

Report of the Ethics Committee, 2014

In accordance with the bylaws of the American Psychological Association (APA), the Ethics Committee reports regularly to the membership regarding the number and types of ethics matters investigated and the major programs undertaken. In 2014, ethics adjudication, ethics education and consultation, and special projects were activities of the Ethics Committee.

Ethics Education and Consultation

Throughout 2014, the Ethics Committee and the Ethics Office continued to develop and expand their educative and consultative activities. The Ethics Committee and the Ethics Office provided ethics consultation to APA members, the public, psychological associations, licensing boards, and international colleagues. The Ethics Committee also reviewed and responded to written requests for ethics consultation on complex ethical matters. Some of the many issues addressed in 2014 included exceptions to confidentiality and mandatory reporting for suspected child abuse, disclosures of confidential information to protect third parties, executive coaching, forensic and child custody matters, gifts from clients, maintaining test security in didactic presentations and scholarly publications, multiple relationships in training programs, negotiating potential tensions between aspects of diversity such as sexual orientation and religious beliefs, providing psychological services through electronic media, psychologists' consulting to reality TV programs, psychologists' use of social networking sites, the relationship between state law and the *Ethical Principles of Psychologists and Code of Conduct* (hereinafter referred to as the Ethics Code; APA, 2002, 2010), faculty desiring to publish from a student's dissertation after the student has graduated from the program and is not pursuing publication, and appropriate termination of psychotherapy.

As part of the Ethics Committee's educative efforts, the Ethics Office has developed an extensive agenda of ethics presentations. In 2014, the Office received numerous requests to sponsor workshops and provide speakers for education-related programs. The Office responds positively to as many such requests as possible and was able to offer or participate in 40 ethics talks, workshops, and panel discussions throughout the country and internationally during the year. During 2014, the Ethics Office and Committee provided or were involved in programming that offered 139 hours of continuing education credits.

The Ethics Office gives priority to requests from state, provincial, and territorial psychological associations (SPTAs). SPTA-related programs offer continuing education credit in ethics or in ethics and law and raise funds for the SPTAs. In 2014, the Ethics Office collaborated with SPTAs or their divisions or affiliates to offer 10 continuing education programs in eight states, provinces, and territo-

ries. These collaborations included the following SPTAs: British Columbia, Delaware, Hawaii, Manitoba, Maryland, North Carolina, Vermont, and Utah.

In 2014, talks and workshops by the director also included presentations and panel discussions at Alliant International University, City University of Hong Kong, School of Continuing and Professional Education (Hong Kong, China); the American Psychoanalytic Association (New York, NY); the APA Division 14 (Society of Industrial and Organizational Psychology) Annual Meeting (Honolulu, HI); the APA Division 17 (Society of Counseling Psychology) Conference (Atlanta, GA; two presentations); the APA Division 42 (Psychologists in Independent Practice) Second Annual Conference (Chicago, IL); the Association of Psychology Postdoctoral and Internship Centers (Austin, TX); the British Columbia Psychological Association (Vancouver & Victoria, British Columbia, Canada; two presentations); the Defense Health Board, Medical Ethics Subcommittee, Dual Loyalties Tasking (Falls Church, VA); the Delaware Psychological Association (Newark & Georgetown, DE; two presentations); Emory University School of Medicine, Department of Psychiatry and Behavioral Medicine (Atlanta, GA); the Hawaii Psychological Association (Honolulu, HI); Hong Kong University, Clinical Psychology Program (Hong Kong, China); Howard University Counseling Center (Washington, DC); Liturgy Institute (Atchison, KS); the Manitoba Psychological Society (Winnipeg, Manitoba, Canada); the Maryland Psychological Association (Columbia, MD); the Massachusetts Mental Health Center Academic Division of Public Psychiatry at the Beth Israel-Deaconess Medical Center Department of Psychiatry (Boston, MA); the National Latina/o Psychological Association (Albuquerque, NM); the National Security Psychology Symposium (Chantilly, VA); the New York Psychoanalytic Society and Institute (New York, NY); the North Carolina Psychological Association and North Carolina Psychological Foundation (Charlotte, NC); the Scattergood Program for the Applied Ethics of Behavioral Health Care (Philadelphia, PA); Sierra Vista, AZ (two workshops on ethics training for military psychologists); the Springfield Hospital Center (Sykesville, MD); the 27th Annual Convention of American Indian Psychologists and Psychology Graduate Students (Logan, UT); the 28th International Congress of Applied Psychology (Paris, France; two programs); Tripler Army Medical Center (Honolulu, HI); the University of California, Los Angeles, Semel Institute (Los Angeles, CA); the University of Kansas, Clinical Child Psychology Program (Lawrence, KS); the Utah Psychological Association (Salt Lake City, UT); the Vermont Psychological Association (Montpelier, VT); and the Womack Army Medical Center Department of Behavioral Health (Fort Bragg, NC; two presentations).

In 2014, talks and workshops by the deputy director continued her focus on ethical issues in reproductive medicine, including cross-border reproductive care. These talks and workshops included faculty panelist in the preconference Postgraduate Program, a roundtable facilitator, and cochair of the Mental Health Professional Group abstract session at the American Society for Reproductive Medicine Annual Meeting (Honolulu, HI); panelist at the 28th International Congress of Applied Psychology (Paris, France); and keynote speaker for the New York regional dinner of the Mental Health Professional Group of the American Society of Reproductive Medicine (New York, NY).

