



## **Positive Behavior Supports Network**

# **CODE OF ETHICS**

**Revised and Adopted April 2024**

The format and content for this code was based upon the codes from these organizations: National Association of Social Workers, American Counseling Association, and Behavior Analyst Certification Board. We wish to thank these organizations for their direction and leadership in the field of professional ethics.

This Revised Code of Ethics was approved by the Virginia Positive Behavior Support Network's Executive Steering Committee April 2024.

Adherence to this Code of Ethics will be required by all Positive Behavior Support Facilitators and Mentees effective 10/20/2016.

# VIRGINIA POSITIVE BEHAVIOR SUPPORTS NETWORK

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## **PREAMBLE**

The Virginia Positive Behavior Supports Network seeks to promote and uphold the standards and best practice principles of Positive Behavior Supports in the Commonwealth of Virginia. The overall goal of the network is to enhance an individual's quality of life and to decrease challenging behaviors by teaching new skills and adaptation within an individual's environment. These standards and principles are predicated on a person-centered, collaborative team process that utilizes research-based, data driven strategies to develop a comprehensive positive behavior support plan.

Professional ethics are integral to the successful implementation of the standards and best practice principles as established by the Virginia Positive Behavior Supports Code of Ethics. The Code serves to guide conduct and decision making in all direct practice and related activities inherent to the role of Positive Behavior Support Facilitators. The Code also provides direction on how to fulfill the Facilitator's ethical responsibilities across all roles and contexts encompassed in the practice of Positive Behavior Support. Accordingly, the Code was developed with the utmost consideration given to the profession's core standards, values, and principles.

## **PURPOSES OF THE VIRGINIA POSITIVE BEHAVIOR SUPPORTS CODE OF ETHICS**

Positive Behavior Support services represent a professional, person-centered behavioral assessment and intervention process. Person-centeredness is at the foundation of Positive Behavior Support and is based on the philosophy that everyone deserves a quality of life that offers them:

- opportunities for participation in purposeful activities that he or she enjoys;
- access to diverse, fulfilling social engagement;
- supports that are focused on his or her personal goals and dreams; and
- supporters who understand and are committed to them.

PBS Facilitators believe that with those key ingredients in place the person will engage in behaviors that demonstrate satisfaction with their quality of life and fewer difficult behaviors.

The purposes of the Virginia Positive Behavior Support Code of Ethics are:

1. To outline the mission, values, and competencies that reflect Positive Behavior Support as a professional modality.
2. To present Positive Behavior Support Facilitators with a set of guidelines for professional standards and practice that reflect the mission, values, and competencies of Positive Behavior Support.
3. To provide a guideline for ethical practices with regard to considerations in the administration of Positive Behavior Support including but not limited to:
  - a. cultural diversity;
  - b. the psychological, social, emotional, developmental, physical, and spiritual goals, interests, and needs of the focus person;
  - c. the physical, mental, and emotional safety of the focus person;
  - d. professional considerations or conflicts such as dual relationships, fees, the administration of duties, etc.;
  - e. expectations for professional conduct and collaboration with collateral agents; and handling conflicts that present in the professional setting.
4. To identify the ethical standards that can serve to hold the Positive Behavior

Support Facilitator professionally accountable.

5. To familiarize Positive Behavior Support Facilitators and trainees to the mission, values, and competencies of Positive Behavior Support.
6. To provide a guideline for the violation of ethical practices by Positive Behavior Support Facilitators in the administration of Positive Behavior Support duties.

The ethical practices described in this Code do not reflect all ethical questions, conflicts, considerations, or situations which may arise in the practice of Positive Behavior Support. Ethical decision making in a situation must include the informed judgment of the Positive Behavior Support Facilitator and should include consideration of how the situation may be judged by peer review and how the decision may impact the professional modality of Positive Behavior Support.

Other contributors to ethical decisions include agency policies, laws, regulations, insurance requirements, and human rights. In situations in which the ethical practice is in conflict with other contributing regulations or rules, the Positive Behavior Support Facilitator must use his or her professional judgment and make a determination of ethical approach which reflects the mission, values, and competencies of Positive Behavior Support while adhering to other applicable laws and policies.

Positive Behavior Support Facilitators have the professional responsibility to read, understand and follow the Code of Ethics and to adhere to all applicable laws and regulatory requirements. Lack of knowledge of an ethical responsibility is not a defense against a charge of ethical misconduct. Endorsement as a Positive Behavior Support Facilitator is contingent upon the Facilitator's compliance with the Code and the rules and procedures used to enforce it.

Alleged violations are subject to a peer review process as described herein.

## **ETHICAL PRINCIPLES**

The following broad ethical principles are based on the core values of autonomy/self-determination, justice, respect & dignity, integrity, beneficence, non-maleficence and competence. These principles set forth ideals which help guide the work of Positive Behavior Support Facilitators.

**Value:** *Autonomy/Self-Determination*

**Ethical Principle:** *PBS Facilitators foster the focus person's right to control the direction of his or her own life.*

Autonomy/self-determination is the defining value when it comes to supporting the focus person. It says that each person—regardless of his or her unique abilities and disabilities—should participate in the planning of his or her supports and the shaping of his or her future to the maximum extent possible. Each focus person should, on a daily basis, exercise choice and make decisions that impact his or her life, even to the point of making educated choices that others consider unwise.

**Value:** *Justice*

**Ethical Principle:** *PBS Facilitators treat the focus person equitably and foster fairness and due process.*

PBS Facilitators promote quality of life improvements for the focus person across the board by leading with a Positive Behavior Support approach. Facilitators design least restrictive strategies to bring the best out in the focus person served and, when necessary, to advocate for the focus person's rights.

**Value:** *Respect - Dignity*

**Ethical Principle:** *PBS Facilitators afford the focus person respect and dignity.*

PBS Facilitators treat the focus person in a caring and respectful fashion, mindful of individual differences and cultural and ethnic diversity. Facilitators view the focus person as autonomous with full rights, responsibilities and the prerogative to take informed risks. The aspirations of the focus person are respected without condescension.

**Value:** *Integrity*

**Ethical Principle:** *PBS Facilitators are honest and trustworthy.*

PBS Facilitators conduct themselves with honesty and transparency. They follow through on commitments and act responsibly at all times. PBS Facilitators serve as living examples of these values, and they promote ethical practices on the part of the organizations with which they are affiliated.

**Value:** *Beneficence*

**Ethical Principle:** *PBS Facilitators work for the good of the individual and society.*

PBS Facilitators act to promote the good of others, particularly the focus person. The PBS Facilitator's actions are beneficent without being paternalistic, always seeking to honor the principle of autonomy/self-determination.

**Value:** *Non-Maleficence*

**Ethical Principle:** *PBS Facilitators avoid actions that cause harm.*

PBS Facilitators practice with the intention to do no harm. If a given practice is accompanied by risk, the PBS Facilitator will seek to ensure that this risk is more than offset by benefits and that the focus person is informed and educated regarding the potential impacts of actions.

**Value:** *Competence*

**Ethical Principle:** *PBS Facilitators practice within their areas of competence and develop and enhance their professional expertise.*

PBS Facilitators strive to increase their professional knowledge and skills and to apply them in practice. They aspire to contribute to the knowledge base of the profession.

**Value:** Advocacy

**Ethical Principle:** *PBS Facilitators seek to protect and enforce the legal and human rights of the individual.*

It is important for the Positive Behavioral Support Facilitator to become an advocate for the focus person when there are clear signs that the focus person is being denied rights that support their autonomy and/or choices and ability to exercise their human rights.

# **SECTION A: THE POSITIVE BEHAVIOR SUPPORT RELATIONSHIP**

## **Introduction**

Positive Behavior Support Facilitators promote individual growth and development in ways that foster the interest and welfare of the focus person and facilitate formation of healthy relationships. Trust is the cornerstone of this relationship, and PBS Facilitators have the responsibility to respect and safeguard the focus person's right to privacy and confidentiality. PBS Facilitators actively attempt to understand the diverse cultural backgrounds of the individuals they serve. PBS Facilitators also explore their own cultural identities and how these affect their values and beliefs about the facilitation process. Additionally, PBS Facilitators are encouraged to contribute to society by devoting a portion of their professional activities for little or no financial return.

## **A.1. Focus Person Welfare**

### **A.1.a. Primary Responsibility**

The primary responsibility of a PBS Facilitator is to respect the dignity and promote the welfare of the focus person.

