



UGANDA INSTITUTION OF PROFESSIONAL ENGINEERS

THE ENGINEERS' CODE OF PROFESSIONAL PRACTICE AND ETHICS, AND DISCIPLINARY PROCEDURES

Approved by Council:

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1 BACKGROUND

Adherence a Code of Ethics is an essential characteristic of any professional practitioner. Engineering is a profession requiring a high standard of scientific education together with specialized training, formation and experience. Arising from the rights and obligations of the Engineering profession, the Code of Ethics shall be adhered to by all members to ensure that they:

1. Behave at all times with integrity;
2. Remain aware of their responsibilities to themselves, to society, to their clients, employers, employees and colleagues;
3. Strive to maintain the highest levels of competence in their respective technical disciplines;
4. Seek to enhance and promote the standing of the profession and its practitioners;

2 THE CODE OF ETHICS

- (i). Only members of the Institution whose names appear on the current Register of the Uganda Engineers' Registration Board may shall use the title "Engineer" of "Eng." before their names.
- (ii). Any Member of the Institution, provided he or she is a Registered Engineer, shall practice only in a branch of engineering in which he or she is competent.
- (iii). A Member in full time employment shall undertake part time work only where this is not in conflict with their employment. They shall not undertake part time work which they might subsequently have to review, or in relation to which they could influence a decision, in the course of their salaried employment.
- (iv). A Member shall not act in a professional capacity for an employer or a client in regard to any third party, or in regard to any matter involving a third party, where the member has any personal, commercial or other professional interest in the said third party or the said matter as the case may be, without first divulging the full facts in writing to their client or employer and obtaining their written agreement to so act.
- (v). A Member shall act as independent experts, conciliators, mediators or arbitrators with impartiality, uninfluenced by any personal considerations.
- (vi). A Member shall not divulge any confidential information regarding the business affairs, technical processes or financial standing of their clients or employers without their consent. They shall not use any information obtained in the course of their assignment for the purpose of making personal profit, if such an action is contrary to the best interest of their employer of the public. They shall not divulge, without permission, any unpublished information obtained by them as members of an investigating commission or advisory Committee.

- (vii). A Member shall not engage in any activity which he/she knows or has reasonable grounds for believing is likely to result in a serious detriment to any person or persons.
- (viii). At all times in their relations with employers, or clients, Members shall use their professional skills and experience in providing their opinions and advice in the legitimate interests of their employers or clients. They shall do nothing directly or indirectly which might conflict with those interests.
- (ix). If a Member becomes aware, or has reasonable grounds for believing, that another Member is engaging in conduct or has engaged in conduct, which is in breach of the Code of Ethics and is likely to result in a serious detriment to any person or persons, the Member shall inform the Uganda Institution of Professional Engineers in writing of that belief.
- (x). An Engineer shall not act so as to injure, or attempt to injure whether directly or indirectly, the professional reputation, prospects, or business of another Engineer provided that this rule shall not be taken as prohibiting expression of technical opinion on behalf of his client before a tribunal or in a commissioned report or of lodging a complaint on the conduct of another Engineer to the Institution and/or to the Engineers Registration Board.
- (xi). An Engineer shall not, directly or indirectly, attempt to supplant another Engineer; nor shall he/she intervene or attempt to intervene in connection with Engineering work of any kind, which to his/her knowledge is entrusted to another Engineer.
- (xii). An Engineer shall not review the work of another Engineer for the same client, until he or she has either obtained the consent of such Engineer, or has been notified by the client in writing that the connection of such Engineer with the work has been terminated.
- (xiii). An Engineer shall not knowingly compete with another Member on the basis of professional charges. Provided that such competition shall be permissible where competitive offers are sought in accordance with formal procedures which include the following requirements:-
- that quality of service be recognised as a primary factor in the selection process and in the evaluation of offers;
 - that the nature and scope of the duties are sufficiently defined in the invitation to submit proposal so as to maintain the principle of equality between competitors;
 - that any fee proposal once made may not be revised prior to the award of the commission.
- The operation of this provision shall be reviewed by the Council at intervals of not more than two years and a report made at a General Meeting.

