

Accessibility Professionals Association
Certification Program (APAC)

APAC Program Standing Rules and Policies

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Vision

Establish, assess, and promote recognized standards of competence among accessibility professionals with knowledge and expertise in pursuit of compliance with accessibility regulations related to the built and physical environment.

Mission

Develop an accreditation process to verify accessibility professionals' skills and knowledge of the accurate application of accessibility standards in project design, review, and inspection. The APAC Program will encompass multiple codes, regulations, and laws pertaining to accessibility in the built environment.

Diversity Statement

The APAC Board is committed to diversity and equality in all activities. The APAC Board, in both its values and practices, is committed to providing the accessibility community with credentialing practices that are based on inclusion and diversity.

This means that there shall be no barriers to participation in any activity of the Board on the basis of gender, race, creed, age, sexual orientation, national origin, religion, or disability.

The Board will seek diversity and inclusiveness in its business practices and it will not condone any form of unlawful discrimination.

The APAC Board recognizes and values the diverse skills, perspectives, and experiences of the accessibility community and believes inclusiveness enhances the Board's ability to serve this community.

APAC Overview

An individual who passes the Accessibility Professional Association's Certification–Built Environment exam (APAC-BE) will have demonstrated knowledge of the Federal Accessibility Requirements and the Model Codes and Standards and how each applies to the built environment. An APAC-BE credential holder will be able to interpret scoping requirements for any given facility.

Standing Rule #1 Purpose, Composition, and Meetings

Purpose and Name: The Accessibility Professionals Association Certification Program (APAC) is an independent certifying body of Accessibility Professionals Association (APA). The APAC Board awards the APA Certified–Built Environment (APAC-BE) credential and is responsible for setting policy and standards related to the APAC Program.

Composition: The Board is composed of a minimum of 5 voting members that represent primary stakeholder groups as defined by the Board: APAC-BE Certificants (APAC-BEs), APA members, and the public. Each stakeholder interest is represented on the Board. A minimum of three (3) Board members represent APAC-BEs and will have earned and maintained the APAC designation. As outlined in the APA Agreement of Support (Appendix A), one member shall be nominated by the APA President to represent APA membership. That nominee must be approved by the APAC Board members.

One member shall be a non-APAC-BE consumer/public member selected according to criteria outlined in the standards of the National Council for Certifying Agencies. The consumer/public member's role is to bring a perspective to the decision-making of the APAC Program that is broader than the Certificants' and to help balance the program's role in protecting the public while advancing the interests of APAC-BEs. The public/consumer member represents the public/consumer interests; brings new ideas and goals to the APAC Board to ensure the public's interest is valued; contributes an unbiased perspective; encourages consumer-oriented positions; and brings additional

public accountability and responsiveness. The public member shall be an individual who represents the direct and indirect users of APAC skills and services; who has served or is serving in a volunteer capacity; and who is interested in ethical, professional behavior on the part of accessibility professionals. The public member shall not

- have a current or previous APAC credential
- a supervisor, manager, direct co-worker, employee, or subordinate of individuals in the accessibility industry
- be a person who currently receives or within the last five years has received income from the accessibility industry
- have worked for or provided contract services to the APAC Program, APAC Board, or APA at any time during the five years preceding their appointment as a public member

Selection: The first APAC Board members will be selected by the APA's Board of Directors. Future APAC Board members will be selected by the APAC Board based on nominations brought forth. Nominees must fully comply with Board member requirements as established by the Board. A call for nominations for the APAC members of the Board shall be conducted as needed. Those interested in serving on the Board may be asked to submit a completed form and questionnaire developed exclusively for service on the Board. The nominee information, including demographic and APA and APAC engagement information, is reviewed and considered by the Board.

The incoming President, with the assistance of the incoming President-Elect and outgoing President, confirms the final selections.

Board: The Board members shall set meeting agendas and, between meetings of the Board, dispose of day-to-day matters involving interpretation of policies previously approved by the Board.

The President-Elect will also act as the Vice President.

For the first year, the number of Board members shall be seven (7) and shall consist of the President, President-Elect, Secretary/Treasurer, current APA Board member, one at-large member for a one-year term, one at-large member for a two-year term, and public member.

After the first year, the number of Board members shall be a minimum of five (5) and shall consist of the President, President-Elect, Secretary, Treasurer, current APA Board member, one at-large member, and public member. The immediate Past President shall serve as an ex-officio member. Each Board member shall serve a two-year term; however, the terms shall be staggered such that the terms of all Board members will not run concurrently. Each Board member shall hold office until their term expires and until their successor has been qualified and decided by the Board. Board members may be reappointed. Any two or more offices may be held by the same person, except the offices of President and Secretary.

Appointment of Board members: The APAC President-Elect is selected by the APAC Board through majority vote at the annual meeting or at the next following Board

meeting. Nominations for President-Elect shall be submitted to APAC management.

Board members may self-nominate, and nominations may be submitted by any Board member, APA member, or APAC-certified individual.

Resignation or Removal: Board members may resign for any reason. The President shall appoint a new Board member to complete the remainder of the term.

A Board member may be removed from office for failure to perform the duties required of Board members by a majority of the Board. The President shall appoint a new Board member to complete the remainder of the term.

Management: The APAC Executive Director is responsible for the implementation of the policies established by the APAC Board.

Meetings: The APAC Board meets at least three times each year.

Quorum: At any meeting of the Board, a majority of the voting members shall constitute a quorum.

Votes of Board: Revisions, additions, or deletions of standing rules require a two-thirds (2/3) vote. Revisions, additions, or deletions of policies require a simple majority vote.

Rules of Order: Unless otherwise specified in a manner deemed appropriate by the President, governance of the Board shall be conducted according to parliamentary procedures as outlined in Robert's Rules of Order, Newly Revised.

Vacancies: In the event that a Board position is vacant, the President of the Board may appoint a new Board member to fulfill the term. In the event of a vacancy in the

President position, the President-Elect shall assume the duties. In the event of a vacancy in the President-Elect position, the President may appoint a new Board member to fulfill the term, and the selection will be confirmed by majority vote.

Standing Rule #2 Board Responsibilities

Responsibilities of the APAC Board and its Board members:

1. Set the strategic direction for the APAC Program.
2. Act to assure fiduciary responsibility to the APAC Board.
3. Establish, monitor, and revise, as needed, the standing rules, policies, and procedures related to the APAC Program. All standing rules and policies shall be reviewed annually and be published [made publicly available] on the APAC website with the exception of those policies the release of which could potentially jeopardize the security/integrity of the examination or the security or integrity of the program.
4. Initiate periodic job analysis studies and utilize the results to keep the APAC examination specifications current.
5. Develop, monitor, and revise, as needed, the APAC initial and renewal application criteria and forms.
6. Approve the passing score for each exam offered by the APAC Program.

7. Set examination development and administration policies within accepted psychometric practices.
8. Set fees for the APAC examination and program.
9. Respond to concerns and recommendations by APAC candidates and Certificants about the APAC Program.
10. Confer APAC designation on qualified candidates and revoke designation as appropriate.
11. Hear Appeals brought before the Board based on established policy.
12. Attend APAC Board meetings and serve on committees and task forces or in other official functions as requested by the Board President.
13. Actively promote the APAC Program.

Standing Rule #3 Committees

Standing Committees: Standing Committees are formed by the Board and have continuing duties and/or responsibilities to consider and/or act on in certain matters related to the purposes of the APAC Board. These standing committees shall be named and their specific purposes and responsibilities enumerated in the APAC Standing Rules and Policies.

Standing Committees may appoint subcommittees to carry out the work of the committees.

Task Forces: Task Forces are formed by the Board to consider specific matters and/or complete specific tasks related to the purposes of the Board and not otherwise assigned to standing committees. Task Forces are dissolved upon completion of their tasks.

Selection: Standing Committee Chairs shall be approved by the President of the Board in consultation with the past Standing Committee Chair and management. Task Force Chairs shall be appointed by the President of the Board and do not require approval of the Board. Committee or Task Force members shall be appointed by the Committee/Task Force chair with approval of the President of the Board. Committee or Task Force chairs or members may be Board members or APAC volunteers; some committees may have restrictions on who may be a committee member.

Policy #1 Subject: Volunteer Confidentiality and Security

As the APAC Board administers the certification program, APAC Board members, committee members, and volunteers will at times learn of confidential or sensitive information regarding APAC applicants or Certificants including, but not limited to, test scores, disciplinary actions, and academic performance. This information is to be kept confidential and secure in perpetuity and should only be discussed when necessary with other Board members, committee members, volunteers, or management, or as necessary in the context of a disciplinary proceeding. All Board members, committee members, and volunteers with access to such information shall sign a nondisclosure agreement prior to commencing service on or for the Board and shall retain Board information only so long as necessary to complete any required tasks.

Security/confidentiality agreements will be required and a copy of each shall be retained by the APAC Board.

