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### Core Ethical Principles

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**B**ehavior analysts are part of a culture of caring individuals who seek to improve the lives of others. They carry with them a set of core ethical values that are derived from thousands of years of compassionate practices dating back to the Greeks. (Ethics comes from the Greek word *ethos*, meaning moral character.) As a field, ethics can be divided into three divisions: normative ethics, meta-ethics, and practical ethics. Although it is the purpose of this volume to focus on practical ethics in behavior analysis, we first need to discuss some basic moral principles that underlie our culture at large. These core ethical principles guide our everyday lives and play a significant role in basic decision making in the practice of our profession.

In 1998, in their book *Ethics in Psychology*, Koocher and Keith-Spiegel outlined nine ethical principles for psychologists. These principles can be applied to ethics in many areas, including psychology, the teaching of children, and the training of animals. Koocher and Keith-Spiegel's nine core ethical principles are so basic—yet often go unstated—that we listed them, following, with explanations of how they relate to behavior analysis.

#### 1. DOING NO HARM

The expression “First, do no harm” is usually attributed to Hippocrates, a Greek physician in the fourth century B.C. Commonly

written as “Do no harm,” the phrase is typically referred to as appearing in the Hippocratic oath that is taken by physicians. However, there is some debate on this issue (Eliot, 1910). Hippocrates did say, “As to diseases, make a habit of two things—to help, or at least to do no harm.” The Hippocratic oath states, “I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous.”

Although no behavior analyst would knowingly do harm, it can come in subtle forms that need to be attended to carefully. One obvious example is that of a behavior analyst who is practicing outside his or her area of expertise.

*A behavior analyst who has been trained to work with adolescents accepts the case of a preschool child who is having severe tantrums at school. His initial impression is that the child is “noncompliant,” and he prepares a behavior program based on extinction of tantrum behaviors plus a differential reinforcement of other behavior DRO for compliance.*

Another form of “harm” might come in a more subtle case of the behavior analyst who does not develop a responsible data collection system and misses the significance of a behavior.

*A Board Certified Behavior Analyst (BCBA) consulting with a group home receives a referral for a young developmentally disabled man who is described as engaging in “self-stimulatory behavior.” He asks the staff to begin data collection, which involves counting the number of incidents per day. Two weeks later he reviews the baseline data and tells staff members that they do not have a significant problem and not to worry because the behavior is occurring only two to three times per day. On his next visit, the BCBA inquires about the client, only to discover that he was taken to the emergency room with lacerations to his scalp requiring six stitches. A review of the case determined that the BCBA failed to inquire about the severity of the behaviors and failed to ask the nursing staff to perform skin ratings.*

Behavior analysts often work with staff members who are not at all well versed in human behavior and who will not necessarily think to offer all the information necessary to operate ethically.

*Herman was referred for his combative behavior when being guided toward the shower each morning in a residential facility for the developmentally disabled. He was reluctant to take a shower and showed his displeasure by pushing and shoving the staff and trying to escape. This resulted in at least two staff injuries, one in the shower itself that left the training instructor unable to work for two weeks. Clearly, this was a case of aggressive behavior that needed treatment. In light of the danger involved, the staff strongly recommended restraint as an immediate consequence for Herman’s refusal to cooperate with his morning bathing routine. This program was nearly implemented when the behavior analyst inquired about how long this problem had been going on. The answer turned the treatment in a totally different direction. It turned out that Herman had previously been allowed to take his bath at night and was assisted by an aide who helped him by filling up the tub, getting just the right temperature for the water, providing his favorite towel, and in general recreating the conditions his mother used at home. When this staff member quit the facility, it was determined that Herman should take a shower in the morning, which, as we came to understand, he detested. Although it was possible that a behavior program could have been written to essentially force Herman to take a morning shower, it was determined that this would cause more harm than good. The ethical solution for this case was to train another staff member to reinstate Herman’s evening bath.*

## 2. RESPECTING AUTONOMY

To respect one’s autonomy means to promote his or her independence or self-sufficiency. Clearly, the basic procedures of behavior analysis are designed to do just this: prompting, shaping, chaining, fading, and the use of conditioned reinforcers, token economies,

and prosthetic environments are all designed to change behavior in such a way that the person can deliver his or her own reinforcers rather than depend on a mediator. Clashes can occur, of course, when it is determined that someone actually prefers to keep another under his or her control. This can produce very difficult situations for the behavior analyst, who is often hired by that person.

*Molly was a cute, dimple-cheeked 4-year-old with language delay. She was receiving one-on-one therapy each day from a certified assistant behavior analyst. The therapist was making progress in teaching Molly basic sounds for common objects. The mother, who was clearly not happy with the treatment, confronted her. It seems that Molly now knew the names for milk, cookie, snack, draw, play with blocks, and a few other words and was beginning to generalize these requests to the mother. The mother's position was that Molly would get snacks only when she wanted her to have them. By learning to request these items, the mother was afraid that Molly would become pushy and demanding. "The next thing you know she will think that she can just get in the fridge and get her own drinks," said Molly's mother.*

Autonomy can also bring risks that cannot always be foreseen. A behavior analyst who advocates for a person to acquire a skill that will provide greater independence has to recognize that this may put the person in harm's way.

*Marie was a geriatric patient in a nursing home. She spent most of her day in bed, refusing to participate in most activities. The goal of the facility was to encourage patients to ambulate independently when possible and to attend the wide variety of social and cultural events that were offered. The behavior analyst reviewed Marie's case and determined that she was capable of walking with assistance but got more reinforcement from refusing. After determining Marie's reinforcers, the behavior analyst arranged to make them contingent on first walking with assistance and then, after approval of the physical therapist,*

*walking on her own. The case was considered a success until Marie fell and broke a hip. Marie's family held the behavior analyst responsible for this accident. One family member said, "Why didn't you just leave well enough alone? She preferred to stay in bed, but you had to meddle in her affairs."*

Behavior analysts often work in educational or business settings, where they consult in the areas of classroom management or performance management. In these settings, the notion of autonomy can also produce some ethical issues. For example, teachers are frequently reinforced by students who stay in their seats and follow instructions; business managers and supervisors may desire that their employees simply "follow directions" and do what they are told.