### **A.1.b. Records and Documentation**

PBS Facilitators create, safeguard, and maintain documentation necessary for rendering professional services. Regardless of the medium, PBS Facilitators include sufficient and timely documentation to facilitate the delivery and continuity of services. PBS Facilitators take reasonable steps to ensure that documentation accurately reflects the focus person's progress and services provided. If amendments are made to records and documentation, PBS Facilitators take steps to properly note the amendments according to regulatory policies and best practice procedures.

### **A.1.c. Positive Behavior Support Plans**

PBS Facilitators work jointly with the focus person and their support team in developing positive behavior support plans that offer reasonable promise of success and are consistent with the abilities, temperament, developmental level, and circumstances of the focus person.

### **A.1.d. Support Network Involvement**

PBS Facilitators recognize that support networks hold various meanings in the lives of the focus person and consider enlisting the support, understanding, and involvement

of others (e.g. religious/spiritual/community leaders, family members, and friends) as positive resources, when appropriate, with the focus person's consent.

## **A.2. Informed Consent in the Facilitation Relationship**

### **A.2.a. Informed Consent**

The focus person has the freedom to choose whether to enter into, or remain in a support facilitation relationship, and needs adequate information about the positive behavior support facilitation process and the PBS Facilitator. PBS Facilitators have an obligation to review in writing and verbally, with the focus person, the rights and responsibilities of both the Facilitator and the focus person. Informed consent is an ongoing part of the facilitation process, and PBS Facilitators appropriately document discussions of informed consent throughout the facilitation relationship.

### **A.2.b. Types of Information Needed**

PBS Facilitators explicitly provide the focus person with a detailed explanation of all services they provide. They inform the focus person about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; their qualifications, credentials, relevant experience, and approach to Positive Behavior Support Plans; continuation of services upon the incapacitation or death of the PBS Facilitator; the role of technology; and other pertinent information. The focus person has the right to confidentiality and to be provided with an explanation of its limits, to obtain clear information about their records, to participate in the ongoing support plans, and to refuse any services or modality changes and be advised of the consequences of such refusal.

### **A.2.c. Developmental and Cultural Sensitivity**

PBS Facilitators communicate information in ways that are both developmentally and culturally appropriate. PBS Facilitators use clear and understandable language when discussing issues related to informed consent. When the focus person has difficulty understanding the language that PBS Facilitators use, PBS Facilitators provide necessary services (e.g. arranging for a qualified interpreter or translator) to ensure comprehension by the focus person. In collaboration with the focus person, PBS Facilitators consider cultural implications of informed consent procedures and, where possible, PBS Facilitators adjust their practices accordingly.

### **A.2.d. Inability to Give Consent**

When supporting minors, adults determined to be legally incompetent, or other persons unable to give voluntary consent, PBS Facilitators seek the assent of the focus person to services and include them in decision making as appropriate. PBS

Facilitators recognize the need to balance the ethical rights of the focus person to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect the focus person and make decisions on their behalf.

#### **A.2.e. Mandated Services**

PBS Facilitators discuss the limitations on confidentiality when working with a focus person who has been mandated for Positive Behavior Support services. PBS Facilitators also explain what type of information and with whom that information is shared prior to beginning support. The focus person may choose to refuse services. In this case, PBS Facilitators will, to the best of their ability, discuss with the focus person the potential outcome of refusing support services.

### **A.3. The Focus Person who is Served by Others**

When PBS Facilitators learn that the focus person is in a professional relationship with other relevant professionals, they request a release from the focus person to inform the other professionals and strive to establish positive and collaborative professional relationships.

### **A.4. Avoiding Harm and Imposing Values**

#### **A.4.a. Avoiding Harm**

PBS Facilitators act to avoid harming the focus person, mentees and research participants and to minimize or to remedy unavoidable or unanticipated harm. This includes, but is not limited to, behavior which can be viewed by the focus person and/or team as uncomfortable, offensive, threatening or otherwise minimizes the mission and values of Positive Behavioral Support.

#### **A.4.b. Personal Values**

PBS Facilitators are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors. PBS Facilitators respect the diversity of the focus person, mentees and research participants and seek training in areas in which they are at risk of imposing their values onto the focus person, especially when the PBS Facilitator's values are inconsistent with the focus person's goals or are discriminatory in nature.

### **A.5. Prohibited Roles and Relationships**

#### **A.5.a. Sexual and/or Romantic Relationships Prohibited**

Sexual and/or romantic interactions or relationships between PBS Facilitators and

their current focus person, their romantic partners or their family members are prohibited. This prohibition applies to all interactions or relationships whether they are conducted in-person, electronically, or otherwise.

#### **A.5.b. Sexual and/or Romantic Relationships with Former Focus Person**

Sexual and/or romantic interactions between a PBS Facilitator and the focus person or relationships with a former focus person, their romantic partners, or their family members are prohibited. This prohibition applies to all interactions or relationships whether they are conducted in-person, electronically or otherwise.

#### **A.5.c. Friends or Family Members**

PBS Facilitators are prohibited from engaging in professional-focus person relationships with friends or family members with whom they have an inability to remain objective.

#### **A.5.d. Personal Virtual Relationships with Current Focus Person**

PBS Facilitators are prohibited from engaging in a personal virtual relationship with the focus person with whom they have a current Facilitator relationship (e.g., through social and other media).

#### **A.5.e Sexual, Romantic, and Personal Relationships with team members.**

Sexual and romantic relationships, as well as personal friendships, between PBS Facilitators and current focus person's other service providers who are participating in the PBS process, is considered a dual relationship and must be considered under A.6.d.

### **A.6. Managing and Maintaining Boundaries and Professional Relationships**

#### **A.6.a. Previous Relationships**

PBS Facilitators consider the risks and benefits of accepting a focus person with whom they have had a previous relationship. These potential focus persons may include individuals with whom the PBS Facilitator has had a casual, distant or past relationship. When PBS Facilitators accept these focus persons, they take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

#### **A.6.b. Extending Facilitation Boundaries**

PBS Facilitators consider the risks and benefits of extending current facilitation

relationships beyond conventional parameters. Examples include attending the focus person's formal ceremony (e.g., a wedding/commitment ceremony or graduation), purchasing a service or product provided by the focus person, and visiting the focus person's ill family member in the hospital. In extending these boundaries, PBS Facilitators take appropriate professional precautions, supervision, and documentation to ensure that judgment is not impaired and no harm occurs.

#### **A.6.c. Documenting Boundary Extensions**

If PBS Facilitators extend boundaries as described in A.6.a. and A.6.b., they must officially document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the focus person or former focus person and other support staff significantly involved with the focus person or former focus person. When unintentional harm occurs to the focus person or former focus person, or to a support significantly involved with the focus person or former focus person, the PBS Facilitator must show evidence of an attempt to remedy such harm.

#### **A.6.d. Dual Relationships in the PBS Facilitator Relationship**

Some dual relationships have the potential to cause harm or exploitation to the focus person or impair professional judgement of the PBS Facilitator due to an inherent conflict of interest which may have practice-related, financial, legal and/or personal implications. Therefore, PBS Facilitators avoid participating in such dual relationships. In the event that such a dual relationship is unavoidable, PBS Facilitators are expected to take action to eliminate or reduce the potential for harm to the focus person through use of safeguards, which may include obtaining informed consent, consultation, supervision, and documentation of the measures taken.

#### **A.6.e. Role Changes in the PBS Facilitator Relationship**

When PBS Facilitators change a role from original or most recent contracted relationship, they obtain informed consent from the focus person and explain the focus person's right to refuse services related to the change. The focus person must be fully informed of any anticipated consequences (i.e., financial, legal and/or personal) of the PBS Facilitator's role changes.

#### **A.6.f. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships)**

PBS Facilitators avoid entering into non-professional relationships with former focus persons, their romantic partners, or their family members when the interaction is potentially harmful to the focus person. This applies to both in-person and electronic interactions or relationships.

## **A.7. Roles and Relationships at Individual, Group, Institutional, and Societal Levels**

### **A.7.a. Advocacy**

When appropriate, PBS Facilitators advocate at individual, group, institutional, and societal levels to address potential barriers and obstacles that inhibit access and/or the growth and development of focus persons.

### **A.7.b. Confidentiality and Advocacy**

PBS Facilitators obtain the focus person's consent prior to engaging in advocacy efforts on behalf of an identifiable focus person to improve the provision of services and to work toward removal of systemic barriers or obstacles that inhibit focus person's access, growth, and development.

## **A.8. Multiple Focus Persons**

There may be situations in which a PBS Facilitator agrees to provide services to two or more individuals who have a relationship. The PBS Facilitator should take care to clearly define roles, maintain confidentiality, look for areas where conflict of interest could arise, and seek supervision/consultation in the event that a conflict is present. The PBS Facilitator will clarify, adjust, or withdraw from roles appropriately.

