

# Cal-ABA's Code of Ethics

## California Association for Behavior Analysis

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### Ethical Standards

for the

### Practice of Applied Behavior Analysis

*To register as a Certified Behavior Analyst, a Certified Associate Behavior Analyst, or a Registered Behavior Technician through Cal-ABA, each applicant must sign a document to indicate a continual commitment to abide by the Code of Ethics of the California Association for Behavior Analysis'*

*For further information or to file a concern write or call:*

California Association for Behavior Analysis  
Cal-ABA Administrative Office  
2220 Capitol Avenue,  
Sacramento, CA. 95816  
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1. Cal-ABA's Code of Ethics is a revised version of Code of Ethics of the Florida Association for Behavior Analysis. The original FABA Code of Ethics was drafted by Jon S. Bailey, Department of Psychology, Florida State University, 9/16/87. Cal-ABA's Code of Ethics was modified to reflect changes suggested by Cal-ABA members and was approved via a ballot in Spring of 1994. Procedures for treating complaints of violations of the ethical standards (Sections 8 through 16) have been added as approved by Cal-ABA Executive Committee, 12/96.

2. The FABA Code of Ethics was modeled after the Code of Ethics developed by the National Association of Social Workers.

## **1.0 THE BEHAVIOR OF BEHAVIOR ANALYSTS**

- 1.1 Propriety.** Behavior analysts maintain high standards of personal and professional conduct.
- 1.2 Competence and professional development.** Behavior analysts develop and maintain professional competence and proficiency.
- 1.3 Integrity.** Behavior analysts act in accordance with the highest standards of professional integrity. Behavior analysts accurately represent their education, training, experience and level of competence.
- 1.4 Scholarship and research.** Behavior analysts engaged in study and research are guided by the conventions of the science of human behavior including the emphasis on the analysis of the relationship between behavior and its controlling variables.

## **2.0 RESPONSIBILITY TO CLIENTS**

- 2.1 Responsibility.** Behavior analysts' primary responsibility is to clients. Behavior analysts provide clients with accurate and complete information regarding the extent and nature of the services offered. If third parties have arranged for professional services to be provided to clients, behavior analysts clarify to whom they are responsible, and ensure the clients' rights will be respected.
- 2.2 Rights and prerogatives of clients.** Behavior analysts support clients' legal rights and foster clients' optimal functioning.
- 2.3 Use of data in decision making.** Decisions involving clients are data-based throughout behavioral program designs, treatment, and intervention.
- 2.4 The analysis of behavior prior to treatment.** Behavior analysts implement behavior programs based on behavioral assessments conducted to determine factors responsible for the behavior.
- 2.5 Effective treatment.** Behavior analysts evaluate each client's behavior and environment and in response develop the most effective treatment programs based on current research literature.
- 2.6. The primacy of least-restrictive and effective procedures.** Behavior analysts recommend the use of the least restrictive methods and recommend programs that are data-based.
- 2.7 Program design limitations.** Programs recommended or designed by behavior analysts must take into consideration the competence of the persons implementing them as well as the degree of appropriate supervision available.
- 2.8 Use of aversive procedures.** Behavior analysts recommend and support the preferential use of positive reinforcement and other non-aversive procedures. Aversive procedures may be used only when they are legally sanctioned for that setting, the necessary treatment controls and protections are in place to prevent abuse, and positive interventions alone are not sufficient.
- 2.9 Peer review and human rights committees.** Behavior analysts support peer review and human rights committees as a means of preventing the abuse of behavioral procedures and any resulting injury to the clients and the profession.
- 2.10 Dual Relationships.** Behavior analysts avoid dual relationships with clients. Behavior analysts refrain from any sexual behavior with clients.

## **2.0 RESPONSIBILITY TO CLIENTS (continued)**

- 2.11 Confidentiality and privacy.** Behavior analysts respect the privacy of clients and inform clients of the legal and ethical limitations to confidentiality in the course of professional services.
- 2.12 Fees.** Behavior analysts establish fees that are commensurate with the service offered.

## **3.0 RESPONSIBILITY TO RESEARCH SUBJECTS**

- 3.1 Human subjects.** Behavior analysts treat people participating in research with dignity and in accordance with federal and state regulations and professional standards.
- 3.2 Animal subjects.** Behavior analysts provide for the appropriate care and humane treatment of animals used in research.

