

CODE OF PROFESSIONAL ETHICS
FOR INDIVIDUALS CERTIFIED IN
WORK ADJUSTMENT, VOCATIONAL EVALUATION, AND CAREER ASSESSMENT
PREAMBLE

Work Adjustment, Vocational Evaluation, and Career Assessment Specialists (hereinafter referred to as "Professionals") function within the fields of vocational rehabilitation and education. Their professions exist because of the belief that persons who need assistance in identifying, moving toward, and reaching personal vocational objectives can benefit from work adjustment, vocational evaluation, and career assessment services when provided by a competent professional.

To ensure that the individuals needing such services are being served by qualified professionals, the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (hereinafter referred to as "CCWAVES") has developed a certification program. In addition, CCWAVES has adopted a Code of Professional Ethics (herein after referred to as "Code") that applies to all individuals certified in work adjustment, vocational evaluation, and career assessment. CCWAVES recognizes that all professions have ethical, moral, and legal codes that govern their delivery of client services. This document is intended to present the Code under which the CCWAVES Professional shall function while providing services to every individual needing assistance (hereinafter referred to as the "client"). This Code is not designed to specify practices related to Knowledge and Performance areas, but to set parameters for ethical behavior. Disciplinary procedures are also outlined and all Professionals who come under the jurisdiction of this Code are encouraged to read both the Code and the Disciplinary Procedures carefully.

The CCWAVES Code encompasses three levels of standards:

- The first level is the "Tenet" (i.e., the general principles shared by all true professions). The Tenets form the basis from which the subsequent levels are derived.
- The second level is the "Standard." The Standards are intended to help define the Tenets.
- The third level is the "Guideline." Here the intent is to ensure a greater understanding of the Standards and to provide a method for determining compliance with the principles inherent in the Standards and Tenets. While the Guidelines are not all-inclusive, they do demonstrate the types of ethical conduct expected of the Professional.

TENET 1 - MORAL AND ETHICAL STANDARDS

Professionals shall behave in a moral and ethical manner in the conduct of their professional roles.

- 1.1 Professionals shall afford the client the respect and dignity expected in professional-client relationships.
 - 1.1.1 Professionals will not misrepresent their role or competence to clients. They will refer clients to other specialists as needs dictate.
 - 1.1.2 Professionals will recognize the client's right to make choices. When working with minors or other persons who are unable to give voluntary, informed consent, the Professional will protect the client's best interests.
 - 1.1.3 Professionals will be aware of the client's safety and welfare at all times while a client is under their supervision. This awareness begins with the Professional's own needs, values and position of influence in relation to the client. Professionals will not exploit the trust and dependency manifested in clients or their families, and will avoid any economic, physical, psychological or sexual abuse or impropriety in dealing with clients and their families.
 - 1.1.4 Professionals will not condone practices that result in illegal or otherwise unjustified discrimination on the basis of race, color, religion, national or ethnic origin, gender, age, disability, sexual orientation or marital status in hiring, promotion or training.
- 1.2 Professionals shall understand and abide by the Tenets, Standards and guidelines that are part of this Code.
 - 1.2.1 Professionals who describe their services to the public will present the material fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration or superficiality. The Professional will be guided by a primary obligation to aid the public in forming accurate opinions and making informed judgments and choices related to vocational assessment options.
 - 1.2.2 Professionals will use the certification designation only in accordance with CCWAVES guidelines.
 - 1.2.3 Professionals will not claim a depth or scope of knowledge, skills or professional capabilities that is greater than warranted simply because they have achieved the CWA, CVE, or CCAA designation.
 - 1.2.4 Professionals will not claim possession of unique skills or devices not available to others in the profession unless the existence and efficacy of such skills or devices has been scientifically demonstrated.
 - 1.2.5 Professionals will not engage in any act or omission of a dishonest, deceitful or fraudulent nature in the conduct of their professional activities.
 - 1.2.6 Professionals may be subject to disciplinary action for violations of any law, regulation or provision of this Code.

- 1.2.7 Professionals will not initiate or support for CCWAVES certification candidacy any individual who is known to engage in professional practices that violate the Tenets prescribed by this Code.
- 1.2.8 Professionals will not act in ways that lead others to believe they officially represent CCWAVES unless written permission has been granted by the Commission.
- 1.2.9 Professionals will not make unjust and discriminatory comparisons regarding the relative competency of certified and non-certified persons.
- 1.2.10 Professionals possessing information concerning an alleged violation of this Code by another Professional will, upon request, reveal such information to CCWAVES or its designee.
- 1.2.11 Professionals will respect the rights and reputation of any institution, organization or firm with which they are associated when making oral or written statements. In those instances where they are critical of existing policies, they will attempt to work within the organization to make constructive changes.