- (xiv). Engineers may publicise their names or the names of their firms through public media for the sole purpose of letting the public know where they are located and what services they offer. Any such publication shall make no reference implicitly or explicitly, to the cost of services.
- (xv). An Engineer, without disclosing that fact to his or her employer in writing, shall not be a director or member of, or a shareholder in, or act as an agent for, or be salaried employee of any commercial, contracting or manufacturing business which is or may be involved in the class of work to which his or her appointment relates; nor shall he or she receive directly or indirectly any royalty, gratuity or commission on any article or for the purposes of the work in respect of which he or she is employed unless or until such royalty, gratuity, or commission has been authorised in writing by his or her employer.
- (xvi). An Engineer shall not be the medium of payments made on his or her employer's behalf unless so requested by his or her clients but shall only issue certificates to his or her clients for payments; nor shall he or she in connection with work on which he or she is employed place contracts or orders except with the authority of and behalf of his or her employer.
- (xvii). An Engineer shall not accept financial or other compensation from more than one interested party for the same service, or for services pertaining to the same work, without the consent of all interested parties.
- (xviii). An Engineer shall not use the advantages of a salaried position to compete unfairly with other Engineers.
- (xix). An Engineer who is engaged in engineering work in a country abroad will order his conduct according to the customs of that country adhering as closely as is practicable to the principals of this code.
- (xx). Engineers shall associate professionally only with reputable persons or organisations.
- (xxi). An Engineer shall act in all professional matters as a faithful advisor to his or her employer and in administering contracts, shall remain fair to the contractor.
- (xxii). Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those Engineers under their supervision.

ANY ALLEGED BREACH OF THIS code or part thereof which may be brought before UIPE Council properly vouched for and supported by sufficient evidence, shall be investigated, and if proved, shall be dealt with by Council, either by expulsion of the offender from the Institution under the prescribed

disciplinary procedures of the institution as far as they apply, or in such manner as the Council may deem fit.

3 ENVIRONMENTAL AND SOCIAL OBLIGATIONS OF ENGINEERS

- (i). A Member shall at all times be conscious of the effects of their work on the health and safety of individuals and on the welfare of society. While acting as designers, operators or managers on projects, members shall strive to eliminate risks to health and safety during all project stages. A Member shall also undertake to minimize or eliminate any adverse impact on the natural environment arising from the design and execution of all project work that they are engaged in.
- (ii). A Member shall promote the principles and practices of sustainable development and the needs of present and future generations.
- (iii). A Member shall strive to accomplish the objectives of their work with the most efficient consumption of natural resources which is practicable economically, including the maximum reduction in energy usage, waste and pollution.
- (iv). A Member shall promote the importance of social and environmental factors to professional colleagues, employers and clients with whom they share responsibility and collaborate with other professions to mitigate the adverse impacts of their common endeavors.
- (v). A Member shall foster environmental awareness within the profession and among the public.

4 PROFESSIONAL CONDUCT AND STANDARDS

- (i). A Member shall not engage in conduct which is dishonest or illegal or which may bring the Uganda Institution of Professional Engineers or the profession into disrepute or which may prejudice Uganda Institution of Professional Engineers or the profession.
- (ii). A Member shall co-operate with any reasonable request made by an Investigative and Disciplinary Panel, or the Appeals Committee for the purposes of their functions under the section entitled 'Enforcement Procedures and Disciplinary Action' of this code.
- (iii). A Member shall accept and perform only work for which they are qualified and competent to undertake and shall obtain whatever advice and assistance if necessary to discharge this responsibility.

