



USIBD

U.S. Institute of
BUILDING DOCUMENTATION

Guide to the Code of Ethics and Personal Conduct

The preamble to the USIBD's Code of Ethics describes the principles upon which the Code of Ethics is based and includes a brief summary of the document. It provides that members of the USIBD are dedicated to the highest standards of professionalism, integrity, and competence. This Code 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 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.

Commentary, which is meant to clarify or elaborate the intent of the Rule, is provided for some of the Rules of Conduct. The Code applies to the professional activities of all USIBD members regardless of their membership category and is enforced by the USIBD Ethics Council (the "Council").



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BUILDING DOCUMENTATION

The U.S. Institute of Building Documentation

CODE of ETHICS and PERSONAL CONDUCT

Preamble

Members of The U.S. Institute of Building Documentation are expected to exhibit the highest standards of professionalism, honesty, integrity, and competence. Accordingly, the services provided by building documentation professionals require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Building documentation professionals must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct. This Code of Ethics and Professional Conduct states guidelines for the conduct of USIBD 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 building documentation and in the building industries, who help to define the built environment; and to the art and science of building documentation, 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.



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CANON I

General Obligations

Members should maintain and advance their knowledge of the art and science of building documentation, respect the body of building documentation accomplishment, contribute to its growth, 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 1.101 In practicing building documentation, Members shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by building documentation professionals of good standing.

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 excellence, education, research, training, and practice so as to enhance the honor, reputation, and usefulness of the profession.

E.S. 1.3 Anti-discrimination:

Members should not discriminate in all their professional endeavors.

Rule 1.301 Members shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation.

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. Members shall hold paramount the safety, health, and welfare of the public.

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. 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 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 a building documentation professional.

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

E.S. 2.2 Public Interest Services:

Members should endeavor to render public interest professional services, including at cost and/or pro bono services. Public interest services include those rendered for the educational community, non-profits and/or other similar entities.

E.S. 2.3 Civic Responsibility:

Members should endeavor to participate in civic activities. As citizens and professionals members should strive to improve public appreciation and understanding of building documentation and the functions and responsibilities of building documentation professionals.

Rule 2.301 Members making public statements on building documentation 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. Members should act for each Client as a faithful agent or trustee.

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.

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 a building documentation professional-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 Board of Directors.

Commentary: Often, only a building documentation professional can recognize that the behavior of another building documentation professional 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 speaking in their professional capacity shall not knowingly make false statements of material fact.

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 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.

Rule 5.201 Members who have agreed to work with individuals engaged in an internship program or an experience requirement for licensure shall reasonably assist in proper and timely documentation in accordance with that program.

E.S. 5.3 Professional Responsibility:

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 unless allowed under local laws.

Rule 5.303 A Member shall act for each employer as a faithful agent or trustee.

RULES OF APPLICATION, ENFORCEMENT, AND AMENDMENT

Application

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

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 by the USIBD Board of Directors.
- (2) Formal charges are filed directly with the USIBD Board of Directors, or anyone directly aggrieved by the conduct of the Members.
- (3) Penalties that may be imposed by the USIBD Board of Directors 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.

Amendment

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

ETHICS VIOLATION REVIEW PROCESS

The USIBD has established the Ethics Violation Review Process to give USIBD Members the right to respond to a formal allegation of an ethics violation.. Below is a description of the Ethics Violation Review Process

