

Report of the Ethics Committee, 2013

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 2013, ethics adjudication, ethics education and consultation, and special projects were activities of the Ethics Committee.

Ethics Education and Consultation

Throughout 2013, 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, and licensing boards. The Ethics Committee also reviewed and responded to written requests for ethics consultation on complex ethical matters. Some of the many issues addressed in 2013 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), 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 2013, 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 51 ethics talks, workshops, and panel discussions throughout the country and internationally during the year.

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 2013, the Ethics Office collaborated with SPTAs or their divisions or affiliates to offer seven continuing education programs in six states, provinces, and territories. These collaborations included the following SPTAs: Alaska, California, Minnesota, Vermont, Washington state, and Wisconsin.

Talks and workshops by the director and deputy director also included presentations and panel discussions at

the American Psychoanalytic Association (New York, NY); the APA Division 39 (Psychoanalysis) 2013 Spring Meeting (Boston, MA); the APA Education Leadership Conference 2013: Ethics and Education (Washington, DC); the Association of Family and Conciliation Courts–American Association of Matrimonial Lawyers Joint Conference (National Harbor, MD); the Australian Psychological Society (APS); three presentations: ethics workshops in Melbourne and Sydney and a keynote address at the APS annual convention in Cairns; Boston College School of Education (Boston, MA); Boston College University Counseling Services (Boston, MA); City University of Hong Kong, School of Continuing and Professional Education (Hong Kong, China); the Dutch Psychological Association 75th Anniversary (Amsterdam, the Netherlands); the European Congress of Psychology (Stockholm, Sweden); the Guam Psychological Association (Tamuning, Guam); Hong Kong University, Clinical Psychology Program (Hong Kong, China); Loyola University Baltimore (Baltimore, MD); the Massachusetts Mental Health Center (Boston, MA); four presentations, one with the University of Massachusetts Boston; the National Multicultural Conference and Summit (Houston, TX); Sierra Vista, AZ (two workshops on ethics training for military psychologists); the Society of Indian Psychologists and Psychology Graduate Students (Logan, UT); the Southern California Donor Conference (Costa Mesa, CA); the Springfield Hospital Center (Sykesville, MD); the VA Psychology Leadership Conference (San Antonio, TX); the William Alanson White Psychoanalytic Society (New York, NY); and the Womack Army Medical Center Department of Behavioral Health (Fayetteville, NC).

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, and is available at the APA Online Academy (<http://www.apa.org/education/ce/index.aspx>). 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 2013.

In 2013, work continued on a grant given by the Ethics Office in 2009. The Ethics Office provided a grant of \$12,500 earned from 2008 Ethics Office speaking honoraria to APA Division 31 (State, Provincial, and Territorial Psychological Association Affairs) to promote the development of innovative ethics education programming among SPTAs. With these funds, Division 31 is developing an interactive website providing resources to SPTAs. The division has made considerable progress in the website's development.

In early 2013, the Ethics Committee and the American Psychological Association of Graduate Students (APAGS) announced two winners for the 12th 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.

Angela M. Haeny (2013), MA, from the University of Missouri-Columbia won for her paper "Ethical Considerations for Psychologists Taking a Public Stance on Controversial Issues: The Balance Between Personal and Professional Life." The second award was presented to Christine M. Paprocki (2013), MA, of the University of North Carolina at Chapel Hill for her paper "When Personal and Professional Values Conflict: Ethical Considerations and Trainee Perspectives." A joint Ethics Committee and APAGS judging committee selected the two winning papers from among 41 submissions. The prize-winning students presented their papers at the annual convention in Hawaii, and the chair and other members of the Ethics Committee offered commentary. The winning papers were recommended for publication in a special section of the journal *Ethics & Behavior*.

The prize selection committee noted that the two winners both addressed the relationship between a psychologist's personal values and the values of the profession. Each paper viewed negotiating between the personal and the professional as foundational to psychology ethics. The committee also noted that both Ms. Haeny and Ms. Paprocki have mentors who are thoroughly versed in the ethics of the profession. Ms. Haeny's mentor is Dr. Nan Presser, who in 2011 was ethics professor for all three student papers that were published. Ms. Paprocki's mentor is Dr. Erica Wise, who is the 2013 winner of the Ethics Committee ethics educator award (see the last paragraph of this section).

