Code of Professional Conduct for SEI Services, Version 1.0

September 2004

SPECIAL REPORT
CMU/SEI-2004-SR-009

Carnegie Mellon
Software Engineering Institute

Pittsburgh, PA 15213-3890

Code of Professional Conduct for SEI Services, Version 1.0

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September 2004

SEI Partner Network

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This report was prepared for the

SEI Joint Program Office
HQ ESC/DIB
5 Eglin Street
Hanscom AFB, MA 01731-2116

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FOR THE COMMANDER

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Chief of Programs, XPK

This work is sponsored by the U.S. Department of Defense. The Software Engineering Institute is a federally funded research and development center sponsored by the U.S. Department of Defense.

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Abstract

The Code of Professional Conduct (CoPC) is a set of expectations and practices for those operating under license or other applicable agreement with Carnegie Mellon University, acting through its Software Engineering Institute (SEI). The purpose of the Code is to establish appropriate standards of professional conduct for SEI-Authorized or Certified Professionals, Candidates for SEI authorizations or certifications, and SEI Partners.

1 Context

1.1 Purpose

The Code of Professional Conduct (CoPC) is a set of expectations and practices for those operating under license or other applicable agreement with Carnegie Mellon University, acting through its Software Engineering Institute (SEI). The purpose of the Code is to establish appropriate standards of professional conduct for SEI-Authorized or Certified Professionals, Candidates for SEI authorizations or certifications, and SEI Partners.

Specifically, this Code states (1) the behavioral standards to which we hold ourselves accountable, and (2) the procedure for addressing violations of those behavioral standards. This Code will help to further distinguish SEI-Authorized or Certified Professionals and SEI Partners from their competitors in the marketplace. The Code establishes expectations regarding the quality of professionalism that can be expected from SEI-Authorized or Certified Professionals, Candidates, and SEI Partners.

1.2 Definition of Terms

Agreement	Any contract between two legal entities.
Authorized or Certified Professional	Any person who holds an active SEI authorization or certification to provide an SEI service, regardless of where that person is employed. See http://www.sei.cmu.edu/partners/ for a current list of categories.
Candidate	Any person who has been accepted by the SEI to pursue an SEI authorization or certification and has not yet completed the authorization or certification process.
Client	Any organization or individual who receives an SEI service from an Authorized or Certified Professional, SEI Partner, or the SEI.

Confidential or Privileged information	Any information that is to be restricted in access and use. This often includes materials produced in service delivery, client materials, data, contracts, communications, and client identity. Essentially, anything that belongs to the Client should be treated as confidential unless permission to use it is secured.
conflict of interest	Two or more competing priorities, loyalties or commitments that could compromise an Authorized or Certified Professional, Candidate, or SEI Partner's objectivity.
due care	Such a degree of care, caution, or diligence as may fairly and properly be expected or required, having regard to the nature of the action, or of the subject matter, and the circumstances surrounding the transaction. It is such care as an ordinary prudent person would exercise under the existing conditions at the time called upon to act.
legal entity	Any organization or individual capable of entering into a legal contract.
SEI Partner	Any legal entity that holds a license, authorization, or certification agreement with Carnegie Mellon University/SEI. The SEI Partner Network is a subset of the community of SEI Partners, as defined in this Code.
SEI Partner Representative	Any individual with signature authority from an SEI Partner to commit the Partner to the Code of Professional Conduct or an Agreement with Carnegie Mellon University/SEI.
SEI Service	Any methodology, course, or other product made available through an SEI license, authorization, or certification Agreement.
solicit business	To actively seek business or work from a Client, either by initiating the services, advertising the services, or encouraging a discussion about one's services.

1.3 Scope

This Code applies to all Authorized and Certified Professionals, Candidates, SEI Partners, and the SEI when delivering SEI services, as shown in Figure 1.

