I. MINUTES OF MEETING

A.(1) Council voted to approve the minutes of its February 21-23, 2014, meeting.

B.(23) No new business items were submitted at the August 2014 Council meeting.

II. ELECTIONS, AWARDS, MEMBERSHIP AND HUMAN RESOURCES

A.(2) Council voted to elect 111 members listed to initial Fellow status, on the nomination of the indicated divisions and on the recommendation of the Fellows Committee and the Board of Directors.

B.(3) Council voted to approve the following motion:

Each board and committee shall have at least one member who is an early career psychologist. Early career psychologists (ECP) are defined as being within ten years of receipt of the doctoral degree. When needed to ensure a board or committee has at least one early career psychologist, those boards and committees whose members are elected by Council should submit a slate comprised solely of early career psychologists; those committees whose members are appointed should appoint an early career psychologist to the committee. The following boards and committees are excluded from the requirement because their membership criteria, based on specific requirements, do not allow for a slate comprised solely of early career psychologists: the Publications and Communications Board, the Commission on Accreditation, the Committee on Structure and Function of Council, the Finance Committee, Teachers of Psychology in Secondary Schools, and Psychology Teachers at Community Colleges.

Council requests that relevant Association Rule changes for the boards and committees to which the motion applies be brought back to Council for action at its February 2015 meeting.

C.(4) Council voted to approve the following motion:

Council supports the inclusion on boards and committees of psychologists who have not previously served on a board, committee, or Council, and therefore requests that board and committee election slates include an asterisk (*) by each nominee (with the nominee’s permission) who has not previously served on a board, committee or Council.

An evaluation will be done 3 years after implementation (2017) to determine the effectiveness of these procedures.

III. ETHICS

IV. BOARD OF DIRECTORS

A.(5) Council voted to adopt as APA policy the following Resolution on Interrogations of Criminal Suspects that draws attention to the problem of false confessions and wrongful convictions, and includes recommendations for the practices that can be employed to reduce the frequency of false confessions and wrongful conviction.

Resolution on Interrogations of Criminal Suspects

WHEREAS law enforcement officers, upon gaining a confession from a criminal suspect, often close their investigation, deem the crime solved, and sometimes overlook exculpatory evidence or other possible leads—even in cases in which the confession is internally inconsistent, contradicted by external evidence, or the product of coercive interrogation (Leo & Ofshe, 1998; Drizin & Leo, 2004; Findley & Scott, 2006; Hirsch, 2007; Kassin & Gudjonsson, 2004);

WHEREAS prosecutors, upon learning of a suspect’s confession, tend to charge suspects with the highest number and types of offenses, set bail higher, and are far less likely to initiate or accept a plea bargain to a reduced charge (Leo & Ofshe, 1998; Drizin & Leo, 2004; but see Redlich, 2010);

WHEREAS many adults with mental disabilities and younger adolescents are limited in their understanding of the Constitutional rights to silence and to counsel, lack the capacity to weigh the consequences of a rights waiver, and are more likely to waive their rights (Cooper & Zapf, 2008; Rogers et al., 2007a; Clare & Gudjonsson, 1991; Everington & Fulero, 1999; Fulero & Everington, 1995; O’Connell, Garmoe & Goldstein, 2005; Abramovitch, Higgins-Biss & Biss, 1993; Abramovitch, Peterson-Badali & Rohan, 1995; Colwell,Cruise, Guy et al., 2005; Goldstein, Condie, Kalbeitzer et al., 2003; Grisso, 1980, 1981; Redlich, Silverman & Steiner, 2003; Viljoen, Klaver & Roesch, 2005; Viljoen & Roesch, 2005; Wall & Furlong, 1985; Clare & Gudjonsson, 1995: Everington & Fulero, 1999; O’Connell, Garmoe & Goldstein, 2005; Goldstein, Condie, Kalbeitzer et al., 2005; Redlich, Silverman & Steiner, 2003; Singh & Gudjonsson, 1992); a pattern that also afflicts ordinary adults who are under stress (Rogers, Gillard, Wooley, & Fiduccia, 2011; Scherr & Madon, 2013);

WHEREAS interrogations that are excessive in length, include the presentation of false evidence, or include implicit or explicit promises of leniency increase anxiety, create an incentive to escape the situation, mislead the suspect into believing that a confession is in one’s best interests, and thereby increase the risk of false confessions (Drizin & Leo, 2004; Horselenberg, Merkelbach, & Josephs, 2003; Kassin & Kiechel, 1996; Kassin & McNall, 1991; Klaver et al., 2008; Leo & Ofshe, 1998; Ofshe & Leo, 1997a, 1997b; Nash & Wade, 2009; Perillo & Kassin, 2011; Redlich & Goodman, 2003; Russano et al., 2005; Swanner, Beike, & Cole, 2010; White, 2001);

WHEREAS innocent persons have falsely confessed to committing offenses of which they have been accused only later to be exonerated (Drizin & Leo, 2004; Gudjonsson, 1992, 2003; Kassin, 1997; Kassin & Gudjonsson, 2004; Lassiter, 2004; Lassiter & Meissner, 2010; Leo & Ofshe, 1998; Garrett, 2008; Scheck, Neufeld, & Dwyer, 2000; http://www.innocenceproject.org/);
WHEREAS confessions are particularly potent forms of evidence that jurors and others do not fully discount—even when they are judged to be coerced (Kassin & Neumann, 1997; Kassin & Sukel, 1997; Lassiter & Geers, 2004; Leo & Ofshe, 1998; Drizin & Leo, 2004; Kassin & Wrightsman, 1980; Neuschatz et al., 2008; Redlich, Ghetti, & Quas, 2008; Redlich, Quas, & Ghetti, 2008); Wallace & Kassin, 2012);

WHEREAS jurors and other triers of fact have difficulty distinguishing true and false confessions (Kassin, Norwick, & Meissner, 2005; Honts, Kassin, & Craig, in press) and whereas false confessions are highly counternuitive (Leo & Liu, 2009; Levine, Kim, & Blair, 2010) and in part because these statements, & Blair, 2010) and in part because these statements, as seen in the confessions of defendants who were ultimately exonerated, typically contain vivid and accurate details about the offense and victim, facts that were not in the public domain, as well as other indicia of credibility (e.g., statements of motivation, apologies and remorse, corrected errors), indicating that the innocent confessor obtained the information from leading questions or other secondary sources of information (Garrett, 2010; Appleby, Hasel, & Kassin, 2008; Kassin, 2006; Leo, 2008; Leo & Ofshe, 1998, Ofshe & Leo 1997a, 1997b);

WHEREAS videotaping of interrogations in their entirety provides an objective and accurate audio-visual record of the interrogation, provides a vehicle by which to resolve disputes about the source of non-public details in a suspect’s confession, and has the potential to deter interrogators from using inappropriate tactics and deter defense attorneys from making frivolous claims of police coercion (American Bar Association, 2004; Boetig, Vinson, & Weidel, 2006; Cassell, 1996a, 1996b; Drizin & Colgan, 2004; Geller, 1994; Gudjonsson, 2003; Kassin et al., 2010; Leo, 1996c; Slobogin, 2003; Sullivan, 2004; The Justice Project, 2007);

WHEREAS interrogations video recorded from a “neutral” camera perspective—one focusing attention equally on suspects and interrogators—produce less prejudiced judgments or interpretations of suspects’ statements and behaviors than the more typical “suspect-focus” camera perspective that directs greater attention onto suspects than interrogators (Landström, Roos af Hjelmsäter, Granhag, 2007; Lassiter, 2002, 2010; Lassiter, Diamond, Schmidt, & Elek, 2007; Lassiter, Geers, Handley, Weiland, & Munhall, 2002; Lassiter, Geers, Munhall, Handley, & Beers, 2001; Lassiter, Ware, Lindberg, & Ratcliff, 2010;

WHEREAS, the findings set forth in this resolution regarding the phenomenon of false confessions are the product of established research methods that are widely accepted in the field of psychology, as evidenced by the AP-LS scientific review paper (Kassin et al., 2010) peer reviewed journals, and books that are cited in the resolution and its supporting references; and

WHEREAS, as a scientific and educational organization, the American Psychological Association’s mission is in part to promote the application of sound research findings to advance the public welfare;

THEREFORE, BE IT RESOLVED that the American Psychological Association recommends that all custodial interviews and interrogations of felony suspects be video recorded in their entirety and with a “neutral” camera angle that focuses equally on the suspect and interrogator;
BE IT FURTHER RESOLVED that APA recommends, recognizing that the risk of false confession is increased with extended interrogation times, that law enforcement agencies consider placing limits on the length of time that suspects are interrogated;

BE IT FURTHER RESOLVED that APA recommends that law enforcement agencies, prosecutors, and the courts recognize the risks of eliciting a false confession by interrogations that involve the presentation of false evidence;

BE IT FURTHER RESOLVED that APA recommends that police, prosecutors, and the courts recognize the risks of eliciting a false confession that involve minimization “themes” that communicate promises of leniency;

BE IT FURTHER RESOLVED that APA recommends that those who interrogate individuals who are young (with particular attention paid to developmental level and trauma history), cognitively impaired, those with impaired mental health functioning, or in other ways are vulnerable to manipulation receive special training regarding the risk of eliciting false confessions; and

BE IT FURTHER RESOLVED that APA recommends that particularly vulnerable suspect populations, including youth, persons with developmental disabilities, and persons with mental illness, be provided special and professional protection during interrogations such as being accompanied and advised by an attorney or professional advocate.

References


Council requested that an updated Resolution incorporating any new research be brought to Council for action in 2017.

B.(6) Council didn’t have opportunity at the Council meeting to discuss the item “Diversity Training in 2015.” Following the meeting, Council members were asked to rank order their preference for the following three topics for the 2015 diversity training sessions: Implicit Bias: When Values Do Not Match Behavior; Sizeism and Body Image; Living with a Serious Mental Illness. Based on the survey results, Implicit Bias was chosen as the diversity training topic for 2015.

C.(31) Council received an update on the new-business-in-progress report “Implementation of the 2008 Membership Vote to Remove Psychologists from All Settings that Operate Outside of International Law.”

D. In accordance with Association Rule 30-6.6, Council received as information the Litigation Report, from Nathalie F.P. Gilfoyle, APA General Counsel (Attachment A).

V. **DIVISIONS AND STATE AND PROVINCIAL AND TERRITORIAL ASSOCIATIONS**

No items.

VI. **ORGANIZATION OF THE APA**

A.(7) Council voted to approve the following amendments to APA’s Association Rules to become effective at the close of the Council meeting (bracketed/strikethrough material to be deleted; underlined material to be added):

**30. PROCEDURES OF COUNCIL**

30-1. **PARLIAMENTARY PROCEDURES, ORDER OF BUSINESS, AND EXECUTIVE SESSION**

30-1.1 The rules contained in Keesey’s *Modern Parliamentary Procedure* shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the APA Bylaws, the Certificate of Incorporation, and any special rules of order Council shall adopt. The Association Rules is the body of rules of which this rule forms a part. Association Rules shall continue in force until they are amended, repealed, or suspended. A simple majority vote at any regular meeting of Council shall be sufficient to amend or repeal these rules. Amendment and repeal shall take effect at the close of the meeting at which the vote is taken.
To suspend the order of business rule or add an item which has not been properly placed before Council pursuant to 30-1.4 requires a two-thirds vote of all Council members present [unless the item to be undertaken requires new financial expenditures, in which case suspension of the order of business rule shall require a three-quarters vote of all Council members present]. Suspension shall take effect for no longer than needed during the Council meeting to permit a particular action to be undertaken.

30-1.2 The APA President shall appoint a Parliamentarian who may continue to serve at the pleasure of succeeding Presidents. A Parliamentarian who is a member of Council shall be replaced during his or her term as Parliamentarian by an alternate designated by the constituency from which the Parliamentarian comes.

30-1.3 The order of business for meetings of Council shall be [determined] proposed by the [Board of Directors] President in consultation with the Council Leadership Team [in accordance with these rules, except that Council may, by a majority vote, take up any matter that is properly before it.] and adopted by Council. Once the order of business is adopted, a two-thirds vote is required to change the order.

30-1.4 No matter may be properly placed before the Council for its votes that has not been disseminated to the members of Council, in its final form and with a response from the [Board of Directors] Council Leadership Team, at least two weeks prior and whenever possible 30 days prior to the meeting at which the matter is to be deliberated.

"Final form" shall mean that all sections of the agenda item are complete. Agenda item sections that must be complete include (1) a description of the issue, (2) a description of the implementation plan, (3) the fiscal implications of passing the main motion or any amended or substitute motion, (4) the exact wording of the main motion and any amended or substitute motion, and (5) the recommendations of the [Board of Directors] Council Leadership Team and any other board or committee that has reviewed the issue.

This rule shall not be interpreted to apply to supplemental materials such as exhibits, comments, [and] or minutes that are not available at the time the agenda is [printed and mailed] finalized and posted.

30-1.5 The Council may, by a majority vote, go into executive session, participation in which is limited to the members of Council and such other persons that are requested by the APA President to attend. The proceedings of such sessions are considered confidential.

30-6. MOTIONS/REPORTS TO COUNCIL

30-6.1 [A specific motion shall be transmitted in the following manner: (a) a motion introduced by a Council representative shall first be reviewed by the chair of CSFC, in consultation with appropriate APA staff and the Agenda Planning Group; (b) a motion forwarded by a committee shall be transmitted either to the board listed in Association Rule 50-5 or directly to the Board of
Directors, if no other board is specified; (c) a motion forwarded by a board other than the Board of Directors shall be transmitted directly to the Board of Directors; and (d) the Board of Directors shall develop an agenda for Council. In so doing, the Board of Directors shall transmit all motions from boards, committees, and Council representatives to Council, unless otherwise provided in the APA Bylaws or in the Association Rules.

The Board of Directors will provide a rationale whenever its recommendation to the Council of Representatives is to alter or oppose the main motion.

The Agenda Planning Group (APG) forwards motions or reports for Council to the Council Leadership Team (CLT) who reviews, makes recommendations and develops Council’s agenda. APG forwards motions under the Board’s purview to the Board for disposition.