A third paper the selection committee recommended for publication is "So You Want to Do an On-Line Study: Ethics Considerations and Lessons Learned," by Kara Emery (2013), MS, of Baylor University. Mentor teams were created to prepare the top papers for publication in *Ethics & Behavior*. Publication was proposed and made possible by past APA president and editor of *Ethics & Behavior* Gerald P. Koocher, PhD. Dr. Koocher has published student papers each year since the prize was initiated in 2001. The introduction to the special section of the journal was written by Ethics Office Director Stephen H. Behnke (2013), JD, PhD, MDiv.

At the annual Ethics Office breakfast at convention, Erica H. Wise, PhD, was presented with the fifth annual APA Ethics Committee Award for Outstanding Contributions to Ethics Education. This award is presented annually to a psychologist who demonstrates significant and exceptional contributions to the profession of psychology through ethics education.

Diversity Initiatives

In 2013, 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, 2013). As part of this effort, at the request of APAGS, the Ethics Office director participated in a program titled "Seek Advice and Carry On: Speed Mentoring for Graduate Students" at the 2013 National Multicultural Conference and Summit in Houston, Texas. The theme of the conference was "Transforming Multicultural Psychology: Engagement, Renewal, and Action Across Generations." In the fall of 2012, 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 2013 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 2013 conference were Yi-Ting Chen, BA, University of Iowa Counseling Psychology Program; Daniela Dominguez, MS, Our Lady of the Lake University; Richard A. Martinez, BA, New Mexico State University; and Marcos Briano, MA, Alliant University-Los Angeles, California School of Professional Psychology. The student award winners were recognized at a luncheon program that was attended by Past President Melba J. Vasquez, PhD, President-Elect Nadine J. Kaslow, PhD, and Ethics Committee Vice Chair in 2013 Armand R. Cerbone, PhD.

The Ethics Committee continues to ensure that diversity is addressed at each Committee meeting. The diversity speakers at the April 2013 meeting were Lisa Jane Miller, PhD, from Teachers College, Columbia University, and W. Brad Johnson, PhD, from the U.S. Naval Academy, who joined the Committee in addressing religion and spirituality as aspects of diversity. Janet T. Thomas, PsyD, a member of the Ethics Committee, served as diversity ombudsperson at this meeting; her role was to facilitate awareness and

create space for diversity during the meeting. At its November 2013 meeting, the Ethics Committee participated in a discussion led by Tiffany Townsend, senior director from APA's Office of Ethnic Minority Affairs of the Public Interest Directorate, who led the Committee in a discussion of what could be done to increase membership enrollment from members of the four ethnic minority psychological associations in order to help bring about more diversity within APA. James J. Preis, JD, the Ethics Committee public member, was the diversity ombudsperson at this meeting.

Central to the Ethics Committee's diversity initiatives is outreach to ethnic minority psychological associations (EMPAs). This outreach is described in the following section.

Outreach to Ethnic Minority Psychological Associations

In June 2013, Linda M. Forest, PhD, the former chair of the Ethics Committee, Janet T. Thomas, PsyD, a former member of the Ethics Committee, and Ethics Office Director Stephen H. Behnke attended the 26th annual convention of the Society of Indian Psychologists (SIP) and Psychology Graduate Students in Logan, Utah. As they had at the convention in 2012, Drs. Forrest, Thomas, and Behnke participated in a joint panel discussion with members of the SIP Ethics Committee regarding whether SIP would write an ethics code for its society or embark on writing a commentary on the APA Ethics Code. SIP determined that the preferable alternative was to write a commentary on the APA Ethics Code. APA Ethics Committee members have been asked to serve as a resource for the SIP Ethics Committee as it develops its commentary. Careful attention will be paid to providing culturally grounded consultation that fully respects the dilemmas that Native American psychologists experience in providing services to their communities. For the balance of 2013 and into 2014, SIP actively worked on its commentary on the APA Ethics Code, which it intends to complete in 2014. Further discussions are planned for SIP's 2014 annual convention.