- (iv). A Member shall carry out their work with due care, skill diligence and expedition consistent with good practice.
- (v). A Member shall be familiar with the substance and intent of National, East African Community, international and other legislation relevant to their field of engineering practice.
- (vi). A Member shall be familiar with the necessary standards applicable to their field of engineering practice and continue to update themselves as those standards are revised.
- (vii). A Member shall maintain and strive to develop their professional knowledge, skill and expertise throughout their careers, and shall take advantage of interaction with their colleagues to broaden their experience.
- (viii). A Member shall seek enrolment in the Uganda Institution of Professional Engineers at the grade most appropriate to their experience and education.
- (ix). A Member shall encourage engineering professionals for whom they have responsibility to develop their knowledge and expertise in an appropriate manner. In particular they shall encourage them, early in their careers, to pursue enrolment on the appropriate register of UIPE and other Institutions relevant to their work, as Members, Graduates, Technologists or Technicians as part of their professional development.
- (x). In furthering their professional development, a Member shall avail of opportunities for: attendance at postgraduate education programmes, reading of technical literature, attendance at professional meetings and seminars and involvement in the Uganda Institution of Professional Engineers' Council, Committees and other groups. They should seek also to contribute to seminars and lectures and should encourage Members for whom they have responsibility to do the same.
- (xi). A Member shall promote the engineering profession through personal leadership and example and shall endeavor to advance its standing in society.
- (xii). A Member shall use appropriate opportunities to outline and explain the contribution of the engineering profession in enhancing society's well being and respond to unfair criticism or comment about the profession.

5 ENFORCEMENT PROCEDURES AND DISCIPLINARY ACTION

5.1 DEFINITIONS

- (i). 'Professional misconduct' means conduct which in the opinion of the Panel or the Appeal Committee, as the case may be, constitutes conduct which is a breach of the Code of Ethics or as the case may be, of the Institution's Standards of Professional Conduct. This Code will come into effect in 2010.
- (ii). 'The Ethics Committee' means the Ethics and Disciplinary Committee established under clauses 4.2 and 4.3 hereof.
- (iii). 'Panel' means an Investigative and Disciplinary Panel established under clauses 4.5 and 4.3 hereof.
- (iv). 'The Institution' means the Uganda Institution of Professional Engineers
- (v). 'The Council' means the Council of Uganda Institution of Professional Engineers.
- (vi). 'The Complainant' means a person who has made a complaint of professional misconduct against a Member to the Ethics Committee, or in the case of a complaint made by the Ethics Committee under Clause 4.2 (b) hereof, means the Ethics Committee itself.
- (vii). 'The Member Concerned' means a Member of the Uganda Institution of Professional Engineer against whom a complaint has been made.
- (viii). 'Appeal Committee' means as Appeal Committee established under Clause 4.29 hereof.
- (ix). 'Suspension' means removal from the Uganda Institution of Professional Members Register of Members and loss of all membership privileges for the period defined.
- (x). 'Exclusion' means permanent removal from Uganda Institution of Professional Engineers Members Register and permanent loss of all membership privileges.

5.2 ETHICS AND DISCIPLINARY COMMITTEE

- (i). Council shall establish an Ethics and Disciplinary Committee ('the Ethics Committee') which shall be responsible for promoting, monitoring and enforcing the Code of Professional Practice and Ethics (the Code). The functions of the Committee will be to:-
 - a) Decide whether a complaint of alleged professional misconduct warrants the establishment of an Investigative and Disciplinary Panel to investigate and adjudicate upon such complaint.

- b) Make a complaint and refer the same to a Panel for investigation and adjudication if the conduct of a Member comes to its attention in respect of which there has been no complaint by any person and which, in the opinion of the Ethics Committee, warrants investigation and adjudication by a Panel.
 - c) Appoint Investigative and Disciplinary Panels to investigate and adjudicate upon complaints of professional misconduct.
 - d) Promote the Code.
 - e) Monitor the implementation and operation of the Code.
 - f) Recommend to Council changes or amendments to the Code.
 - g) Present an annual report to the Council on the work of the Committee.
- (ii). The Ethics Committee shall have a maximum membership of five persons including the Chairman. The Honorary Secretary of the Uganda Institution of Professional Engineers shall serve as Secretary to the Ethics Committee. The quorum for a meeting of the Ethics Committee shall be three.

5.3 PROCEEDINGS OF THE ETHICS COMMITTEE

- (i). All proceedings and deliberations of the Ethics Committee, the Panel, Council and the Appeals Committee shall be in private and, subject to the provisions of this Code, shall be confidential to the Ethics Committee, the Panel, Council and the Appeals Committee. Members shall, as a matter of professional obligation, maintain such confidentiality.
- (ii). In the event that, following a Panel of Appeals Committee decision as the case may be, and following endorsement of such decision by Council, a Member is to be suspended or excluded from membership of the Uganda Institution of Professional Engineers:
 1. Such suspension shall be published in the Members Journal.
 2. Such exclusion and the name and address of the Member shall be published in the Members Journal and, at the discretion of Council, in the local and/or national papers.
- (iii). Subject to the above, Council shall, at its discretion, be entitled to make disclosure of any decisions of the Panel, Council and of the Appeals Committee

