

Comprehensive Framework for Procedures Involving Ethical Complaints and Review of Ethics Committee Actions.

Of primary importance is the principle that all Ethics Complaints must be completely confidential. All procedures safeguard not only the names and details of any ethics complaints, but also the very existence of these complaints, the fact that an investigation has occurred, and the conclusions based on such an investigation.

An Ethics Committee must be a standing committee. It must not be an ad-hoc committee so that uniformity of procedure and accumulation of experience in dealing with ethical offenses and with complex and difficult to assign sanctions facilitate the best possible outcomes in these very serious and difficult problems. An Ethics Committee must contain sufficient personnel so that in cases of necessary recusal, there are enough committee members left to do the considerable work and to provide sufficient perspective.

All Ethics Committee members and the members of the BOD must understand their roles and be prepared to exercise discipline so as not to compromise the procedure or put the organization in jeopardy, and to do justice to the complainant and the accused member.

Procedural Sequence for Ethical Investigations

1. When an allegation of an ethical violation comes to the attention of the President, an administrator, or any teacher, therapist or supervisor, that person should refer the complainant to the Chair of the Ethics Committee.
2. The Ethics Committee Chair should carefully assess the complaint or delegate that assessment to another member of the Ethics Committee if necessary. Many allegations turn out to be caused by misunderstandings, narcissistic injuries, insensitivities and other matters that may range from trivial to egregious, but are not truly ethical offenses. Some may be related to impairment of the analyst. Others require that the patient take up the particular issue with the analyst. It is up to the initial investigator from the Ethics Committee to perform triage in a confidential and secure setting, and inform the complainant of the avenues available.
3. At that point, if the allegation does not constitute an ethical problem, with the permission of the complainant, the CAPA President should be informed, and the President should take appropriate action or delegate another CAPA person to take action to address the problem.
4. If the problem appears to require an ethical investigation, The Ethics Committee Chair should obtain a written report containing a thorough account of the complaint, including the circumstances and a complete account of what transpired.

5. The Ethics Committee Chair should then convene the Ethics Committee, having maintained periodic oversight to assure that the Committee has sufficient personnel, so that in case of recusals, there will still be enough members to take part in the deliberations.
6. Each Ethics Committee member should ascertain that he or she has no conflict of interest that would interfere with the performance of an objective evaluation and adjudication. If such a conflict of interest is found, the Ethics Committee member should opt for recusal from the Ethics investigation. Such conflicts include personal relationships, therapeutic relationships, financial relationships, or close professional contacts. Each Ethics Committee member should introspectively examine his conscience before agreeing to participate.
7. The Ethics Committee Chair should review in detail the protocol by which the Ethics investigation and the process of adjudication will proceed, including the need for absolute confidentiality. The Ethics Codes of CAPA and of the professional society of the accused member will be reviewed in detail prior to the commencement of the investigation. The Ethics Committee will take pains to assure that its procedure will afford equal opportunity for the complainant and the accused to each make their cases.
8. When the process of assessing and investigating the complaint has been completed, the Ethics Committee will determine whether or not a violation has occurred, and if so, what the sanction will be. The level of sanctions will be established according to the Ethics Codes of CAPA and of the profession of the accused member.
9. The Ethics Committee Chair will submit a report to the Ethics Review Committee, which in CAPA, is the BOD of Directors. The BOD, under the same rules of confidentiality and recusal as the Ethics Committee, will conduct a review of the ethics investigation reported to it by the Ethics Committee. It will ascertain whether the Ethics Committee followed its own procedures, and the rules of the Ethics Codes of CAPA and the profession of the accused member. IT WILL NOT RETRY THE CASE, but it will assess whether the sanctions recommended by the Ethics Committee are appropriate.
10. If the Review Committee finds errors or discrepancies in the Ethics Committee's procedure, it will inform the Ethics Committee of its findings and require that the Ethics Committee address its concerns and report back to it of its further deliberations which the Review Committee shall evaluate. This process should continue until all of the concerns of the Review Committee are resolved.
11. When the work of the Ethics Committee and the Review Committee have been completed, the complainant and the accused member shall be notified by the Ethics Committee Chair of the completion of the Ethics Process and of the recommendations.

12. The CAPA President will then implement the findings and, if appropriate, inform the accused member's professional organization and licensing authority of the Ethics investigation and the findings.

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