



# **AMERICAN BOARD OF VOCATIONAL EXPERTS**

## **CODE OF ETHICS**

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American Board of Vocational Experts  
3540 Soquel Avenue, Suite A  
Santa Cruz, CA 95062  
(831) 464-4890  
[www.abve.net](http://www.abve.net)

## **AMERICAN BOARD OF VOCATIONAL EXPERTS CODE OF ETHICS**

### **General Guidelines**

As a member of the American Board of Vocational Experts, I agree to abide by the following Ethical Canons and their related rules.

1. Behave in a legal, ethical and moral manner in the conduct of my profession, maintaining the integrity of the Ethics Code.
2. Respect the integrity of individuals with whom I work. My primary obligation is to provide a fair and reasonable evaluation of the individuals being assessed by me to determine their vocational capacity.
3. Relationships with colleagues, agencies, Referral Sources, and other professions will be conducted in the highest professional manner.
4. Adhere to professional standards in establishing fair and reasonable fees and in promoting the services that are offered.
5. Respect the confidentiality of information obtained from Referral Sources about an individual being evaluated, understanding that in litigation matters, the information may in effect be discoverable, and this will be made known to the individual being evaluated.
6. Be sensitive to individual differences of the persons being evaluated in reference to the selection, utilization and interpretation of assessment instruments.
7. Participate in efforts to expand the knowledge needed to more effectively determine the vocational capacities of injured persons.
8. Maintain my professional competencies at a level that is consistent with the services that are being offered.
9. Honor the integrity and respect the limitations placed upon the designation of Fellow or Diplomate of the American Board of Vocational Experts.

## **Preamble**

Vocational Experts are primarily committed to determining the vocational capacities of individuals. In fulfilling this commitment, Vocational Experts work with Referral Sources, individuals, standard vocational texts, governmental statistics and publications, standardized vocational tests, as well as with members of the community. The Vocational Expert also takes into consideration the age, education, previous work experience, earnings record, mental and physical status of the person with the disability as well as test data, and the experts own vocational experience. Vocational Experts may be called upon to provide psychological, vocational, and rehabilitation testimony, which may include information concerning vocational testing, vocational exploration, job placement and job development. In addition, evaluation of social, medical, vocational and psychological data, as well as economic information may be required as part of court testimony.

Vocational Experts must demonstrate adherence to the ethical standards of this profession and must ensure that the standards are enforced. The Code of Ethics, henceforth referred to as the Code, is designed to facilitate the accomplishment of these goals. The primary obligation of a Vocational Expert is to present a fair and reasonable vocational assessment of the individual they have evaluated.

The basic objective of the Code is to promote the public welfare and serve as a guide by specifying and enforcing ethical behavior expected of Vocational Experts. Accordingly, the Code consists of two types of standards, (a) Canons and (b) Rules of Professional Conduct.

The Canons are general standards of aspirational and inspirational nature reflecting the fundamental spirit of respect which professionals share. They are maxims that serve as models of exemplary professional conduct. The Canons also express general concepts and principles from which more specific Rules are derived. Unlike the Canons, the Code defines more exacting standards governing the behavior of certified members of the American Board of Vocational Experts. Vocational Experts who violate the Code are subject to disciplinary action.

A Rule violation is interpreted as a violation of the applicable Canon, and the general principle embodied thereof. The use of the titles, Diplomate of the American Board of Vocational Experts or Fellow of the American Board of Vocational Experts is a privilege granted by the American Board of Vocational Experts (ABVE). The ABVE reserves unto itself the power to suspend and/or to revoke the privilege or to approve other penalties for Rule/Code violation.

Disciplinary penalties are imposed as warranted by the severity of the offense and its attendant circumstances. All disciplinary actions are undertaken in accordance with published procedures. These procedures are designed to assure the proper enforcement of the Code within the framework of due process and equal protection of the laws. When an ethical violation or a specific Rule violation has been identified, the individuals engaging in that behavior are encouraged to refrain from such behavior until the matter can be clarified.

ABVE members who need assistance in interpreting the Code should request in writing an advisory opinion from the Ethics Committee of the American Board of Vocational Experts. Vocational Experts who are not members of ABVE are not bound by this Code, although, they are encouraged to use the Code as a guideline of professional behavior.

## **DEFINITIONS:**

**Forensic Work Activity** – In this setting, the professional conducting the forensic assessment and analysis is not expected to provide direct services to the person with the disability or impairment, to implement a rehabilitation plan or to act as a resource person subsequent to the litigation.