5.4 INVESTIGATIVE AND DISCIPLINARY PANELS

- (i). Complaints of alleged professional misconduct shall be investigated and adjudicated upon by Investigative and Disciplinary Panels established by the Ethics Committee. Such Panels, at the discretion of the Ethics Committee shall typically comprise up to three members of the Ethics Committee appointed by the Chairman of the Ethics Committee. The Chairman of the Ethics Committee shall, on the appointment of a Panel, nominate one of the persons nominated to the Panel to act as Chairman of the Panel.

In the event that a complaint of alleged professional misconduct against a member is in respect of conduct which predated the coming into force of this Code of Ethics, such complaint shall be dealt with as provided for in this Code of Ethics but by reference to the Institution's Standards of Professional Conduct in force at the time the alleged misconduct occurred.

- (ii). The Chairman of the Ethics Committee may, at the request of the Chairman of a Panel, nominate additional persons to be members of a Panel. Such additional members of the Panel may be drawn from the Membership of the Uganda Institution of Professional Engineers, or if the Chairman of the Ethics Committee considers it necessary or expedient, a person or persons with a particular expertise from outside Members.

5.5 PROCEDURES FOR THE INVESTIGATION AND ADJUDICATION OF PROFESSIONAL MISCONDUCT

- (i). A complaint of alleged professional misconduct against a Member ('the Member Concerned') may be made by any person ('the Complainant') by referring the same to the Secretary of the Ethics Committee. Any such complaint shall be in writing and shall be signed by the complainant and shall contain a description of the matter complained of and details of the details of the circumstances giving rise to the complaint.
- (ii). A complaint of alleged professional misconduct against a Member ('the Member Concerned') made by the Ethics Committee pursuant to Clause 4.2 (b) shall be in writing and shall be signed by the Chairman of the Ethics Committee and shall contain a description of the matter complained of and shall contain a description of the matter complained of and the details of the circumstances giving rise to the complaint. Such a complaint shall be treated, in so far as practicable, like a complaint received from any other complainant.
- (iii). If, having considered a complaint of alleged professional misconduct, the Ethics Committee is of the opinion that the complaint may disclose professional misconduct on the part of the Member Concerned; the Ethics shall be to investigate and to adjudicate upon the complaint. Any decision of the Ethics Committee to establish such a Panel shall be by majority vote, the Chairman of the Committee having a casting vote.

- (iv). The panel shall, within 14 days of its establishment, notify the Member Concerned in writing of the fact that a complaint has been received and of the fact that a Panel has been established to investigate and to adjudicate upon the said complaint. The Panel shall, with such notification, provide the Member Concerned with a copy of the complaint and shall inform such Member of the provisions of clause 4.11 hereof.
- (v). The Member Concerned may, within 14 days of the receipt by him/her of a notification of a complaint, or within such further period as may be permitted by the Panel, submit to the Panel a statement in writing of his/her response to the complaint. The Member Concerned shall state in his/her response whether he/she requires an oral hearing of the complaint.
- (vi). Upon receipt from a Member Concerned of his or her response in writing to the complaint the Panel shall send a copy thereof to the Complainant. The Complainant shall be invited to make a written response within 14 days of receipt of the member's response or within such further period as may be permitted by the Panel. Whether or not a response has been received from the Member Concerned, the Complainant shall be asked by the Panel whether he/she requires an oral hearing of the complaint.
- (vii). In the event that the member concerned does not submit a statement in writing of his or her response to the complaint within 14 days from the date of receipt by him or her of the complaint or within such extended period as may have been permitted by the Panel, the Panel may proceed to adjudicate upon the complaint in absence of the statement.
- (viii). A Panel may:-
 - a) Request any person to provide information.
 - b) Request any person to attend before it to give evidence.
 - c) Request any person to make available to it any documents or other evidence which it wishes to consider.
 - d) Set time limits for the provision of any information or documents to the Panel by the Complainant or the Member concerned.
 - e) Inquire into the complaint by way of oral hearing whether or not the same shall have been requested.
 - f) Appoint any person to present evidence to the Panel or to assist the Panel in any way it considers necessary for the proper discharge of its functions.
 - g) Decide what procedures it will adopt in respect of any matter for which no procedure is specifically provided for in this code.

