Code of Professional Conduct and Ethical Practice
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Preface

The Code of Professional Conduct and Ethical Practice has three main purposes, to unify the practices of Exercise and Sports Science Australia (ESSA) members, to provide guidelines for ESSA members, and to formalise a set of guidelines, which inform the Australian public of the professional standards of ESSA members.

Membership of ESSA requires acceptance of the ESSA Code of Professional Conduct and Ethical Practice. This code establishes a standard against which professional behaviour of ESSA members may be evaluated. Behaviour contrary to the advice of the Code amounts to behaviour against the best advice of ESSA.

The Code will be used by the Ethics Committee and Review Panel of ESSA and by the Executive itself in establishing ESSA work protocols, and in making decisions and in determining appropriate courses of action regarding complaints concerning the professional conduct and ethical behaviour of ESSA members.

The Code is comprised of a series of principles which are applicable to the involvement of ESSA members with the public, subjects, supervisees, students, employees, research participants, colleagues or other professionals.

Each section of the Code comprises an initial statement of the general principle followed by specific examples of applications of the principle.

Exercise and Sports Science Australia

The Australian Association for Exercise and Sports Science Pty Ltd (AAESS) was officially founded in 1991 to meet the professional needs of exercise and sports scientists in Australia. It changed its trading name to Exercise and Sports Science Australia in January 2010. It is directed by an Executive Board comprised of leading academics and practitioners in these fields and is supported by a growing number of state chapters throughout Australia.
ESSA is an incorporated body and its constitution (currently termed the memorandum articles of the association) has been registered with the Australian Securities Commission (ASIC). The Association is an Australian Public Company, Limited by Guarantee.

**Definitions**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Association</td>
<td>A formal organisation of practitioners or groups of practitioners of the Exercise and Sports Science profession. The Association is the public face and voice of the profession; it stands for the advancement of the profession and benefits to the clients; it ensures that technical and ethical standards are maintained and improved; and it maintains a watch on continuing educational needs not just for the benefit of its members but for the greater good and best interest of the society it serves.</td>
</tr>
<tr>
<td>Constitution</td>
<td>The system of fundamental laws and principles that prescribes the nature, functions, and limits of the Association.</td>
</tr>
<tr>
<td>By-Law</td>
<td>A subordinate law adopted by the Association to regulate the rights and duties of its officers and members. In the absence of law to the contrary, under the common law, the power to make by-laws resides in the constituent body of members.</td>
</tr>
<tr>
<td>Profession</td>
<td>An occupation that requires specialised tertiary training, knowledge and skills, and which intrinsically carries with them implied obligations to community, society and individuals with a set of standards or ethics by which these duties will be discharged.</td>
</tr>
<tr>
<td>Practitioner</td>
<td>The professional who provides Exercise and Sports Science services.</td>
</tr>
<tr>
<td>Member</td>
<td>An elected and financial member of the Exercise and Sports Science Australia whether admitted as a Student Member, Full Member, Accredited Member, Fellow, Associate Member or Honorary Member.</td>
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Practice  
*Any activity considered to be within the accepted scope of an Exercise Scientist’s work, and/or the accepted scope of the area of the individual’s current accreditation (e.g. exercise physiology).*

Client  
*A direct recipient of exercise and sports science services. There may be multiple recipients in cases where the services have been contracted, paid for, or given consent for, by a person or organisation other than the person being assessed, evaluated, or prescribed (treated) by the member. The term may subsume students, research participants, supervisees, other direct recipients, other professionals, referral agencies or organisations. Other parties, such as third party payers, facilitators or sponsors, may also be involved in this service arrangement.*

Research  
*The empirical data collection in the pursuit of scientific endeavour usually in the form of an experiment, survey, or evaluation, and which may be qualitative or quantitative in nature.*

1. **Best practice**

Members should maintain high professional standards of client service and professional relations:

(a) services should be based upon the best scientific information and professional practice currently available;

(b) members should be committed to, and involved in furthering their knowledge, skills and competencies through continuing education;

(c) members should be committed to ensure appropriate relations are maintained all health care professionals;

(d) members should respect the collaborative nature of comprehensive health care with recognition and respect for the perspective and expertise of other health care professionals.
2. **Responsibility**

Members are expected to maintain professional objectivity and integrity; to apply professional knowledge and skills to all work undertaken; to actively seek the objective of advancement of knowledge; and to respect the cultural environment in which work.

2.1 ESSA members engaged in research conduct unbiased investigations, through the selection and development of appropriate research techniques, and through the timely and adequate disclosure of research findings to the professional and scientific community as well as the community at large.

