



Michigan Psychoanalytic Institute

Ethics Committee

Preamble

Members of the Michigan Psychoanalytic Institute and Society are committed to pursuing their personal and professional endeavors with the highest standards of ethics to safeguard the interests and welfare of their patients and the profession. The members of both organizations abide by the Principles and Standards of Ethics for Psychoanalysts as defined by the American Psychoanalytic Association.

At the Michigan Psychoanalytic Institute and Society, ethical concerns and inquiries regarding any of our members are responded to by two possible mechanisms. One is through the Patient and Colleague Assistance Committee. Another is through the Ethics Committee, which is called upon to respond when there is a question of specific charges of possible breach of the Principles and Standards of Ethics for Psychoanalysts by one of our members. The latter is a process with formal investigation and adjudication with due process.

The Ethics Committee of the Michigan Psychoanalytic Institute and Society is charged to respond to complaints of a possible breach of the Principles and Standards of Ethics for Psychoanalysts by a member of either organization. The committee members are appointed jointly by the Chair of the Educational Committee of the Michigan Psychoanalytic Institute and the President of the Michigan Psychoanalytic Society. A listing of the members of the Ethics Committee is published in the Institute and Society Bulletins.

The Ethics Committee is available for consultation if the potential complainant is uncertain as to where the concern regarding possible breach of the Principles and Standards of Ethics for Psychoanalysts should be forwarded. Such a complaint regarding a member of either organization may be made by any concerned party from the public at large or from within the profession. This can be brought to the attention of the Ethics Committee for response by contacting any member of the committee or the Chair directly, or by contacting either the Chair of the Educational Committee of the Michigan Psychoanalytic Institute or the President of the Michigan Psychoanalytic Society.

Once a written complaint is made to the Ethics Committee, a formal investigation of the alleged breach of ethical conduct shall be carried out. The protocols and procedures for dealing with complaints of such conduct are guided and governed by the “Principles and Standards of Ethics for Psychoanalysts” established by the American Psychoanalytic Association in 2001 and are described in the documents attached herewith.



MICHIGAN PSYCHOANALYTIC INSTITUTE
PROCEDURES FOR DEALING WITH COMPLAINTS OF UNETHICAL CONDUCT

I. Introduction

All members of the Michigan Psychoanalytic Institute (faculty members and candidates comprise the members of the Institute) shall observe the “Principles and Standards of Ethics for Psychoanalysts” of the American Psychoanalytic Association, published in 2001, and as may be amended. (Such “Principles and Standards of Ethics for Psychoanalysts” shall here in after be referred to as the “Principles of Ethics”).

II. The Ethics Committee’s Structure and Provisions for Functioning

1. There shall be an Ethics Committee, consisting of a minimum of five members, including the Chairperson, appointed by the Chair of the Educational Committee (here in after to be referred to as EC). Terms of the members shall be staggered.

2. The Chairperson and members shall be appointed for a renewable term of three (3) years.

3. If the peer review activity of a hearing on a complaint is in process at the time a member's term is expiring, then that member shall continue until the conclusion of that hearing.

4. Should the number of members available for the peer review activities related to a specific complaint fall below five because of other members’ inability to serve for any reason, the Chair of the EC shall appoint sufficient temporary substitutes to restore the membership to a minimum of five.

5. The peer review activity of a hearing on a complaint shall be carried out by an Investigative Subcommittee comprising of no more then five (5). The latter shall be appointed by the Ethics Committee from its membership though not necessarily limited to it. It may include members from the general membership.

6. The members of the Ethics Committee shall be required to recuse themselves from being on the Investigative Subcommittee whenever there is a real or apparent conflict of interest at any phase of the investigative process in any particular instance. A consultation with the Chair of the Committee shall be sought out by the member(s) whenever there is a question in this regard.