## **4.0 RESPONSIBILITY TO COLLEAGUES**

- 4.1 Respect, fairness, and courtesy.** Behavior analysts treat colleagues with respect, fairness and, courtesy.
- 4.2 Publication.** Behavior analysts assure publications credit to others who have made significant contributions to a publication. Behavior analysts acknowledge the influential work of others with specific citations.

## **5.0 RESPONSIBILITY TO EMPLOYERS**

- 5.1 Commitments to employers.** Behavior analysts honor commitments made to employers within the constraints of this document and strive to avoid situations that could constitute a conflict of interest.
- 5.2 Recognition of competence and limits of professional training.** Behavior analysts recommend or implement only behavior treatment plans for which they have the required skills.

## **6.0 RESPONSIBILITY TO THE FIELD OF BEHAVIOR ANALYSIS**

- 6.1 Maintaining the integrity of the profession.** Behavior analysts uphold and advance the values, ethics, and knowledge of the professional.
- 6.2 Development of knowledge.** Behavior analysts take ongoing responsibility for identifying, developing, and utilizing scientific knowledge for professional practice. Behavior analysts maintain current knowledge by reading behavioral research literature; attendance at behavioral conference, workshops, and seminars is encouraged.

## **7.0 RESPONSIBILITY TO SOCIETY**

- 7.1 Promoting the general welfare.** Behavior analysts promote the general welfare of society through the humane and ethical application of principles of behavior.
- 7.2 Dissemination of behavioral information.** Behavior analysts support professional goals by making behavior analysis methodology available to the general public.
- 7.3 Encouraging terminology appropriate to behavior analysis.** Behavior analysts encourage use of behavioral terminology and interpretations to explain and analyze behavior.

## ***8.0 SCOPE OF PROCEDURES FOR TREATING COMPLAINTS OF VIOLATIONS OF THE ETHICAL STANDARDS***

**8.1** The California Association for Behavior Analysis (Cal-ABA) provides for three classes of registration. An individual must be a member of the Association or another professional association before requesting registration as a:

Certified Behavior Analyst;  
Certified Associate Behavior Analyst, or a  
Registered Behavior Technician.

**8.2** The California Association for Behavior Analysis and its Ethics Committee ("Committee") have authority over all Registrants of the Association ("Registrants").

**8.3** The Committee is a standing committee of the Association and has the responsibility for implementing and enforcing the Ethical Standards of the Association.

**8.4** The Committee shall adopt methods for the conduct of investigations, hearing, disciplinary proceedings and other actions it may deem necessary and appropriate to enforce the Ethical Standards. The Committee shall have the authority to impose sanctions upon Association Registrants upon finding that a Registrant has violated the Ethical Standards. Sanctions shall be imposed at the discretion of the Committee and may include, but are not limited to, suspension or revocation of registration, public or private censure and recommendation to the Executive Committee of the Association for revocation or suspension of registration status.

## ***9.0 INITIATION OF COMPLAINTS***

**9.1** The Committee will accept written complaints from Members and Registrants of the Association and from others asserting violations of the Ethical Standards.

**9.2** Written complaints may be received by the President of ABAT/SC or NCABA or the Chair of the Committee.

**9.3** All complaints must be signed by the complainant ("Complainant") and shall include the Complainant's address. Complaints must include the name of the individual(s) alleged to have been affected by any Registrants conduct.

**9.4** Any person who knows of a violation of the Ethical Standards should bring this alleged violation to the attention of the Committee in the form of a written complaint.

**9.5** Anonymous or oral complaints will not be considered by the Committee for action or investigation.

**9.6** The Committee may proceed on its own initiative when it has been presented with sufficient facts which, if proven, would constitute a violation of the Ethical Standards. For example, the Committee may proceed based on information received from another professional organization or a state licensing board or organization. If the Committee decides to proceed on its own initiative, it shall prepare a written statement concerning allegations of a violation or violations of the Ethical Standards.

## **9.0 INITIATION OF COMPLAINTS (continued)**

- 9.7** The Committee may determine, at its sole discretion, that a complaint cannot be acted upon since a substantial delay in reporting the allegation to the Committee has impaired the Committee's ability to render a fair determination.