Workshops for SPTAs generally included discussions of the psychology laws of their particular jurisdictions relevant to the APA Ethics Code. In other venues, programs addressed special topics in ethics such as boundary violations, dilemmas arising in university and college counseling centers, individual differences, legal and ethical aspects of supervision, multiple relationships, child custody, telepsychology, national-security-related activities, practice in rural settings and small communities, special ethical challenges related to the severely mentally ill, and teaching ethics.

Many of the Ethics Office educational programs are funded partially or fully by the hosting organizations or by Ethics Office speaking honoraria.

The Ethics Committee and the Ethics Office have partnered with APA directorates, divisions, and groups to offer additional continuing education opportunities. Specifically, the Ethics Office in collaboration with the Education Directorate continued to offer a four-credit Web-based continuing education course titled "APA's Ethics Code: An Introduction and Overview." The course highlights changes and new provisions in the 2002 Ethics Code, providing enrollees with a solid grasp of the Code's letter and spirit. During 2009, the Ethics Office and Education Directorate created additional continuing education programs based on the APA *Monitor on Psychology* column "Ethics Rounds" for a total of 10 programs. These programs continued to generate funds in 2014.

In 2014, the Ethics Committee continued to award recognition for excellence in ethics writing and education. The Ethics Committee and the American Psychological Association of Graduate Students (APAGS) announced the winner for the 13th annual Graduate Student Ethics Prize, a collaborative initiative of the two groups. The award is presented at the annual convention to the graduate student(s) who submits the best paper on psychology and ethics. The Ethics Committee and APAGS jointly sponsor the award of \$1,000, a round-trip ticket to and three nights' stay at APA's annual convention, and the convention registration fee. Information about the award and a list of previous winners can be found at <http://www.apa.org/about/awards/ethics-grad.aspx>. The winning paper may be published in the journal *Ethics & Behavior*, and by virtue of the selection process, the journal considers the paper a peer-reviewed publication.

Lauren Kois, MA, from the John Jay College of Criminal Justice, City University of New York won the 2014 writing prize for her paper "Cultural Competence of Forensic Mental Health Evaluators: An Empirical Investigation."

The prize-winning student presented her paper at the annual convention in Washington, DC, and the chair and other members of the Ethics Committee offered commentary.

John D. Gavazzi, PsyD, was the recipient of the 2014 annual Ethics Committee Award for Outstanding Contributions to Ethics Education. A Lifetime Achievement Award in Ethics Education in Psychology was given to Samuel J. Knapp, EdD, by the Ethics Committee. Those awards were presented at convention in 2014 at an Ethics Office reception.

Diversity Initiatives

In 2014, the Ethics Committee continued its work to support the goal it established in 2008 to bring diversity to the center of psychologists' ethical awareness. (See also last year's Ethics Committee report; APA, Ethics Committee, 2014.)

The Ethics Committee continues to ensure that diversity is addressed at Committee meetings. Nancy S. Elman, PhD, a member of the Ethics Committee, served as diversity ombudsperson at the April 2014 meeting. The ombudsperson's role is to facilitate awareness and create space for diversity discussions during the meeting. Phoebe C. Ellsworth, PhD, Ethics Committee member, was the diversity ombudsperson at the November 2014 meeting.

At its November 2014 meeting, the Ethics Committee received updates and participated in discussions regarding initiatives related to the relationship between the ethnic minority psychological associations (EMPAs) and the APA Ethics Code. Via videoconferencing, the Ethics Committee had a discussion with the Society of Indian Psychologists (SIP) president Carolyn Morris, PhD; SIP member Melinda Garcia, PhD; and former Ethics Committee chair Linda Forrest, PhD, regarding the SIP commentary. Dr. Forrest and Jennifer F. Kelly, PhD, updated the Committee on the interactions that took place at the National Latina/o Psychological Association (NLPA) biennial conference in Albuquerque, New Mexico, in October 2014. The Ethics Committee also spoke with members of the NLPA via videoconferencing, including Cristalís Capielo, MS; Melanie M. Domenech Rodríguez, PhD; and Lynda D. Field, PhD.

In the fall of 2014, the Ethics Committee collaborated with APA Division 44 (Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues) and APAGS to provide funding for four Division 44 student members of color to travel to the 2015 National Multicultural Conference and Summit. Students were selected on the basis of their essays about the intersection of ethics and diversity issues. The four student winners selected for funding to attend the 2015 conference are Andrew Choi (University of California, Santa Barbara), Kevin Delucio (University of California, Santa Barbara), Della Mosley (University of Kentucky), and Arvin Sanders (Howard University). Student awardees will be recognized at a luncheon program at the 2015 multicultural conference and summit in Atlanta, Georgia, which will be attended by the APA presi-

dent, president-elect, two past presidents, and Ethics Committee immediate past chair.

Outreach to Ethnic Minority Psychological Associations

The Ethics Committee continued its ongoing commitment to collaboration with leaders of the four EMPAs.