2.2 ESSA members engaged in teaching help students to acquire knowledge and skill, to achieve high standards of scholarship, and to develop independent thought.

2.3 While taking account of their obligations under the law, ESSA members who are practitioners hold the interests and welfare of their subjects to be of primary importance.

2.4 The welfare of research subjects takes precedence over the self-interest of researchers and over the interests of colleagues and other agencies.

2.5 ESSA members are sensitive to cultural and social diversity. They recognise that there are differences among people, such as those that may be related to age, sex, or socioeconomic and ethnic backgrounds and, when necessary, they obtain training, experience or advice to ensure competent service or research relating to such persons.

2.6 ESSA members present opinions of their own in a fair and honest fashion.

2.7 Where ESSA members become aware of possible misconduct by a professional colleague that cannot be resolved by discussion with the colleague concerned, they take steps to bring the matter to the attention of those charged with the responsibility to investigate it, doing so without malice and with no breaches of confidentiality other than those necessary to the proper investigatory processes.

2.8 ESSA members co-operate with duly constituted committees of the Board, particularly those charged with the duty of investigating any complaints against members of the Board. Co-operation implies responding to any inquiries promptly
and completely and adhering fully to any procedures established by the Board for such investigations.

2.9 ESSA members ensure that they have current knowledge of scientific, technical and professional information relevant to the services that they offer.

3. **Competency and accountability**

ESSA members, and those under their supervision, should develop, maintain and encourage a high standard of professional training and competence. They accept that they should be accountable for their professional actions.

3.1 ESSA members recognise the boundaries of their own competence and provide only services for which they are qualified by training and experience. They refer matters outside their areas of competence to appropriately qualified persons.

3.2 ESSA members keep sufficient records of their professional activities:
   a) for their own reference;
   b) to ensure that at some future date the subject, or other ESSA member who has become responsible for that subject, can be informed of the action taken;
   c) to allow the information to be presented clearly if necessary.

3.3 ESSA members act in such a way that they are able to justify their professional decisions and activities in the light of current knowledge and standards of practice.

4. **Client care**

Clients should not be subjected to undue risk prior to; during and following testing procedures or exercise prescribed by members.

4.1 Members should ensure that clients are aware of the risks associated with exercise through the process of informed consent, and aware of their clients rights to withdraw from such interaction without penalty (at any time);

4.2 Members should provide instruction and education which minimises the risk of injury, and maximises the benefits from their interaction;
4.3 Members should ensure that, in the case of injury, treatment and appropriate care are available to clients;

4.4 Members should ensure that in the conduct of experimentation, procedures conform to principles enunciated by:

(i) the NH & MRC
   and

(ii) those of the administering institution.

5. **Description of services**

ESSA members provide information on professional qualifications and descriptions of services to help the public to make informed choices of the quality and type of service provided by both individuals and laboratories.

5.1 ESSA members do not misrepresent their qualifications, experience or services.

5.2 Announcement of ESSA and ESSA members’ services should conform to this Code of Professional Conduct and Ethical Practice and contain only a statement of name, degrees, status, address, telephone number, hours, a brief factual statement of the services provided and any additional relevant or important consumer information. Announcements through agencies should conform to these standards. Members advertising their services should submit proposed advertising material to the Executive Officer if in any doubt about its appropriateness.

5.3 ESSA members associated with the promotion of professional devices, books, recorded material or other products offered for commercial sale ensure that any promotional claims can be supported by evidence of a standard acceptable to the profession.
6. Confidentiality

ESSA members do not disclose information obtained professionally to any third party without the informed consent of the subject or research participant. There are certain exceptions to, and limitations of, that principle.

6.1 The major exceptions/limitations are:

(a) Incapacity: Where subjects are judged incapable of giving consent to disclosure, consent must be sought from those authorised to represent their interests.

(b) Emergency: Situations may arise when it is impossible or impracticable to seek consent to disclosure in time to prevent harm or injury to the subject or some other person. In this event it is expected that ESSA members should normally report to the subject or persons authorised to represent his/her interests, as soon as practicable, any information disclosed to a third party.

(c) Law: Acts of Parliament and Courts of Law may compel disclosure of information given by a subject. ESSA members inform the subject, in advance, of such limitations of confidentiality.

(d) Public safety: An ESSA member who believes that nondisclosure may endanger a subject or another person but is denied permission to disclose, exercises professional judgment, if necessary after consultation with senior colleagues, in deciding whether to breach confidentiality or not.

