GUIDELINES FOR THE IMPLEMENTATION OF THE PRINCIPLES OF ETHICS

A. Composition of the Ethics Committee

1. The Ethics Committee of the Canadian Psychoanalytic Society (hereinafter referred to as the Ethics Committee) is appointed in accordance with By-Law 2.02.

2. All members of the Ethics Committee will be members in good standing of the Canadian Psychoanalytic Society (CPS). Members will have at least five years of psychoanalytic experience beyond graduation.

3. Five members and five or more alternates will be appointed, of whom three members or alternates will take part in each hearing or investigation.

4. A principle of rotation will be observed, with one of the members being replaced every year. In the case of the first committee, members will be designated to serve one to five years only. Membership will not exceed five years. In the event of illness or death of a member, the President of the CPS will appoint a new member from the panel of alternates within thirty days.

5. No member may serve more than two terms on the Ethics Committee.

B. Duties of the Committee

1. The Ethics Committee will review guidelines, principles and procedures and make recommendations for changes, as it considers appropriate, to the CPS.

2. The Ethics Committee will function as a consultative and adjudicative body for the Society, for Branches of the Society, and for individual analysands, members, and candidates.

3. The Ethics Committee may consider any matter to do with the ethical conduct of members and candidates of the Society. Without limiting the generality of the foregoing, it will receive and respond to complaints against members and candidates from individuals (who could themselves be a member or candidate) and complaints referred from a branch of the CPS. When a complaint was first addressed to an Ethics
Committee of one of the branches of the CPS, the Ethics Committee will take into account of but is not bound by the ethics guidelines of the branch.

4. The Ethics Committee will devise a rotation by which two members will do a preliminary review of any issue that come to the Committee’s attention and of any complaint laid before the Committee (the latter as per Section C below). The other three members will constitute a Hearing Panel, if a hearing is determined to be necessary.

5. From the moment the preliminary investigating committee is appointed, a record will be kept of all matters relating to the concern or complaint, unless the parties to the hearing agree otherwise.

6. In the event of a conflict of interest within a branch, whether real or apparent, the branch Ethics Committee shall refer the concern or complaint in question to the Chair of the Ethics Committee of the CPS.

7. A branch may not suspend or expel a member or candidate. If a branch considers either action appropriate, it will refer the matter to the Ethics Committee for consideration and decision.

8. Except when a complaint is upheld and the sanction imposed is expulsion from membership, names of individuals presented to the Ethics Committee in whatever capacity will be kept confidential and will not be revealed to anyone outside the Committee, including the Executive of the C.P.S. The only exceptions to this requirement are as follows. (i) If a member or candidate is expelled, his or her name and a brief, generic statement of the reason(s) will be published. (2) If the action decided by the Ethics Committee requires implementation by the Executive Committee, then the Ethics Committee will reveal the name of the individual to the Executive. Except in the case of expulsion, the Executive will keep the name confidential (see D.3.6).

9. In addition to concerns and complaints about individuals, the Ethics Committee may also receive and consider inquiries that seek an interpretation of one or more of the CPS’s Ethical Principles or the proper implementation or application of such a Principle. For such inquiries, there is a separate procedure given in Section F.

C. Procedures for Handling Issues and Complaints about Individuals

1. Procedures for handling issues and complaints about individuals are the same whether the complaint comes from a non-member, a member or candidate, or is referred by a branch.

2. Issues and complaints against individuals must be expressed in writing, by registered mail, to the Chair of the Ethics Committee of the CPS and must contain a detailed account of the nature of the concern or complaint. This must include a detailed
description of what is alleged to have happened, when it happened, and why the complainant considers that it should be investigated by the Ethics Committee.

3. A person raising a concern or complainant will be informed that the person or persons concerned will be notified and given full opportunity to respond. The person raising the concern or complaint must agree in writing to the release of the information contained in the concern or complaint to the person or persons concerned.

4. Upon receipt of a concern or complaint pursuant to C.2 above and agreement to release the complaint has been obtained pursuant to C.3, the Chair will immediately notify, by registered mail, the person or persons against whom the concern has been raised or complaint made and provide a copy of the communication that raised the concern or complaint. The person or persons concerned will have thirty (30) days to provide the Ethics Committee with a response.

5. The resignation of a member who is the subject of a complaint will be accepted by the Executive Committee only if recommended by the Ethics Committee and will not stop an investigation or hearing.

6. All relevant information will be taken into account by the members of the Ethics Committee investigating the concern or complaint in the course of determining an appropriate action and in particular whether a formal hearing is warranted.

7. If investigation determines that a formal hearing is warranted, the Ethics Committee will prepare a Notice of Hearing, which will inform the complainant or person raising the concern and the person or persons named in the concern or complaint of the names of the members of the Hearing Panel.