## **A.9. Fees and Business Practices**

### **A.9.a. Self-Referral**

PBS Facilitators working in an organization that provides Positive Behavior Support or other services do not refer their focus person to their own business in which they have a financial interest. In such instances in which there are limited options available (i.e. rural areas), the focus person must be informed of all other options open to them for such services and the PBSF should not be part of that decision making process. PBS Facilitator will clarify, adjust, or withdraw from roles appropriately.

### **A.9.b. Unacceptable Business Practices**

PBS Facilitators do not participate in fee splitting, nor do they give or receive commissions, rebates, or any other form of remuneration when referring individuals for professional services.

### **A.9.c. Establishing Fees**

PBS Facilitators establish fees for Positive Behavior Support services that are consistent with applicable laws and regulations. PBS Facilitators do not misrepresent their fees for Positive Behavior Support services. If/when funding circumstances change, this agreement should be revisited with the focus person.

### **A.9.d. Integrity in Fee for Service**

PBS Facilitators will maintain integrity in fee for service charges to include billing to insurances and private pay from focus persons. PBS Facilitators will only charge for services provided.

### **A.9.e. Nonpayment of Fees**

If PBS Facilitators intend to use collection agencies or take legal measures to collect fees from the focus person who does not pay for services as agreed upon, they include such information in their informed consent documents and also inform the focus person in a timely fashion of intended actions and offer them the opportunity to make payment.

### **A.9.f. Bartering**

Bartering by the PBS Facilitator regarding any aspects related to the provision of Positive Behavior Support services is prohibited.

### **A.9.g. Receiving Gifts**

When determining whether to accept a gift from the focus person, PBS Facilitators take into account the facilitation relationship, the monetary value of the gift, the focus person's motivation for giving the gift, cultural practices, and the PBS Facilitator's motivation for wanting to accept or decline the gift.

## **A.10. Termination and Referral**

### **A.10.a. Competence within Termination and Referral**

If PBS Facilitators lack the competence to be of professional assistance to the focus person and their support providers, they avoid entering or continuing the professional relationship. PBS Facilitators are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If the focus person

and/or their support team decline the suggested referrals, PBS Facilitators may discontinue the relationship.

#### **A.10.b. Values within Termination and Referral**

PBS Facilitators refrain from referring prospective and current focus persons based solely on the PBS Facilitator's personally held values, attitudes, beliefs, and behaviors. PBS Facilitators respect the diversity of individuals and seek training in areas in which they are at risk of imposing their values onto the focus person, especially when the PBS Facilitator's values are inconsistent with the focus person's goals or are discriminatory in nature.

#### **A.10.c. Appropriate Termination**

PBS Facilitators terminate a professional relationship when it becomes reasonably apparent that the focus person no longer needs support, is not likely to benefit, or is being harmed by continued support provided by the PBS Facilitator. PBS Facilitators may terminate services when the focus person's behavior support plan is being implemented inconsistently or with a lack of integrity or, after documented effort at engaging team participation, the PBS Facilitator is unable to continue with the PBS process. PBS Facilitators collaborate with the focus person and team members prior to discharge from services.

#### **A.10.d. Appropriate Transfer of Services**

When PBS Facilitators transfer or refer the focus person to other providers, they ensure that appropriate practice and administrative processes are completed and open communication is maintained with both the focus person and receiving PBS Facilitators.

#### **A.11. Abandonment and Individual Neglect**

PBS Facilitators do not abandon or neglect the focus person while they are actively using services. PBS Facilitators assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.

## **SECTION B: PRIVACY AND CONFIDENTIALITY**

### **Introduction**

PBS Facilitators recognize that trust is a cornerstone of the supporting relationship. PBS Facilitators aspire to earn the trust of the focus person and their team by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. PBS Facilitators communicate the parameters of confidentiality in a culturally competent manner.

### **B.1. Respecting the Focus Person's Rights**

#### **B.1.a. Multicultural/Diversity Considerations**

PBS Facilitators maintain awareness and sensitivity regarding cultural meanings of confidentiality and privacy. PBS Facilitators respect differing views toward disclosure of information. PBS Facilitators hold ongoing discussions with the focus person as to how, when, and with whom information is to be shared.

#### **B.1.b. Respect for Privacy**

PBS Facilitators respect the privacy of prospective and current focus persons. PBS Facilitators request private information from the focus person and their team members only when it is beneficial to the facilitation process.

#### **B.1.c. Respect for Confidentiality**

PBS Facilitators protect the confidential information of prospective and current focus persons. PBS Facilitators disclose information only with appropriate consent or with sound legal or ethical justification.

#### **B.1.d. Explanation of Limitations**

At initiation and throughout the support process, PBS Facilitators inform the focus person of the limitations of confidentiality and seek to identify situations in which confidentiality must be breached.

### **B.2. Exceptions**

#### **B.2.a. Serious and Foreseeable Harm and Legal Requirements**

The general requirement that a PBS Facilitator keep information confidential does not

apply when disclosure is required to protect the focus person or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed. PBS Facilitators consult with other professionals when in doubt as to the validity of an exception.

### **B.2.b. Court-Ordered Disclosure**

When ordered by a court to release confidential or privileged information without the focus person's permission, the PBS Facilitator will seek to obtain written, informed consent from the focus person or take steps to prohibit the disclosure or have it limited as narrowly as possible if there is a foreseeable risk of potential harm to the focus person or the consulting relationship.

### **B.2.c. Minimal Disclosure**

To the extent possible, the focus person is informed before confidential information is disclosed and is involved in the disclosure decision-making process. When circumstances require the disclosure of confidential information, only essential information is revealed.

## **B.3. Information Shared with Others**

### **B.3.a. Colleagues and Others**

PBS Facilitators make every effort to ensure that privacy and confidentiality of the focus person are maintained by employees, supervisees, mentees, clerical assistants, and volunteers.

### **B.3.b. Support Teams**

Because Positive Behavior Support services provided to the focus person involve participation by a team, the focus person will be consulted regarding the composition of the team and regularly updated of the information being shared, and the purposes of sharing such information.

### **B.3.c. Confidential Settings**

PBS Facilitators discuss confidential information only in settings in which they can reasonably ensure the focus person's privacy.

### **B.3.d Third-Party Payers**

PBS Facilitators inform the focus person through informed consent process of the

need to disclose information to third-party payers upon initiation of services with the focus person. When circumstances require the disclosure of confidential information, only essential information is revealed

### **B.3.e. Transmitting Confidential Information**

PBS Facilitators take precautions to ensure the confidentiality of all information transmitted through the use of any information platform.

### **B.3.f. Deceased Individuals**

PBS Facilitators protect the confidentiality of deceased focus persons, consistent with legal requirements and the documented preferences of the focus person.

## **B.4. Focus Persons who Lack Capacity to Give Informed Consent**

### **B.4.a. Responsibility to the Focus Person**

When providing Positive Behavior Support to minors or adults who lack the capacity to give voluntary, informed consent, PBS Facilitators protect the confidentiality of information received—in any manner—in the Positive Behavior Support relationship as specified by federal and state laws, written policies, and applicable ethical standards.

### **B.4.b. Responsibility to Parents and Legal Guardians**

PBS Facilitators inform parents and legal guardians about their role and the confidential nature of the Positive Behavior Support relationship, consistent with current legal and custodial arrangements. PBS Facilitators are sensitive to the cultural diversity of families and respect the inherent rights and responsibilities of parents/guardians regarding the welfare of their children/charges according to law. PBS Facilitators work to establish, as appropriate, collaborative relationships with parents/guardians to best serve the focus persons receiving Positive Behavior Support services.

### **B.4.c. Assessing Capacity for Informed Consent**

When serving a focus person whose ability to give informed consent is in question, the PBS Facilitator will advocate for the evaluation of the focus person's capacity to give informed consent and/or support obtaining a

substitute decision maker.

#### **B.4.d. Release of Confidential Information**

When providing Positive Behavior Support to minors or adults who lack the capacity to give voluntary consent to release confidential information, PBS Facilitators seek permission from an appropriate third party to disclose information. In such instances, PBS Facilitators inform the focus person consistent with their level of understanding and take appropriate measures to safeguard the focus person's confidentiality.

### **B.5. Records and Documentation**

#### **B.5.a. Creating and Maintaining Records and Documentation**

PBS Facilitators create and maintain records and documentation necessary for rendering professional services.

#### **B.5.b. Confidentiality of Records and Documentation**

PBS Facilitators take precautions to ensure that records and documentation kept in any format are secure and that only authorized persons have access to them.

