



ASLA Code of Professional Ethics

Preamble

The profession of landscape architecture, so named in 1867, was built on the foundation of several principles – dedication to the public health, safety, and welfare and recognition and protection of the land and its resources. These principles form the foundation of the American Society of Landscape Architects (ASLA) Code of Professional Ethics (the Code) as well.

The Code applies to the professional activities of all ASLA members (herein, referred to simply as Members), and contains important principles relating to the duties of Members to clients, employers, and employees and to other Members of the Society.

The Code is arranged so that each Canon contains Ethical Standards – essentially goals that Members should strive to meet. Some of the Ethical Standards contain objective Rules. Violation of Rules might subject an ASLA Member to a complaint, while violation of Ethical Standards will not. Therefore, the word “should” is used in the Ethical Standards and “shall” is used in the Rules.

The policies established by the Board of Trustees relative to environmental stewardship, quality of life, and professional affairs are summarized in the ASLA Code of Environmental Ethics. Members should make every effort to enhance, respect, and restore the life-sustaining integrity of the landscape and seek environmentally positive, financially sound, and sustainable solutions to land use, development, and management opportunities.

Canon 1. Professional Responsibility

ES1.1 Members should understand and honestly obey laws governing their professional practice and business affairs and conduct their professional duties within the art and science of landscape architecture and their professional Society with honesty, dignity, and integrity.

R1.101 Members shall deal with other Members, clients, employers, employees, the public, and others involved in the business of the profession and the Society with honesty, dignity, and integrity in all actions and communications of any kind.

R1.102 Members shall not violate the law in the conduct of their professional practice, including any federal, state, or local laws and particularly laws and regulations in the areas of antitrust, employment, environmental and land-use planning, and those governing professional practice.

R1.103 Members shall not give, lend, or promise anything of value to any public official or representative of a prospective client in order to influence the judgment or actions in the letting of a contract of that official or representative of a prospective client.

Commentary: However, the provision of pro bono services will not violate this Rule.

R1.104 Members on full-time government employment shall not accept private practice work with anyone doing business with their agency or with whom the Member has any government contact on matters involving applications for grants, contracts, or planning and zoning actions. In the case of private practitioners elected or appointed to government positions or others doing business or having alliances with those doing business with their board, council, or agency, they must disqualify and absent themselves during any discussion of these matters.

R1.105 Members shall recognize the contributions of others engaged in the planning, design, and construction of the physical environment and shall give them appropriate recognition and due credit for professional work and shall not maliciously injure or attempt to injure the reputation, prospects, practice, or employment position of those persons so engaged. Credit shall be given to the design firm of record for the use of all project documents, plans, photographs, sketches, reports, or other work products developed while under the management of the design firm of record. Use of others' work for any purpose shall accurately specify the role of the individual in the execution of the design firm of record's work.

Commentary: Members representing views opposed to another Member's views shall keep the discussion on an issue-oriented, professional level.

R1.106 Members shall not mislead through advertising or other means existing or prospective clients about the result that can be achieved through use of the Member's services or state that they can achieve results by means that violate the Code or the law.

Commentary: So long as they are not misleading, advertisements in any medium are permitted by the Code.

R1.107 Members shall not accept compensation for their services on a project from more than one party unless all parties agree to the circumstances in writing.

R1.108 Members shall not misrepresent or knowingly permit the misrepresentation of their professional qualifications, capabilities, and experience to clients, employers, or the public or be a party to any exaggerated, misleading, deceptive, or false statements or claims by the firms, agencies, or organizations that employ them.

Commentary: Members shall not take credit for work performed under the direction of a former employer beyond the limits of their personal involvement and shall give credit to the performing firm. Employers should give departing employees access to work that they performed, reproduced at cost, and a description of the employee's involvement in the work should be noted on each product and acknowledged by the employer.

R1.109 Members shall not reveal information obtained in the course of their professional activities that they have been asked to maintain in confidence or that could affect the interests of another adversely. Unique exceptions: to stop an act that creates harm; a significant risk to the public health, safety, and welfare that cannot otherwise be prevented; to establish claims or

defense on behalf of Members; or in order to comply with applicable law, regulations, or with the Code.

R1.110 Members shall not copy or reproduce the copyrighted works of others without prior written approval by the author of the copyrighted work.

R1.111 Members shall not seek to void awarded contracts for a specific scope of service held by another Member.

Commentary: This shall not prohibit competition for the original or subsequent contracts or prohibit a client from employing several Members to provide the same scope of service.

R1.112 Members shall not seek to obtain contracts, awards, or other financial gain relating to projects or programs for which they may be serving in an advisory or critical capacity.