## **10.0 INITIAL ACTION BY THE COMMITTEE CHAIR**

Upon receipt of a complaint, the Committee Chair ("Chair") shall determine whether the person about whom the complaint has been made is a Registrant of the Association or is registered in one of the three categories named above.

- 10.1** If the individual alleged to have violated the Ethical Standards is not a Registrant of the Association, the Chair shall so inform the Complainant in writing and shall state that the Committee has no authority to proceed against individuals who are not Registrants of the Association.
- 10.2** If the individual alleged to have violated the Ethical Standards is a Registrant of the Association, the Chair shall acknowledge the complaint in writing to the Complainant. A copy of the Ethical Standards will be sent to the Complainant.

## **11.0 PRELIMINARY ACTION BY COMMITTEE CHAIR**

- 11.1** The Chair of the Committee shall review the complaint and determine whether it warrants further action by the Committee or whether the matter should be closed. In the event that the Chair determines that the complaint is to be closed without action, the Complainant shall be notified in writing of that decision and of the reason for that decision. To aid in making such a determination, the Chair of the Committee may request a written response to the letter of complaint from the Registrant alleged to have violated the Ethical Standards, consult with others as may be appropriate and/or request additional information from the Complainant.
- 11.2** If the Chair requests a written response from the Registrant alleged to have violated the Ethical Standards to aid in making the determination indicated in 11.1 above, or if the Chair determines that the complaint warrants further action, the Chair shall request that the Complainant waive confidentiality so that the Committee may obtain information from the Registrant and others. A Waiver of Confidentiality Form setting forth these issues shall be mailed to the Complainant for signature before proceeding further.
- 11.3** If the Complainant refuses permission for the disclosure of his or her name on any of the written matter provided in the complaint, or if the Complainant refuses to sign a waiver of confidentiality, the Chair may close the matter, refer the matter to the full Committee for consideration, or decide whether the Committee may proceed with the complaint as an investigation on its own initiative as stated in 9.6 above.

- 11.4** All correspondence to the Complainant or to the Registrant shall be marked, "Confidential."

## **12.0 INVESTIGATION BY THE COMMITTEE**

- 12.1** When the Chair of the Committee has determined that the complaint warrants further investigation, copies of the complaint and any supporting documentation shall be sent to all members of the Committee. Any written response from the Registrant alleged to have violated the Ethical Standards shall also be sent to all members of the Committee.

## ***12.0 INVESTIGATION BY THE COMMITTEE (continued)***

- 12.2** The Chair shall cause an investigation of the complaint to take place. This investigation may be carried out by the Chair or by two or more Registrants of the Committee, or by the entire Committee.
- 12.3** It is considered a conflict of interest if a Member of the Committee is personally involved with either the Complainant or the Registrant against whom allegations have been made and such Member shall not review or participate in the investigation or in any consideration of the matter.
- 12.4** The Chair shall prepare and send a letter to the Registrant prior to commencing the investigation, specifying those sections of the Ethical Standards which may have been violated by him or her. The letter shall contain a request that the Registrant cooperate with the Committee in their effort to obtain a full understanding of the circumstances which led to the allegation and to provide a written statement responding to the allegation made by the Complainant. Such letter shall include notice that the Registrant may consult with an attorney.
- 12.5** The Registrant shall be sent a copy of these Procedures at the time the initial letter described in 12.4 is mailed.
- 12.6** Investigations may be conducted by corresponding with and/or interviewing the parties involved in the allegation. Interviews may be conducted in person or by telephone.
- 12.7** The Registrant alleged to have violated the Ethical Standards may consult with an attorney at any time during the investigation of the allegation.
- 12.8** If a Registrant who is the subject of proceedings by the Committee fails to maintain Membership in the Association, the Committee may, at its discretion, continue its investigation and proceedings. If the Registrant claims inability to pay fees as the reason for resigning from the Association, the Committee may suspend fee obligations until the investigation is completed.
- 12.9** After the investigation is completed, a full report shall be made to the Committee detailing the findings and recommendations of the investigators.
- 12.10** The Committee after considering the findings and recommendations of the investigators shall take action as described in Section 14 below.

## ***13.0 PROCEDURES FOR HEARINGS***

If the investigators acting for the Committee believe that a hearing before the Committee is necessary, the hearing shall be conducted as described below.