7. All peer review steps taken in dealing with the complaint shall comply with procedures here described and with applicable portions of the American Psychoanalytic Association's "Provisions For Implementation of the Principles and Standards of Ethics", published in 2001, and as may be amended. (Such "Provisions for Implementation" shall hereafter be referred to as "Provisions")

III. Initiation of the Complaint

(B) Complaint

When an individual believes that an MPI member has violated one or more ethical Principles as stated in the “Principles of Ethics,” it is appropriate for that individual to make a complaint.

All complaints must be made in writing, addressed to the Chair of the EC, or the Chair of the Ethics Committee, and signed by the complainant. The complainant (a) must identify the charged member and (b) must clearly describe the facts and circumstances surrounding the charge of unethical conduct, citing, if possible, the applicable principle(s) of ethics (as outlined in the “Principles of Ethics”) alleged to have been violated. This letter must be accompanied by a signed statement agreeing to the Michigan Psychoanalytic Institute’s and the American Psychoanalytic Association’s procedures, asking that the investigative action be taken. It shall, in writing, consent and authorize the distribution of the complaint and other materials submitted by the complainant in connection with the investigation to members of the Ethics Committee and to the charged member.

Unsigned and/or verbal complaints shall not be treated in a formal manner. However, they may be responded to with informal consultation by the Chair of the Ethics committee or a member designated by the Chair. The Ethics Committee shall be kept apprised of such complaints and/or consultations with appropriate safeguards for confidentiality for the complainant and the member against whom such complaint is made.

(C) Notification to the Charged Member

The charged member shall be informed promptly of the details of the complaint, and provided with copies of the formal complaint and other materials submitted by the complainant, along with the Michigan Psychoanalytic Institute’s Procedures for handling ethics complaints, and the American Psychoanalytic Association’s "Provisions For Implementation of the Principles and Standards of Ethics," published in 2001, and as may be amended (hereto after referred as “Provisions”).

IV. Dismissal of the Complaint

The Ethics Committee shall review available information during a meeting that shall be mandatory for all members, except under extenuating circumstances, and make inquiries necessary to determine whether there are sufficient grounds for proceeding. The Ethics Committee may seek legal counsel. If the majority of the Ethics Committee members determine that there are not sufficient grounds for proceeding, the complaint shall be dismissed and the member shall be considered not having been subject to any disciplinary proceedings. The concerned parties shall promptly be notified. Except as otherwise set forth herein, the Ethics Committee shall turn over all the records of such investigation to the Administrative Director of MPI, who shall retain them for a minimum of five years, after which time, said records shall be destroyed.

V. Investigation of the Complaint

If there are sufficient grounds for proceeding, the Chair of the Ethics Committee shall appoint an ad hoc Investigative Subcommittee from the membership of the Ethics Committee, which Investigative Subcommittee shall consist of no less than three members, including a designated Chair for such Subcommittee, to undertake an investigation of the charges contained in the complaint. All actions of the Investigative Subcommittee shall be carried by a majority of its members.

(A) Notification of Investigation

The Investigative Subcommittee shall notify all parties of the intent and steps of the investigation, and shall provide to the complainant and to the charged member, copies of the Michigan Psychoanalytic Institute's Procedures and the American Psychoanalytic Association's the "Principles of Ethics" and "Provisions."

(B) Legal Counsel for All Parties

The Investigative Subcommittee, in its discretion, may consult and be represented by legal counsel. The Complainant and the Charged Member may consult and be represented by legal counsel of their own. The procedures of the investigation shall provide for a reasonable and due process for all parties and shall conform to all applicable portions of the "Provisions".

