

WACEL CODE OF ETHICS

As of January 2006

All Laboratory Members and Affiliate Members, Inspection Agency Members and Affiliate Inspection Agency Members, Public Agency Members and Certified Members must become familiar with the WACEL Code of Ethics, procedures established for the Code, and agree to abide by the Code in writing. Further, all Laboratory Members and Affiliate Members, Inspection Agency Members and Inspection Agency Affiliate Members, Certified Members and their staffs must agree to refrain from taking any legal action against WACEL or any Officer, Director, Committee Chairperson or member, or any other duly appointed WACEL representative or management agent for any prescribed action that such individual may take for the purpose of enforcing the Code of Ethics.

Section A - Stipulations: It shall be considered a matter of ethical practice for members of the Council to:

1. Regard the safeguarding of public health and safety as a fundamental duty and thus refuse to participate or refuse to continue participation in any activity which it believes could pose a threat to public health or safety through violation of standards, regulations or laws established to protect public health and safety.
2. Offer to perform only those services which it is competent to perform through use of its own personnel, equipment and facilities or those obtained by it, as through subcontract.
3. Offer to explain to clients the different techniques and services, and levels of service, applicable for meeting client objectives, and to identify whatever risks may be imposed by implementing a given approach.
4. Conform with applicable standards of the American Concrete Institute, the American Society for Testing and Materials, and other organizations whose standard-setting functions affect the services offered by engineering testing laboratories.
5. Endeavor to make clear the limitations and significance of findings, as well as significant risks which may be inherent in implementation of recommendations.
6. Treat reports prepared on behalf of a client as confidential instruments of service developed for the exclusive use of the client, not to be revealed to others except with the express permission of the client, or by requirements of law.
7. Maintain professional integrity in all their professional dealings, as by wholly refraining from falsification of records of any type.

8. Seek permission from the client to communicate with another engineering testing laboratory when such other engineering testing laboratory formerly was engaged by the client for the same project, thus to help assure a complete understanding of work which formerly was performed.
9. Promote and maintain integrity in the conduct, taking and administration of WACEL certification exams.
10. Devote a portion of their time to the enhancement of the profession in which they are engaged.

Section B - Acknowledgment of the Code of Ethics: As an element of the process through which application is made for membership, certification or accreditation, the applicant shall become familiar with the Code of Ethics and the procedures established by the Council for enforcement of this Code, and agree to refrain from taking any legal action against the Council, or any Officer, Director, Committee Chairperson or member, or any other duly appointed Council representative, for any prescribed action identified in these Bylaws which such individual may take for the purpose of enforcing this Code of Ethics. Such agreement shall be in writing.

Section C - Enforcement of Code of Ethics: The Code of Ethics shall be enforced as follows:

1. Any alleged breach of the Code of Ethics shall be investigated by the Ethics Committee, through the following procedure.
 - a. Notice of an alleged breach of the Code of Ethics shall be in writing, addressed to the Board of Directors, and shall identify the name of the member or member representative who allegedly breached the Code of Ethics (the accused); the specific nature of the alleged breach of ethics; the date, time and place of the alleged breach of ethics; and the name and address of the person making the allegation (the complainant).
 - b. Within ten working days of receipt of the notice of the alleged breach of the Code of Ethics, the President shall effect constitution of the Ethics Committee, to be chaired by a Past President of the Council, and to include not more than five nor less than two additional persons. It shall be the function of the committee to:
 - i. Determine if the matter reported involves an activity addressed by the Code of Ethics. If, in the unanimous opinion of the Committee, the matter reported involves activity not addressed by the Code of Ethics, the Committee shall end further deliberation, and shall prepare a report to the Board of Directors identifying its findings.

- ii. If the Committee finds that the matter reported involves the Code of Ethics, the Committee may, if it so chooses, arrange for meeting with the complainant within fifteen working days of Committee formation, to conduct a meeting to gather such facts as it deems appropriate.
 - iii. The Committee may, if it so chooses, meet with the accused, such meeting to occur within twenty-five working days of Committee formation.
 - iv. Prepare a written report to the Board of Directors, providing, if appropriate meetings have been held, full details on matters expressed by the persons involved in the alleged breach of the Code of Ethics, such report to also identify the specific element(s) of the Code of Ethics which may have been violated, and to be in the hands of all members of the Board of Directors, the accused, the complainant, and others deemed appropriate by the Board of Directors, within sixty working days from the date of receipt of the notice of the alleged breach of the Code of Ethics.
2. A hearing shall be conducted by the Board of Directors within twenty working days of receipt of the report of the Ethics Committee. Those required and requested to attend shall each be notified of the date, time and place of the hearing by certified mail, which shall be deemed sufficient notice.
 - a. The purpose of the hearing shall be for the Board of Directors to gather such information as it deems necessary to enable formulation of its decision with regard to disposition of the matter.
 - b. Attendees at the hearing shall include members of the Board of Directors and the accused. The Board of Directors may require attendance of the complainant if it believes that such attendance is mandatory to arrive at a decision with regard to disposition of the matter. In all cases, however, the Board of Directors shall request the complainant to attend. The complainant and accused may invite their respective legal counsels to attend, and the Board of Directors may request or require the attendance of other persons, as it deems appropriate.
 - c. As many as twenty additional working days shall be allowed upon the request of the complainant, the accused, or a member of the Board of Directors. Attendees shall be notified of any continuance by certified mail.
 - d. If the Board of Directors believes that attendance of the complainant is mandatory, and if the complainant fails to agree to a hearing date within forty working days of receipt of the report of the Ethics Committee, such occurrence shall be deemed sufficient reason for dismissal of all charges against the accused and destruction of all official documents related to such charges.
 - e. Failure of the accused to agree to a date within forty working days of receipt of the report of the Ethics Committee shall be deemed sufficient reason for

termination of the accused's membership, for cause.