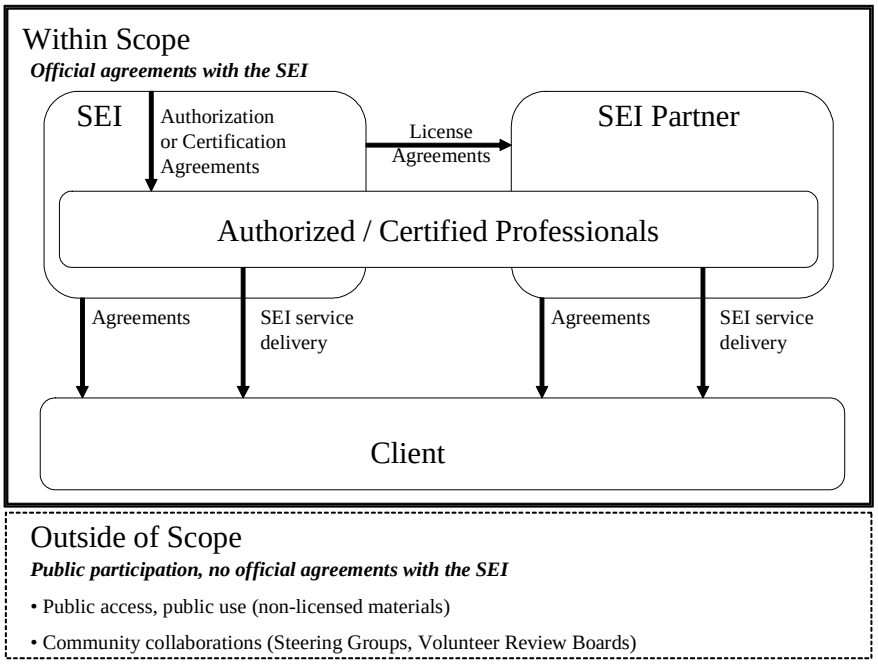

Figure 1: Scope of the Code

2 Principles

The foundation of this Code of Professional Conduct is guided by the following principles, which apply to all Authorized or Certified Professionals, Candidates, and SEI Partners.

1. **Professionalism**
   Exercise due care to understand and adhere to your professional obligations and Agreements. Treat Clients, colleagues, competitors, and others in a respectful and honest manner to preserve the collective reputation of SEI services and the community of users and deliverers of those services.

2. **Objectivity**
   Exercise due care to avoid conflicts of interest or the appearance of conflicts of interest, and avoid misrepresenting your opinions as positions of the SEI or others. Disclose conflicts to those affected and take due care to manage these conflicts to preserve the objectivity of your work.

3. **Confidentiality**
   Respect the confidentiality of information acquired in the performance of professional services, including client data, information, communications, and identity in order to preserve your reputation and your Client relationships.

4. **Adherence to Methods and Materials**
   Exercise due care to use SEI methods as they are described in documents or taught in training courses, and act in a manner consistent with the intent of these methods and materials to preserve the validity and consistency of SEI services.

5. **Data Integrity**
   Exercise due care to report results from the delivery of services completely, objectively, and accurately to all affected stakeholders to preserve the validity of data, your work, and our collective reputation.

6. **Respect for Intellectual Property**
   Respect the ownership of intellectual property and stay informed of, and comply with, applicable laws to preserve the integrity of your work and that of SEI products.

3 Practices of the Code

These practices show the applicability of the principles in the previous section to provide guidance for putting these principles into action. The practices are divided into two parts: one for SEI Partners and one for Authorized or Certified Professionals and Candidates. SEI Partners should read both sections of the practices to gain a more complete understanding from both perspectives.

3.1 Practices for SEI Partners

Professionalism

- Ensure that those involved in SEI service delivery treat Clients, colleagues, competitors, and others in a respectful and honest manner. Ensure that the delivery of services allows for a respectful exchange of ideas among all involved.
- Exercise due care in fulfilling commitments to others and in giving prompt notice when a commitment cannot be met.
- Ensure that your employees tell the truth about what you can and cannot offer, and about the credentials and qualifications of your organization to provide SEI services.
- Exercise due care to deliver SEI services according to the Agreements with the Client and the SEI, and ensure that those who deliver services for you are fully qualified and authorized to deliver the services offered.
- Avoid misrepresenting your organization, such as by violating contractual restrictions (e.g., territory restrictions, commercial versus internal use, limited training audiences that appear in certain agreements), or falsifying financial reports or fees.
- Provide your Authorized or Certified Professionals and Candidates complete and accurate information regarding applicable flow down clauses from Agreements that affect their behavior and professional conduct.