TENET 2 - LEGAL STANDARDS

Professionals shall abide by local, state and federal laws and statutes in the conduct of their professions, maintaining the integrity of the Code and avoiding any behavior that would cause harm to others.

- 2.1 Professionals will be alert to legal parameters relevant to their practices and to disparities between legally mandated, ethical, and professional standards. Where such disparities exist, Professionals will communicate them to the appropriate CCWAVES committee.

TENET 3 - PROFESSIONAL-CLIENT RELATIONSHIP

Professionals shall respect the dignity and worth of all individuals with whom they work. The primary ethical obligation of Professionals is to their clients, or those persons who are directly receiving their services. Professionals will endeavor at all times to protect each client's welfare and to place the client's interests above their own.

- 3.1 Professionals will clearly inform their clients of the nature, purpose, goals, expected outcomes, and limitations of the services to be rendered as well as to whom and for what purposes the results of those services will be communicated.
- 3.2 Professionals will make every effort possible to avoid developing dual relationships with clients that could affect the Professional's judgment or increase the risk of exploitation. Examples would include, but are not limited to professional-client relationships with employees, students, close friends, relatives or research subjects.
- 3.3 Professionals will take responsibility for establishing positive relationships with their clients in order to obtain optimum results from the services provided, based on the best efforts of both the Professional and the client. Professionals are obliged to set a tone for the working relationship that will ensure clients are not made to feel inferior or uncertain about their role in the process.

3.4 Professionals who provide their services at the request of a third party will clarify the nature of their contributions and responsibilities to all involved. They will ensure that all parties agree to the nature, scope, and duration of the services to be provided, the goals and expected outcomes, and to whom and how such outcomes will be communicated. When serving as case consultants or expert witnesses, Professionals are obliged to provide unbiased, objective opinions.

3.5 Professionals will support and protect their clients in conflicts between the clients' interests and the welfare of the community, the clients' family or the organization with which the Professional is associated, unless there is immediate danger to other individuals or the clients' behavior is perceived to be illegal or not in their own best interests.

TENET 4 - PROFESSIONAL RELATIONSHIPS

Cooperative inter-professional relationships shall be seen as vital in achieving optimum benefits for clients. Professionals shall respect the value and roles of professionals and staff in other disciplines and act with integrity in their relationships with professional colleagues, organizations, agencies, referral sources, and related disciplines.

- 4.1 Professionals will actively seek other professional assistance or support in order to provide the best possible services to their clients.
- 4.2 Professionals will meet all stipulated deadlines in providing information needed by a cooperating agency or professional colleague while providing services to a referred client.
- 4.3 Professionals will cooperate in professional team or staff planning activities, and will help to implement the resulting decisions, even when not in personal agreement with them, unless such decisions breach this Code.
- 4.4 Professionals will make an effort to learn about and understand the changing roles and responsibilities of those in related professions, and will offer information on their own services to assist other practitioners who need such data to help them serve their own clients more effectively.
- 4.5 Professionals will limit their client services to those areas where they are clearly competent.
- 4.6 Professionals will refrain from committing receiving parties to any prescribed course of action when referring or transferring clients. However, the Professional will ensure that there is a mutual understanding of the referral or transfer situation by all persons concerned. Conversely, when Professionals receive a referral or transfer, they should establish a mutual understanding of the reason for this action as well as the expectations for service delivery.
- 4.7 Professionals will not disparage the competency or ethics of other professionals or agencies in discussions with their clients unless, in the judgment of the Professional, the information is required to protect the best interests of the client.
- 4.8 Professionals will not use their professional relationships with supervisors, colleagues, students or employees to intimidate or harass them, sexually or otherwise, nor will they encourage or condone such actions in others. Intimidation and harassment are defined as deliberate or repeated comments, gestures or physical contact of a threatening or sexual nature that is unwanted by the recipient.

- 4.9 Professionals who know of an ethics violation by another Professional will attempt to resolve the issue informally with that person provided the misconduct is minor in nature and/or appears to be due to a lack of sensitivity, knowledge or experience. If the violation is more serious or not amenable to an informal resolution, the Professional will bring it to the attention of the appropriate committee on professional ethics. Failure to do so will constitute a breach of ethics.
- 4.10 Professionals who employ or supervise support staff or other professionals will provide appropriate working conditions, timely evaluations, constructive consultations, and suitable experience opportunities to facilitate the career development of these individuals.

TENET 5 - CONFIDENTIALITY

Professionals shall respect the confidentiality of information obtained from clients in the course of their work.