8. If the decision is to hold a formal hearing, a dossier will be compiled which will be presented to the Hearing Panel. The Notice of Hearing prepared in accordance with C.7 above will be included in the dossier. The dossier will be kept in a secure place in the national office and may not be circulated or copied beyond the Hearing Panel and the parties without the written permission of the Chair of the Ethics Committee at the time of the request. The hearing is considered to have begun when the dossier is presented to the Hearing Panel.

D. Procedures for a Formal Hearing

1. Hearing Panel Membership

   1. The Hearing Panel will be comprised of the three members of the Ethics Committee who have not previously investigated the case. The Hearing Panel will designate one member to chair the proceedings. In the event that a member of the Hearing Panel has a conflict of interest, the President of the CPS will designate an alternate from the panel of alternate members.
2. The person or persons who are the subject of the concern or complaint and the complainant may each request the withdrawal of one Hearing Panel member. The president of the CPS in consultation with members of the Executive will determine if there is sufficient reason to grant such a request and if there is, the Executive will appoint an alternate from the panel of alternates.

3. If the Hearing Panel or one or both of the parties chooses to have legal counsel present, counsel will advise only on matters of procedure, not on matters of substance. If the Ethics Committee retains counsel in response to a person appearing before it having done so, the person in question may be required to pay the cost of the Committee doing so.

2. Time and Place of Hearing

1. The parties shall be notified by registered mail of the time and location of the hearing and of the membership of the Hearing Panel.

3. Conduct of Hearing

1. The Hearing Panel will decide upon its own procedures, provided that such procedures abide by the principles of natural and administrative justice.

2. The Chair may ask a party to absent him- or herself for a particular piece of testimony. Except in the case of such a request, the parties will have the right to be present at the hearing.

3. The hearing is not limited to one sitting.

4. The decision of the Hearing Panel will be reached in closed session. The decision of the Hearing Panel is the decision of the Ethics Committee.

5. The Hearing Panel may impose any sanction that it considers appropriate, including expulsion, suspension, reprimand, requirement of supervision for a specified time period, and/or personal psychotherapy or analysis. The decision will be communicated to the member or candidate at the time that the sanction is imposed. Where the hearing finds the person or persons concerned to have behaved unethically and the sanction imposed is other than expulsion yet requires action by the Executive, the Executive will also be notified in confidence (see B.7)

6. The Hearing Panel will make a summary of the relevant information presented by and on behalf of the parties, of its procedures, and of the reasons for the decision it reached. This document will be kept in a secure place in the national office and may not be circulated or copied without the written permission of the Chair of the Ethics Committee at the time of the request.
7. A member who has been suspended for a fixed period may reapply for membership. A member who has been expelled will not normally be considered for membership at any later date.

8. A decision of the Ethics Committee is final and binding, except as provided for by Section E below.

E. Process of Appeal

1. A complainant and/or member or candidate named in a complaint may appeal a decision of a branch ethics committee or tribunal. The Ethics Committee will treat such appeals in the same way as they treat complaints or other issues laid before them.

2. Since a decision of the Ethics Committee is normally final and binding, a decision of the Ethics Committee may be appealed only on (one or more of) the following grounds:
   1. The Ethics Committee did not follow proper procedures.
   2. There was a violation of a principle of natural or administrative justice.
   3. A new fact has or new facts have emerged since the Ethics Committee process of which no party to the process had knowledge at the time of the process and which is or are materially relevant to the case.

3. Any appeal based on E.2 (1) or E.2 (2) by a member or candidate against whom a sanction has been imposed or by a complainant whose complaint has been dismissed must be addressed in writing, by registered mail, to the President of the Canadian Psychoanalytic Society within thirty (30) days of the date of the mailing or emailing of the notice of the decision of the Ethics Committee. Any appeal based on E.2 (3) must be addressed in writing to the President of the CPS within thirty (30) days of the date of the alleged new fact first becoming available to the party making the appeal.

4. If an appeal of a decision of the Ethics Committee on grounds of 2.1, 2.2, or 2.3 above is lodged, the President in consultation with the Executive Committee shall appoint an appeal committee consisting of three members of the CPS who are at least five years beyond graduation and who are not current members of the Ethics Committee, the panel of alternative members, or the Executive Committee of the CPS. The appeal committee will govern itself by the procedures described in these Guidelines.

F. Procedures for Handling an Inquiry about an Ethical Principle of the CPS

1. The Ethics Committee will receive and review inquiries about the ethical principles of the CPS. It may:
   1. Inform the source of the inquiry that it does not meet review criteria;
   2. Take further steps for review and/or research;
3. Submit a recommendation to the Executive Committee.

2. The Ethics Committee may make the following recommendations to the Executive Committee regarding an inquiry. It may offer,

   1. An advisory opinion in which it applies one or more CPS ethical principles to stated facts, actual or hypothetical;

   2. An elucidation of one or more principles, explaining the reason for and/or ramifications of CPS ethical principles;

   3. A recommendation that the ethical principles be modified. If the Ethical Committee makes such a recommendation, the Executive Committee shall lay the recommendation before National Council at its next meeting.

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