1. The agreement will require these individuals to maintain in strict confidence any and all information related to Board discussions and decisions unless prior approval is given by the President or such information is made publicly available. This confidential information includes (but is not limited to) information related to the following:

- Applicants and applications
- Board decisions and actions related to applications
- Board finances

- Item bank and exam development
- Disciplinary actions and appeals
- Scope of Certification exams

Certification applications and candidates' performance on the APAC examination shall remain confidential unless otherwise stipulated by the examinee or as required by law. The APAC Program will release exam application and pass/fail information specific to an applicant only to the applicant and only in writing, except for required information to the testing company and testing center.

The exceptions to this are the published list of APAC-BEs that the Board makes available to the public and confirmation of APAC-BE status. This statement does not preclude the publishing of any Certificant's name against whom disciplinary action has been taken.

2. Reasonable steps will be taken to protect against inadvertent disclosure or theft of the information. All such confidential information shall be stored in a safe and secure place, such as a locked file drawer or a password-protected electronic file.
3. Upon termination of service with the Board or one of its entities, the individual will take reasonable steps to return, electronically delete, or destroy any confidential information received or acquired relating to the certification program and confirm the return, deletion, or destruction with APAC Program management.

4. Any work done by an individual on behalf of the Board is a work for hire and belongs to and remains the property of the Board.
5. Volunteers involved in examination development (including subject matter experts [SMEs]) will be given limited access to confidential exam materials, as needed, to perform their exam development duties. All volunteers will sign a nondisclosure agreement prior to being granted access to any confidential materials.

Policy #2 Subject: Conflict of Interest

All Board volunteers, proctors, volunteer SMEs, and management agree not to engage in actions which may constitute an actual, apparent, or potential conflict of interest with the mission and activities of the Board, and will execute a conflict of interest statement. On such a conflict of interest statement, the individual will notify the Board of any such conflicts of interest and any business, financial, personal, and/or organizational interests/affiliations that are or could be perceived to be a conflict of interest. Proctors shall sign confidentiality and conflict-of-interest agreements.

During service and for a period of at least two (2) years after involvement in activities of the APAC Program in which an individual has access to exam items (e.g., SME or proctor), the individual will not take the APAC-BE exam or become directly involved in any preparation or presentation of instructional materials or programs designed to prepare persons to complete the certification process. Activities shall be considered to

have terminated at the time in which a new Committee is seated or the individual has resigned from the Board or Committee in writing.

Board members will disclose to the Board leadership or APAC Program management any such conflicts of interest and any business, financial, personal, and organizational interests/affiliations that are or could be construed to be a conflict of interest. Board members agree to recuse themselves from participation and deliberation on matters involving an entity with whom the Board member has a material conflict of interest.

Policy #3 Subject: Board Meetings

The APAC Board meets in person or virtually at least three times each year and holds virtual meetings as needed. At each full Board meeting, the Board should be provided the most recent available financial statement reflecting year-to-date operations and previous year-end figures. Board meetings are open to the public except when agenda items pertain to test content, test items, standard setting, appeals, or executive sessions called by the President. Minutes should reflect any actions taken in executive session.

Policy #4 Subject: Public Disclosure

APAC Board policies will be made publicly available with the exception of those policies where the release of said policies could potentially jeopardize the security/integrity of

the examination or the security/integrity of the program. The APAC Board and management will determine which policies will be made available.

Policy #5 Subject: APAC Committees

Communications: Committee chairs/management shall be responsible for the submission of written committee reports to the Board.

Confidentiality: All committee members are required to sign a nondisclosure agreement annually. The APAC Executive Director is responsible for distribution and receipt of the forms. The forms will be kept on file by the APAC Program management. Task Force members who are not members of the Board are required to sign a nondisclosure agreement before commencing service on a Task Force.

Certification Status: Individuals who serve as volunteers and who are eligible for certification as an APAC-BE are encouraged to attain and maintain an APAC credential.

Duties: The duties of committee members shall be described in committee position descriptions. Task Force member duties are defined in the creation of the Task Force. All committee and task force members will abide by the APAC Standing Rules and Policies.

Standing Committees

Pursuant to APAC Board Standing Rule #3, standing committees are formed by the Board and their specific purposes and responsibilities are to be enumerated in the APAC Standing Rules and Policies.

The Board's standing committees are the Examination and Item-Writing Committee, the Appeals Committee, and the Professional Conduct Committee.

Examination and Item-Writing Committee

Purpose: The APAC Examination and Item-Writing Committee is responsible for drafting proposed APAC items on an ongoing basis and coding each item to an appropriate reference and for writing, reviewing, and editing examination questions and making the final selection of items that comprise each exam. The Committee is also responsible for monitoring the items in the APAC item bank and for retiring existing items or recoding them to appropriate references.

Composition: The Examination and Item-Writing Committee shall be composed of five to seven (5-7) SMEs who reasonably represent the diversity of the Certificant population.

Recruitment, Selection, and Terms: The APAC Examination and Item-Writing Committee is led by a chair that serves a two-year term and may be reappointed. Each committee member is appointed for a one-year term and may be reappointed. Committee members are selected by the incoming Committee Chair based on needed skills, expertise, and demographics.

Training: Item writers will receive training in item-writing workshops. Methods of addressing and eliminating bias will be addressed during the workshops. Included in the

training will be information on source of bias and the impact of item bias on the fairness and psychometric integrity of the exam. Various types of bias will be addressed in the workshops, including gender bias, racial and ethnic bias, and bias in terms of accessibility type.

Appeals Committee

Purpose: The Appeals Committee is responsible for receiving and considering Appeals related to the examination process as provided for in the policy relating to Due Process and is responsible for investigating, deliberating, and bringing to resolution, according to the Rules and Policies, all Complaints regarding the exam and the candidate's testing outcome.

Composition: The Appeals Committee is comprised of three or five (3 or 5) members and individuals who reasonably represent the diversity of the Certificant population, selected by the APAC Board. Members of the Appeals Committee must hold the APAC-BE credential, be a member of APA, and not be an APAC Board member. One Subject Matter Expert on test development is preferred. A quorum will be 2 of 3 or 3 of 5 members.

Recruitment, Selection, and Terms: The Committee is led by a chair that serves a two-year term and may be reappointed. Each committee member is appointed for a one-year term and may be reappointed. Committee members are selected based on needed skills, expertise, and demographics from the nominees brought forth.

Professional Conduct Committee

Purpose: The Professional Conduct Committee is responsible for receiving and considering concerns related to the APAC Certificants as provided for in the policy relating to Due Process and is responsible for investigating, deliberating, and bringing to resolution, according to the Rules and Policies, all Complaints against Certificants.

Composition: The Professional Conduct Committee is comprised of three or five (3 or 5) APAC Board members or Committee members and individuals who reasonably represent the diversity of the Certificant population. A quorum will be 2 of 3 or 3 of 5 members.

Recruitment, Selection, and Terms: The Committee is led by a chair that serves a two-year term and may be reappointed. Each committee member is appointed for a one-year term and may be reappointed. Committee members are selected based on needed skills, expertise, and demographics from the nominees brought forth.

Policy #6 Subject: Examination Development

All individuals involved with examination development shall follow established security and confidentiality measures as outlined in the Rules and Policies. Concerns regarding a breach of this policy should be reported to the President of the APAC Board or the APAC Executive Director. If the concern involves the President of the APAC Board, the concern should be reported to the President-Elect or the APAC Executive Director. Concerns regarding a breach shall be investigated in accordance with established procedures.

A job analysis of the accessibility profession will be performed when deemed necessary by the Board, who will consider such factors as the issuance of updated applicable codes, standards, and laws; the emergence of new practices in the profession; and other industry-related changes of significance. The study findings will serve as the foundation for the examination specifications. The examination specifications will be reviewed by the APAC Examination and Item-Writing Committee and any necessary adjustments will be recommended to the Board for review and approval.

A body of literature aligned with the examination content outline will be identified by the APAC Exam and Item-Writing Committee and designated as the Study Resources, which will be published on the APAC website. The APAC Board will ensure that the Study Resources list shall be reviewed periodically and in conjunction with the Job Task Analysis and revised at that time if appropriate.

Items written for the APAC examination item bank should be properly referenced to a current item from the APAC Study Resources. The reference source will be no older than the oldest reference on the Study Resources.

All test questions shall undergo a preliminary question analysis prior to release of the test results. Any question that does not meet accepted statistical criteria shall be reviewed by the APAC Examination Committee, which will determine whether the item should be: (a) scored “as is,” (b) scored with an alternate key(s), (c) scored as correct for all responses, or (d) replaced with an appropriate experimental item.

The passing standard shall be set using a criterion-referenced methodology. The APAC Board will approve the passing score.

Whenever examinee volumes permit, equating will be used to maintain the passing standard across different examination forms and to statistically adjust scores, as necessary, to compensate for differences in difficulty across examination forms.

Policy #7 Subject: APAC Assessment System and Renewals

The APAC assessment system includes an eligibility application, a multiple-choice test, and a renewal application.

