



香港性教育、研究及治療專業協會有限公司  
Hong Kong Association of Sexuality  
Educators, Researchers & Therapists Ltd.

## Code of Ethics\*

Hong Kong Association of Sexuality Educators, Researchers and Therapists Ltd. (HKASERT)

Recognizing its responsibilities to the society and given its own incorporation objectives, HKASERT has adopted the following Code of Ethics.

### 1. The Code

- 1.1 is a condition for membership;
- 1.2 applies to all HKASERT members, regardless of their certification or member status:  
and
- 1.3 embraces *any* activity that directly or indirectly relates to professional identity or training.

The Code does not replace or modify the requirements for or purposes of certification as a sex educator, therapist, or supervisor.

### 2. Public Policy

By public policy, HKASERT has a duty to promote quality services from and proper conduct/professionalism by its members. Professionalism is a product of society. Professional status is a privilege, not a right earned by holding a degree, certification, or membership. While professional ethics are not law, they are permissive and they establish both aspirational standards and guidelines for professional practice. HKASERT accepts that a professional association has a public duty to advocate standards for the services offered by its membership, so as to (ensure) promote both the protection of and benefits to the service consumer. Therefore, HKASERT promulgates ethical standards that must be honoured by its members.

### 3. Objectives

The Code of Ethics is intended to advance the status of sex education, research, therapy, and supervision. The Code of Ethics should not be viewed (solely) as disciplinary in intent. The purpose is to provide guidance to HKASERT certified members and to provide an observable code from which society and consumers may derive expected behaviour.

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\* This is adopted, with minor modifications, from the Code of Ethics of American Association of Sex Educators, Counselors and Therapists with permission.  
HKASERT Code of Ethics

#### **4. Self-Regulation**

Integrity, competence, confidentiality, responsibility and other applicable professional standards are not always subject to finite definitions, descriptions, prescriptions or proscriptions. Virtually every professional situation requires that the practitioner make judgments as to propriety. Through setting forth suggested standards (rules) of ethical conduct for practice-related conditions, qualities, skills and services, the Code of Ethics is intended to assist HKASERT members with such judgments. Each member must exercise self-regulation and satisfy governmental regulatory and legal requirements.

#### **5. Accountability to HKASERT**

**5.1** While ethics do not have the same authority as law, membership in HKASERT is expected to adhere to the Code of Ethics. That is, members of HKASERT, in the conduct of all aspects of their life that relates to their professional work and identity, are expected to honour the Code of Ethics, and to act according to general principles of professional ethical practice that may not be directly dealt with in this Code of Ethics.

**5.2** The Code of Ethics creates accountability for the member to HKASERT. It should be underscored that the Code of Ethics is relevant to justifying membership in HKASERT, and is not intended to serve as a standard of care for professional practice in legal proceedings.

**5.3** Membership in HKASERT may be terminated for sufficient cause as outlined in Article 6 of the Articles of Association. A prerequisite for initial membership and a requisite for continued membership in HKASERT is that each potential member or current member must notify the HKASERT Board of Directors in writing of any previous or current legal (civil or criminal), ethical or regulatory (licensing) complaints or judgments, relevant to their practice, and provide any documentation or information pertaining thereto that is requested on behalf of the HKASERT Board of Directors. The member shall inform HKASERT in writing of any adjudicatory outcome relevant to their practice. Such notification must be done within thirty (30) days of the members' knowledge of the complaint and any request from HKASERT for information or documentation must be fulfilled within thirty (30) days. Decisions on all applications for membership in HKASERT will be suspended until the adjudicatory outcome of complaints have been determined. Termination shall be in accordance with the policies and procedures established by the Articles of Association.

#### **6. Disciplinary Action:**

The Board of Directors shall determine the appropriateness of continued or terminated membership in HKASERT for any HKASERT member who is: (1) adjudged to have violated a civil law that is material and relevant to professional practice; (2) convicted of a criminal act that brings the profession to dispute, (3) disciplined by a professional ethics committee of the primary professional organization which the member belongs, (4) disciplined by the related professional Licensing or Registration Board; and (5) disciplined, or expelled by a governmental agency, or organization to which the member belongs. The information available to and the deliberations of the Board of Directors shall be deemed confidential by all HKASERT sources. The action regarding continued or terminated membership, with concomitant conditions made by the Board of Directors is final. (No appeal right exists). The member will be notified by the Board in writing of any membership or certification termination. There is no appeal to this process.