#### **B.5.c. Permission to Record**

PBS Facilitators obtain permission from the focus person prior to recording sessions through video or audio recording.

#### **B.5.d. Permission to Observe**

PBS Facilitators obtain permission from the focus person prior to allowing any person to observe Positive Behavior Support services, documentation, or view recordings of services.

#### **B.5.e. Focus Person Access**

PBS Facilitators provide reasonable access to records and copies of records when requested by focus persons. PBS Facilitators limit the access of the focus person to their records, or portions of their records, only when there is compelling evidence that such access would cause harm to the focus person. PBS Facilitators document the

request of the focus person and the rationale for withholding some or all of the records in the files of the focus person. In situations involving multiple focus persons, PBS Facilitators provide these focus persons with only those parts of records that relate directly to them and do not include confidential information related to any other focus person.

#### **B.5.f. Assistance with Records**

When the focus person requests access to their records, PBS Facilitators provide assistance and consultation in interpreting Positive Behavior Support service records.

#### **B.5.g. Disclosure or Transfer**

Unless exceptions to confidentiality exist, PBS Facilitators obtain written permission from the focus person to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of Positive Behavior Support service records are sensitive to their confidential nature.

#### **B.5.h. Storage and Disposal after Termination**

PBS Facilitators store records following termination of services to ensure reasonable future access, maintain records in accordance with federal and state laws and statutes such as licensure laws and policies governing records, and dispose of the focus person's records and other sensitive materials in a manner that protects the focus person's confidentiality. PBS Facilitators apply careful discretion and deliberation before destroying records.

#### **B.5.i. Reasonable Precautions**

PBS Facilitators take reasonable precautions to protect the focus person's confidentiality in the event of the PBS Facilitator's termination of practice, incapacity, or death, and appoint a records custodian when identified as appropriate.

### **B.6. Case Consultation**

#### **B.6.a. Respect for Privacy**

Information shared in a PBS relationship is discussed for professional purposes

only. Written and oral reports present only data generally pertaining to the purposes of the PBS plan, and every effort is made to protect the identity of the focus person and to avoid undue invasion of privacy.

**B.6.b. Disclosure of Confidential Information**

PBS Facilitators do not disclose confidential information that reasonably could lead to the identification of the focus person on any platform or forum.

## **SECTION C: PROFESSIONAL RESPONSIBILITIES**

### **Introduction**

PBS Facilitators aspire to open, honest, and accurate communication in dealing with the public and other professionals. PBS Facilitators promote access to Positive Behavior Support services, and they do not engage in unlawful discrimination within the boundaries of professional and personal competence; they also have a responsibility to abide by the Virginia Positive Behavior Supports Code of Ethics. PBS Facilitators actively participate in local, state, or national associations that foster the development and improvement of Positive Behavior Supports. PBS Facilitators are expected to advocate for changes at the individual, group, institutional, and societal levels that improve the quality of life for individuals and groups and remove potential barriers to the provision or access of appropriate services. PBS Facilitators have a responsibility to the public to engage in Positive Behavior Support practices that are based on rigorous research methodologies. PBS Facilitators are encouraged to contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return. In addition, PBS Facilitators engage in self-care activities to maintain and promote their own emotional, physical, mental, and spiritual well-being to best meet their professional responsibilities.

### **C.1. Knowledge of and Compliance with Standards**

PBS Facilitators have a responsibility to read, understand, and follow the Virginia Positive Behavior Supports Code of Ethics and Positive Behavior Support Standards of Practice as well as adhere to applicable laws and regulations.

### **C.2. Professional Competence**

#### **C.2.a. Boundaries of Competence**

PBS Facilitators practice only within the boundaries of their competence, based on their education, training, experience, and state and national professional credentials. PBS Facilitators seek to further knowledge, and skills and relevant multicultural

competency.

### **C.2.b. New Specialty Areas of Practice**

PBS Facilitators practice in specialty areas new to them only after appropriate education, training, and/or mentoring. While developing skills in new specialty areas, PBS Facilitators take steps to ensure the competence of their work and protect others from possible harm.

### **C.2.c. Qualified for Employment**

PBS Facilitators accept and provide employment only for positions for which The PBS Facilitator is qualified given education, training, experience, state professional credentials and appropriate professional experience.

### **C.2.d. Monitor Effectiveness**

PBS Facilitators continually monitor their effectiveness as professionals and take steps to improve when necessary. PBS Facilitators take reasonable steps to seek peer supervision to evaluate their efficacy as PBS Facilitators.

### **C.2.e. Consultations on Ethical Obligations**

PBS Facilitators take reasonable steps to consult with other PBS Facilitators and the Virginia Positive Behavior Supports Code of Ethics when they have questions regarding their ethical obligations or professional practice.

### **C.2.f. Continuing Education**

PBS Facilitators recognize the need for continuing education to maintain competence in the provision of PBS services. PBS Facilitators seek opportunities to participate in trainings and courses which build knowledge, skills, and abilities.

### **C.2.g. Impairment**

PBS Facilitators monitor themselves for signs of impaired professional judgment, conduct, or functional capacity required to fulfill their duties as outlined in the Standards of Practice. PBS Facilitators will refrain from offering or providing professional services when impaired due to their own physical, mental, or emotional fitness... PBS Facilitator will seek assistance for problems that reach the level of professional impairment, and, if necessary, limit, suspend or terminate their professional responsibilities until it is determined that they may safely resume their work.

In the event that a PBS Facilitator's behavior is such that it causes concern about their professional fitness to colleagues, supervisors, the focus person, or their team the

PBS Facilitator will address those concerns and cooperate with colleagues or supervisors and document efforts to prevent imminent harm to the focus person

#### **C.2.h. PBS Facilitator Incapacitation, Death, Retirement, or Termination of Practice**

PBS Facilitators prepare a plan for the transfer of the focus person and the dissemination of records to an identified colleague or records custodian in the case of the PBS Facilitator's incapacitation, death, retirement or termination of practice.

### **C.3. Advertising and Soliciting Individuals**

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#### **C.3.a. Accurate Advertising**

When advertising or otherwise representing their services to the public, PBS Facilitators identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

#### **C.3.b. Testimonials**

PBS Facilitators who use testimonials do not solicit them from current or former focus persons or any other individuals who may be vulnerable to undue influence. PBS Facilitators discuss with individuals the implications of, and obtain permission for, the use of any testimonial.

#### **C.3.c. Statements by Others**

In advertising, PBS Facilitators make reasonable efforts to ensure that statements made by others about them or about the PBS profession are accurate.

#### **C.3.d. Products and Training Advertisements**

PBS Facilitators who develop products related to their profession or conduct workshops or training events ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices.

### **C.4. Professional Qualifications**

#### **C.4.a. Accurate Representation of Self and Others**

PBS Facilitators claim or imply only professional qualifications actually completed and correct any known misrepresentations of their qualifications by others. PBS Facilitators truthfully represent the qualifications of their professional colleagues. PBS Facilitators clearly distinguish between paid and volunteer work experience and accurately describe their continuing education and specialized training.

#### **C.4.b. Credentials**

PBS Facilitators claim only certifications that are current and in good standing.

#### **C.4.c. Educational Degrees**

PBS Facilitators clearly differentiate between earned and honorary degrees.

### **C.5. Nondiscrimination**

PBS Facilitators do not condone or engage in discrimination against prospective or current focus persons, mentees, employees, supervisees, or research participants based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language reference, socio- economic status, immigration status, or any basis proscribed by law.

### **C.6. Public Responsibility**

#### **C.6.a. Sexual Harassment**

PBS Facilitators do not engage in or condone sexual harassment. Sexual harassment can consist of a single act, or multiple, persistent or pervasive acts. Sexual harassment includes behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation

#### **C.6.b. Reports to Third Parties**

PBS Facilitators are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others.

#### **C.6.c. Media Presentations**

When PBS Facilitators provide advice or comment by means of public lectures,

demonstrations, radio or television programs, recordings, technology-based applications, printed articles, mailed material, or other media, they take reasonable precautions to ensure that:

1. the statements are based on appropriate professional PBS literature and practice,
2. the statements are consistent with the Virginia Positive Behavior Supports Code of Ethics, and
3. The recipients of the information are not encouraged to infer that a professional relationship has been established.

#### **C.6.d. Exploitation of Others**

PBS Facilitators do not exploit others in their professional relationships.

#### **C.6.e. Contributing to the Public Good**

PBS Facilitators make a reasonable effort to provide services to the public for which there is little or no financial return.

### **C.7. Treatment Modalities**

#### **C.7.a. Scientific Basis for Treatment**

When providing services, PBS Facilitators use techniques/procedures/modalities that are grounded in theory and/or have an empirical or scientific foundation.