(C) Definition of Reasonable and Due Process

"Reasonable and due process" shall be construed to mean

1. The opportunity to be notified of, and to address, the charges;
2. The right to be represented by legal counsel;
3. The right to a hearing, including the right to call, examine and cross-examine witnesses, or reasonable alternatives thereto;
4. Notice of not less than 30 days of the date, place, and time of the hearing, the witnesses expected to testify thereat; and all parties' procedural rights at the hearing;
5. The right to submit a written statement at the end of any hearing;
6. The right to have a record made of the hearing proceedings and to have a copy of the record upon payment of reasonable charges;
7. That relevant evidence will not be excluded from any hearing solely on the grounds that it would not be admissible in a court of law;
8. The right to receive the written final decision or recommendation of the Investigative Subcommittee, including a statement of the basis thereof.
9. The right to "reasonable and due process" shall not include the right for either the complainant or the charged member or their representative(s) to be present at deliberations of the Investigative Subcommittee, the Ethics Committee or the EC.
10. The Investigative Subcommittee shall be required to keep such notes and such summaries as, in its sole discretion, it deems required for it to make a reasonable and fair decision. Except as otherwise provided herein, only the Investigative Subcommittee will have access to these records.

(D) Process of Information Gathering by the Investigative Subcommittee

The Investigative Subcommittee may conduct interviews, obtain records and other information, and hold hearings if it decides these are necessary.

(E) Adjudication of the Complaint and Disciplinary Options

At the completion of its investigation, the Investigative Subcommittee shall recommend to the Ethics Committee one of the following courses of action.

1. **Dismissal of Complaint With Prejudice.** If the Investigative Subcommittee concludes that the evidence does not provide sufficient grounds to support a finding of unethical conduct, the recommendation should be for the dismissal of the Complaint with prejudice. Proceedings with regard to the same Complaint may not be reinstated.
2. **Dismissal of Complaint Without Prejudice.** If the Investigative Subcommittee concludes that a determination on the merits cannot be made because the evidence is insufficient or unreliable or because of other procedural defects at the time, the recommendation should be for the dismissal of the Complaint without prejudice. This disposition permits new proceedings with respect to the same charge at a later date.
3. **Findings of Unethical Conduct.** If the Investigative Subcommittee concludes that the member who is the subject of the Complaint engaged in unethical conduct, the Investigative Subcommittee will report its findings to the Ethics Committee and make a recommendation of disciplinary action, as follows:
 - A. **Censure.** The Investigative Subcommittee may recommend that a letter of censure with the specific information about the violation of the Principle shall be issued to the member. Censure letters may be privately or publicly issued, depending on the circumstances of the ethical violation.
 - B. **Suspension from the Institute.** The Investigative Subcommittee may recommend that the member be suspended for a stipulated time, not to exceed three years from date of suspension.
 - C. **Termination.** The Investigative Subcommittee may recommend that the

member be terminated from the Institute. This shall be for a period of not less than five years. After five years, readmission to membership may be considered, upon application by the former member, in writing, to the Chair of the EC.

- D. Permanent expulsion from the Institute. The Investigative Subcommittee may recommend that the member be permanently expelled from the Institute.

VI. Review by the Ethics Committee

The Investigative Subcommittee shall report its findings and recommendations for action for the review by the Ethics Committee. The Ethics Committee, after a review, shall accept or return the findings for further investigation and consideration by the Investigative Subcommittee with specific instructions and a reasonable time limit to carry this out. The Ethics Committee action shall be carried out by two thirds of the majority. The attendance for this meeting of the Ethics Committee shall be mandatory for all the members, except for extenuating circumstances. Under the circumstances of exceptional nature where logistical difficulties preclude an actual meeting of the membership, per the Chair's discretion, the vote of the members can be taken by either the telephonic or electronic mechanism as long as this does not become an excuse for the members to evade the attendance at the actual meeting of the Ethics Committee.

When the Ethics Committee finally has accepted, with or without modifications, the findings and recommendations of the Investigative Subcommittee, the Chair of the Ethics Committee or a designee appointed by the Ethics Committee shall present the findings and recommendations to the Chair of the EC.

VII. Review by the EC

(A) The EC's Actions

After the Ethics Committee representative has presented the findings and recommendations of the Ethics Committee to the Chair of the EC, the EC shall then deliberate and vote to:

1. Approve the recommendation of the Ethics Committee, or
2. Modify the recommendation of the Ethics Committee (such as by selecting different disciplinary action), or
3. Return the matter to the Ethics Committee for further investigation and consideration with instructions.
4. The complainant and charged member shall be notified of this action along with a reasonable time-line for its resolution.
5. Upon completion of its additional consideration, the Ethics Committee shall report its new recommendation to the EC for approval or modification, as above.
6. The EC shall then redeliberate and vote to accept, modify or reject these recommendations.