*Rory supervised 15 employees in a small machine shop that fabricated specialized exhaust systems for racing cars. His employees were well paid and creative in coming up with solutions for the increasingly complex demands of their elite customers. After attending a conference on performance management, Rory contacted one of the speakers and asked for help. What he wanted was for his employees to follow the manual that he had written a few years earlier. "These young guys think they know it all. They are coming up with completely new designs and telling our customers that my methods are outdated."*

### 3. BENEFITTING OTHERS

It almost goes without saying that the primary role of behavior analysts is to benefit others in whatever setting or situation they may work. This principle can often put the behavior analyst at odds with other professionals and requires frequent checks on "who is the client?" in any given situation.

*Tamara was referred to the behavior analyst by her teacher. Tamara's problem was that she caused frequent disturbances in the classroom. Her teacher, Ms. Harris, provided a data sheet*

showing date, time, and type of disturbance going back two weeks. Ms. Harris requested help in setting up a time-out booth for Tamara. Although Ms. Harris was the person requesting help, the behavior analyst quickly determined that Tamara was her client, and she decided to take her own data. This required several visits to the school, which was quite a distance from the rest of the behavior analyst's cases. Tamara benefited from this extra effort on the part of the behavior analyst because it was discovered that her classroom disturbances were due to a hearing problem and not "wilfulness," as alleged by the teacher.

#### 4. BEING JUST

This principle is very basic and is directly derived from the "Golden Rule" or the Ethic of Reciprocity (Ontario Consultants on Religious Tolerance, 2004). Being just means that you should treat others as you would like to be treated. This has special meaning in behavior analysis because there is some potential for the use of uncomfortable stimuli or stressful contingencies in treatment. A further refinement of the ethic might ask, "How would I like my mother or my child to be treated in similar circumstances?" Questions of just treatment arise often in behavior analysis because there is often so little known about the origins of a particular behavior, and functional relationships often assumed are yet to be determined.

*A senior behavior analyst was asked to consult on the case of a client who was engaging in persistent self-injurious behavior—arm and face scratching. Ignoring had been tried without effect, and a fairly dense DRO with blocking was not proving effective either. The behavior analyst was puzzled but asked himself, "How would I like to be treated?" and realized that he had been treated for just such a behavior about two years prior. He had been diagnosed with a case of hives (his scratching looked a lot like self-injurious behavior [SIB]) and felt fortunate to receive medication rather than a DRO plus blocking. The behavior analysts' attention then turned to medical diagnosis of the client's SIB.*

#### 5. BEING FAITHFUL

Well-respected professionals attain their reputation based on the trust placed in them by others. Those who are loyal, trustworthy, and honest are sought out as dependable and reliable sources of wise counsel and effective, ethical treatment. Being truthful and honest with clients, colleagues, and administrators provides the basis for long-term relationships that make for a successful career.

*Dr. B., an experienced behavior analyst, was consulting at a residential facility for clients with behavior problems that were severe enough to prevent them from living at home or in the community. One day, as soon as Dr. B. arrived at the facility, the administrator approached him and began congratulating him on successfully treating one of the most intransient cases in the facility. After discussions with the behavior specialist and Board Certified Assistant Behavior Analyst (BCABA), Dr. B. met with the administrator to explain that no credit was due. In fact, baseline was still under way, and the treatment plan had not yet been executed.*

#### 6. ACCORDING DIGNITY

Many of the clients we serve are not able to effectively represent themselves. They may be nonverbal or simply unable to get someone to listen to them. If their wishes are unknown and they are unable to make choices, they may become depressed and present behavior problems that come to the attention of a behavior analyst. Although it is not a "behavioral" term, low self-esteem seems to capture the essence of a person who has not been afforded dignity. As behavior analysts, our job is to make sure that every client is treated with dignity and respect. Behaviorally, this means that we would work with clients on acquisition skills to make sure that they are able to voice or signal their needs to those around them. A good behavior analyst would also push for all staff to undergo the training necessary to learn to communicate with the clients who are nonverbal. These persons should be given choices



throughout the day and allowed to exercise their preferences for food, clothing, roommate, activities, and living conditions. Other more subtle ways of accoring dignity involve the language we use to talk to or about clients. If you want to know how Bertha feels about her treatment plan, you could ask the staff or family, or you could ask Bertha herself. Clients should be addressed by name in a friendly fashion using eye contact and a pleasant smile—the kind of treatment you expect when you are receiving services from someone in your business community.

*Thomas was a young man with developmental disabilities who was referred for his aggressive and sometimes self-injurious behavior. The incidents seemed to occur in the afternoon, when he returned to his group home from his sheltered work setting. It often took two staff members to drag him from his bedroom to the living room, where there were group activities. Before being taken to the living room, he had to be dressed, because he was frequently found sitting in his underwear on the floor rocking and listening to music on his headset. After some considerable investigation and discussion with staff, family, nurses, and social workers, the behavior analyst prevailed in his position that Thomas should be given his choice of activities in the afternoon. He was to be offered the option of joining the group each day, but if he chose to stay in his room and listen to music, his choice was respected. Given this resolution, there was no need to develop a behavior treatment program, because the aggressive and self-injurious behavior ceased to exist.*

## 7. TREATING OTHERS WITH CARING AND COMPASSION

Many of the previous ethical principles relate to this ethical principle. If, as a behavior analyst, you respect the autonomy of clients, work to benefit them, and devise programs that accord them dignity, you will automatically be treating clients with care and compassion. This value also suggests not only that clients be given choices but also that interpersonal relationships should demonstrate sympathy and concern.