Former Ethics Committee chair, Linda Forrest, PhD; former Ethics Committee member, Janet T. Thomas, PsyD; and Ethics Office director, Stephen H. Behnke, JD, PhD, MDiv, participated in the 27th annual convention of the SIP in June 2014, in Logan, Utah. Throughout the 4 years of this collaboration, SIP has drawn upon the experiences of its members to critically examine the applicability of the APA Ethics Code to psychologists practicing in indigenous communities. The examination culminated in the publication of the SIP's "Commentary on the APA Ethical Principles of Psychologists and Code of Conduct" and a presentation by SIP member and lead author of the commentary, Melinda Garcia, PhD (2013), followed by comments by Drs. Forrest, Thomas, and Behnke. The SIP's commentary is available for purchase at the SIP's website (<http://www.aianpsip.org/>). Additionally, Dr. Thomas presented a workshop with two SIP members, Karlee Fellner, MA, and Brian McNeill, PhD, on "Creating Culturally Sensitive Supervision: Clinical, Ethical, and Relational Dimensions."

In addition to the presentations at the SIP convention, the APA Ethics Committee and the four EMPAs presented in a joint symposium at the 2014 APA convention, "Does It Work for Us: Ethnic Minority Psychological Associations Comment on the Ethics Code." The Ethics Committee and the EMPAs have made plans for further collaboration in 2015. A symposium at the 2015 APA convention in Toronto, "Ethnic Minority Psychological Associations Critique APA Ethics Code: Integrating Culture and Ethics" will further deepen the discussion of the APA Ethics Code related to the critique that the Ethics Code lacks a clearly articulated understanding of how culture influences and shapes the Ethics Code's principles and standards.

In 2014, the Professional Standards and Ethics workgroup of the NLPA continued the work it began in 2013 to gather information from its members, allied colleagues, and published resources to formulate ethical guidelines for Latina/o psychologists in the form of a commentary on the APA Ethics Code. Thus far, the members of the NLPA workgroup have contacted their membership through e-mail to solicit critical incidents and hosted a *charla*, the Latino term for an interactive venue. Through this venue, and later via an online survey, the workgroup solicited and obtained additional critical incidents. The workgroup led a 2-hour workshop at NLPA's 2014 biennial conference in Albuquerque, New Mexico, where it also solicited feedback regarding the most appropriate ethical-decision-making processes for Latina/o psychologists. At the conference, the workgroup made plans to continue to move the Ethics Code commentary initiative forward in 2015. The workgroup is led by Miguel E. Gallardo, PsyD; Lynda D. Field, PhD; Cristóbal Capielo, MS; and Melanie M. Domenech

Rodríguez, PhD. Members of the workgroup are Vincenzo Terán, PsyD; Leticia Arellano-Morales, PhD; and Virginia Quiñonez, PsyD.

In 2014, the Asian American Psychological Association (AAPA) continued to participate in ongoing discussions with the APA Ethics Committee to explore ways in which the APA Ethics Code does and does not work for Asian American psychologists and the Asian American community. In collaboration with the AAPA Executive Committee, Helen Hsu, PsyD, and Liang Tien, PsyD, have represented the AAPA at four presentations on this topic: the 2012 annual conference of the Society for the Psychological Study of Social Issues (SPSSI) and the 2012, 2013, and 2014 APA annual conventions as part of the APA Ethics Committee program. The AAPA presentations provided information gathered from dialogue at the AAPA Executive Committee, responses to two articles in the AAPA newsletter, a conversation hour at the 2014 AAPA national convention, and ongoing collecting of vignettes from members that illustrate concerns regarding the APA Ethics Code and its application. At the 2015 AAPA convention, an invited session will address the topic of ethics with Drs. Forrest and Behnke participating in a panel discussion. From the Asian American perspective, themes that have emerged in the last 3 years of discussion are disregard/betrayal of the Asian American experience, absence of a responsible relationship to community, ignorance of and unaccommodating stance to the Confucian sense and meaning of benevolence in which those in power and authority are responsible for overseeing the welfare of their community, the ill fit of the individualistic aspects of the current Ethics Code, and what is perceived to be mainstream psychology's ongoing challenges living up to and practicing consistent cultural humility and respect for all with whom psychologists work.

Psychological Association and Licensing Board Relations

In 2014, the Ethics Office continued to sponsor joint educational programs with state psychological associations and state licensing boards. These joint programs, the first of which took place in 2008 as a day-long workshop sponsored by the Ethics Office, the Ohio Psychological Association, and the Ohio State Board of Psychology, are part of an ongoing initiative of the Ethics Office to collaborate with psychology boards and with the Association of State and Provincial Psychology Boards (ASPPB) to promote ethics education. A central tenet of this collaboration is that enhancing the competent and ethical practice of psychologists is a goal promoted by both psychological associations and licensing boards. In 2014, the Ethics Office held joint programs in North Carolina and Vermont so that as of the end of 2014, the Ethics Office had programs in a cumulative total of four states (Minnesota, North Carolina, Ohio, and Vermont).