- 5.1 Professionals will inform clients of the limits of confidentiality at the onset of the counseling relationship.
- 5.2 Professionals will safeguard the maintenance, storage, and disposal of client records, including electronic records (e.g., computer files and email) so unauthorized persons cannot gain access to them.
- 5.2.1 Professionals will thoroughly instruct any person who must be given access to a client's records about the confidentiality standards to be observed.
- 5.2.2 Professionals will present only germane data in preparing oral and written reports, and will make every effort to avoid undue invasions of privacy.
- 5.2.3 Professionals will not forward any confidential information to another person, agency or potential employers without the written permission of the client, the client's legal guardian or the referral source and without considering the recipient's "need to know," unless ordered to do so by a court of law.
- 5.3 Professionals will take reasonable direct action, inform responsible authorities or warn those persons at risk if the condition or actions of a client indicate there is clear and imminent danger to the client or others. Professionals will take such actions only after advising the client of what must be done. Consultations with other professionals may be used where appropriate.
- 5.4 Professionals will obtain written permission from clients or their legal guardians prior to taping or otherwise recording any type of evaluation, training or counseling session. Even if a guardian's consent is obtained, Professionals will not record sessions against the expressed wishes of their client.

TENET 6 - PROFESSIONAL COMPETENCY

Professionals shall provide services to clients that demonstrate competence of critical knowledge and performance areas, as established by CCWAVES, and ensure that all services are necessary and appropriate.

- 6.1 Professionals will ensure that there is sufficient diversity in instruments, techniques and processes to meet the needs of their referred clients and to obtain realistic outcomes based on community resources.

- 6.1.1 Professionals will offer evaluations with the goal of including clients in rather than screening them out of available services, courses, training, and jobs.
- 6.2 Professionals will ensure that the length of service and ratio of client-to-Professional are sufficient to allow for a thorough consideration of all essential questions.
- 6.3 Professionals will acquire and maintain the knowledge and skills required to use all appropriate instruments and techniques.
 - 6.3.1 Professionals will have comprehensive knowledge of the statistical properties of all instruments and techniques used (e.g., reliability, validity, standard error of measurement, norm groups), including proper methods of administration, modification, scoring, interpretation, and reporting/use of results.
 - 6.3.2 Professionals will not use any instruments or techniques unless they are qualified to do so.
- 6.4 Professionals will work with their clients to develop individualized plans that can meet specific needs and that promise reasonable success.
- 6.5 Professionals will ensure that the interpretations of all results are vocationally relevant, geared to optimizing the client's vocational development or decision-making abilities, and realistic with regard to the client and the available services, education, training and job markets.
- 6.6 Professionals who are administrators/supervisors of their service units will ensure that all services are provided in a legal and ethical manner, with an emphasis on appropriate lengths of service, staff-to-client ratios, and availability of instruments/techniques needed to bring about optimum vocational development or decision-making on the part of the client.
- 6.7 Professionals who function as educators of other Professionals will ensure that the program materials, catalogue descriptions, course outlines, and materials as well as the number and quality of courses and field experiences are representative of state-of-the-art practices and procedures, and sufficient to train students to function competently as Professionals.
- 6.8 Professionals who are developers and/or marketers of instruments and techniques must ensure that their products are statistically sound: that limitations in use (e.g., appropriate/inappropriate populations) are declared; that adequate documentation (e.g., statistical analysis norms and norm groups, administration and scoring procedures, interpretive information) is included in any manuals; that training and support are available when needed; that marketing and presentation materials accurately explain the purpose and intended use of the product; and that the instrument/technique is not being misrepresented or sold in a manner inconsistent with governing laws or regulations (e.g., kickbacks, gifts in exchange for purchase).

TENET 7 - RESEARCH AND PUBLICATION

Professionals shall volunteer to engage in or support research and publication activities that will benefit service delivery.

- 7.1 Professionals engaged in research, presentations, and publications must ensure that the reviews of any literature are thorough and accurate, that the research methodology is appropriate and sound, that data analysis is honest and correct, that the confidentiality of client and Professional data is strictly maintained, and that materials cited from other authors or publishers is correctly referenced.
- 7.2 Professionals will ensure that the contributions of others in the collection of data or development of a manuscript are acknowledged through co-authorship, in an introductory or concluding statement, or in a footnote, depending on the extent of their involvement.
- 7.3 Professionals will ensure that research subjects are completely informed about the purpose of the study and have agreed to participate.

TENET 8 – CONSULTATION

Professionals shall adhere to recognized professional practices in pricing, promoting, and contracting their services.

