

PREAMBLE

A STATEMENT OF PURPOSE

The Mining and Metallurgical Society of America (MMSA) is a non-profit association of mineral resource professionals whose members represent all facets of domestic mining and metallurgical interests. The Mining & Metallurgical Society was established in 1908. One of its principal objectives over the years has been to foster helpful cooperation with and between other organizations interested in the mining industry.

MMSA is not a technical society. However, its membership includes many of the industry's bestknown engineers and executives. The Society typically concerns itself with fundamental principles and with problems facing the industry in such areas as legislation, economic and education, as well as environmental concerns, labor relations, and health and safety. Representatives of the Society from time to time testify before legislative bodies and provide advice to government agencies. All members of the Society are expected to be of good character and to conduct their offices in a manner consistent with the following Ethical Guidelines.

ETHICAL GUIDELINES:

1. The responsibility of members for the welfare, health and safety of the community shall at all times come before their responsibility to the profession, to sectional or private interests, or to other members.
2. Members shall act so as to uphold and enhance the honor integrity and dignity of the profession.
3. Members shall perform work only in their areas of competence.
4. Members shall build their professional reputation on merit and shall not compete unfairly.
5. Members shall apply their skill and knowledge in the interest of their employer or client for whom they shall act, in professional matters, as faithful agents or trustees.
6. Members shall only give evidence, express opinions or make statements in an objective and truthful manner and on the basis of adequate knowledge.
7. Members shall continue their professional developments throughout their careers and shall actively assist and encourage their fellows and those under their direction to advance their knowledge and experience.
8. Members shall comply with all laws and government regulations relating to the mineral industries.

INTERPRETATIONS

CLAUSE 1:

The responsibility of members for the welfare, health and safety of the community shall at all times come before their responsibility to the profession, to sectional or private interests, or to other members.

The principle here is that the interests of the community have priority over the interests of others. It follows that a member:

- a. shall avoid assignments that may create a conflict between the interests of his or her client or employer and the public interest;
- b. shall work in conformity and with acceptable technological standards and not in such a manner as to jeopardize the public welfare, health or safety;
- c. shall endeavor at all times to maintain technological services essential to public welfare;
- d. shall in the course of their professional life endeavor to promote the well-being of the community. If his or her judgment is overruled in this matter, they should inform their client or employer of the possible consequences (and, if appropriate, notify the proper authority of the situation);
- e. shall, if they consider that by so doing they can constructively advance the well-being of the community, contribute to public discussion on scientific and technological matters in their area of competence.

CLAUSE 2:

Members shall act so as to uphold and enhance the honor integrity and dignity of the profession.

The principle here is that the profession should endeavor by its behavior to merit the highest esteem of the community. It follows that a member:

- a. shall not become involved with any business or professional practice which he or she knows to be of fraudulent or dishonest nature;
- b. shall not use association with other persons, corporations or partnerships to conceal unethical acts;
- c. shall treat their fellow professionals and all other persons with dignity and respect at all times.

CLAUSE 3:

Members shall perform work only in their areas of competence.

To this end:

- a. a member shall inform their employer or client, and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside their field of competence; and

- b. in the practice of consulting members shall not describe themselves, nor permit themselves to be described, nor act as a consultant unless they occupy a position of professional independence, and are prepared to design and supervise works or act as an unbiased and independent adviser.

CLAUSE 4:

Members shall build their professional reputation on merit and shall not compete unfairly.

The principle here is that members shall not act improperly in a professional sense to gain a benefit. It follows that a member:

- a. shall only approach prospective clients or employers with due regard to their professional independence and to these Ethical Guidelines;
- b. shall neither pay nor offer, directly or indirectly, improper inducements to secure work;
- c. shall promote the principle of selection of consultants by clients upon the basis of merit, and shall not compete with other consultants on the basis of fees alone. It shall not be a breach of these guidelines for a member, upon an inquiry made in behalf of a client or prospective client, to provide information as to the basis upon which they usually charge fees for particular types of work. Also it shall not be a breach of these guidelines for a member to submit a proposal for the carrying out of work which proposal includes, in addition to a technical proposal and an indication of the resources which the member can provide, information as to the basis upon which fees will be charged or as to the amount of the fees for the work which is proposed to be done. In this respect it is immaterial whether or not the member is aware that others may have been requested to submit proposals, including fee proposals, for the same work;
- d. shall promote the principle of engagement on the basis of merit. They shall uphold the principle of adequate and appropriate remuneration for professional and support staff;
- e. shall not attempt to supplant another, employed or consulting, who has been appointed;
- f. shall neither falsify nor misrepresent their own or an associate's qualifications, experience and prior responsibility;
- g. shall neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of others;
- h. shall not use the advantages of a privileged position to compete unfairly with others;
- i. shall exercise due restraint in explaining their own work and shall refrain from unfair criticism of the work of another;
- j. shall give proper credit for professional work to those whom credit is due and acknowledge the contribution of subordinates and others;
- k. may properly use circumspect advertising (which includes direct approaches to prospective clients by any means) to announce their practice and availability. The medium or other form of communication used and the content of the announcement shall be dignified, becoming to a

professional person and free from any matter that could bring disrepute on the profession. Information given must be truthful, factual and free from ostentatious or laudatory expressions or implications.

CLAUSE 5:

Members shall apply their skill and knowledge in the interests of their employer or client for whom they shall act, in professional matters, as faithful agents or trustees.

It follows that a member:

- a. shall at all times avoid all known or potential conflicts of interest. They should keep their employer or client fully informed on all matters, including financial interests, which could lead to such a conflict. In no circumstances should they participate in any decision which could involve a conflict of interest;
- b. shall, when acting as administrator of a contract, be impartial as between the parties in the interpretation of the contract. This requirement of impartiality shall not diminish their duty to apply their skill and knowledge in the interests of the employer or client;
- c. shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by all interested parties;
- d. shall neither solicit nor accept financial or other valuable considerations, including free designs, from material or equipment suppliers for specifying their products,
- e. shall neither solicit nor accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their client or employer in connection with work for which they are responsible;
- f. shall advise their client or employer when, as a result of their studies, they believe that a project will not be viable;
- g. shall neither disclose nor use confidential information gained in the course of their employment without express permission.

CLAUSE 6:

Members shall only give evidence, express opinions or make statements in an objective and truthful manner and on the basis of adequate knowledge.

It follows that:

- a. a member's professional reports, statements or testimony before any tribunal shall be objective and accurate. They shall express an opinion only on the basis of adequate knowledge and technical competence in the area, but this shall not preclude a considered speculation based intuitively on experience and wide relevant knowledge;

- b. a member shall reveal the existence of any interest, pecuniary or otherwise, that could be taken to affect their judgment in a technical matter about which they are making a statement or giving evidence.

CLAUSE 7:

Members shall continue their professional developments throughout their careers and shall actively assist and encourage their fellows and those under their direction to advance their knowledge and experience.

The principle here is that members shall strive to widen their knowledge and improve their skill in order to achieve a continuing improvement of the profession. It follows therefore that a member:

- a. shall encourage their professional employees and subordinates to further their education;
- b. shall take a positive interest in and encourage their fellows actively to support MMSA and other professional organizations which further the general interests of the profession;
- c. shall share their experiences freely with their fellows so as to improve their opportunities for success and reduce their risk of failure.

CLAUSE 8:

Members shall comply with all laws and government regulations relating to the mineral industries.

It follows that members:

- a. shall inform themselves of the laws and regulations relating to the mineral industries of the United States and other countries where they may be engaged as an employee or consultant.