30-6.2 APG shall forward to the CLT for review and recommendation to Council [R] reports from a board or committee, task force, or any other component or affiliate of APA that are intended to provide and summarize knowledge in order to inform and educate. Such reports commissioned and produced under the auspices of APA become the property of the Association. Each report should reference existing APA policies on the topic at hand. Task force reports and other reports, where appropriate, shall include an executive summary comprising a synopsis of the report. The executive summary shall include recommendations and suggested policy statements based on key findings, and, when indicated, appropriate scientific review, that can be developed into action items for Council to consider.

Reports never constitute APA policy, but rather serve as background material for future reference and use. Statements of policy and other recommendations emanating from reports must come before the Council as main motions, with the usual accompanying information on fiscal implications, scientific foundation (when indicated), and recommendations as to the appropriate entity that would have the responsibility to carry out the action(s) contemplated.

Council may vote to receive, refer, or reject a report. Council votes to receive a report when a majority of its members, present and voting, generally agree with the contents of the report. When Council receives a report, the contents do not become APA policy nor do the proposed recommendations become implemented without passage of separate main motions. Distribution of received reports may occur via posting on the APA Web site and/or in other formats. Received reports shall include the following statement presented with high visibility on one of the introductory pages: “APA reports synthesize current psychological knowledge in a given area and may offer recommendations for future action. They do not constitute APA policy nor commit APA to the activities described therein. This particular report originated with the APA (insert the name of the governance body).”

The motion to refer a report may send the report back to the originator(s) of the document or to other APA entities to address Council’s questions, concerns, or for further study. The consideration of the report by Council may be postponed to a later date. When Council rejects a report, it remains the property of APA. The report does not constitute APA policy and, in the
interest of accuracy, APA requests that any reference to this report state that it was rejected by APA Council. Any copy of the report shall include the following statement on each page: “This report was prepared by the APA (insert name of governance body) but was rejected by the APA Council of Representatives.”

30-6.3 When indicated, motions/reports shall reflect the most appropriate and relevant scientific data and literature available. Reviews of the scientific literature must be fact-checked. The moving board or committee shall assume responsibility for conducting or obtaining the appropriate scientific review, including the identification of pros, cons, and limitations of the conclusions based on the science. Independent scientific merit review shall be the responsibility of the moving board or committee. The results of such review shall be made available as part of the supporting documentation.

30-6.4 Motions presented by the Board of Directors, Council Leadership Team and/or standing boards and committees to Council shall be in one of the following forms (note that substitute motions are treated as amendments where relevant):

(1) If the board or committee recommends adoption or rejection of the original motion, or makes no recommendation, the question should be on adopting the motion. That is, the question is on adopting the original motion, the recommendation of the board or committee notwithstanding.

(2) If the board or committee recommends that the original motion be amended, the question should first be on this amendment. If the amendment passes, action is then taken on the amended motion. If the amendment fails, amendments by Council are in order. Following any further amendment action, the original motion with any amendments is in order.

30-6.5 Annual reports of boards and committees shall be provided to the Board of Directors and Council.

30-6.6 [At each meeting of the Council of Representatives, I] Legal counsel will provide regular reports to the Board of Directors on the nature, status and financial implications of legal actions involving the Association and will provide a litigation update to Council at least on an annual basis.

30-8. STANDARDS AND GUIDELINES

30-8.1 This rule applies to all standards and guidelines, as well as resolutions, endorsements or other statements that have the effect of a standard or guideline, that are proposed by any board, committee, division or subunit of a division, task force, work group, or other APA entity. As these terms are used in APA policy, “standards” include any criteria, protocols, or specifications for conduct, performance, services, or products in psychology or related areas, including recommended standards. Standards are considered to be mandatory and may be accompanied by an enforcement mechanism. “Guidelines” include pronouncements,
statements, or declarations that suggest or recommend specific professional behavior, endeavor, or conduct for psychologists or for individuals or organizations that work with psychologists. In contrast to standards, guidelines are aspirational in intent.

The review procedures in this rule, which are established to protect APA, its governance groups and its members, apply to statements or actions that have the effect of a standard or guideline regardless of the title used. This rule also applies to standards or guidelines developed outside of APA that are proposed for adoption, endorsement, or approval by APA. This rule does not apply to those APA standards or guidelines for which Council has adopted specific procedures for review and approval, such as accreditation. If there is uncertainty about whether a proposed statement or action would constitute a standard or guideline that is covered by this rule, the sponsoring APA entity should consult with the APA Office of General Counsel to determine if the provisions of this rule apply.

30-8.2 When APA or any board, committee, division or subunit of a division, task force, working group or other APA entity works jointly with another organization on developing standards, guidelines or other statements that have the effect of standards or guidelines, the provisions of this rule will apply. If the APA entity working with another organization believes that it is not required to follow these review procedures it should confer with APA Office of General Counsel as soon as possible to determine whether the rule applies or an alternative approach such as a disclaimer or written clarification of APA’s role should be used to address any risks.

30-8.3 Proposed standards or guidelines or other documents that have the effect of a standard or guideline should be sent to the APA Office of General Counsel for initial legal review regarding risk to the association or its members. The proposing entity shall suggest a period, not to exceed 10 years, for which the standard or guideline will be effective if it is approved along with a rationale for the proposed timeframe. The maximum period of effectiveness is appropriate for areas in which the knowledge base, practice patterns, and relevant legal and regulatory climate are stable. In most areas, an earlier expiration date (e.g., 5 years, 7 years) will be more appropriate.

Following initial legal review, a proposed new standard or guideline or an amendment to an existing standard or guideline shall be introduced as a new business item at Council and circulated to APA boards and committees for comment. At the same time, the proposing entity shall invite expert commentary and consultation from other appropriate groups or individuals and from all divisions and state, provincial and territorial psychological associations. The proposing entity shall respond to all commentary, seek additional legal review if appropriate and forward a revised document to all divisions and state, provincial and territorial psychological associations and groups that provided commentary. The revised draft version of standards and guidelines shall be forwarded to the Office of General Counsel in order to disseminate to the membership notice of a sixty (60) day comment period and instructions for the receipt of comments. At the conclusion of the comment period, the proposing entity shall make any appropriate changes and respond to all comments received. The proposing entity shall provide
the draft standards and guidelines along with copies of the comments and responses to comments to the Office of General Counsel for a second legal review and determination of whether further public comment is required.

After this legal review, the draft standard or guideline shall be forwarded to the Board of Directors with accompanying documentation regarding the comments received and response made to such comments. The Board of Directors shall review such documentation to determine if the standard or guideline is appropriate for the Association and if it poses undue risk to the Association or its members. If the Board of Directors determines that the proposed standard or guideline is not appropriate or that it poses undue risk to the Association or its members, it shall return the draft standard or guideline with commentary related to the potential risk [or with a request for additional revision and further expert or public comment].

When the Board of Directors determines that a standard or guideline is appropriate and does not present undue risk to the Association or its members, the Board shall [recommend that the Council of Representatives] refer it to the Council Leadership Team (CLT) for content review and recommend to Council whether to approve the standard or guideline as APA policy. In making its recommendation, CLT shall consider public comment and any risk assessment by legal counsel to avoid undue risk to the association.

In adopting an APA standard or guideline, Council shall establish the period during which the guideline will be in place as APA policy, which shall not exceed 10 years from the time of its approval.

30-8.4 The Policy and Planning Board shall provide notice no less than two years before a standard/guidelines document will expire to the responsible reviewing body or entity. The reviewing body or entity responsible for review of the document shall recommend to Council that the document be extended, amended along with proposed revisions, nullified or placed in the APA archives. Should the responsible reviewing body or entity wish to extend or amend the document, the review process shall be done in accordance with Association Rule 30-8 as delineated for proposed new standards or guidelines, along with a new expiration date and the rationale for that date. If the responsible reviewing body or entity does not bring the standard/guidelines document to the Council of Representatives within this 2-year period, the standard/guidelines document will automatically sunset and the Policy and Planning Board shall notify the Council of such action.

30-8.5 When Council approves standards or guidelines, they will be adopted on behalf of the whole association. When an entity associated with APA wishes to sponsor and/or disseminate a published document that it does not intend to serve as standards or guidelines but which the public may reasonably construe as a set of standards or guidelines, the entity shall consult with APA legal counsel and any other interested boards, committees, divisions or groups to ensure that the language of the document does not imply a standard or guideline and to develop an appropriate statement to include in the document that will make it clear that the contents of
the publication are not intended to set a standard or guideline for training, professional practice conduct or any other specialized form of the application of psychological knowledge and that the entity is not speaking on behalf of any other APA board, committee, division or group or on behalf of the APA.

40. ORGANIZATION OF COUNCIL

40-1. ELECTION AND PROCEDURES FOR COUNCIL REPRESENTATIVES

40-1.1 Council shall be the final judge of its own membership. It shall determine, in accordance with the APA Bylaws, the number of representatives to which each voting unit is entitled. It shall be the final judge of any dispute relative to the election of its members or the seating of alternate representatives.

40-1.2 The chief staff officer is a member of Council ex officio and shall be without vote.

40-1.3 Any question relative to the election of a representative to Council, or to a position as officer of the APA, must be raised [not later than] at the time of the report [by the Board of Directors] by the Election Committee to Council of the results of that election. Any question, once raised, may be deferred for subsequent determination by Council, and the person whose election has been challenged shall not take office until final approval has been voted by Council.

40-1.4 As soon after January 1 of each year as information is available, the chief staff officer shall report to the Election Committee the results of the apportionment ballot for Council seats. This information, together with the current membership of Council, shall be the basis of nominating and election ballots that are sent to members of Council’s voting units.

40-1.5 The Council apportionment ballot shall be sent November 1 or the next business day. The ballot period closes at the end of forty-five days.

40-1.6 In the event of the death or resignation of any Council representative or if a representative is for any reason no longer a Member of APA, the voting unit may designate another eligible member as its representative for the remainder of the term. Notice of election or appointment shall be presented to the APA Recording Secretary.

40-1.7 The APA President shall preside over Council. At the opening of an annual or special meeting of Council, the APA Recording Secretary shall call the roll of Council. Such alternates as are present and are duly qualified by appointment and by the absence of the regular representatives shall be recognized and seated. If a Council representative fails to attend a meeting of Council and does not arrange an alternate, the Recording Secretary will inform the voting unit of the failure of its representative to attend the Council meeting.

40-1.8 The appointment of an alternate representative for a voting unit shall be certified in writing to the Recording Secretary in advance of the alternate representative being seated. The certification shall be from an officer or director of the voting unit so represented or from a
person authorized in writing by the voting unit to make such appointments. Consistent with the APA Bylaws, an alternate representative shall be a member of the voting unit who is also a member of APA and shall not be a member who has served as a Council representative for the six consecutive years prior to the year in which they serve as an alternate.

40-1.9 Newly elected representatives to Council shall assume office on January 1 of the year following their election to office.

40-1.10 Since Article V, Section [3] 4 of the APA Bylaws states that no person shall be eligible to represent more than one organization in Council at any one time, no person may be listed on an election ballot as a candidate to represent more than one voting unit in Council.

40-1.11 Unless it is an ex officio appointment, there shall be at least two nominees on the final election ballot for each office of Council representative.

40-1.12 Names of candidates running for Council seats must be submitted to the APA Election Committee before March 15 of the year in which the election is held.

50. COUNCIL'S BOARD AND COMMITTEE INFRASTRUCTURE

50-4. CONTINUING COMMITTEES

50-4.1 In addition to the standing boards and committees authorized in the APA Bylaws, there shall be continuing committees of the Association which are selected by and report to Council through the board under which they are listed in the following rule. Unless otherwise stated in these rules, continuing committees that report directly to Council or through the Board of Directors are elected by Council.

50-5. LIST OF CONTINUING COMMITTEES

50-5.1 The list below presents APA continuing committees and their reporting lines.

[Reporting directly to Council

Structure and Function of Council]

Reporting through the Board of Directors

Constitutional Issues

International Relations in Psychology

Advancement of Professional Practice

American Psychological Association of Graduate Students

Commission for the Recognition of Specialties and Proficiencies in Professional Psychology
Agenda Planning Group
Division/APA Relations
Early Career Psychologists

Needs Assessment, Slating and Campaigns

Reporting through the Membership Board
Fellows Committee

Reporting through the Publications and Communications Board
Council of Editors

Reporting through the Board of Educational Affairs
Commission on Accreditation
Continuing Education
Education and Training Awards
Committee of Teachers of Psychology in Secondary Schools
Committee of Psychology Teachers at Community Colleges

Reporting through the Board of Professional Affairs
Professional Practice and Standards

Reporting through the Board of Scientific Affairs
Animal Research and Ethics
Human Research
Psychological Tests and Assessment
Scientific Awards

Reporting through the Board for the Advancement of Psychology in the Public Interest
Women in Psychology
Psychology in the Public Interest Awards
Lesbian, Gay, Bisexual, and Transgender Concerns
60. **CONTINUING COMMITTEES OF COUNCIL** COUNCIL LEADERSHIP TEAM

60-1. **COMMITTEE ON STRUCTURE AND FUNCTION OF COUNCIL**

60-1.1 There shall be a Committee on Structure and Function of Council that shall (a) receive, review, and initiate recommendations, suggestions, and complaints about Council functions and operations, (b) maintain rules adopted by Council, and (c) give continuing attention to the development of procedures through which Council can be kept informed about the history and nature of problems and issues currently facing the APA. In addition to the foregoing, the Committee may be assigned duties by Council as special needs or problems arise.

The Committee shall consist of six members, all of whom shall be current or former members of Council. Their term of service shall be for three years. Each year two new members shall be elected from members of Council serving in the first or second year of their terms to replace the two senior members.

60-1.2 The Committee on Structure and Function of Council shall conduct a review of the structure and function of Council for Council every five years.