- 8.1 Professionals will consider carefully the value of their services and the financial resources of their clients in order to establish reasonable fees for their professional services.
- 8.2 Professionals will not accept a fee or any other form of remuneration for their work from clients who are entitled to their services through an institution, agency or other benefit structure, unless the client has been fully informed of the availability of such services from those sources.
- 8.3 Professionals will not base their decisions to accept or refer clients for services on the basis of a commission, rebate or any other form of remuneration.
- 8.4 Professionals will not use client relationships to promote commercial enterprises of any kind, either for their personal gain or the profit of an organization.
- 8.5 Professionals will terminate their consulting or direct service relationships when it is reasonably clear that the client can no longer benefit from further services.
- 8.6 Professionals asked to provide services in situations where a conflict of interests may exist must clearly inform all parties of the roles and responsibilities of the Professional.
- 8.7 Professionals who provide consulting services must be fully competent in all areas where they consult and must not allow the pursuit of financial gain or other personal benefits to interfere with the exercise of sound professional judgment and skills.
- 8.8 Professionals who provide consulting services will treat all information gained about individuals and/or organizations as confidential and governed by the standards set forth elsewhere in this Code.

Guidelines and Procedures
for Processing Ethical Complaints

In furtherance of its professional objectives, CCWAVES promulgates ethical standards, disciplinary guidelines, and procedures for processing alleged violations of those standards by professionals certified in vocational evaluation (CVEs), work adjustment (CWAs), or career assessment (CCAAs) (hereinafter referred to as "Certificant"). This document provides the disciplinary guidelines and procedures for processing cases brought to the attention of CCWAVES.

CCWAVES adjudications are not formal legal proceedings. Hence many legal strictures and conventions are not observed. The CCWAVES Executive Committee, Ethics Committee, and those accused in the hearings (hereinafter referred to as the "accused") shall use their best efforts to adhere strictly to the time requirements specified in this document. However, failure to do so will not prevent final adjudication unless CCWAVES or the accused can show that such failure was willful or unfairly prejudicial.

SECTION 1 - JURISDICTION OVER INDIVIDUALS.

- 1.1 TYPES OF COMPLAINTS ACCEPTED. Complaints of violation of the Code by a CWA, CVE, or CCAA. A complaint may be filed by any individual, group of individuals or organization (referred to hereinafter as "complainant"). The complainant need not be certified in Work Adjustment, Vocational Evaluation, or Career Assessment. The accused must be a CWA, CVE, or CCAA.
- 1.2 ANONYMOUS COMPLAINTS. CCWAVES shall not act upon the basis of anonymous complaints.
- 1.3 TIME LIMITS FOR COMPLAINTS. CCWAVES will consider complaints brought by CWAs, CVEs, or CCAAs or non-certificants against Certificants if the complaint is filed within two years from the time the alleged unethical conduct occurred. Any complaint not received within these time limits shall not be considered and the parties involved shall be so notified. In addition, the accused must have been certified by CCWAVES at the time the alleged ethical violation occurred in order for CCWAVES to have jurisdiction. However, a conviction for the commission of a crime at any time will be considered in processing complaints.
- 1.4 LITIGATION. Civil or criminal litigation pending against Certificants shall be no bar to the consideration of complaints by CCWAVES. It shall be within the discretion of CCWAVES whether to proceed during the course of litigation or to wait until its completion.
- 1.5 COMPLAINTS ABOUT NON-CWAs, CVEs, or CCAAs. If the complaint does not involve a Certificant, the CCWAVES Administrative Office shall inform the complainant and may refer the complainant to another agency or association with proper jurisdiction.
- 1.6 CCWAVES APPLICANTS. Applicants for CCWAVES certification sign a statement on the application form certifying that the information provided in the application form is accurate and complete. Falsification of applicant data or failure to disclose information relative to ethical actions past or pending involving other cognate associations or credentialing organizations may result in the following actions by CCWAVES: termination of application and notification of the falsification to relevant licensing boards, certification boards, applicant references, and/or employers. The decision to reject an application may be published in the CCWAVES Update at the discretion of the Commission. The notification may take place, at the discretion of CCWAVES, even if the applicant voluntarily withdraws the application.

SECTION 2 - AVAILABLE DISCIPLINARY ACTIONS. The Ethics Committee may take any one or more of the following actions:

2.1 REVOCATION. The Ethics Committee may revoke the Certificant's certification. The Certificant will be required to relinquish (return to CCWAVES) the original certificate and (if applicable) the re-certification certificate.

2.2 PROBATION/CENSURE/SUSPENSION. The Ethics Committee may place the Certificant on probation, suspend certification, or may reprimand or censure the Certificant. It may also direct that the Certificant cease the challenged conduct, accept supervision, or seek rehabilitative or educational training or counseling. The Ethics Committee may implement its directives by issuing:

2.2.1 CEASE AND DESIST ORDER. Require the Certificant to cease and desist the challenged behavior.

2.2.2 REPRIMAND. Reprimand when the Ethics Committee has determined that there has been an ethics violation, but there has been no damage to another person.

2.2.3 CENSURE. Censure when the Ethics Committee has determined that there has been an ethics violation, but the damage done to another person is not sufficient to warrant more serious action.