Objectivity

- Avoid conflicts of interest to every feasible extent. When conflicts of interest are unavoidable, disclose the potential conflicts to affected stakeholders, including your own organization, the SEI, and the Client. Take action to minimize the impact or eliminate the conflict.

- Ensure that the inherent conflicts of interest that occur when your Authorized or Certified Professionals and Candidates are placed in the role of evaluating their own work or your organization's work are disclosed to all affected parties (see Section 4.2) and take action to minimize the impact or eliminate the conflict.
- Ensure that Clients understand whom you represent (e.g., the SEI, your organization, or a third party) in professional activities.
- Ensure that when your Authorized or Certified Professionals and Candidates are performing services for another party, they do not actively solicit business from the Client for themselves or your organization. When approached by a Client while performing services for another party, Authorized or Certified Professionals and Candidates are to defer the discussion to a time outside the scope of the immediate work. When these discussions occur, they are to be conducted in a manner that is consistent with your contractual agreements.
- Assure that gifts, amenities, gratuities, and other perks are exchanged within the bounds of your Client's national or organizational cultures or organizational policy. Assure that gifts, amenities, gratuities, and other perks do not influence your organization's and Authorized or Certified Professionals' and Candidates' objectivity, or create the appearance of a lack of objectivity.

Confidentiality

- Protect the identity of the Client unless you have explicit permission to disclose it.
- Proactively distinguish disclosable information from confidential or privileged information. Exercise due care to ensure that confidential or privileged information remains so, even after a work engagement has ended.
- Do not use or copy materials, tools, and other artifacts received from a Client or other organization without explicit permission to do so, even if all Client references are removed.

Adherence to Method and Materials

- Exercise due care to ensure that your Authorized or Certified Professionals and Candidates are prepared and perform in a manner that is consistent with SEI methods and materials.
- Follow applicable guidelines when tailoring methods, materials, or course offerings. When tailoring goes beyond the guidelines or there are no guidelines available, use the process documented on the SEI Web site (http://www.sei.cmu.edu/about/legal-permissions.html) to obtain permission.
- Do not make assertions about outcomes such as maturity levels or other findings before or during an appraisal or other diagnostic activity.
- Do not unfairly influence diagnostic methods in any way, including coaching people to provide false or misleading information or creating documentation that is not actually used.

Data Integrity

- Report results and data from appraisals, courses, projects, products, and diagnostics objectively, completely, clearly, and accurately.
- Do not let yourself be influenced to promise outcomes before you have the data to justify them.
- Exercise due care to ensure the accuracy and authenticity of information gathered from others.
- Do not cheat or allow cheating on examinations, exercises, or other evaluations of knowledge, skill, or expertise.

Respect for Intellectual Property

- Ensure that you have the right to use intellectual property.
- Respect copyrights, trademarks, and service marks. Give appropriate references and credit to materials and sources.
- Unless such permission is included in your Agreement, always obtain written permission for distributing or changing materials, and for including materials in other works. (Request permission to use SEI materials at the following Web site: http://www.sei.cmu.edu/about/legal-permissions.html.)

3.2 Practices for SEI-Authorized or Certified Professionals and Candidates

Professionalism

- Treat Clients, colleagues, competitors, and others in a respectful and honest manner. Ensure that the delivery of services allows for a respectful exchange of ideas among all involved.
- Exercise due care in fulfilling commitments to others and in giving prompt notice when a commitment cannot be met.
- Protect the reputation of others. Exercise due care that criticism and disagreement are offered constructively and professionally, and without being disparaging.
- Seek information and resolution to issues directly and factually rather than through hearsay or third parties.
- Exercise due care to tell the truth about what you and your organization can and cannot offer, and about the credentials and qualifications you have to deliver the services offered.