## **ETHICS PROCEDURE**

### **7. Inquiries From HKASERT Members:**

**7.1** There shall be established the HKASERT Ethics Committee (HEC), of which all members are appointed by the Board of Directors for a renewable term of office not exceeding 2 years per term. HEC has a duty to respond to inquiries from HKASERT members only. Members who contact the HKASERT office in need of ethics consultation will be referred to the HEC Chairperson. The HEC Chairperson will assess the inquirer's needs, provide some immediate feedback, and arrange for follow-up consultation if appropriate. Before the follow-up consultation, the Chairperson will collaborate with other HEC members on the issues at hand. Some or all of these meetings may occur by telephone, or through e-mail or other electronic means, with identities concealed. The identity of all inquirers will be held in confidence within the HEC.

**7.2** The Chairperson will keep a written record of all inquiries and make special note of the ethical principles and standards relevant to each inquiry. The Chairperson will collaborate with at least one HEC member on each inquiry. Each inquiry will be discussed at the next scheduled HEC meeting. Further contact will then be made with the inquirer, if indicated by committee consensus.

## **CODE OF CONDUCT**

### **8. Principle One: Competence and Integrity**

**8.1** The HKASERT member shall accept responsibility for the consequences of his/her acts, by omission or commission, and make reasonable efforts to ensure that all professional services and/or research activities are appropriate and adequate for the consumer.

**8.2** The member shall bear a heavy social responsibility because society deems the services as representing specialized expertise and because the consumers using the services are vulnerable. The member shall, therefore, be committed to maintaining high standards of scholarship and practice and shall be accountable as an individual to the standards of the profession. At a minimum, the member shall perform any professional service in accord with the prevailing standards of performance in professional activities when measured against generally prevailing peer performance.

**8.3** The member shall have training in sex education, therapy and/or supervision that is in accord with the standards promulgated by HKASERT and the laws relevant to the jurisdiction in which the member practices.

**8.4** The member shall recognize his/her limits of competence and shall communicate them at the earliest possible time and at any time thereafter to the consumer. When the member's level of competence does not afford optimal benefits to the consumer, the member shall, in a timely and efficient manner, recommend referral to better-qualified sources.

**8.5** The member shall not knowingly permit any consumer to misunderstand the member's competency and shall clarify credentials, training, affiliations, experiences and skills in an honest and accurate manner.

**8.6** The member shall recognize the necessity and benefit of professional growth by participating in continuing education.

**8.7** The member shall not enter into association for professional practice with or assist, aid, or promote in any manner the practice of an unqualified or incompetent person which shall include any person whom the member knows or has reason to believe, does not adhere to the standards of HKASERT or is in violation of any law. This shall include, but is not limited to, making a referral to an unqualified or incompetent person. The member shall verify the competence and integrity of the person to whom a consumer is referred.

**8.8** The member shall not wilfully make or file any false report record, or information, or induce another person to make or file any false report, record or information.

**8.9** The member shall not provide any remuneration, regardless of form, to any source for receiving the referral of a consumer for professional services unless the source of the referral maintains continued involvement in the care of the consumer. Conversely, the member shall not receive any remuneration regardless of form from any source for providing the referral of a consumer for professional services unless the member maintains continued involvement in the care of the consumer. Any such financial arrangement must be disclosed to and approved and acknowledged in writing by the consumer.

**8.10** The member who becomes emotionally, physically or otherwise impaired or disabled to a degree that it impacts on the best interest of the consumer shall, in a timely and efficient manner, make a referral of the consumer to a qualified and appropriate professional source so as to avoid any undue abandonment of the consumer.

## **9. Principle Two: Moral, Ethical, and Legal Standards**

**9.1** The HKASERT member shall accept that the quality of his/her professional services (are) is dependent upon both personal morality and professional ethics and on the ability to maintain legal standards.

**9.2** The member shall be aware of and monitor the fact that his/her personal needs may influence judgments and actions in the therapeutic relationship and shall, regardless of experience or training, have a qualified review source such as a supervisor available to assist in safeguarding against unwise or inappropriate judgments and acts.

**9.3** The member shall not enter into any dual relationship regardless of nature that jeopardizes the well-being of the consumer.

**9.4** The member shall avoid any action that might violate or diminish the legal and civil rights of the consumer.

**9.5** The member shall not engage in or condone practices by any source that are inhumane or that result in illegal or unjustifiable action relevant to race, handicap, age, gender, sexual orientation, religion or national origin.

**9.6** The member shall make only factual, honest, and clearly stated (not misleading) public announcements, statements or communications such as (but not limited to) for advertising or promotional purposes.

**9.7** The member shall act in accord with HKASERT ethics, standards and guidelines related to education, therapy, supervision and research.

