



APAC CODE OF PROFESSIONAL CONDUCT

ACCESSIBILITY PROFESSIONALS ASSOCIATION CERTIFICATION PROGRAM (APAC)

November 1, 2022

Preamble

Certificants of the Accessibility Professionals Association Certification Exam for the Built Environment (APAC-BE) are dedicated to the highest standards of professionalism, integrity, and competence. This Certificant Code of Professional Conduct (“Code”) states guidelines for the conduct of Certificants in fulfilling those obligations. The Code is arranged into three areas: Canons, Ethical Standards, and Rules of Conduct:

- Canons are simply broad principles of conduct.
- Ethical Standards (E.S.) are more specific goals toward which APAC-BEs should aspire in professional performance and behavior.
- Rules of Conduct (Rule) are mandatory; violation of a Rule is grounds for disciplinary action by the Association. Rules of Conduct, in some instances, implement more than one Canon or Ethical Standard.

The Code applies to the professional activities of all Certificants. It addresses responsibilities to the public, which the profession serves; to the clients and persons with disabilities; and in the building industries, who help to shape the accessible built environment.

Statement in Compliance with Antitrust Law

The following practices are not, in themselves, unethical, unprofessional, or contrary to any policy of Accessibility Professionals Association Certification Program or any of its components:

1. submitting, at any time, competitive bids or price quotations, including in circumstances where price is the sole or principal consideration in the selection of an accessibility professional;
2. providing discounts; or
3. providing free services.

Individual accessibility firms, acting alone and not on behalf of APAC or any of its components, are free to decide for themselves whether or not to engage in any of these practices. Antitrust law permits APAC and its Certificants to advocate legislative or other government policies or actions relating to these practices. Finally, Certificants should continue to consult with state laws or regulations governing the practice of accessibility compliance.

Fundamental Canons

CANON I

Primary Obligations

Certificants should maintain and advance their knowledge in the field of accessibility, respect the profession of accessibility compliance, contribute to its growth, thoughtfully consider the impact of their professional activities, and exercise learned and uncompromised professional judgment.

E.S. 1.1 Knowledge and Skill: Certificants should strive to improve their professional knowledge and skill.

Rule 1.101 In practicing the field of accessibility compliance, Certificants shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by accessibility professionals of good standing.

E.S. 1.2 Standards of Excellence: Certificants should continually seek to raise the standards of excellence, education, training, and practice.

E.S. 1.3 Human Rights: Certificants should uphold the rights of persons with disabilities in all their professional endeavors.

Rule 1.301 Certificants shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation.

CANON II

Obligations to the Public

Certificants should embrace the spirit and letter of the law governing their professional affairs and should promote and serve the public interest in their personal and professional activities.

E.S. 2.1 Conduct: Certificants should uphold the law in the conduct of their professional activities.

Rule 2.101 Certificants shall not, in the conduct of their professional practice, knowingly violate the law.

Rule 2.102 Certificants shall neither offer nor make any payment or gift to a public official with the intent of influencing the official's judgment in connection with an existing or prospective project in which the Certificants are interested.

Rule 2.103 Certificants serving in a public capacity shall not accept payments or gifts which are intended to influence their judgment.

Rule 2.104 Certificants shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Rule 2.105 If, in the course of their work on a project, the Certificants become aware of a decision taken by their employer or client which violates any law or regulation and which will, in the Certificants' judgment, materially affect adversely persons with disabilities, the Certificants shall:

- a. advise their employer or client against the decision,
- b. refuse to consent to the decision, and
- c. report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the Certificants are able to cause the matter to be satisfactorily resolved by other means.

Rule 2.106 Certificants shall not counsel or assist a client in conduct that the accessibility professional knows, or reasonably should know, is fraudulent or illegal.

E.S. 2.2 Civic Responsibility: Certificants should be involved in civic activities as citizens and professionals, and should strive to improve public appreciation and understanding of the field of accessibility compliance.

CANON III

Obligations to the Client

Certificants should serve their clients competently and in a professional manner, and should exercise unprejudiced and unbiased judgment when performing all professional services.

E.S. 3.1 Competency: Certificants should serve their clients in a timely and competent manner.

Rule 3.101 In performing professional services, Certificants shall take into account the applicable accessibility related laws and regulations. Certificants may rely on the advice of other qualified persons as to the intent and meaning of such regulations.