Objectivity

- Avoid conflicts of interest to every feasible extent. When conflicts of interest are unavoidable, disclose the potential conflicts to affected stakeholders, including your own organization, the SEI, and the Client. Take action to minimize the impact or eliminate the conflict.
- Ensure that the inherent conflicts of interest that occur when you are placed in the role of evaluating your own work or your organization's work are disclosed to all affected parties (see Section 4.2) and take action to minimize the impact.
- Ensure that Clients understand who you represent (i.e., the SEI, an SEI Partner, your organization, or yourself) in professional activities.
- When performing services on behalf of any party other than yourself or your organization, do not actively solicit business from the party's Client for yourself or your organization. When approached by a Client while you are performing services for another party, defer the discussion to a time outside the scope of the immediate work, and ensure that you have permission to do so.
- Assure that gifts, amenities, gratuities, and other perks are exchanged within the bounds of your Client's national or organizational cultures or organizational policy. Assure that gifts, amenities, gratuities, and other perks do not influence your professional objectivity or create the appearance of a lack of objectivity.

Confidentiality

- Protect the identity of the Client unless you have explicit permission to disclose it.
- Proactively distinguish disclosable information from confidential or privileged information. Exercise due care to ensure that confidential or privileged information remains so, even after a work engagement has ended.
- Do not use or copy materials, tools, and other artifacts received from a Client or other organization without explicit permission to do so, even if all Client references are removed.

Adherence to Method and Materials

- Maintain current knowledge of relevant SEI methods and materials. When in doubt, request clarification.
- Exercise due care that you prepare and perform in a manner that is consistent with the methods and materials.

- Follow applicable guidelines when tailoring methods, materials, and course offerings. When tailoring goes beyond the guidelines or there are no guidelines available, use the procedure documented on the SEI Web site (http://www.sei.cmu.edu/about/legal-permissions.html) to obtain permission.

- When roles are defined within a method, participate actively and respect the boundaries of the role you are performing. Do not use the influence of a role in a manner that is inconsistent with the method.

- Do not make assertions about outcomes such as maturity levels or other findings before or during an appraisal or other diagnostic activity.

- Do not unfairly influence diagnostic methods in any way, including coaching people to provide false or misleading information or creating documentation that is not actually used.

Data Integrity

- Report results and data from appraisals, courses, projects, products, and diagnostics objectively, completely, clearly, and accurately.

- Do not let yourself be influenced to promise outcomes before you have the data to justify them.

- Exercise due care to ensure the accuracy and authenticity of information gathered from others.

- Do not cheat or allow cheating on examinations, exercises, or other evaluations of knowledge, skill, or expertise.

Respect for Intellectual Property

- Ensure that you have the right to use intellectual property.

- Respect copyrights, trademarks, and service marks. Give appropriate references and credit to materials and sources.

- Unless such permission is included in your or your organization's Agreement, obtain written permission for distributing or changing materials not otherwise included in your Agreement, and for including materials in other works. (Request permission to use SEI materials at the following Web site: http://www.sei.cmu.edu/about/legal-permissions.html.)

4 Implementation of This Code

4.1 Code of Professional Conduct Orientation

To support professional performance in applying the behavioral standards of this Code, the SEI will provide orientation materials to guide usage. It is important that those who are accountable to these behavioral standards gain an understanding of the principles and practices of the Code, and have the capability to take the steps necessary for the resolution of Code violations.

Whether intentional or not, actions that are inconsistent with this Code can cause injury or damage to the integrity, reputation, or relationships that this Code seeks to protect. Therefore, situations related to potential Code violations must be reported, investigated, and resolved.

4.2 Initial Response for Potential Violations

Follow these steps to prevent problems with implementation and adherence to the Code.

1. **Preventive Clarification**
   When considering taking an action that might be construed as a conflict of interest or other Code of Professional Conduct violation, ask for clarification. The procedure is available at http://www.sei.cmu.edu/partners/.