Commentary: This does not prevent a Member from seeking an award or contract for a project over which the Member has no influence or role in its selection, approval, or supervision or any other role that could constitute a conflict of interest.

ES1.2 Members should seek to make full disclosure of relevant information to the clients, public, and other interested parties who rely on their advice and professional work product.

R1.201 Members making public statements on landscape architectural issues shall disclose compensation other than fee and their role and any economic interest in a project.

R1.202 Members shall make full disclosure during the solicitation and conduct of a project of the roles and professional status of all project team members and consultants, including professional degrees, state licenses, professional liability insurance coverage, and any other potential material limits to qualifications.

R1.203 Members shall make full disclosure to the client or employer of any financial or other interest that bears on the service or project.

R1.204 Members shall convey to their clients their capacity to produce the work, their availability during normal working hours, and their ability to provide other construction or supervisory services.

ES1.3 Members should endeavor to protect the interests of their clients and the public through competent performance of their work and participate in continuing education, educational research, and development and dissemination of technical information relating to planning, design, construction, and management of the physical environment.

R1.301 Members shall undertake to perform professional services only when education, training, or experience in the specific technical areas involved qualifies them, together with those persons whom they may engage as consultants.

R1.302 Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct professional knowledge or direct supervisory control.

R1.303 Members shall continually seek to raise the standards of aesthetic, ecological, and cultural excellence through compliance with applicable state requirements for continuing professional education.

R1.304 Public discussion of controversial projects and issues shall be conducted on a professional level and shall be based on issue-oriented, factual analysis.

Canon 2. Member Responsibilities

ES2.1 Members should understand and endeavor to uphold the Ethical Standards of the ASLA Code of Environmental Ethics.

ES2.2 Members should work to ensure that they, their employees or subordinates, and other Members adhere to the Code of Professional Ethics and the Constitution and Bylaws of the American Society of Landscape Architects.

R2.201 Members having information that leads to a reasonable belief that another Member has committed a violation of the Code shall report such information.

Commentary: Often a landscape architect can recognize that the behavior of another poses a serious question as to the other's professional integrity. It is the duty of the professional to bring the matter to the attention of the ASLA Ethics Committee; which action, if done in good faith, is in some jurisdictions protected from libel or slander action. If in doubt, the Member reporting under this Rule should seek counsel prior to making such a report.

R2.202 The seal or logo of the American Society of Landscape Architects shall be used only as specified in the ASLA Bylaws.

R2.203 Members shall adhere to the specific, applicable terms of the ASLA Bylaws regarding use of references to ASLA membership. Members are encouraged to use the appropriate ASLA designation after their names.

ES2.3 Members are encouraged to serve on elected or appointed boards, committees, or commissions dealing with the arts and environmental and land-use issues.

R2.301 Members who are elected or appointed to review boards, committees, and commissions shall seek to avoid conflicts of interest and the appearance of conflicts of interest and shall comply with local rules and policies with regard to conflict of interest. Members serving on such boards, committees, and commissions shall disqualify themselves in accordance with rules of ethics and this Code and shall not be present when discussion is held relative to an action in which they have an interest. A Member shall make full disclosure and request disqualification on any issue that could involve a potential conflict of interest.

Rules of Procedure for Filing and Resolution of a Complaint

The Code applies to the professional activities of all ASLA professional members (hereinafter, referred to as Members). All times listed within these Rules of Procedure are based on calendar days and calendar years.

Anyone directly aggrieved by the conduct of a Member may file a complaint along with supporting documentation with the ASLA Ethics Committee (hereinafter, referred to as the Committee) within one (1) year of the conduct constituting the alleged violation. The Committee may reasonably extend the time limit if doing so is deemed equitable by the Committee under the particular circumstances.

Complaints may be made only for alleged violations (hereinafter, referred to as violations) of the Rules and may not be made for violations of the Ethical Standards of the Code. Complaints may be made against an individual Member or Members (hereinafter, referred to as respondent) but not against firms, associations, or other bodies. Anonymous complaints will be disregarded.

The complaint shall be submitted in writing to the Ethics Committee at ASLA national headquarters and shall include the following:

- The name, address, phone number, and e-mail address of the complainant.
- The name, address, phone number, and e-mail address of the respondent.
The facts and circumstances giving rise to the complaint, including dates of alleged violations,
- supporting information and exhibits, and references to the Rules that may have been violated. The complaint shall contain all relevant information, including third-party statements or exhibits, if any, that the Committee would need to consider in making a fair determination, provided that such third-party statements and exhibits do not result in a breach of confidentiality. The determination of the Committee will depend solely on the written record supplied by the complainant and respondent.
- A list of pending actions against the respondent, or against the complainant by the respondent, in relation to the complaint, such as lawsuits, alternative dispute resolution procedures, or professional licensing board or other regulatory proceedings.
- If the complaint is being filed more than one (1) year after the conduct constituting the alleged violation, the submission shall include the reasons why the filing is late and why an extension of the time limits should be granted.