60-1.1. There shall be a Council Leadership Team (CLT) that shall a) manage a procedure to select and oversee Council’s mega issue discussions; b) prioritize and determine appropriate disposition of new items coming through the triage system; c) determine the priorities for Council and the order of business for meetings of Council; d) initiate and oversee the work of boards and committees reporting directly to Council; e) provide a recommendation to Council on all motions brought before Council for its consideration; f) regularly review the structure and function of Council (including orientation of new members) and handle complaints about Council functions and operations; and g) lead Council in reviewing and revising the strategic plan and ensure that APA policies are aligned with APA’s mission and strategic plan.

60-1.2 CLT shall consist of twelve members, all of whom shall be current or former members of Council. CLT is comprised of a Chair, Chair-elect, Past Chair, the APA President, the APA
President-elect, the APA Treasurer, the APAGS Chair, an Early Career Psychologist Representative, three members-at-large and the Chief Executive Officer (without vote).

Council members shall nominate current Council members who have served at least one year on Council for the positions of Chair-elect, Early Career Representative and member-at-large. The results of a comprehensive needs assessment for CLT will be shared with Council prior to the nominations process. The Chair-elect, Early Career Representative and three members-at-large shall be elected by Council for three-year terms from slates of at least two candidates. Each year a Chair-elect and member-at-large are elected and every third year an Early Career Psychologist representative is elected. The candidate on each slate receiving the highest number of votes will be elected. Members-at-large and the Early Career Psychologist representative cannot serve two consecutive terms and are limited to two lifetime terms. The APA President, APA President-elect, APA Treasurer, APAGS Chair and Chief Executive Officer serve ex officio on CLT. The APAGS Chair shall begin his/her term on CLT in January of his/her term as APAGS Chair.

60-1.3 The Chair presides over CLT.

Cross-Reference

- See also "Conflict of Interest and Duality Guidelines for Council."

90. CONTINUING COMMITTEES OF THE BOARD OF DIRECTORS

90-6. AGENDA PLANNING GROUP

The Agenda Planning Group shall be composed of the APA President, who shall serve as chair, and the chairs of the Policy and Planning Board, the Board of Professional Affairs, the Board of Scientific Affairs, the Board for the Advancement of Psychology in the Public Interest, the Board of Educational Affairs, the Committee for the Advancement of Professional Practice, the Committee on Division/APA Relations, and the Committee on Legal Issues, and the Committee on Structure and Function of Council. It shall meet at least twice a year at the close of the Council of Representatives meeting.

The Agenda Planning Group shall have general oversight for the consolidated board and committee meetings. It shall be the responsibility of the Agenda Planning Group to designate items to be included on the cross cutting agendas for the fall and spring consolidated meetings of the boards and committees. The Agenda Planning Group shall encourage boards and committees to consider items that impact on their constituency directly, that require expertise represented within the board or committee, that may establish a new policy or change a policy of the Association, or that require a special perspective represented by the board or committee.

[With the oversight of the Committee on Structure and Function of Council, it shall review new business items introduced in Council and make recommendations to the Committee on Structure and Function of Council regarding the referral of items to ensure that issues are]
considered by the appropriate boards and committees and identify items that have potential
technical difficulty.

The Agenda Planning Group shall report to the Council of Representatives through the Board of
Directors.

90-9. NEEDS ASSESSMENT, SLATING AND CAMPAIGNS COMMITTEE

There shall be a Needs Assessment, Slating and Campaigns Committee (NASCC) that shall
conduct an annual needs assessment and develop slates for any seats on the Board of Directors
and Council that are elected by and from the general membership, solicit and vet candidates for
the election slates, and help set the criteria and procedures for disseminating information about
the candidates to the membership. NASCC shall also develop the slate for the public member of
the Board.

The Committee shall consist of seven members, including one public member. Members will
have three-year terms and may only serve one term on the Committee.

The APA President, President-Elect and Past President shall appoint three of the members,
including the public member, after broad consultation. On a rotating basis, each of the
following boards shall appoint one member to the Committee: the Board for the Advancement
of Psychology in the Public Interest, Board of Educational Affairs, Board of Professional Affairs,
and Board of Scientific Affairs.

Each year two members shall be appointed for three-year terms, one by the APA President,
President-Elect and Past President and one by the above named boards. Every third year the
fourth board will appoint an additional member.

Individuals are not permitted to serve on NASCC if they have served on the Board of Directors,
Council of Representatives, or any APA board or committee in the past year and may not serve
on any of these groups for at least two years following the completion of their service on
NASCC. Members of NASCC are not permitted to serve concurrently in any elected officer
positions in any Divisions or state/provincial/territorial associations.

110-9. RECORDING SECRETARY AND TREASURER ELECTION

110-9.1 [The elections for APA Recording Secretary and Treasurer are conducted by a public
audit firm; see Appendix C for a detailed statement of procedures]. Nominations are solicited
from the voting Members of the Association. The slate is determined by the Board of Directors.
There shall be at least two nominees on the final election ballot for Recording Secretary and
Treasurer. Only APA members are eligible for nomination.

110-9.2 [Candidates are nominated by the Board of Directors. Nominations must be made
before July 1. Only APA members are eligible for nomination.
110-9.3] Members of the immediately previous Council shall elect the Recording Secretary and the Treasurer. The elections for APA Recording Secretary and Treasurer are conducted by an independent audit firm. Preferential ballots are used. [The election occurs on or about July 1; election closes within 30 days.]

110-9.[4] 3 Results, with the final tally of votes cast, are reported to Council within 30 days.

110-14. RULES GOVERNING SIMULTANEOUS SERVICE [ON BOARDS AND COMMITTEES]

110-14.1 Members of the Board of Directors shall not serve simultaneously on APA advisory groups, other than as ex-officio or liaison; or on governing bodies of advocacy or political action organizations for psychologists or psychology that are national in scope.

110-14.2 Members shall not serve simultaneously on any of the following [governance] advisory groups, except as ex-officio and/or [non-voting] members or if other exceptions are provided below.

Boards

Advancement of Psychology in the Public Interest

Convention Affairs

Educational Affairs

Membership

Policy and Planning

Publications and Communications

Professional Affairs (except that one member is also a member of the Committee on Professional Practice and Standards)

Scientific Affairs

Committees

Advancement of Professional Practice

Aging

Animal Research and Ethics

Children, Youth and Families

Continuing Education
Disability Issues in Psychology
Division/APA Relations
Early Career Psychologists
Ethics
Ethnic Minority Affairs
Fellows
Finance
Human Research
International Relations in Psychology
Legal Issues (ad hoc)
Lesbian, Gay, Bisexual, and Transgender Concerns
Needs Assessment, Slating and Campaigns
Professional Practice and Standards (except that one member is also a member of the Board of Professional Affairs)
Psychology and AIDS (ad hoc)
Rural Health
Socioeconomic Status
[Structure and Function of Council]
Psychological Tests and Assessment
Psychology Teachers at Community Colleges
Teachers of Psychology in Secondary Schools
Women in Psychology

Other
Commission for the Recognition of Specialties and Proficiencies in Professional Psychology
Commission on Accreditation
Council Leadership Team

110-14.3 Members shall not simultaneously run for election (e.g., appear on the board and committee election ballot) for more than one of the following advisory groups. In addition, members shall not run for election for one of the following advisory groups if the term of service will begin prior to the end of a term the member is currently serving on one of the advisory groups listed in Association Rule 110-14.1.

Boards

Advancement of Psychology in the Public Interest
Convention Affairs
Educational Affairs
Membership
Policy and Planning
Publications and Communications
Professional Affairs
Scientific Affairs

Committees

Advancement of Professional Practice
Ethics
Finance
International Relations in Psychology
Rural Health

[Structure and Function of Council]

Other

Commission for the Recognition of Specialties and Proficiencies in Professional Psychology

Main Motion I and Main Motion II of the item “Implementation Work Group (IWG) Bylaw and Association Rule Amendments to Implement Motions Approved by Council at Its February 2014 Meeting” were postponed to Council’s February 2015 meeting because there wasn’t sufficient time to take up the motions. President Kaslow informed Council that a work group comprised of Board and
Council members would be appointed to develop possible new templates for pro and con statements. Council expressed support for the establishment of such a work group.

President Kaslow recused from voting on this item.

Note: The above amendments to the composition of the Agenda Planning Group is superseded by the amendment found in the minute for item “VI.F(12)” related to triage.


Council also voted to approve the following motion:

As a matter of policy, Council asks that the Board, in consultation with Council, develop recommendations regarding the size, structure and function of a proposed leadership program. The Board is also asked to provide Council with a report regarding funding for the proposed leadership program as related to the strategic priorities. Council further requests that Council’s input be sought virtually and/or at the February 2015 Council meeting.

President Kaslow recused from voting on this item.

C.(9) Council voted to receive the Implementation Work Group Technology Report and forward it to the CEO to develop a plan for implementation with associated costs and a method for member engagement to be brought back to Council for discussion and vote in February 2015.

President Kaslow recused from voting on this item.

D.(10) Council discussed the item “IWG Proposed Change to Council’s Structure” in both small groups and in the group as a whole. Council didn’t take action on the main and substitute motions of the item but did participate in straw polls related to Council structure options (Attachment B). President Kaslow informed Council that a work group comprised of Board and Council members would be appointed to make recommendations on the process for moving forward with the Council Restructuring discussion. Council expressed support for the establishment of such a work group.

President Kaslow recused from voting on this item.

E.(11) Council voted to 1) receive the Implementation Work Group Financial Report\(^1\); 2) ask staff to develop the draft 2015 Council budget needed for Council to do its work to be reviewed and modified in collaboration with the Finance Committee; and 3) ask the Finance Committee to bring its recommendation to the Board of Directors for approval in December 2014.

President Kaslow recused from voting on this item.

\(^1\)On recommendation of the Finance Committee and the Board of Directors, the IWG Financial Report was amended to remove the reference to the Vice Chair of the Finance Committee serving as a liaison to the Board of Directors.
F.(12) Council voted to 1) receive the Implementation Work Group Triage Report; 2) approve the Trial Authority Chart (Attachment C) as a delineation of where final authority is within the governance system during the three years that Council delegates authority for specific duties to the Board and 3) request that a more detailed APA Function and Authority Matrix be brought to Council for approval at its February 2015 meeting. The Trial Authority Chart reflects the Authority Matrix and any future changes to that document will subsequently be reflected in the chart. Additionally, at the end of the three-year trial period (February 28, 2017), the Trial Authority Chart/Authority Matrix will be reviewed and reassessed by Council.

Council also voted to approve the following Association Rule changes (bracketed/ strikethrough material to be deleted; underlined material to be added):

**90-6. AGENDA PLANNING GROUP**

The Agenda Planning Group shall be composed of the APA President, who shall serve as chair[, and] ; the chairs of the Policy and Planning Board, the Board of Professional Affairs, the Board of Scientific Affairs, the Board for the Advancement of Psychology in the Public Interest, the Board of Educational Affairs, the Committee for the Advancement of Professional Practice (non-voting), the Committee on Division/APA Relations, the American Psychological Association of Graduate Students, and the Committee on Legal Issues[, and the Committee on Structure and Function of Council. It shall meet at least twice a year at the close of the Council of Representatives meeting,]; a member of the Finance Committee as determined by the Finance Committee and a member of the Council Leadership Team (CLT) as determined by CLT.

The Agenda Planning Group shall have general oversight for the consolidated board and committee meetings and for the referral of agenda items. [It shall be the responsibility of the Agenda Planning Group to designate items to be included on the cross cutting agendas for the fall and spring consolidated meetings of the boards and committees. The Agenda Planning Group shall encourage boards and committees to consider items that impact on their constituency directly, that require expertise represented within the board or committee, that may establish a new policy or change a policy of the Association, or that require a special perspective represented by the board or committee. With the oversight of the Committee on Structure and Function of Council, it shall review new business items introduced in Council and make recommendations to the Committee on Structure and Function of Council regarding the referral of items to ensure that issues are considered by the appropriate boards and committees and identify items that have potential technical difficulty.]

Following the submission of a new item, the Agenda Planning Group shall consider if there is any overlap between the item and any on-going work within APA and the degree to which it aligns with the strategic plan before assigning a complete routing path for the item. This routing will include, minimally, a specification of all required consultations that must be obtained on the item as well as the final authority for action on the item. The APG may also specify any groups
to be specifically informed about the item. The routing path may include the Board of Directors, Council of Representatives, APA boards or committees and staff.

APG recommendations are made to the Council of Representatives (through the Council Leadership Team), and to the Board of Directors (through the President.)

The Agenda Planning Group shall report to the Council of Representatives through the Board of Directors.

President Kaslow recused from voting on this item.

E.(12A) The item “Making APA Into a Data-Driven Organization” was postponed to Council’s February 2015 meeting.

VII. PUBLICATIONS AND COMMUNICATIONS

A.(13) Council voted to approve a proposal from Division 42 to develop and launch a new journal entitled Practice Innovation.

VIII. CONVENTION AFFAIRS

No items.

IX. EDUCATIONAL AFFAIRS

A.(14) Council voted to approve amending the Association Rules as follows to establish a Committee on Associate and Baccalaureate Education as a replacement for the Psychology Teachers at Community Colleges Committee (bracketed/strikethrough material to be deleted; underlined material to be added):

50. COUNCIL'S BOARD AND COMMITTEE INFRASTRUCTURE

50-5 LIST OF CONTINUING COMMITTEES

50-5.1 The list below presents APA continuing committees and their reporting lines.

Reporting through the Board of Educational Affairs

Commission on Accreditation

Continuing Education

Education and Training Awards

Committee on Associate and Baccalaureate Education

Committee of Teachers of Psychology in Secondary Schools

[Committee of Psychology Teachers at Community Colleges]
110. ELECTIONS AND APPOINTMENTS

110.14 RULES GOVERNING SIMULTANEOUS SERVICE ON BOARDS AND COMMITTEES

110-14.1 Members shall not serve simultaneously on any of the following governance groups, except as ex-officio (non-voting) members or if other exceptions are provided below.