*Terrence hated getting up in the morning to go to work. He would fight with staff members, throw shoes at them, and pull the bed covers up over his head. One staff member who reported no such reaction when she was on duty described her method of getting Terrence up. "Basically, I try to treat him like my dad, who lives with us. He's on medication just like Terrence, and I know that it makes him groggy in the morning. So, I have to show some patience with Terrence. What I do is I go in his room and say in my sweetest voice, 'Terrence, honey, it's almost time to get up,' and I open the curtains about halfway and then leave his room. Then I come back about 15 minutes later and open the curtains the rest of the way and go to Terrence and gently rub his arm and say, 'How you doin', Terrence? It's almost time to get up. We've got some fresh coffee brewing, and I've set out your favorite work clothes. I'll be back to get you in a few minutes.' Then about 15 minutes after that I come back, and, if he's not up, I turn on his clock radio and say, 'Terrence, sweetheart, it's time to get up now. Let me help you get dressed.' I know this takes extra effort. But this is the way I would like to be treated, and it's the way I treat my dad, so I don't mind. And it works. By the time I turn on the radio, he's swinging out of bed and has that little half-grin on his face that says, 'Thank you for being so understanding.'"*

## 8. PURSUIT OF EXCELLENCE

Behavior analysis is a rapidly growing field. Behavior analysts need to stay current with new developments as well as constantly updated rules and regulations. Excellence in this profession means being aware of the latest research in the field and in your specialty and incorporating the most up-to-date methods and procedures in your practice of behavior analysis. It is a given that you will subscribe to the key journals in the field and attend your state association meeting as well as the annual meeting of the Association for Behavior Analysis International or the Association of Professional Behavior Analysts (APBA). To stay at the top of your game, you may also want to watch for specialty workshops offered in

your area or consider taking graduate seminars offered at a nearby university. The Behavior Analysis Certification Board (BACB) requires BCBAs to acquire continuing education each year. Continuing education hours required by the BACB are a minimum, and the behavior analyst who wants to be on the cutting edge of ABA and to maintain excellence will set aside two to four hours each week to read the latest journals and newest reference works.

*Nora received her master's degree in psychology with a specialty in applied behavior analysis in the mid-1990s. Since then she has gone to a few conferences but does not find them exciting enough to maintain her interest. She was embarrassed recently at a local peer review meeting when a newly minted PhD began questioning her proposed treatment plans. She had not been aware of the latest research on functional assessment and was surprised to find that she was so out of touch.*

## 9. ACCEPTING ACCOUNTABILITY

Behavior analysts have an awesome responsibility in analyzing the behavior of a client and then making recommendations to implement a program to change a target behavior. In pursuing excellence, you will want to make sure that everything you have done in making your diagnosis is of the highest standard. By presenting your conclusions to colleagues and other professionals, you are responsible for making sure that the proposed treatment is proper, justified, and worthy of consideration. And, when your treatments fail, you must take responsibility, accepting blame and making corrections to satisfy the consumer and other related parties. Behavior analysts who are better at making excuses than analyzing behavior do the profession no favor. Those who do not take the time to research the problem they are working on and arrive at hasty conclusions will find themselves constantly in the line of fire.

*Clara had been on her job for only three months when she found herself at the center of a serious discussion at an individual*

*education plan (IEP) meeting at one of the schools where she worked. She developed a token economy for one of the teachers to use with a student. The program involved the teacher giving the student points for quietly doing her work. Unfortunately, Clara failed to take into account the issue of quality when writing up the child's program, and now the teacher was very irritated at Clara, claiming that "she has created a monster who cares nothing for the work and just scribbles away on her papers so that she can get her stupid points." Rather than point out the obvious fact that the teacher could have easily made the decision to reward only quality work, Clara accepted responsibility, apologized to the teacher, and rewrote the program.*

Behavior analysts do not begin their ethical training in graduate school. A person's ethical training begins long before the college years. Developmental psychologists would argue that individual ethical standards are fairly well set by the time a child ventures into junior high school. Personal ethical situations confront people every day, and there is probably a tendency to generalize from these everyday occurrences to professional life. Persons who advance their personal interests above others, avoid conflict, and do not take responsibility for their actions are unlikely to immediately take account of ethical standards in their profession. It is for these reasons that a Professional and Ethical Compliance Code for Behavior Analysts has been developed. It is our hope that by reviewing these principles and examining the Code carefully, behavior analysts will come to see the value in adopting a set of responsible behaviors that will advance the profession and provide respect to this important new field of behavior analysis.

*Section*

# TWO

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## **Understanding the Professional and Ethical Compliance Code for Behavior Analysts**

The Behavior Analyst Certification Board's (BACB's) Professional and Ethical Compliance Code for Behavior Analysts (the "Code") consolidates, updates, and replaces the BACB's Professional Disciplinary and Ethical Standards and Guidelines for Responsible Conduct for Behavior Analysts. The Code includes 10 sections relevant to professional and ethical behavior of behavior analysts, along with a glossary of terms. Effective January 1, 2016,

all BACB applicants, certificants, and registrants will be required to adhere to the Code.

If the reader has earlier editions of this text or the Code, it should be noted that new items have been added and some of the numbers have changed in the new August 11, 2015, version of the Code.

In the following chapters, sample ethics cases from BCbAs and BCaBAs around the United States are included to illustrate the real-life problems that professionals in ABA must handle. These cases can be used to test your knowledge of the Code requirements. At the end of each chapter, you will find the first author's response to the query.

## 6

### Responsible Conduct of Behavior Analysts (Code 1.0)

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Compared to other helping professions, behavior analysis has evolved in a unique way. Our field has a relatively short history, going back only to the mid-1960s, and our roots are firmly planted in the experimental analysis of behavior. The original behavior analysts were often experimental psychologists who recognized how procedures originally developed in the animal lab could be applied to help the human condition.

The earliest applications with humans (Ayllon & Michael, 1959; Wolf, Risley, & Mees, 1964) were almost direct replications of experimental (animal laboratory) procedures. These procedures were used with populations that were abandoned by the other service professionals at the time. This was also a time in which questions about the ethics of treatment were not raised. Well-trained, responsible, experimental psychologists used their own conscience, common sense, and respect for human values to create new treatments. Based on learning theory, it was believed that these treatments might work to relieve suffering or dramatically improve the quality of life for institutionalized individuals who were not receiving any other forms of effective treatment. There was no *Professional and Ethical Compliance Code*, and there was no oversight of the PhD researchers turned cutting-edge therapists. Their work was done in the public eye with the full knowledge



of parents or guardians, and a review of the work today would find little to fault in terms of ethical conduct. It was only much later that some poorly prepared and insensitive behavior analysts would run into ethical problems, creating the scandals described in Chapter 1.

