

Maryland State Department of Education (MSDE)

Division of Rehabilitation Services (DORS)

**DORS Ethical Standards Agreement for
Career Assessment Private Practitioners**

Each DORS-approved Private Practitioner of Career Assessment Services (CAS) is required to read this agreement and abide by the ethical standards and rules it specifies during the performance of all career assessment services provided as a Division of Rehabilitation Services vendor/provider. Signature of the CAS Practitioner on the Cooperative Agreement to which this is attached confirms agreement to abide by these ethical practices. This is in addition to their obligation to abide by applicable Codes of Ethics of certifying entities, e.g., Certified Vocational Evaluators, Professional Vocational Evaluators, and Certified Rehabilitation Counselors.

Ethical Standards. Standards are described in the following sections/categories:

- Section 1 - Moral and Legal Standards
- Section 2 - Employee Consumer/Claimant Relationship
- Section 3 - Consumer/Claimant Advocacy
- Section 4 - Professional Relationships
- Section 5 – Confidentiality
- Section 6 – Competence

For each section, a description of the standard is provided, followed by more specific rules of conduct for Division of Rehabilitation Services CAS Private Practitioners. CAS Private Practitioners are expected to perform their duties in accordance with these guidelines; violation may result in sanctions or termination of Division of Rehabilitation Services vendor/provider status.

Section 1 – Moral and Legal Standards

CAS Private Practitioners of the Division of Rehabilitation Services shall conduct themselves in a legal, ethical, and moral manner in the performance of their duties and avoid any behavior which would cause harm to others.

Rules of Conduct

CAS Private Practitioners:

- 1.1 Will obey the laws and statutes in the jurisdictions in which they provide services as Division of Rehabilitation Services vendors/providers and are subject to sanctions or termination of Division of Rehabilitation Services vendor/provider status for any violation, to the extent that such violation results in misconduct.
- 1.2 Will be thoroughly familiar with, observe, and discuss with their consumers the limitations of their services so as to facilitate honest and open communication and realistic expectations.
- 1.3 Will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their activities.
- 1.4 Will exercise sound professional judgment in the service delivery process.
- 1.5 Will assure that their practice is consistent with current federal and state law and regulation.

- 1.6 Will refrain from imposing their personal standards, beliefs or cultural values on others.
- 1.7 Will avoid public behavior during provision of career assessment services that violates commonly accepted moral and ethical standards or otherwise causes public disrepute.
- 1.8 Will respect the integrity of any institution, organization, or firm with which they are associated when making oral or written statements, and, in those instances where they are critical of policies, will attempt to effect change by constructive and responsible actions.
- 1.9 Will oppose employment practices which result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion, or training.

Section 2 – Vendor/Consumer Relationship

CAS Private Practitioners of the Division of Rehabilitation Services shall carry out their duties consistent with the principles of respect for individual dignity, personal responsibility, self-determination and informed choice in the provision of services for individuals with disabilities.

Rules of Conduct

CAS Private Practitioners:

- 2.1 Will make clear to consumers the purposes, goals, and limitations that may affect professional relationships.
- 2.2 Will not accept a fee, gratuity, property, loan, promise or any other form of remuneration from consumers.
- 2.3 Will not accept gifts or personal services from consumers.
- 2.4 Will not accept a referral from the Division of Rehabilitation Services for provision of career assessment services to a family member, spouse, companion or any other individual with whom a personal relationship exists. (In such an instance, the Division of Rehabilitation Services counselor will identify a different CAS provider.)
- 2.5 Will not misrepresent their role or competence to consumers; will provide information about their credentials, upon request.
- 2.6 Will not establish any type of personal or social relationship with consumers.
- 2.7 Will not engage in or condone sexual harassment as defined in the Commission of Certification of Rehabilitation Counselors *Code of Professional Ethics for Rehabilitation Counselors*, effective 1/2010:

SEXUAL HARASSMENT: sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and (1) rehabilitation counselors know or are told the act is unwelcome, offensive, or creates a hostile workplace or learning environment; and (2) is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context in which

the behavior occurred. Sexual harassment may consist of a single intense or severe act considered harassment by a reasonable person, or multiple persistent or pervasive acts.

- 2.8 Will not condone or engage in activities which exploit consumers for personal gain, expect or demand receipt of any benefit or otherwise impose demands which compromise the delivery of professional services.
- 2.9 Will honor the rights of consumers to consent to participate in career assessment services; will inform them or their legal representatives, as appropriate, of their options and impact of each option.
- 2.10 Will recognize that families and others are often an important factor in determining employment options, and will contact family members as appropriate.
- 2.11 Will avoid initiating or continuing a service relationship if it is expected that the relationships will be of no benefit, in which case appropriate alternatives will be suggested.
- 2.12 Will assure that the individual will be provided appropriate accommodations, including provision of alternate formats and translation services.
- 2.13 Will not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.
- 2.14 Will demonstrate respect for consumers' cultural backgrounds.