#### **C.7.b. Development and Innovation**

When PBS Facilitators use developing or innovative techniques/procedures/modalities, they explain the potential risks, benefits, and ethical considerations of using such techniques/ procedures/modalities. PBS Facilitators work to minimize any potential risks or harm when using these techniques/procedures/modalities.

#### **C.7.c. Harmful Practices**

PBS Facilitators do not use techniques/procedures/modalities when substantial evidence suggests harm, even if such services are requested.

## **C.8. Responsibility to Other Professionals**

### **C.8.a. Personal Public Statements**

When making personal statements in a public context, PBS Facilitators clarify that they are speaking from their personal perspectives and that they are not speaking on behalf of all PBS Facilitators or the profession.

## **SECTION D- RELATIONSHIPS WITH OTHER PROFESSIONALS**

### **Introduction**

PBS Facilitators recognize that the quality of their interactions with colleagues and other team members can influence the quality of services provided to the focus person. They work to become knowledgeable about colleagues within and outside the field of Positive Behavior Support. PBS Facilitators develop positive working relationships and systems of communication with colleagues to enhance services to their focus person.

### **D.1. Relationships with Colleagues, Employers, and Employees**

#### **D.1.a. Different Approaches**

PBS Facilitators are respectful of approaches that are grounded in theory and/or have an empirical or scientific foundation but may differ from their own. PBS Facilitators acknowledge the expertise of other professional groups and are respectful of their practices.

#### **D.1.b. Forming Relationships**

PBS Facilitators work to develop and strengthen relationships with colleagues from other disciplines to best serve the focus person.

#### **D.1.c. Support Team Collaboration**

PBS Facilitators who are members of support teams delivering multifaceted services to a focus person remain focused on how to best serve them. They participate in and contribute to decisions that affect the well-being of the focus person by drawing on the perspectives, values, and experiences of the Positive Behavior Support profession and those of colleagues from other disciplines.

#### **D.1.d. Establishing Professional and Ethical Obligations**

PBS Facilitators who are members of support teams work together with team members to clarify professional and ethical obligations of the team as a whole and of its individual members. When a team decision raises ethical concerns, PBS Facilitators

first attempt to resolve the concern within the team. If they cannot reach resolution among team members, PBS Facilitators pursue other avenues to address their concerns consistent with the focus person's well-being.

#### **D.1.e. Confidentiality Regarding Dual Roles**

When PBS Facilitators are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they clarify role expectations and the parameters of confidentiality with their colleagues.

#### **D.1.f. Personnel Selection and Assignment**

When PBS Facilitators are in a position requiring personnel selection and/or assigning of responsibilities to others, they select competent staff and assign responsibilities compatible with their skills and experiences.

#### **D.1.g. Employer Policies**

The acceptance of employment in an agency or institution implies that PBS Facilitators are in agreement with its general policies and principles. PBS Facilitators strive to reach agreement with employers regarding acceptable standards of a focus person's care and professional conduct that allow for changes in institutional policy conducive to the growth and development of the individuals served.

#### **D.1.h. Negative Conditions**

PBS Facilitators alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to the individuals served or may limit the effectiveness of services provided and change cannot be affected, PBS Facilitators take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations, or voluntary termination of employment.

#### **D.1.i. Protection from Punitive Action**

PBS Facilitators do not harass a colleague or employee or dismiss an employee who has acted in a responsible and ethical manner to expose inappropriate employer policies or practices.

## **D.2. Provision of Consultation Services**

### **D.2.a. Consultant Competency**

PBS Facilitators take reasonable steps to ensure that they have the appropriate resources and competencies when providing consultation services. PBS Facilitators provide appropriate referral resources when requested or needed.

### **D.2.b. Informed Consent in Formal Consultation**

When providing formal consultation services, PBS Facilitators have an obligation to review, in writing and verbally, the rights and responsibilities of both the PBS Facilitator and individual served. PBS Facilitators use clear and understandable language to inform all parties involved about the purpose of the services to be provided, relevant costs associated with provision of the suggested behavior strategies, as well as fees for providing consultation services, potential risks and benefits, and the limits of confidentiality.

## **SECTION E- EVALUATION, ASSESSMENT AND INTERPRETATION**

### **Introduction**

PBS Facilitators use assessment as one component of the PBS process, taking into account the focus person's personal and cultural context. PBS Facilitators promote the well-being of the focus person by developing and using appropriate assessments.

### **E.1. General**

#### **E.1.a. Assessment**

The primary purpose of assessment is to gather information regarding the focus person, the function(s) of the behavior and their environment(s). Assessment may include both qualitative and quantitative methodologies.

#### **E.1.b. Focus Person Welfare**

PBS Facilitators do not misuse assessment results and interpretations, and they take reasonable steps to prevent others from misusing the information provided. They respect the focus person's right to know the results, the interpretations made, and the basis for the PBS Facilitator's conclusions and recommendations.

### **E.2. Competence to Use and Interpret Assessment Instruments**

#### **E.2.a. Limits of Competence**

PBS Facilitators use only those assessment services for which they have been trained and are competent. PBS Facilitators who use technology-assisted assessment interpretations are trained in the construct being measured and the specific instrument being used prior to its use.

#### **E.2.b. Appropriate Use**

PBS Facilitators are responsible for the appropriate application, scoring, interpretation, and use of assessment instruments relevant to the needs of the focus person, whether they score and interpret such assessments themselves or use

technology or other services.

### **E.2.c. Decisions Based on Results**

PBS Facilitators responsible for decisions involving the focus person or policies that are based on assessment results have a thorough understanding of quantitative and qualitative measures.

## **E.3. Informed Consent in Assessment**

### **E.3.a. Explanation to the Focus Person**

Prior to assessment, PBS Facilitators explain the nature and purposes of assessment and the specific use of results by potential recipients. The explanation will be given in terms and language that the focus person (or other legally authorized person on behalf of the focus person) can understand.

### **E.3.b. Recipients of Results**

PBS Facilitators consider the focus person's welfare, explicit understandings, and prior agreements in determining who receives the assessment results. PBS Facilitators include accurate and appropriate interpretations with any release of the focus person's assessment results.

## **E.4. Release of Data to Qualified Personnel**

PBS Facilitators release assessment data in which the focus person is identified only with the consent of the focus person or their legal representative.

## **E.5. Functional Behavior Assessments**

### **E.5.a. Identifying Function(s) of Behavior(s)**

PBS Facilitators take special care to determine function(s) of behavior(s). Assessment techniques used to determine positive behavior support strategies are carefully selected and appropriately used.

### **E.5.b. Cultural Sensitivity**

PBS Facilitators recognize that age, color, culture, disability, ethnic group, gender

identity, race, communication preference, religion, spirituality, sexual orientation, and socioeconomic status affect the manner in which the focus person's actions are defined and experienced. These factors are considered when determining function(s) of behavior(s).

## **E.6. Instrument Selection**

### **E.6.a. Appropriateness of Instruments**

PBS Facilitators carefully consider the validity, reliability, and appropriateness of instruments when selecting assessments and, when possible, use multiple forms of assessment, data, and/or instruments in forming conclusions or recommendations.

### **E.6.b. Referral Information**

If it is recommended that the focus person be referred to a third party for assessment, the PBS Facilitator will provide appropriate specific referral questions and data about the focus person's plan of care and/or PBS plan to ensure that appropriate assessment instruments are utilized.

## **E.7. Conditions of Assessment Administration**

### **E.7.a. Administration Conditions**

PBS Facilitators administer assessments under various conditions and provide an appropriate environment for the administration of assessments. When unusual situations occur during administration, those conditions are noted in the interpretation.

### **E.7.b. Technological Administration**

PBS Facilitators ensure that technologically administered assessments function properly and provide the focus person with reliable and valid results.

## **E.8. Scoring and Interpretation of Assessments**

### **E.8.a. Reporting**

When PBS Facilitators report assessment results, they consider the focus person's

personal and cultural background, the level of the focus person's understanding of the results, and the impact of the results on the focus person. In reporting assessment results, PBS Facilitators indicate reservations that exist regarding validity or reliability due to circumstances of the assessment.

#### **E.8.b. Assessment Services**

PBS Facilitators who provide assessment, scoring, and interpretation services to support the assessment process confirm the validity of such interpretations. They accurately describe the purpose, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. At all times, PBS Facilitators maintain their ethical responsibility to those being assessed.

#### **E.9. Assessment Security**

PBS Facilitators maintain the integrity and security of tests and assessments consistent with legal and contractual obligations. PBS Facilitators do not appropriate, reproduce, or modify published assessments or parts thereof without acknowledgment and permission from the publisher.