Today, as a field, we have very high expectations for practicing behavior analysts, and Code 1.0 addresses the concern for overall responsible conduct. This ethics Code expresses the value system of our field, which states that those professionals who want to call themselves behavior analysts must conduct themselves in a way that reflects positively on the field—very positively, in fact.

Code 1.01 emphasizes our roots in the science of behavior (Skinner, 1953) and reminds behavior analysts that the decisions they make from day to day must be tied to this science. This is actually a very tall order, given the thousands of applied behavioral studies that have been conducted in the last 40 years. Currently, nearly two dozen journals worldwide publish behavioral research (APA, 2001), so the ethical behavior analyst has an obligation to keep in touch with quite a bit of “scientific knowledge.”

Another expectation is that behavior analysts are expected to conduct their research, service, and practice “only within the boundaries of their competence” (Code 1.02). This is defined as “Commensurate with their education, training and supervised experience;” but, beyond that, practitioners will have to determine whether they are indeed competent in certain specialties of ABA. Examples of such specialties include treating feeding disorders, self-injurious behavior, aggression, and destructive behaviors. Attending a workshop or a seminar on one of these specialties is not sufficient to describe oneself as competent in a specialty area. Having the level of expertise required to treat a behavior problem as described here would require that the behavior analyst spend several weeks on site at a clinic (specializing in the specialty) where treatment sessions are observed and skills are practiced with feedback from an expert mentor. Ideally, the behavior analyst would receive a certificate attesting to the acquisition of

the necessary skills to deal with these potentially dangerous and life-threatening behaviors.

One more expectation, described in Code 1.03, is that behavior analysts maintain “competence in the skills they use.” This is another demanding standard, given the constantly improving methodology of our relatively young field. Certificants are advised to claim and maintain competence using a conservative definition of this most important standard.

In the early years of behavior analysis, there was an emphasis on the use of aversive procedures to change behavior, which unfortunately set the stage for considerable backlash on the part of advocate and consumer groups. An “anti-aversives” movement began and still exists that has portrayed our field as prone to the use of punishment, although we have long since passed into another level of professionalism. As happens in many fields, some practitioners seem to become frozen in time with regard to their skills. It is possible even now to run into someone who got a PhD in 1975 who has not remained current with the trends in the field. Code 1.03 was meant as a wake-up call to such individuals for them to get back in touch with current standards before they hurt innocent people and damage the reputations of legitimate, up-to-date behavior analysts.

As expressed in Code 1.04, Integrity, it does not seem too much to ask of professionals that they recognize the legal code of their community and maintain high moral principles. To do otherwise is to put a stain on the good reputation of others. Even though they are not practicing behavior analysts, the community will identify you as a problem if something goes amiss. None of us wants to see a headline such as, “Behavior analyst caught dealing drugs at local high school,” but that is exactly how a headline would read. As a new profession with a complex, two-part name, we are not on the radar screen of most Americans. Our goal as a profession is to gradually emerge onto the scene with a terrific reputation for truth, honesty, and reliability. What we do not want is to end up on the “Ten Least Respected Professions” list, along with journalists and government employees (BBC Radio, 1999). Advice to

new behavior analysts would be to monitor your behavior, make sure that in your dealings with clients and the public your conduct is above reproach and well within the law, and be recognized by those around you as an exemplary citizen.

As a part of being a well-respected professional, behavior analysts should provide services only in the context of a professional or scientific role (Code 1.05(a)). This means that behavior analysts should refrain from casually giving advice to neighbors, friends, and relatives. This is a case where free advice is worth what you pay for it, and it can damage relationships in the future if the advice was not followed to the letter and then failed to produce results.

When providing behavioral services in a professional capacity, even though behavior analysts have been trained to use some fairly sophisticated terminology among themselves, they should keep the jargon to themselves when dealing with clients and families (Code 1.05(b)). Suggested treatment plans should be translated into plain English for clients, consumers, and other professionals, reserving the jargon for behavioral colleagues at conferences.

A major personal commitment that we ask of behavior analysts is to shed and ultimately reject any biases they may have grown up with in their families or communities. Behavior analysts should obtain the training necessary to be able to work with people of different genders, races, ethnicity, or national origin in a totally accepting and nondiscriminating manner (Code 1.05(c)). Further, they should not engage in any discrimination of individuals or groups based on age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, socioeconomic status, or any other basis (Code 1.05(d)).

Sexual harassment is a blight on our culture that will not go away. Over 26,000 charges were filed in 2014, 85% of which were made by women, with fines reaching \$50 million each year to resolve conflicts (U.S. EEOC, 2014). Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. One would think that most professionals would be aware of this. However, even attorneys have engaged in this despicable

form of abuse, as noted in the case of Anita Hill in her testimony against Clarence Thomas (Hill, 1998). This form of conduct includes unwanted advances, requests for sexual favors, and any form of behavior that is sufficiently severe and pervasive and produces an abusive working environment (Binder, 1992). In addition to sexual harassment, Code 1.05(e) addresses other forms of harassment, including harassment related to a person's age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

Even behavior analysts may develop problems in their personal lives. Chronic illness, a messy divorce, or alcohol addiction can bring almost anyone down, and, as in the case of any professional, your obligation is to make sure that personal issues do not interfere with your ability to deliver quality services (Code 1.05(f)). This is probably best handled via the “trusted colleague” model in which you develop a relationship with a person on whom you can rely to be straight and honest with you on a range of matters that affect your professional life. If you in any way feel that you might not be fulfilling your obligations to your clients or your workplace, it is time to have a heart-to-heart talk with a trusted colleague to determine his or her perceptions and to help you sort out your options. Some of those will probably involve taking a leave of absence for a period of time while you get your life in order. During this time, you need to make sure that you have made other arrangements with other behavior analysts to cover your clients and sit for you on committees.

