

NORTHWESTERN PSYCHOANALYTIC SOCIETY AND INSTITUTE

Provisions for Implementation of the NPSI Code of Ethics

November 2016

I. **There shall be an ad hoc Ethics Committee of the Northwestern Psychoanalytic Society and Institute (NPSI) that reports to the Board of Directors.**

A. Composition

1. The Committee will consist of three members appointed by the NPSI Board of Directors.
2. Each member, will serve at the request of the Board on an as needed basis when ethical concerns or complaints are submitted by a candidate, analyst, community member, or other person(s) in the local community.
3. The Board will designate one of the Ethics Committee members as Chair for a term of up to one (1) year or as long as required to process an ethical concern or formal complaint.

B. Duties of the Ethics Committee

1. To consider and respond to communications regarding the NPSI Code of Ethics, and to make recommendations for appropriate additions or revisions as indicated by experience. All recommended changes will be subject to approval by the NPSI Board of Directors.
2. To issue advisory opinions regarding questions about ethical conduct submitted to it.
3. To consider complaints concerning any alleged breach of the NPSI Code of Ethics by a candidate or full member referred to the Committee, and to make recommendations concerning the disposition of such complaints.

II. **Procedures of the Ethics Committee**

A. Advisory Opinions

1. When there is a complaint or an inquiry, but no alleged breach of the NPSI Code of Ethics, any communication regarding the issue, will be referred to the Ethics Committee Chair, who will respond, with or without consulting the Committee.

2. At appropriate intervals the Committee may prepare summaries of advisory opinions and decisions regarding ethical questions. After approval by the NPSI Board of Directors, such summaries will be published and distributed to the membership.

III. **Adjudication of Complaints**

A. When a complaint is made directly or referred to the Ethics Committee, every effort should be made to resolve the issue at the local level.

1. The local Committee will furnish to any individual who considers filing a complaint copies of the committee's procedures for dealing with complaints of unethical conduct. The individual will also be informed that for a complaint to be acted upon it:

(a) must be submitted in writing and signed by the complainant;

(b) must clearly describe the facts or circumstances underlying the charge of unethical conduct, including the name of the charged candidate or analyst and any other persons involved and, whenever possible, cite the applicable principles(s) of ethics alleged to have been breached;

(c) must be accompanied by the following signed statement: "I have read the NPSI Code of Ethics and the Provisions for Implementation of the NPSI Code of Ethics. I agree to the use of the procedures described in these documents in the investigation of the charge I have made against _____ and request that appropriate action be taken. I hereby give permission for a copy of my complaint to be given to _____ and to such other persons as the Ethics Committee may deem necessary."

2. When a complaint meeting the above criteria has been received, the charged candidate or analyst shall be promptly informed in writing and furnished with a copy of the complaint and a copy of the procedures for dealing with complaints of unethical conduct (**Provisions for Implementation of the NPSI Code of Ethics**)

The charged analyst shall further be informed that the Ethics Committee shall decide whether on face appearance the complaint merits further investigation as a possible breach of ethics. If the decision is that it does not, both the complainant and the charged analyst shall be so informed in writing.

If the complaint is judged to warrant further investigation, the charged analyst shall be promptly informed in writing and also informed of his or her right to a hearing, the requirement that the hearing must be affirmatively requested, and his or her rights at the hearing. The charged candidate or analyst will be given thirty (30) days to request a hearing.

3. The NPSI procedures for dealing with complaints of unethical conduct assure:

- (a) reasonable and fair process for all parties to the complaint;
- (b) full opportunity for the accused to know and respond to the charges;
- (c) the right to a hearing, including the right to call, examine and cross-examine witnesses, or reasonable alternatives to the same;
- (d) adequate notice of all hearings, such notice to be given not less than thirty (30) days before the hearing and to include a list of witnesses expected to testify at the hearing;
- (e) the right to submit a written statement at the end of any hearing;
- (f) the right to have a record made of the hearing proceedings and to receive a copy of the record upon payment of reasonable charges associated with the recording;
- (g) that relevant evidence will not be excluded solely on the grounds that it would not be admissible in a court of law; and
- (h) the right to receive the written final recommendation of the NPSI Ethics Committee.