2.2.4 SUPERVISION REQUIREMENT. Require that the Certificant receive supervision.

2.2.5 REHABILITATION, EDUCATION, TRAINING OR COUNSELING. Require that the Certificant undergo rehabilitation, education, training, or counseling.

2.2.6 PROBATION. Require that the Certificant be placed on probation. Probation is defined as the relation that CCWAVES has with a Certificant when the Commission actively and systemically undertakes to monitor, for a specific length of time, the degree to which the Certificant complies with the Ethics Committee's requirements.

2.2.7 REFERRAL. Referral to a relevant association or state board of examiners for action.

2.3 REAPPLICATION. The Ethics Committee may recommend that the Commission deny a request for reapplication.

2.4 PUBLICATION OF DISCIPLINARY ACTION. Upon a final decision that the CCWAVES Code has been violated, CCWAVES reserves the right to issue notification of the decision through publication in the CCWAVES "Update" and other appropriate sources. The notice shall state that the disciplinary action was pursuant to the CCWAVES Code and Disciplinary Guidelines.

2.5 NOTIFICATION OF OTHER ORGANIZATIONS. In the event that a Certificant who has violated the Code of Ethics is certified by other recognized professional boards or associations or is authorized by governmental authority to practice in cognate disciplines, CCWAVES shall, at its discretion, send notice of the disciplinary action to each organization. The notice shall state that the disciplinary action was pursuant to the CCWAVES Code and Disciplinary Guidelines.

SECTION 3 - HOW TO FILE A COMPLAINT.

3.1 INITIATION OF A COMPLAINT. Upon receipt of an ethical inquiry, the CCWAVES Administrative Office shall forward the following to the person initiating the inquiry: a) a copy of the CCWAVES Disciplinary Guidelines; b) a copy of the Declaration of Complaint form; and c) a copy of the CCWAVES Code.

3.2 IMPLEMENTATION OF A COMPLAINT. If, after reviewing all guidelines, the person initiating the inquiry decides to proceed, he/she must provide CCWAVES with a written declaration specifying in detail the nature of the complaint. Both parties in an ethical complaint will be kept apprised by CCWAVES of status of the case.

3.3 CRITERIA FOR ACCEPTING COMPLAINTS. CCWAVES shall accept a complaint if all the criteria are met. If the complaint does not meet all criteria, it shall be found not eligible for action. Criteria for acceptance:

3.3.1 The complaint specifies the section or sections of the CCWAVES Code that have allegedly been violated as well as the dates of the alleged violation.

3.3.2 The accused is a CWA, CVE, or CCAA.

3.3.3 The alleged unethical behavior complained about occurred within the time parameters specified in section 1.3.

3.3.4 The complainant has personal knowledge of the alleged behavior complained about or is in a position to supply relevant, reliable testimony or other evidence on the subject.

3.3.5 The complainant is willing to provide testimony.

3.3.6 All Declarations of Complaint must be signed and accompanied by the complainant's address.

3.4 WITHDRAWAL OF COMPLAINT. If the complainant wishes to withdraw the complaint after the accused has been notified, CCWAVES must obtain the accused's permission before terminating the inquiry. If permission is withheld, the inquiry must be completed.

3.5 FAILURE TO COOPERATE BY ACCUSED. Certificants are pledged, in accordance with the CCWAVES Code, to cooperate with proceedings of CCWAVES for any alleged violation of the Code of Ethics. If the accused voluntarily relinquishes certification or fails to cooperate with an ethical inquiry in any way, CCWAVES shall, at its discretion, continue its investigation, noting in its final report the circumstances of the accused's failure to cooperate.

3.6 REFUSAL OF COMPLAINANT TO PROVIDE TESTIMONY. If a complainant refuses to testify, the complaint may be dismissed at the discretion of CCWAVES, upon application of the accused.

3.7 COUNTER-COMPLAINTS. Normally, CCWAVES will not accept formal ethical complaints from an accused Certificant against a complainant Certificant during the course of an investigation of the initial complaint. Rather, CCWAVES shall indicate that all sides of the matter leading to the complaint will be studied and that countercharges will be considered only after the initial complaint is finally resolved. However, in unusual circumstances, CCWAVES may accept a counter-complaint.

3.8 CAPRICIOUS COMPLAINTS. As a protection for the accused, CCWAVES has the right to bring charges against a complainant if the initial complaint is judged by CCWAVES to be capricious or intended to harm the accused rather than protect the public.

SECTION 4 - PROCESSING OF COMPLAINTS BY CCWAVES.