The APA Ethics Committee views its collaboration with SIP as a model of outreach to form relationships with the other EMPAs (Association of Black Psychologists, Asian American Psychological Association, and National Latina/o Psychological Association). In August 2013 at the APA convention, the APA Ethics Committee collaborated with the Council of National Psychological Associations for the Advancement of Ethnic Minority Issues to present a program titled "Does it Work for Us? Ethnic Minority Psychological Associations Comment on the Ethics Code." Dr. Forrest co-moderated this program with Edward Delgado-Romero, past chair of the Council of National Psychological Associations for the Advancement of Ethnic Minority Issues; during the program, two representatives from each of the four EMPAs commented on the APA Ethics Code. There were several goals of this symposium. First, the Ethics Committee continued to seek to build strong relationships with the EMPAs to deepen its understanding of how different cultural backgrounds, philosoph-

ical traditions, and worldviews shape and influence all aspects of ethics (e.g., aspirational principles, ethical obligations, ethical reasoning, and decision making). The Ethics Committee determined that it is critical to receive commentary on the Ethics Code from each of the EMPA's unique perspectives. Second, the Committee expressed the hope that the discussion will lead to greater understanding among the APA Ethics Committee and the EMPAs regarding how to be an ethical psychologist in the context of a diverse society. Third, the Committee anticipated that the discussion will provide a foundation for considering how the next version of the Ethics Code may build on the current Ethics Code by an enhanced focus on the role of culture in sound ethical decision making. Following this convention program, Dr. Forrest was in contact with each of the EMPA presidents and members assigned to this initiative to discuss the possibility of a publication based on the concepts and issues that were raised during the convention panel discussion. Each of the EMPA presidents conveyed an enthusiastic response, and plans are now under way to develop this jointly initiated publication.

Psychological Association and Licensing Board Relations

In 2013, 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. As of the end of 2013, the Ethics Office had programs in two states (Ohio and Minnesota) and was planning for programs in third and fourth states in 2014 (North Carolina 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 2013 convention program was "Colleagues Thinking Together—APA and ASPPB Explore Where Ethics and Licensure Converge."

International Programs

Participation in international programs continued to be an important part of the Ethics Office educative and consultative outreach in 2013. In March, 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 the 5th International Congress on Licensure, Certification, and Credentialing of Psychologists in Stockholm, Sweden. The director also delivered a presentation titled "National Psychological Ethics Codes: Challenges and Opportunities in the Writing and Revision Processes" as part of the European Congress of Psychology in Sweden. In August, the director conducted a seminar on Ethics and Ethical Decision Making for Clinical Psychologists at the City University of Hong Kong, School of Continuing and Professional Education. The director also gave a seminar on ethics and ethical dilemmas in the practice of psychology at the Hong Kong University Clinical Psychology Program.

In October, the director delivered a keynote address at the annual meeting of the Australian Psychological Society in Cairns, Australia. He also conducted two workshops on continuing professional development in Sidney and Melbourne. The last international program of the year took place in December and was participation in the Dutch Psychological Association's 75th anniversary in Amsterdam, the Netherlands.

Convention Programs

The 121st APA annual convention took place in Honolulu, Hawaii, 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, six hours of Ethics Committee programs, an invitational breakfast for SPTAs and APA divisions, 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 28.5 hours of continuing education programming, underscoring their strong commitment to ethics education.

The preconvention continuing education workshop was "Ethics and Law for the Practicing Psychologist" led by Robert Kinscherff, PhD, JD, and Ethics Office Director Dr. Behnke.

Committees are normally given eight hours of convention programming, although this number was cut to six due to an abbreviated length in the daily programming schedule for the 2013 convention in Hawaii. This year the Ethics Committee devoted two hours to "Hot Topics in Ethics," which attracted a large number of attendees who participated in discussions of five vignettes involving the following topics: insurance billing for supervisees with joint sessions conducted via Skype; research ethics in the use of clinically collected data; possible duty to warn or

protect when a college student client is the subject of a college crisis response team; informed consent issues in a religious psychologist treating a devout gay man who is conflicted between his sexuality and his religious convictions; and a psychologist testifying with regard to opinions based on hypotheticals in support of a client involved in a child custody dispute.