Another aspect of enhancing the relationship between psychological associations and licensing boards occurs at the national level. On the national level, this initiative has involved providing staff support to a joint APA/ASPPB

task force exploring mutual challenges shared by licensing boards and ethics committees. The task force was called together in 2007 by former APA President Sharon Stephens Brehm, PhD, and includes APA members Linda F. Campbell, PhD; Lisa Grossman, JD, PhD; and Brian H. Stagner, PhD, as well as three members from ASPPB. Dr. Behnke, Ethics Office director, and Stephen T. Demers, EdD, ASPPB executive officer, staff the group. Since 2008, the task force has been able to proceed in its work without requesting additional funding and has presented at each APA convention. The title of the 2014 convention program was "Collaborative Approaches: APA and ASPPB Working Together Where Ethics and Licensure Converge." In October, these ongoing state and national collaborations were highlighted in presentations by the Ethics Office deputy director at the ASPPB annual meeting in Rancho Mirage, California.

International Programs

Participation in international programs continued to be an important part of the Ethics Office educative and consultative outreach in 2014. In January, the Ethics Office director conducted a graduate course on professional ethics for the City University of Hong Kong/Alliant International University, School of Continuing and Professional Education in Hong Kong, China. In July, the director and deputy director participated in several symposia at the 28th International Congress of Applied Psychology in Paris, France. In August, the director conducted graduate-level courses on ethics and ethical dilemmas in the practice of psychology at the City University of Hong Kong, School of Continuing and Professional Education. The director also led a workshop on the ethical guidelines for psychologists interacting with the media at the Alliant Hong Kong University.

Convention Programs

The 122nd APA annual convention took place in Washington, DC, where the Ethics Committee and Ethics Office offered and participated in programs that support and encourage ethical thinking and decision making across a broad spectrum of topics. Participants were offered a pre-convention workshop, five hours of Ethics Committee programs, an invitational breakfast with early career psychologists, and additional symposia on areas of special interest offered in collaboration with APA divisions and groups. This year the Ethics Committee and Ethics Office were involved in a total of 29 hours of continuing education programming, underscoring their strong commitment to ethics education.

The pre-convention continuing education workshop was "Ethics and Law for the Practicing Psychologist" led by Robert Kinscherff, PhD, JD, and Ethics Office Director Dr. Behnke. In addition, the Ethics Office director and deputy director attended a pre-convention luncheon with the Council of Executives for SPTAs to provide information about the activities of the Ethics Office and to invite the associations to suggest possible ways for the Ethics Office to support their work through ethics education, programming, and ethics consultation.

This year, the Ethics Committee devoted four of its five hours to two well-attended programs on hot topics in ethics: The first two Committee hours went to "Hot Topics in Ethics," and the second two hours went to "Hot Topics in Ethics—A Vignette-Based Discussion of Ethics and Diversity." This talk, modeled after the Ethics Committee's "Hot Topics in Ethics," brought subject matter experts together with members of the APA Ethics Committee to model the process of ethics consultation. The diversity topics included psychometric assessment of a bilingual Asian student, ethical and cultural issues raised by using an indigenous healer consultant by a mental health center on the U.S./Mexico border, challenges when a deaf client does not receive adequate signing support, and leader sensitivity and competence in a transgender and gender-nonconforming group. Subject matter expert consultants to the diversity hot topics program were Grace Wong, PhD, adjunct instructor at New York University; Carolyn Thomas Morris, PhD, licensed psychologist, SIP president; Irene W. Leigh, PhD, professor emerita and former chair of the Department of Psychology at Gallaudet University; Lawrence H. Pick, PhD, professor in the doctoral program in clinical psychology in the Department of Psychology at Gallaudet University; Caroline M. Kobek Pezzarossi, PhD, associate professor in the Department of Psychology at Gallaudet University; Anneliese A. Singh, PhD, LPC, associate professor at the Southern Association for Counselor Education and Supervision Department of Counseling and Human Development Services at the University of Georgia; and Lore M. Dickey, PhD, assistant professor at Louisiana Tech University.

Another hour of Committee programming went to a joint presentation with the Committee on Legal Issues, "Custody Matters, Subpoenas, and Therapists Testifying in Court—A Primer," which focused on ethical and legal aspects of therapists testifying in court and included the relationship between the Ethics Code and the *Specialty Guidelines for Forensic Psychologists*.

The presentation of the 2014 Graduate Student Ethics Prize was cosponsored by APAGS and the Ethics Committee in the APAGS convention suite. (See the Ethics Education and Consultation section of this report for a full discussion of this award.) Also held in conjunction with APAGS was a session on "Building Confidence."

This year's annual Ethics Office invitational breakfast was held with the Committee for Early Career Psychologists. The purpose of the meeting was to foster a relationship among the Ethics Committee, the Ethics Office, and the Committee for Early Career Psychologists. The meeting was a productive opportunity to discuss ethical dilemmas faced by early career psychologists. The possibility of a publication on the legal, ethical, clinical, and risk management aspects of telepsychology was discussed.

In addition to the five hours of programming provided to the Ethics Committee through normal procedure governing convention hours for committees, the Ethics Office director, deputy director, Stephanie Brasfield, JD, ethics investigative officer, and Ethics Committee members participated in and collaborated with other groups. These programs included symposia sponsored by APA divisions and

APAGS on "Need Tylenol? Conflicts of Interest, Ethics, the Internship Crisis, and Recommendation Letters"; "Collaborative Approaches—APA and ASPPB Working Together Where Ethics and Licensure Converge"; "Disaster Ethics—The Road Beyond Good Intentions"; "Trainees' Perspectives on Peers With Competence Problems"; "Spirituality and Psychotherapy—Managing Ethical Dilemmas"; "Ethical Standards for Psychological Research"; "Raising Our Voices—Updates From Ethnic Minority Psychological Associations on the APA Ethics Code"; "Ethical and Legal Issues in Teleconsulting and International Consultation"; and "International Perspectives on Supervision Ethics—History, Current Status, Future Directions."

