

# **THE RESPONSIBILITIES AND PROCEDURES**

## **OF THE ETHICS COMMITTEE OF THE**

### **INTERNATIONAL ASSOCIATION FOR ANALYTICAL PSYCHOLOGY**

#### Preamble

The IAAP is based in Switzerland. Any claims against the IAAP will be dealt with in Switzerland according to Swiss Law.

#### **A. Composition and Appointment:**

1. In accordance with the aim of the Association as set out in Art. 22, there shall be established an Ethics Committee consisting of not less than five and not more than nine members, the exact number to be determined by the President in consultation with the Executive Committee. Such members shall be analyst members of the Group Members or Individual Members of the Association who are not Officers or members of the Executive Committee.
2. The Chair and members of the Ethics Committee shall be nominated by the President in consultation with the Executive Committee, which shall make the final approval. The Ethics Committee shall elect an Honorary Secretary from amongst its members. The term of office of the ordinary members of the Ethics Committee shall be three years, renewable twice for a further three years with the agreement of the Executive Committee. Where the Chair of the Ethics Committee has already served as an ordinary member for two terms of three years, the term can be extended to include a further two terms of three years as Chair.

#### **B. Functions:**

1. The Ethics Committee shall have as its main functions:

- a. To act as a resource on ethical matters for Individual Members, Group Members, analyst members of Group members
  - b. To maintain and periodically revise the following documents:
    - (1) Code of Ethics for IAAP Individual Members
    - (2) Guidelines for Minimal Standards in Codes of Ethics for Group Members of the IAAP
    - (3) The Responsibilities and Procedures of the Ethics Committee of the IAAP
  - c. To receive complaints as defined in these documents
  - d. To review and approve the Code of Ethics and Procedures of new Group Members upon their application for recognition by the IAAP to ensure that the minimal standards have been met
  - e. To protect the public interest
2. Although the Ethics Committee is a committee of the IAAP, it shall have power to investigate complaints without reference to the IAAP Executive Committee and may itself impose sanctions as do not require confirmation by decision of the Executive Committee (see C.9, and C10).
3. The minutes, proceedings and adjudications of the Ethics Committee and documents related to them are confidential to that Committee and shall not be disclosed to the IAAP Executive Committee, to any other member of the IAAP, or to anyone else, except where reports or recommendations have to be made, or as otherwise required by law.
4. For discussion of a specific matter or complaint, the Ethics Committee shall have the power to invite a member of the IAAP or any other person with particular expertise to assist the Committee as a temporary advisor. In such cases, a letter of agreement

shall describe the nature of such person's role in relation to the Committee.

5. Actions and determinations by the Committee shall be based on an affirmative vote by a majority of its members.
6. Revisions of the documents mentioned in B.1.b., above, shall be reviewed by the Executive Committee in consultation with the Ethics Committee for recommendation to the next Delegates Meeting for approval.

### **C. Procedures**

1. All complaints shall be made directly to the Chairperson of the Ethics Committee (the Committee). Complaints that have been addressed to other Officers or to the Secretariat of the IAAP shall be forwarded to the Chairperson. The procedure, which the Committee follows, should be designed to give both the complainant and respondent an opportunity to substantiate their positions. When appropriate and with the continuing concurrence of the parties, the Chair, in consultation with the other members of the Committee, may offer, or designate another member of the Committee to offer, to facilitate communication between the parties for the purpose of informally resolving the matter.
2. The Committee shall first determine that the complaint, if proven to be true, would represent a violation of the IAAP Ethics Code and could properly be adjudicated by the Committee according to the terms of these Responsibilities and Procedures.
3. Upon receipt of a complaint against an Individual Member of the IAAP, the Chairperson shall instruct the complainant to put his/her complaint in writing and to provide written permission that the subject of the complaint may be informed of the complaint made against him/her. In addition, if an activity, which would otherwise be confidential, is to be investigated, the complainant must give written permission for the respondent to provide to the Committee any necessary information, including but not limited to analytic notes, supervisory notes, personal correspondence and similar material, in order to respond to the complaint.

4. Complaints against Group Members regarding failures to adhere to their procedures must also contain written permission by the complainant for the Group Member to provide information regarding the case.
5. Upon receipt of a complaint the Chairperson shall inform the Individual Member respondent or Group Member respondent in writing about the complaint, enclosing a copy of it, and require a response by the respondent to the charges within a fixed period of time (no longer than 60 days).
6. The Chairperson shall appoint an Investigation Panel (the Panel) of no more than three IAAP Individual Members or members of an IAAP Group Member, at least one of whom shall be a member of the Ethics Committee. He or she shall serve as the Chair of the Panel. The appointment of members who are not members of the Ethics Committee must be approved by the President of the IAAP. The Panel shall investigate and make recommendations to the Committee as a whole. The Committee shall make the final determination in the case.
7. The Chairperson shall consider objections to the membership of the Panel for cause by any of the parties involved and make reasonable efforts to appoint substitute members when appropriate. If by reason of objection by one of the parties or as a result of some other special circumstance, such as but not limited to language fluency, the Chairperson deems that it is not possible to select a Panel member from among the members of the Ethics committee, the Chair in consultation with the members of the Committee and with the approval of the President of the IAAP may appoint an alternate member of the IAAP to serve in that capacity.
8. The Panel and the Committee shall make their determinations on the basis of the written submissions of the parties. In unusual circumstances, as determined by the Committee or in cases involving complaints against Individual Members, one or more members of the Panel may be made available to meet face-to-face with the parties either singularly or jointly, as it may deem appropriate. Due to the sensitive nature of the material to be discussed at these meetings, they shall remain private and may be attended only by the parties to the complaint and those witnesses that the Panel