#### **E.10. Obsolete Assessment and Outdated Results**

PBS Facilitators do not use data or results from assessments that are obsolete or outdated for the current purpose. PBS Facilitators make every effort to prevent the misuse of obsolete measures and assessment data by others.

#### **E.11. Assessment Construction**

PBS Facilitators use established scientific procedures, relevant standards, and current professional knowledge for assessment design in the development, publication, and utilization of assessment techniques.

# **SECTION F-MENTORING, TRAINING, AND TEACHING**

## **Introduction**

PBS Facilitators serving as mentors, trainers, and educators aspire to foster meaningful and respectful professional relationships and to maintain appropriate boundaries with training participants in both face-to-face and electronic formats. They have theoretical and educational foundations for their work; have knowledge of mentoring models; and aim to be fair, accurate, and honest in their assessments of training participants.

## **F.1. Positive Behavior Support Facilitator Mentoring and Focus Person Welfare**

### **F.1.a. Focus Person Welfare**

A primary obligation of PBS mentors is to monitor the services provided by training participants. PBS mentors monitor focus person welfare and the training participant's performance and professional development. To fulfill these obligations, mentors meet regularly with their group of training participants to review their work and help them become prepared to provide a wide variety of support services. Training participants who receive mentoring have a responsibility to understand and follow the Virginia Positive Behavior Supports Code of Ethics.

### **F.1.b. Positive Behavior Support Mentee Credentials**

PBS Facilitators who provide mentoring services work to ensure that their training participants communicate their qualifications and their status as a PBSF In Training to render services to their focus person.

### **F.1.c. Informed Consent and Individual Rights**

Mentors make their training participants aware of the focus person's rights, including the protection of their privacy and confidentiality in the PBS relationship. Mentors provide the focus person with professional disclosure information and inform them of how the mentoring process influences the limits of confidentiality. Training participants make the focus person aware of who will have access to records of their relationship and how these records will be stored, transmitted, or otherwise reviewed.

## **F.2. Positive Behavior Support Facilitator Mentoring Competence**

### **F.2.a. Mentor Preparation**

Prior to offering mentoring services, PBS Facilitators are trained in mentoring methods and techniques. PBS Facilitators who offer mentoring services regularly pursue continuing education activities, including both support facilitation and mentoring topics and skills. PBS mentors stay abreast of the skills and concepts that are taught in PBS training.

### **F.2.b. Multicultural Issues/Diversity in Mentoring**

PBS mentors regularly pursue continuing education activities, related to multiculturalism/diversity in the mentoring relationship.

### **F.2.c. Online Mentoring**

When using technology in mentoring, PBS mentors are competent in the use of those technologies. Mentors take the necessary precautions to protect the confidentiality of all information transmitted through any electronic means.

## **F.3. Mentoring Relationship**

### **F.3.a. Extending Conventional Mentoring Relationships**

PBS mentors clearly define and maintain ethical professional, personal, and social relationships with their mentees. Mentors consider the risks and benefits of extending current mentoring relationships in any form beyond conventional parameters. In extending these boundaries, mentors take appropriate professional precautions to ensure that judgment is not impaired and that no harm occurs.

### **F.3.b. Sexual or Romantic Relationships**

Sexual or romantic interactions or relationships with current PBS mentor or their direct PBS training participants are prohibited. This applies to both in-person and electronic interactions or relationships.

### **F.3.c Sexual Harassment**

PBS mentors do not condone or subject training participants to sexual harassment. Sexual harassment includes behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation

### **F.3.d. Managing Dual Relationships in Mentoring**

PBSF Mentors avoid participating in dual relationships with persons with whom they are mentoring. In the event that such a dual relationship is unavoidable, PBSF Mentors are expected to take action to eliminate or reduce the potential for harm to the Mentee through use of safeguards, which may include obtaining informed consent, consultation, supervision, and documentation of the measures taken.

## **F. 4. Mentor Responsibilities**

### **F.4.a. Informed Consent for Mentoring**

Mentors are responsible for incorporating into their mentoring the principles of informed consent and participation. Mentors inform training participants of the policies and procedures to which mentors are to adhere and the mechanisms for due process appeal of individual mentor actions. The issues unique to the use of distance mentoring are to be included in the documentation as necessary.

### **F.4.b. Standards for Training Participants who receive mentoring**

Mentors make their mentees aware of professional and ethical standards and legal responsibilities.

### **F.4.c. Termination of the Mentoring Relationship**

Mentors or mentees have the right to terminate the mentoring relationship with adequate notice. Reasons for considering termination are discussed, and both parties work to resolve differences. When termination is warranted, mentors make appropriate referrals to possible alternative mentors.

## **F.5. Training Participant Responsibilities**

### **F.5.a. Ethical Responsibilities**

PBS training participants have a responsibility to understand and follow the Virginia Positive Behavior Supports Code of Ethics. Training participants have the same obligation to the focus person as those required of Positive Behavior Support Facilitators.

### **F.5.b. Impairment**

PBS Training Participants monitor themselves for signs of impaired professional judgment, conduct, or functional capacity required to fulfill their duties as outlined in the Standards of Practice. PBS Training Participants will refrain from offering or providing professional services when impaired due to their own physical, mental, or emotional fitness. PBS Training Participants will notify their Mentors and will seek assistance for problems that reach the level of professional impairment, and, if necessary, limit, suspend or terminate their professional responsibilities until it is determined that they may safely resume their work.

In the event that a PBS Training Participant's behavior is such that it causes concern about their professional fitness to colleagues, supervisors, the focus person, or their team the PBS Training Participant and Mentor will address those concerns and cooperate with consultation with colleagues or supervisors and document their efforts to prevent imminent harm to the focus person

### **F.5.c. Professional Disclosure**

Before providing Positive Behavior Support services, training participants disclose their status as trainees and explain how this status affects the limits of confidentiality. Mentors request documentation that the training participant has informed the focus person about the services rendered and the training participant's qualifications before rendering those services. Training participants obtain the focus person's permission before they use any information concerning the positive behavior support facilitation relationship in the training process.

## **F.6. Positive Behavior Support Mentor Evaluation, Remediation, and Endorsement**

### **F.6.a. Evaluation**

Mentors document and provide mentees with ongoing feedback regarding their performance and schedule periodic formal evaluative sessions throughout the mentoring relationship.

### **F.6.b. Gatekeeping and Remediation**

Through initial and ongoing evaluation, mentors are aware of training participant's limitations that might impede performance. Mentors assist the training participants in securing remedial assistance when needed. They provide documentation to the PBS

Endorsement Board when training participants are unable to demonstrate that they can provide competent professional services to a range of diverse individuals. Mentors seek consultation and document their decisions to refer training participants for assistance. They ensure that training participants are aware of options available to them to address such decisions.

### **F.6.c. Endorsements**

Mentors recommend training participants for endorsement only when they believe that they are qualified. Regardless of qualifications, mentors do not endorse training participants whom they believe to be impaired in any way that would interfere with the performance of the duties associated with the endorsement.

## **F.7. Responsibilities of Positive Behavior Support Facilitator Trainers and Mentors**

### **F.7.a. PBS Facilitators, Trainers and Mentors**

PBS trainers and/or mentors who are responsible for developing and implementing PBS training/mentoring programs are skilled as PBS Facilitators themselves. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession; are skilled in applying that knowledge; and make training participants aware of their responsibilities. Whether in traditional, hybrid, and/or on-line formats, PBS trainers conduct PBS training programs in an ethical manner and serve as role models.

### **F.7.b. PBS FACILITATORS Trainer/Mentor Competence**

PBS Facilitators who function as trainers and/or mentors provide instruction within their areas of knowledge and competence and provide instruction based on current information and knowledge available in the profession. When using technology to deliver instruction, PBS trainers and/or mentors develop competence in the use of the technology.

### **F.7.c. Infusing Multicultural Issues/Diversity**

PBS trainers and/or mentors infuse material related to multiculturalism/diversity into all courses and workshops for the development of professional PBS Facilitators.

### **F.7.d. Integration of Study and Practice**

In traditional, hybrid, and/or online formats, PBS Facilitators, trainers and/or mentors establish training programs that integrate established curriculum and current and

evidence-based practices .

#### **F.7.e. Teaching Ethics**

Throughout the program, PBS trainers and/or mentors ensure that training participants are aware of the ethical responsibilities and standards of the profession and the ethical responsibilities of mentees to the profession. PBS trainers and/or mentors infuse ethical considerations throughout the curriculum and mentored practice.