Ethics Publications

Publications concerning the ethics program and ethical issues appeared throughout 2014. The Ethics Committee's annual report for 2013 (APA, Ethics Committee, 2014) appeared in the July–August issue of the *American Psychologist*. The ethics director wrote a bimonthly column in the *APA Monitor on Psychology*. Articles by the director addressed the following topics: "Always a Cultural Perspective" (Behnke, 2014a); "Disclosing Confidential Information" (Behnke, 2014b); "Ethics for Psychologists: Legal, Clinical and Ethical Implications of Legalized Marijuana" (Behnke, 2014c); "Keeping a Clinical Focus" (Behnke, 2014d); "Talking About Ethics" (Behnke, 2014f); "What Kind of Issue Is It?" (Behnke, 2014g). In addition, the ethics director wrote a chapter on "Remedial and Disciplinary Interventions in Graduate Psychology Training Programs: 25 Essential Questions for Faculty and Supervisors" that was published in *The Oxford Handbook of Education and Training in Professional Psychology* (Behnke, 2014e). The deputy director wrote a chapter titled "Psychological Aspects of Embryo Donation" that was published in *Third-Party Reproduction: A Comprehensive Guide* (Childress-Beatty, 2014).

In 2014, on request, the Ethics Office continued to furnish to members and nonmembers copies of the Ethics Code with the 2010 amendments (APA, 2010), the "Rules and Procedures" (APA, Ethics Committee, 2002), and other relevant publications. (These materials are available at the APA website: <http://www.apa.org/ethics/>.)

Psychological Ethics and National Security

In November of 2014, the Board of Directors authorized the engagement of independent legal counsel to conduct an independent review as to whether APA colluded with the Bush administration, CIA, or U.S. military to support torture during the war on terror. The review will include but not be limited to the following three issues: (a) whether APA supported the development or implementation of "enhanced" interrogation techniques that constituted torture, (b) whether changes to Section 1.02 of the APA Code of Ethics in 2002 or the formation and/or report of the APA Presidential Task Force on Psychological Ethics and National Security (PENS Task Force) were the product of

collusion with the government to support torture or intended to support torture, and (c) whether any APA action related to torture was improperly influenced by government-related financial considerations, including government grants, contracts or adoption of government policy regarding prescription privileges for psychologists serving in the military. (APA Board of Directors, November 12, 2014, Revised November 28, 2014, Resolution Regarding Independent Review. Retrieved from <http://www.apa.org/about/governance/board/independent-review.aspx>.) The review was ongoing at the time this article went to press.

Ethics Committee Membership

The chair of the 2014 Ethics Committee was Armand R. Cerbone, PhD. Members included Andrea M. Barnes, JD, PhD, vice chair; Mary A. Connell, EdD; Nancy S. Elman, PhD; Phoebe C. Ellsworth, PhD; Dorothy E. Holmes, PhD; Linda K. Knauss, PhD; and Honorable Christina Harms, JD (Ret.), public member. Associates were Brian H. Stagner, PhD, and Lisa A. Suzuki, PhD. The liaison from the Board of Directors was Jennifer F. Kelly, PhD.

The process used to elect members of the Ethics Committee is the same as that used to elect members of most other APA committees. APA members and governance groups nominate individuals to the Ethics Committee. (With the exception of the public member, members of the Ethics Committee are members of APA.) Nominees must submit a curriculum vitae and report instances of disciplinary or legal action against them, and they must have an opportunity to inform the Committee of qualifications they deem relevant to service on the Committee. The Ethics Committee reviews the qualifications of these individuals and then recommends candidates to fill slates that the Ethics Committee has preselected to enhance the Ethics Committee's composition. The ballot is submitted to the Council of Representatives. Terms are for 3 years, with the Ethics Committee electing a chair and a vice chair each year. The Ethics Committee appoints associates for 2-year terms.

Ethics Office Staff

At the end of 2014, staff in the Ethics Office were Stephen H. Behnke, JD, PhD, MDiv, director; Lindsay Childress-Beatty, JD, PhD, director of adjudication and deputy director; Patricia Dixon, director, board and committee investigations; Stephanie Brasfield, JD, ethics investigative officer; Daisy Clipper, manager of office, technology, and governance; Kristin Coad, ethics investigator; and Farhaana Holsey, administrative assistant.

Ethics Case Data

The Ethics Committee considers three types of cases: those arising from complaints filed by individuals with the Ethics Office; those arising from a serious action taken by a state licensing board or a court, resulting in a show cause predicate; and those begun on the Ethics Committee's initiative after obtaining information in the public domain resulting in a *sua sponte* process. The Ethics Committee also con-

siders three types of membership matters: membership applications on which a potential history of unethical behavior was indicated on the APA membership, affiliate, or student affiliate application; membership readmissions after a prior loss of membership as a result of disciplinary action or resignation under ethics investigation; and void memberships that are based on allegations that membership was obtained under false or fraudulent pretenses.