Committees

Advancement of Professional Practice

Aging

Animal Research and Ethics

Associate and Baccalaureate Education

Children, Youth and Families

Continuing Education

Disability Issues in Psychology

Division/APA Relations

Early Career Psychologists

Ethics

Ethnic Minority Affairs

Fellows

Finance

Human Research

International Relations in Psychology

Legal Issues (ad hoc)

Lesbian, Gay, Bisexual, and Transgender Concerns

Professional Practice and Standards (except that one member is also a member of the Board of Professional Affairs)

Psychology and AIDS (ad hoc)

Rural Health
Socioeconomic Status

Structure and Function of Council

Psychological Tests and Assessment

[Psychology Teachers at Community Colleges]

Teachers of Psychology in Secondary Schools

Women in Psychology

120. EDUCATIONAL AFFAIRS

[120-6 COMMITTEE OF PSYCHOLOGY TEACHERS AT COMMUNITY COLLEGES]

120-6.1 There shall be an American Psychological Association Committee of Psychology Teachers at Community Colleges whose mission shall be to (a) represent community college psychology teachers; (b) promote, within the 2-year college community, the highest professional standards for teaching of psychology as a scientific discipline with applications to a wide range of human concerns; (c) cultivate a professional identity with the discipline of psychology among psychology teachers at 2-year colleges; (d) develop leadership qualities among psychology teachers at 2-year colleges and increase their participation and representation in professional psychology activities and organizations; (e) establish and maintain communication with all groups involved in the teaching of psychology and with the greater psychological community; (f) encourage psychological research on teaching and learning at 2-year colleges for the purpose of giving students the best possible educational opportunities.

The voting members of the Committee shall consist of 6 members, who serve three-year terms. All voting members of the Committee must be 2-Year College Teacher Affiliates or members of the Association.

Each year, a call for nominations for the two open positions that will become vacant in the following year shall be broadly disseminated. Following the call, the Committee shall prepare a slate of candidates for the vacancies and hold an election in which all 2-Year College Teachers who are Members, Associate members or Affiliates of the Association are eligible to vote. Following the election, the results of the election shall be forwarded to the Board of Educational Affairs and the Board of Directors for final approval.

The Committee shall report to Council through the APA Board of Educational Affairs.

120-6 COMMITTEE ON ASSOCIATE AND BACCALAUREATE EDUCATION

120-6.1 There shall be an American Psychological Association Committee on Associate and Baccalaureate Education whose mission shall be to (a) represent psychology faculty teaching at undergraduate institutions; (b) promote, within all undergraduate institutions, the highest
professional standards for teaching of psychology as a scientific discipline with applications to a wide range of human concerns; (c) develop leadership qualities among psychology faculty at undergraduate institutions and increase their participation and representation in psychology organizations; (d) establish and maintain communication with all groups involved in the teaching of psychology and with the greater psychological community; and (e) encourage scholarship on teaching and learning at all undergraduate institutions for the purpose of giving students the best possible educational opportunities.

The voting members of the Committee shall consist of eight members, who serve staggered three-year terms. All voting members of the Committee must be Community College Teacher Affiliates or Members of the Association. Four of the eight members will represent psychology faculty at 2-year colleges offering the associate degree, and four members will represent psychology faculty whose primary teaching responsibility is undergraduate coursework at colleges or universities offering the baccalaureate degree in psychology.

Each year, a call for nominations for the positions that will become vacant in the following year shall be broadly disseminated. Following the call, the Committee shall prepare a rank-ordered slate of candidates for the vacancies. The Board of Educational Affairs shall make the appointments. The Committee shall report to Council through the Board of Educational Affairs.

B.(15) Council voted to adopt as APA policy the *Guidelines for Clinical Supervision in Health Service Psychology*.

C.(16) Council voted to approve an extension of recognition of Biofeedback: Applied Psychophysiology as a proficiency in professional psychology for an additional period of one year to expire in August 2015.

D.(17) Council voted to approve an extension of recognition of Psychoanalysis in Psychology as a specialty in professional psychology for an additional period of one year to expire in August 2015.

E.(18) Council voted to approve the continued recognition of Clinical Psychology as a specialty in professional psychology for a period of seven years.

X. PROFESSIONAL AFFAIRS

A.(19) Council voted to approve amending the APA Association Rules to remove CAPP from the APA rules with the effective date beginning December 31, 2014 and to amend the APAPO bylaws to allow for the APAPO practice constituents to nominate and elect the members of CAPP, to create a voting seat on CAPP for a member of APAGS to be selected by APAGS and to move the description of members constituting CAPP to the APAPO bylaws (bracketed/strikethrough material to be deleted; underlined material to be added):

**APA ASSOCIATION RULE CHANGES**

**50-5. LIST OF CONTINUING COMMITTEES**

**50-5.1** The list below presents APA continuing committees and their reporting lines.
**Reporting directly to Council**

Structure and Function of Council

**Reporting through the Board of Directors**

Constitutional Issues

International Relations in Psychology

[Advancement of Professional Practice]

American Psychological Association of Graduate Students

Commission for the Recognition of Specialties and Proficiencies in Professional Psychology

Agenda Planning Group

Division/APA Relations

Early Career Psychologists

**Reporting through the Membership Board**

Fellows Committee

**Reporting through the Publications and Communications Board**

Council of Editors

**Reporting through the Board of Educational Affairs**

Commission on Accreditation

Continuing Education

Education and Training Awards

Committee of Teachers of Psychology in Secondary Schools

Committee of Psychology Teachers at Community Colleges

**Reporting through the Board of Professional Affairs**

Professional Practice and Standards

Committee on Rural Health
Reporting through the Board of Scientific Affairs

Animal Research and Ethics
Human Research
Psychological Tests and Assessment
Scientific Awards

Reporting through the Board for the Advancement of Psychology in the Public Interest

Women in Psychology
Psychology in the Public Interest Awards
Lesbian, Gay, Bisexual, and Transgender Concerns
Disability Issues in Psychology
Children, Youth, and Families
Ethnic Minority Affairs
Aging
Socioeconomic Status

[Reporting through the Committee for the Advancement of Professional Practice

Committee on Rural Health]

[90-2. COMMITTEE FOR THE ADVANCEMENT OF PROFESSIONAL PRACTICE

90-2.1 There shall be a Committee for the Advancement of Professional Practice whose responsibility it shall be to (a) be the administrative agent of the Board of Directors exercising general governance supervision over the relevant affairs of the Practice Directorate, (b) recommend to Council through the Board of Directors procedures for the enhancement of human welfare through the professional practice of psychology, (c) identify projects important to the enhancement of human welfare through professional practice of psychology, and (d) recommend to the Board of Directors the needed funding for such projects.

The Committee for the Advancement of Professional Practice shall consist of nine regular members and up to two special members. The APA Treasurer shall be an ex officio, nonvoting member of the Committee. The Board of Directors may also appoint such liaisons to the Committee for Advancement of Professional Practice as it deems necessary. Regular members shall be psychologists who provide health care services, who are licensed to practice psychology in at least one state, district, province or territory and who pay the annual assessment. In
addition to these general qualifications, the regular members of the Committee shall possess experience in service delivery and in the governance of state/provincial/territorial and/or national psychological organizations, and will have demonstrated expertise in one or more of the following additional areas of experience: (a) advocacy (legislative or legal), (b) marketing, (c) the training of practicing psychologists, and (d) public information and education. Of the nine regular members, three shall be elected each year to serve a term of three years.

Each year, a call for nominations for the three positions that will become vacant in the following year shall be broadly disseminated. Following the call, the Committee shall forward a list, organized into three slates of five candidates each, of fifteen persons deemed qualified to the APA Board of Directors, who shall select there from three candidates from each slate to stand for election to the three vacancies on the Committee for the Advancement of Professional Practice. In accordance with established procedure, the Board of Directors’ slates of candidates shall then be forwarded to APA Council for inclusion in Council’s election of members to APA boards and committees.

In addition to regular members, the Committee for the Advancement of Professional Practice may appoint up to two special members to serve a term not to exceed two years. These special members need not be psychologists and shall be chosen for their expertise in such matters as marketing, advocacy (legislative and legal), public information and education, or such other areas of competency as shall be relevant to the mission of the Committee. Special members may be reappointed for as many terms as the Committee deems their services to be required.

The Committee for the Advancement of Professional Practice shall report to Council through the APA Board of Directors.

90-5. COMMISSION FOR THE RECOGNITION OF SPECIALTIES AND PROFICIENCIES IN PROFESSIONAL PSYCHOLOGY

There shall be a Commission for the Recognition of Specialties and Proficiencies in Professional Psychology. The Commission shall (a) facilitate the development, implementation and review of effective and coordinated policies and procedures to improve quality and process in recognition of specialties and proficiencies in professional psychology; (b) review petitions from organizations requesting the Association's recognition of a professional specialty or proficiency, (c) establish mechanisms for the periodic evaluation and renewal of such recognition; and (d) make recommendations regarding consistency in the use of the terms “specialty” and “proficiency” by the Association. The Commission shall select from among recognition petitions it reviews those deemed appropriate to recommend to the Council of Representatives as meritng formal confirmation. Council shall confirm the recognition of a specialty or proficiency in professional psychology only when such recommendation for recognition shall have been placed before it by the Commission following the completion of an evaluation conducted according to the Commission's procedures.
Subject to review by the Board of Directors, the Commission shall have the authority for adopting procedures for reviewing specialty and proficiency petitions. The Commission may make proposals to the Council of Representatives regarding: (a) the principles that define specialties and proficiencies and the criteria for their recognition, and (b) the processes by which the Association confers and maintains its recognition of specialties and proficiencies.

The Commission shall consist of nine Commissioners serving staggered terms of three years each. Commissioners shall be limited to two successive full terms of service and may not further succeed themselves without a break in such service. With the exception of a Public Commissioner, all Commissioners must be licensed psychologists and members of the Association. Commissioners shall be nominated also in such a fashion that insures representation among them of (a) the broad scope of the practice of professional psychology, its scientific bases, and the Association's commitment to diversity and the public interest, and (b) an array of expertise in such matters as professional education, practitioner credentialing, program accreditation, continuing professional development, the identification of emerging patterns of practice, and legal and regulatory affairs.

Eight of the Commissioners shall be elected by the Council of Representatives from slates prepared by the following: BSA and BAPPI shall prepare nominations for one Commissioner seat each; BEA shall prepare nominations for three Commissioner seats; BPA [and CAPP] shall [jointly] prepare nominations for three Commissioner seats. In preparing slates for a vacancy in its reserved seat or seats and following solicitation from the general membership of the Association, each nominating board or committee shall forward to the Commission for transmission to the Board of Directors the names of five qualified and appropriate candidates per vacancy. The Board of Directors shall then compose a final slate of three of the five nominees for that vacancy from each nominating unit to be submitted to the Council of Representatives for election.

The ninth Commission seat shall be reserved for a Public Member who shall not be a psychologist. The Public Member shall be appointed by the Board of Directors.

The Commission shall report to the Council of Representatives through the Board of Directors.

90-6. AGENDA PLANNING GROUP

The Agenda Planning Group shall be composed of the APA President, who shall serve as chair, and the chairs of the Policy and Planning Board, the Board of Professional Affairs, the Board of Scientific Affairs, the Board for the Advancement of Psychology in the Public Interest, the Board of Educational Affairs, [the Committee for the Advancement of Professional Practice,] the Committee on Division/APA Relations, the Committee on Legal Issues, and the Committee on Structure and Function of Council. It shall meet at least twice a year at the close of the Council of Representatives meeting.
The Agenda Planning Group shall have general oversight for the consolidated board and committee meetings. It shall be the responsibility of the Agenda Planning Group to designate items to be included on the cross cutting agendas for the fall and spring consolidated meetings of the boards and committees. The Agenda Planning Group shall encourage boards and committees to consider items that impact on their constituency directly, that require expertise represented within the board or committee, that may establish a new policy or change a policy of the Association, or that require a special perspective represented by the board or committee. With the oversight of the Committee on Structure and Function of Council, it shall review new business items introduced in Council and make recommendations to the Committee on Structure and Function of Council regarding the referral of items to ensure that issues are considered by the appropriate boards and committees and identify items that have potential technical difficulty.

The Agenda Planning Group shall report to the Council of Representatives through the Board of Directors.

110-14. RULES GOVERNING SIMULTANEOUS SERVICE ON BOARDS AND COMMITTEES

110-14.1 Members shall not serve simultaneously on any of the following governance groups, except as ex-officio (non-voting) members or if other exceptions are provided below.

Boards

Advancement of Psychology in the Public Interest

Convention Affairs

Educational Affairs

Membership

Policy and Planning

Publications and Communications

Professional Affairs (except that one member is also a member of the Committee on Professional Practice and Standards)

Scientific Affairs

Committees

[Advancement of Professional Practice]

Aging
Members shall not simultaneously run for election (e.g., appear on the board and committee election ballot) for more than one of the following governance groups. In addition,
members shall not run for election for one of the following governance groups if the term of service will begin prior to the end of a term the member is currently serving on one of the governance groups listed in Association Rule 110-14.1.

**Boards**

Advancement of Psychology in the Public Interest

Convention Affairs

Educational Affairs

Membership

Policy and Planning

Publications and Communications

Professional Affairs

Scientific Affairs

**Committees**

[Advancement of Professional Practice]

Ethics

Finance

International Relations in Psychology

Rural Health

Structure and Function of Council

**120-1. BOARD OF EDUCATIONAL AFFAIRS**

120-1.1 The Board of Educational Affairs shall consist of not fewer than twelve members, four to be elected each year for a term of three years. Each of three seats on BEA shall be filled by nominees from among the constituencies of Science, Practice, and Public Interest, respectively, in a manner that is consistent with APA procedures for the election of standing board members. Nominations for slates will be solicited from appropriate APA governance groups (BSA, [CAPP]/BPA, BAPPI). These positions shall be for staggered three-year terms, with one of these three positions being filled each year. Each year the constituency group whose seat would be vacated shall be requested to provide a pool of at least five nominees for a three-year term. All other seats shall be filled according to Association Rule 110.15 in a manner to represent the Board of Educational Affairs' commitment to each level of education and training in psychology,
from pre-college and undergraduate through postdoctoral. All twelve members are fully participating, voting members of the Board of Educational Affairs.