6.2 In disclosing of information, ESSA members provide only that, which in their opinion, would enable the recipient to assist their subject, and not in contravention of 4. Should such information become obsolete, ESSA members inform the recipient accordingly.

6.3 The use of subjects' names in presentation (either verbal, visual or written) or in publications, shall only be used when informed consent has been obtained, and by doing so shall not directly or by implication reveal the names of other subjects.
6.4 Where information is gathered by an ESSA member for use by a third party, the informed consent of those to whom the information refers is obtained and the recipient is informed by the ESSA member of the need to protect confidentiality.

6.5 ESSA members make provision for protecting subject confidentiality in the storage and disposal of research and case records.

7. Professional Relations

ESSA members do not exploit their professional relationships with subjects, supervisees, students, employees, research participants, colleagues or other professionals. They ensure that subjects are fully informed of all aspects of the study and obtain their informed consent to participate and remain in interventions.

7.1 ESSA members do not condone or engage in sexual harassment, which is defined as comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient. Sexual relations with subjects are unethical.

7.2 ESSA members have a responsibility to obtain the informed consent of their subjects with respect to all aspects of interventions. Informed consent means obtaining the agreement of the subject or, where the subject is judged incapable of giving informed consent, of those authorised to represent the interests of the subject. ESSA members must follow ESSA Code of Professional Conduct and Ethical Practice and this policy statement on informed consent. Informed consent includes determining appropriate levels of understanding by the subject with ESSA members making every effort to ensure that understanding.

7.3 ESSA members will ensure they do not exploit relationships with clients, colleagues or other health professionals for emotional, sexual or financial gain

7.4 ESSA members will not use inaccurate or misleading ways to promote their services or products, or accept undisclosed private financial benefits

7.5 ESSA members will treat their colleagues with fairness, honesty, courtesy, respect and good faith.
8. **Client assessments**

ESSA members have the prime responsibility for client assessment, including interviews, observations, standardised tests, questionnaires and psycho-physiological measures, and they ensure that these are used and interpreted only by competent persons.

8.1 ESSA members adequately protect the physical security of assessment instruments, the data they generate and the reports based on them.

8.2 ESSA members guard against any misuse or bias in selection, administration, scoring and interpretation of assessment procedures. They are prepared to justify, in terms of current scientific literature, their use and interpretation of any assessment procedure. They avoid using procedures which are obsolete or of dubious scientific status.

8.3 ESSA members obtain the informed consent of subjects when undertaking client assessments. Informed consent means obtaining the consent of the subject or, where the subject is judged incapable of giving informed consent, the consent of those authorised to represent the interests of the subject. Informed consent includes that the subject is informed of:

(a) the nature and purpose of an assessment;

(b) the procedures to be employed in the assessment process (e.g., type and general format of tests or questionnaires, psycho-physiological procedures, etc.);

(c) the uses to which the data from assessments will be put and the persons, organisations and/or agencies to whom the data and/or reports will be made available;

(d) the right to know the content of client assessment reports concerning them.

8.4 In reporting assessment findings to subjects or participants and to other professionals, ESSA members endeavour to ensure that appropriate explanations of the findings and their interpretations are provided and that they are not misused. Any reservations concerning the validity or reliability of an assessment procedure,
should be made explicit in the report. ESSA members strive to prevent misuse of outdated assessment results.

8.5 ESSA members do not normally release uninterpreted data from assessments to persons who are not specifically trained in the use and interpretation of the procedures concerned.

8.6 ESSA members are responsible for ensuring adequate supervision of assessment procedures administered, scored or interpreted by others under their direction unless such persons are themselves properly trained in their use.

8.7 ESSA members abide by such guidelines for the standard of training required for accreditation of a testing centre as may be adopted from time to time by the Executive.

9. Studies involving human subjects

ESSA members ensure that research investigations meet general scientific standards of competency and are sensitive to the welfare and dignity of the participants.

9.1 ESSA members submit their research proposals to ethical committees for review. Where no local ethical review committee exists, ESSA members should seek review by the Executive or its nominees.

9.2 ESSA members obtain the informed consent of participants except where its exclusion can be justified by the research methodology. Subjects should be informed of any research procedures that might have harmful effects on them.

9.3 ESSA members take all possible steps to protect participants from physical and mental discomfort, harm or danger. If the risk of such consequences exists and the participants give their informed consent to their involvement in the research, all possible steps must be taken to minimise any such risks. ESSA members do not use research procedures if they are likely to cause serious or lasting harm to participants.