Section 3 – Consumer/Claimant Advocacy

CAS Private Practitioners of the Division of Rehabilitation Services shall advocate for people with disabilities within the parameters established by the Rehabilitation Act and other pertinent federal and state laws and regulations.

Rules of Conduct

CAS Private Practitioners:

- 3.1 Will strive to understand accessibility problems of individuals with cognitive, hearing, mobility, visual and/or other disabilities and demonstrate such understanding in the practice of their profession.
- 3.2 Will strive to eliminate attitudinal barriers, including stereotyping and discrimination, toward individuals with disabilities and will enhance their own sensitivity and awareness toward individuals with disabilities.

Section 4 – Professional Relationships

CAS Private Practitioners of the Division of Rehabilitation Services shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources and

other professions so as to facilitate the planning and delivery of effective services for their consumers.

Rules of Conduct

CAS Private Practitioners:

- 4.1 Will promptly supply all necessary information to the referring Division of Rehabilitation Services rehabilitation specialist regarding services delivered to consumers.
- 4.2 Will not attempt to influence consumers or rehabilitation specialists to refer consumers to the vendor who are already being served by another vendor.
- 4.3 Will not accept gifts (aside from a token of nominal value not exceeding \$5) from partner agencies, other Division of Rehabilitation Services vendors or from Division of Rehabilitation Services employees.
- 4.4 Will not discuss with consumers other staff or agencies, the judgments which they make, or the methods which they use to develop and provide services.
- 4.5 Will not seek or accept assignment from Division of Rehabilitation Services to deliver services to family members.
- 4.6 Will not exploit their professional relationships with others, sexually or otherwise. Division of Rehabilitation Services vendors will not condone or engage in sexual harassment as defined by the MSDE Policy on Sexual Harassment (see attached).
- 4.7 Will report information concerning an alleged violation of Ethical Guidelines directly to the Director, Division of Rehabilitation Services Business Support Services.

Section 5 – Confidentiality

CAS Private Practitioners of the Division of Rehabilitation Services shall respect the confidentiality of information obtained from consumers in the course of their work, consistent with agency policy and procedures. Vendors/providers shall gather only personal information needed to deliver appropriate career assessment services, and shall access confidential information of consumers only on a need to know basis.

Rules of Conduct

CAS Private Practitioners:

- 5.1 Will inform consumers during the counseling relationship of the extent and limits of confidentiality.
- 5.2 Will take responsible professional action to protect a consumer or other persons if there is a threat to his or her safety or the safety of others; and will take such actions only after careful deliberations and consultation with others, including the Division of Rehabilitation Services Director of Business Support Services.

- 5.3 Will not forward to another person, agency, or potential employer, any confidential information without the written permission of consumers or their legal guardians, except as permitted by law or regulation.
- 5.4 Will inform other parties encountered during the delivery of career assessment services of confidentiality policies and procedures as necessary.
- 5.5 Will safeguard the maintenance, storage and disposal of the records, both hard copy and electronic, of consumers so that unauthorized persons shall not have access to these records. This includes refraining from: (a) accessing confidential information that is not within the scope of the job assignment, (b) disclosing a username or password credentials used to access confidential data, (c) leaving a secure application open unattended exposing confidential information, and (d) disclosing or altering confidential information without proper authorization.
- 5.6 Will make reasonable efforts in all communication with consumers to safeguard the confidentiality of the consumer's private information. When meeting with consumers, CAS Private Practitioners will ensure that conversations are held in private settings or, if it is necessary to meet in public spaces, will take necessary precautions to ensure that confidential information is not disclosed to others (e.g., meeting away from other people, speaking or signing in a manner not audible or visible to others, using written or electronic communication if necessary to avoid disclosing private information to others, etc.)
- 5.7 Will, in the preparation of written and oral reports, present only germane data and make every effort to avoid undue invasion of privacy.
- 5.8 Will obtain written permission from consumers or their legal guardians prior to taping or otherwise recording consumer sessions. Even with guardians' written consent, Division of Rehabilitation Services vendors/providers shall not record sessions against the expressed wishes of consumers.
- 5.9 Will contact employers of consumers only with the explicit permission of the consumer, and then provide to, or request from, the employer only information necessary to provide appropriate career assessment services, such as verifying employment history and job duties.

Section 6 – Competence

CAS Private Practitioners of the Division of Rehabilitation Services shall establish and maintain their competencies at such a level that their consumers receive the benefit of the highest quality of services the vendor is capable of offering.

Rules of Conduct

CAS Private Practitioners:

- 6.1 Will function within the limits of their defined role, training and technical competency and will accept only those referrals for which they are qualified.

- 6.2 Will continuously strive through reading, attending professional meetings, or taking courses of instruction to keep abreast of new developments, concepts, and practices that are essential to providing the highest quality of services to consumers. Vendors/providers will perform the necessary obligations to secure and maintain their CVE or PVE certification.
- 6.3 Will read and apply information disseminated to vendors/providers by Division of Rehabilitation Services management, requesting clarification of implications if needed.