120-4. CONTINUING EDUCATION COMMITTEE

120-4.1 There shall be a Continuing Education Committee consisting of no more than fourteen members appointed by the Board of Educational Affairs for staggered terms of three years. The Committee shall report to Council through the Board of Educational Affairs.

120-4.2 The Continuing Education Committee shall have responsibility for developing policy and program recommendations for the Association’s continuing education program and for working collaboratively with the APA Office of Continuing Education to implement these policy and program recommendations. The Committee's tasks shall include, but not be limited to (a) developing and delivering continuing education programs and products; (b) providing educational and technical assistance to APA Directorates, Divisions, State/Provincial/Territorial Psychological Associations, and other sponsors; (c) collaborating with organizations that seek to become approved sponsors of continuing education; (d) providing review of all APA approved sponsors and organizations seeking APA sponsor approval; (e) periodically reviewing the Association's sponsor approval guidelines, and (f) identifying, promoting, implementing and evaluating research, development and innovations in continuing education.

120-4.3 The Chair of the Board of Educational Affairs (BEA) shall each year forward to APA’s divisions and affiliated state, provincial and territorial psychological associations a general call for nominees to serve on the Committee and shall also direct a formal request for nominee recommendations to the Board of Scientific Affairs, Board for the Advancement of Psychology in the Public Interest, and the Board of Professional Affairs, and the Committee for the Advancement of Professional Practice. In making its appointments, BEA shall attempt to insure that the membership of the Committee shall represent APA’s commitment to honor diversity and as well to ensure the representation of the needs of various groups served by continuing education.

130-5. COMMITTEE ON RURAL HEALTH

There shall be a Committee on Rural Health whose mission shall be to address the full breadth of issues affecting the health of persons living in rural and frontier America. The APA Rural Health Committee shall consist of eight (8) members each of whom shall serve a staggered term of three (3) years. All members of the committee shall be APA members and reflect rural, gender, ethnic minority, sexual orientation and age diversity. The members shall be chosen by the APA Council of Representatives through the nomination process described in Association Rule 110-15. Committee members shall be limited to two successive terms of service and may not further succeed themselves without a break in service. The committee shall meet twice a year. The activity of the Committee will encompass the interests of all APA Directorates and communication will be maintained with all Boards, Committees, and Divisions with an interest in these issues. The Committee will identify, study, and attempt to ameliorate health and mental
health problems that may yield to the special knowledge and competence of psychologists. The Committee will identify and develop programs to meet the needs of residents in these areas. Linkages of psychologists with other health providers in these areas will be promoted to enhance the assessment and treatment of health problems with a behavioral component. The Committee on Rural Health shall report to the Council of Representatives and the Board of Directors through the [Committee for the Advancement of Professional Practice] Board of Professional Affairs.

190-1.5 The APA shall maintain affiliation as voted by Council with the following organizations, and the representatives shall report through the boards or continuing committees that report through the Board of Directors under which each is listed:

**Board of Directors**

U.S. National Committee for the International Union of Psychological Science

Commission on Professionals in Science and Technology

Council of Scientific Society Presidents

American Council of Learned Societies

**Publications and Communications Board**

National Federation of Abstracting and Indexing Services

**Board of Educational Affairs**

Council on Recognition of Post-Secondary Accreditation (CORPA)

**Board of Professional Affairs**

Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons (The Accreditation Council)

National Commission on Correctional Health Care (NCCHC)

Commission on Accreditation of Rehabilitation Facilities (CARF)

Joint Commission on the Accreditation of Healthcare Organizations, Behavioral Healthcare Professional and Technical Advisory Committee (JCAH-O-BHC PTAC)

**Board of Scientific Affairs**

American Association for the Advancement of Science (AAAS)

Social Science Research Council
PARALLEL CHANGES TO APAPO BYLAWS

ARTICLE IV
MEMBERS

The Corporation shall have two categories of members. One category of members, who are payers of the practice assessment, shall be known as “Practice Constituents.” The second category of members who are payers to the Education Advocacy Trust, shall be known as “Education Constituents.” Practice Constituents and Education Constituents shall not have voting rights [other than Practice Constituents in their nomination and election of CAPP as set forth in Article VII.]

ARTICLE VII
COMMITTEES

Section 3. Committee for the Advancement of Professional Practice (CAPP). There shall be a Committee for the Advancement of Professional Practice (CAPP) whose responsibility it shall be to identify, plan and implement projects important to the protection, defense, and enhancement of professional practice and recommend to the Board of Directors the needed funding for such projects. The elected members of CAPP shall be nominated and elected by Practice Constituents, subject to nomination and election requirements set forth in Rules adopted by the Board of Directors which, among other criteria, shall provide for slates reflecting human diversity and diversity of practice settings and expertise, and provided that one member from the American
Psychological Association of Graduate Student Committee (APAGS) shall be a voting member selected by APAGS. [constitute the same individuals who serve on the Committee for the Advancement of Professional Practice of the American Psychological Association from time to time.]

CAPP shall consist of no less than 9 and no more than 15 elected members. In addition to the elected CAPP members and the APAGS member, CAPP will also consist of up-to 4 appointed members to be appointed by the Committee. The APAPO Treasurer shall be ex officio, nonvoting member of the Committee.

Note: The above amendments to the composition of the Agenda Planning Group is superseded by the amendment found in the minute for item “VI.F(12)” related to triage.

B.(24) Council received an update on the business pending item “Independence of Psychologists (NBI# 25B).”

C.(27) Council received an update on the work of the Advisory Steering Committee for Development of Clinical Practice Guidelines.

D.(32) Council received an update on the new-business-in-progress report “Guidelines for Psychologists Regarding the Assessment of Trauma for Adults.”


XI. SCIENTIFIC AFFAIRS

A.(34) Council received an update on the new-business-in-progress report “Helping International Colleagues with DORA (Scientists’ Declaration on Research Assessment).”

XII. PUBLIC INTEREST

A.(20) Council voted to adopt as APA policy the Resolution in Support of the U.N. Convention on the Rights and Dignity of Persons with Disabilities:

Resolution in Support of the U.N. Convention on the Rights and Dignity of Persons with Disabilities

WHEREAS all persons with disabilities across the world are born with the right to human dignity and the potential to realize their full capacities (Donnelly, 2013; World Health Organization, 2001);

WHEREAS disabilities are experienced by people of all ages, genders, sexual orientations, races, and socio-economic statuses (Johnson & Woll, 2003);
WHEREAS the disparities experienced by persons with disabilities are further exacerbated by the intersectionality with other diverse identities and minority statuses resulting in millions of adults and children with disabilities living in conditions of poverty, abuse, neglect, and exploitation (Johnson & Woll, 2003; World Health Organization, 2011);

WHEREAS attitudes about people with disabilities are often the most significant barrier keeping disabled persons from performing to their full potential, thereby depriving society of a valuable resource pool (Carpenter & Paetzold, 2013; Chan et al., 2009; Ephraim, MacKenzie, Wegener, Dillingham, & Pezzin, 2006; LaVigna, 1995; Marini & Stebnicki, 2012; Whiteneck et al., 2004; Yuker, 1988);

WHEREAS psychological research has greatly helped to demonstrate the pervasive nature of stigma associated with disability, or other social identities and life circumstances, and the adverse mental health effects of discrimination (Carpenter & Paetzold, 2013; Corrigan, 2014; Green et al., 2005; Sartorius, 2006; Van Brakel, W. H., 2006; Markowitz, F. E., 1998);

WHEREAS psychological research has shown that a variety of psychological and sociological mechanisms jeopardize relationships between people with and without disabilities, increasing the likelihood of prejudice against individuals with disabilities, along with stereotyping, stigmatization, psychological discomfort, avoidance, and patronization (e.g., Banks & Kaschak, 2003; Fine & Asch, 1988; Katz, Hass, & Bailey, 1988; Longmore & Umansky, 2001; Wright, 1988);

WHEREAS comprehensive individual development (including psychological development) can take place only under conditions that protect human rights (Sano, 2000; UNICEF, 2007; Walker et al., 2007);

WHEREAS the United Nations (U.N.), working with the cooperation of individuals, organizations, and governments produced a Convention on the Rights and Dignity of Persons with Disabilities (CRPD) that was adopted by the U.N. General Assembly in December 2006, and is supported by hundreds of disability organizations;

WHEREAS the CRPD is the first treaty to specially address the human rights of people with disabilities, and recognizes and protects the human rights of some 650 million people with disabilities worldwide;

WHEREAS the CRPD has served as a catalyst in the global movement from viewing persons with disabilities as objects of charity and medical treatment toward including disabled individuals as full and equal members of society, with human rights;

WHEREAS it is inherent in the mission of the American Psychological Association (APA) to advance the creation, communication, and application of psychological knowledge to benefit society and improve people's lives;

WHEREAS the APA opposes prejudice and discrimination based on any demographic characteristics (e.g., age, gender, sexual orientation, race, socio-economic status), including disability, as reflected
In its adopted resolutions and guidelines (e.g., Resolution on the Americans with Disabilities Act, 2008; Policy Statement on the Full Participation for Psychologists with Disabilities, 1997; Guidelines for Assessment of and Intervention with Persons with Disabilities, 2011);

THEREFORE BE IT RESOLVED that the American Psychological Association commends the United Nations for directing world attention to persons with disabilities and endorses the U.N. Convention on the Rights and Dignity of Persons with Disabilities (CRPD).

BE IT FURTHER RESOLVED that the American Psychological Association will:

Endorse the purpose and principles that are outlined in the CRPD that promote, protect, and ensure the rights of persons with disabilities subject to the understanding that the CRPD has no effect on U.S. sovereignty, parental rights, or abortion laws;

Encourage the dissemination and application of psychological research and education to strengthen and inform implementation efforts of the CRPD in countries where it has been ratified;

Encourage the use of psychological research and education to heighten awareness of the impact of stigma and discrimination on persons with disabilities, and the ways in which disability intersects with other minority statuses throughout the global community;

Encourage the inclusion and involvement of persons with disabilities in research, information and technology, public policy, and advocacy; and

Advocate for public policies that support global change toward egalitarian relationships and the elimination of practices and conditions oppressive to persons with disabilities.

REFERENCES


B.(21) Council voted to adopt as APA policy the Resolution on Gender and Sexual Orientation Diversity in Children and Adolescents in Schools:

**Resolution on Gender and Sexual Orientation Diversity in Children and Adolescents in Schools**

WHEREAS people express and experience great diversity in sexual orientation and gender identity and expression;

WHEREAS communities today are undergoing rapid cultural and political change around the treatment of sexual minorities and gender diversity;

WHEREAS all persons, including those who are sexual or gender minority children and adolescents, or those who are questioning their gender identities or sexual orientations, have the right to equal opportunity and a safe environment within all public educational institutions;

Sexual Orientation and Gender Identity

WHEREAS some adolescents are aware of their attraction to members of the same gender or of their status as lesbian, gay, or bisexual persons by early adolescence (Remafedi, 1987; Savin-Williams, 1990; Slater, 1988; Troiden, 1988); although this awareness may vary by culture and acculturation (Morales, 1990; Rosario, Schrimshaw & Hunter, 2004);

WHEREAS sexual orientation and gender identity are separate, but related, aspects of the human experience (Bockting & Gray, 2004; Chivers & Bailey, 2000; Coleman, Bockting, & Gooren, 1993; Docter & Fleming, 2001; Docter & Prince, 1997);
WHEREAS some adolescents may experience a long period of questioning their sexual orientation or gender identities, experiencing stress, confusion, fluidity or complexity in their feelings and social identities (Hollander, 2000; Remafedi, Resnick, Blum, & Harris, 1992);

WHEREAS there are few resources and supportive adults available and little peer support individually or within student groups for sexual orientation and gender diverse children and adolescents, particularly those residing in rural areas or small towns, (Kosciw, Greytak, Diaz, & Bartkiewicz, 2010; Robinson & Espelage, 2011);

**Gender Diversity**

WHEREAS a person’s gender identity develops in early childhood, and some young children may not identify with the gender assigned to them at birth (Brill & Pepper, 2008; Zucker, 2004);

WHEREAS it may be medically and therapeutically indicated for some transgender and other gender diverse adolescents to transition from one gender to another using any of the following: change of name, pronoun, hairstyle, clothing, pubertal suppression, cross-sex hormone treatment, and surgical treatment (Forcier & Johnson, 2012; Olson, Forbes & Belzer, 2011; Coleman et al. 2011);

**Consequences of Stigma and Minority Stress**

WHEREAS minority stress is recognized as a primary mechanism through which the notable burden of stigma and discrimination affects minority persons’ health and well-being and generates health disparities (Hatzenbuehler, Nolen-Hoeksema, & Erickson, 2008; Meyer, 2003; Meyer, Schwartz & Frost, 2008; Mirowsky & Ross, 1989);

WHEREAS many gender and sexual orientation diverse adolescents have reported higher rates of anxiety and depression, low self-esteem, engaging in self-injurious behaviors, suicide, substance use, homelessness, and eating disorders among other adverse outcomes (Gibson, 1989; Gonsiorek, 1988; Harry, 1989; Hetrick & Martin, 1988; Ryan, Russell, Huebner, Dias, & Sanchez, 2010; Savin-Williams, 1990; Austin et al., 2009; Corliss, Goodenow, Nichols & Austin, 2011; Gipson, 2002; Grossman & D’Augelli, 2007; Mustanski, Garofalo, & Emerson, 2010; Poteat, Aragon, Espelage, & Koenig, 2009; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011; Ryan, Huebner, Diaz, & Sanchez, 2009; Schutzmann, Brinkmann, Schacht, & Richter-Appelt, 2009);

WHEREAS many transgender and gender diverse children and adolescents experience elevated rates of depression, anxiety, self-harm, and other health risk behaviors (APA Task Force, 2009; McGuire, Anderson, Toomey, & Russell, 2010; Coleman et al. 2011);

WHEREAS some gender and sexual orientation diverse adolescents are at an increased risk for pregnancy (Goodenow, Szalacha, Robin, & Westheimer, 2008; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011; Ryan et al., 2010; Saewyc, Poon, Homma, & Skay, 2008; Savin-Williams, 1992);