- f. A transcript of the hearing shall be prepared, through use of qualified stenographer, tape recording, or other acceptable means. The transcript shall be used by those members of the Board of Directors who were unable to attend the hearing, and by other members of the Board of Directors for review purposes.
3. The Board of Directors shall consider all evidence presented at the hearing and shall formulate its decision during a closed session called for the purpose within twenty working days subsequent to the hearing. Only those members of the Board of Directors who participated in the hearing or who have read and become familiar with the transcript of the hearing shall participate in the closed meeting and the decision resulting there from. The Board of Directors shall report its decision within thirty working days subsequent to the hearing. Its report shall be in writing, and shall be conveyed to all members of the Board of Directors, the complainant, and the accused. Actions which the Board of Directors may take with regard to allegations shall be limited to:
 - a. If the Board of Directors so votes, or if there is an insufficient number of votes to make a finding pursuant to paragraphs (b), (c), or (d) below, charges against the accused shall be dismissed.
 - b. If, in the majority opinion of members of the Board of Directors participating in the decision, it is found that a breach of the Code of Ethics did occur, but that the violation was unintentional or not of such a serious nature to warrant suspension or expulsion, the accused shall be censured.
 - c. If, in the majority opinion of members of the Board of Directors participating in the decision, it is found that a breach of the Code of Ethics did occur, but that the nature of the violation, for reasons identified, does not warrant expulsion from membership, the accused shall be suspended. Suspension of membership shall last for no less than thirty days nor more than 180 days.
 - d. If, in the opinion of at least three-quarters of the members of the Board of Directors participating in the decision, it is found that a breach of the Code of Ethics did occur, and that such breach was serious enough to so warrant, the accused shall be expelled.
 - e. If in the opinion of at least three-quarters of the members of the Board of Directors participating in the decision, it is found that the breach of the Code of Ethics involved an intentional compromising of the certification program or cheating on a certification exam, the accused shall have all existing certifications rescinded and shall be barred from participating in or taking a

WACEL certification exam for a period of five years from the date of the decision by the Board of Directors.

4. All further consideration of allegations shall cease immediately when:
 - a. The Ethics Committee agrees unanimously that facts alleged do not involve a breach of the Code of Ethics.
 - b. The complainant formally withdraws all charges by letter addressed to the Board of Directors.
 - c. The complainant when required to attend, or accused fails to appear at the hearing conducted by the Board of Directors, providing that both parties have been duly notified, and have had opportunity to request an extension of time, as prescribed in the various Sections, paragraphs and subparagraphs of this Article.
 - i. It shall be considered an obligation of membership for the accused to comply with all elements of this Article. Failure to do so shall result in automatic termination of the accused's membership, for cause.
 - ii. Complainant's failure to appear shall be considered tantamount to withdrawal of charges, providing that the Board of Directors considers attendance by the complainant at the hearing to be mandatory, and that the complainant has been so notified.
 - d. The accused terminates membership, except the procedure shall be reinstated if membership is reinstated. Such reinstatement shall commence within ninety days from the date on which membership is reinstated, providing that such reinstatement occurs within two years on the date on which membership was terminated.
 - e. When the accused is a representative of a member, and such representative ceases to be employed by or otherwise affiliated with the member, and is not appointed a representative of any other member, except the procedure shall be reinstated if the individual involved becomes re-employed by the member that was the accused representative's employer at the time the alleged breach of the Code of Ethics occurred, or becomes a representative to WACEL of some other member, within two years from the date on which employment or other affiliation was terminated, such reinstatement of proceedings to commence within ninety days from the date such re-employment or renewal of other affiliation or representation of other member occurs. Termination of employment shall have no bearing upon proceedings if it is found that the employee whose employment has been terminated was merely following instructions of one or more of the principals and/or officers of the member.

- f. The accused dies at any time during which proceedings are ongoing.
 - g. The complainant dies before being able to provide information which the Board of Directors believes is mandatory in order to formulate a decision with regard to disposition of the alleged breach of the Code of Ethics.
5. All matters associated with enforcement of the Council's Codes of Ethics shall be conducted in a confidential fashion. The Council's records with regard to the matter shall not be divulged to any person or entity unless, in the opinion of the Board of Directors, such person or entity has a valid and justifiable reason for access to such records.
6. Neither the complainant nor the accused, nor representatives of either, when otherwise members of the Board of Directors and entitled to representation thereon, may participate in any votes of the Board of Directors relative to matters in which either is involved, nor may either participate in any other deliberations of the Board of Directors relative to such matters.