4.1 INITIAL ACTION BY CCWAVES ADMINISTRATIVE OFFICE.

- 4.1.1 Ascertain the certification status of the accused.
- 4.1.2 Confer with legal counsel and secure a legal opinion on the legitimacy of the complaint.
- 4.1.3 Send notification of the filing of the case and legal opinion on the case to the CCWAVES Chair within ten (10) working days after it is received in the CCWAVES office.
- 4.1.4 Verification of certification and the CCWAVES legal opinion on the legitimacy of the complaint shall be included among documents sent to the CCWAVES Ethics Committee.

4.2 ACKNOWLEDGEMENT OF COMPLAINT. Within thirty (30) days of receipt of a formal complaint, the CCWAVES Administrative Office shall initiate the following procedures.

- 4.2.1 Direct a letter to the complainant acknowledging acceptance or rejection of the complaint.
- 4.2.2 If a decision to accept the complaint is made, assist the CCWAVES Chair in assembling a Hearing Committee.
- 4.2.3 If a decision to accept the complaint is made, send a notice of the complaint to the Certificant who is the accused. The notice to the accused shall: a) be sent certified mail, return receipt requested, marked "Confidential" and be deliverable to the accused only; b) state the portions of the Code relevant to the allegations of the complaint; c) contain a copy of the complaint; d) contain a copy of the CCWAVES Code and a copy of the Disciplinary Guidelines; e) direct that the accused respond to the allegations, in writing, within thirty (30) days and state whether the accused requests a hearing before the committee; and f) inform the accused that failure to respond in writing within thirty (30) days may result in termination of his/her certification.
- 4.2.4 Direct a letter to the members of the Hearing Committee notifying them of the acceptance of the complaint.
- 4.2.5 At any time after charges have been filed, a professional investigator may be secured at the discretion of the Commission.

SECTION 5 - NON-INJURED PARTY COMPLAINTS.

- 5.1 PUBLIC NOTIFICATION. When unethical conduct reported in the media comes to the attention of the Commission, verification will be established through an investigation. In these cases, the accused involved is to be notified by certified mail of CCWAVES's knowledge of the matter and given the opportunity of a hearing. The accused will have thirty (30) days to respond from the date notified. Non-response constitutes an admission of the unethical conduct.
- 5.2 NOTIFICATION BY OTHER ORGANIZATIONS. Should a licensing authority having jurisdiction or any recognized professional association send notification to CCWAVES of disciplinary action against a Certificant, CCWAVES shall inquire into the matter and, if deemed appropriate, promptly institute proceedings against such certificant as such discipline may itself constitute a violation of the Code.
- 5.3 TIME LIMITS INVOLVING OTHER TRIBUNALS. When acting in response to: a) conviction of a felony, b) findings of malpractice by a duly authorized tribunal, or c) revocation of licensure or certification by a state board of examiners or national certifying agency, the time limit for bringing complaints shall not begin until such actions have come to the attention of, or should reasonably have come to the attention of CCWAVES.

SECTION 6 - MEMBERSHIP AND MEETINGS OF THE ETHICS COMMITTEE.

6.1 COMPOSITION OF THE ETHICS COMMITTEE. The Ethics Committee shall be composed of no fewer than three (3) Certificants including the Ethics Committee Chair. The Commission Chair will appoint the Ethics Committee Chair who, in turn, will appoint the remaining committee members. The CCWAVES Chief Administrator may also be present at all committee meetings unless otherwise indicated.

No Committee member shall be appointed to serve on a case in which he or she has a conflict of interest, whether because of personal knowledge of the accused, or for any other reason. The accused has the right to exercise one veto of the committee members without any statement of reason. The accused can also challenge any member of the committee for personal bias or prejudice. The determination of personal bias will be made by the Chair of the Hearing Committee.

6.2 MEETINGS OF THE HEARING COMMITTEE.

6.2.1 PURPOSE OF THE MEETINGS: CASE REVIEW. The Hearing Committee shall convene to review all submitted documentation in order to determine if additional facts are needed and if the case warrants the opportunity for the complainant and accused to participate in a face-to-face hearing.

6.2.2 PARTICIPATION OF CASE PARTIES. Upon a written agreement of both the accused and the complainant that there is no dispute as to any material facts, the Hearing Committee may decide whether there has been a violation of the Code by the accused without a hearing.

6.2.3 ACTION BY HEARING COMMITTEE VOTE. All action by the Hearing Committee shall be made by a majority of those Committee members present and voting.

SECTION 7 - THE HEARING.

7.1 PURPOSE OF THE HEARING. The role of the Hearing Committee is to weigh all available evidence in a case of alleged ethical violation and to determine disciplinary action when appropriate.

7.2 SCHEDULING OF HEARING DATE. The decision to conduct a hearing after acceptance of a complaint shall be based on the response of the accused, as outlined in Section 4.2.4, to the allegations and the case review by the Hearing Committee under Section 6.2. The hearing shall, if possible, be scheduled within 30 days of the response of the accused to the allegations unless the Hearing Committee delays due to extenuating circumstances. The Hearing Committee may also extend, for good cause, the hearing deadlines and time schedules outlined in these guidelines.