2. **Conflict of Interest Disclosure**
   When a situation involving a conflict of interest is inherent or cannot be avoided, disclose the conflict to the affected parties, including your own organization, the Client, and the SEI. The disclosure report is available at http://www.sei.cmu.edu/partners/.

3. **Benefit of the Doubt**
   When observing colleagues making choices that are inconsistent with these standards, the first response should be to give them the benefit of the doubt. Assume that either you do not understand the circumstances involved or that certain choices might have been made without full awareness of the consequences of their behavior. You may choose to privately request clarification or offer help in a manner that is consistent with the Code. However, if clarification or help is not effective to resolve the issue, or if you believe corrective action is required to resolve the situation, then it is expected that you will take affirmative action and follow the procedure defined in the next section.

4.3 Investigation and Resolution of Potential Violations

The following process is used to investigate potential Code violations. The procedure is available at http://www.sei.cmu.edu/partners/.

1. **Submission of Report**
   When corrective action is required to resolve a situation that involves potential violations of the Code, report the incident to the SEI.

2. **Investigation of Report**
   The SEI will investigate each reported incident. During the investigation, due diligence will be taken to protect and respect the rights and the privacy of those involved in the incident. False accusations or unsubstantiated claims will also be handled through investigation.

3. **Corrective Action**
   The investigation will result in findings and recommendations for corrective action, if any. Corrective actions may include, but are not necessarily limited to, warning, remediation, suspension, or cancellation of an authorization, certification and/or Agreement. The SEI will determine the action to be taken. In the event of cancellation of an Agreement, the cancellation will be conducted in accordance with the provisions of that Agreement.

4. **Review**
   A request for a review may be submitted to the Code of Professional Conduct Review Board. The board consists of members who are elected by SEI-Authorized or Certified Professionals and SEI Partner Representatives who have signed this Code. The board will consider whether the request has merit and should be reviewed. If the request has sufficient merit, the board will conduct a review and make a recommendation to the SEI director. The SEI director will make the final decision on the action to be taken.

4.4 Misuse of the Code

1. **Retaliation**
   To protect those who, in good faith, report potential violations of this Code of Professional Conduct, any retaliatory action against anyone who reports a potential Code violation will be investigated as a potential violation of the Code. The procedure for investigation is outlined in Section 4.3.

2. **Use of Code as a Threat**
   Any use of the Code of Professional Conduct as a threat against another individual or SEI Partner will be investigated as a potential violation of the Code. The procedure for investigation is outlined in Section 4.3.

5 Statement of Commitment

Committing to the Code of Professional Conduct can be completed electronically by following the steps outlined on the following screens. Selecting the button labeled "Submit I am Committed" indicates your commitment to this Code of Professional Conduct as a representative of the SEI Partner or the SEI and/or as an SEI-Authorized or Certified Professional or Candidate.