- 13.1** A hearing in person or via other means shall be scheduled to take place within thirty (30) days of the completion of the investigation. The Complainant and the Registrant shall be notified promptly of the hearing date, time and place. Each party shall bear its own costs of attendance at the hearing.
- 13.2** At least twenty-one (21) days before the hearing, the Chair shall furnish the Registrant and the Complainant with copies of a summary of its findings and recommendations.

**13.0 PROCEDURES FOR HEARINGS (continued)**

- 13.3** The investigators shall present the allegations against the Registrant and shall have the right to:
- a. confer with or have counsel for the Association present;
  - b. receive statements of witnesses and documentary information to support or refute the allegation;
  - c. examine individuals who appear on behalf of either party;
  - d. obtain information from third parties who may have information related to the allegation.
- 13.4** The Complainant and the Registrant shall each have the right to:
- a. confer with counsel;
  - b. present information or witnesses;
  - c. make opening and closing statements;
  - d. provide documentary information in support of his/her position.
  - e. have counsel present
- 13.5** All information which is considered relevant and reliable by the Committee may be considered by it. The rules of evidence shall not apply. The weight of all information and credibility of individuals who appear before the Committee shall be determined solely by the Committee.
- 13.6** An audio recording of the hearing may be made if it is requested by either party or by the Committee. The requesting party shall bear the expense of making any such recording. All parties shall be provided a copy of such recording.
- 13.7** The burden of proving the allegation shall fall to the Complainant.
- 13.8** The Committee shall issue its determination within thirty (30) days following the hearing.

**14.0 ACTION BY THE ETHICS COMMITTEE**

At any time after reviewing the complaint, the response of the Registrant and the report of the investigation, the Committee may attempt to resolve the case by mutual agreement with the Registrant. While resolution of allegations by mutual agreement is favored, the Committee is not required to attempt such a settlement or to obtain the consent of the Complainant to any settlement.

- 14.1** The Committee shall make any agreement disposing of a complaint with a Registrant in writing detailing the facts of the agreement and the terms and conditions of its implementation or supervision.
- 14.2** The agreement shall be implemented and/or supervised by the Committee and/or by any Registrant of the Association so designated in the agreement.
- 14.3** The agreement shall become final when it is signed by the Registrant found to have violated the Ethical Standards and by the Chair. The agreement shall be placed in a sealed envelope and signed across the seal by the Chair. The envelope shall be kept by the Chair as part of the records of the Committee. The envelope may be unsealed only by the Chair should any other allegations be made against that Registrant. A summary of the findings will be made available to investigators designated by the Committee.

#### ***14.0 ACTION BY THE ETHICS COMMITTEE (continued)***

**14.4** If the Committee does not seek or reach settlement by mutual agreement, it will either close the case without a finding or make a formal recommendation to the Executive Committee of the Association that action should be taken.

**14.5** The determination of the Committee shall include:

- a. the Committee's findings of fact;
- b. whether a violation of the Ethical Standards was found and, if so, the section of the Standards which was violated; and
- c. the Committee's decision.
  - 1) If no violation of the Ethical Standards is found, the Committee shall indicate that the allegation is unfounded.
  - 2) If one or more violations of the Ethical Standards are found, the Committee shall order one or more of the following actions to be taken;
    - a) **Remand.** The Committee may remand the matter to the Executive Board of the Association for continued investigation or issuance of a new charge,
    - b) **Educative Letter.** Where the Committee deems it appropriate, the Committee may issue an educative letter, to be given only to the Registrant, concerning the behaviors charged or other matters. An educative letter may be issued whether the Committee dismisses the charges or recommends finding violations.
    - c) **Recommend Reprimand or Censure.** If the Committee finds that the respondent has violated the Ethical Standards, but decides that the nature of the Registrant's behavior is such that the matter would be most appropriately resolved without recommending loss of registration, the Committee will recommend reprimand or censure of the Registrant, with or without one or more available directives.
    - d) **Recommend Termination of Registration.** The Committee may recommend registration termination if it concludes that there has been an ethics violation, that it was of a kind likely to cause substantial harm to another person or to the profession, or that it was otherwise of such gravity as to warrant this action.
    - e) **Recommend Stipulated Resignation.** In lieu of the other resolutions set forth in this section, with the agreement of the Registrant, the Committee may recommend to the Executive Committee of the Association that the Registrant be permitted to resign under stipulations set forth by the Committee. Such recommendation for Stipulated Resignation shall be accepted by the Registrant in writing within ten (10) days of its having been made. If the Registrant refuses or does not comply with the Stipulated Recommendation, the Executive Committee shall then terminate the individual's registration.