(B) Notification of the EC's Decision

A notice of the decision of the EC shall promptly be mailed to the charged member, the complainant, the President of the American Psychoanalytic Association, and the Ethics Committee of the American Psychoanalytic Association.

VIII. Appeal Process

If either party disagrees with the decision of the EC, he or she may, within sixty days of such decision, send a formal request for appellate review by MPI. Such requests must be in writing, addressed to the Chair of the EC. The Chair of the EC shall appoint an Ad hoc Appeals Committee consisting of five members, none of whom shall be the members of the Investigative Subcommittee or the Ethics Committee. If a sufficient number of members cannot be appointed from within MPI for whatever reason, the EC may request a member(s) of the American Psychoanalytic Association approved Institute to serve on this Ad hoc Appeals Committee. The Ad hoc Appeals Committee shall act by majority vote and report to the EC. The Ad hoc Appeals Committee shall review all records, including those from the investigative and adjudicative phases, and will gather other information as it deems necessary. It may, but shall not be required to, request additional written statements from the concerned parties or their legal counsel. If the Ad hoc Appeals Committee gathers other information

not previously a part of the investigative and adjudicative phases, it may, in its discretion, hold further hearings which it deems necessary and may consult legal counsel. The Ad hoc Appeals Committee shall overturn the decision on appeal only for clear error. The decision of the Ad hoc Appeals Committee shall be binding upon all parties and shall supersede any differing earlier decisions by the EC relating to the matter.

IX. Appellate Review by The American Psychoanalytic Association

Appellate review when the Member is a Member of the American Psychoanalytic Association will be guided by the procedures outlined in Section IV of the “Provisions.”

X. Records and Disclosures of the Breach of Ethics

(A) Records

(1) The Administrative Director of the Michigan Psychoanalytic Institute shall be the custodian of these records under the supervision of the Chair of the EC. These records shall be stored at the Michigan Psychoanalytic Institute offices in a secured space. The records shall be destroyed after five (5) years in a suitable manner by the order of, and under the supervision of then current EC Chair.

(2) Access to records: Records of the Investigative Subcommittee, The Ethics Committee and the EC pertaining to a charge of unethical conduct and its investigation shall be made available:

1. To the Committee on Ethics of the American Psychoanalytic
2. To other appropriate entities responsible for matters of ethics, upon their request, in the discretion of the EC.

XI. Disclosure of the Disciplinary Action

1. Disciplinary actions shall be disclosed to governmental bodies when required by law.
2. Disciplinary actions shall be disclosed to the President of the American Psychoanalytic Association and its Committee on Ethics.
3. Disciplinary actions may be disclosed, in addition to the entities listed above to other entities responsible for matters of ethics, the membership of the Institute, as well as in publications of the

Institute.

XII. When a Charged Member Offers to Resign

The Institute shall be under no obligation to accept a resignation offered by a member when there is a charge of unethical conduct against him or her. An offer of resignation, whether accepted or not, shall not require the termination of an investigation of a charge of unethical conduct, nor prevent the rendering of a decision on such a charge.

XIII. Indemnification

As a condition of membership or training as a candidate in the Institute, each member or candidate shall sign a document of having received and agreeing to abide by and observe “the Principles of Ethics.” He or she shall also agree to cooperate with the work of the Ethics Committee and on request, agree to release, hold harmless and indemnify the Institute, its officers, agents, or members of the Ethics Committee from any and all claims:

- A. Arising out of the instituting and processing of ethical matters and, in respect to said member, discipline resulting from such proceedings;
- B. With respect to any third party action or proceeding brought against such member based upon, relying on, arising from, or with reference to the ethical standards of the Institute or any ethical proceeding conducted by the Institute involving such member.