WHEREAS, some gender and sexual orientation diverse adolescent sub-populations, including young men who have sex with men, homeless adolescents, racial/ethnic minority adolescents, transgender women of color, and adolescents enrolled in alternative schools, are at heightened risk for sexually transmitted infections, including HIV (CDC 2012; Markham et al. 2003), due to
complex and interacting factors related to stigma, socioeconomic class and minority stress (Hatzenbuehler, Phelan & Link, 2013; Link & Phelan, 1995; Meyer, 2003; Phelan, Link & Tehranifar, 2010);

WHEREAS some children and adolescents with intersex/DSD\(^1\) conditions report rates of self-harm and suicidality comparable to individuals who have experienced physical or sexual abuse (Shutzmann, Brinkmann, Schacht, & Richter, 2009);
WHEREAS individuals with intersex/DSD conditions often report a history of silence, stigma, and shame regarding their bodies and medical procedures imposed on them (MacKenzie, Huntington, & Gilmour, 2009; Wiesemann, Udo-Koeller, Sinnecker, & Thyen, 2010);

WHEREAS invasive medical procedures that are not medically necessary in nature (e.g., genital surgery for purposes of ‘normalization’) continue to be recommended to parents of intersex/DSD children, often proceed without the affected individual’s assent, and lack research evidence on long-term quality of life, reproductive functioning, and body satisfaction (Wiesemann et al., 2010);

WHEREAS adults with intersex/DSD conditions report negative emotional, psychological and physical consequences that result from repeated and often questionable medical exams and procedures that lack research evidence to support their purported long-term reduction of distress (MacKenzie et al., 2009; Wiesemann et al., 2010);

WHEREAS gender and sexual orientation diverse young people with intersecting identities face additional challenges to their psychological well-being as a result of the negative consequences of discrimination based on sexual orientation and ethnic/racial minority status, religious identity, and country of origin, among other characteristics (Herek, Gillis, & Cogan, 2009; Moradi et al., 2010; Poteat, Aragon, Espelage, & Koenig, 2009; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011; Ryan, Huebner, Diaz, & Sanchez, 2009; Szymanski & Gupta, 2009; Garnets & Kimmel, 1991);

WHEREAS gender and sexual orientation diverse adolescents who come from impoverished or low-income families may face additional risks (Gipson, 2002; Gordon, Schroeder, & Abramo, 1990; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011);

\(^1\) Intersex refers to a range of conditions associated with atypical development of physical sex characteristics (American Psychological Association, 2006). Intersex individuals may be born with chromosomes, genitals, and/or gonads that do not fit typical female or male presentations (Organization Intersex International in the United States of America, 2013). Since 2006, the medical and research community has used the term Disorders of Sex Development. This term refers to congenital conditions characterized by atypical development of chromosomal, gonadal, or anatomical sex (Houk, Hughes, Ahmed, Lee, & Writing Committee for the International Intersex Consensus Conference Participants, 2006). An alternate term – Differences of Sex Development – has been recommended to prevent a view of these conditions as diseased or pathological (Wisemann, Udo-Koeller, Sinnecker, & Thyen, 2010). In order to be inclusive of various terminology preferences, this document will use intersex/DSD when referring to individuals who are part of this community.
WHEREAS gender and sexual orientation diverse adolescents in rural areas and small towns experience additional challenges, such as living in typically more conservative and less diverse communities (compared to those in urban settings) and having limited access to affirming community-based supports, which can lead to greater feelings of social isolation (Cohn & Leake, 2012; O’Connell, Atlas, Saunders, & Philbrick, 2010);

WHEREAS gender and sexual orientation diverse adolescents with physical or mental disabilities are at increased risk of negative health outcomes due to the consequences of societal prejudice toward persons with mental and physical disabilities (Duke, 2011; Hingsburger & Griffiths, 1986; Pendler & Hingsburger, 1991);

Concerns and Issues in the Context of Schools

WHEREAS many gender and sexual orientation diverse children and adolescents experience harassment, bullying, and physical violence in school environments (Brooks, 2000; Fineran, 2001; Greytak, Kosciw, & Diaz, 2009; Kosciw et al, 2010; McGuire et al, 2010; Poteat & Rivers, 2010; Russell, Franz, & Driscoll, 2001; McGuire et al., 2010; Sausa, 2005);

WHEREAS low numbers of school personnel intervene to stop harassment or bullying against transgender and other gender diverse students in school settings and may even participate in harassment of transgender and gender diverse students (Greytak, et al., 2009; McGuire et al., 2010; Sausa, 2005);

WHEREAS gender and sexual orientation diverse children and adolescents who are victimized in school are at increased risk for mental health problems, suicidal ideation and attempts, substance use, high-risk sexual activity, and poor academic outcomes, such as high level of absenteeism, low grade point averages, and low interest in pursuing post-secondary education (Birkett, Espelage, & Koenig, 2009; Bontempo & D’Augelli, 2002; D’Augelli, Pilkington, & Hershberger, 2002; Kosciw et al, 2013; O’Shaughnessy et al, 2004; Russell et al, 2011);

WHEREAS some studies suggest that transgender and other gender diverse students experience even poorer educational outcomes compared to lesbian, gay and bisexual students including low achievement levels, higher likelihood of being “pushed out” of high school prior to graduation, low educational aspirations, and high incidences of truancy and weapons possession (Greytak, et al.; Toomey et al., 2010);

WHEREAS recent research has identified a number of school policies, programs, and practices that may help reduce risk and/or increase well-being for gender and sexual orientation diverse children and adolescents (Blake et al 2001; Eisenberg & Resnick, 2006; Goodenow, Szalacha, & Westheimer, 2006; Graybill, Varjas, Meyers & Watson, 2009; Heck, Flentje, & Cochran 2011; Murdock & Bolch, 2005; Szalacha, 2003; Toomey et al, 2011; Walls, Kane, & Wisneski, 2010; Watson, Varjas, Meyers & Graybill, 2010);

WHEREAS gender and sexual orientation diverse students report increased school connectedness and school safety when school personnel intervene in the following ways: (1) addressing and stopping bullying and harassment, (2) developing administrative policies that prohibit discrimination based on sexual orientation, gender identity and gender expression, (3)
supporting the use of affirming classroom activities and the establishment of gender and sexual orientation diverse-affirming student groups, and (4) valuing education and training for students and staff on the needs of gender and sexual orientation diverse students (Case & Meier, 2014; Greytak et al. 2009; Kosciw et al. 2010; McGuire et al., 2010; NASP 2011; Sausa, 2005);

*The Role of Mental Healthcare Professionals in Schools*

WHEREAS school psychologists, school counselors, and school social workers advocate for inclusive policies, programs and practices within educational environments (NASP, 2010a; NASP 2010b; NASP, 2011), and

WHEREAS the field of psychology promotes the individual’s healthy development of personal identity, which includes the sexual orientation, gender expression and gender identity of all individuals (NASP, 2010a; NASP, 2011; Coleman et al. 2011; APA code ethics; APA practice guidelines);

THEREFORE BE IT RESOLVED that the American Psychological Association and the National Association of School Psychologists affirm that same-sex sexual and romantic attractions, feelings, and behaviors are normal and positive variations of human sexuality regardless of sexual orientation identity;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists affirm that diverse gender expressions, regardless of gender identity, and diverse gender identities, beyond a binary classification, are normal and positive variations of the human experience;

*Policies*

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists will advocate for local, state and federal policies and legislation that promote safe and positive school environments free of bullying and harassment for all adolescents, including gender and sexual orientation diverse adolescents and those who are perceived to be lesbian, gay, bisexual, transgender or gender diverse;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend schools develop policies that respect the right to privacy for students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. The policies should clearly state that school personnel will not share information with anyone about the sexual orientation, gender identity, intersex/DSD condition, or transgender status of a student, parent, or school employee without that individual’s permission;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend that school administrations and mental health providers in the context of schools develop partnerships and networks to promote cross-agency collaboration to create policies that directly affect the health and wellbeing of gender and sexual orientation diverse adolescents and children;
BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists encourage state educational agencies to collect data on sexual orientation, taking care to ensure student anonymity, as part of efforts to monitor and study adolescents’ risk behaviors in the CDC Youth Risk Behavior Survey. Measures of gender identity should be developed and validated for inclusion in the Youth Risk Behavior Survey as well;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend that inclusive data collection be incorporated into the Department of Education’s Mandatory Civil Rights Data Collection, another important measurement of youth experiences in schools that could help inform effective interventions to better support gender and sexual orientation diverse children and adolescents in schools;

**Programs and Interventions**

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists support efforts to ensure the funding of basic and applied research, and scientific evaluations of interventions and programs, designed to address the issues of gender and sexual orientation diverse adolescents in the schools;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend the continued development and evaluation of school-level interventions that promote academic success and resiliency, that reduce bullying and harassment, that reduce risk for sexually transmitted infections, that reduce risk for pregnancy among adolescents, that reduce risk for self-injurious behaviors, and that foster safe and supportive school environments for gender and sexual orientation diverse students;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend that special sensitivity be given to the diversity within the population of gender and sexual orientation diverse students, with new interventions that incorporate the concerns of sexual minorities often overlooked or underserved, and the concerns of racial/ethnic minorities and recently immigrant children and adolescents who are also gender and sexual orientation diverse students;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists support affirmative interventions with transgender and gender diverse adolescents that encourage self-exploration and self-acceptance rather than trying to shift gender identity and gender expression in any specific direction;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists encourage school-based mental health professionals to advocate for efforts to educate and train school professionals about the full range of sex development, gender expression, gender identity, and sexual orientation;

**Training and Education**

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists will encourage education, training, and ongoing professional
development about the needs and the supports for gender and sexual orientation diverse students for educators and trainers of school personnel, education and mental health trainees, school-based mental health professionals, administrators, and school staff, and such training and education should be available to students, parents, and community members;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists will encourage school-based mental health professionals to learn how strictly binary notions of sex, sex development and gender limit all children from realizing their full potential, create conditions that exacerbate bullying, and prevent many students from fully focusing on and investing in their own learning;

Practices

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists encourage school-based mental health professionals to serve as allies and advocates for gender and sexual orientation diverse children and adolescents in schools, including advocacy for the inclusion of gender identity, gender expression and sexual orientation in all relevant school district policies, especially anti-bullying and anti-discrimination policies;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists encourage school staff to support children and adolescents’ and families’ decisions regarding a student's gender identity or expression, including whether to seek treatments and interventions, and discourage school personnel from requiring proof of medical treatments as a prerequisite for such support;

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists recommend that administrators create safer environments for gender diverse, transgender, and intersex/DSD students, allowing all students, staff, and teachers to have access to the sex-segregated facilities, activities, and programs that is consistent with their gender identity, including, but not limited to, bathrooms, locker rooms, sports teams, and classroom activities, and avoiding the use of gender segregation in school uniforms, school dances, and extracurricular activities, and providing gender neutral bathroom options for individuals who would prefer to use them; and

BE IT FURTHER RESOLVED that the American Psychological Association and the National Association of School Psychologists will work with other organizations in efforts to accomplish these ends.

References


doi:10.1080/193653.2014.840764


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C.(25) Council received an update on the business pending item “Resolution on Aid in Dying (NBI# 23D).”

D.(26) Council received an update on the business pending item “The National Violence Project (NBI# 25D).”

**XIII. ETHNIC MINORITY AFFAIRS**

No items.

**XIV. INTERNATIONAL AFFAIRS**

A. Pierre L. J. Ritchie PhD, the IUPsyS Main Representative to the World Health Organization (WHO), provided Council with an update on the current status of the WHO International Classification of Diseases revision process and on future opportunities with WHO.
XVI. FINANCIAL AFFAIRS

A.(22) Council was informed that the Board will be asked to approve a motion delegating to the Finance Committee the approval of revisions to the “Travel and Other Expenses of the Board and the President” section of the Selected Spending Guidelines.

B.(28) Council received as information the 2013 Audited Financial Statements.

C.(29) Council received as information the draft minutes of the May 30 & 31, 2014, Finance Committee meeting.

D. APA Treasurer Bonnie Markham, PhD, PsyD, and Chief Financial Officer Archie Turner, presented the Financial Report to Council.

On Friday morning, Grady Dale, EdD, and Rodney Lowman, PhD, were presented with presidential citations and Melba J.T. Vasquez, PhD, ABPP was presented with the Raymond D. Fowler Award for Outstanding Member Contributions.
MEMORANDUM

TO: American Psychological Association Council of Representatives

FROM: Nathalie F.P. Gilfoyle, General Counsel

DATE: August 8, 2014

SUBJECT: Litigation Report

The following describes the nature and status of current litigation in which APA has been engaged, either as a party or as amicus curiae, since the February 2014 meeting of Council. This is not a privileged communication.

I. APA AS A PARTY
NEW DEVELOPMENTS SINCE FEBRUARY 2014


In December 2013, a full scanned version of the Standards was discovered on the website of Public.Resource.Org, Inc. (https://law.resource.org/pub/us/cfr/ibr/001/aera.standards.1999.pdf) a website that seeks to provide all government publications and citations from government documents to the public. It is owned and operated by Carl Malamud. AERA sent Mr. Malamud a letter asking him to take down the Standards from the PublicResource.org website, which he refused to do. Mr. Malamud's position is that because the Standards are incorporated by reference in government regulations, anyone has the right to publish the full text version of the Standards without permission of the copyright holders.

The Standards were incorporated by reference by the Department of Education into regulations under Title 34: Education, Part 668-Student Assistance General Provisions, Subpart J-Approval of Independently Administered Tests; Specification of Passing Score; Approval of State Process as follows:

§668.148 Additional criteria for the approval of certain tests.
(a) In addition to satisfying the criteria in §668.146, to be approved by the Secretary, a test must meet the following criteria, if applicable:
   (1) In the case of a test developed for a non-native speaker of English who is enrolled in a program that is taught in his or her native language, the test must be—
   (iv) Developed in accordance with guidelines provided in the 1999 edition of the “Testing Individuals of Diverse Linguistic Backgrounds” section of the Standards for Educational and Psychological Testing prepared by a joint committee of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education incorporated by reference in this section. Incorporation by reference of this document has been approved by the Director of the Office of the Federal Register pursuant to the Director's authority under 5 U.S.C. 552(a) and 1 CFR part 51. The incorporated document is on file at the Department of Education, Federal Student Aid, room 113E2, 830 First Street, NE., Washington, DC 20002, phone (202) 377-4026, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-866-272-6272, or go to:
The AERA, APA and NCME assert that Public.Resource.Org, Inc. has no right to post their copyrighted work without permission.