**9.8** The member shall act in accord with the standards and guidelines for the protection of consumers promulgated by other professional associations with which the member is affiliated and the laws of the jurisdiction(s) in which the member provides professional services.

**9.9** The member shall report any ethical, regulatory, or legal complaint or judgment relevant to their practice filed against the member with this report being submitted in writing within thirty (30) days of knowledge to the Chairperson of the HKASERT Ethics Committee.

## **10. Principle Three: Welfare of the Consumer**

The HKASERT member shall accept that the consumer is in a unique position of vulnerability in respect to services related to sex education, therapy, research, and supervision, and shall constantly be mindful of the responsibility for protection of the consumer's welfare, rights and best interests and for the rigorous maintenance of the trust implicit in the educational or therapeutic alliance.

**10.1** The member shall, from the onset of professional contact with a consumer or a potential consumer, clarify;

- (1) Professional training, experiences and competencies;
- (2) The nature of the professional services available to the consumer (with an explanation of mutual roles and duties);
- (3) The limits of intervention effectiveness.
- (4) Personal values or professional preferences that reflect biases rather than being responsive to the needs and well-being of the consumer;
- (5) Any exceptions to confidentiality and privileged communications (e.g. duty to warn, mandatory reporting, etc.); and
- (6) Any financial issues, especially the payment obligations of the consumers

**10.2** The member shall treat all information received about a consumer as confidential, even if some portions of the information appear trivial, irrelevant or not to require confidentiality; even the existence of an educational or therapeutic relationship with the consumer is confidential. Where required by law, the HKASERT provider will design a policy and follow all legal requirements protecting consumer privacy.

**10.3** The member shall advocate the consumer's privileged communication, *as* granted by the laws of the jurisdiction applicable to the consumer and/or the member in the event that there is uncertainty about the effectiveness or validity of the consumer's consent to release information that is potentially confidential and/or privileged, the member shall obtain appropriate legal determination.

**10.4** The member shall divulge information received from a consumer or prospective consumer to the extent required only in the following circumstances

- (1) When the consumer provides written and informed consent, which indicates:

- (a) The type and nature of information to be released;
- (b) Knowledge of the purpose for which the information will be used;
- (c) Designation of the source that will receive the information;
- (d) That the consent is given voluntarily and with competency; and
- (e) The consumer's name and the date on which the consent is given.

(2) When there is clear and imminent danger of bodily harm or to the life or safety of the consumer or another person disclosure shall be made in accord with the laws of the jurisdiction in which the member practices.

(3) When applicable law declares that such information may be released.

**10.5** The member shall obtain the consumers' written informed consent for using any identifiable information about the consumer for purposes of education, training, research or publication.

**10.6** The member shall reveal a consumer's confidential information to a professional source with a limited right to know, such as (but not limited to) a supervisor or consultant in an appropriate manner; it is the member's responsibility to take reasonable steps to assure that the other professional source will properly treat the information in a confidential manner.

**10.7** The member shall keep meaningful records relevant to the professional services provided to and contacts (of any nature) with the consumer and shall have a secure system for the preservation of records with the minimal contents and duration of retention being in accord with the laws that are applicable to the jurisdiction in which the member practises: at a minimum:

(1) A full record shall be retained intact for no less than three (3) years after completion of the last date of professional services or contact.

(2) A full record or meaningful summary of the record shall be maintained for no less than twelve (12) additional years.

**10.8** The member shall have a formal (written) arrangement for the preservation of consumer records upon his/her ceasing of practice, death or incapacity. This arrangement must be in accord with the laws of the jurisdiction in which the member practises.

**10.9** The member shall, when providing professional services in a group context or to a couple or family make a reasonable effort to promote safeguarding of confidentiality on the part of each consumer in the group, couple or family.

**10.10** The member shall orient the minor consumer to the limits of confidentiality pertaining to a parent's right to know as defined by the laws of the jurisdiction in which the member practises.

**10.11** The member shall, regardless of the reasons for which the consumer sought professional services and regardless of the theory or technique being used by the member, predicate every sex therapy intervention upon diagnosis and meaningful consumer(s)

treatment plan, which shall be consistently documented in writing, justified academically, evaluated for effectiveness, monitored for strengths and weaknesses and modified accordingly.

**10.12** The member shall as needed to protect the best interest of the consumer, seek consultation and/or supervision with special reference to the treatment plan and to the personal elements of the therapeutic relationship.

**10.13** The member shall not engage in any dual relationship, regardless of nature or circumstances, with a consumer or with persons who have a primary relationship with a consumer served by the member if such dual relationship could potentially be detrimental to or jeopardize the well-being of a consumer. A dual relationship occurs when a member is in a professional role with a person and (1) at the same time is in another role with the same person, and/or (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the member has the professional relationship, and/or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the consumer.