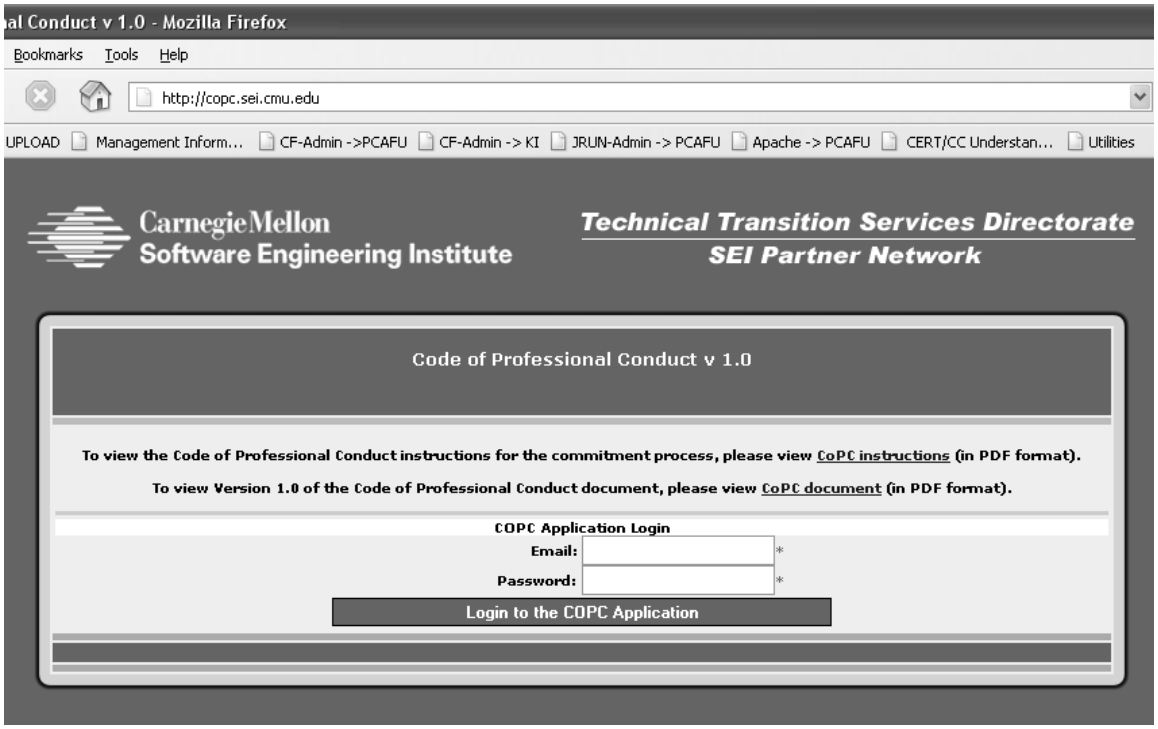

Figure 2: CoPC Login Screen

Figure 3: CoPC Selection Screen for Organizations

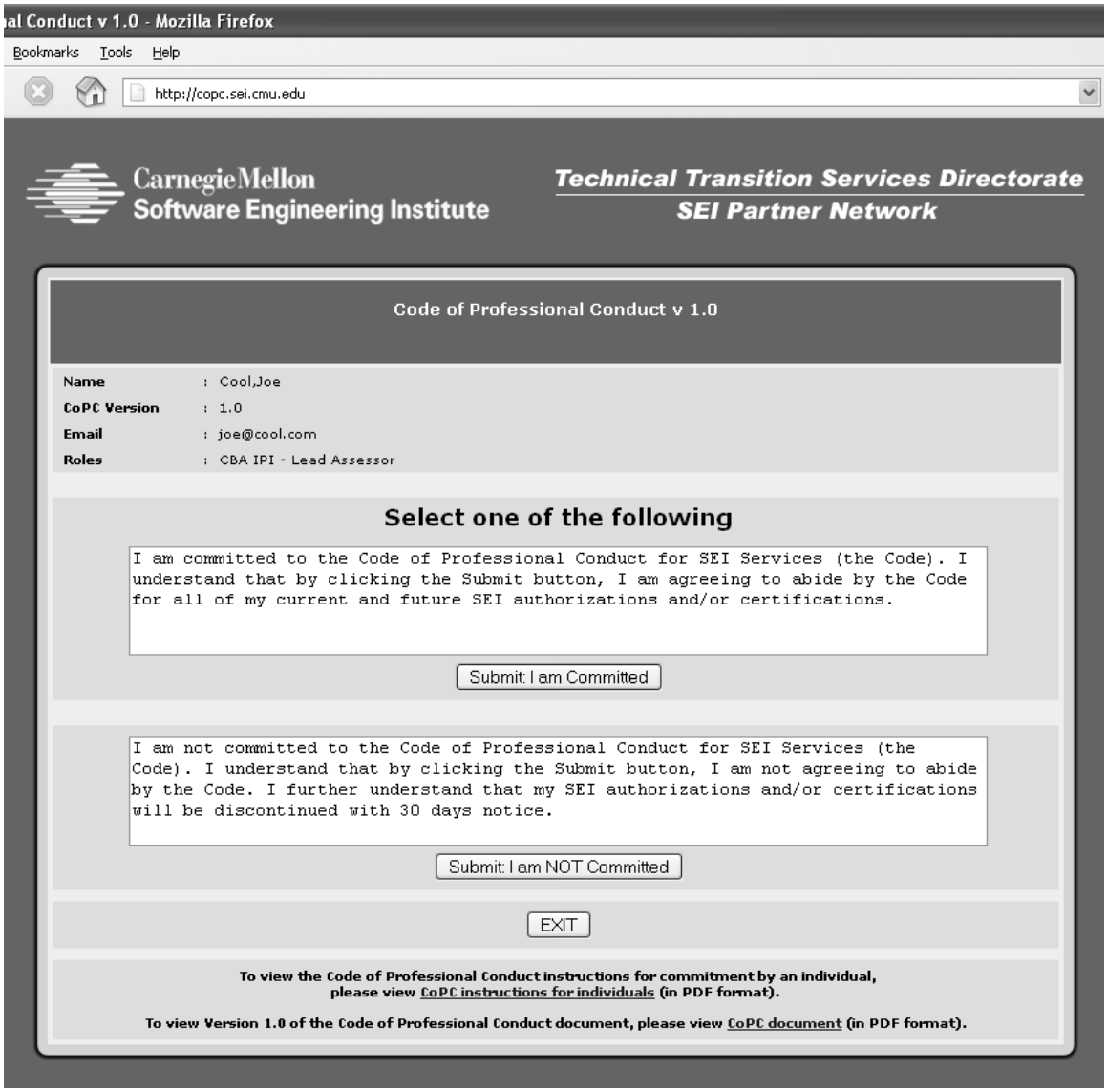

Figure 4: CoPC Selection Screen for Individuals

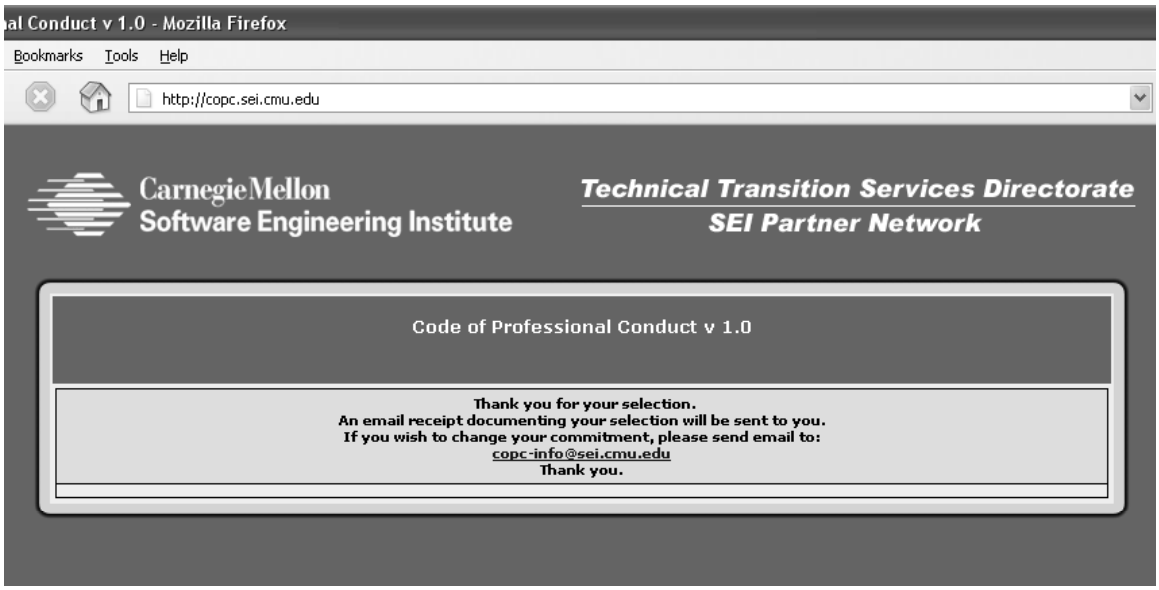

Figure 5: "Thank You for Your Selection" Screen

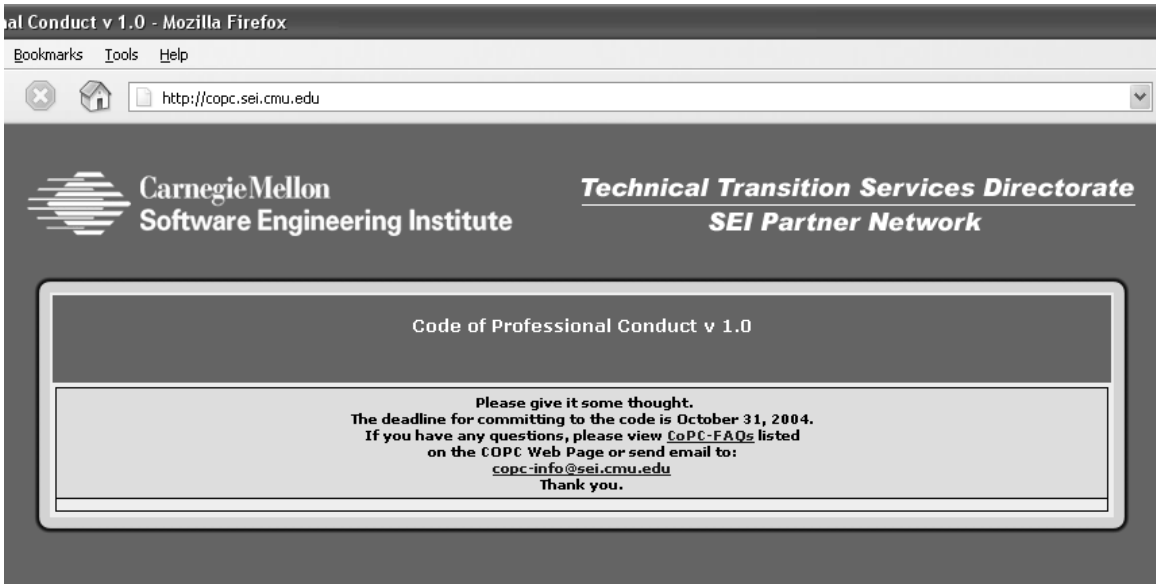

Figure 6: "Exit Without Selection" Screen

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

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1. AGENCY USE ONLY (Leave Blank)	2. REPORT DATE September 2004	3. REPORT TYPE AND DATES COVERED Final
4. TITLE AND SUBTITLE *Code of Professional Conduct for SEI Services, Version 1.0*		5. FUNDING NUMBERS F19628-00-C-0003