Conducting investigations continued to be a central activity of the Ethics Office. Table 1 indicates the number of written complaints and notices received during each year. The total number of active matters at all stages (complaint or notice, preliminary investigation, etc.) during the year was 278. Active matters each year for 2010 through 2013, respectively, were reported as 607, 619, 607, and 383. Unlike the figures for 2013 and 2014, the data for active matters from 2010 to 2012 include inquiries that were active at some point during the year.

Prior to 2013, complainants were required to write the Ethics Office to request a complaint form (an "inquiry"). The Ethics Office would determine whether the psychologist was an APA member, log the inquiry into a database and file it, and send the individual a complaint form or, alternatively, inform the individual that the psychologist was not an APA member and no complaint could be filed. If the complaint concerned an individual who was not a member of APA, the complainant was referred to the appropriate state licensure board and state or provincial psychological association. Many inquiries were never followed by a complaint form and were therefore closed without review after 6 months.

In early 2013, the Ethics Office discontinued the inquiry process. Complainants no longer must write an inquiry to the Ethics Office to request a complaint form. A revised Ethics Office web page contains an updated complaint form and detailed information regarding the complaint process. Complainants now print and mail the complaint form to the Ethics Office after checking to ensure that the psychologist is a member. This streamlined process responds to the current needs of complainants while reducing staff time spent on matters never resulting in a reviewable complaint to the office.

Table 1
Notices and Complaint Forms Received, 2010–2014

Year received	No. of notices	No. of complaint forms
2010	77	64
2011	77	60
2012	44	67
2013	56	56
2014	52	68

Initiation of the Complaint Process

The complaint process begins when the Ethics Office receives a signed complaint form. During 2014, the Ethics Office received 68 complaint forms regarding members. APA members subject to the filing of complaints are fellows, members, associate members, and student affiliates in situations in which the behavior in question is not under the direct supervision of the educational program or a supervised training site approved by the student's program. Complaints against an individual who is not a member of APA or against an organization are not accepted because of lack of jurisdiction. Membership was 79,800 (rounded up to the nearest 100) for 2014,¹ which means that complaints were filed against fewer than 1 member per 1,000. Complaints were filed against approximately 0.09% of the membership in 2014 compared with 0.07% in 2010, 0.07% in 2011, 0.08% in 2012, and 0.07% in 2013. The number of complaints received in 2014 (68) rebounded from 2013 (56), which had the lowest number of complaint forms received in the preceding 10 years ($M = 69$, range = 56–86) and approached the average for the last 10 years ($M = 70$, range = 56–86).

Initiation of the Show Cause and Sua Sponte Processes

The show cause process (and, most often, the sua sponte process) begins with a notice: a statement from an entity, such as a state licensure board, that action has been taken or charges are pending against a member of APA. In 2014, 52 notices were received regarding members, which means that notices were received against fewer than 1 member per 1,000. The Ethics Office received notices against approximately 0.07% of the membership in 2014, compared with 0.11% in 2010, 0.08% in 2010, 0.095% in 2011, and 0.05% in 2013. The number of notices received in 2014 (52) is continuing the trend of lower numbers of notices seen in the last 3 years ($M = 51$, range = 44–56) when compared to higher numbers of notices received in the preceding 7 years ($M = 86$, range = 71–106).

Preliminary Investigations

A preliminary investigation provides an opportunity to obtain more information from the respondent in order to determine whether to close an investigation or open a formal case. A preliminary investigation is opened if the Ethics Office and the chair or vice chair of the Ethics Committee agree that more information is needed. The process of asking questions and obtaining additional information also provides an opportunity to educate the respondent about the areas of possible ethical concern.

Table 2 presents data on preliminary investigations from 2010 through 2014. Eleven preliminary investigations (10 arising from complaints and one based on a notice) were carried into 2014 from 2013, and four new prelimi-

¹ This figure does not include student affiliates. In 2014, APA had 35,600 student affiliates. However, relatively few complaints are filed against student affiliates.

Table 2
Preliminary Investigations Opened and Closed, 2010–2014

Year	Carried in	Opened	Total active	Closed	Opened as case
2010	35	10	45	20	2
2011	23	12	35	14	1
2012	20	19	39	22	3
2013	14	9	23	12	0
2014	11	4	15	8	0
2015	7				

Note. "Opened as case" indicates that the preliminary investigation has ended. "Carried in" is "Total active" in previous year reduced by the number closed and the number opened as cases.

nary investigations were opened (all arising from complaints). Eight matters were closed at that stage and not opened as a case (all based on complaints). Therefore, seven preliminary investigations were carried into 2015 (six based on complaints and one based on a notice). Of the eight investigations closed at the preliminary investigation stage, two resulted in a nondisciplinary educative letter being sent to the respondent along with the closing letter. (One additional nondisciplinary educative letter was sent for a complaint closed without a preliminary investigation.)

Preliminary investigations continue to be primarily although not exclusively focused on complainant matters. Of the 54 preliminary investigations opened between 2010 and 2014, 51 were on complainant matters. Of the six preliminary investigations that were opened as cases during that same time frame, three originated as complainant matters. Three preliminary investigations based on notices resulted in cases being opened.

