

Kinesiology Prince Edward Island Code of Ethics

Note: Adapted from the “Manitoba Kinesiologists Association Code of Ethics”

INTRODUCTION

The *Kinesiology Prince Edward Island Code of Ethics* is a body of ethical statements developed primarily for the benefit of the kinesiologist patient or client. As a kinesiologist, every member of Kinesiology Prince Edward Island, hereafter referred to as “the member”, must assume responsibility to patients/ clients first and foremost, as well as to society, to other health professionals, and to self. The herein listed *Principles of Ethics*, adopted by Kinesiology Prince Edward Island, are not laws but standards of conduct, which define the essentials of honorable behavior for our members.

PURPOSE

The *Kinesiology Prince Edward Island Code of Ethics* serves as a foundation for kinesiologists’ ethical practice. It provides guidance for ethical relationships, responsibilities, behaviours and decision-making, and it is to be used in conjunction with the professional standards, laws and regulations that guide practice.

The code serves as a means of self-evaluation and self-reflection for ethical professional practice and provides a basis for quality control and evaluation. It also informs members of the public, as well as other health-care professionals of the ethical commitments of Kinesiology Prince Edward Island members and the responsibilities these kinesiologists accept as being part of an otherwise unregulated profession.

OBJECTIVES

The objectives of Kinesiology Prince Edward Island are:

1. To advance and promote the kinesiologist profession in Prince Edward Island.
2. To serve the interests of Kinesiology Prince Edward Island members.
3. To promote a better working relationship among those persons interested and involved in the profession, through open networking.
4. To provide opportunities for professional development for kinesiologists.
5. To assist each member in adopting the Kinesiology Prince Edward Island Code of Ethics.

Article I. PRINCIPLES OF ETHICS

Section 1 – COMPETENCE

A kinesiologist shall be dedicated to providing competent services, with compassion and respect for human dignity and rights. Any services rendered should meet the minimum competencies and fall within the scope of practice of kinesiologists.

Section 2 – INTEGRITY

A kinesiologist shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report kinesiologists deficient in character or competence, or engaging in fraud or deception, to appropriate entities.

Section 3 – CONFLICTS OF INTEREST

A kinesiologist shall assume responsibility to serve the best interests of the patient/ client and Kinesiology Prince Edward Island, and shall declare to all involved parties any foreseeable conflicts of interest.

Section 4 – MUTUAL RESPECT

A kinesiologist shall treat fellow members and patients/ clients with equal level of respect to that he/ she wishes to receive and shall not publicly discredit or lower the dignity of a fellow member.

Section 5 - DISCRIMINATION

In applying best-knowledge practices, a kinesiologist shall not discriminate between race, religion, sex, sexual orientation, marital status, ethnic origin, language, political affiliation, societal or health status.

Section 6 – CONFIDENTIALITY

A kinesiologist shall respect the rights of patients/ clients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.

Section 7 – BEST-KNOWLEDGE PRACTICES

A kinesiologist shall continue to study, apply and advance scientific knowledge, maintain a commitment to scientific education, make relevant information available to patients/ clients, colleagues, and the public, obtain consultation and use the talents of other health professionals when indicated.

Section 8 – COMMUNITY DEVELOPMENT

A kinesiologist shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health and human performance.

Section 9 – FREEDOM OF CHOICE

A kinesiologist shall, in the provision of appropriate patient care/ client service, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide professional services.

Section 10 – COMMUNITY DEVELOPMENT

A kinesiologist shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health and human performance.

Section 11 – RESPONSIBILITY

A kinesiologist shall, while caring for a patient/ client, regard responsibility to the patient/ client as paramount.

Section 12 – MEMBERSHIP

A kinesiologist shall establish and maintain honorable standing as a member and shall not mislead or withhold relevant information from Kinesiology Prince Edward Island's administration.

Section 13 – RIGHT TO TITLE

Only kinesiologists who currently meet all membership requirements shall call themselves or be referred to as members of Kinesiology Prince Edward Island.

Section 14 – ACCESS TO SERVICES

A kinesiologist shall support access to kinesiologist services.

Article II. PROFESSIONAL MISCONDUCT**Section 1 – COMPLAINTS PROCEDURES**

Section 1.01. If necessary, the Board may appoint annually, from amongst its members, a Complaints Committee, which shall consist of a member of the Board, who shall be Chair of the committee, and two (2) members of Kinesiology Prince Edward Island.

Section 1.02. The Complaints Committee shall receive, and review complaints brought against the member in writing, and shall attempt to informally resolve the complaint.

Section 1.03. Where the Complaints Committee, or the Registrar, is informed that a member:

- (a) has at any time been convicted of a criminal offence; or
- (b) is alleged to be guilty of professional misconduct, breach of the Kinesiology Prince Edward Island Code of Ethics, or conduct unbecoming a member, or criminal conduct; or
- (c) is alleged to have demonstrated incapacity, or unfitness as an Affiliated Kinesiologist, or be suffering from an ailment which might, if he continues to practice, constitute a danger to the public; the matter shall be referred to the Complaints Committee for their review and recommendation, and it shall be the duty of every member to report any such conduct of which he is aware.

Section 1.04. Upon referral, the Complaints Committee Chair shall conduct a preliminary investigation into the matter, and/or direct that such investigation be held by the Canadian Kinesiology Alliance, or such other appointee.

