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PSYCHOLOGISTS IN INDEPENDENT PRACTICE

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June 8, 2016

Dear APA Board of Directors, Staff, Council of Representatives and Division Leaders,

Attached please find a resolution that the APA Division 42, Psychologists in Independent Practice passed (vote of 13 yes, 1 abstention, and 4 not present), at its last meeting after much discussion concerning our lack of confidence in the actions taken by the APA Board of Directors concerning the *Independent Review* by Hoffman and Sidley Austin. We have issued this vote of no confidence for several reasons outlined below. Most importantly, we wish this letter and resolution to be heard by the APA Board, who we believe, has not taken the concerns of many APA members seriously.

The major issues are:

1. Individuals named in the *Independent Review* have never had a chance to respond to allegations made against them except in letters going back and forth. Some of those individuals are members of our division.
2. There continues to be little or no transparency around the issues raised by the report.
3. Despite the attempt to have Council represented by the Council Leadership Team (CLT), the CLT appears to be doing little other than scheduling issues and selecting people for committees.
4. Major fiduciary decisions are being made by as few as five or six people on the Board when others have recused themselves or are not present for a vote.
5. There appears to be bias in selection of people to be on new committees recently announced.

While, it is probably unfair to call all Board members into question here, as we believe that only a small number have voted to move forward despite the concerns raised above, however, when asked for roll call votes, none have been provided. We believe making serious decisions with such a small group is not in the best interests of the APA nor does it permit Council to do its fiduciary duties properly.

We believe that the Good Governance Project (GGP) approve motions are partly responsible for this disconnect between the Board, Council, and APA staff. Council now has little authority but still currently maintains major fiscal/fiduciary responsibility for the welfare of the organization. We hope that others join us in imploring the Board and Council to make the changes that are necessary, including becoming more transparent, working together collaboratively, and rescinding the GGP as soon as possible.

Thank you,
Lori C. Thomas, JD, PhD
President, Division 42

Resolution From the Division 42 Board of Directors

WHEREAS the APA Board of Directors took actions following the receipt of the '*Independent Review*,' contracted with Attorney Hoffman of the Sidley Austin Law Firm during the summer of 2015. Many of those actions reflected policy shifts, implemented without discussion with the Council of Representatives nor offering impacted parties (some of whom are members of our division) the opportunity to rebut the allegations and suspicions therein;

WHEREAS there has been much discussion from various constituencies challenging the accuracy of numerous statements contained within the *Independent Review* including serious allegations that Mr. Hoffman did not review pertinent Department of Defense documents essential to understanding DOD policy (e.g. www.hoffmanreportapa.com);

WHEREAS the former Chairs of the APA Ethics Committee have sent two 'Open Letter[s]', the most recent dated May 15, 2016, to the APA Board of Directors that provided seemingly authoritative information about "Perceived, Potential, or Actual Conflicts of Interest in Attorney Hoffman Self-Review". Said letter, among other things, challenged the Board of Directors' decision to rehire Mr. Hoffman and Sidley Austin and to pay additional fees to review the serious allegations made by the constituency that Hoffman and Sidley Austin failed to include information that may have altered the substantive conclusions of the *Independent Review*;

WHEREAS the Division 42 Representatives to the APA Council of Representatives have witnessed multiple decisions by the APA Board of Directors and related staff relevant to the *Independent Review* that call into question the soundness of the Board's decision-making and communications including rehiring Sidley Austin despite numerous Council Representatives' objections;

WHEREAS the APA Board of Directors has not maintained adequate "transparency" or "communication" in its deliberations and decision-making; and

WHEREAS the APA Board of Directors has transmitted inadequate and misleading information to the APA Council of Representatives and other APA sources;

WHEREAS the APA Council of Representatives has had and continues to have fiduciary responsibility for the financial resources of the American Psychological Association during the three-year Good Governance pilot delegation of authority to the Board of Directors;

WHEREAS the Board of Directors has, on the Council listserv, attempted to control any criticism of or questions about its actions with claims that these discussions are occurring outside of executive session and therefore, prohibited; the Board has failed to consider least restrictive actions (e.g. removing non-council members from the list) and instead has opted to remove member posts, which in effect, interferes with the ability of council members to conduct discussions consistent with its fiduciary responsibility;

THEREFORE,

BE IT RESOLVED that the Division 42 Board of Directors, based on information from our elected Council of Representatives members, hereby asserts NO CONFIDENCE in the APA Board of Directors, and requests that all of the aforesaid take immediate steps to rectify this situation. Division 42 further request that the Board return the authority for any and all financial and policy-related decision-making to the APA Council of Representatives.