4. When making its decision, the Ethics Committee shall vote for one of the following measures:

- (a) Exoneration (the accused is cleared from blame where the evidence shows no unethical conduct by the accused).
- (b) Dismissal of complaint without prejudice (for example, when a determination on the merits cannot be made because of insufficient reliable evidence or other procedural defects, and the complaint is dismissed without prejudice to the right of the Ethics Committee at a later date to recommend new proceedings with respect to the same charges).
- (c) Censure. Remedial actions recommended by the Ethics Committee may include: temporary or permanent suspension of attained status, such as faculty or training and supervising analyst privileges; suspension from membership for a stipulated period, up to three years; separation membership with new application for membership possible in not less than five years; permanent expulsion from membership in NPSI.

5. Rules on voting for exoneration, dismissal without prejudice, or censure.

(a) To reach a decision on these measures, at least two (2) members of the Ethics Committee must vote in favor of the measure, with no more than one member voting against. If this majority is not attained, the charges shall be considered to be dismissed as in 4. (b) above.

6. Reporting of Ethics Committee recommendation.

(a) The Ethics Committee Chair shall prepare a written summary of its findings, which shall include the decision and the basis of the decision as well as reinstatement procedures, if applicable. The charged candidate or analyst will be given a copy of this report.

B. Appeal of Ethics Committee Recommendation

1. After receiving a written summary of the Ethics Committee's recommendation, the NPSI candidate or member who is the subject of the complaint may appeal the recommendation to the NPSI Board of Directors.

2. An appeal must be requested in writing within 21 days of receipt of the Ethics Committee's summary by the member.

3. The Board will review expeditiously the work of the Ethics Committee for compliance with these procedures and to ensure fairness.

4. The Board will not repeat the investigation just conducted by the Ethics Committee.

5. Any members of the Ethics Committee who also sit on the Board will recuse themselves from the latter's review.

6. The Board does not have the power to overturn the recommendation of the Ethics Committee. It may confirm the Ethics Committee's recommendation or it may send the matter back to the Committee with instructions for correcting a fault in the latter's process.

C. Membership Ratification

1. After the appeal (or if the right to appeal is waived) the Ethics Committee Chair will present a summary of the complaint process and findings to the NPSI membership sitting in a special membership meeting.

2. The membership meeting will occur not less than twenty-one (21) days after the conclusion of the Ethics Committee investigation and appeal (if any).

3. The Ethics Chair will also read aloud the written response, if any, from the charged candidate or analyst.
4. At this membership meeting the charged candidate or member, or his or her representative, may also present an oral statement in person.
5. Discussion of the fairness of the committee's process and recommendation will be encouraged. The inquiry into the details of the complaint will not, however, be conducted again at the membership meeting in order to maintain a reasonable degree of confidentiality.
6. After discussion, the NPSI membership will vote on ratification of the recommendation of the Ethics Committee.
7. Upon ratification by a majority vote of the NPSI membership, the decision will be considered final.
8. If a majority vote of the NPSI membership present at the meeting does not support ratification, the matter will be referred back to the Ethics Committee for further deliberation.
9. When a matter is referred back to the Ethics Committee, the committee will proceed to gather any further information it deems necessary. It will follow the same procedures and rules described above, including the possibility of a review of the same or of a revised recommendation by the Board of Directors.

IV. Rights and Privileges of All Parties Concerned

A. In all hearings:

1. The fair process rights of all concerned parties will be observed in implementing these provisions. Although the parties may seek advice from counsel in connection with these proceedings, all meetings and hearings in connection with the process described herein shall be conducted by the parties directly and without the presence of counsel.
2. A record of the hearing shall be kept, by summary minutes or by audio recording.

V. Confidentiality and Disclosure

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VI. Indemnification

A. As a condition of membership in NPSI, each member agrees to cooperate with the work of the Ethics Committee and agrees to release, hold harmless and indemnify the organization, its officers, agents or members of the Ethics Committee from any and all claims:

1. arising out of the instituting and processing of ethical matters in respect to said member, and the imposition or disclosure of sanctions as a result of said proceedings;
2. with respect to any third party action or proceeding brought against such member based upon, relying on, arising from, or with reference to the ethical standards of, or any ethical proceedings conducted by the NPSI Ethics Committee.