Another hour of Committee programming went to "Does It Work for Us? Ethnic Minority Psychological Associations Comment on the APA Ethics Code," which provided commentary on the APA Ethics Code from the unique perspective of each EMPA. This program continues the outreach begun by the Ethics Committee with EMPAs. One hour went to the annual joint presentation with the Committee on Legal Issues, "Legal and Ethical Issues in Telepsychology and Interjurisdictional Practice," and one hour was devoted to "Research Ethics—Challenges and Opportunities in Graduate Psychology Training," cosponsored with APAGS. The Committee's remaining hour was devoted to the collaborative program with ASPPB as discussed above.

The presentation of the 2013 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 the APAGS convention suite was an Ethics Office program titled "Overcoming Ethical Dilemmas for Graduate Students."

At this year's annual Ethics Office invitational breakfast, the topic of discussion was the work of the APA-ASPPB-APA Insurance Trust joint task force on developing telepsychology guidelines for psychologists. Former Ethics Committee Chair Linda F. Campbell, PhD, co-chair of the telepsychology task force, gave an update on the telepsychology guidelines. Also at the breakfast, Erica H. Wise, PhD, was presented with the annual Ethics Committee Award for Outstanding Contributions to Ethics Education (see the section on Ethics Education and Consultation). Over 60 individuals attended.

In addition to the eight hours of programming provided to the Ethics Committee through normal procedure governing convention hours for committees, the Ethics Office director and Ethics Committee members participated in and collaborated with other groups in a number of additional programs. These included symposia sponsored by APA divisions and APAGS on "Making Graduate and Continuing Ethics Training Engaging, Relevant, and Inspiring," "Ethical Issues Asian Psychologists Encounter—Self Reports From Japan, South Korea, and Taiwan," and a conversation hour on "Emerging Ethical and Legal Issues in Consulting Psychology—Telepractice and Coaching."

Ethics Publications

Publications concerning the ethics program and ethical issues appeared throughout 2013. The Ethics Committee's annual report for 2012 (APA, Ethics Committee, 2013) appeared in the July–August issue of the *American Psychologist*. The deputy director was co-author with Gerald

P. Koocher, PhD, of an entry in the third edition of the *Psychologists' Desk Reference* titled "Dealing With Subpoenas" (Childress-Beatty & Koocher, 2013).

In 2013, 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 2013, the Ethics Committee and the Ethics Office continued their work on issues relevant to psychological ethics and national security. A detailed description of the APA's and Ethics Committee's work prior to 2010 can be found in the "Report of the Ethics Committee, 2009" (APA, Ethics Committee, 2010). Following the February 2012 meeting of the APA Council of Representatives, the Committee was informed that a new member-initiated task force was formed regarding psychologist involvement in national security settings. The goal of the task force was to create a unified policy to replace "existing APA policies that are outdated, redundant, or confusing; it will result in a clear and accurate statement of APA policy as related to the work of psychologists in national security settings."

Relevant documents for the Committee's involvement in this issue included the 1985 "Against Torture: Joint Resolution of the American Psychiatric Association and the American Psychological Association" (American Psychiatric Association and APA, 1985), the 1986 "Opposition to Torture" (APA, 1986), the 2005 "Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security" (APA, Presidential Task Force on Psychological Ethics and National Security, 2005), the 2006 "Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment" (APA, 2006), the 2007 "Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as 'Enemy Combatants'" (APA, 2007), the 2008 "Amendment to the Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as 'Enemy Combatants'" (APA, 2008), the 2009 "Psychologists and Unlawful Detention Settings With a Focus on National Security" (APA, 2009), and the *Ethical Principles of Psychologists and Code of Conduct (2002, Amended June 1, 2010)* (APA, 2010). Information about these statements, policies, and resolutions can be found in the "Report of the Ethics Committee, 2006" (APA, Ethics Committee, 2007), the "Report of the Ethics Committee, 2007" (APA, Ethics Committee, 2008), the "Report of the Ethics Committee, 2008" (APA, Ethics Committee, 2009), and the "Report of the Ethics Committee, 2009" (APA, Ethics Committee, 2010).

At its August 2013 meeting, APA continued its work on psychological ethics and national security when the member-initiated task force completed its work and Council adopted the "Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment" (APA, 2013; <http://www.apa.org/about/policy/national-security.aspx>). This policy created a unified, comprehensive policy that incorporates all prior APA policies related to detainee welfare and interrogation. At its August 2013 meeting, as part of the process of unifying APA policy on this issue, Council voted to rescind the 2005 "Report of the APA Presidential Task Force on Psychological Ethics and National Security" (PENS) policy (APA, Presidential Task Force on Psychological Ethics and National Security, 2005) and the 2007 and 2008 Council resolutions (APA, 2007, 2008). The policies were rescinded because they were inconsistent with subsequent policy adopted by Council or were otherwise incomplete given subsequent developments.