The complainant, by filing the complaint, agrees to keep all aspects of the complaint and the review process confidential and shall avoid any public disclosure that would result in the complaint or the review process becoming known to anyone other than the respondent or a legal representative of the complainant or respondent. A breach of confidentiality may result in the complaint being dismissed.

After review and consideration of the information submitted, the Committee will either: (1) determine that a violation of the Rules may have occurred and accept the complaint for further consideration; or (2) determine that no violation appears to have occurred and decline to accept the complaint. If the complaint is declined, an amended complaint with additional information may be submitted by the complainant. If an amended complaint is submitted and declined by the Committee, that determination is final.

On acceptance of the complaint by the Committee, the complainant shall be informed that the complaint is accepted and the respondent shall be provided with a copy of the complaint. The respondent shall

have sixty (60) days to reply to the complaint. The response shall be submitted in writing to the Ethics Committee at ASLA national headquarters and shall include the following:

- Admittance or denial of the complaint. If the respondent admits that the facts alleged in the complaint are true and the conduct alleged in the complaint occurred, the respondent shall describe and provide evidence to show what actions have been taken to become compliant with the Code.
- Factual information in defense of the action(s) that led to the complaint, including supporting information and exhibits. The response shall contain all relevant information, including third-party statements or exhibits, if any, that the Committee would need to consider in making a fair determination, provided that such third-party statements and exhibits do not result in a breach of confidentiality. The determination of the Committee will depend solely on the written record.
- A list of pending actions against the complainant, or against the respondent by the complainant, in relation to the complaint, such as lawsuits, alternative dispute resolution procedures, or professional licensing board or other regulatory proceedings, plus reasons, if any, why the Committee's determination on the complaint should be deferred.

If no response is received from the respondent within sixty (60) days, notice shall be given to the respondent and an additional ten (10) days shall be given for a reply. No response or an unresponsive reply may result in the complaint being resolved in favor of the complainant.

The respondent shall keep all aspects of the complaint and the review process confidential and shall avoid any public disclosure or discussion that would result in the complaint or the review process becoming known to anyone other than the complainant or a legal representative of the complainant or of the respondent. A breach of confidentiality may result in the complaint being resolved in favor of the complainant.

The Committee will provide the complainant with a copy of the reply. The complainant shall have thirty (30) days from the date of the Committee's transmittal of the reply to the complainant to rebut the reply. Copies of the rebuttal shall be provided to the Committee, which will provide a copy to the respondent. The respondent shall have thirty (30) days from the date of the Committee's transmittal of the rebuttal to the respondent to reply to the rebuttal. The Committee will provide a copy of the surrebuttal to the complainant.

On acceptance of the complaint and reply, and receipt of a rebuttal and surrebuttal if filed, the Committee will consider the matters at issue, make findings, and make a determination. The Committee may determine that no violation occurred and dismiss the complaint. If the Committee determines that a violation has occurred, it will either:

1. Issue a confidential Letter of Admonition. This action shall be binding unless appealed to the ASLA Executive Committee, which will review all information submitted by the complainant and respondent and render a binding and final decision within sixty (60) days of receipt of the appeal that either (1) upholds the Committee's action or (2) retracts the Committee's action and dismisses the complaint.
2. Or, refer the matter to the ASLA Executive Committee with a recommendation to issue a Letter of Censure. The ASLA Executive Committee will review all information submitted by the parties and (1) accept the recommendation of the Committee and issue a Letter of Censure, or (2) increase the recommended sanction against the respondent, or (3) refer the matter back to the Committee to issue a confidential Letter of Admonition, or (4) dismiss the complaint. The action of the ASLA Executive Committee shall be binding unless appealed to the ASLA Board of Trustees, which will review all information submitted by the complainant and respondent and render a final and binding decision.

3. Or, refer the matter to the ASLA Executive Committee with a recommendation for Probationary Suspension of Membership. The ASLA Executive Committee will review all information submitted by the complainant and respondent and (1) accept the recommendation of the Committee and specify a Probationary Suspension of Membership, or (2) increase the recommended sanction against the respondent, or (3) reduce the recommended sanction against the respondent, or (4) dismiss the complaint. During a Probationary Suspension, the former Member shall be prohibited from using an ASLA designation. The action of the ASLA Executive Committee shall be binding unless appealed to the ASLA Board of Trustees, which will review all information submitted by the complainant and respondent and render a final and binding decision. In addition and notwithstanding the foregoing, in order for an individual placed on Probationary Suspension to be eligible to re-apply for membership in the Society in any capacity, he or she shall have conducted himself or herself in a manner that is consistent with the Code of Professional Ethics throughout the period of the Probationary Suspension.