Effective behavior analysts wear many hats in their communities, and it is easy for them to encounter situations where a conflict of interest might arise. Ideally, behavior analysts will avoid any situation that can result in a multiple relationship or conflict of interest (Code 1.06(a)). Such conflicts come about because busy, effective behavior analysts who have a full client caseload might also have other responsibilities such as serving on the peer review committee, being an elected representative of their state association, or possibly having some responsibility with their local parent-teacher organization. More personal conflicts of interest can arise when a

neighbor asks for help with a child behavior problem or a visiting relative clearly needs help resolving a personal issue. A behavior analyst who is a government employee elected to a position with a state organization might find that the position the organization adopts is at odds with his or her employer. Behavior analysts who freely give advice to a relative run the risk of alienating that person if the behavioral program does not work or their advice is contrary to what a school psychologist, counselor, or other professional recommended. The best solution is to avoid such situations on the front end, but the Code requires the behavior analyst to resolve these situations before any harm is done (Code 1.06(b)). Further, behavior analysts should be open and quick to inform clients about the potential harmful effects of multiple relationships (1.06(c)).

Surprisingly, one of the most frequent questions about the Code centers around the giving and receiving of gifts. Behavior analysts who do a good job and are professional and reliable soon become important to the families that they serve. Before long, many families will want to give the behavior analyst a gift, have the BA over for dinner, or invite the BA to a family party or celebration. Code 1.06(d) states that behavior analysts do not accept or give gifts, because this constitutes a multiple relationship. Having the parents/guardian party sign a “Declaration of Professional Practice” in which the expectations are described before services begin is a good way to lay the groundwork for ethical service provision.

As our profession has grown over the past 40 years, behavior analysts have increasingly been respected for their skills and have moved into positions of authority, where they wield some considerable power and influence. Whereas in the beginning they served only as therapists or unit directors, many behavior analysts are now chairs of psychology departments, superintendents of large residential facilities, or owners of major consulting firms. In such positions, even the most ethically sensitive behavior analysts may find that they can call the shots without anyone else’s approval. The PhD president of a consulting firm can direct his or her master’s level consultants to advocate a certain

procedure, to promote overbilling, or to encourage snooping on the competition while on the job. We would hope that the ethical master’s level consultant would resist such pressure, but the differential in power allows supervisees to be exploited if care is not taken to prevent this. Supervisors could extract favors from students in exchange for a good grade in a practicum, and, theoretically, behavioral faculty could do the same. Or, as has been occasionally reported, students may offer favors for a good grade. Behavior analysts should never exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients (Code 1.07). Thus, parties on both sides need to be equally aware of the potential for exploitation when one person is in control, even if the person is a behavior analyst.

#### 1.0 RESPONSIBLE CONDUCT OF BEHAVIOR ANALYSTS

Behavior analysts maintain high standards of behavior of the profession.

This simple statement contains a great deal of meaning for professionals in our field. The “high standards” include honesty, integrity, reliability, confidentiality, and trustworthiness. Unstated here is the assumption that these values will carry over into the behavior analyst’s off-duty time. This extends to other professions as well. Physicians, architects, school psychologists and a host of other professionals are all expected to demonstrate their honesty and integrity whenever they are in public; to do otherwise is bad for business and puts a black eye on the profession. The case here pertains to maintaining high standards of behavior.

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#### CASE 1.0 EXPOSED

*“Katie is the single mother of a child with autism who had visited several different behavior analytic service providers before deciding on a particular service provider. A few weeks after*



*making the decision about which behavior analyst would be selected to provide services, Katie was at a local fair and saw Marilyn, one of the service providers she had interviewed but ultimately decided not to use. Marilyn looked up and greeted Katie loudly, and then exclaimed, 'Katie! What happened? I thought when you visited my autism clinic we had a deal.... Why didn't you choose me? Katie felt uncomfortable about the exchange, especially because she had not mentioned to people in her community that her child had autism. She muttered something about finances and then hurried out of the fair.'*

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**1.01 RELIANCE ON SCIENTIFIC KNOWLEDGE (RBT)<sup>1</sup>**

Behavior analysts rely on professionally derived knowledge based on science and behavior analysis when making scientific or professional judgments in human service provision, or when engaging in scholarly or professional endeavors.

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One of the primary characteristics of behavior analysis is our reliance on scientific evidence as a basis of our practice. In particular, we value single-subject design studies that clearly demonstrate functional control of behavior and which additionally point to effective interventions that are also evaluated carefully with clinical data. Although we might seek input from family or caregivers during an intake process, the behavior analyst depends on objective data that are sufficient to allow a data-based conclusion.

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**CASE 1.01 BOO FOR THE HOME TEAM**

*"Anthony is a BCBA who works in the home of a child whose parents strongly believe in FC, or facilitated communication (AKA 'supported typing'). Anthony uses a typing machine and*

*physical prompting to guide a child (who is in the third grade and nonverbal) to generate language-related responses. Anthony justifies his work by saying, 'I don't look at the screen.' A BCBA at the school has tested the student and has demonstrated that he is clearly prompt-dependent and produces no intelligible responses on the device on his own. Should this BCBA be reported to the Board?"*

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**1.02 BOUNDARIES OF COMPETENCE (RBT)**

(a) All behavior analysts provide services, teach, and conduct research only within the boundaries of their competence, defined as being commensurate with their education, training, and supervised experience.

(b) Behavior analysts provide services, teach, or conduct research in new areas (e.g., populations, techniques, behaviors) only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas.

Behavior analysis is much more widely known now than it was several years ago. The pressure is mounting in many quarters to expand our evidence-based procedures into areas where there is very little research. The risk of doing this is that, absent proper training and supervision, it is likely that some harm will come to the client and the agency will be held liable. Behavior analysts may find it useful to cite and explain element 1.02 to their employers if pressured to provide treatment beyond their boundaries of competence.

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**CASE 1.02 PEDOPHILIA PROFESSIONAL**

*"I am writing about an individual recently added to my caseload at a residential facility. The individual is 18 years old, has an Axis I diagnosis of Autism, an IQ under 70, and exhibits behaviors associated with pedophilia. He will target younger children (regardless of gender), attempt to remove their clothes,*



and will attempt to make contact with the child's genital area. These behaviors have been observed toward younger peers both here on campus and in the community. Over the past couple of years, the frequency and intensity of these behaviors have increased significantly. I do not have any experience addressing behaviors such as this one that are potentially dangerous and socially sensitive in nature, but I am being pressured to do an assessment and provide treatment."