**10.14** The member practising therapy shall not engage, attempt to engage or offer to engage a consumer in sexual behaviour whether the consumer consents to such behaviour or not. Sexual misconduct includes kissing, sexual intercourse and/or the touching by either the member or the consumer of the other's breasts or genitals. Members do not engage in such sexual misconduct with current consumers. Members do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of a current consumer. Sexual misconduct is also sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the member's activities or roles as a therapist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the member knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual misconduct can consist of a single intense or severe act, or of multiple persistent or pervasive acts. For purposes of determining the existence of sexual misconduct, the therapeutic relationship is deemed to continue in perpetuity.

**10.15** The member shall terminate professional services to the consumer when it is reasonably evident or should be evident that the consumer is not obtaining benefits sufficient to justify continued intervention. Upon termination the member shall make referral to another professional source and/or offer reasonable follow-up to further the best interests of the consumer.

## **11. Principle Four: Welfare of Students, Trainees and Others**

The HKASERT member shall respect the rights and dignity of students, trainees and others (such as employees), maintain high standards of scholarship and preserve academic freedom and responsibility.

**11.1** The member shall, from the onset of professional contact with students, trainees and others over whom the member has administrative, educational or supervisory authority clarify: the member's professional qualifications and competencies; the objectives, responsibilities and duties of all concerned and any financial issues, especially any payment obligations.

**11.2** The member shall accord confidentiality to information of a personal or intimate nature obtained in his/her professional role; the provision of confidentiality does not, however, preclude fulfilling a professional responsibility or duty to consumers, educational

or training institutions or programs, professional associations or governmental-regulatory or legal sources.

**11.3** The member shall maintain high standards of scholarship and present information that is accurate and timely in all administrative, educational and supervisory activities.

**11.4** The member shall keep meaningful and systematic records of all administrative, educational and supervisory activities.

**11.5** The member shall not coerce or require a student, trainee or other to serve as a subject for a research project.

**11.6** The member shall not provide diagnosis or therapy or any other clinical service to students or trainees or those over whom the member has administrative, educational or supervisory authority.

**11.7** The member shall not harass in any manner a student, trainee or other person over whom the member *has* administrative, educational or supervisory authority. Members do not engage in sexual relationships with students or supervisees who are in their department, agency, or training centre, or over whom members have, or are likely to have, evaluative authority.

**11.8** The member shall not, during the administrative, educational or supervisory period enter into any dual relationship, regardless of nature, that jeopardizes the well-being of the student, trainee or others.

**11.9** The member shall not, during the administrative, educational or supervisory period, engage, attempt to engage or offer to engage the student, trainee or other in sexual behaviour.

**11.10** The member shall be cognizant that a dual relationship subsequent to the administrative, educational or supervisory period may potentially jeopardize the well being of the student, trainee or other.

## **12. Principle Five: Welfare of Research Subjects**

The HKASERT member shall conduct his/her investigations with respect for the dignity, rights and welfare of the subjects. Research must be ethical and legal at its inception and not justified solely by its intended or achieved outcome.

**12.1** The member shall be involved only with sex research that is carried out by persons qualified to do such investigations or under the direct supervision of persons so qualified.

**12.2** The member shall be involved only with sex research that designates and identifies (in writing) to the potential subjects the names and professional qualifications of the person or persons with ethical scientific and legal responsibility for the conduct of the investigation.

**12.3** The member shall be involved only with sex research that provides adequate protection(s) to human subjects at risk. Any research project must:

- (I) Include the voluntary and informed consent of each subject; and

(2) Be in accord with applicable legal prescriptions or proscriptions.

**12.4** The member shall be involved only with sex research that protects the confidentiality of research data including the identity of participants or others revealed during the investigation.

**12.5** The member shall be involved only with sex research that requires all investigators to be honest and accurate in their dealings with research subjects and all persons receiving information about the research.

**12.6** The member shall be involved only with sex research that offers to provide an explanation of the purpose of the investigation and of the individual and collective results to each person who serves as a research subject.

**12.7** The member shall be involved only with sex research that has been prefaced by the submission of a research proposal for peer review with special reference to ethical and legal safeguards for the potential research subjects. This peer review may occur in different forms, such as an institutional review board for evaluation for ethical propriety, and must be in accord with all relevant laws.

**12.8** The member will not engage in any type of sexual relationship or sexual misconduct with research subjects as defined above in Principle Three (10.14).

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