Upon the expiration of the period of the Probationary Suspension of Membership, the former member may re-apply for membership in any capacity by submitting a Membership Application to ASLA. If ASLA is in possession of information that the former member has acted in a manner inconsistent with the Code of Professional Ethics at any time during the period of the Probationary Suspension, it may hold the Membership Application in abeyance and refer the matter to the Ethics Committee. The Ethics Committee shall thereafter notify the former member of the allegations, which notice shall be sent via regular mail sent to the residential address listed in the application, and if no such address is provided, the former member's last known residential address as reflected in the records of the Society. The former member shall have sixty (60) days from the date of mailing to submit a written response, which may include supporting information and exhibits. The former member shall keep all aspects of the matter confidential. If no response from the former member is received, the Ethics Committee may render a decision based on the information in its possession. If the Ethics Committee determines that the former member has acted in a manner inconsistent with the Code of Professional Ethics, the Ethics Committee may: (i) refer the matter to the ASLA Executive Committee with a recommendation for denial of reinstatement of Membership and Expulsion from the Society, as set forth below; (ii) refer the matter to the ASLA Executive Committee with a recommendation for denial of the Membership Application and extension of the Probationary Suspension for a period that it deems appropriate under the circumstances; or (iii) take no action and permit the application for Membership to proceed if it determines in its sole discretion that the conduct was immaterial or excusable and unlikely to recur. ASLA shall notify the former member of the ASLA Executive Committee's decision via regular mail sent to the former member's last known residential address as reflected in the records of the Society, which notice shall advise the individual of his or her right to appeal within 30 days of mailing. The action of the ASLA Executive Committee shall be binding unless appealed to the ASLA Board of Trustees, which will review all information submitted to the Ethics Committee in connection with the matter and render a final and binding decision.

4. Or, refer the matter to the ASLA Executive Committee with a recommendation for Expulsion from the Society. The ASLA Executive Committee will review all information submitted by the complainant and respondent and either (1) accept the recommendation of the Committee and expel the respondent from the Society, or (2) reduce the recommended sanction against the respondent, or (3) dismiss the complaint. Expulsion from the Society shall be a permanent termination of membership and all privileges of membership and a forfeiture of dues paid and all connection with the national Society and any applicable chapter. The action of the ASLA Executive Committee shall be binding unless appealed to the ASLA Board of Trustees, which will review all information submitted by the complainant and respondent and render a final and binding decision.

Notice of a determination by the Committee shall be provided to both the complainant and the respondent.

The respondent may appeal as provided above; such appeal shall be made within sixty (60) days of the date of notice of a decision. The complainant may not appeal the dismissal of a finalized or of an amended complaint or any other decision of the Committee or the ASLA Executive Committee.

Appeals and referrals to the ASLA Executive Committee shall be reviewed by a minimum of five (5) members of the ASLA Executive Committee. Where the minimum required number of members of the ASLA Executive Committee is not available to review an appeal or referral, such appeal or referral, as applicable, shall be transferred to the ASLA Board of Trustees for determination.

Appeals and referrals to the ASLA Board of Trustees shall be entrusted to a subcommittee of the Board composed of a chair and four (4) members appointed by the president on a case-by-case basis. The chair and subcommittee members shall be duly elected, currently serving chapter trustees representing chapters other than the one or ones from which jurisdiction the complaint arises. Trustees shall decline appointment if there is any question as to their impartiality and shall resign from the subcommittee if such question arises after appointment.

Resolution of appeals will be based solely on the written record. The subcommittee of the ASLA Board of Trustees will review all information submitted by the complainant and respondent and render a final and binding decision within sixty (60) days of receipt of the appeal that either (1) upholds the ASLA Executive Committee's action, or (2) increases the sanction against the respondent, or (3) reduces the sanction against the respondent or (4) retracts the ASLA Executive Committee's action and dismisses the complaint. Official notice of Censure, Probationary Suspension of Membership, or Expulsion from the Society will be published in the Society's newsletter, *Landscape Architecture News Digest (LAND)*, if a decision is not appealed within sixty (60) days of the date of notice to the complainant and the respondent or following notice to the complainant and the respondent of a final and binding decision by the appointed subcommittee of the ASLA Board of Trustees.

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