APA took a series of steps to implement the 2013 policy. These steps included informing federal officials of the policy. Letters to government officials reiterated APA's policies against torture and inhumane treatment and encouraged the officials "to take affirmative steps to ensure that detainees in U.S. custody are treated fairly and humanely, while granted all rights guaranteed to them under the U.S. Constitution, the U.N. Convention Against Torture, and the Geneva Conventions" (<http://www.apa.org/news/press/releases/2014/03/detainee-welfare.aspx>). The Ethics Committee will continue to work to implement APA policy on the issue of national security as directed by the 2013 policy. A comprehensive timeline that provides a review of APA's work on this issue can be found at <http://www.apa.org/news/press/statements/interrogations.aspx>.

Ethics Committee Membership

The chair of the 2013 Ethics Committee was James N. Bow, PhD. Members included Armand R. Cerbone, PhD, vice chair; Andrea M. Barnes, JD, PhD; Phoebe C. Ellsworth, PhD; Nancy S. Elman, PhD; Dorothy E. Holmes, PhD; Janet T. Thomas, PsyD; and James J. Preis, JD, public member. Associates were Mark M. Leach, PhD, and Antonio E. Puente, 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 three years, with the Ethics Committee electing a chair and a vice chair each year. The Ethics Committee appoints associates for two-year terms.

Ethics Office Staff

At the end of 2013, staff in the Ethics Office were Stephen H. Behnke, JD, PhD, MDiv, director; Lindsay Childress-Beatty, JD, PhD, deputy director and director of adjudication; Patricia Dixon, board and investigative officer; Stephanie Brasfield, JD, ethics investigative officer; Daisy Clipper, manager of office, technology, and governance; and Kristin Coad, adjudication coordinator.

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 considers three types of membership matters: membership applications on which a potential history of unethical behavior was indicated on the APA membership 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 383. Active matters each year for 2009 through 2012, respectively, were reported as 624, 607, 619, and 607. Unlike the figures for 2013, the data for active matters from 2009 to 2012 include inquiries that were active at some point during the year.

Table 1
Notices and Complaint Forms Received, 2009–2013

Year received	No. of notices	No. of complaint forms
2009	99	70*
2010	77	64
2011	77*	60
2012	44	67*
2013	56	56

Note. In early 2013, the Ethics Office made the complaint form available online and accepted complaint forms without requiring that a complainant submit a letter of inquiry. Accordingly, the number of inquiries from complainants is no longer reported. 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.

In the past, 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 six 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.

Initiation of the Complaint Process

The complaint process begins when the Ethics Office receives a signed complaint form. During 2013, the Ethics Office received 56 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 82,100 (rounded up to the nearest 100) for 2013,¹ which means that complaints were filed against fewer than 1 member per 1,000. Complaints were filed against approximately 0.07% of the membership in 2013 compared with 0.08% in 2009, 0.07% in 2010, 0.07% in 2011, and 0.08% in 2012. The number of complaints received in 2013 (56) is the lowest number of complaint forms received in 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 2013, 56 notices were received regarding members, which means that notices were received against fewer than 1 member per

¹ This figure does not include student affiliates. In 2013, APA had 40,300 student affiliates. However, relatively few complaints are filed against student affiliates.

Table 3
Cases Opened and Closed, 2009–2013

Year	Carried in	Opened	Total active	Closed
2009	65	15	80	25
2010	55	21	76	21
2011	55	10	65	24
2012	41	14*	55*	20*
2013	35	7	42	6
2014	36			

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.

were opened regarding sexual dual relationships involving male psychologists with female clients, and one case involved a female psychologist with male and female clients in couples therapy. One case resulted from a male supervisor's sexual dual relationship with two interns. One case of nonsexual dual relationship involved a male psychologist with male adolescent clients.