Eligibility

Candidates must submit an application that documents fulfillment of requirements in formal education, professional (work) experience, professional conduct, and professional development as follows:

1. Education and Professional Experience

- **Option 1: Professional degree/license** (architecture, engineering, interior design, landscape architecture, or equivalent) and one year of accessibility experience related to building planning, design, review, inspection, consultation, or equivalent.
- **Option 2: Four years' accessibility experience** related to building planning, accessibility design, review, inspection, consultation, or equivalent.

- **Option 3: Accessibility certification** (e.g., ICC, state certification, ADAC) and two years' accessibility experience related to building planning, design, review, inspection, consultation, or equivalent.

An individual working full time in the role of an accessibility staff, who is not an employee, is to be considered an employee for the purposes of the APAC exam application (i.e., those who are employed as an independent contractor and 100% of their work time is devoted to the organization(s)).

2. Professional Conduct

Candidates must agree to adhere to the APAC Code of Professional Conduct. Once an application is submitted and the candidate has attested to its veracity, the candidate is eligible for a two (2)-year period.

APA employees who are eligible for the APAC exam and have no access to the exam items may sit for the exam. Management who have access to the exam are not eligible to take the exam during the time they have access to exam items and for a period of at least two years after access ends.

Eligibility Rationale

The eligibility requirements together provide a reasonable assurance that applicants for the certification have the experience and knowledge needed to take and be successful at the exam.

1. **Professional Experience and Employment:** The years of experience and employment as an accessibility professional provide a base and background to understand the intricacies of the field.
2. **Professional Conduct:** APAC applicants commit to work in accordance with ethical standards and to encourage the development and implementation of the ethical standards within the industries and professions represented by its members. The APAC Code of Professional Conduct describes the conduct that individuals strive to uphold as APA members and as APAC-BEs.
3. **Examination:** The examination is a standardized assessment that is used to ensure that Certificants possess professional knowledge and skill at the level that is required for certification. The content of the APAC examination is determined by means of a practice analysis study.

Eligibility Verification

1. **Professional Experience and Employment:** Applicants verify their experience and employment history by submitting an attestation. The attestation is deemed sufficient as many applicants' employment history is in their applicant record; the information could be verified if questioned.
2. **Education:** Applicants verify their education by submitting an attestation. Most applicants who meet the employment requirements will have needed a bachelor's degree or equivalent work experience to attain their current or recent qualifying employment.

3. **Professional Conduct:** Applicants attest to their agreement to adhere to the code of conduct. The requirement for adherence to the Code of Professional Conduct provides increased awareness of expected ethical behaviors as well as increased public protection through a process that provides a reporting and investigation mechanism for violations.

Testing

Candidates must pass a multiple-choice exam administered in a defined time frame. Within approximately six to eight weeks of sitting for a paper-and-pencil in-person examination, candidates are notified by email; for security reasons, results will not be given over the phone or sent by fax. For testing done through a testing center or online proctoring, results will be delivered immediately after completion.

Certification Period

After successful completion of the exam, candidates become certified for a period of three (3) years after the date certification is awarded. It is the responsibility of the individual to renew their certification within the appropriate time period.

Retesting

Candidates who fail the examination on the first attempt may retake the exam within two years from the date of approval of their application, with a maximum of two attempts per year, for a total of four attempts. Candidates retaking the examination within their two-year eligibility shall submit a re-examination fee. After two years from the date of their application approval, candidates must reapply.

Renewal

Certification renewal is required every three (3) years due to the rate of change in the profession, professional practices and standards affected by technological changes, and the need to stay current in accessibility practices and maintain knowledge. To remain active, the renewal application must be submitted prior to the current certification expiration date. If the certification lapses, an additional fee will be assessed to reinstate the certification within six months. Lapses of certification after six months will not be renewed; candidates must reapply and retake the exam.

All of the following steps must be completed in order to receive successful renewal:

1. Completion of required CEUs and/or professional development activities
2. Ongoing adherence to professional conduct requirements
3. Submission of completed renewal documents
4. Review and approval by APAC

As outlined below, the renewal application documents 1) ongoing adherence to professional conduct requirements and 2) completion of professional development activities or a combination of professional development activities and contributions to the profession. Renewal applicants must again agree in writing that they will adhere to the APAC Code of Professional Conduct.

Required Continuing Education Units for Renewal

Renewing Certificants must have completed a minimum of twenty-four (24) continuing education units (CEUs) of accessibility-related continuing education (CE), which may consist of 1) receiving accessibility-related continuing education, 2) presenting accessibility-related courses, 3) making contributions to the profession, or 4) any combination of these.

1. When renewing, applicants may include qualifying APAC credits not previously submitted for APAC credit, provided they have been completed less than three (3) years prior to the certification expiration date.

One (1) credit is equal to one (1) hour of continuing education. A minimum of one (1) credit focused on ethics is suggested.

- a. Twelve (12) credits must be courses that are specifically approved by APAC, either by being pre-approved and offered by an Approved Provider or by being submitted to the APAC Board by the Certificant where approval will be determined on a case-by-case basis.
- b. The twelve (12) remaining units are acceptable if they fall into one of the categories listed in the [Study Resources section of the APAC website](#) or have a focus on business practices, ethics, life safety code, state-specific accessibility codes, and universal design.
- c. Certificants requesting approval of a specific course should do so by emailing the course name, official length (e.g., 2.25 hours), topic, description, learning objectives, provider, and course number to the

APAC Program or by filling out the form provided on the APAC website.

2. A maximum of six (6) CUEs may be from presenting accessibility-related courses. Qualifying credits may include:
 - a. Presenting at a national or regional conference including, but not limited to, APA National Conference, CASI Summit, or ADA Symposium
 - b. Presenting in-person courses or webinars that have been approved for CEUs by Executive Director
 - c. Presenting or co-presenting on behalf of a national accessibility agency, such as the ADA Centers
 - d. Other presenting opportunities, to be submitted to APAC for approval

Inactive Status

Inactive Status is available to APAC-BEs who do not meet their renewal eligibility requirements, but who do not wish to permanently lose their certification status.

Inactive status provides APAC-BEs with a three-year period beyond their period of active certification in which to meet their renewal eligibility requirements.

While an individual's status is inactive, the APAC credential and designation MAY NOT be used.

To apply for inactive status, Certificants must complete the appropriate form and pay the inactive status fee. Applications must be received prior to the end of the certification period for the request to be honored. Applicants may not apply for consecutive inactive status.

Reactivation

The APAC certification may be reactivated at any time during the inactive period as long as the renewal requirements are met. Reactivation will be approved by meeting the renewal requirements including payment of appropriate fees and fulfilling professional development or activities requirements or by re-examination. Professional development credits must be accrued within the three years leading up to the resumption of certified status.

Policy #8 Subject: Self-Study Program Eligibility for APAC credits

An educational program used for individual, self-paced study may be recognized for APAC credits if it meets the following criteria:

1. The program is provided by an APAC Approved Provider.
2. The program must be suitably recent, as defined by the oldest reference included in the APAC Study Resources, as listed on the APAC website.
3. The program must have clearly identified learning objectives linked to the APAC Exam Content Outline.

4. It must include an interactive component such as quizzes, post-tests, or other learning assessment exercises or activities by which participants apply and demonstrate comprehension of the covered content areas.
5. The program must meet recognized standards for effective self-study programs.

Proof of completion (i.e., a certificate of completion) must be submitted with the application. Self-study credits may only account for one-half of any applicant's education hours.

Policy #9 Subject: Reasonable Accommodations Pursuant to the ADA

Accommodations for testing shall be provided without charge to candidates who require them. The request for accommodation should detail the needed accommodation given the format and nature of the exam.

The APAC Program will endeavor to furnish all reasonable requested accommodations. Requests must be submitted no later than two weeks before the regular exam registration deadline.

APAC Program management will review requests and will approve or deny based on requested accommodation(s) based on applicable laws and APAC administration and security policies; ask the candidate for further information in order to make a determination; or refer to the APAC Board for guidance.

APAC Program management will confirm that the selected test site or testing service will be able to provide the approved accommodation(s) and will send the specified accommodations to the test site or service and proctor(s). Management will confirm the test site location and approved accommodation(s) with the candidate.

Accommodations provided during the examination administration will not appear on score reports or certificates.

Policy #10 Subject: Examination Administration and Security

The APAC examinations are administered at professional conferences and via approved testing facilities and online proctoring services.

Candidates are notified of examination registration options through the APAC website prior to testing. Candidates must register for the examination within the time frame set forth on the APAC website.

The APAC Program will document and follow standardized examination administration procedures, including verification of candidate identity, regardless of the examination delivery or proctoring method.

APAC may contract with a qualified provider for test administration, called “Test Administrator.” As part of that contract, the Test Administrator will identify processes for a candidate who arrives after the scheduled test time. The Test Administrator will manage examination centers and online proctoring services according to requirements

approved by the APAC Board and listed in Appendix B. Proctors will receive adequate training, manage irregularities and document details as needed for an investigation, provide approved accommodations, and abide by administration procedures provided by the program.

