

Notes From the August 2015 APA Council of Representative Meeting

Lori Foster, Deirdre Knapp, Rodney Lowman, and Deborah Whetzel

The American Psychological Association's (APA) annual convention was held on August 6-9, 2015 in Toronto, Canada. SIOP was represented on the convention program, and the sessions were well attended. Presentations by SIOP members ranged from goal setting to firefighter operations, worker well-being, and using I-O psychology to fight global poverty, to name just a few examples. SIOP's presence at APA's convention was due in no small part to APA Committee Chair **Ann Huffman** and Chair-in-Training **Tara Behrend** who worked hard to encourage and review convention submissions and organize a reception for SIOP attendees.

SIOP members were recognized at the convention in several positive ways. Consulting psychologist and APA Council member [Judith Blanton received a Presidential Citation](#) for her contributions to applied psychology, especially for her persistent efforts in trying to help psychology licensure be made more relevant to the needs of non-healthcare applied psychology. In addition, the following SIOP members were named APA Fellows: **Bradford Bell, Mark Bing, Wendy Boswell, Johnathon Halbesleben, Yueng-hsiang Huang, Stephanie Payne, William Shepherd, and Scott Tonidandel**. Congratulations to each of these individuals for the well-deserved recognition!

Preceding and during the convention, APA's Council of Representatives (COR), its major

governing body, convened. This article provides a report on those meetings, which consisted of an opening plenary session on the evening of August 4, a full day meeting on August 5, and a half day meeting on August 7. SIOP's four APA Council Representatives, **Rodney L. Lowman** (who also served as chair of the APA's new Council Leadership Team), **Deirdre Knapp, Lori Foster, and Deb Whetzel** attended.

As many *TIP* readers are aware, the COR is a legislative body composed of representatives elected from each APA division as well as state and provincial territories. COR meetings entail discussing and voting on a variety of policy issues facing psychology. For the past few years, discussions have focused largely on determining the best structure for COR, including deliberations about its optimal size and role. These discussions were part of what was known as APA's [Good Governance Project](#), which concentrated on how to turn COR into a more nimble governing body. This included improving the speed with which decisions and changes are made by COR without compromising decision quality. During the Good Governance Project, roles and responsibilities of COR and the board of directors were reviewed, and [changes were made](#). One purpose of the changes was to help focus COR's time and talent on policy issues of relevance to APA members and council representatives' constituents.

The August 2015 COR meeting represented a marked change from the meetings leading up to it. Instead of focusing on COR's structure, functions, roles, and responsibilities, the August meeting focused predominantly on the "Hoffman Report." Although a full, detailed account of the many important discussions and issues raised during the meeting is beyond the scope of this article, the following provides a brief summary.

[The Hoffman Report](#) documents an independent review commissioned by APA. Former federal prosecutor and attorney David Hoffman of Sidley Austin, LLP in Chicago was selected by the board of directors based on his extensive federal and local Chicago investigative expertise. The major objective of this independent review was to ascertain the truth of allegations that had been aired in a book by *New York Times* reporter James Risen in which inappropriate actions by APA elected officials and senior staff were alleged.

The Hoffman team interviewed a wide assortment of relevant APA employees and APA governance officials, and was given unfettered access to all available APA documents, including e-mails, and had the authority to pursue the findings "wherever they might lead."

The allegations specifically concerned an APA presidential task force that issued with "emergency APA approval" a report called the PENS report, which issued pronouncements about psychologists' ability to be involved in interrogations. As stated in the Hoffman report, "The gist of the allegations

was that APA made...ethics policy decisions as a substantial result of influence from and close relationships with the U.S. Department of Defense (DoD), the Central Intelligence Agency (CIA), and other government entities, which purportedly wanted permissive ethical guidelines so that their psychologists could continue to participate in harsh and abusive interrogation techniques being used by these agencies after the September 11 attacks on the United States" (p. 1).

COR activities at the most recent APA convention kicked off with an opening plenary session held the evening before the first COR meeting. The plenary session covered several topics, including a discussion of what constituted grounds for recusal on matters in which a vote would be taken during the August APA Council meeting. This was an issue because some COR and APA Board members had been named and/or investigated in the Hoffman Report. It was determined that recusals should be decided on a vote-by-vote basis, such that COR members would only recuse themselves during votes in which there was a conflict of interest, but that Council members with conflicts also needed to declare their conflicts before speaking on related issues. The opening plenary session also provided an opportunity for one of APA's outside attorneys to describe the series of events leading to the Hoffman Report. When asked what she thought about the report, the attorney responded that people should read the document and draw their own conclusions. The full 542-page report is available online: <http://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>.