**Board Certification** – A method to encourage and demonstrate, through voluntarily presenting oneself to a structured review of a set of organizational standards, the acquisition of proficiency and specialized knowledge. The certification body judges the proficiency of a candidate by setting out reasonable standards for the training and practice of skills, and testing the candidate's specialized knowledge, expertise, methodology and judgment by using standardized measures of that competency, and seeking their compliance with a Code of Professional Ethics.

**Referral Source** – The Retaining Agent; an attorney for the defense or plaintiff; an applicant attorney, or the attorney for the Petitioner or Respondent in a Family Law matter. The Referral Source might also be an agency or an organization, such as the Social Security Administration, the court of jurisdiction, or a private individual.

**Vocational Expert Witness** – A person, who by reason of education or specialized training, possesses knowledge of a particular subject area in greater depth than the public at large. The vocational expert witness' role is to provide assistance to the trier of fact in identifying the effect of injury or other event on an individual's capacity to work, earn money and/or to maintain a quality of life.

**The Client** - In a forensic setting, the professional who is engaged as an expert witness has no client. The ultimate role of the expert in a forensic setting is to communicate the truth of the matter as the expert sees it. Expert opinions should be based on sound methodology and empirical data. Experts do not advocate for, or attempt to preserve the interests of, the person being evaluated, an attorney or any other party in the legal matter. Experts use their unique specialized knowledge and skills to analyze the empirical data, to generate hypotheses, test their validity against the facts and to use their skilled clinical judgment to express opinions that reflect on the issues at hand.

## VOCATIONAL EXPERT CODE OF ETHICS

### **Canon 1 BEHAVE IN A LEGAL, ETHICAL AND MORAL MANNER**

Vocational Experts shall behave in a legal, ethical and moral manner in the conduct of their profession, maintaining the integrity of the Code and avoiding any behavior that would dishonor the profession.

#### **Rules (R) of Professional Conduct**

- R1.1** Vocational Experts will obey the laws and statutes of the legal jurisdiction in which they practice.
- R1.2** Vocational Experts will be thoroughly familiar with, observe, and discuss with the person with whom they are evaluating, whenever possible, the limitations of their services, or benefits offered to the individual so as to facilitate honest and open communication and realistic expectations.
- R1.3** Vocational Experts will be responsible for being aware of legal parameters relevant to the practices and disparities between (1) Legally mandated behavior and (2) Professional standards of the Code. Where such disparities exist, Vocational Experts will follow the legal mandates and will formally communicate any disparities to the Ethics Committee of the American Board of Vocational Experts. In the absence of legal guidelines, the Code is ethically binding.
- R1.4** Vocational Experts will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature.
- R1.5** Vocational Experts will abide by the Canons and Rules of Professional Conduct as established by the Code.

**R1.6** Vocational Experts will not advocate, sanction, participate in, cause to be accomplished or otherwise carry out through another, or condone any act which Vocational Experts are prohibited from performing by the Code.

**R1.7** Vocational Experts will respect the rights and reputation of individuals, institutions, organizations or firms with which they are associated when making oral or written statements. In those instances where a Vocational Expert is critical of policies, they attempt to effect change by constructive action within the organization.

**R1.8** Vocational Experts will refuse to participate in employment practices that are inconsistent with the moral or legal standards regarding the evaluation of employees or the public. Vocational Experts will not condone practices which result in illegal or discriminatory decisions made on any basis in hiring, promoting or training.

**Canon 2 RESPECT FOR REFERRAL SOURCES, PARTIES, EVALUEES**

Vocational Experts shall respect the integrity of people with whom they work; namely, individuals or organizations designated as Referral Sources. The primary obligation of a Vocational Expert is to provide a fair and honest assessment of an individual's vocational capacity.

**Rules of Professional Conduct**

**R2.1** Vocational Experts will make clear to referral sources, parties, evaluatees and to individuals who are being vocationally evaluated, any limitations that may affect the evaluative relationship.

**R2.2** Vocational Experts will not misrepresent their role or competency to the Referral Source. Vocational Experts will provide information about their credentials, if requested.

- R2.3** Vocational Experts will make every effort to avoid dual relationships that could impair their professional judgments or increase the risk of exploitation.
- R2.4** When Vocational Experts provide services at the request of a third party, the Vocational Expert clarifies the nature of their relationship to all involved parties. As a case consultant or expert witness, Vocational Experts have an obligation to provide unbiased, fair and reasonable opinions.
- R2.5** Vocational Experts will honor the right of the evaluatees to consent to participate in their services.
- R2.6** Vocational Experts will utilize their education, training and labor market research experience when deriving opinions regarding employment options, earning capacity and placement potential of the individual being evaluated.

