented here are provided to help professional engineers and others to better understand what ASCE believes is reasonable to expect from members in their professional dealings. All Professional engineers are encouraged to incorporate the following questions in their decision-making process (PLUS):

P = Policies: Does the action serve the best interests of the public and the client? Is the action consistent with the Code of Ethics and your employer's policies, procedures, and guidelines?

L = Legal: Is the action compliant with the spirit and the letter of applicable laws and regulations?

U = Universal: Does it conform to the universal principles and values that the profession and your employer have adopted?

S = Self: Does it satisfy your own personal definition of right, good, and just?

If a professional engineer is unclear or uncomfortable regarding a decision or a course of action, the leadership of the licensee's employer or the member's mentor should be consulted for guidance. The various State Boards are very often available for consultation and guidance.

The preceding guidelines are intended to emphasize the commitment that State Boards and professional engineers have regarding personal integrity and ethical professional conduct. These guidelines for professional conduct are intended to encourage professional engineers to use unselfish good judgment and honesty in the performance of their daily professional duties.

APPENDIX A - ASCE Code of Ethics

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.

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.

Notes:

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).
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.”

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 back- ground 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, and 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.



APPENDIX B

Additional Resources on Ethics

- ASCE's Committee on Professional Conduct Investigation Procedures
- ASCE Ethics: Edict, Enforcement and Education, American Society of Civil Engineers, September 2006, Thomas W. Smith III, ASCE Assistant Executive Director and General Counsel
- ASCE Policy Statement 502, "Professional Ethics and Conflict of Interest"
- ASCE's Web page on ethics, www.asce.org/ethics
- "A Question of Ethics" column in ASCE News
- Leadership and Management in Engineering Journal

NCSEA Model Code of Ethics

Introduction

This Code of Ethics is provided to NCSEA member organizations (MO's), to adopt in whole or in part as they so deem appropriate. Individual MO's may determine whether or not enforcement of this Code will be implemented. Local statutory and regulatory requirements should also be reviewed, and the adopted Code amended to avoid conflicts.

Fundamental Purpose

This Code of Ethics is provided as guidance for individual structural engineers, and applies to the responsible individual who provides professional services in the analysis, assessment, design, construction, or repair of buildings, bridges, and other structures.

All of the Fundamental Principles, Tenets and Guidelines should be applied in accordance with the standards of skill and care generally exercised by other structural engineers in the same locale acting under similar circumstances and conditions.

Fundamental Principles

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

1. using their knowledge and skill for the enhancement of human welfare;
2. being honest and impartial in serving with fidelity the public, their employers and clients; and
3. striving to increase the competence of practitioners and the prestige of the structural engineering profession.

Fundamental Tenets

Structural engineers:

1. use their knowledge and skill in the performance of their professional duties to make decisions in the interest of the safety, health, and welfare of the public.
2. perform services only in areas of their demonstrated competence.
3. issue public statements in an objective and honest manner.
4. act for each employer or client as faithful agents or trustees, and avoid conflicts of interest.
5. build their professional reputation on merit and compete fairly with others.
6. act in such a manner as to uphold and enhance the honor, integrity, and dignity of the structural engineering profession, without tolerance for corruption.
7. continue their professional development throughout their careers, and provide opportunities for the professional development of others.

Guidelines to Practice Under the Fundamental Tenets of Ethics

TENET 1.

Structural engineers use their knowledge and skill in the performance of their professional duties to make decisions in the interest of the safety, health, and welfare of the public.

- a. Recognize that the lives, safety, health and welfare of the general public are dependent upon engineering judgments, decisions and practices.
- b. Approve or seal only those design documents or engineering reports, reviewed or prepared in accordance with the rules and laws of the authority having jurisdiction, which are determined to be safe for public health and welfare in conformance with accepted structural engineering standards.
- c. Inform their clients or employers of the possible consequences, and notify such other authorities as may be appropriate, when their professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered.
- d. When there is knowledge or reason to believe that another person or firm may be in violation of any of the provisions of Tenet 1, consider first presenting such information to the person or firm suspected of the violation. If such action does not satisfactorily resolve the suspected violation, present such information to the proper authority in writing and cooperate with the proper authority in furnishing such further information or assistance as may be required, without incurring a breach of this Code of Ethics.
- e. 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.

TENET 2.

Structural engineers perform services only in areas of their demonstrated competence.

- a. Engage in structural engineering assignments only when qualified by either education or training and by experience and examination in the field of structural engineering.
- b. Accept assignments in which certain aspects require education, training, experience, or examination outside their areas of demonstrated competence,
- c. provided their services are restricted to those aspects for which they are qualified.
- d. Affix their signatures or seals to structural engineering documents or structural engineering reports dealing with only those matters for which they are qualified by either education or training and by experience and examination.

TENET 3.

Structural engineers issue public statements in an objective and honest manner.

- a. Endeavor to extend the public knowledge of structural engineering, and avoid participating in the dissemination of inaccurate, unfair or exaggerated statements regarding structural engineering.
- b. Be objective and honest in professional reports, statements, or testimony. Include relevant and pertinent information in such reports, statements, or testimony.