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**1.03 MAINTAINING COMPETENCE THROUGH PROFESSIONAL DEVELOPMENT (RBT)**

Behavior analysts maintain knowledge of current scientific and professional information in their areas of practice and undertake ongoing efforts to maintain competence in the skills they use by reading the appropriate literature, attending conferences and conventions, participating in workshops, obtaining additional coursework, and/or obtaining and maintaining appropriate professional credentials.

The rationale behind this requirement is to encourage all behavior analysts to remain current with the legitimate research in our field. One key expression here is "appropriate literature," which we take to mean peer-reviewed, evidence-based research that is current and relevant. Failure to keep up can result in the application of procedures that have been shown to have serious limitations or, possibly, hidden dangers. Behavior analysts should also attend conferences and workshops to enhance their skills.

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**CASE 1.03 MINDFUL MEETING**

"At my job, I am required to attend in-service training on a regular basis. Recently, we were instructed to participate in a workshop on Mindfulness and were told that we would receive 3-hours of CEU credit since the instructor was a BCBA-D. The gist of the training was that behavioral interventions were inferior to

*Mindfulness methods. This individual presented some research but it seemed full of holes compared with JABA studies that I've read. I feel guilty about claiming my 3-hours of credit for this, what should I do?"*

.....

**1.04 INTEGRITY (RBT)**

- (a) Behavior analysts are truthful and honest and arrange the environment to promote truthful and honest behavior in others.
- (b) Behavior analysts do not implement contingencies that would cause others to engage in fraudulent, illegal, or unethical conduct.
- (c) Behavior analysts follow through on obligations and contractual and professional commitments with high quality work and refrain from making professional commitments they cannot keep.
- (d) Behavior analysts' behavior conforms to the legal and ethical codes of the social and professional community of which they are members.
- (e) If behavior analysts' ethical responsibilities conflict with law or any policy of an organization with which they are affiliated, behavior analysts make known their commitment to this Code and take steps to resolve the conflict in a responsible manner in accordance with law.

This element of the new ethics Code really represents the foundation of all others. It is greatly expanded from the previous Guidelines and pulls together all of the important values that we think are essential to maintain the credibility of our field. Subsection (b) seems timely, since many agencies now see ABA as a gold mine that can generate a bonanza for owners if they can just get the BCBAs to go along. Subsection (d) reminds everyone that we exist in a community of legal guidelines and laws and must be constantly aware of the need to follow these existing regulations.

Subsection (e) should guide the behavior analyst in those incidents where it appears that an employer or supervisor is urging an illegal or unethical course of action.

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CASE 1.04 QUESTIONABLE INSURANCE BILLING

*“While consulting with a teacher at a local school, I was asked to conduct an observation of a child in his classroom. When I inquired about billing, I was told to bill under a different client name (in the same classroom) for a child for whom I was not rendering services. I was told that the other client’s insurance provides him with ‘unlimited hours.’ I stated that I would not bill for a client for whom I was not providing service, as that would be not only unethical but also illegal. The policy of this company is to first see how many hours the client’s insurance will pay for, and bill the maximum amount of time for that client, regardless of the client’s needs.”*

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1.05 PROFESSIONAL AND SCIENTIFIC RELATIONSHIPS (RBT)

- (a) Behavior analysts provide behavior-analytic services only in the context of a defined, professional, or scientific relationship or role.

The intent of this element is to discourage behavior analysts from freely giving advice to friends, neighbors or relatives. A “defined” relationship generally means a verbal or written contract that specifies duties and responsibilities as well as the term of the relationship, description of wages, and other considerations.

- (b) When behavior analysts provide behavior-analytic services, they use language that is fully understandable to the recipient of those services while remaining conceptually systematic with the profession of behavior analysis. They provide appropriate information prior to service delivery about the nature

of such services and appropriate information later about results and conclusions.

It is generally understood that behavior analysts must be at least bilingual to be effective; we must speak our complex technical language to communicate with each other and speak in plain English (or other language appropriate to the client) when dealing with clients or their caregivers.

- (c) Where differences of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect behavior analysts’ work concerning particular individuals or groups, behavior analysts obtain the training, experience, consultation, and/or supervision necessary to ensure the competence of their services, or they make appropriate referrals.

Many behavior analysts are now working in urban or other environments where people from a wide variety of cultures are in need of behavioral services. In such settings, it is necessary for the behavior analyst to be very aware of such cultural and ethnic differences. When necessary, the BA should call on someone with the proper cultural expertise to expedite his or her services.

- (d) In their work-related activities, behavior analysts do not engage in discrimination against individuals or groups based on age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, socioeconomic status, or any basis proscribed by law.

Examples of discrimination include not interviewing or hiring employees over 40 because it is thought they cannot perform their duties or refusing to give employees time off for their religious holiday. Another example of discrimination is sex discrimination, where women are paid 77% of what men do for the same type of work.

- (e) Behavior analysts do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons’ age,



gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status, in accordance with law.


While it is highly unlikely that behavior analysts would engage in such practices, posting cartoons or making comments about certain races or religions is absolutely out of bounds. Also in the category of entirely inappropriate are email jokes or stories passed around via the Internet about people with disabilities or language impairments.

(f) Behavior analysts recognize that their personal problems and conflicts may interfere with their effectiveness. Behavior analysts refrain from providing services when their personal circumstances may compromise delivering services to the best of their abilities.

Unfortunately, with easy access to illegal drugs and the wholesale encouragement of the use of alcohol as a social lubricant, some in the professions succumb to these temptations, and, subsequently, their work as a behavior analyst suffers. Professionals should engage in self-monitoring and make other arrangements to have their work covered by other qualified professionals when necessary. Behavior analysts should also arrange to have their work covered whenever stress, a change in a life situation (e.g., break-ups, divorce, death in the family), or other conflicts negatively affect their professional performances.