determines could offer relevant information. Solicitors or anyone acting in a legal capacity may not represent parties before the Panel or the Committee. Information gathered in the course of an investigation shall not be communicated to others except as provided for in these procedures. If the Committee makes a recommendation for suspension or expulsion under C. 9. f. or C. 10. c., below, special care shall be taken to protect the identity of the complainant. The conduct of any meeting or meetings shall be at the discretion of the Panel. Decisions by both the Panel and the Committee may be reached through face-to-face meetings or by other means of communication (post, telephone, fax, or Internet).

9. In the case of a complaint against an Individual Member, if the Committee finds that the Individual Member has committed a breach of the Code of Ethics, it may:
  - a. recommend an apology to the complainant;
  - b. give a written warning outlining the potential ethical issues a particular action may involve;
  - c. give a written reprimand censuring the member for any unethical violation he/she has taken;
  - d. require the member to be supervised by an approved senior colleague, the period and frequency of the supervision to be approved by the Ethics Committee;
  - e. recommend to the member to have therapy with an approved senior colleague or seek independent medical and/or psychological examination and treatment to be approved by the Committee;
  - f. recommend to the IAAP Executive Committee suspension or expulsion from the IAAP;
  - g. decide on the release of information concerning the Committee's findings.
  
10. In the case of a complaint against a Group Member, if the Committee finds that the Group Member has committed a breach of its own procedures, it may:
  - a. require the Group Member to review its action, or direct the Group Member to follow its own procedures in reconsidering the original complaint;
  - b. recommend to the Group Member that it revise its procedures;

- c. recommend to the IAAP Executive Committee suspension or expulsion from the IAAP. In the case of the suspension or expulsion of a Group Member, the Executive Committee shall determine the IAAP membership status of the members of that Group Member;
- d. decide on the release of information concerning the Committee's findings.

11. An Individual Member's or Group Member's refusal to cooperate with the Ethics Committee's procedures and/or recommendations shall constitute a violation of the IAAP Ethics Guidelines and Standards.
12. Both the person complained against and the complainant shall be notified in writing as to the Committee's findings and action on a complaint as soon as possible after the Committee's decision. Notification to others under C.9.g. and C.10.d. can take place only after 45 days following notice to the parties of the Committee's findings or after the completion of the appeal process, whichever is later.
13. The Committee shall also decide on the degree to which the findings may be disseminated more generally. Any action taken to suspend or expel an analyst for ethical reasons shall be reported to all IAAP Group Members of which the sanctioned analyst is a member, but only if such reporting can be, and is, done in accordance with applicable law.
14. The official documents of the Committee shall be in English, and while a translation into the local language may be provided, the English version shall be binding.

**D. Appeals:**

1. Both the complainant and the respondent shall be given notice of the right to appeal the Committee's action, including the right to appeal a recommendation to expel a member.
2. Expelled or suspended Individual Members or Group Members shall be denied all membership privileges pending appeal. All other penalties shall be suspended pending appeal. In the case of the suspension or expulsion of a Group Member, the

Executive Committee shall determine the IAAP membership status of the individual members of that Group Member.

3. The party wishing to appeal must file notice with the President of the IAAP within 45 days of the mailing of the notice of action taken. He or she shall be asked to show good cause and to submit any information which would support the appeal.
4. Grounds for overturning the decisions of the Committee include procedural errors or new evidence, which brings into question the substantive validity of the Committee's action. Only one appeal shall be permitted.
5. The President shall appoint a committee to hear the appeal. The Appeals Committee shall be composed of three senior IAAP members, preferably from among the Past Presidents or past Ethics Committee Chairpersons. The Appeals Committee shall decide on its own procedures, but normally it will rely on the written submission of the individual making the appeal and the records of the Investigation Panel and the Ethics Committee. It will consider the grounds for the appeal, and if they are found to be valid, it will send the case back to the Ethics Committee for reconsideration, unless the Appeals Committee determines that the Ethics Committee would be unable to fairly decide the case, in which case it may make recommendations of its own.
6. In the event that the recommendations of the Appeals Committee contradict those of the Ethics Committee, both Committees' findings shall be presented to the Executive Committee. A two-thirds majority of the Executive Committee shall be required to rescind or revise the Ethics Committee's recommendation.

Adopted by the delegates' meeting in 2004 and amended by the delegates in 2007, 2010, 2013 and 2016.