- c. When serving as expert witnesses, express an engineering opinion when it is founded upon: adequate knowledge of the known conditions, a basis of technical competence, and honest conviction.
- d. When serving as peer reviewers, preferably (subject to the consent of the client) inform the design engineer of their appointment, have access to those responsible for the design, and be able to freely discuss and resolve all pertinent matters with the design engineer. The peer reviewer should not seek to provide their services for any remedial design work to be undertaken; however, the client may elect to request the peer reviewer to review the remedial design work. In the event that the design engineer should either abstain from undertaking the remedial design work or not be engaged by the client to perform these services, the client may engage the services of the peer reviewer to undertake such work.
- e. Issue no statements, criticisms, or arguments on structural engineering matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.
- f. Be dignified and honest in explaining their work and merit, and avoid acts tending to promote their own interests at the expense of the integrity, honor and dignity of the structural engineering profession.

TENET 4.

Structural engineers act for each employer or client as faithful agents or trustees, and avoid conflicts of interest.

- a. Strive to avoid conflicts of interest with employers or clients, and promptly inform employers or clients of any business association, interests, or circumstances which could influence their judgment .
- b. Refuse compensation from more than one party for the same services on a project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to, by all interested parties.
- c. Avoid soliciting or accepting gratuities from other parties that create a conflict of interest.
- d. When providing public service as members, advisors, or employees of a governmental body or department, avoid participating in considerations or actions with respect to services solicited or provided by them or their organization in private or public structural engineering practice.
- e. Avoid using confidential information coming to them in the course of their assignments as a means of making personal gain or profit if such action is adverse to the interests of their clients, employers or the public.
- f. Avoid accepting professional employment outside of their regular work or interest, when such activity could harm their employer or create a conflict of interest.
- g. Avoid using equipment, supplies, computer files, computer software, laboratory or office facilities, or other real or intellectual property of their employers to carry on outside private practice without the consent of their employers, or in any manner inconsistent with any lease or licensing agreements governing such use.

TENET 5.

Structural engineers build their professional reputation on merit and compete fairly with others.

- a. Avoid giving, soliciting or receiving either directly or indirectly, any political contribution, gratuity, or consideration in order to secure work.
- b. Negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required. Disclose to the client any subcontracting, joint venturing, or out-sourcing of structural engineering services by the structural engineer.
- c. Request, propose or accept professional commissions on a contingent basis only under circumstances in which their professional judgments would not be compromised.
- d. Provide accurate representation of their academic and professional qualifications or experience.
- e. Give proper credit for structural engineering work to those contributing, and recognize the proprietary interests of others. When possible, name those responsible for designs, inventions, writings or other accomplishments.
- f. Advertise professional services in a manner that is accurate, not deliberately false or misleading. Suggested and recommended means of advertising include:
 - 1. Professional advertisements in recognized publications, and listings in rosters or directories published by responsible organizations, provided that the advertisements or listings are consistent in size and content, are in a section of the publication regularly devoted to such professional advertisements, and are accurate and not misleading with respect to the structural engineer's extent of participation in projects described.
 - 2. Professional advertisements benefitting or sponsoring charitable organizations.
 - 3. Brochures and Internet Web pages which accurately describe experience, facilities, personnel and capacity to render service, providing they are not deliberately misleading with respect to the engineer's participation in projects described.
 - 4. A statement of the structural engineers' names or the name of the firm and statement of the type of service posted on projects for services rendered.
 - 5. Preparation or authorization of descriptive articles for the lay or technical press, which are accurate. Such articles should not imply anything more than direct participation in the project described.
 - 6. Commercial advertisements as may be published by contractors and material suppliers, containing a modest, accurate statement acknowledging the structural engineer's participation in the project, and used by permission of the structural engineer.
- g. Avoid maliciously or falsely, directly or indirectly, injuring the professional reputation, prospects, practice or employment of others, or indiscriminately criticize another's work.
- h. Decline an appointment to supplant the original structural engineer when doubt exists regarding the resolution of the outstanding matters between the client and the original structural engineer.

TENET 6.

Structural engineers act in such a manner as to uphold and enhance the honor, integrity, and dignity of the structural engineering profession, without tolerance for corruption.

- a. Act in such a manner which will uphold the honor, integrity, or dignity of the engineering profession, and avoid knowingly engaging in business or professional practices of a fraudulent, dishonest or unethical nature.
- b. Be honest in their control and spending of monies, and promote effective use of resources through open, honest, and impartial service to the public, employers, associates and clients.
- c. Be especially vigilant to maintain appropriate ethical behavior where payments of gratuities or bribes are institutionalized practices.
- d. 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.
- e. Avoid procuring, copying, or otherwise using the computer files, computer software, or other real or intellectual property of others without the consent of the product or property owner, or in any manner inconsistent with any lease or licensing agreements governing such use.

TENET 7.

Structural engineers continue their professional development throughout their careers, and provide opportunities for the professional development of others.

- a. Strive to keep current in their specialty fields. This may be achieved by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.
- b. Encourage their engineering employees to become licensed, certified, or registered.
- c. Strive to attend and present papers at professional and technical society meetings.
- d. Strive to uphold a professional structural engineering relationship between employers and employees with respect to terms of employment including technical positions, salary ranges, and benefits.

Footnotes

1 NCSEA (National Council of Structural Engineers Associations) wishes to acknowledge and thank the American Society of Civil Engineers (ASCE), whose Code of Ethics was used as the basis for this document.

2 The Introduction is intended to be deleted upon adoption.