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CASE 1.05 DRUG SPECULATION

 "I work as a consulting BCBA and I provide home-based services for a school district. Recently, it has been reported to me (by clients and colleagues) that the school district's BCBA has a serious drug problem. I interact with him rarely and do not have any evidence of this, though I am concerned that illicit drug use—or perceived drug use by consumers and colleagues—is a violation of our ethical guidelines, in that it

*field well. What's the best way for me to proceed, given that I don't interact with this individual a great deal? That is, how should I proceed given that I've only heard rumors?"*

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1.06 MULTIPLE RELATIONSHIPS AND CONFLICTS OF INTEREST (RRT)

- (a) Due to the potentially harmful effects of multiple relationships, behavior analysts avoid multiple relationships.
- (b) Behavior analysts must always be sensitive to the potentially harmful effects of multiple relationships. If behavior analysts find that, due to unforeseen factors, a multiple relationship has arisen, they seek to resolve it.
- (c) Behavior analysts recognize and inform clients and supervisees about the potential harmful effects of multiple relationships.

A multiple relationship for a behavior analyst could arise if he or she is involved in a professional capacity while also in some other role with an individual. An example of this would be the behavior analyst who is providing therapy services or supervision and is also in a close friendship with the client or client's family. The primary concern is that in such a situation, the behavior analyst would have his or her objectivity impaired. For example, a behavior analyst who became friends with her client's parents might find it difficult to give the parents bad news on an assessment. Befriending clients or their families, supervisees, or research participants can create the impression of favoritism. This can be damaging to the BA's working relationship with other clients and supervisees.

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CASE 1.06(C) CLIENT AS EMPLOYEE

 "A few months ago, we hired someone for our Case Management



securing funding for our clients, and acting as a liaison to the insurance companies. She has turned out to be a fantastic employee and in her short time with us, she has made a significant impact in her administrative position. Unfortunately, she just received news that her 3-year-old son has autism and is in need of ABA services. We understand that she cannot receive services from our company, as that would be a direct violation of the Code. Therefore, we have prepared a list of other ABA companies that have built a reputation of providing high quality service. Is there anything else we can do to help her?"

.....

(d) Behavior analysts do not accept any gifts from or give any gifts to clients because this constitutes a multiple relationship.

One of the most frequently asked questions about the new Code involves this element, which prohibits the acceptance of gifts from clients. We interpret this to also include food and services. The goal, of course, is to prevent the development of a dual relationship between the behavior analyst and her clients, since staying for dinner or going to a client's birthday party starts to look like a friendship relationship. While many people have a hard time accepting this idea, even a token gift or a cupcake can begin a slippery slope toward that relationship. The concern here is that the client may expect a favor in return at some point, and the behavior analyst's judgment about the case could easily be compromised.

But why not *any* gifts of *any* value? In some professions, there is an understanding that *small* gifts (i.e., value less than \$10) do not present a problem unless they lead to "manipulation" (Borys & Pope, 1989), which we interpret to mean there is an expectation of some reciprocation, which then produces the aforementioned slippery slope. Even token gifts given to behavior analysts may have some subtle impact on their professional judgment at a later time; a gift is symbolic of appreciation for services rendered in a kind and considerate way, so it would be a hard-hearted individual

indeed who would not feel the need to exercise a little flexibility at some point in the future regarding billing, signing a waiver, or attesting to the person's good character. Furthermore, by setting some upper limit to the value of a gift puts the behavior analyst in the position of having to estimate the asking cost (retail or wholesale?) of the item ("Is this really less than \$5.00 worth of candy?" "I know these flowers cost more than \$10," and "You got it on eBay for \$5? Surely this is worth \$100"). Once trying to determine the value of a gift becomes part of the practice, the BA must face the uncomfortable situation of returning certain gifts (because they exceeded the limit) to some clients but not to others.

It is often pointed out that, in some cultures, refusing a gift is considered rude at worst or very poor manners at best, but these are normal circumstances where a family is receiving a *guest*. A behavior analyst coming to work with a child in the home of the client is not a guest, any more than a plumber or electrician would be a guest, and it seems nonsensical to expect these tradespeople to bring gifts or accept them. In developing the initial relationship with an in-home client, it is paramount that the behavior analyst use the Declaration of Professional Practice (Bailey & Burch, 2011, p. 261) wherein the "culture" of behavior analysis is explained: "We are in your home to provide treatment to your child; we are not guests and do not expect to be treated as such. We have to abide by professional practices in our country. Please do not offer us food or drink or expect that you should give gifts or tokens of appreciation. We derive all of our rewards from the improvements that your child will show as a result of treatment, and an occasional 'thank you' is more than enough."

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CASE 1.06(D) THERE YOU GO

"One of my graduate students was working for a big agency that actually had a policy of employees NOT accepting gifts from families. Our student, however, was getting pressured



*from a family to accept token gifts. She politely resisted for a long time, but then her supervisor told her, 'Oh, just go ahead and accept the gift, let's not upset the parents any further.' The student accepted the gifts. Several months later, something happened that soured the parents with the graduate student and the agency and the parents filed a complaint with the agency that the student accepted the gift against company policy!"*

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**1.07 EXPLOITATIVE RELATIONSHIPS (RBT)**

- (a) Behavior analysts do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients.

In some settings, behavior analysts exercise considerable power because of their authority as president of the company, CEO, or clinical director or simply by virtue of the fact that they are the only BCBA in the building. In this latter capacity, behavior analysts have the authority of the pen, since their signature is required on a lot of paperwork that goes to funding agencies and insurance companies. In university settings, there are sometimes situations where faculty members use their authority to keep students from reporting unwanted advances. The intent of 1.07 is to keep behavior analysts from exploiting others.

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**CASE 1.07(A) THE MANIPULATIVE BCBA**

*"I work at a center where none of the program coordinators who do behavioral treatment are BCBAs or BCaBAs, nonetheless they are required to send their paperwork to a BCBA. The BCBA has never seen any of the clients except for an hour or so at intake, knows nothing about their history or behaviors, and never reviews what the program manager's reports. However, the BCBA signs the forms as though he did the work.*

*I feel this BCBA is taking advantage of us since we do all the work, receive no supervision, and he takes all the credit. This just doesn't seem fair."*

.....

- (b) Behavior analysts do not engage in sexual relationships with clients, students, or supervisees, because such relationships easily impair judgment or become exploitative.

For some, the temptation is great to take advantage of their superior employment position with others, particularly male supervisors with young female supervisees or older behavior analysts with teenage clients. Such assignments are repugnant and illegal. They are also unethical, since the young client or supervisee feels helpless to do anything for fear of being fired or dismissed.

