

MEMBER CODE OF ETHICS

ACCESSIBILITY PROFESSIONALS ASSOCIATION (APA)
AN IRS 501(C)(3) NON PROFIT ORGANIZATION
12/16/2011

Preamble

Members of the Accessibility Professionals Association are dedicated to the highest standards of professionalism, integrity, and competence. This Member Code of Ethics (“Code”) states guidelines for the conduct of Members 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 Members 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 Members. 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 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 the Association or any of its components, are free to decide for themselves whether or not to engage in any of these practices. Antitrust law permits the Association and its members to advocate legislative or other government policies or actions relating to these practices. Finally, Members should continue to consult with state laws or regulations governing the practice of accessibility compliance.

Fundamental Canons

CANON I

Primary Obligations

Members 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: Members should strive to improve their professional knowledge and skill.

Rule 1.101 In practicing the field of accessibility compliance, Members 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: Members should continually seek to raise the standards of excellence, education, training, and practice.

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

Rule 1.301 Members 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

Members 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: Members should uphold the law in the conduct of their professional activities.

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

Rule 2.102 Members 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 Members are interested.

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

Rule 2.104 Members 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 Members become aware of a decision taken by their employer or client which violates any law or regulation and which will, in the Members' judgment, materially affect adversely persons with disabilities, the Members 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 Members are able to cause the matter to be satisfactorily resolved by other means.

Rule 2.106 Members 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: Members 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

Members 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: Members should serve their clients in a timely and competent manner.

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

Rule 3.102 Members 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: Members 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 Member shall not render professional services if the Member's professional judgment could be affected by responsibilities to another project or person, or by the Member's own interests.

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

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

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

Rule 3.401 Members 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

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

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

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

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

E.S. 4.2 Dignity and Integrity: Members 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 Members 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 Members 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

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

E.S. 5.1 Professional Environment: Members 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: Members 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: Members 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 Members 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

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

E.S. 6.1 Licensing and Registration: Members 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 Members that hold a license or registration issued by a governmental body or agency shall comply with the laws and regulations of that agency including and any regulations, administrative rules, procedures, ethics, and rules of conduct.

RULES OF APPLICATION, ENFORCEMENT, AND AMENDMENT

Application

The Member Code of Ethics applies to the professional activities of all members of the Accessibility Professionals Association.

Enforcement

The Bylaws of the Association state procedures for the enforcement of the Member Code of Ethics.

Such procedures provide that:

- (1) Enforcement of the Code is administered through the Board of Directors or its Officers.
- (2) A formal complaint is filed directly to the Board of Directors or any of its Officers, or anyone directly aggrieved by the conduct of a Member.
- (3) Penalties that may be imposed by the Association are:
 - (a) Admonition
 - (b) Suspension of membership for a period of time
 - (c) Termination of membership.
- (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 Member Code of Ethics may be amended by the Board of Directors under the same procedures as are necessary to amend the Associations Bylaws. The Code may also be amended by the Board of Directors upon a two-thirds vote of the entire Board. (END)