**Canon 3 PROFESSIONAL RELATIONSHIPS**

Vocational Experts will act with honesty and integrity in their relationships with colleagues, other organizations, agencies, institutions, Referral Sources, other professions and the individual being evaluated

**Rules of Professional Conduct**

- R3.1** Vocational Experts, in their oral statements or written reports, will address differences of opinions with other Vocational Experts in a professional, honest and straightforward manner. Personal affronts are strictly forbidden. Vocational Experts in discussing the work of other Vocational Experts will also do this in a professional manner.
- R3.2** Vocational Experts will not knowingly offer their services or solicit a potential Referral Source if another Vocational Expert has already been retained.



- R3.3** When transferring Referral Sources to other Vocational Experts, the referring Vocational Expert will not prescribe a course of action for the new Vocational Expert to follow.
- R3.4** Vocational Experts, as referring agents, will promptly return all case-related materials to the originating Referral Source, accompanied by a letter indicating the termination of case involvement.
- R3.5** Vocational Experts will attempt to obtain from the Referral Source appropriate reports, evaluations and other such data, which the Vocational Expert deems essential for determining vocational capacity.
- R3.6** Vocational Experts will not exploit their professional relationships with supervisors, colleagues, students, or employees, either sexually or otherwise. Vocational Experts will not condone or engage in sexual harassment. Sexual intimacy with an evaluatee is unethical.
- R3.7** Vocational Experts who know of a potential ethical violation committed by another Vocational Expert will attempt to resolve the issue with the alleged offending Vocational Expert when the misconduct is of a minor nature or appears to be due to the lack of sensitivity, knowledge, or experience. If the violation does not seem amenable to an informal solution, or if it is of a more serious nature, the Vocational Expert will bring the matter to the attention of the Ethics Committee of the American Board of Vocational Experts. If the alleged offending expert is not a member of ABVE, the information will be forwarded to the appropriate professional group to which the offending Vocational Expert belongs.
- R3.8** Vocational Experts will cooperate fully with any investigation initiated by the Ethics Committee of the American Board of Vocational Experts. Not to complying with the Ethics Committee investigation is an ethical violation.

**R3.9** Vocational Experts who employ or supervise other professionals or students will facilitate the professional development of such individuals. The Vocational Expert will provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

**Canon 4 PUBLIC STATEMENTS/FEES**

Vocational Experts shall adhere to fair and reasonable standards in establishing fees and promoting their services.

**Rules of Professional Conduct**

**R4.1** Vocational Experts will consider carefully the value of their services in establishing fair professional fees.

**R4.2** Vocational Experts will neither give nor receive a commission or rebate or any other form of remuneration to any Referral Source for the retainment of their professional services.

**R4.3** Vocational Experts who describe their services, orally or in written form, to the general public or potential Referral Sources will fairly and accurately present this material, avoiding misrepresentation of their credentials, areas of expertise or experience. Vocational Experts are guided by their ethical obligation to give accurate and unbiased information to Referral Sources so they can develop informed judgments, opinions, and choices.

**Canon 5 CONFIDENTIALITY**

Vocational Experts shall maintain the confidentiality of information obtained from Referral Sources, understanding that much of the information received may be discoverable through the normal legal process. The confidentiality issue should be discussed with the individual being evaluated upon initial meeting.

## **Rules of Professional Conduct**

- R5.1** Vocational Experts will not forward to another person, agency, attorney, or potential employer, any information without permission from the Referral Source and/or the individual evaluatee, whichever is appropriate.
- R5.2** Vocational Experts will safeguard the maintenance, storage, and disposal of all case-related documents so that unauthorized persons shall not have access to these documents. All non-professional staff persons employed by the Vocational Expert who must have access to these records will be thoroughly briefed concerning the standards in which the case-related documents are to be maintained and eventually destroyed.
- R5.4** Vocational Experts, in the preparation of written or oral information, will present only germane data and will make every effort to avoid undue invasion of privacy.
- R5.5** Vocational Experts will obtain permission from the Referral Source evaluatees, or their legal representative, prior to taping or otherwise recording interviews, testing, or counseling sessions.
- R5.6** Vocational Experts will persist in claiming the privileged status of confidential information obtained from a Referral Source, where communications are privileged by statute. When engaged in job placement activities, Vocational Experts will provide prospective employers with only job relevant information about the person with a disabling condition and will secure the evaluatee's written permission or that of their attorney before releasing any such information.

**Cannon 6      ASSESSMENT**

Vocational Experts shall ensure that the selection, administration and interpretation of assessment measures is done in accordance with the standardization attributed to each test instrument.

**Rules of Professional Conduct**

**R6.1**            Vocational Experts will recognize that different tests demand different levels of competency for administration, scoring and interpretation. The Vocational Expert will recognize the limits of their competency and perform only those functions for which they are trained or otherwise qualified.