#### **F.7.f. Use of Case Examples**

The use of focus person and/or information about training participants for the purposes of case examples in a lecture or classroom setting is permissible only when (a) the focus person and/or training participants have reviewed the material and agreed to its presentation or (b) the information has been sufficiently modified to obscure identity.

#### **F.7.g. Innovative Theories and Techniques**

PBS trainers and/or mentors promote the use of techniques/procedures/modalities that are grounded in theory and/or have an empirical or scientific foundation. When PBS trainers and/or mentors discuss developing or innovative techniques, procedures, modalities, they explain the potential risks, benefits, and ethical considerations of using such techniques/procedures/modalities.

### **F.8. Welfare of PBS Training Participants**

#### **F.8.a. Program Information and Orientation**

PBS trainers and mentors recognize that training and mentoring are developmental processes that begin upon a training participant's initial contact with the PBS training program and continue throughout the training and mentoring processes. PBS trainers and mentors provide training participants with information about the expectations, including but not limited to:

1. The values and ethical principles of the profession;
2. The type and level of skill and knowledge acquisition required for PBS endorsement.
3. Technology requirements;
4. Training goals, objectives, mission, and subject matter to be covered;
5. Basis for evaluation;

6. Evaluation process and dismissal policies and procedures.

### **F.9. Evaluation of Training Participants**

PBS trainers and mentors clearly state to training participants/mentees prior to and throughout the training program, the levels of competency expected, appraisal methods, and timing of evaluations for competencies. PBS trainers and mentors provide training participants/mentees with ongoing feedback regarding their performance throughout the training program and seek individual consultations with the training participants for specific concerns.

### **F.10. Roles and Relationships between Positive Behavior Support Trainers and PBS Training Participants**

#### **F.10.a. Sexual or Romantic Relationships**

PBS trainers are prohibited from engaging in sexual or romantic interactions or relationships with training participants currently enrolled in a PBS training program and over whom they have power and authority. This applies to both in-person and electronic interactions or relationships.

#### **F.10.b. Sexual Harassment**

PBS trainers and mentors do not condone or subject mentees to sexual harassment. Sexual harassment includes behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

#### **F.10.c. Nonacademic Relationships**

PBS trainers and mentors avoid non- training related relationships with training participants in which there is a risk of potential harm to the training participant or which may compromise the training experience and/or endorsement.

### **F.11. Multicultural/Diversity Competence in Positive Behavior Support Trainers, Mentors and Training Programs**

### **F.11.a. Trainer Diversity**

PBS trainers and mentors actively demonstrate a commitment to diversity.

### **F.11.b. Candidate Diversity**

PBS trainers and mentors actively attempt to recruit and retain diverse candidates. PBS trainers and mentors demonstrate commitment to multicultural/diversity competence by recognizing and valuing the diverse cultures and types of abilities that candidates' bring to the training experience. PBS trainers and mentors provide appropriate accommodations that enhance and support diverse candidate well-being and performance.

### **F.11.c. Multicultural/Diversity Competence**

PBS trainers and mentors actively infuse multicultural/diversity competency in their training and mentoring practices. They actively work with training participants to gain awareness, knowledge, and skills in the competencies of multicultural practice.

## **SECTION G- RESEARCH AND PUBLICATION**

### **Introduction**

PBS Facilitators who conduct research are encouraged to contribute to the knowledge base of the profession. PBS Facilitators support the efforts of researchers by participating fully and willingly whenever possible. PBS Facilitators minimize bias and respect diversity in designing and implementing research.

### **G.1. Research Responsibilities**

#### **G.1.a. Conducting Research**

PBS Facilitators plan, design, conduct, and report research in a manner that is consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research.

#### **G.1.b. Confidentiality in Research**

PBS Facilitators are responsible for understanding and adhering to state, federal, agency, or institutional policies or applicable guidelines regarding confidentiality in their research practices.

#### **G.1.c. Independent Researchers**

When PBS Facilitators conduct independent research and do not have access to an institutional review board, they are bound to the same ethical principles and federal and state laws pertaining to the review of their plan, design, conduct, and reporting of research.

#### **G.1.d. Deviation from Standard Practice**

PBS Facilitators seek consultation and observe stringent safeguards to protect the rights of research participants when research indicates that a deviation from standard or acceptable practices may be necessary.

#### **G.1.e. Precautions to Avoid Injury**

PBS Facilitators who conduct research are responsible for their participants' welfare

throughout the research process and should take reasonable precautions to avoid causing emotional, physical, or social harm to participants.

### **G.1.f. Principal Researcher Responsibility**

The ultimate responsibility for ethical research practice lies with the principal researcher. All others involved in the research activities share ethical obligations and responsibility for their own actions.

## **G.2. Rights of Research Participants**

### **G.2.a. Informed Consent in Research**

Individuals have the right to decline requests to become research participants. In seeking consent, PBS Facilitators use language that:

1. accurately explains the purpose and procedures to be followed;
2. identifies any procedures that are experimental or relatively untried;
3. describes any potential discomforts, risks, and potential power differentials between researchers and participants;
4. describes any benefits or changes in individuals or organizations that might reasonably be expected;
5. discloses appropriate alternative procedures that would be advantageous for participants;
6. offers to answer any inquiries concerning the procedures;
7. describes any limitations on confidentiality;
8. describes the format and potential target audiences for the dissemination of research findings; and
9. Instructs participants that they are free to withdraw their consent and discontinue participation in the project at any time, without penalty.

### **G.2.b. Participation by the Individual(s)**

PBS Facilitators conducting research involving individuals participating in Positive Behavior Support services make clear in the informed consent process that individuals are free to choose whether to participate in research activities. PBS Facilitators take necessary precautions to protect the focus person and team from adverse consequences of declining or withdrawing from the research project.

### **G.2.c. Confidentiality of Information**

Information obtained about research participants during the course of research is confidential. Procedures are implemented to protect confidentiality.

#### **G.2.d. Persons Not Capable of Giving Informed Consent**

When a research participant is not capable of giving informed consent, PBS Facilitators seek consent via discussion with a legally authorized person.

#### **G.2.e. Commitments to Participants**

PBS Facilitators take reasonable measures to honor all commitments to research participants.

#### **G.2.f. Explanations after Data Collection**

After data collection, PBS Facilitators will review the study to remove any misconceptions regarding the research. Where scientific or human values justify delaying or withholding information, PBS Facilitators take reasonable measures and document such measures to avoid causing harm.

#### **G.2.g. Informing Sponsors**

PBS Facilitators inform sponsors, institutions, and publication channels regarding research procedures and outcomes. PBS Facilitators ensure that appropriate bodies and authorities are given pertinent information and acknowledgment.

#### **G.2.h. Research Records Custodian**

As appropriate, researchers prepare and disseminate to an identified colleague or records custodian a plan for the transfer of research data in the case of their incapacitation, retirement, or death.

### **G.3. Managing and Maintaining Boundaries**

#### **G.3.a. Extending Researcher–Participant Boundaries**

Researchers consider the risks and benefits of extending current research relationships beyond conventional parameters. When a non-research interaction between the

researcher and the research participant may be potentially beneficial, the researcher must document, prior to the interaction, the rationale for such an interaction, the potential benefit, and anticipated consequences for the research participant. Such interactions should be initiated with appropriate consent of the research participant. Where unintentional harm occurs to the research participant, the researcher must show evidence of an attempt to remedy such harm.

### **G.3.b. Relationships with Research Participants**

Sexual or romantic interactions between the PBS Facilitator and current research participants are prohibited. This applies to both in-person and electronic interactions or relationship with both the focus person and the PBS team.

### **G.3.c. Sexual Harassment and Research Participants**

Researchers do not condone or subject research participants to sexual harassment. Sexual harassment includes behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation,

## **G.4. Reporting Results**

### **G.4.a. Accurate Results**

PBS Facilitators plan, conduct, and report research accurately. PBS Facilitators do not engage in misleading or fraudulent research, distort data, misrepresent data, or deliberately bias their results. They describe the extent to which results are applicable for diverse populations.

### **G.4.b. Obligation to Report Unfavorable Results**

PBS Facilitators report the results of any research of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests are not withheld.

### **G.4.c. Reporting Errors**

If PBS Facilitators discover significant errors in their published research, they take reasonable steps to correct such errors in a correction erratum or through other

appropriate publication means.

#### **G.4.d. Identity of Participants**

PBS Facilitators who supply data, aid in the research of another person, report research results, or make original data available take due care to disguise the identity of respective participants in the absence of specific authorization from the participants to do otherwise. In situations where participants self-identify their involvement in research studies, researchers take active steps to ensure that data are adapted/changed to protect the identity and welfare of all parties and that discussion of results does not cause harm to participants.