6. AUTHOR(S) n/a		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Software Engineering Institute Carnegie Mellon University Pittsburgh, PA 15213		8. PERFORMING ORGANIZATION REPORT NUMBER CMU/SEI-2004-SR-009
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) HQ ESC/XPK 5 Eglin Street Hanscom AFB, MA 01731-2116		10. SPONSORING/MONITORING AGENCY REPORT NUMBER
11. SUPPLEMENTARY NOTES		
12A DISTRIBUTION/AVAILABILITY STATEMENT Unclassified/Unlimited, DTIC, NTIS		12B DISTRIBUTION CODE
13. ABSTRACT (MAXIMUM 200 WORDS) The Code of Professional Conduct is a set of expectations and practices for those operating under license or other applicable agreement with Carnegie Mellon University, acting through its Software Engineering Institute (SEI). The purpose of the Code is to establish appropriate standards of professional conduct for SEI-Authorized or Certified Professionals, Candidates for SEI authorizations or certifications, and SEI Partners.		
14. SUBJECT TERMS Code of Professional Conduct, Code of Conduct, Code, Authorization, Certification, Authorized Individual/Professional/Practitioner, Certified Individual/Professional/Practitioner, Candidate for Authorization/Certification, Candidate, SEI Partner Network, SEI Partner, Transition Partner, Partner Organization, Partner, Organization		15. NUMBER OF PAGES 29
16. PRICE CODE		

17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL

NSN 7540-01-280-5500 Standard Form 298 (Rev. 2-89) Prescribed by ANSI Std. Z39-18 298-102