1. Before action can be taken to sanction a USIBD Member for ethics violations the USIBD Member (Respondent) will be given the opportunity to respond to the allegations charges.
2. The Ethics Council, shall send a "Notice" to the Respondent. The Notice will inform the Respondent of the specific sections of the Code of Ethics alleged to have been violated. The Notice shall be sent by Certified Mail, to the last known address of the Respondent.
3. The Ethics Council, shall set a hearing date . The hearing date shall be set at a reasonable time after Notice to Respondent, as determined solely by the Ethics Council.
4. The Respondent may respond to the allegations no later than ten (10) calendar days prior to the date of the Hearing. This response shall be sent to the Ethics Council certified mail to the USIBD office. The Respondent may choose to proceed with the Hearing without filing a response and may provide oral testimony only.
5. The Hearing shall be conducted by the Ethics Council.
6. The Hearing shall be conducted by conference call or other medium as agreed upon. The Hearing shall include the members of the Ethics Council and the Respondent. The Chair will introduce all parties and give a brief explanation of the purpose of the Hearing and how it should proceed. The Chair shall explain that each person will speak in turn as they are called upon. The Chair will present the alleged ethics code violation(s) on behalf of the USIBD and the Ethics Council. The Chair will ask members of the Ethics Council if they have any questions regarding the alleged violation(s). The Chair will then allow the Respondent to speak in defense of the allegation(s). Upon completion of the Respondent's testimony, the Chair will ask each Ethics Council member for questions to the Respondent. Once the Ethics Council is concluded with the questioning of the Respondent, the Respondent will be dismissed from the Hearing. The Ethics Council shall continue the discussion and make a recommendation(s) to the USIBD Board of Directors (Board) The Board will review the Ethics Council recommendation(s) and provide the appropriate action as deemed necessary and within the powers of the Board.



7. The Board will give the Respondent a written Decision (“Decision”) within fourteen (14) calendar days of the Hearing. The Decision shall be sent to the Respondent by Certified Mail, to the last known address of the Respondent. The Decision will not be made public for a period of thirty (30) calendar days after the Decision is provided to the Respondent.
8. If the Respondent does not file a written request for an appeal within thirty (30) calendar days from the date of the Decision, the Board’s Decision will be enforced.

ETHICS VIOLATION APPEAL PROCESS

1. The Respondent may appeal the Decision. The Respondent must submit a written request via certified mail for an appeal to the USIBD office that is received within thirty (30) calendar days from the date of the decision. The Respondent who files an appeal is referred to as the “Appellant.”
2. Upon receipt of an appeal request, the USIBD President shall appoint an Appeals Panel to review the Decision. The members of the Appeals Panel shall be five (5) full USIBD members in good standing who were not part of the original Ethics Council, or who are members of the Board.
3. When hearing the appeal, the Appeals Panel may take any of the following actions:
 - a. Uphold the decision of the Board;
 - b. Rule that the Board’s decision is valid, yet impose a lesser/greater form of penalty;
 - c. Overrule the Board’s decision;
4. The Appeal Process is for individuals who were recommended by sanctioning by the Ethics Council and administered by the Board. The purpose of Appeal is solely to determine if the Ethics Council and the Board has accurately and adequately reviewed the Respondent’s/Appellant’s complaint as per the aforementioned procedures and rendered a reasonable decision.
 - a. The USIBD President or his/her designate, shall, within fourteen (14) calendar days, transmit the appeal request to the appointed Appeals Panel which shall conduct a formal appeals hearing. The Appeals Panel shall schedule a hearing to occur within twenty-eight calendar (28) days of the receipt of the appeal request. The hearing shall be conducted by conference call or other medium as agreed upon.
 - b. The Appeals Panel shall send a “Notice” to the Appellant. The Notice shall be sent by Certified Mail, to the last known address of the Appellant, The Notice will inform the Appellant of the time, and date of the Appeals Panel hearing. The Notice shall be provided to the Appellant not less than fourteen (14) calendar days prior to the hearing date.
 - c. The Appellant has the right to appear at the Hearing, has the right to counsel, and has the right to have witnesses present. (Legal counsel is not allowed to speak on behalf of the Appellant, but may be present to advise.)
 - d. The Appellant may choose to submit written testimony in lieu of his/her presence at the Hearing; written testimony must be received at least five (5) calendar days prior to the Hearing date. Failure to show up for the hearing or provide timely written testimony will automatically result in the appeal being dismissed and the Board’s determination being upheld.
 - e. The Appeals Panel decision shall be made by majority vote. The Appeals Panel has fourteen (14) calendar days from the date of the Hearing to come to a final decision. The Appellant shall be sent via certified mail of the Appeal Panel’s decision within five (5) calendar days of the final decision. The findings and decision of the Appeals Panel are final.