#### **G.4.e. Replication Studies**

PBS Facilitators are obligated to make available sufficient original research information to qualified professionals who may wish to replicate or extend the study.

### **G.5. Publications and Presentations**

#### **G.5.a. Use of Case Examples**

The use of participants' and/or the focus person's information for the purpose of case examples in a presentation or publication is permissible only when (a) participants and/or the focus person have reviewed the material and agreed to its presentation or publication or (b) the information has been sufficiently modified to obscure identity.

#### **G.5.b. Plagiarism**

PBS Facilitators do not plagiarize.

#### **G.5.c. Acknowledging Previous Work**

In publications and presentations, PBS Facilitators acknowledge and give recognition to previous work on the topic by others or self.

#### **G.5.d. Contributors**

PBS Facilitators give credit through joint authorship, acknowledgment, footnote

statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor is listed first, and minor technical or professional contributions are acknowledged in notes or introductory statements.

#### **G.5.e. Agreement of Contributors**

PBS Facilitators who conduct joint research with colleagues or training participants, or supervisors establish agreements in advance regarding allocation of tasks, publication credit, and types of acknowledgment that will be received.

#### **G.5.f. Duplicate Submissions**

PBS Facilitators submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in one journal or published work are not submitted for publication to another publisher without acknowledgment and permission from the original publisher.

#### **G.5.g. Professional Review**

PBS Facilitators who review material submitted for publication, research, or other scholarly purposes respect the confidentiality and proprietary rights of those who submitted it. PBS Facilitators make publication decisions based on valid and defensible standards. PBS Facilitators review article submissions in a timely manner and based on their scope and competency in research methodologies. PBS Facilitators who serve as reviewers at the request of editors or publishers make every effort to only review materials that are within their scope of competency and avoid personal biases.

# **SECTION H: TECHNOLOGY AND SOCIAL MEDIA**

## **Introduction**

PBS Facilitators understand that Positive Behavior Support services may no longer be limited to in-person, face-to-face interactions. PBS Facilitators actively attempt to understand the evolving nature of the profession with regard to technology and social media and how such resources may be used to better serve their focus person and the PBS team. PBS Facilitators strive to become knowledgeable about these resources.

PBS Facilitators understand the additional concerns related to the use of technology and social media and make every attempt to protect confidentiality and meet any legal and ethical requirements for the use of such resources.

## **H.1. Knowledge and Legal Considerations**

### **H.1. Knowledge and Competency**

PBS Facilitators who engage in the use of technology and/ or social media seek training related to technical, ethical, and legal considerations.

## **H.2. Informed Consent and Security**

### **H.2.a. Informed Consent and Disclosure**

The focus person has the freedom to choose whether to use technology within the Positive Behavior Support process. The focus person's consent for the use and type of technology shall be documented.

### **H.2.b. Confidentiality Maintained by the Positive Behavior Support Facilitator**

PBS Facilitators acknowledge the limitations of maintaining the confidentiality of electronic records and transmissions. They inform the focus person that individuals might have authorized or unauthorized access to such records or transmissions.

### **H.2.c. Acknowledgment of Limitations**

PBS Facilitators inform the focus person and the PBS team about the inherent limits of

confidentiality when using technology. PBS Facilitators urge the focus person and the PBS team to be aware of authorized and/ or unauthorized access to information disclosed using this medium in the consulting process.

#### **H.2.d. Security**

PBS Facilitators use current encryption standards within their websites and/or technology-based communications that meet applicable legal requirements. PBS Facilitators take reasonable precautions to ensure the confidentiality of information transmitted through any electronic means.

### **H.3. Individual Verification**

PBS Facilitators who engage in the use of technology to interact with the focus person take steps to verify the focus person's identity at the beginning and throughout the facilitation process.

### **H.4. Records**

PBS Facilitators maintain electronic records in accordance with relevant laws and statutes. PBS Facilitators inform the focus person if records are maintained electronically. This includes, but is not limited to, the type of encryption and security assigned to the records and how long archival storage is maintained.

### **H.5. Social Media**

#### **H.5.a. Virtual Professional Presence**

In cases where PBS Facilitators wish to maintain a professional and personal presence for social media use, separate professional and personal web pages and profiles are created to clearly distinguish between the two kinds of virtual presence.

#### **H.5.b. Social Media as Part of Informed Consent**

PBS Facilitators clearly explain to the focus person, as part of the informed

consent procedure, the PBSF's social media presence, both professional and personal, and boundaries related to engaging with the focus person via social media.

#### **H.5.c. Focus Persons Virtual Presence**

PBS Facilitators respect the privacy of the focus person's presence on social media unless given consent to view such information.

#### **H.5.d. Use of Public Social Media**

PBS Facilitators take precautions to avoid disclosing confidential information through public social media.

# **SECTION I: RESOLVING ETHICAL ISSUES**

## **Introduction**

PBS Facilitators behave in an ethical and legal manner. They are aware that the focus person's welfare and trust in the profession depend on a high level of professional conduct. They hold other PBS Facilitators to the same standards and are willing to take appropriate action to ensure that standards are upheld. PBS Facilitators strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with colleagues and supervisors when necessary. PBS Facilitators incorporate ethical practice into their daily professional work and engage in ongoing professional development regarding current topics in ethical and legal issues in Positive Behavior Support services. PBS Facilitators become familiar with the policies and procedures for processing complaints of ethical violations and use it as a reference for assisting in the enforcement of the Virginia Positive Behavior Support Code of Ethics.

## **I.1. Standards and the Law**

### **I.1.a. Knowledge**

PBS Facilitators know and understand the Virginia Positive Behavior Support Code of Ethics and other applicable ethics codes from professional organizations or certification and licensure bodies of which they are members. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

### **I.1.b. Ethical Decision Making**

When PBS Facilitators are faced with an ethical dilemma, they use and document, as appropriate, an ethical decision-making model that may include, but is not limited to:

1. consultation;
2. consideration of relevant ethical standards, principles, and laws;
3. generation of potential courses of action;
4. deliberation of risks and benefits; and
5. selection of an objective decision based on the circumstances and welfare of all involved.

### **I.1.c. Conflicts between Ethics and Laws**

If ethical responsibilities conflict with the law, regulations, and/or other governing legal authority, PBS Facilitators make known their commitment to the Virginia Positive Behavior Supports Code of Ethics and take steps to resolve the conflict. If the conflict cannot be resolved using this approach, PBS Facilitators, acting in the best interest of the focus person, may adhere to the requirements of the law, regulations, and/or other governing legal authority.

## **I.2. Suspected Violations**

### **I.2.a. Informal Resolution**

When PBS Facilitators have reason to believe that another PBS Facilitator is violating or has violated an ethical standard and substantial harm has not occurred, they attempt to first resolve the issue informally with the other PBS Facilitator if feasible, provided such action does not violate confidentiality rights that may be involved.

### **I.2.b. Reporting Ethical Violations**

If an apparent violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution or is not resolved properly, PBS Facilitators take further action depending on the situation. Such action may include referral to Virginia Positive Behavior Supports Ethics Review Board, voluntary national certification bodies, state licensing boards or appropriate institutional authorities. The confidentiality rights of the focus person should be considered in all actions. This standard does not apply when PBS Facilitators have been retained to review the work of another PBS Facilitator whose professional conduct is in question.

### **I.2.c. Consultation**

When uncertain about whether a particular situation or course of action may be in violation of the Virginia Positive Behavior Supports Code of Ethics, PBS Facilitators consult with other PBS Facilitators who are knowledgeable about ethics and the established Code, with colleagues, or with appropriate authorities, such as the Virginia Positive Behavior Support Ethics Sub-committee.

### **I.2.d. Organizational Conflicts**

If the demands of an organization with which PBS Facilitators are affiliated pose a conflict with the Virginia Positive Behavior Supports Code of Ethics, the PBS Facilitators

specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to the Virginia Positive Behavior Supports Code of Ethics and, when possible, work through the appropriate channels to address the situation.

#### **I.2.e. Unwarranted Complaints**

PBS Facilitators do not initiate, participate in, or encourage the filing of ethics complaints that are in bad faith retaliatory in nature or are made with reckless disregard or willful ignorance of facts that would disprove the allegation.

### **I.3. Cooperation with Ethics Committees**

PBS Facilitators assist in the process of enforcing the Virginia Positive Behavior Supports Code of Ethics. PBS Facilitators cooperate with investigations, proceedings, and requirements of the Virginia Positive Behavior Support Ethics Review Board, Sub-Committee, or other duly constituted associations or boards having jurisdiction over those charged with a violation.