- (ix). The Panel shall adjudicate upon the complaint fairly and impartially and in accordance with the requirements of natural and constitutional justice. In particular the Panel shall, in additions to the notification provide for in clauses 4.10 and 4.12 hereof:-
 - a) Provide the Member Concerned and the Complainant with an opportunity to be heard by the Panel.
 - b) Permit the Member Concerned and the Complainant to be present at any oral hearing and to cross examine any witness before the Panel.
 - c) Notify the Member Concerned and the Complainant in writing of its decision within seven days from the date of the making of the decision.
 - d) In the event that the Panel shall have decided that the Member concerned was guilty of professional misconduct, inform the Member concerned of his or her right to appeal and of the provisions of this Code with regard to appeals.
 - e) Inform the complainant of his/her right to appeal, and of the provisions of this Code with regard to appeals.
- (x). The Panel shall comply with any general guidelines which may have been issued by the Ethics Committee in respect of the conduct of proceedings by Panels.
- (xi). All decisions of the Panel shall be by simple majority vote. The Panel shall normally reach a decision within two months of receipt of all written and oral submissions.

5.6 SANCTIONS

- (i). In the event that the Panel decides that the Member concerned has been guilty of professional misconduct it may:-
 - a) Decide that the professional misconduct in question is not sufficiently serious to warrant the imposition of sanctions.
 - b) Issue a letter informing the Member concerned of the contravention(s) and requiring him/her to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct or
 - c) Issue a letter informing the Member concerned of the contravention(s) and reprimanding him/her and requiring him/her to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct or
 - d) Recommend the Council that the Member concerned be suspended from membership for a specified period and be required to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional conduct or
 - e) Recommend to Council that the Member concerned be excluded from Membership.
- (ii). In the event that the Panel decides that the Member Concerned has been guilty of professional misconduct, the Panel may direct such Member to make a contribution towards the costs and expenses incurred and incidental to the investigation and adjudication of the complaint.

- (iii). The Panel shall inform the Member concerned, the Complainant, the Council, the Ethics Committee in writing of its decision, the reasons for its decision and the sanction it has decided to impose or recommend to the Council, within 7 days from the date when such decision shall have been made. At the same time, pursuant to Clause 4.15(d) and 4.15(e), the Panel shall inform the Member concerned and the Complainant of their respective right to appeal in respect of the decision of the Panel and of the provisions of this Code with regard to appeals.
- (iv). In the event that the Panel decides to recommend to the Council that the Member Concerned be suspended or excluded from Membership, the council shall, after the time for lodging an appeal by the Member concerned or by the complainant as provided for under Clause 4.31, shall have expired and with no appeal having been lodged, consider the decision and the recommendation of the Panel.

Council shall:-

- a) Formally endorse the recommendation of the Panel or
 - b) If the Council considers there are compelling reasons to do so, refer the issue to the Appeal Committee for consideration with the reasons for such referral detailed in writing.
 - c) Any referral under (b) shall be deemed to be an appeal and shall be treated as such by the Appeal Committee insofar as is practicable in accordance with the provisions of this code in respect of appeals.
- (v). All decisions of Council shall be by simple majority vote of the Members present.
 - (vi). The decisions of the Council shall be issued in writing to the Member concerned, the complainant, the Ethics Committee, and the Panel by the Honorary Secretary of the Uganda Institution of Professional Engineers within 7 days from the date of the decision.
 - (vii). Any Member of the Council who shall have been a Member of the Panel which shall have made a recommendation to the Council that the Member Concerned be suspended or excluded from Membership of the Institution shall not participate in any deliberations or decisions of the Council at which such recommendations are being discussed or decision upon.
 - (viii). In the event that the Council decides pursuant to exclude the Member Concerned from membership, such exclusion shall be deemed to have taken effect from the date of the said decision of the Council.
 - (ix). In the event that the Member concerned is required to provide an undertaking in writing, the Member concerned shall provide such undertaking in such terms as may be required within 14 days, or within such extended time as the Council may at its discretion allow, from the date of

receipt by the Member concerned of notification from the Honorary Secretary of the Uganda Institution of Professional Engineers that such an undertaking is required.