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. One automatic expulsion occurred in 2013. Since this automatic expulsion provision was added to the "Rules and Procedures" in 2001, 20 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 respond-

Table 4
Sources of Cases Opened in 2013

Source	New cases	
	No.	%
Felony conviction	1	14.3
Loss of licensure	6*	85.7
Expulsion from state association	0	0
Malpractice	0	0
Other adjudication	0	0
Complainant filed	0	0
Other	0	0
Total cases	7	100

* One matter originated as a complainant matter and was converted to a show cause matter after an action was taken by a licensing board.

Table 5
Categories of Cases Opened in 2013

Category	Cases with category as a factor	
	No.	%
<u>Dual relationship</u>		
Sexual misconduct, adult	4	57.1
Nonsexual dual relationship	1	14.3
<u>Inappropriate professional practice</u>		
Controlling client	1	14.3
Insurance/fee problems	1	14.3
Other inappropriate professional relationship	1	14.3
<u>Inappropriate research, teaching, or administrative practice</u>	0	
<u>Inappropriate public statements</u>	0	
<u>Failure to uphold standards of the profession</u>	0	
Total cases	7	—

Note. The dash indicates that a percentage is not applicable here because each case may be counted in multiple categories. 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).

ing 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. Six cases were closed in 2013. All six involved longer than normal processing time due to the factors listed above, and three cases were opened for an unusually extended period of time. The average processing time for the six cases closed in 2013 (calculated from opening a matter as a case to final action by the Ethics Committee) without these three cases was 26.3 months, compared with 12.4, 28.0, 16.3, 24.9, and 25.9 months in 2009 through 2012, respectively.

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. Two resignations under ethics investigation occurred during 2013. Since this limited right to resign was added to the "Rules and Procedures" in 2001, 125 members resigned under ethics investigation.

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 2013, the Ethics Committee held two meetings at which it reviewed one show cause case and one complainant case and handled six 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 two cases reviewed by the Ethics Committee during 2013, the Ethics Committee recommended one expulsion and one reprimand with directives. The directives included an in-person tutorial and probation until the completion of the tutorial.

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 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. The one matter reviewed by the Ethics Committee in 2013 that had the option of an independent review did not exercise this option.

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 one case in 2013. The Board upheld the Ethics Committee's recommendation of expulsion. The Board of Directors also considered one change to the Ethics Committee's Rules and Procedures.

The number of members leaving the association through the adjudication process dropped in 2013 after having remained consistent in recent years. Table 6 summarizes the number of members leaving the association through resignation under investigation, automatic expulsion, and stipulated resignation from 2009 through 2013.

Table 6
Membership Terminations and Resignations Under Investigation, 2009–2013

Year	Resignations under investigation	Automatic expulsions	Expulsions	Stipulated resignations	Total
2009	6	3	8	0	17
2010	9	1	5	0*	15*
2011	13	2	1	2	18
2012	11	2	2	0	15
2013	2	1	1	0	4

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.

Membership Matters

In 2013, the Membership Office forwarded to the Ethics Office for processing 88 applications for membership on which a potential history of unethical behavior was indicated on the APA membership application form. Thirty of the 88 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 88 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 114 membership matters were active during the year, including 26 matters pending at the end of 2012 (12 membership applications, 11 student applications, one request for readmission, and two void membership actions). Sixty applicants (45 new and 15 under review at the end of 2012) withdrew their applications or did not respond to letters asking for more information. It was later determined that nine new applications, four previously pending applications, and one void membership action were referred to the Ethics Office in error.

In 2013, the Ethics Committee reviewed 15 applications for membership (11 member and four student affiliate applications). The Ethics Committee recommended admission for all of the applications except for a recommendation against admission of four membership applicants. At the end of the year, 26 matters were still in investigation or pending action by the Ethics Committee (17 member applications, eight 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

² Panel members are appointed to three-year terms by the APA president. The panel ordinarily consists of at least 30 panelists, five of whom must be public members. As of December 31, 2013, the panel included 31 members, five of whom were public members.

affiliate status to applicants, reviewed one membership matter in 2013 and upheld the Ethics Committee's recommendation to deny membership status. At the end of 2013, three membership matters were pending review by the Board.