Examination administration and security procedures will be available to all candidates prior to the examination. The Board shall take appropriate action regarding any reported violation of the examination administration and security policies as outlined in policies.

Policy #11 Subject: Testing Arrangements for Extraordinary Circumstances

In the event a site must close due to inclement weather or other emergency, the testing vendor will reach out to candidates affected by the closure by email and phone to notify them and offer rescheduling options. In the event a test site is open but the candidate cannot safely travel to the site, the candidate must notify the vendor, and the vendor will then request documentation of the conditions and then work with that candidate on rescheduling as well. Rescheduling fees are not charged in these instances.

Policy #12 Subject: Proctor Criteria and Training

Proctors are contracted by the Test Administrator or the APAC Program who will provide adequate training as mandated through NCCA.

Policy #13 Subject: Fees

The Board shall set all fees and review them annually. A schedule of fees is listed on the APAC website.

Initial Application

All APAC applicants must pay the initial application fee. If and when an applicant is determined not eligible to sit for the exam, a refund of the initial application fee less a non-refundable processing fee shall be made.

Examination Fee

The initial application fee includes the examination fee for those candidates who register and take the APAC examination within two (2) calendar years of application approval. Candidates who take the examination more than two years after application must pay a separate examination fee.

Retake Fee

Candidates who fail the examination may retake the exam with a valid application, for a maximum of two attempts per year, for a total of four attempts. Candidates retaking the examination within their two-year eligibility shall submit a re-examination fee.

Testing Fee

A testing fee may be charged in addition to the examination fee or retake fee. The testing fee is the fee charged by the facility or organization administering the exam.

Renewal

The non-refundable fee for APAC renewal is due when the Renewal Application is submitted at the end of each certification period.

Test Appointment Cancellation, Rescheduling, No Show

A candidate may cancel or reschedule their testing session when they are more than two (2) days in advance of the testing appointment.

If the cancellation or rescheduling request is made within two (2) days in advance of the testing appointment, the candidate will be considered a no-show and will be charged for their scheduled exam administration.

A candidate who does not appear for their testing appointment and has not contacted the testing site to cancel or to reschedule will be considered a no-show and will be charged for their scheduled exam administration.

Policy #14 Subject: Use of the Certification Title and Initial Designation

Individuals who are certified under the APAC Program may use the title “APA Certified–Built Environment” and the designation “APAC-BE.” The title and designation may not be used to imply that an organization or business is certified.

Use of the title and designation by individuals who have not been awarded the certification or who have failed to maintain their certification is expressly prohibited.

The designations “APAC” and “APAC-BE” are subject to approval by the APAC Board.

Policy #15 Subject: Complaints and Revocation or Other Disciplinary Actions

A Complaint against an APAC Certificant may be made to the APAC Professional Conduct Committee by anyone (the “Complainant”) for any reason.

An APAC-BE may have their certification revoked or other disciplinary action taken for violation of APAC Program policies, including:

- Violation of examination procedures or security
- A material misstatement on an application for initial certification or renewal application or in any of its representations to the Board, or other information related to professional practice, whether intentional or unintentional

- Misrepresentation or improper use of the credential
- Nonpayment of program fees on a timely basis

In addition to the above violations, a Certificant may have their certification revoked or other disciplinary action taken for specific enforceable behaviors.

1. **APAC Code of Professional Conduct.** The APAC Code of Professional Conduct is published on the APAC website. An APAC-BE may be subject to discipline for the following:

- a. Knowingly violating the law in the course of the APAC's professional activities, including, but not limited to, fraud, embezzlement, misappropriation of property, or unlawful discrimination. Allegations of violations of this section must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.
- b. Failing to report *and* willfully concealing one's knowledge of illegal activity by staff, volunteer, or vendor related to accessibility.
- c. Violating other certification or credential standards resulting in revocation or other discipline.
- d. Knowingly making false statements of material fact in any professional context, including falsification of academic, employment, or credentialing records.

- e. Failing to disclose one's own actual conflict of interest to a third party decision-making body, where such conflict would be material to such body's deliberations or decision-making process. Such third party may be a board of directors, a committee of the board, a client, or an employer.
- f. Failing to adhere to the employer's policies and procedures in the acceptance of councils, remuneration, or other benefits in connection with the scope of the Certificant's employment.
- g. Disclosing unauthorized, material, confidential information except when required by law, where disclosure results in damage to the owner of the confidential information.

In the course of applying for certification or renewal, Certificants are to be made aware of the bases for which certification can be revoked.

The Professional Conduct Committee shall be empowered to investigate, deliberate, and bring to resolution, according to these Rules and Policies, all Complaints against Certificants.

The APAC Board, including action by the Professional Conduct Committee as delegated by these procedures, is the only entity authorized to make final decisions with respect to revocation or other disciplinary actions.

2. Objectives and Responsibilities of the Professional Conduct Committee

- a. **Objectives.** The fundamental objectives of these Rules and Policies are to protect the public against unprofessional and unethical conduct by APAC-BE credential holders. The purpose of these Rules and Policies is
- i. to ensure that any person who currently holds or held at the time of alleged offense the APAC certification or an applicant for such certification awarded by the APAC Board is practicing in accordance with profession and community standards;
 - ii. to ensure the integrity of the program requirements and certification process;
 - iii. to ensure that issues regarding Certificants' ethical practices are evaluated and determined on a peer group basis; and
 - iv. to ensure due process for how Complaints against Certificants may be filed and how the APAC Program will respond to, investigate, and take appropriate action concerning the allegations.
- b. **Resolution of Complaints.** The Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, shall oversee proper consideration of all Complaints of alleged unprofessional and unethical conduct or other violations of the APAC Code of Professional Conduct or APAC Program policy in accordance with these rules such as to bring to conclusion and, if necessary, take disciplinary action(s) as may

be necessary to achieve the objectives of the APAC Code of Professional Conduct and these Rules and Policies.

- c. **Composition of the Professional Conduct Committee.** The APAC Board will appoint members to the Professional Conduct Committee upon receipt of a Complaint.
- d. **Authority of the Professional Conduct Committee.** The Professional Conduct Committee shall be empowered to investigate, deliberate, and bring to resolution, including taking appropriate disciplinary actions, according to these Rules and Policies, with respect to all Complaints against Certificants.
- e. **Annual activities.** Annually, or as requested by the Board, the Professional Conduct Committee Chair shall:
 - i. Deliver a summary report to the Board identifying the Professional Conduct activities, including a report of any public sanctions during the year and summary of other actions as provided in these Rules and Policies.
- f. **Time.** The time periods set forth in the sections below are intended to provide guidance to the Professional Conduct Committee, the Board, and the parties and may be extended at the respective Chair's discretion depending upon the circumstances of each proceeding. Failure of the Professional Conduct Committee, the Board, or any party to comply with

the time periods shall in no event prevent the continuation or conclusion of a proceeding by the Professional Conduct Committee or the Board.

3. How a Complaint May be Filed.

a. **Who may file a Complaint.** A Complaint must be based on an independent finding of a/an:

- i. APAC-BE
- ii. Board of directors
- iii. Administrative body
- iv. Court of competent jurisdiction
- v. Association
- vi. Credentialing organization

A Complaint against a Certificant may be submitted in writing by any of the above parties when a Certificant appears to have violated the APAC Code of Professional Conduct or APAC Program policy. The APAC Board President may initiate a Complaint on their own initiative.

b. **Certificant status.** A Certificant who is certified at the time of the alleged offense with the APAC Board shall be subject to these Rules and Policies irrespective of whether the Certificant's certification status has thereafter expired or been terminated or whether the Certificant has resigned.

- c. **What must be included in a Complaint.** All Complaints must be submitted in writing to the Professional Conduct Committee Chair, in care of the APAC Executive Director, in a form that complies with the APAC Board requirements. The Complaint must
- i. specify the name, address, email address, and telephone number of the Complainant;
 - ii. include the name, address, email address, and telephone number of the Certificant;
 - iii. set forth the specific sections of the APAC Code of Professional Conduct or APAC Program policy alleged to have been violated;
 - iv. provide an adequate description of the facts supporting the Complaint including documentation relating to the allegations;
 - v. detail previous steps, if any, that have been taken with respect to the alleged unethical or unprofessional conduct and the results of such steps taken;
 - vi. include the Complainant's approval for the Committee to disclose all information to the Certificant and those members evaluating the Complaint; and
 - vii. be signed by the Complainant.

- d. **Anonymous Complaint.** No action will be taken solely on the basis of an Anonymous Complaint, but the President of the APAC Board, in consultation with the APAC Executive Director and legal counsel, may direct the Professional Conduct Committee to self-initiate a Complaint based on information in Anonymous Complaints.

