



Michigan Psychoanalytic Society

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 SOCIETY

PROCEDURES FOR DEALING WITH COMPLAINTS OF UNETHICAL CONDUCT

I. Introduction

All members of the Michigan Psychoanalytic Society 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 " shall hereafter be referred to as the "Principles of Ethics".)

II. The Ethics Committee's Structure and Provisions for its Functioning

There shall be an Ethics Committee, consisting of a minimum of five members appointed by the President. Terms of the members shall be staggered.

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.

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 President shall appoint sufficient temporary substitutes to restore the membership to a minimum of five.

All peer review steps taken in dealing with the complaint shall comply with the 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 amended. (Such "Provisions for Implementation" shall hereafter be referred to as "provisions".)

III. Initiation of the Complaint

(A) Complaint

All Complaints must be made in writing, addressed to the President, or the Chair of the Ethics Committee, and signed by the complainant. The complainant must identify the charged member; 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 breached; this letter must be accompanied by a signed statement agreeing to the Michigan Psychoanalytic Society’s and the American Psychoanalytic Association’s procedures, asking that the action be taken and authorizing the distribution to the members of the Ethics Committee and to the charged member of the complaint and other material submitted by the complainant in connection with the investigation.

(B) Notification of Charged Member

The charged member shall be informed promptly of the details of the complaint, providing the copies of the complaint and other materials submitted by the complainant, the Michigan Psychoanalytic Society’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 (hereafter referred as “provisions”.)

IV. Dismissal of Complaint

The Ethics Committee shall review available information, and make inquiries necessary to determine whether there are sufficient grounds for proceeding. The Ethics Committee may consult legal counsel. If there are not sufficient grounds for proceeding, the complaint shall be dismissed and the member shall be considered exonerated and not having been subject to any disciplinary proceedings. The concerned parties shall promptly be notified.

IV. Investigation of the Complaint

(A) Notification of Investigation

If there are sufficient grounds for proceeding, the Ethics Committee shall undertake an investigation of the charges contained in the complaint. The Ethics Committee shall notify of the intent and steps of the investigation, and shall provide, to the complainant and to the charged member, copies of the Michigan Psychoanalytic Society's procedures and the American Psychoanalytic Association's the "principles of Ethics" and "Provisions".

(B) Legal Counsel for All Parties

The Ethics Committee, 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 Ethics Committee shall provide for a reasonable and fair process for all parties and shall conform to all applicable portions of the "Provisions".

(C) Definition of Reasonable and fair process

"Reasonable and fair 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 Ethics Committee, including a statement of the basis therefore,
9. the right to "reasonable and fair process" shall not include the right for either the complainant or the charged member, or their representatives to be present at deliberations of the Ethics Committee.
10. The Ethics Committee shall be required to keep such notes and such summaries as in its sole discretion, deems required for it to make a reasonable and fair decision.

(D) Process of Information Gathering by the Ethics Committee

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

(E) Adjudication of the Complaint and Disciplinary Options

At the completion of its investigation, the Ethics Committee shall recommend the Executive Council one of the following courses of action:

1. Censure
2. Suspension from the Society, but for not more than three years.
3. Separation from the Society's membership rolls 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 Chairman of the Membership Committee.
4. Permanent expulsion from the Society.
5. Exoneration, where the charged member is cleared from blame where the evidence shows no unethical conduct by the charged. For the sake of confidentiality in the case of exoneration or dismissal of the complaint, the ethics

committee will make a recommendation to the President that the complaint not be brought to the attention of the full Executive Council.

6. Dismissal of complaint (for example, where a determination of the merits cannot be made because of insufficient, reliable evidence or other procedural defects), without prejudice to the right of the Ethics Committee at a later date to recommend the commencement of new proceedings with respect to the same charges.

VI. The Executive Council's Responsibility

(A) The Executive Council's Investigation

After the Ethics Committee has presented its findings and its recommendations to the Executive Council, the executive Council will then vote to:

- A. Approve the recommendation of the Ethics Committee, or
- B. Modify the recommendation of the Ethics Committee, selecting a different disciplinary action described in Section V (E) above, or
- C. Return the matter to the Ethics Committee for further investigation

and consideration. Upon completion of its additional consideration, the Ethics Committee will report its new recommendation to the Executive Council for approval or modification, as above.

(B) Notification of the Executive Council's Decision

A notice of the decision of the Executive Council shall promptly be mailed to the charged member and the complainant. If either party disagrees with the decision, he/she may, within sixty days of such decision, send a formal request for a review by the American Psychoanalytic Association. Such requests must be in writing, addressed to the President of the American Psychoanalytic Association. (See Sections III (B) and IV (A) of the "Provisions".)

VII. Review of the Ruling of the Executive Council

(A) Review by The American Psychoanalytic Association

If the American Psychoanalytic Association, in accordance with the "Provisions", undertakes a review of the decision of the Executive Council, the decision of the American Psychoanalytic Association shall be binding upon all parties and will supersede any differing earlier decisions by the Ethics Committee or the Executive Council relating to the matter.

(B) Review when the member is not a Member of the American Psychoanalytic Association

In the event that the charged member is not a member of the American Psychoanalytic Association and a review is requested, it may not be possible for the American Psychoanalytic Association to conduct the review. In such cases, providing that the request for a review had been made within sixty days of the decision, the President shall appoint an Ad Hoc Appeal Committee consisting of five members, none of whom are members of the Ethics Committee. The Appeal Committee will review all records, 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. It may, in its discretion, hold further hearings which it deems necessary, and may consult legal counsel. The decision of the Appeal Committee shall be binding upon all parties, and shall supersede any differing earlier decisions by the Ethics Committee or the Executive Council relating to the matter.

VIII. Records and Disclosures of the Breach of Ethics

(A) Records

1) In all proceedings involving an alleged breach of the "Principles and Standards of Ethics" adequate records must be kept and the American Psychoanalytic Association informed of all actions in the matter.

2) Records of the Ethics Committee and the Executive Council pertaining to a charge of unethical conduct and its investigation shall be made available:

1. to the Committee on Ethics of the American Psychoanalytic Association when that body conducts a review of the matter.
2. to other appropriate entities responsible for matters of ethics, upon their request, in the discretion of the Executive Council.
3. to the appropriate body of the Society considering an application or a request for reinstatement by a member who has been subject to disciplinary action under these "Procedures".

(B) Disclosure of Disciplinary Action

Disciplinary actions may be appropriately disclosed, in the discretion of the Executive Council, to governmental bodies when required by law, or to other entities responsible for matters of ethics, the membership of the Society as well as in publications of the Society.

IX. When the Charged Member offers a Resignation

The Society shall be under no obligation to accept a resignation offered by a member when there is a charge of unethical conduct against him. 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.

X. Indemnification

As a condition of membership in the Society, each member agrees to cooperate with the work of the Ethics Committee, on request, and agrees to release, hold harmless and indemnify the Society, 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, the imposing of sanctions as a result of said 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 Society or any ethical proceeding conducted by the Society involving such member.