**R6.2**            Vocational Experts will consider carefully the specific validity, reliability, and appropriateness of tests, when selecting them for use in a given situation or with a particular individual. Vocational Experts will be cognizant, when evaluating and interpreting the test results or test performance of people with disabilities, minority groups, or other persons who are not represented in the standardized norm group of the instrument being used.

**R6.3**            Vocational Experts will ensure that the administration of tests is performed under the same conditions that were established in the standardization process. When tests are not administered under standardization process, as may be necessary to accommodate modifications for individuals with disabilities or when unusual behavior or irregularities occur during the testing session, these conditions must be noted and discussed at the time of interpretation.

**R6.4**            Vocational Experts will make known the purpose of testing and the explicit use of the results to the evaluatee prior to administration.

**R6.5**            When an evaluatee has been referred by a plaintiff or defense attorney, legal representative of the evaluatee, government body or organization, a

Vocational Expert can rely upon the Doctrine of Implied Consent, which means that the evaluatee has given their consent for the evaluation. However, even under this rule, a discussion with the evaluatee as to the purpose of the evaluation and how the evaluation results will be used should be discussed with the evaluatee.

**R6.6** When utilizing computerized assessment services, the Vocational Expert will ensure that such services are based on appropriate research to establish the validity of the results that are obtained. The Vocational Expert must be familiar and able to explain the procedures used in arriving at interpretations. It is the individual Vocational Expert's responsibility to justify the use of such computerized documents as to the appropriateness, validity and reliability of such data.

**R6.7** When a Vocational Expert utilizes the services of an outside evaluation center, it is the responsibility of the vocational expert to determine the functional areas of the evaluatee to be assessed and to determine, with the guidance of the evaluation center staff the specific standardized assessment instruments to be utilized. It is further the obligation of the Vocational Expert to fully understand the outcome statements and test result interpretations of the evaluation center's staff regarding his/her evaluatee.

**Canon 7 RESEARCH ACTIVITIES**

Vocational Experts will attempt to assist in efforts to expand the knowledge and processes in determining an individual's vocational capacity.

**Rules of Professional Conduct**

**R7.1** Vocational Experts will ensure that research data meet standards of honesty, and will protect the confidentiality of the individual.

- R7.2** Vocational Experts will be aware of and responsive to all pertinent guidelines on research with human subjects. When planning any research activity dealing with human subjects, Vocational Experts will ensure that research problems, design, and execution are in full compliance with such guidelines.
- R7.3** Vocational Experts presenting case studies in classes, professional meetings or publications will confine the content to that which can be redacted to ensure full protection of the identity of the participants.
- R7.4** Vocational Experts will assign credit to those who have contributed to publications and/or research in proportion to the individual's contribution.
- R7.5** Vocational Experts recognize that honesty and openness are essential characteristics of the relationship between Vocational Experts and research participants. When methodological requirements of a study necessitate concealment or deception, Vocational Experts will ensure that participants understand the reason for this action.

**Canon 8      COMPETENCE**

Vocational Experts shall establish and maintain their professional competencies so that the evaluatees receive the benefit of the highest quality of services that the Vocational Expert is capable of offering.

**Rules of Professional Conduct**

- R8.1** Vocational Experts will function within the limits of their defined role, training and technical competency and will accept only job functions for which they are professionally qualified.
- R8.2** Vocational Experts will continually strive to provide the highest quality of services to their referral sources, parties, evaluatees. This may be done

through reading, attending professional meetings, taking courses of instruction, as well as attending workshops or other in-service training modalities that will ensure ongoing competency.

**R8.3** Vocational Experts who serve in the role of educators, trainers or who present work shops at professional meetings will ensure that the data presented are based on careful preparation so that the instruction is accurate, current and scholarly.

**R8.4** Vocational Experts who act as educators, trainers or workshop presenters, will ensure that statements in catalogs or course descriptions are accurate, particularly, in terms of subject matter covered, evaluative processes and the nature of the learning experience.

**R8.5** Vocational Experts who act as educators, trainers or workshop presenters will maintain high standards of knowledge and skill by presenting vocational information fully and accurately, and by giving recognition to alternative viewpoints.

#### **STATEMENT OF UNDERSTANDING**

I hereby apply for certification to become a member of the American Board of Vocational Experts or to continue my current certification. I understand that my certification depends upon my successfully completing the assessment of competency procedure established by ABVE, including submission of all required documents and references, and achieving a minimum passing score on the Certification Examination. I also understand that for research and statistical purposes any data resulting from my participation may be used in an unidentifiable manner. By accepting membership in ABVE, I agree to abide by the Code of Ethics under which the organization functions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_