AERA, APA and NCME concluded that it was essential to protect their copyright in the Joint Standards and on May 23, 2014 filed a complaint in federal district court in D.C. seeking both a declaratory judgment and injunctive relief requiring the removal of the book from the website. In response to the lawsuit, Public.Resource.Org, Inc. voluntarily removed the standards from its website, pending the court’s disposition of the law suit. They maintain their position that the DOE reference to the Test Standards effectively voids the copyright and allows publication of the Test Standards by anyone.

Legal fees for this infringement action will be paid from the Standards Fund, which is comprised of revenue from the sales of the Test Standards and is administered by AERA, which serves as Publisher of the Test Standards.

Because this case is in active litigation, any further discussion of the case would need to occur in an executive session. The court order that is under appeal is posted on the COR teamsite. Public communications about the lawsuit are handled by Rhea Farberman (rfarberman@apa.org).

B. In re APA Assessment Fee Litigation – (U.S. District Court for the District of Columbia)

Beginning in late 2010 several class action lawsuits were filed in federal court in Washington, D.C. alleging that the manner in which the practice assessment had been billed was actionable under a variety of legal theories. These actions were consolidated in February, 2011 and a single putative class action complaint against APA and APAPO was then filed. As a general matter, the consolidated complaint alleged that APA and APAPO deceptively stated that the practice assessment was a “mandatory” payment. The complaint asserted that APA and APAPO were unjustly enriched and violated California’s consumer protection statute. Among other things, the complaint sought disgorgement of all practice assessment monies paid since 2001.

APA and APAPO filed a motion to dismiss the lawsuit on March 2, 2011 asserting that the complaint failed to set forth facts to support its conclusory assertions that the statements in the APA dues forms were false or misleading; that dismissal of the unjust enrichment count was appropriate because it is an established legal doctrine that disputes with members are governed by contract principles and equitable claims such as unjust enrichment are therefore not available; and that the California statutory claims were improper under established “choice of law” principles, which require application of District of Columbia law, which expressly exempts from consumer protection claims any action against a membership organization arising out of “membership services,” which includes disputes about dues statements.

On May 30, 2012, the court issued an order granting APA and APAPO’s motion to dismiss the complaint. Because leave to amend complaints is liberally given, the court allowed plaintiffs to file a motion for leave to amend the complaint but required the plaintiffs to demonstrate that any alternative claims would not be “futile.” On July 2, 2012, plaintiffs filed a motion seeking leave to amend their complaint to add claims of 1) fraudulent misrepresentation; 2) rescission; and 3) negligent misrepresentation. On August 2, 2012, APA and APAPO filed an opposition asserting that 1) the dues statements did not misrepresent the effect on APA membership of non-payment of the practice assessment and that, as a legal matter, the plaintiffs failed to meet the legal standard for fraudulent misrepresentation; 2) the contract relationship between APA and its members precludes these claims; and
3) rescission and negligent misrepresentation claims fail because the plaintiffs received services from APAPO in exchange for their assessment payments and there was no economic loss.

On February 4, 2013, the court issued an order granting APA and APAPO’s opposition to the motion to amend and dismissing the complaint with prejudice. The court found that given the totality of information that was available to members on the dues form and in the bylaws, as a matter of law the plaintiffs could not show reasonable reliance on one sentence in the dues statement. Absent a showing of reasonable reliance the misrepresentation claims fail. The court also found that rescission of the member contracts and repayment of the practice assessment, which plaintiffs sought, was legally barred because the contracts with APAPO had been fully performed, making it legally impossible to equitably return the parties to the pre-contract status quo.

The plaintiffs have appealed the trial court rulings. On March 27, 2013, another plaintiff, Ira Grossman, filed a separate putative class action complaint in the U.S. District Court for the Southern District of California. Mr. Grossman is represented by the same counsel representing the plaintiffs in the consolidated D.C. action. Mr. Grossman purports to represent a putative class comprised of all individuals in California who paid the Practice Assessment in connection with their APA dues after 2000. The substantive allegations in the Grossman complaint are substantially similar to those contained in the consolidated D.C. action. The Grossman complaint seeks to asserts claims for (1) unjust enrichment and constructive trust; (2) violation of California's Unfair Competition Law ("UCL") § 17200 (Unfair Business Act); (3) violation of California's UCL § 17200 (Unlawful Business Act); (4) violation of California's UCL § 17200 (Fraudulent Business Act); (5) violation of California's False Advertising Law § 17500; (6) fraud and deceit; and (7) negligent misrepresentation.

In September 2013, APA and APAPO moved to transfer the case to the U.S. District Court for the District of Columbia. This motion was granted on December 15, 2013 and the case has now been transferred and assigned to the judge who dismissed the national class action. The Plaintiffs did not appeal that decision.

The plaintiffs’ appeal of the order dismissing the national class action was heard on April 7, 2014 and a decision is pending. Because this case is in active litigation, any further discussion of the case would need to occur in an executive session. The court order that is under appeal is posted on the COR teamsite.

Public communications about the lawsuit are handled by Rhea Farberman (rfarberman@apa.org).

II. APA AS AMICUS CURIAE
NEW DEVELOPMENTS SINCE FEBRUARY 2014

A. Hall v. Florida – (U.S. Supreme Court) – The central issue in this case was whether a statutory definition of mental retardation that has a bright-line cutoff requiring an IQ score of 70 or below adequately captures the constitutional imperative that the mentally retarded not be executed.

The defendant in this case, Freddie Lee Hall, was convicted of a capital murder that occurred in 1978 and sentenced to death. After his original sentence was vacated, Hall was resentenced to death in 1991. At the time, the judge who sentenced Hall noted that he was “mentally retarded” but found that fact to have “unquantifiable” mitigating weight. Following Atkins, Hall filed a habeas petition and an evidentiary hearing was held. Although there was ample evidence supporting Hall’s claim – he had been repeatedly diagnosed with mental retardation in the past - because Hall had scored 73 and 80 on the WAIS-R and 71 on the WAIS-III, the trial court held he could not establish the threshold of a mental
retardation claim. The Florida Supreme Court had interpreted the Florida statute to mean that a score above 70 on the WAIS-III absolutely precludes a showing of mental retardation, and rejected Hall’s argument that the standard error of measurement should be taken into account: “The statute does not use the word approximate, nor does it reference the SEM. Thus, the language of the statute [is] clear.” The Florida court also rejected the argument that a bright-line cutoff score of 70 was contrary to Atkins, reasoning that the Supreme Court had left the determination of who should be classified as mentally retarded “to the individual states.” The court claimed that the Florida statute is consistent with DSM criteria for mental retardation.

APA’s brief to the Supreme Court advised that: 1) there is unanimous professional consensus that the diagnosis of intellectual disability requires comprehensive assessment and the application of clinical judgment; 2) the existence of concurrent deficits in intellectual adaptive functioning is central to the rationale of the Atkins decision and a system for identifying intellectual disability that does not include analysis of adaptive functioning is based on a fundamental misunderstanding of the diagnostic criteria; and 3) the use of a fixed IQ score as a cutoff to assess intellectual functioning ignores the fact that IQ test scores are subject to a standard error of measurement and the interpretation of IQ test scores must take the test’s reliability into account.

On May 27, 2014, the U.S. Supreme Court issued a 5-4 majority ruling against the Florida statute setting an IQ score requirement for defendants arguing their intellectual disability should protect them from the death penalty. Twelve years after leaving it to the states to determine when individuals were too intellectually incapacitated to be executed, the Court withdrew some of that discretion.

Justice Kennedy's majority opinion noted that the Court was not moving the rule of law on executing those who claim intellectual disability very far from where it had left that question twelve years ago in Atkins. However, the majority opinion and concluded that it was rare to make anyone eligible for the death penalty based simply on an IQ score above 70. The ruling did not rule out states' use of IQ test scores as part of the analysis of whether an individual had sufficient intellectual functioning to qualify for the death sentence. However, it stressed that use of such scores must take into account the "inherent" imprecision of such scores.

APA’s amicus brief was cited multiple times by Justice Kennedy in the decision. APA was joined on its brief by the American Psychiatric Association, American Academy of Psychiatry and the Law, Florida Psychological Association, National Association of Social Workers, and National Association of Social Workers Florida Chapter.

B. Commonwealth v. Walker – (Pennsylvania Supreme Court, Eastern Division) – The Walker case involved a gunpoint robbery of two students in the early morning hours. One of the victims was hit with the gun and injured; the other was able to get away quickly. The victim who had been struck identified the Petitioner as the perpetrator from a photo array, and the other was not able to make certain identification. At trial, only one victim was able to positively identify the Petitioner as the one who had committed the robbery. The crime occurred in poor lighting, was brief, involved a gun, and was committed by an individual of a different race than the victims. Motions raised pre-trial asked the court to allow for an expert to testify to those issues, for appropriate jury instructions, and for limiting instructions on argument. All motions were denied, and the Superior Court affirmed the decisions on appeal.

The Pennsylvania Supreme Court had long held that expert testimony from social scientists in the fields related to eyewitness identification – human memory, perception, and recall – is improper as it intruded on the jury’s duty to judge the credibility of each witness. While the overwhelming majority of jurisdictions allow for the admission of such testimony at trial, Pennsylvania did not.
The Pennsylvania Supreme Court accepted the case for review on two grounds: “1) whether the trial court should have had the discretion to allow the Petitioner to present expert testimony regarding human memory, perception, and recall, and 2) whether the Court should permit expert scientific testimony, whether it be for the defense or prosecution, on how the mind works as long as the testimony has reached general acceptance.” In a nutshell, at the heart of the case was the issue of admissibility in Pennsylvania courts of expert testimony on research regarding the reliability of eyewitness identification.

There is a large and growing body of scientific research directed specifically at eyewitness reliability. There are a number of scholarly books by psychologists summarizing the research and related issues. Gary Wells and others authored the first APA Division 41 White Paper on Eyewitness Identification Procedures (published in Law and Human Behavior in 1998).

Research regarding eyewitness memory is extensive (e.g., reliability of eyewitness identification, factors affecting the reliability of eyewitness identification, etc.). Given that the well-established expert testimony regarding human perception, memory, and recall in cases involving eyewitness identification is generally accepted in the field and that the overwhelming response of courts nationally is to allow such testimony, COLI recommended and the Board of Directors agreed that it was important to file a brief to educate the Pennsylvania courts on this matter. Specifically, because many of the variables affecting eyewitness identification are counter-intuitive and simply unknown to the layperson, not admitting expert testimony in this regard could result in mistaken convictions (In many cases in which DNA evidence has revealed a wrongful conviction, the conviction was based primarily or exclusively on eyewitness identification.)

On August 1, 2011, APA filed an amicus brief urging the court to follow the majority of other states and allow expert testimony on the strong body of psychological research regarding eyewitness testimony, including research regarding juror misunderstanding of the accuracy of eyewitness identification and the factors that can affect the accuracy of eyewitness identifications. The brief also explains that the means by which this research has been undertaken and the results have been widely accepted in the scientific community.

On May 28, 2014, Pennsylvania Supreme Court reversed prior precedent that barred expert testimony on the social science research regarding factors that affect the reliability of eyewitness testimony. In reaching its decision, the court cited APA’s brief on each of the following points: 1) most jurors do not understand the factors that affect reliability of eyewitness testimony, making expert testimony important; 2) experts would speak to objective scientific research regarding eyewitness identification, not factual issues within the jury’s purview; 3) research shows that juries do not abdicate their fact finding responsibility when presented with expert testimony; 4) this area of research has general acceptance in the scientific community — specifically that extensive research has been conducted on human memory and its limits, as well as inaccurate eyewitness identification; and 5) published research has identified numerous factors that impact the reliability of eyewitness identification.

C. Cases Involving The Right of Same Sex Couples to Marry - Golinski v. Office of Personnel Management (U.S. Court of Appeals for the 9th Circuit); Kitchen v. Herbert and Bishop v. Smith – (10th Circuit Court of Appeals); Bostic v. Schaefer (4th Circuit Court of Appeals); Latta, et al., v. Otter (U.S. Court of Appeals for the 9th Circuit); Baskin, et al. v. Zoeller, et al.- (U.S. Court of Appeals for the 7th Circuit) and Deleon v. Perry – (U.S. Court of Appeals for the 5th Circuit) (legal fees for these subject matter briefs are capped at $10,000)

1) Golinski v. Office of Personnel Management (U.S. Court of Appeals for the 9th Circuit) - This lawsuit was a challenge to the constitutionality of section 3 of the Defense of Marriage Act (DOMA), the section that defines the terms “marriage” as “a legal union between one man and one
woman as husband and wife” and “spouse” as “a person of the opposite sex who is a husband or a wife.” Section 3 prevents the federal government from recognizing the marriages of same-sex couples who are legally married in their own states and restricts the federal government from granting such couples any federal benefits it provides to opposite-sex married couples.

In this case, Karen Golinski was denied spousal health benefits by her employer, the U.S. Court of Appeals, Ninth Circuit in San Francisco. She married her partner of 20 years in 2008 when such marriages were legal in California and attempted to obtain health insurance for her partner under the federal government’s health benefit plans. She was refused with DOMA being cited as the basis. In January 2009, Chief Judge Alex Kozinski ruled in an administrative action that it violates the Ninth Circuit's employment policies prohibiting discrimination based on sexual orientation to deny the legally married Golinski the same benefits for her wife as heterosexual court employees receive for their lawful spouses. The federal Office of Personal Management (OPM)—an agency of the executive branch—responded that the law governing federal employees' health insurance and the so-called Defense of Marriage Act (DOMA) prevent coverage for the spouses of lesbian and gay federal employees, and instructed Golinski's insurer not to enroll her wife. Lambda Legal sued the federal government to compel it to stop interfering with the orders of the court's chief judge so that Golinski can be provided equal benefits for her wife, and subsequently raised a direct challenge to DOMA in federal court.