Attachment: Maryland State Department of Education Sexual Harassment Policy

DORS BSS 1/17/2013

MARYLAND STATE DEPARTMENT OF EDUCATION
HUMAN RESOURCE MANAGEMENT

SUBJECT: SEXUAL HARASSMENT POLICY

SECTION: HR – 8b

APPROVED: Lillian M. Lowery, State Superintendent

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EFFECTIVE: 11/1/00

REVISED: 11/19/12

1. POLICY STATEMENT

- 1.1 Maryland State Department of Education (MSDE), is dedicated to a strong policy against discrimination on the basis of any factor prohibited by law, including sex, as set forth in Title VII of the Civil Rights Act of 1964; the Annotated Code of Maryland State Personnel and Pensions Article, Title, t, Subtitle 2; Title 20 of the State Government Article, Annotated Code of Maryland; Maryland Code of Fair Employment Practices (Executive Order 01.01.2007.16) and the United States Equal Employment Opportunity Commission Policy Guidance on Sexual Harassment. Sexual Harassment is a type of discrimination that is not only illegal, but is in conflict with the personnel practices of the State of Maryland.
- 1.2 Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting an individual or; (3) such conduct has the effect of interfering with an individual's work performance or creating an intimidating hostile or abusive work environment. Tangible psychological injury is not a necessary element of a hostile work environment; rather, an environment that is perceived by the victim as hostile or abusive, and that a reasonable person would find hostile or abusive is sufficient to meet the standard.
- 1.3 An employee who believes that he/she is the victim of sexual harassment should report the alleged incident promptly to the agency's Fair Practices Officer, Equal Employment Opportunity (EEO) Officer, supervisor or any other management representative. A prompt and thorough investigation of the complaint shall be conducted by the EEO Office or other designee assigned to investigate the complaint to determine whether a violation has occurred. Any employee found to have engaged in sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal from employment. Retaliation against an employee for filing a complaint or participating in an investigation is prohibited.
- 1.4 All MSDE employees are provided the opportunity to work in an environment free from sexual harassment. Cabinet Secretaries and other agency heads have the responsibility to ensure compliance with this policy, including the prompt investigation and resolution of all complaints of sexual harassment.
- 1.5 MSDE takes complaints of sexual harassment very seriously. Employees must act responsibly in making such complaints. A finding, upon investigation that sexual harassment did not occur does not necessarily mean that the employee provided false information. However, if it is determined upon investigation that an employee has willfully and knowingly brought a false complaint of sexual harassment, sanctions may result. The employee who has been determined to have willingly brought a false complaint of sexual harassment shall be informed of the sanctions by the Division/Office Head.

- 1.6 All MSDE employees are to be given a copy of this policy and advised of the name and telephone number of the agency's Fair Practices Officer and EEO Officer. This policy will be posted conspicuously in all MSDE work sites.

2. REFERENCES/LEGAL AUTHORITY

- 2.1 Title VII of the Civil Rights Act of 1964
- 2.2 Title 20 State Government Article, Annotated Code of Maryland
- 2.3 Title 5, Subtitle 2, Annotated Code of Maryland State Personnel and Pensions Article
- 2.4 Executive Order – 01.01.2007.16, Maryland Code of Fair Employment Practices
- 2.5 EEOC Policy Guidance on Sexual Harassment, Number N-915-050

3. DEFINITION OF SEXUAL HARASSMENT

- 3.1 Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature.
- 3.2 Sexual harassment may be verbal (sexual innuendo, threats, jokes, sexual propositions, or suggestive comments, etc.);
- 3.3 Non-verbal (making suggestive or insulting noises, leering, whistling or making obscene gestures, or displaying sexually explicit or offensive pictures or other illustrations, etc.); or
- 3.4 Physical (touching, pinching, bruising the body, assaulting, or any other contact of a sexual nature).

4. TYPES OF SEXUAL HARASSMENT

- 4.1 **Quid Pro Quo** Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, non-verbal or physical conduct of a sexual nature constitutes "quid pro quo" when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision that affects an individual.
- 4.2 **Hostile Work Environment** Sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes "hostile environment" sexual harassment when the conduct:
 - a. Was unwelcome;
 - b. Was based on the victim's gender;
 - c. Was sufficiently severe or pervasive to alter the conditions of the victim's employment and create a work environment that is reasonably perceived as hostile or abusive and that the victim perceives as hostile or abusive; and
 - d. Is imputable to the employer.

- 4.3 The victim, as well as the accused, may be a female or a male. The victim does not have to be of the opposite sex. The accused may be an employee's direct supervisor, a supervisor in another division, a co-worker, or a non-employee. The victim does not have to be the person

harassed but could be anyone affected by the offensive conduct.

4.4 Sex-based offensive behavior in the work place is prohibited by law. Even if the behavior may be tolerated by some individuals outside of the workplace, **it will not be tolerated within the workplace**. The ignorance or intentions of the harasser are irrelevant.

A copy of this MSDE policy including the State Superintendent's signature will be provided upon request.