4. How Complaints Are Handled.

- a. **Incomplete Complaints.** If the Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, determines that the Complaint does not sufficiently address what must be included in a Complaint, then steps may be undertaken to rectify the incomplete items or, as appropriate, dismiss the Complaint for failure to include the necessary elements that must be included in a Complaint, and the Complainant so notified.
- b. **Complaints without merit.** If the Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, determines that the Complaint does not have merit, meaning the facts presented are inconsequential or unreliable or present irrelevant information, the Complaint will be dismissed and the Complainant so notified. The APAC Board President will also be notified of the decision.
- c. **Complaints with merit.** If the Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, determines that the Complaint has merit, an investigation will be initiated, and the

Complainant, Certificant, and APAC Board President so notified. The notice to the Certificant whose conduct is in question shall include

- i. the basic facts of the Complaint and identification of the alleged violation. The notice shall include a description of the alleged behaviors involved in the Complaint, including the specific sections of the APAC Code of Professional Conduct or APAC Program policy alleged to have been violated by the Certificant;
- ii. the name of the Complainant, which may be included or withheld based on the advice of legal counsel as necessary to preserve due process and confidentiality;
- iii. a copy of these Rules and Policies;
- iv. a request that any specific information to assist in investigation of the Complaint be provided in the form of a written response and supporting documentation within thirty (30) days of receiving the notice and a statement that all information submitted by the Certificant shall become part of the record, may be used in further proceedings, and only be disclosed in accordance with the policies on Confidentiality, Public Notice of Sanction, and Record-Keeping of Proceedings set forth within these rules;
- v. identification of the members of the Professional Conduct Committee and APAC Board. The Certificant may submit a written

petition within seven (7) days to the APAC Board or Professional Conduct Committee Chair identifying any conflict of interest concerns as to Professional Conduct Committee and/or APAC Board members, detailing such concerns and, as appropriate, asking for replacement of any such member. The APAC Board shall have final authority as to the disposition of such requests and may appoint other APAC-BE(s) in good standing as replacement members of the Professional Conduct Committee. In the case of conflict of interest concerns with members of the Board, the APAC Board President shall have final authority over all such requests, and Board members deemed to have a conflict of interest shall refrain from all considerations and votes on the matter; and

- vi. notice that a Formal Investigation will be instituted in accordance with the Rules and Policies if the preliminary investigation is not satisfactorily concluded.

- d. **Preliminary investigation.** The Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, will be responsible for conducting preliminary investigation of the Complaint and may seek additional information pursuant to the investigative methods outlined in the section of these Rules and Policies entitled “Method of Conducting Investigation” (section 4i below). The Certificant’s failure to respond to the Complaint, or any other unwarranted delay or lack of

cooperation by the Certificant, shall not prevent the continuation or conclusion of the proceedings by the Committee, as it deems appropriate.

- e. **Preliminary investigation reaching satisfactory conclusion.** Once the preliminary information and any other requested information has been considered pursuant to these Rules and Policies, the Professional Conduct Committee Chair, in consultation with the APAC Executive Director, legal counsel, and Immediate Past President of the APAC Board, may conclude that the Complaint has no basis in fact, is insufficient, or is likely to be corrected on its own merit and, therefore, may, on its own initiative, determine to close the case without further action. Such decision shall be made within sixty (60) days of the Professional Conduct Committee Chair's receipt of all of the requested information. The Professional Conduct Committee Chair shall inform both the Complainant and the Certificant. The notice to the Certificant shall state that the basic facts of the Complaint and preliminary investigation findings will be noted in the Certificant's record.
- f. **Preliminary investigation failing to reach satisfactory conclusion.** If the response is not considered a satisfactory resolution by the Professional Conduct Committee Chair, assisted by the APAC Executive Director and legal counsel, the matter may be
 - i. referred to an appropriate body (including, but not limited to, law enforcement agencies, the Certificant's employer, and/or other

membership or credentialing bodies). In such cases, the further consideration of the Complaint may be suspended pending the outcome of the referral;

- ii. referred directly to the Professional Conduct Committee with recommendation for disciplinary action if the preliminary investigation determines that the Certificant has had a confirmed finding of malpractice or breach of relevant standards of conduct by legal authorities, membership organization, or certifying body. In such cases, the Certificant and Complainant will be so notified. The notice to the Certificant shall state the preliminary finding and recommendation, and the intent of the Professional Conduct Committee to undertake consideration of the issue on a given date. The notice shall also inform the Certificant of the opportunity to provide a written response and submit supporting documentation and show good cause in writing within 30 days of receipt why they should not have such disciplinary action taken, including, but not limited to, suspension or revocation of certified status. If the Certificant fails to timely respond, such action or inaction shall be deemed to be a waiver by the Certificant of their right to submit a written response; or
- iii. formally referred for Formal Investigation and deliberation, and the Complainant, Certificant, and APAC Board President so notified, as provided in h below.

- g. **Procedure for Formal Investigation.** Within ten (10) days of a preliminary investigation determination that a Complaint requires Formal Investigation, the Professional Conduct Committee Chair shall appoint an Investigative Panel (the “Panel”).
- i. **Composition of Investigative Panel.** The Panel shall be designated and appointed at the discretion of the Professional Conduct Committee Chair. The Panel shall be comprised of two (2) members of the Professional Conduct Committee. The Chair of the Committee shall be authorized to participate in the discussion and deliberation of matters pending before each Panel. The Panel shall take action by consensus and the Chair of the Committee shall not vote.
- ii. **Authority of the Investigative Panel.** The Panel, in consultation with the APAC Executive Director and legal counsel, may investigate and seek additional information pursuant to the investigative methods outlined in the section of these Rules and Policies entitled “Method of Professional Conduct Committee Deliberations” (section 4j below) of this policy and shall make a recommendation for action to the Professional Conduct Committee.
- h. **Notice of Formal Investigation.** If a Formal Investigation is initiated, the Certificant shall be sent notice once an Investigative Panel has been appointed. The notice will advise the Certificant that they will have another

thirty (30) days from receipt of notice to provide any further information to the Panel and that they may also be asked to respond to additional questions or information requests.

- i. **Method of Conducting Investigation.** An investigation may be conducted by collecting information, including documentation, by conducting phone inquiries, and through any other appropriate or similar means of inquiry.
 - i. **Certificant records.** Certificant records may be reviewed and consideration may be given to any elements recorded in the Certificant's APAC record.
 - ii. **Experts.** Experts may be retained and consulted with as necessary to assist in investigations. The expert may be an individual certified by the APAC Program or a member of an acknowledged peer group established by the APAC Board or another responsible organization. Any expert retained and consulted with must sign an appropriate agreement setting forth the expert's agreement to maintain all information as confidential.
 - iii. **Additional information.** Additional information may be sought through correspondence or otherwise, including supplementary information from the Complainant in writing or interviews, or from any other party, when necessary, in order to completely evaluate the substance of the allegations. In the event that the additional

information is deemed necessary but the Complainant refuses to provide such additional information, it may be determined that the case should be closed, or proceed based on the information on hand. In the event that the additional information is not provided in a timely fashion, considerations may proceed based on the information on hand.

- iv. **Additional violations.** If, during the course of its investigation, the Panel, Professional Conduct Committee, or APAC Board determines that there may be additional violations of the APAC Code of Professional Conduct or APAC Program policy, then such violations may be investigated and appropriate findings regarding such additional violations may be reached in accordance with these Rules and Policies.
- v. **Panel Deliberation.** The Panel shall, in consultation with the APAC Executive Director and legal counsel, review all of the information and arrive at a consensus on a recommendation to the Professional Conduct Committee. The Chair of the Professional Conduct Committee shall be authorized to participate in the discussion and deliberation of matters pending before the Panel, but shall not vote. The recommendation of the Panel shall be provided in writing to the Chair of the Professional Conduct Committee for transmission to the full Committee.

- j. **Method of Professional Conduct Committee Deliberations.** The Professional Conduct Committee, assisted by the APAC Executive Director and the APAC Board's legal counsel, will deliberate on the recommendation of the Panel, with access to the entire written record, in a private and confidential manner. The Certificant may petition the Professional Conduct Committee Chair for the opportunity to present an oral statement via conference call to the Panel. If granted, only the Certificant will be allowed to speak on their behalf. Such participation shall be at the sole discretion of the Professional Conduct Committee Chair and the Committee shall in no circumstance conduct a trial type hearing, and the rules of evidence shall not apply. The Immediate Past President of the APAC Board and Professional Conduct Committee Chair shall both participate in the deliberations and each shall have a vote on all issues, as shall all members except those serving on the Investigative Panel. The Professional Conduct Committee shall be instructed as to the full range of actions it may take, including to close the case without further action up to revocation of the Certificant's APAC credential. The Committee shall be instructed to carefully consider its charge to protect the public against unprofessional and unethical conduct, as well as the gravity of the findings when determining disciplinary action. A vote shall be taken as to the disposition of the matter, determined by a majority of votes cast. In the event that a majority support is not ascertained, the Committee may consider and hold subsequent votes as to the disposition of the matter,

including on other disciplinary actions as allowed by the section of these Rules and Policies entitled “Types of Disciplinary Actions” (section 5a below) of this policy.

k. **Notification of Professional Conduct Committee Determination.**

Within ten (10) days from the date of its decision following an investigation, the Chair of the Professional Conduct Committee shall inform both the Complainant and the Certificant of the Committee’s determination and, as appropriate, the actions to be taken, if any, along with the bases for such actions, including a citation to any and all APAC Code of Professional Conduct or APAC Program policies that were violated by the Certificant. The notice shall be sent via an efficient and verifiable means. The notice to the Certificant shall also include notice of the Appeals provisions of these Rules and Policies, as well as the relevant confidentiality, public notice of sanction, and record-keeping rules.