Rule 3.102 Certificants shall undertake to perform professional services only when they, together with those whom they may engage as consultants, are qualified by education, training, or experience in the specific technical areas involved.

E.S. 3.2 Conflict of Interest: Certificants are obliged to avoid conflicts of interest and the appearance of conflicts of interest in their professional practices and fully disclose all unavoidable conflicts as they arise.

Rule 3.201 A Certificant shall not render professional services if the Certificant's professional judgment could be affected by responsibilities to another project or person, or by the Certificant's own interests.

E.S. 3.3 Candor and Truthfulness: Certificants should be candid and truthful in their professional communications and keep their clients reasonably informed about the clients' projects.

Rule 3.301 Certificants shall not intentionally or recklessly mislead existing or prospective clients about the results that can be achieved through the use of the Certificants' services, nor shall the Certificants state that they can achieve results by means that violate applicable law or this Code.

E.S. 3.4 Confidentiality: Certificants should safeguard the trust placed in them by their clients.

Rule 3.401 Certificants shall not knowingly disclose information that would adversely affect their client or that they have been asked to maintain in confidence, except as otherwise required by applicable law.

CANON IV

Obligations to the Profession

Certificants should uphold the integrity and dignity of the field of accessibility compliance.

E.S. 4.1 Honesty and Fairness: Certificants should pursue their professional activities with honesty and fairness.

Rule 4.101 Certificants having substantial information which leads to a reasonable belief that another Certificant has committed a violation of this Code which raises a serious question as to that Certificant's honesty, trustworthiness, or fitness as a Certificant, shall file a complaint with the APAC Board or any of its Officers.

Rule 4.102 Certificants speaking in their professional capacity shall not knowingly make false statements of material fact.

E.S. 4.2 Dignity and Integrity: Certificants should strive, through their actions, to promote the dignity and integrity of the profession, and to ensure that their representatives and employees conform their conduct to this Code.

Rule 4.201 Certificants shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance and

shall accurately state the scope and nature of their responsibilities in connection with work for which they are claiming credit.

Rule 4.202 Certificants shall make reasonable efforts to ensure that those over whom they have supervisory authority conform their conduct to this Code.

CANON V

Obligations to Colleagues

Certificants should respect the rights and acknowledge the professional aspirations and contributions of their colleagues.

E.S. 5.1 Professional Environment: Certificants should provide their associates and employees with a suitable working environment, compensate them fairly, and facilitate their professional development.

E.S. 5.2 Professional Development: Certificants should recognize and fulfill their obligation to nurture fellow professionals as they progress through all stages of their career, beginning with professional education, progressing through and continuing throughout their career.

E.S. 5.3 Professional Recognition: Certificants should build their professional reputation on the merits of their own service and performance and should recognize and give credit to others for the professional work they have performed.

Rule 5.301 Certificants shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

CANON VI

Obligations to Local, State, and Federal Authorities

Certificants should abide by the rules and regulations that govern the field of accessibility compliance.

E.S. 6.1 Licensing and Registration: Certificants should faithfully comply with all requirements imposed as a condition of holding a license or registration and be in good standing at all times.

Rule 6.01 Certificants that hold a license or registration issued by a governmental body or agency shall comply with the laws and regulations of that agency including any regulations, administrative rules, procedures, ethics, and rules of conduct.

RULES OF APPLICATION, ENFORCEMENT, AND AMENDMENT

Application

The Certificant Code of Professional Conduct applies to the professional activities of all Certificants of the APAC Program.

Enforcement

The Bylaws of the APAC Program state procedures for the enforcement of the Certificant Code of Professional Conduct.

Such procedures provide that:

1. Enforcement of the Code is administered through the APAC Board or its Officers.

2. A formal complaint is filed directly to the APAC Board or any of its Officers, or anyone directly aggrieved by the conduct of a Certificant.
3. Penalties that may be imposed by the APAC Board include public or private sanction disciplinary actions, and may include suspension or revocation of certification status.
4. Appeal procedures are available.
5. All proceedings are confidential, as is the imposition of an admonishment; however, all other penalties shall be made public.

Amendment

The Certificant Code of Professional Conduct may be amended by the APAC Board under the same procedures as are necessary to amend the APAC Bylaws. The Code may also be amended by the APAC Board upon a two-thirds vote of the entire Board.

(END)