5.7 FAILURE OR REFUSAL TO PROVIDE AN UNDERTAKING

- (i). If the Member concerned fails or refuses to give such undertaking, as is required within the time prescribed in this Code, or within such extended time as the Council may at its discretion allow, the Council shall at its discretion, either:-
 - a) Suspend the Member concerned from Membership of the Uganda Institution of Professional Engineers until such time as the undertaking has been given, or
 - b) Exclude the Member concerned from Membership of the Uganda Institution of Professional Engineers.

6 APPEALS

- (i). Council shall establish a three person Appeals Committee to hear appeals. The Chairman and one other Member of the Appeals Committee shall be a Past President of the Uganda Institution of Professional Engineers and the third member shall be a Senior Member at the level of a Fellow, or any prominent member from society at a similar level in any other Professional Institution. All three members shall be nominated by the President of the Uganda Institution of Professional Engineers for the time being. None of the Appeals Committee Members shall be members of the Ethics Committee. Appeals Committee Members shall not serve on Panels. Membership of the Committee shall be reviewed by Council every three years.
- (ii). A Member concerned or complainant who is aggrieved at the decision of a Panel shall be entitled to appeal to the Appeals Committee in respect of such decision.
- (iii). An Appeal by a Member concerned or a complainant shall be notifying the Appeals Committee in writing within 28 days of the receipt by the Member concerned or by the complainant, as the case may be, of the decision of the Panel whichever is the later.

A copy of the appeal shall be forwarded for information to the Ethics Committee, the President, the Panel and the second party (complainant or Member concerned as the case may be). The second party (complainant or Member concerned as the case may be) shall have the right to respond to the statement of appeal.
- (iv). The Appeal Committee may:-
 - a) Uphold the decision of the party in whole or in part.
 - b) Rescind the decision of the party in whole or in part.

- c) Find the Member concerned has been guilty of professional misconduct but that the sanctions imposed or recommended by the Panel should be changed to another more appropriate sanction in the specified range.
 - d) Uphold or rescind any decision directing the Member concerned to make a decision towards the costs and expenses incurred by UIPE.
- (v). In hearing an Appeal, the Appeals Committee shall for the purposes of its function, have the same powers vested in the Panel by this Code.
- (vi). Decisions of the Appeals Committee shall be by simple majority.
- (vii). The Appeals Committee shall normally reach a decision within two months of receipt and oral submission. The Appeals Committee shall issue its decisions on an appeal in writing to the Complainant, the Member concerned, the Council, the Ethics Committee, the Panel and the Honorary Secretary of the Uganda Institution of Professional Engineers within 7 days from the date of the decision.
- (viii). Council shall formally endorse the decision of the Appeals Committee and shall accept the decision as its final position and shall act accordingly.

7 CODE OF PRACTICE FOR ADVERTISING BY MEMBERS

1. When advertising their services by publicizing their work, members shall at all times comply with the Standards of Professional Conduct of Members of UIPE as prescribed in this Code. Members shall in particular bear in mind the fundamental principles set out in these standards.
2. Members may publish or authorize the publication of advertisements or statements announcing their practice or availability, the professional qualifications and the specializations or other professional services they can offer to prospective clients or employers. They may also publish details of work for which they are or they have been responsible, specifying the nature and extent of their participation therein. They may express their professional opinions on matters of public interest or concern.
3. Such publications and expressions of opinions shall be professional in tone and content, factual and capable of verification, or if not so capable then clearly made as expressions of personal opinion. They shall not criticize, either explicitly or by implication, the work or competence of other Members. Statements shall not bring discredit on Members of UIPE or the profession.

4. Members or partnerships may allow their names to be placed on panels or lists maintained by local or other authorities or bodies. They may inquire from such bodies if such panels or lists exist and may apply to have their names included thereon.

5. Sign-boards or plates may be placed on Member's premises or on work sites. Commemorative tablets or inscriptions bearing a Member's name may be placed on completed works. All such displays shall be professional in nature.