



# ASPPA Code of Professional Conduct

Professional standards that set the standard for the industry.

*ASPPA is committed to encouraging every retirement plan professional to achieve and maintain the highest levels of technical competence and integrity. To this end, each member of ASPPA must abide by these professional and ethical standards.*

## ▲ Compliance

An ASPPA member shall be knowledgeable about this Code of Professional Conduct, keep current with Code revisions and abide by its provisions. Laws and regulations may impose binding obligations on a benefits professional. Where the requirements of law or regulation conflict with this Code, the requirements of law or regulation take precedence.

## ▲ Professional Integrity

An ASPPA member shall perform professional services with honesty, integrity, skill and care. A member has an obligation to observe standards of professional conduct in the course of providing advice, recommendations and other services performed for a principal. For purposes of this Code, the term “principal” means any present or prospective client or employer. A member who pleads guilty to or is found guilty of any misdemeanor related to financial matters or any felony shall be presumed to have contravened this Code and shall be subject to ASPPA’s counseling and disciplinary procedures. A member’s relationship with a third party shall not be used to obtain illegal or improper treatment from such third party on behalf of a principal.

## ▲ Qualification Standards

An ASPPA member shall render opinions or advice, or perform professional services only when qualified to do so based on education, training or experience.

## ▲ Disclosure

An ASPPA member shall make full and timely disclosure to a principal of all sources of compensation or other material consideration that the member or the member’s firm may receive in relation to an assignment for such principal. A member who is not financially and organizationally independent concerning any matter related to the performance of professional services shall disclose to the principal any pertinent relationship which is not apparent.

## ▲ Conflicts of Interest

An ASPPA member shall not perform professional services involving an actual or potential conflict of interest unless:

- the member’s ability to act fairly is unimpaired;
- there has been full disclosure of the conflict to the principal(s); and
- all principals have expressly agreed to the performance of the services by the member.

If the member is aware of any significant conflict between the interests of a principal and the interests of another party, the member should advise the principal of the conflict and should also include appropriate qualifications or disclosures in any related communication.

## ▲ Control of Work Product

An ASPPA member shall not perform professional services when the member has reason to believe that they may be used to mislead or to violate or evade the law. Material prepared by a member could be used by another party to influence the actions of a third party. The member should recognize the risks of misquotation, misinterpretation or other misuse of such material and should take reasonable steps to ensure that the material is clear and presented fairly and that the sources of the material are clearly identified.

## ▲ Confidentiality

An ASPPA member shall not disclose to another party any confidential information obtained through a professional assignment performed for a principal unless authorized to do so by the principal or required to do so by law. “Confidential information” refers to information not in the public domain of which the member becomes aware during the course of rendering professional services to a principal. It may include information of a proprietary nature, information which is legally restricted from circulation, or information which the member has reason to believe that the principal would not wish to be divulged.

### ▲ Courtesy and Cooperation

An ASPPA member shall perform professional services with courtesy and shall cooperate with others in the principal's interest. Differences of opinion among benefits professionals may arise. Discussion of such differences, whether directly between benefits professionals or in observations made to a client by one benefits professional on the work of another, should be conducted objectively and with courtesy. A member in the course of an engagement or employment may encounter a situation such that the best interest of the principal would be served by the member's setting out a differing opinion to one expressed by another benefits professional, together with an explanation of the factors which lend support to the differing opinion. Nothing in this Code should be construed as preventing the member from expressing such differing opinion to the principal. A principal has an indisputable right to choose a professional advisor. A member may provide service to any principal who requests it even though such principal is being or has been served by another benefits professional in the same matter.

If a member is invited to advise a principal for whom the member knows, or has reasonable grounds to believe, that another benefits professional is already acting in a professional capacity with respect to the same matter or has recently so acted, it would normally be prudent to consult the other benefits professional both to prepare adequately for the assignment and to make an informed judgement whether there are circumstances as to potential violations of this Code which might affect acceptance of the assignment. The prospective new or additional benefits professional should request the principal's consent to such consultation.

### ▲ Advertising

An ASPPA member shall not engage in any advertising or business solicitation activities with respect to professional services that the member knows or should know are false or misleading. "Advertising" encompasses all communications by whatever medium, including oral communications, which may directly or indirectly influence any person or organization to decide whether there is a need for professional services or to select a specific person or firm to perform such services.

### ▲ Titles and Credentials

An ASPPA member shall make use of the membership titles and credentials of ASPPA only where that use conforms to the practices authorized by ASPPA.

### ▲ Collateral Obligations

An ASPPA member who is an actuary shall also abide by the Code of Professional Conduct for Actuaries. A member or representative shall respond promptly in writing to any letter received from a person duly authorized by ASPPA to obtain information or assistance regarding possible violations of this Code. To find out more, visit [www.asppa.org](http://www.asppa.org) or call 703.516.9300.