9.4 Where methodological requirements of a study involve the use of concealment or deception, an ESSA member has particular responsibilities. These include justifying
this to the appropriate ethical committee, demonstrating that other non-deceptive procedures could not be used, obtaining the consent of participants to waive their right to prior information on the nature and purpose of the study, and ensuring that all participants are given full explanations as soon as possible.

9.5 ESSA members have a responsibility to ensure that research carried out by others under their supervision conforms to The Code.

10. Studies involving animal subjects

ESSA members using animals in teaching and research and in applied settings shall give every consideration to their welfare.

10.1 ESSA members submit their research proposals to ethical committees for review. Where no local ethical review committee exists, ESSA members seek review by the Executive or its nominees.

10.2 ESSA members must follow the current Australian Government National Health and Medical Research Council (NHMRC) Australian Code of Practice for the Care and Use of Animals for Scientific Purposes.

10.3 ESSA members using procedures likely to subject animals to discomfort have particular responsibilities. These include justifying their use on scientific grounds to an appropriate ethical committee, demonstrating that other less discomforting procedures could not be used and taking all possible steps to minimise any discomfort.

10.4 ESSA members have a responsibility to ensure that research carried out by others under their supervision conforms to this code.
11. Teaching of exercise and sports science

ESSA members ensure that educational and training activities (teaching) meet general scientific standards of competency (knowledge and practice) for the subject area and are sensitive to the interests, welfare and dignity of the students.

11.1 ESSA members who are responsible for education and training programs must ensure that the programs are competently designed and delivered, and that they meet accreditation and/or updating (CEC) requirements for which claims are made by the program.

11.2 ESSA members must make every effort to ensure that published information concerning any educational program in which they have a teaching or organising role is accurate and not misleading, especially with respect to expectations of, and possible benefits to, participants.

11.3 When teaching, ESSA members must present information accurately and objectively.

11.4 ESSA members must recognise the power they hold over students or supervisees and avoid engaging in conduct that is personally demeaning to students or supervisees.

11.5 ESSA members must not establish fee charging or consultative relationships with students they teach or are likely to examine.

11.6 ESSA members must not require or otherwise coerce a student to participate in a classroom or other training demonstration if there is reason to suppose that the student is likely to suffer distress from the experience.

11.7 ESSA members must not instruct students witnessing case demonstrations that they are required to preserve the anonymity of the participant and in every way to safeguard the participant’s privacy.
12. Supervision and training

ESSA members ensure that the supervision and training of students and/or junior colleagues meet general scientific standards of competency (knowledge and practice) and are sensitive to the interests, welfare and dignity of the trainee.

12.1 ESSA members who supervise the work of students or junior colleagues have responsibility to promote awareness of and adherence to the provisions of this Code.

12.2 It is unethical for ESSA members who are providing supervision or training to require or coerce supervisees or trainees to disclose personal information either directly or in the context of any training procedure. Where self disclosure is a normal expectation of a given training procedure, informed consent must be obtained from participants prior to training.

13. Publication and Public Statements

ESSA members are accurate and objective in reporting data or information and do so in a manner that encourages responsible discussion. They restrict their public comments as ESSA members to areas of sport science in which they have satisfactory knowledge and to information derived from research findings and theory.

13.1 When presenting research data or information ESSA members include relevant details of research findings that may modify or cast doubt upon the interpretation of evidence presented.

13.2 Credit is attributed in a publication in proportion to the contribution made by individuals and organisations. Accurate acknowledgement is given to sources of ideas and information.

13.3 ESSA members avoid excessive and exaggerate claims about the utility of their research findings or professional activities in all publications and public statements made through the news media.
13.4 Where incorrect or misleading reports have been given in reference to the work of an ESSA member all reasonable steps are taken to correct the error.

13.5 ESSA members do not state or imply that personal statements are made on behalf of other ESSA members, the Board, or any other organisations, unless such authority has been granted in advance. Statements on behalf of the Board, for possible publication, can be made only by the Chairman or Vice Chairman or their nominees.

14. Decisions of the Board

ESSA members abide by rulings and decisions which are made by the Board concerning ethical behaviour and standards of professional conduct.

14.1 It is the responsibility of ESSA members to maintain their current knowledge of any rulings and decisions which are made by the Board concerning ethical behaviour and standards of professional conduct.

15. Acknowledgment

This Code of Ethics was drawn up after consultation with Sport and Exercise Science New Zealand and is based in part on their Code of Ethics.