REFERENCES

- American Psychiatric Association and American Psychological Association. (1985). *Against torture: Joint resolution of the American Psychiatric Association and the American Psychological Association*. Retrieved from <http://www.apa.org/news/press/statements/joint-resolution-against-torture.pdf>
- American Psychological Association. (1986). *Opposition to torture*. Retrieved from <http://www.apa.org/about/governance/council/policy/chapter-14.aspx>
- American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060–1073. doi:10.1037/0003-066X.57.12.1060
- American Psychological Association. (2006, August 9). *Resolution against torture and other cruel, inhuman, and degrading treatment or punishment*. Retrieved from <http://www.apa.org/about/governance/council/policy/torture-2006.aspx>
- American Psychological Association. (2007, August 19). *Reaffirmation of APA's position against torture and other cruel, inhuman, or degrading treatment or punishment and its application to individuals defined in the United States Code as "enemy combatants."* Retrieved from <http://www.apa.org/about/governance/council/policy/torture.aspx>
- American Psychological Association. (2008). *Amendment to the reaffirmation of the American Psychological Association position against torture and other cruel, inhuman, or degrading treatment or punishment and its application to individuals defined in the United States Code as "enemy combatants."* Retrieved from <http://www.apa.org/about/governance/council/torture-amend.aspx>
- American Psychological Association. (2009). *Psychologists and unlawful detention settings with a focus on national security*. Retrieved from <http://www.apa.org/about/governance/council/policy/chapter-4b.aspx#unlawful-detention>
- American Psychological Association. (2010). *Ethical principles of psychologists and code of conduct (2002, Amended June 1, 2010)*. Retrieved from <http://www.apa.org/ethics/code/index.aspx>
- American Psychological Association. (2013). *Policy related to psychologists' work in national security settings and reaffirmation of the APA position against torture and other cruel, inhuman, or degrading treatment or punishment*. Retrieved from <http://www.apa.org/about/policy/national-security.aspx#>
- American Psychological Association, Ethics Committee. (2002). Rules and procedures. *American Psychologist*, 57, 626–645. doi:10.1037/0003-066X.57.8.626
- American Psychological Association, Ethics Committee. (2007). Report of the Ethics Committee, 2006. *American Psychologist*, 62, 504–511. doi:10.1037/0003-066X.62.5.504
- American Psychological Association, Ethics Committee. (2008). Report of the Ethics Committee, 2007. *American Psychologist*, 63, 452–459. doi:10.1037/0003-066X.63.5.452
- American Psychological Association, Ethics Committee. (2009). Report of the Ethics Committee, 2008. *American Psychologist*, 64, 464–473. doi:10.1037/a0015887
- American Psychological Association, Ethics Committee. (2010). Report of the Ethics Committee, 2009. *American Psychologist*, 65, 483–492. doi:10.1037/a0019515
- American Psychological Association, Ethics Committee. (2011). Report of the Ethics Committee, 2010. *American Psychologist*, 66, 393–403. doi:10.1037/a0024003
- American Psychological Association, Ethics Committee. (2013). Report of the Ethics Committee, 2012. *American Psychologist*, 68, 370–379. doi:10.1037/a0033032
- American Psychological Association, Presidential Task Force on Psychological Ethics and National Security. (2005, June). *Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security*. Retrieved from <http://www.apa.org/ethics/resources/position/pens-report.pdf>
- Behnke, S. H. (2013). Introduction to the special section on the student ethics writing prize. *Ethics & Behavior*. Advance online publication. doi:10.1080/10508422.2013.865526
- Childress-Beatty, L., & Koocher, G. P. (2013). Dealing with subpoenas. In G. P. Koocher, J. C. Norcross, & B. A. Greene (Eds.), *Psychologists' desk reference* (3rd ed., pp. 564–567). New York, NY: Oxford University Press.
- Emery, K. (2013). So you want to do an on-line study: Ethics considerations and lessons learned. *Ethics & Behavior*. Advance online publication. doi:10.1080/10508422.2013.860031
- Haeny, A. M. (2013). Ethical considerations for psychologists taking a public stance on controversial issues: The balance between personal and professional life. *Ethics & Behavior*. Advance online publication. doi:10.1080/10508422.2013.860030
- Paprocki, C. M. (2013). When personal and professional values conflict: Trainee perspectives on tensions between religious beliefs and affirming treatment of LGBT clients. *Ethics & Behavior*. Advance online publication. doi:10.1080/10508422.2013.860031