7.3 NOTICES REQUIRED. Upon decision to hold a hearing, the CCWAVES Administrative Office shall notify the complainant and accused of: a) the time frame for scheduling the hearing; b) the scope of the hearing through a clear statement of the allegations to be heard; c) the right of the accused and complainant to present witnesses.

7.4 INQUIRY OF INTENT TO APPEAR BEFORE THE ETHICS HEARING

COMMITTEE. The accused and the complainant must respond regarding their intent to appear personally before the Hearing Committee or to designate that written testimony be submitted without appearance before the Hearing Committee. Any written evidence must be received by the CCWAVES Administrative Office at least seven (7) working days prior to the meeting.

7.5 HEARING SESSIONS. Although the complainant and accused shall be notified of and provided the opportunity to be present at all sessions, the hearing will proceed whether or not they are present. Requests by the complainant or accused to postpone a hearing due to serious extenuating circumstances should be submitted to CCWAVES via certified mail at least fourteen (14) working days prior to the hearing date. The Hearing Committee reserves the right to determine if the postponement shall be granted.

Upon confirmation of the accused's intent to appear personally before the Hearing Committee, both complainant and accused shall be notified of the hearing date and location. The complainant shall be asked to confirm intent to appear personally at the hearing. Both the accused and complainant shall be asked to state their intent to bring witnesses and/or legal counsel. Parties in a hearing who elect not to appear in person, but to provide written testimony or to schedule testimony via telephone, must state in advance the telephone number where they may be reached on the hearing date in the event that the Hearing Committee wishes to contact them to clarify information.

7.6 THE HEARING SCHEDULE AND LOCATION. The hearing shall commence within ninety (90) days of the decision to accept the complaint. If additional sessions are required, they shall be held as soon as possible. Hearings should be completed within one hundred twenty (120) days of acceptance of the complaint. The report shall be completed within thirty (30) days of the conclusion of the hearings. The location of the hearing shall be established by the CCWAVES Administrative Office in consultation with the Hearing Committee Chair. The hearing shall be held in the Chicago, Illinois, metropolitan area unless otherwise specified by the Hearing Committee.

7.7 LAY OR LEGAL COUNSEL AT THE HEARING. The complainant and the accused may seek lay or legal counsel from any person and may be advised by such counsel at hearings of the Hearing Committee. Legal counsel of CCWAVES has the privilege of the floor during the meeting; legal or lay counsel of the accused and complainant do not have privilege of the floor.

7.8 RESPONSIBILITY OF THE ETHICS HEARING COMMITTEE. The Hearing Committee shall have the responsibility to question the complainant and accused and their witnesses and examine documentary evidence in the course of the hearing to ascertain relevant facts. Should the testimony and documentary evidence fail to provide adequate information on which to base a decision, the Hearing Committee shall request either the complainant or accused or both to provide additional information. If either is unable to do so, the Hearing Committee, with notice to the complainant and accused, shall call additional witnesses or request access to pertinent documents.

7.9 RESPONSIBILITY OF THE COMPLAINANT, ACCUSED AND WITNESSES. The complainant and accused shall present at the hearing all information relevant to the complaint. They may also present pertinent documents or oral testimony of individuals who have knowledge of the situation giving rise to the complaint. The parties may be required by the Hearing Committee to provide, in the number needed by the Committee, copies of any document they wish to present. The accused shall have the right to be present when witnesses called by the Hearing Committee are heard. He/she shall be given the right to inspect documents examined and, when feasible, shall receive copies of such documents.

7.10 HEARING EXPENSES. Both the complainant and the accused, and any witnesses and legal counsel that they may have must pay their own expenses. CCWAVES shall pay the expense of Hearing Committee members. Parties initiating telephone contact will assume the expenses related to the calls.

7.11 HEARING PROCEDURES.

7.11.1 The CCWAVES Chief Administrator shall convene the Hearing Committee for the hearing.

7.11.2 All hearings shall be held in a private room, and no observers shall be admitted. The CCWAVES Chief Administrator, in consultation with the Chair of the Hearing Committee, shall designate the place for the hearing.

7.11.3 The accused has a right to be present in the room during the hearing, to hear all testimony against him/her, and to review all written statements against him/her. The complainant shall be excluded from the hearing room except when testifying, unless the accused consents to his/her presence at the hearing.

