

## ASLA Code of Professional Ethics

### Preamble

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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 professional members, i.e., Full Members, Associate Members, and International 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

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**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

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**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

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The Code applies to the professional activities of all ASLA professional members (herein, referred to as Members).

Anyone directly aggrieved by the conduct of a Member may file a complaint along with supporting documentation with the ASLA Ethics Committee (the Committee) within one (1) year of the alleged violation. The Committee may extend the time limit if deemed equitable under the particular circumstances.

Complaints shall be made only for alleged violations (hereafter, referred to as violations) of the Rules and may not be made for violations of the Ethical Standards of the Code. Complaints shall be made against an

individual Member or Members and 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, fax number, and e-mail address of the complainant.
- The name, address, phone number, fax number, and e-mail address of the respondent.
- The circumstances giving rise to the complaint, including dates of violations, supporting information and exhibits, and references to the Rules violated. The complaint shall contain all relevant information, including any third-party statements or exhibits that the Committee would need to make a fair determination; the resolution of the complaint will rely solely on the written record.
- 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 violation, the submission shall include the reasons why the filing is late and why an extension of the filing requirements should be granted.

The complainant, by filing the complaint, agrees to confidentiality with regard to the complaint and shall avoid public disclosure or discussion of the complaint. A breach of confidentiality may result in the complaint being dismissed.

After review and consideration of the information submitted, the Committee will: (1) determine that a violation may have occurred and accept the complaint; 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. The determination of the Committee is final if the amended complaint is declined.

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 to the complaint, actions taken to become compliant with the Code.
- Factual information in defense of the complaint, including supporting information and exhibits. The response shall contain all relevant information, including any third-party statements or exhibits that the Committee would need to make a fair determination; the resolution of the complaint will rely 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, and any reasons why the resolution of the complaint should be deferred.

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

The respondent shall keep the complaint confidential and avoid public disclosure or discussion of the complaint. 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 reply to the complainant.

On acceptance of the complaint and response, and receipt of a rebuttal and reply if filed, the Committee will consider the complaint, issue 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:

1. Issue a confidential Letter of Admonition. This action shall be binding unless appealed to the Executive Committee, which will review all information submitted by the parties and render a binding and final decision within sixty (60) days of receipt of the appeal that (1) upholds the Committee's action or (2) retracts the Committee's action and dismisses the complaint.
2. Or, refer the matter to the Executive Committee with a recommendation to issue a Letter of Censure. The 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) dismiss the complaint, or (3) increase the recommended sanction against the respondent, or (4) refer the matter back to the Committee to issue a confidential Letter of Admonition. The action of the Executive Committee shall be binding unless appealed to the Board of Trustees, which will review all information submitted by the parties and render a binding and final decision.
3. Or, refer the matter to the Executive Committee with a recommendation for Probationary Suspension of Membership. The Executive Committee will review all information submitted by the parties and (1) accept the recommendation of the Committee and specify a Probationary Suspension of Membership, or (2) dismiss the complaint, or (3) increase the recommended sanction against the respondent, or (4) reduce the recommended sanction against the respondent. During a suspension, the former Member shall be prohibited from using an ASLA designation. The action of the Executive Committee shall be binding unless appealed to the Board of Trustees, which will review all information submitted by the parties and render a binding and final decision.
4. Or, refer the matter to the Executive Committee with a recommendation for Expulsion from the Society. The Executive Committee will review all information submitted by the parties and (1) accept the recommendation of the Committee and expel the respondent from the Society, or (2) dismiss the complaint, or (3) reduce the recommended sanction against the respondent. 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 Executive Committee shall be binding unless appealed to the Board of Trustees, which will review all information submitted by the parties and render a binding and final decision.

Notice of a decision 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 complaint or any other decision of the Committee or the Executive Committee.

Appeals to the 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 the complaint arises. Trustees shall decline appointment if there is any question as to their impartiality and 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 Board of Trustees will review all information submitted by the parties and render a binding and final decision within sixty (60) days of receipt of the appeal that (1) upholds the Executive Committee's action, or (2) retracts the Executive Committee's action and dismisses the complaint, or (3) increases the sanction against the respondent, or (4) reduces the sanction against the respondent.

Official notice of Censure, Probationary Suspension, or Expulsion 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 binding and final decision by the appointed subcommittee of the Board of Trustees.

Adopted by the Board of Trustees: April 2, 1995

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