Section 1.05. Any person conducting an investigation, pursuant to the preceding section, may require the member concerned, and any other member or person to produce any records, books, registers and other documents or items, in the member's possession or control, that are relevant to the investigation, and may require the attendance of the member concerned, and any other member at the investigation, and may summarily apply ex parte to court for an order directing production of the documents.

Section 1.06. Upon conclusion of a preliminary investigation, a written report of the findings shall be prepared, and thereupon the Complaints Committee Chair shall:

- (a) recommend that no further action be taken; or
- (b) recommend that the matter proceed to an inquiry before the Complaints Committee; and shall notify the member and the complainant, in writing, by courier or registered mail, of the decision made.

Section 1.07. Where the decision is to proceed to an inquiry, at least fourteen (14) days before the first meeting of the Complaints Committee, a notice shall be served upon the member, whose conduct is the subject of the inquiry, said notice to embody a copy of the complaint or charge made against him, or a statement of the subject matter of the inquiry, specifying the time and place of the meeting.

Section 1.08. Such notice may be served upon a member who is the subject of an inquiry, personally or by courier or registered mail, addressed to him, at the Post Office address appearing in the Register, with a notice so sent by post being deemed to have been served on the day immediately following its posting.

Section 1.09. Where the member whose conduct is the subject of the inquiry does not attend, the Complaints Committee, may upon proof of service of the notice, in accordance with this Constitution, proceed with the inquiry in his absence, and without further notice to him, take such action as it is authorized to take under this Constitution.

Section 1.10. Notwithstanding any other provision herein, the Complaints Committee Chair may, at their discretion, direct the Canadian Kinesiology Alliance to suspend a member from practice, pending the completion of the preliminary investigation, hearing, and decision, before the Complaints Committee.

Section 1.11. A person who is a member of the Complaints Committee shall not participate in an investigation of any matter that will be referred to the Complaints Committee for consideration at an inquiry.

Section 1.12. The solicitor for Kinesiology Prince Edward Island may participate in an inquiry before a committee but not vote thereat, but may participate in an investigation of any matter before the Committee, and/or recommend a solicitor be appointed by the Complaints Committee, to assist them in their duties, and in presentation of its evidence at the hearing before the Complaints Committee.

Section 1.13. Where the Complaints Committee Chair directs that an inquiry be held into the conduct of a member, the Complaints Committee shall within thirty (30) days from the date of said recommendation, fix a date, time and place for the holding of the inquiry, which inquiry shall commence no later than sixty (60) days from the date of the recommendation.

Section 1.14. All hearings of the Complaints Committee shall be held in private, unless that person whose conduct is the subject of the inquiry consents to a public hearing, or unless the Board is satisfied that none of the parties to the hearing would be prejudiced by the attendance of others at said hearing.

Section 1.15. The person, whose conduct is the subject of the inquiry is entitled to be represented by counsel or agent, and the person, or his counsel or agent, has the right to examine all documents and records to be used at the inquiry, prior to the date of the inquiry.

Section 1.16. The testimony of witnesses at the inquiry shall be taken under oath, and there shall be a right to cross-examine all witnesses, and to call evidence in defense and reply.

Section 1.17. All oaths shall be administered by the Complaints Committee Chair.

Section 1.18. Copies of all records maintained by the person subject to the inquiry detailing the activities of practice related to the complaint must be made available, on request, to The Complaints Committee, or any party involved in the inquiry.

Section 1.19. Where an inquiry into the conduct of a member is directed under this Constitution, the Complaints Committee may suspend that member from practice, pending the disposition of the inquiry.

Section 1.20. Where, after an inquiry, the Complaints Committee, by a majority vote, finds a member to have been guilty of professional misconduct, conduct unbecoming a member, or to have demonstrated incapacity or unfitness as an Affiliated Kinesiologist, or to be suffering from an ailment that might, if the member continues as an Affiliated Kinesiologist, constitute a danger to the public, the Complaints Committee may, by resolution:

- (a) cause the name of that member to be erased from the Register or from any roster; and/or,

- (b) suspend the member; and/or,
- (c) reprimand the member; and/or,
- (d) permit the member to practice under such terms and conditions as the Complaints Committee may deem appropriate.

Section 1.21. The decision of the Complaints Committee, and the reasons, therefore, shall be reduced to writing, and served upon the person whose conduct is the subject of the inquiry, by courier or registered mail, or by personal service, at the address shown on the Register.

Section 1.22. The Complaints Committee may award costs against any member.

Section 1.23. The member who considers himself aggrieved by an order or decision of the Complaints Committee may appeal the decision to the Board by filing a written notice of appeal at the head office of Kinesiology Prince Edward Island, no later than fifteen (15) days from the date of the decision.

Section 1.24. The aggrieved member must file all documentation, which he wished to be considered on his appeal within thirty (30) days from the date of the decision.

Section 1.25. The Board, or the Complaints Committee, is entitled to employ such legal assistance or advisor as it thinks necessary to advise the Board, or to advise the Committee, at complaints or disciplinary inquiries. In addition, the Complaints Committee Chair, with the concurrence of the Canadian Kinesiology Alliance, is empowered to employ such legal assistance in presenting evidence at an inquiry or hearing, before the Complaints Committee.

Article III. AMENDMENT PROCEDURES

Section 1 – POLICY

Section 1.01. Amendments to the rules and regulations (policy) of the *Kinesiology Prince Edward Island Code of Ethics* must be presented for ratification, by majority vote of the voting members present at the annual general meeting.