7.11.4 A written and/or taped record will be made of the proceedings by a recorder.

7.11.5 Witnesses shall be admitted to the hearing room for the purpose of offering their testimony.

7.12 DECISIONS OF THE HEARING. The Hearing Committee shall be the sole finder of facts. It shall be the Hearing Committee's responsibility to weigh all evidence presented and judge the credibility of the witnesses. After the hearing, the Hearing Committee shall deliberate in private and by majority vote of the

members present, make its decision. The Hearing Committee shall issue its decision within thirty (30) days after the hearing.

7.12.1 CONTENT OF THE DECISION. The Hearing Committee's decision shall include:

7.12.1.a The Committee's findings of fact.

7.12.1.b Whether a violation of the Code was found, and if so, the section of the Code violated.

7.12.1.c The Hearing Committee's decision:

7.12.1.c(1) If no violation of the Code of Ethics is found, the Hearing Committee may dismiss the case and indicate that the available statements and information do not support the accusation.

7.12.1.c(2) If a violation of the Code is found, the Hearing Committee shall take one or more of the available disciplinary actions described in Section 2.

7.12.2 NOTIFICATION OF THE DECISION. At the conclusion of the hearing, the Chair of the Hearing Committee shall forward a written summary of the decision to the CCWAVES Administrative Office. The CCWAVES Chief Administrator shall, by certified mail notify both the complainant and the accused of the decision.

7.13 RECORDS OF THE HEARING.

7.13.1 CONFIDENTIALITY. All information concerning complaints and hearings shall be confidential except that CCWAVES may disclose such information when compelled by a subpoena, or when otherwise required by law, or as previously stated in this document.

7.13.2 RECORD MAINTENANCE. Records of all CCWAVES hearings shall be retained in the CCWAVES Administrative Office for a period of not less than five (5) years.

7.13.3 CONTENTS OF RECORDS. There shall be a written record of the hearing which shall contain: a) a summary of the complaint; b) the position of the complainant and accused as well as their respective statements of the facts; c) the findings of the facts made by the Hearing Committee regarding each allegation, including a summary of the testimony and evidence on which such findings are based; d) the conclusions of the Hearing Committee with respect to each allegation set forth in the Declaration of Complaint; e) the Committee's recommendations; and f) an appendix composed of documents submitted in evidence and cited in the report.

SECTION 8 - APPEAL.

8.1 GROUNDS FOR APPEAL. The grounds for appeal are material violations of the procedural rules, new evidence, or arbitrary or capricious actions by the Hearing Committee.

8.2 LETTER OF APPEAL. The letter of appeal must cite the reasons for believing that the alleged error influenced the results of the hearing.

8.3 PROCEDURES.

8.3.1 The accused and complainant shall have thirty (30) days from receipt of the Hearing Committee's decision to appeal.

8.3.2 The Commission shall consider the appeal at its next regularly scheduled meeting or by conference call and may invite the accused, the complainant, and the Hearing Committee Chair to be present at the meeting or participate in the conference call.

8.3.3 A majority vote by the Commission shall determine the outcome of the appeal. The Commission shall issue a written decision in the matter within thirty (30) days of the meeting.

8.3.4 The accused and complainant shall be notified in writing of the decision.

SECTION 9 - CLOSING OF CASES.

9.1 A case shall be deemed closed by CCWAVES when: a) the complainant has not been accepted; b) a final decision has been issued by the Commission and has not been appealed or appeal has been completed; c) a complaint has been terminated or withdrawn with no objection.

SECTION 10 - REAPPLICATION PROCEDURES.

10.1 The CWA, CVE, or CCAA losing certification may petition the Commission for permission to reapply for certification. Application by former CWAs, CVEs, or CCAAs whose certification was revoked shall be considered only after two years have elapsed from the date of that action unless otherwise specified in the Hearing Committee recommendation. Applications by CWAs, CVEs, or CCAAs who have been placed on probation shall be considered only after the stipulated period has elapsed. Evidence should be submitted by the former CWA, CVE, or CCAA justifying reapplication.

ACKNOWLEDGEMENT

CCWAVES wishes to thank NBCC for granting permission to adopt its Guidelines and Procedures for Ethical Complaints.

Appendix

DECLARATION OF COMPLAINT: ETHICS

Two copies of this Declaration of Complaint, together with a brief statement about the complaint, should be filed with the CCWAVES administrative office.

I, _____, hereby file a complaint for consideration by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists against:

Accused's Name Street Address

_____ City State Zip

I charge the above party with demonstrating unethical conduct through a violation or violations of the CCWAVES Code of Professional Ethics.

I have read the CCWAVES "Guidelines and Procedures for Processing Ethical Complaints." I agree to abide by the conditions it sets forth. In addition, I understand that the accused will receive a copy of this statement. I also understand that all submissions of evidence and testimony will be kept confidential by the Ethics Hearing Committee.

Signature Street Address

Daytime Telephone Number City State Zip

Evening Telephone Number Date Complaint Filed