5. Disciplinary Actions

- a. **Types of Disciplinary Actions.** The following disciplinary actions may be taken as deemed appropriate by the Professional Conduct Committee, or, in the case of an Appeal, the APAC Board:

i. **Private Sanction Disciplinary Actions**

1. Notify all parties, in writing, that no action is warranted against the Certificant;

2. Require that the Certificant cease and desist the alleged conduct;
3. Request that the Certificant cease the improper conduct, accept supervision, or seek appropriate assistance;
4. Reprimand the Certificant in writing if there has been a violation of the APAC Code of Professional Conduct and/or APAC Program policies but no harm to another person, the public, or the profession has occurred;
5. Censure the Certificant if there has been a violation of the APAC Code of Professional Conduct and/or APAC Program policies but the harm done is not sufficient to warrant more serious action;
6. Place the Certificant under probation and monitor the Certificant's conduct;
7. Refer the matter to the proper authorities for criminal prosecution, if appropriate;
8. Refer the matter to a national, regional, state, or local professional association and/or a licensing or certifying authority;

9. Take any other action that is warranted under the circumstances.

ii. Public Sanction Disciplinary Actions

1. Suspend the Certificant's APAC-BE status for an appropriate period of time, including permanently, if necessary;
2. Revoke the Certificant's APAC-BE status for an appropriate period of time, including permanently, if necessary.

- a. **Multiple Sanctions.** The Professional Conduct Committee (or, in the case of an Appeal, the APAC Board) may apply more than one sanction as deemed appropriate.

6. Appeals Provisions

- a. **Appeal of the Professional Conduct Committee's Decision.** The Certificant shall have thirty (30) days from the date of Notification of Professional Conduct Committee Determination to deliver a written Appeal to the Professional Conduct Committee's findings. Failure to timely appeal the Professional Conduct Committee's determination shall be deemed to be final and conclusive acceptance of the Professional Conduct Committee's determination and closure of the Professional Conduct Committee's determination of that matter. Thereafter, the Professional

Conduct Committee's conclusions and sanctions shall be imposed, effective immediately.

b. Process for Appealing the Professional Conduct Committee's

Decision. The Certificant's Appeal of the Professional Conduct Committee's decision must be in writing and shall be sent to the President of the APAC Board care of the APAC Executive Director via an efficient and verifiable means. The Certificant shall state the specific grounds why the Appeal should be considered or granted. The Certificant's Appeal may not present, include, or rely on facts that were not previously presented in the proceedings. Appeals are limited to the following:

- i. the Professional Conduct Committee's decision was not supported by or was contradicted by the evidence presented;
- ii. the Professional Conduct Committee did not follow its own Rules and Policies; and/or
- iii. the disciplinary action is not appropriate to the gravity of the situation.

c. Certification Status during Disciplinary Procedures and Appeal.

During the period that disciplinary considerations and/or an Appeal of a disciplinary action is pending, the certification status of the Certificant will be continued based on the individual's standing with the APAC Program, subject to the normal and regular cycle of renewal requirements.

- d. **Materials provided to the Board to consider an Appeal.** In the event the Certificant timely and properly appeals the Professional Conduct Committee's decision, the Chair of the Professional Conduct Committee shall provide the President of the Board with all information and materials collected during the Professional Conduct Committee's investigation and deliberations. The APAC Board President shall also be provided a copy of the Certificant's written Appeal of the Professional Conduct Committee's decision and a copy of these Rules and Policies.
- e. **Consideration by the APAC Board.** The Immediate Past President and any Board member deemed by the APAC Board President to have a conflict of interest in regard to hearing the Appeal shall be recused from all aspects of consideration of the Appeal. At the discretion of the President of the APAC Board, the consideration of the Appeal may be scheduled to be determined on the agenda of its next regularly scheduled business meeting, or, if deemed necessary by the APAC Board President, at a special session, including by teleconference. The Certificant may petition the APAC Board President for the opportunity to present an oral statement via conference call to the Board. If granted, only the Certificant will be allowed to speak on their behalf. Such participation shall be at the sole discretion of the APAC Board President and the Board shall in no circumstance conduct a trial type hearing, and the rules of evidence shall not apply. At the discretion of the President, an Appeals review panel of two or more Board members may be appointed to consider the facts of the

matter and Appeal. The Board shall then be presented with the Appeal and any findings of the Appeals review panel. The decision of the Appeals review panel shall be final.

f. **Options available to the Board to resolve an Appeal.** For an Appeal based on the assertion that the Professional Conduct Committee's decision was not supported by or was contradicted by the evidence presented, the Board may

- i. affirm the Professional Conduct Committee's decision;
- ii. determine that the findings of facts by the Professional Conduct Committee were clearly erroneous and make an appropriate determination as to the disposition of the Complaint;
- iii. determine that the disciplinary sanctions assessed by the Professional Conduct Committee were grossly disproportionate to the facts surrounding the violation and make an appropriate determination as to the disposition of the Complaint and/or disciplinary action.

For an Appeal based on procedural error, the Board may

- iv. affirm that the Professional Conduct Committee followed proper procedures and affirm the Professional Conduct Committee's decision or

- v. determine that the procedures used by the Professional Conduct Committee were in serious and substantial violation of the APAC Code of Professional Conduct, professional conduct, and/or APAC Program policies, and these Rules and Policies, and either make an appropriate determination as to the disposition of the Complaint, or refer the decision back to the Professional Conduct Committee to reconsider the matter utilizing proper procedures.
- g. **Notification of Appeals determination.** The Certificant shall be notified in writing of the outcome of the Board's determination in regard to the Appeal within ten (10) days of the decision via an efficient and verifiable means.
- h. **Further Appeals.** The decision of the Appeals Committee shall be final and effective immediately as stated and may not be appealed to the APA Board of Directors, the APAC Board, or any other body.

7. Confidentiality, Public Notice of Sanction, and Record-Keeping of Proceedings in Revocation or Other Disciplinary Actions Matters

a. Public notice of Disciplinary Actions

- i. **Public reporting of Sanctions.** The names of all publicly sanctioned Certificants (pursuant to section 5a(ii) of this policy) and the violations of the APAC Code of Professional Conduct and/or APAC Program policies involved as determined by the Board shall

be included in an annual report that is publicly available on the APAC Program website, and other appropriate locations as reasonably determined by the Board. The report may also include cumulative and/or redacted reports of Private Sanctions of the Board if the Board decides such reports may serve as guidance to other Certificants.

- ii. **Notice of Public Sanction available upon request.** Upon request, the APAC Executive Director shall provide such a report including the names of all publicly sanctioned Certificants (pursuant to section 5a(ii) of these rules), including the violations of the APAC Code of Professional Conduct and/or APAC Program policies involved as determined by the Board, to any interested person or public agency deemed necessary to protect the public.

b. Confidentiality

- i. **Disclosure of Complainant and Certificant names.** The names and addresses of Certificant, and Complainant if necessary, shall be disclosed to the APAC Executive Director, APAC Program legal counsel, Professional Conduct Committee Chair, and the President of the Board, and additionally as necessary in the course of proceedings to the members of the Professional Conduct Committee, Board, and any experts enlisted to assist in investigation and consideration of the matter.

- ii. **Confidentiality Attestation.** All individuals enlisted by, or on behalf of, the Professional Conduct Committee and/or Board to investigate, consider, or deliberate as part of these processes shall sign an appropriate statement setting forth their agreement to maintain all information as confidential and to promptly return all information received during the course of an investigation to the APAC Board care of the APAC Executive Director.
- iii. **Handling of information related to the Complaint and proceedings.** All information, other than that which is publicly available, related to, and disclosed during the proceedings shall be maintained on a confidential basis, except that the APAC Executive Director, Professional Conduct Committee, and/or the Board shall be permitted to
 - 1. disclose such information when compelled by a validly issued subpoena or court order, or when otherwise required by law or pursuant to permission granted by the individual in question;
 - 2. share relevant information with parties essential to the review and investigation of the alleged unethical or unprofessional conduct, including the APAC Board's staff, legal counsel, and consultants or experts; and

3. utilize such information in anonymous and aggregate form for purposes deemed appropriate by the Board and/or Professional Conduct Committee, including, but not limited to, public reports, Certificant education, and research purposes.

c. Record Keeping

- i. **Handling, storage, maintenance, and destruction of records.**

The APAC Executive Director, with the guidance of the Board and Professional Conduct Committee Chair, shall establish reasonable procedures to ensure that confidentiality is maintained with respect to the handling, storage, maintenance, and destruction of records.