The Committee shall inform the Complainant, the Registrant and the members of the Executive Committee of the Association of its decision. Notice of the decision shall be sent to all parties by certified mail.

**14.6** The Committee may impose more stringent requirements upon Registrants previously found to be in violation of the Ethical Standards, or any other professional or state code of professional conduct.

## ***15.0 RECORDS AND DISCLOSURE OF INFORMATION***

- 15.1** All information obtained by the Committee, including any investigating panel or subcommittee and all proceedings of the Committee, shall be confidential except as follows:
- a. Information may be disclosed by those investigating the complaint to the extent reasonably necessary to pursue a thorough investigation.
  - b. The Committee may, at its discretion authorize the Executive Committee of the Association to publicize settlements by mutual agreement without disclosing the names of either the Complainant or the Registrant.
  - c. In situations in which a Registrant alleged to have violated the Ethical Standards resigns from the Association after notification by the Committee that it has received a complaint, and a violation of the Ethical Standards is subsequently proven, any publication may include the fact of the Registrant's resignation.
- 15.2** Whenever there is a finding made that a Registrant has violated the Ethical Standards and disciplinary action is ordered, the Committee or its designee is authorized to disclose the ethics violation and disciplinary action to the Executive Committee and to the members of the Association. Publication shall be made of all actions affecting registration status. Publication may also be made of other sanctions at the discretion of the Committee. Publication of the Committee's findings and actions will be made in the Cal-ABA Newsletter and will include the Registrant's full name, any earned degree, geographical location and the violation of the section of the Ethical Standards proven.
- 15.3** Whenever the Committee finds that a Registrant is not guilty of violating the Ethical Standards alleged, that fact shall be disclosed to other Registrants or members of the Association only upon written request of the Registrant. The Executive Committee of the Association may inform state regulatory agencies, credentialing boards and other professional organizations of any disciplinary action taken against a Registrant for violating the Ethical Standards.

## ***16.0 APPEAL***

- 16.1** If a Registrant wishes to appeal an adverse recommendation by the Ethics Committee, he or she may request a hearing before the Executive Committee. Such requests must be made in writing within 15 working days following notification by the Ethics Committee.
- 16.2** The Executive Committee shall review requests for appeal and set a hearing date and appoint a three person Hearing Committee from its membership to act as a Hearing Panel. All decisions by the Hearing Panel shall be final.
- 16.3** At least 30 days prior to the scheduled date of the hearing, the Ethics Committee shall provide the Registrant and the Hearing Panel with copies of all documents and other evidence, and the names of all witnesses that may be offered by the Registrant.
- 16.4** At least 15 days prior to the scheduled date of the formal hearing, the Registrant shall provide the Hearing Panel and the Ethics Committee with copies of all documents and other evidence, and the names of all witnesses that may be offered in rebuttal.
- 16.5** The Hearing Panel and the Registrant may consult with and have counsel present at the formal hearing.

**16.0 APPEAL (continued)**

- 16.6** Formal rules of evidence shall not apply at the Hearing.
- 16.7** The Registrant and the Ethics Committee shall have the right to present witnesses, documents and other evidence, to cross-examine witnesses and to object to the introduction of evidence during the Formal Hearing.
- 16.8** The Ethics Committee shall bear the burden to prove the allegations made by the Complainant by a preponderance of the evidence.
- 16.9** The decision of the Hearing Panel shall be made by a simple majority vote. Within 30 days of the conclusion of the hearing, the Hearing Panel shall submit in writing to the Executive Committee its decision and the rationale for that decision. The Hearing Panel may decide to
  - a. Adopt the Committee's recommendations
  - b. Recommend to the Executive Committee another finding with or without directives.
  - c. Dismiss the charges.
- 16.10** Within 15 days of the receipt of the Hearing Panel's decision, a copy of the decision and the rationale for the decision shall be provided to the Registrant and the Ethics Committee. If the Hearing Panel determines that the charges must be dismissed, the Ethics Committee will implement this as the final adjudication.