Formal Cases

A *formal case* is opened in a complainant matter if the Ethics Office and chair of the Ethics Committee determine that cause for action exists to charge the respondent with an ethical violation. Even if cause for action would be met, a formal case will not be opened if it is determined either that there is a reasonable basis to believe that the alleged violation cannot be proven by a preponderance of the evidence or that the allegation would constitute only minor or technical violations that (a) would not warrant further action, (b) have already been adequately addressed in another forum, or (c) are likely to be corrected. A *formal case* is also opened in a show cause matter when the Ethics Office and vice chair of the Ethics Committee determine the notice received by the Ethics Office involves a felony conviction or serious action taken against the respondent's license (a predicate) and behavior that is expellable. A *formal case* is opened in a sua sponte matter when the Ethics Office and vice chair determine that cause for action exists and that the notice received involves behavior that is expellable in spite of the lack of a serious sanction by a licensing board.

Table 3
Cases Opened and Closed, 2010–2014

Year	Carried in	Opened	Total active	Closed
2010	55	21	76	21
2011	55	10	65	24
2012	41	14	55	19*
2013	36*	7	43*	6
2014	37*	10	47	8
2015	39			

Note. Figures in this table have been corrected from previous reports. An asterisk indicates a correction. Additional information can be obtained by contacting the Ethics Office.

Table 3 presents data for cases from 2010 through 2014. Thirty-seven cases (two complainant, two sua sponte, and 33 show cause) were carried into 2014 from 2013, and 10 new cases were opened (all show cause cases). The number of cases active during the year was 47 (two complainant, two sua sponte, 43 show cause). Eight cases were closed in 2014 (one complainant, one sua sponte, and six show cause). Therefore, 39 cases (one complainant, one sua sponte, and 37 show cause) were carried into 2015. Of the 62 cases opened between 2010 and 2014, two were opened as complainant cases, two as sua sponte cases, 58 as show cause cases.

Members have a limited right to resign from APA "under ethics investigation" rather than continue the adjudication process. These resignations are reported to the APA membership through the dues notice and to anyone who later requests this information. Five resignations under ethics investigation occurred during 2014. Two of these resignations occurred prior to a case being opened against the member. Between 2010 and 2014, 40 members resigned under ethics investigation. Ten of these resignations occurred prior to a case being opened against the member.

Table 4 provides information regarding the sources of the cases and demonstrates that cases initiated on the basis

Table 4
Sources of Cases Opened in 2014

Source	New cases	
	No.	%
Felony conviction	1	10
Loss of licensure	9	90
Expulsion from state association	0	0
Malpractice	0	0
Other adjudication	0	0
Complainant filed	0	0
Other	0	0
Total cases	10	100

of licensing board disciplinary actions or felony convictions continue to be the most frequent types of cases being opened. This year, all 10 cases opened were such matters. This percentage (100%) is higher than the average percentage for 2010 through 2014 (94%). Show cause cases in 2014 were based on the following types of actions against professional licenses or felonies: nine from loss of licensure and one from conviction of a felony as well as loss of license.

The types of allegations resulting in newly opened cases in 2014 are shown in Table 5. It is important to note that these are not findings of violation but allegations. A case may have up to two categories of behavior assigned. Of the 10 cases opened following loss of licensure or felony conviction in 2014, sexual misconduct was the underlying behavior in four cases (40%).

For purposes of data analysis, the category of dual relationship is subdivided into four categories: sexual misconduct, which is further subdivided into adult and minor client categories; sexual harassment; and nonsexual dual relationship. Of the five cases involving dual relationship, 20% were nonsexual in 2014 compared with 36%, 29%, 29%, and 20% in 2010 to 2013, respectively. Two cases were opened regarding sexual dual relationships involving male psychologists with female clients, and two cases involved female psychologists with male clients. One case of nonsexual dual relationship involved a female psychologist with a female client.

If a respondent does not provide a substantive response to a show cause case within a specified period of time, he or she is automatically expelled from APA. Two automatic expulsions occurred in 2014. Since this auto-

matic expulsion provision was added to the "Rules and Procedures" in 2001, 22 respondents have been automatically expelled.

The length of time to process cases has typically been reported in terms of cases closed during the year under report. Accordingly, this figure may include substantial processing time that occurred in previous years. In addition, processing time may include periods in which the cases were stayed pending the outcome of other proceedings, such as pending licensing board actions, appeals, or other litigation. Processing time may also include periods in which the member is not responding to Ethics Office correspondence or has moved from the last known address. Finally, the Ethics Office continues its recent focus of making final disposition decisions concerning cases that have been open for an extended period of time. Eight cases were closed in 2014. Two were opened for an extended period of time. The average processing time for the eight cases closed in 2014 (calculated from opening a matter as a case to final action by the Ethics Committee) without cases opened for an extended period of time was 8.5 months compared to 11.4, 17.9, 9.7, and 26.3 in 2010 through 2013, respectively. With cases opened for an extended period of time, the average processing time was 17.4, compared with 19.1, 25.3, 25.9, and 92.8 months in 2010 through 2013, respectively.