The official portion of the COR meeting began the morning following the opening plenary. The meeting quickly moved into executive session, which was not open to observers. At that point, Mr. Hoffman and one of his colleagues, attorney Danielle Carter, joined the meeting and briefly described the process for developing the report. They also answered advance questions that COR members had submitted. Many of the questions sought to understand what some readers had perceived as biases reflected in some of the language of the report and concerns about the protections offered to those who were interviewed and reported to have behaved inappropriately. (Although this was discussed in closed, executive session, Mr. Hoffman agreed that his answers could be publically described.) Among his main points were:

- His team did not approach this task with any preconceived notions.
- In response to the question: “Was there collusion to support torture?” his answer is no; however, there was (in his and the report’s opinion) collusion to support easing the language in APA’s ethics code to make it easier for psychologists to be involved in military and national security interrogations.
- There is inherent tension between the role of the psychologist as a safety monitor and that of consulting on maximizing the effectiveness of interrogations.
- Once the investigative team reached their conclusions, they wrote the report using language that they felt best made their case, consistent with what is done in such investigative reporting.

As some *TIP* readers know, the Hoffman report was provided to COR on July 10, 2015. By the next day, it had been leaked to the press, prior to its scheduled public release, resulting in the non-recused APA Board members’ decisions to immediately release the report to the public in its full form. Accompanying headlines of the news reports were not always consistent with the report’s conclusions. There are also some [criticisms of the report](#) that have been raised.

Regardless of one’s position on the findings or tone of the report, the member outrage and media firestorm created by its release made immediate action on the part of the COR imperative. Accordingly, there was much discussion during the August 2015 COR meeting in Toronto about a motion titled: “Resolution to Amend the 2006 and 2013 Council Resolutions to Clarify the Roles of Psychologists Related to Interrogation and Detainee Welfare in National Security Settings, to Further Implement the 2008 Petition Resolution, and to Safeguard Against Acts of Torture and Cruel, Inhuman, or Degrading Treatment or Punishment in All Settings.” Briefly, the resolution states that psychologists “shall not conduct, supervise, be in the presence of, or otherwise assist any national security interrogations for any military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate such an interrogation.”

An underlying assumption of the resolution is that some psychologists in such situations were engaging in unethical practice

(sometimes called “behavioral drift”). This assumption may have resulted from an overgeneralization of the activities of two psychologists who designed and executed cruel, inhuman, or degrading treatment or punishment (CIDTP). (Other psychologists, according to the report, may also have inappropriately participated in such interrogations). One of those named in the report, COR member Larry James (Division 19; Military Psychology), stated that inappropriate behavior by a small number of psychologists does not represent that of other military psychologists who work with detainees. In fact, he claimed, many military psychologists saved lives by stopping CIDTP or pointing out its failure to yield usable information. Thus, there was some concern that the proposed resolution, as worded, could accomplish the opposite of what it was intended to do. Other psychologists who have opined on these matters have felt that it is categorically inappropriate for psychologists to be involved in interrogations that do not safeguard the rights of those being interrogated and comply with international law, and believe that these safeguards do not exist.

Prior to the motion reaching the floor for discussion, some of the SIOP representatives attempted to modify the language in the resolution to focus on *behavior* (cruel, inhuman or degrading treatment or punishment; CIDTP) rather than the *setting* in which psychologists work. Thus, some SIOP council representatives’ suggested revisions were that psychologists “shall not conduct ~~or~~, supervise, ~~be in the presence of, or otherwise assist any~~ CIDTP **related to** national security interrogations

for any military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate CIDTP.” such an interrogation.” The alternative language was offered offline but was not accepted by the movers of the motion although other changes were made in the final version voted upon. The question was called before a SIOP representative who had stood to speak could propose modifications to the resolution’s language on the floor of council.

In a roll call vote in which each COR member had to state his/her vote aloud, COR overwhelmingly voted to support the resolution prohibiting psychologists from participating in national security interrogations. The measure passed by a vote of 157–1, with 6 abstentions and 1 recusal. The final resolution can be found [here](#). Although some of the SIOP APA representatives had concerns about specific aspects of the motion, it was apparent that a motion demonstrating a clear response from APA had to pass, and the SIOP representatives did not want Division 14 to be viewed as in any way “supporting torture.” Two SIOP representatives voted yes and two abstained from the vote.

Following this vote, COR also voted to create a “blue-ribbon panel of psychologists and nonpsychologist experts to review APA’s Ethics Office and ethics policies and procedures and issue recommendations to ensure APA policies are clear and aligned with the very best practices in the field.” In addition, it was proposed that APA would “institute clearer conflict-of-interest

policies going forward,” and APA’s Council Leadership Team was assigned the task of appointing a work group to review and suggest any needed changes in the existing COI policies for Council Reps and others in APA governance, including those serving on Boards and Committees. This motion was also approved by an overwhelming majority of COR, including all SIOP representatives. Because I-O psychologists are not healthcare providers and mostly work in organizational settings, it will be important for us to be involved in determining the direction of changes in ethics-related guidelines and code enforcement.

Motions related to the Hoffman Report had been solicited from APA Council members, but a number of the motions proposed by the APA Board and by APA COR members were not discussed or voted upon due to limited time availability during the meeting. These will be further discussed by COR members and brought back to the APA Council meeting in February 2016 for council’s consideration.

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