- ii. **Recording of Complaints in Certificant records.** All Complaints meeting the requirements outlined in the section of these Rules and Policies entitled “How a Complaint May Be Filed” (section 3a-d) become a part of the record in the Certificant’s file to be held by the APAC Board. The record shall include the steps undertaken in the due process review and any action taken, including notation of Complaints dismissed for lack of merit.

- iii. **Retention of records for closed cases.** Once the case is closed, is dismissed, or otherwise reaches conclusion, one set of records shall be maintained as part of the program’s permanent records and the remainder destroyed.

Policy #16 Subject: Appeals for APAC Applicants, Candidates, and Recertifying Certificants

An Appeal may be made to the APAC Appeals Committee by an APAC applicant, candidate, or Certificant for any reason, including the following:

- the APAC Board's interpretation of standards including candidate eligibility from the time of candidate inquiry or the filing of the initial application through the time of conferring of the credential;
- exam administration procedures;
- testing conditions severe enough to cause a major disruption of the examination process;
- exam score based on exam content and/or keyed item responses; and
- the APAC Board's interpretation of standards required for renewal.

The applicant, candidate, or Certificant who wishes to make an Appeal (the "Appellant") must submit an Appeal in writing to the APAC Appeals Committee within thirty (30) days of receipt of notification of an adverse decision.

The APAC Appeals Committee shall then determine whether the Appeal is accepted for review. If the Appeal is accepted, the Committee will then meet by teleconference within 30 days after the end date of the appeal period. The Appellant may request an oral presentation of the Appeal. The specifications of the oral presentation will be set by the

Appeals Committee. All determinations regarding Appeals must be decided by at least a majority vote of the Appeals Committee.

Notice of the Appeals Committee determination shall be provided to the Appellant within ten (10) business days of the decision.

The Appellant then has thirty (30) days from receipt of the Appeals Committee determination to file a written Appeal with the APAC Board. An Appeal to the Board is limited to the following circumstances:

- consideration of new information not available at the time of the filing of the original Appeal; or
- identified mistake of fact or error in interpretation by the Appeals Committee.

The Appeal shall be considered at the next regularly scheduled meeting of the APAC Board. All determinations regarding Appeals must be decided by two-thirds (2/3) vote of the Board. Notice of the Board determination shall be provided in writing to the Appellant within ten (10) business days of the Board meeting. The APAC Board shall:

- affirm the Appeals Committee's decision;
- reverse the Appeals Committee's decision; or
- remand the matter to the Appeals Committee for further consideration.

The APAC Board's determination shall be final.

Policy #17 Subject: Records Retention

The APAC Board will retain documents in accordance with its record retention policy set forth below. Electronic retention policies are the same as for hard copy. Electronic files shall be regularly backed up and/or maintained.

Policies relating to document retention specific to revocation or other disciplinary actions are set forth in Policy 15, section 7 above, “Complaints and Revocation or Other Disciplinary Actions.”

Communications containing legal advice should be marked “Confidential and Privileged” and clearly identify the authors or recipients as lawyers. Employees or volunteers should not distribute documents containing privileged attorney-client information without specific authorization from the attorney.

Documents should not be retained past the designated times set forth in this policy. In addition, all paper and electronic files should undergo periodic review by management, at least annually, to ensure compliance with this policy.

Should the Board or APA be engaged in litigation or receive a subpoena for documents, the Record Retention Policy may be suspended on advice of legal counsel. The destruction of any documents in such circumstances may be inappropriate.

Document Type	Retention Period
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APAC Standing Rules and Policies	Permanent
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Regular and executive session minutes	Permanent
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Regular and executive session agendas	6 years
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Board Reports and related documents	6 years
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Board Committee documents	10 years
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Budgets	7 years
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Financial Records	7 years
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Correspondence

Any outgoing official correspondence on behalf of the Board that expresses or explains an official position or policy should be kept permanently, along with related incoming correspondence.

Legal

Claims and litigation	Permanent
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Contracts	Permanent
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Contract drafts	Discard after final contract is signed
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Correspondence – legal	Permanent
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Trademark registrations and copyrights	Permanent
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Certificants

Directory	Permanent
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Certificant personal information	Permanent
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Applications	Permanent
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Answer sheets/test booklets	Permanent, held by the designated psychometrician
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Revocation proceedings documents	Permanent
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Nominations and Elections

Nomination and election files	Discard after need no longer exists
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Examination Development

All documents related to the development and maintenance of the examination will be maintained permanently. These documents include, but are not limited to, job analysis studies, cut score (standard setting) reports, documentation of item-writing activities, exam forms, and technical reports.

The item bank used to develop the APAC exam will be maintained permanently by the Board or its designated vendor.

Assessment Results

Test scores for all candidates and related documents to determine test cut-scores and psychometrics shall be maintained by the Board or its designated vendor in a secured environment for five (5) years.

Policy #18 Subject: Quality Improvement

The APAC Program is committed to conducting periodic reviews of standing rules, policies, and other program and candidate materials to facilitate the ongoing quality and maintenance of the APAC Program. Accordingly, an audit will be conducted periodically and reported to the Board at the first meeting of the year following the audit. The audit process will include a review of application processing, security procedures, document and record retention, staff training requirements, examination development, accreditation compliance, Board orientation, confidentiality, and conflict of interest. The audit will identify any needed corrective and/or preventive actions. Errors that arise in the normal course of business will be addressed by the APAC Program management, and significant errors will be reported to the APAC Board.

The published list of APAC-BEs will be updated following the completion of each exam administration. A database of all APAC applicants and Certificants will be maintained.

Vendor Contracts

Credentialing staff, with Board oversight, will review periodically any agreements with consultants and/or other vendors to ensure that those agreements continue to meet the needs of the certification program. Management will review vendor services with periodic calls to review project status and outcomes and complete a periodic review of an agreed-upon scope of services. Additionally, security clauses will be included in contracts dealing with confidential information.

Security

Certification program management will periodically review the certification program security practices to ensure compliance.

Scoring

The testing/psychometric vendor enforces the quality control procedures at all stages of the certification process, from the job analysis study to score reporting. During examination development, the testing/psychometric vendor thoroughly trains item writers in developing psychometrically sound and job-related items, classifies each item to the appropriate content area/test specifications, references the correct response to a current and verified publication, independently reviews and validates each item by at least three subject matter experts, conducts psychometric and editorial reviews of each item, constructs examinations according to the test specifications, and ensures equivalence among examination versions through an appropriate equating methodology (whenever examinee volumes permit).

Staff Training

New credentialing staff receive training on APAC procedures and policies. Credentialing staff are trained as needed when policies or procedures change. Credentialing staff participate in education related to certification or current/upcoming APAC projects as necessary.

Policy #19 Subject: Security

The APAC Certification Board Security Policy is a confidential document. To ensure the security of all confidential materials the policy will NOT be published or made available to APAC applicants, Certificants, or the public.

Policy #20 Subject: Finance

The APAC Board shall follow best-practices policies for fiscal management while retaining the right to develop policies and procedures. When such variance is deemed by the Board as desirable to maintain the quality and integrity of the certification process, a stated rationale shall be made public by the Board.

Budget:

Working with the Board officers, management shall prepare an annual certification budget to be approved by the Board.

Fundraising:

The APAC Board shall not engage in fundraising or activities outside the scope of certification and renewal activities.

Contracts:

The Board shall use the RFP process when applicable to contract services for the job analysis; exam development, maintenance, and administration; and other related services. The Board shall review and approve such contracts, which will be signed by the Board President.

Financial Statements:

Financial statements shall be distributed to the full Board quarterly.

Fiscal Year:

The Board fiscal year shall coincide with the calendar year.

Policy #21 Subject: Retired Status

Current APAC-BEs in good standing who are retired from accessibility consulting (or individuals who were an APAC-BE in good standing at the time of their retirement from accessibility) but wish to retain their connection to the APAC community may apply for the “APAC-BE (Ret.)” designation.

Eligibility Requirements

To be eligible for the APAC-BE (Ret.) applicants must:

1. Be a current APAC-BE in good standing at the time of application (or at the time of their retirement from accessibility).
2. Be fully retired from the practice of accessibility and no longer have an employment or contracted relationship with a qualifying organization as an employee, consultant, or independent contractor. A qualifying organization is defined as a nonprofit organization – a trade association, professional society, individual membership organization, philanthropic organization, tribal organization – or an accessibility company.
3. Submit a qualifying application accompanied by a one-time non-refundable retired status fee.

Continuing Requirements

- APAC-BE (Ret.) designees are subject to the same code of conduct and same disciplinary actions as APAC-BEs. Complaints about APAC-BE (Ret.) designees will be handled through the policies outlined for Complaints about APAC-BEs.
- APAC-BE (Ret.) designees must remain fully retired or no longer employed by a qualifying organization as an employee, consultant, or independent contractor.
- APAC-BE (Ret.) designees must notify the APAC Board of any change in employment circumstances that would render the individual ineligible for APAC-BE (Ret.) status.