Adjudication by the Ethics Committee

Only those cases that the Ethics Committee chair or vice chair and the Ethics Office determine meet threshold criteria are referred to the full Ethics Committee for resolution. In 2014, the Ethics Committee held two meetings at which it reviewed five show cause cases and handled two membership-related matters not suitable for a mail vote. The sanctions and directives available to the Ethics Committee are described in the "Rules and Procedures" (APA, Ethics Committee, 2002). Sanctions include reprimand, censure, and recommendation to the Board of Directors that the individual be expelled or allowed to resign, under stipulated conditions, from APA membership. Directives include supervision, education, and probation. Of the five cases reviewed by the Ethics Committee during 2014, the Ethics Committee recommended one expulsion, one stipulated resignation, two censures with directives, and one reprimand. The directives included sharing of the Ethics Committee's letter with required board therapist and practice monitor and probation until the completion of the directives of the licensing board.

Review by an Independent Adjudication Panel

For complainant-initiated or sua sponte cases, when the Ethics Committee finds a violation, the member has the right to obtain independent review by an impartial panel. Two types of adjudications occur: Reviews of recommendations of expulsion, which ultimately go to the Board of Directors, may be heard in person (formal hearings) or on a written record by choice of the respondent; reviews of

Table 5
Categories of Cases Opened in 2014

Category	Cases with category as a factor	
	No.	%
<u>Dual relationship</u>		
Sexual misconduct, adult	4	40
Nonsexual dual relationship	1	10
<u>Inappropriate professional practice</u>		
Outside Competence	2	20
Other inappropriate professional relationship	2	20
<u>Inappropriate research, teaching, or administrative practice</u>	0	
<u>Inappropriate public statements</u>		
False, fraudulent, or misleading	1	10
<u>Failure to uphold standards of the profession</u>	0	
Total cases	10	

Note. Underlined entries are major categories; indented entries without underlining are subcategories. The table includes only categories for which at least one case had that category assigned. The full list of categories may be found in Table 5 of the "Report of the Ethics Committee, 2010" (APA, Ethics Committee, 2011).

recommendations for reprimand and censure occur on a written record (independent adjudications). Members of the Board of Directors' Standing Hearing Panel hear both types of adjudications.² The member requesting an independent review or formal hearing chooses the members of his or her hearing panel from a list of panel members. Because all matters reviewed by the Ethics Committee in 2014 were show cause, none had the option of an independent review.

Board of Directors Review

The Board of Directors plays a major role in the APA Ethics Office's adjudication program. The Board both approves revisions to the Ethics Committee's "Rules and Procedures" on behalf of the Council of Representatives and reviews Committee recommendations in certain cases, such as those brought pursuant to discipline by a licensing board or felony conviction and cases for which the Committee has recommended expulsion. Details of the Board of Directors' role in ethics adjudication can be found in the Ethics Committee's "Rules and Procedures" (APA, Ethics Committee, 2002). Although the Board does not review all cases that the Ethics Committee has adjudicated, all respondents have the opportunity for review of the Committee's recommendation.

The Board of Directors took action on two cases in 2014. The Board upheld an Ethics Committee's recommendations of expulsion in one case and censure in another. Three cases were pending review by the Board at the end of 2014.

The number of members leaving the association through the adjudication process increased from the 2013 level in 2014 but did not rise to the levels seen prior to 2013. Table 6 summarizes the number of members leaving the association through resignation under investigation, automatic expulsion, and stipulated resignation from 2010 through 2014.

Membership Matters

In 2014, the Membership Office forwarded to the Ethics Office for processing 57 applications for membership on which a potential history of unethical behavior was indicated on the APA membership application form. Twenty-six of the 57 applications referred were student affiliate

applications. Former members who have previously lost membership in APA because of disciplinary action or a resignation under ethics investigation may apply for readmission after a period of time has elapsed. No applications of the 57 referred were such requests. There were also no referrals of void membership reviews (to consider whether a member had obtained membership based on fraudulent information). A total of 86 membership matters were active during the year, including 29 matters pending at the end of 2013 (20 membership applications, eight student applications, no requests for readmission, and one void membership action). Fifty-eight applicants (39 new and 19 under review at the end of 2013) withdrew their applications or did not respond to letters asking for more information. In addition, nine matters, three previously pending, and six new, did not meet the criteria for Ethics Committee review (incorrectly checked the application box, previously reviewed, or requested readmission prior to being eligible to reapply).

In 2014, the Ethics Committee reviewed 13 applications for membership (11 member, and two student affiliate applications). The Ethics Committee recommended admission for all of the applications except for a recommendation against admission of three membership applicants. At the end of the year, 16 matters were still in investigation or pending action by the Ethics Committee (nine member applications, six student affiliate applications, no requests for readmission, and one void membership investigation).

The Board of Directors, which reviews Ethics Committee recommendations to deny membership or student affiliate status to applicants, reviewed three membership matters in 2014 and upheld the Ethics Committee's recommendation to deny membership status. At the end of 2014, no membership matters were pending review by the Board.

² Panel members are appointed to 3-year terms by the APA president. The panel ordinarily consists of at least 30 panelists, five of whom must be public members. As of October 31, 2014, the panel included 32 members, five of whom were public members.

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Table 6
Membership Terminations and Resignations Under Investigation, 2010-2014

Year	Resignations under investigation	Automatic expulsions	Expulsions	Stipulated resignations	Total
2010	9	1	5	0	15
2011	13	2	1	2	18
2012	11	2	2	0	15
2013	2	1	1	0	4
2014	5	2	2	0	9

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