- (c) Behavior analysts refrain from any sexual relationships with clients, students, or supervisees for at least two years after the date the professional relationship has formally ended.

Because of a rash of reported sexual relationships between male behavior analysts and female clients (usually a single mother of a child client), it became necessary to make the stricture about refraining from such relationships perfectly clear. The case here is a clear example of how such unethical conduct can ruin lives.

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**CASE 1.07(C) DATING MOM**

*"The following information has been reported to me by a student's parents. Upon accepting a referral to see the student approximately one year ago, the BCBA invited the mother to come work for him, which she did. Approximately three months ago, the student's parents reported to me that they were getting a divorce. The student's father volunteered that the impetus for the divorce was his wife was having an affair with the BCBA.*

The student's mother volunteered that the BCBA was her current boyfriend. The student's mother reported that the BCBA provides professional/advocacy services to her free of charge. The student's mother has requested that the BCBA be invited to an upcoming Planning and Placement Team (PPT) meeting during which he is to act in a professional capacity providing advocacy for the student. I have contacted our agency director regarding my concerns relating to ethical standards of conduct on the part of this BCBA. In short, I am concerned that there are several conflicts of interest (i.e. employer-employee; personal relationship) that make the BCBA's professional involvement in this case potentially harmful to the student. I am looking for advice as to whether my concerns are valid in this case and, if so, how to proceed in addressing them."

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(d) Behavior analysts do not barter for services unless a written agreement is in place for the barter that is (1) requested by the client or supervisee; (2) customary to the area where services are provided; and (3) fair and commensurate with the value of behavior-analytic services provided.

The previous edition of the Guidelines cautioned against "bartering with clients," and that position is maintained in the new Code, but with these new stipulations. This practice may become unethical if either party begins to feel cheated by the arrangement. A behavior analyst who is working with a child whose parents own a restaurant may agree to provide services in exchange for regular dining out opportunities. This could go sour if the behavior analyst gets tired of the food, or the parents/owners may feel cheated if the behavior analyst starts inviting friends to join her for the free meals. Such an arrangement is full of conflicts of interest by both parties, and such arrangements should probably be avoided unless no other payment option is available.

## RESPONSES TO CASES

### CASE 1.0 EXPOSED

As a BCBA, Marilyn violated the confidentiality of her client in public. Even though she was at a public event and Katie was not her client, Marilyn (the BCBA) is required to respect the privacy of others.

### CASE 1.01 BOO FOR THE HOME TEAM

Anthony is not relying on scientific evidence to guide his practice. FC was exposed in the '90s as invalid, and nearly a dozen scientific and professional organizations, including the Association for Behavior Analysis: International, have since discouraged its use. Anthony could be reported to the Board for this unethical activity, since the BCBA at the school has already tried to dissuade him from supporting FC.

### CASE 1.02 PEDOPHILIA PROFESSIONAL

The purpose of this admonition is to (1) prevent mistreatment of the client and (2) prevent behavior analysts from being accused of misrepresenting their qualifications. Even attempts at an assessment could cause arousal and possible adverse affects on the behavior analyst and others in the vicinity. If something like this happened, it would quickly come to light that the behavior analyst (BA) was not qualified to provide treatment. The BA could lose his or her job or land in the middle of a malpractice lawsuit. The best advice is for BAs is to tell their supervisors they do not feel comfortable handling such cases. This case should be referred to someone who is qualified to take such dangerous and specialized clients. The BA should also mention the exposure the organization has to litigation in the event treatment at the facility goes bad. Another option is sending out a call to colleagues asking if anyone knows a behavior analyst with sufficient background in pedophilia who might be able to take this case.

### CASE 1.03 MINDFUL MEETING

While this training might have been approved for CEU credit, it does not appear to meet the intent of this element of our code of ethics. Mindfulness might be a suitable method to help people feel calmer or more relaxed after a stressful day; however, the notion that mindfulness could substitute for

well-established and documented behavioral treatments is a stretch. Since you did not pay for the CEUs, you could keep a clear conscience by not including these hours in your accounting for the year. If the course was particularly irrelevant and made negative claims about behavior analysis, you should notify the Board.

#### CASE 1.04 QUESTIONABLE BILLING

This is clearly a case of insurance fraud. The agency (consulting firm) is insulating itself from responsibility by having the behavior analyst manipulate the paperwork. Reporting this incident to the insurance company (in writing) would seem to be a required response under 1.04. Leaving the company could follow shortly thereafter.

#### CASE 1.05 DRUG SPECULATION

Our ethics code does not allow the reporting of second-hand information. Only those who have witnessed the illicit use of drugs can make the call. The most appropriate action that you can take is to go to those who have reported this to you and encourage them to first approach the person directly and see how he responds. This may be just the push he needs to get help. However, if he does not respond appropriately or does not provide an acceptable explanation, it may be appropriate for you to report this to the proper authorities, including the Board.

#### CASE 1.06(C) CLIENT AS EMPLOYEE

It was good judgment to help the employee find another agency to provide treatment for her child. This might be an awkward situation for her, since she now has a comparison with the way that your agency operates, and it may be difficult to satisfy her. In another case, a local private school that faced a similar situation decided it was acceptable for it to provide behavioral services to an employee's child. All went well for a few weeks, but when the employee/parent began asking questions about treatment, billing, and qualifications of staff, the situation quickly turned bad. The employee eventually quit her job, took her child out of the program, and now has nothing good to say about her former employer.

#### CASE 1.06(D) THERE YOU GO

This is a classic example of what can happen when professionals allow themselves to second-guess the ethics Code. There are numerous other examples where behavior analysts innocently engaged in "friending" their clients, only to get bitten for their kindness.

#### CASE 1.07(A) THE MANIPULATIVE BCBA

This BCBA is acting unethically in not engaging in proper oversight of the individuals who are doing the ABA work; this could be reported to the BACB. Code 5.0 is also being violated in several respects, and that should also be included in your report.

#### CASE 1.07(C) DATING MOM

The best course of action is to meet individually with the BCBA as soon as possible to explain his multiple, serious violations of the ethics Code and ask him to have another person represent the child at the meeting. File a complaint with the BACB detailing the situation and making a formal grievance against the BCBA for multiple violations of conflict of interest.