Rights and Privileges

Individuals granted APAC-BE (Ret.) status may use APAC-BE (Ret.) after their name, in correspondence, publications, speaking engagements, and other public mentions to indicate their status at the time of their retirement from accessibility. APAC-BE (Ret.) designees may not use the APAC-BE designation without the (Ret.) suffix and may not portray themselves as a current APAC-BE.

Reactivation to APAC Status

Individuals who become APAC-BE (Ret.) have the following options to reactivate their APAC-BE:

1. If the application for APAC-BE reactivation is made within three years of the last date of being an APAC-BE in good standing, the individual may submit the required number of hours in the preceding three years to reactivate the APAC-BE under the Inactive Status rules.
2. If more than three years has passed since the last date of being an APAC-BE in good standing, or the requirements to reactivate are not met, the individual must meet eligibility requirements, submit a qualifying application and fees, and achieve a passing examination score.

Policy #22 Subject: APAC Approved Provider

An APAC Approved Provider is an organization that has formally registered with the APAC Program and has been identified as meeting the standards necessary to ensure

their courses are eligible for APAC credit. Any course offered by an APAC Approved Provider that meets the APAC program standards may be utilized to meet the requirement for the APAC application or APAC renewal.

To be eligible for the program, APAC Approved Provider courses must be directly related to accessibility. The APAC Program must approve courses before the course may be offered. Acceptance of courses shall be per APAC guidance. Fees shall be determined by the APAC Board.

Approved Providers are subject to an annual fee and may request review and approval of self-study programs for an additional fee.

Approved Providers should keep a list of attendees, the program description, date, number of APAC credits, and presenters. This information should be kept for five (5) years.

The APAC program has a responsibility to monitor the Approved Providers to assure their integrity and quality. Therefore the APAC program reserves the right to

- monitor registered courses and operations as part of periodic random samplings of approved providers and
- terminate use of the APAC Approved Provider designation when there is ample evidence that a provider is not upholding APAC education criteria and commitments to follow APAC Approved Provider guidelines.

Approved Providers are notified in writing of failure to comply with the criteria and conditions of qualification. After being notified they have a probationary period of sixty (60) days to demonstrate compliance. Approved Providers who fail to comply within sixty (60) days are removed from the APAC Approved Provider program. They may apply for reinstatement one (1) year after the date of withdrawal.

Appendix A: APA Agreement of Support

Accessibility Professionals Association Agreement of Support for the APAC Board

Adopted by APA in Bylaws of September 13, 2024

APAC – APA AGREEMENT OF SUPPORT

THIS AGREEMENT OF SUPPORT is entered into effective as of November 11, 2022, by the Accessibility Professionals Association (“APA”) to support the Accessibility Professionals Association Certification Program (“APAC”) Council “(Council)” to ensure an ongoing professional certification program that is both psychometrically sound and legally defensible, and consistent with APA’s nonprofit and tax-exempt purposes and mission;

WHEREAS, the APA Board of Directors and the Council have approved the general principles of this Agreement of Support in recognition of the Council’s authority and autonomy with respect to the APAC certification program, and desire to memorialize the policy determinations for operation of the program in a written document;

NOW, THEREFORE, the following terms are agreed upon:

1. APA is committed to continue to support the Council and APAC credential through:

1. supporting the APAC Council’s autonomy in decision making over essential certification activities;
2. including and supporting the APAC credential in APA activities and communications;
3. assuring funds for activities essential to the maintenance and growth of the certification program, including ongoing operations,

periodic funding needs (e.g., job analysis), and extenuating circumstances (e.g., to redress a breach of security); and

4. maintaining fiduciary oversight of the relationship between APA and the APAC Program.

2. The APAC Council is committed to

1. maintaining the program in accordance with industry standards;
2. providing sound fiscal management that covers ongoing and planned expenses;
3. providing APA members an appropriate membership discount reflective of APA's support of the credential;
4. including APA representation on the APAC Council;
5. incorporating recognition of APA in APAC branding as appropriate;
6. contributing any excess annual revenue above expenses to APA to support the maintenance of APA financial reserves; and
7. providing status reports to the APA Board documenting compliance with this agreement.

3. APA's Board Policies shall be updated to include an acknowledgement of the Council and its purpose, and to denote that an Agreement of Support is in place to define the relationship between APA and the Council. The agreed acknowledgment and definition of relationship, respectively, are as follows:

1. The APAC Council. The purpose of the APAC Program is to designate accessibility professionals who demonstrate the knowledge essential to the practice of accessibility. The APAC Council has sole and independent authority in all matters pertaining to certification, including standard setting, exam development, fiscal management, administration, and disciplinary action.
2. APA and Council relationship. APA Board Policies shall at all times be fully consistent and compliant with the terms and conditions contained in the Agreement of Support. Any change in the relationship must be approved by both the APA Board and the Council.

4. The Council governance structure and appointment process shall be consistent with the following principles:

1. The Council shall be solely responsible for its internal governance structure and appointment process, which shall incorporate a commitment to engagement, transparency, diversity, and a responsiveness to stakeholder interests, reflecting current best practices and requirements of accredited certification bodies. The Council shall retain the right to develop policies and procedures (e.g., alternate term limits) different from other APA groups in order to maintain the quality and integrity of the certification process. A stated rationale shall be made public by the Council to document such variances.

2. As deemed appropriate by the Council, the Council's appointment processes and volunteer experience shall incorporate (and be incorporated in) APA's volunteer appointment and volunteer experience policies and procedures (such as the call for volunteers, volunteer recognition, and volunteer reimbursement policies).

3. As an essential stakeholder in the APAC Program, the Council shall include an APA representative as a voting member. The APA President shall be provided the opportunity to nominate an individual to serve as the APA representative to the Council. The nominee must meet the requirements for service designated by the Council.

5. With respect to funds for the Council, the Council will

1. budget, in collaboration with APA, to achieve a breakeven financial position, including the anticipated projected costs for the job analysis study and other projects essential to conducting effective and thorough certification and renewal activities;

2. not engage in fundraising or activities outside the scope of certification and renewal activities; and

3. follow APA policies for fiscal management (such as procedures for bidding contracts), but shall retain the right to develop policies and procedures different

from other APA groups. When such variance is deemed by the Council as desirable to maintain the quality and integrity of the certification process, a stated rationale shall be made public by the Council.

6. With respect to staffing for the APAC Program:

1. The APA Certification Project Manager will report to the Council on policy and implementation matters essential to the integrity of the credential such that the APAC Program retains autonomy in decision making over all essential certification activities.
2. APA shall be responsible for all aspects of human resource administration for credentialing staff.

7. APA is committed to continue to support the APAC credential through the assurance of funds for activities essential to maintenance of the certification program to industry standards, including support for ongoing operations, periodic job analysis, and extenuating circumstances related to the security and integrity of the certification process.

8. The Council shall undertake its best efforts to earn and maintain accreditation of the APAC Program to demonstrate its maintenance of certification industry standards. The Council shall also undertake to conduct the certification program and all activities in accordance with its established Standing Rules and Policies (“Policies”), all applicable APA policies and procedures, and the terms of this Agreement. The Council agrees to notify APA of any changes to the Policies.

Appendix B: Criteria for Examination Centers

The host facility must meet the following criteria:

1. Provide for necessary security before, during, and after the exam.
2. Provide suitable building facilities:
 - a. The examination center must conform to ADA requirements and local building codes, including the ability to accommodate candidates with special medical or disability needs.
 - b. Restrooms must be located in the same building as the examination room and be clean, supplied, and in working order.
3. Provide a test room with the following:
 - a. Secure access:
 - i. Examinations must take place in an access-restricted room that is free from any other activity during the test period.
 - ii. The examination room must allow an unobstructed view of each candidate by an in-room proctor (or professional testing surveillance system, if applicable).
 - b. Adequate space:

- i. The examination room must be large enough to provide adequate space for each candidate with either space or site barriers between candidates, and space for proctor observation.
 - c. Suitable furniture:
 - i. The examination room seating should be movable and reasonably comfortable for an adult candidate.
 - d. An environment conducive to testing:
 - i. The examination room should provide a calm testing environment, free of distractions.
 - ii. The examination area should be reasonably sound proof and located so candidates will not be disturbed by foot traffic, loud conversation, or outside noise.
 - iii. The examination room must be well ventilated and provide continuous air circulation and a consistent, comfortable temperature without the need to open windows.
 - iv. The examination room must have adequate lighting so that candidates can read all materials without difficulty.
- 4. Be reasonably accessible to the general public:
 - a. The location should be reasonably convenient in terms of regional access by car or public transportation.

- b. Adequate parking should be available at the time of the examination if candidates are expected to arrive by car. Every effort should be made to ensure that costs and parking policies are reasonable.
- c. The facility should be relatively easy to locate and access.