In February 2011, President Obama and Attorney General Eric Holder concluded that Section 3 of DOMA is unconstitutional and inappropriate to defend. Thereafter, the Bipartisan Legal Advisory Group (BLAG) intervened on behalf of the leadership in the U.S. House of Representatives to defend DOMA. Plaintiff moved for summary judgment in July of 2011, and on February 22, 2012, U.S. District Court Judge Jeffrey White issued a ruling declaring DOMA unconstitutional. BLAG appealed the district court decision to the U.S. Court of Appeals for the Ninth Circuit.

On July 10, 2012, APA filed a brief in support of Golinski, joined by the California Psychological Association, the American Psychiatric Association, the National Association of Social Workers, the American Medical Association, the American Academy of Pediatrics and the American Psychoanalytic Association. The brief is similar to the brief APA previously filed in the U.S. Court of Appeals in the First Circuit (Gill v. Office of Personnel Management). The brief applies social science research to rebut some of the justifications offered for the prohibition in Section 3 of DOMA of any federal recognition of the marriages of same-sex couples. Those justifications, involving procreation, the welfare of children and the like, are closely similar to those offered in cases defending states’ refusal to allow same-sex couples to marry. The amicus brief provided extensive psychological research on key points, including how homosexuality is a normal expression of human sexuality, is generally not chosen, and is highly resistant to change. Also provided was current scientific research on the nature of same-sex relationships, the role of child-rearing, and the stigma resulting from denying the label “marriage” to same-sex unions. For example, the brief cited psychological research showing that gay and lesbian parents are not any less fit or capable than heterosexual parents, and that their children are not less adjusted. The brief also addressed how denying federal recognition to legally married same-sex couples stigmatizes them.

The government filed a preemptive petition for certiorari to the U.S. Supreme Court and the 9th Circuit stayed oral argument in the case pending the Court’s action on the petition for Certiorari. Following the Supreme Court's decision in U.S. v. Windsor that found Section 3 of DOMA unconstitutional, with the consent of all parties, the Ninth Circuit dismissed the appeals.

2) Kitchen v. Herbert and Bishop v. Smith – (U.S. Court of Appeals for the 10th Circuit) – This case involved a federal challenge to Utah and Oklahoma’s laws prohibiting same-sex couples from marrying and recognition of the legal marriage of same-sex couples who married in other states.
Utah Constitutional Amendment 3, passed by referendum in 2004, states that no union other than one between a man and a woman may be recognized as a marriage. Derek Kitchen and five co-plaintiffs took issue with this definition and filed a lawsuit in federal district court to challenge the gay marriage ban. In a December 2013 ruling, the court invalidated the amendment, finding that such a restriction was an affront to equal protection and the fundamental right to marry. Meanwhile, Mary Bishop and Sharon Baldwin also filed a federal suit to challenge a similar provision that was added to Oklahoma’s constitution by referendum in 2004. Like Utah’s district court, the Oklahoma district court found the amendment unconstitutional. Following the Supreme Court ruling in United States v. Windsor — which struck down part of the Defense of Marriage Act — these state cases were brought before the U.S. Court of Appeals for the Tenth Circuit, to consider the constitutionality of a state’s decision to exclude same-sex unions from the definition of marriage.

APA filed a brief supporting the Utah and Oklahoma plaintiffs' fight for equality under the law in their respective challenges. As in prior APA briefs, scientific evidence was presented concerning sexual orientation and families relevant these combined cases. APA argued that: 1) homosexuality is a normal expression of human sexuality, is generally not chosen, and is highly resistant to change; 2) that gay men and lesbians form stable, committed relationships that are equivalent to heterosexual relationships; 3) that the institution of marriage offers social, psychological and health benefits that are denied to same-sex couples who cannot legally marry; and, 4) there is no scientific basis for concluding that same-sex couples are any less fit or capable parents than heterosexual couples or that their children are any less psychologically healthy. The brief further states that by devaluing and delegitimizing same-sex relationships, the Oklahoma and Utah laws compound and perpetuate the stigma historically attached to homosexuality.

Oral argument was held on April 10, 2014 and on June 24, a three-judge panel of the Tenth Circuit issued a ruling that Utah’s constitutional amendment barring marriage for same-sex couples violates the U.S. Constitution.

3) Bostic v. Schaefer – (U.S. Court of Appeals for the 4th Circuit) – At issue is the constitutional challenge to Virginia’s refusal to issue marriage licenses to same-sex couples.

In July 2013, Bostic and his partner, London, sought to obtain a marriage license at the Norfolk Circuit Court but were turned down because of the state’s ban on marriage equality. The couple then filed a lawsuit in the U.S. District Court. In February 2014, the U.S. District Court ruled in favor of the plaintiffs declaring that laws prohibiting gay and lesbian couples from marrying are unconstitutional. The ruling was appealed to the U.S. Court of Appeals for the Fourth Circuit, State Registrar of Vital Records Janet Rainey and Clerk of the Circuit Court for the City of Norfolk George Schaefer served as defendants-appellants in their official capacities. Prince William County Circuit Court Clerk Michele McQuigg was an intervenor defendant-appellant.

APA’s brief argued that Virginia’s laws banning recognition of same-sex marriage are instances of institutional stigma and further argues that the laws are unconstitutional in that it denies them the equal protection rights guaranteed by the Fourteenth Amendment.

The 4th Circuit Court of Appeals heard oral arguments in this case on May 13, 2014. On July 28, 2014, the United States Court of Appeals for the Fourth Circuit upheld a lower court’s decision in Bostic v. Rainey, No. 14-1167 (4th Cir. July 28, 2014), striking down Virginia state laws that prohibit same-sex marriage or the recognition of such marriages lawfully entered in other states. In a 2-1 decision, the Court found that the United States Constitution provides individuals with a fundamental right to marry another individual, no matter the gender. This continues the trend of recent decisions throughout the country.
finding bans on same-sex marriage unconstitutional, including the Tenth Circuit’s recent decisions in *Kitchen v. Herbert* and *Bishop v. Smith*.

After finding that the opponents of Virginia’s same-sex marriage ban had legal standing to challenge the ban, the Court rejected the ban-proponents’ argument that existing Supreme Court precedent, *Baker v. Nelson*, barred the challenge. Because Supreme Court jurisprudence has changed substantially since *Baker*, the Fourth Circuit, echoing other courts that have ruled on this issue, held that *Baker* is no longer controlling.

The Fourth Circuit held that “the fundamental right to marry encompasses the right to same-sex marriage,” and therefore, that Virginia’s same-sex marriage ban must pass strict scrutiny review, the highest level of scrutiny applied to governmental restrictions on constitutional rights. The Court held that the right to same-sex marriage was no different from the right to interracial marriage recognized in 1967 by the Supreme Court in *Loving v. Virginia*, both subsets “of a broad right to marry that is not circumscribed based on the characteristics of the individuals seeking to exercise that right.”

Under strict scrutiny, the law infringing a fundamental right “may be justified only by compelling state interests, and must be narrowly drawn to express only those interests.” The Court addressed and rejected five asserted “compelling” interests offered by the proponents. The Court rejected the proponents’ argument that principles of federalism and states’ rights provided a compelling interest supporting the ban, because, although states traditionally have the authority to define marriage, a state cannot place restrictions on marriage that violate the constitutional rights of individuals. Similarly, the Court found the proponents’ appeal to “history and tradition” lacking, because tradition provides an insufficient basis to infringe a fundamental individual liberty, such as the right to marry.

Further, the Court dismissed the argument regarding the parental effectiveness of same-sex couples. Quoting extensively from APA’s amicus brief (joined by American Academy of Pediatrics, American Psychiatric Association, National Association of Social Workers, and Virginia Psychological Association), the Court noted that “there is no scientific evidence that parenting effectiveness is related to parental sexual orientation,” and ‘the same factors’ – including family stability, economic resources, and the quality of parent-child relationships – ‘are linked to children’s positive development, whether they are raised by heterosexual, lesbian, or gay parents.’” The court also noted that “[a]ccording to the APA, ‘the parenting abilities of gay men and lesbians—and the positive outcomes for their children—are not areas where most credible scientific researchers disagree.’” While the Court found the arguments “extremely persuasive,” it held that it did not need to resolve that dispute, because the proponents’ optimal childrearing argument faltered under strict scrutiny.

In this regard, the Court affirmed the district court’s decision to enjoin enforcement of the Virginia Marriage Laws. It is not yet clear whether the Court will stay its decision pending further appeals by the proponents.

4) **Latta v. Otter** – (U.S. Court of Appeals for the 9th Circuit) – This law suit is a challenge to Idaho’s laws prohibiting same-sex couples from marrying and refusing to respect the legal marriages of same-sex couples who married in other states. This case is on appeal from the U.S. District Court for the District of Idaho. APA filed an amicus brief on July 25, 2014 in support of Plaintiffs-Appellees (*Latta et al.*) and was joined by American Psychiatric Association and the National Association of Social Workers.

Consistent with prior APA briefs, the brief presents an accurate summary of the current state of scientific and professional knowledge concerning sexual orientation and families relevant to this case – including that homosexuality is a normal expression of human sexuality, resistant to change, factors that affect adjustment of children are not dependent on parental gender or sexual orientation, etc.
APA’s brief further states that there is no scientific basis for concluding that same-sex couples are any less fit than heterosexual couples who are parents and are no less psychologically healthy and denying the status of marriage to same-sex couples stigmatizes them.

The case will be heard late August or September.

5) **Baskin, et al. v. Zoeller, et al.** (U.S. Court of Appeals for the 7th Circuit) – This lawsuit is a challenge to the constitutionality of the Indiana and Wisconsin laws prohibiting same-sex couples from marrying.

APA filed an amicus curiae brief in support of Plaintiff-Appellees on August 5, 2014. APA was joined by the Wisconsin Psychological Association, the American Psychiatric Association; American Academy of Pediatrics and their state chapter; American Association for Marriage & Family Therapy; NASW and their state chapters.

Consistent with prior APA briefs, the brief presents an accurate summary of the current state of scientific and professional knowledge concerning sexual orientation and families relevant to this case – including that homosexuality is a normal expression of human sexuality, resistant to change, factors that affect adjustment of children are not dependent on parental gender or sexual orientation, etc.

APA’s brief further states that there is no scientific basis for concluding that same-sex couples are any less fit than heterosexual couples who are parents and are no less psychologically healthy and denying the status of marriage to same-sex couples stigmatizes them.

This case will be heard by the 7th Circuit this fall.

6) **Deleon v. Perry** – (Corrected 8/12/2014) (U.S. Court of Appeals for the 5th Circuit) – This case challenges Texas law prohibiting same-sex couples from marrying and refusing to respect the legal marriages of same-sex couples who married in other states.

On October 28, 2013, lawyers filed a federal lawsuit on behalf of two same-sex couples seeking the freedom to marry or respect for their legal marriage in Texas. In Texas, same-sex couples are prohibited from joining together in marriage because of a 2005 constitutional amendment. The two couples are Mark Phariss & Vic Holmes and Cleopatra De Leon & Nicole Dimetman. Phariss and Holmes are unmarried, while De Leon and Dimetman married in Massachusetts in 2009 and are seeking respect for their marriage in Texas.

On February 26, 2014, U.S. District Court Judge Orlando Garcia ruled that laws in Texas prohibiting same-sex couples from marrying are unconstitutional. The federal judge also issued a stay on the ruling pending appeal, so same-sex couples were not immediately allowed to receive marriage licenses. The ruling was quickly appealed to the United States Court of Appeals for the 5th Circuit.

Consistent with prior APA briefs, the brief presents an accurate summary of the current state of scientific and professional knowledge concerning sexual orientation and families relevant to this case – including that homosexuality is a normal expression of human sexuality, resistant to change, factors that affect adjustment of children are not dependent on parental gender or sexual orientation, etc.
APA’s brief further states that there is no scientific basis for concluding that same-sex couples are any less fit than heterosexual couples who are parents and are no less psychologically healthy and denying the status of marriage to same-sex couples stigmatizes them.

The 5th Circuit Court of Appeals has yet to schedule oral arguments in the appeal.

D. **MKB Management, Inc. v. Burdick** – (U.S. Court of Appeals for the 8th Circuit) – This case challenges North Dakota’s law that would prohibit abortion as early as six weeks into a pregnancy.

After being struck down in the trial court as unconstitutional, the case goes to the U.S. Court of Appeals for the Eighth Circuit. APA’s 2008 Task Force on Mental Health and Abortion Report has been cited by both those opposing the restrictions and criticized by those supporting the restrictions. The Report reviews and evaluates empirical studies relating to the mental health of women who have abortions in the United States and finds that, based on the best research, among women who have a single, legal, first-trimester abortion of an unplanned pregnancy there is no greater risk of mental health repercussions than among women who deliver an unplanned pregnancy.

EMG and COLI approved a straightforward defense of our Report and an explanation of some of the challenges of social science research in this area. APA, in 2010, sought leave to file a brief in another case in the Eighth Circuit (*Planned Parenthood et al. v. Mike Rounds et al.*) *Rounds* was an appeal by the state of South Dakota of a trial court ruling striking down as unconstitutional a South Dakota statute that required physicians to warn women considering an abortion that suicide or suicidal ideation are known medical risks of abortion. In reaching that decision the trial court relied in part on the Report of the APA Task Force on Mental Health and Abortion, which found after a comprehensive literature review that the research does not support a finding that an abortion in the first trimester causes mental health problems. The appellant state of South Dakota opposed APA’s request for leave to file an amicus brief on several grounds, including that the copy of the APA Task Force report that APA had attached to the amicus brief for the court’s convenience contained several tables in the appendix that had not appeared in the original report filed with the trial court. APA replied to these arguments but the 8th Circuit did not allow APA’s brief to be filed. Thereafter APA sought leave to file a revised shortened brief that among other things deleted the tables to the report. The state also opposed this request, accusing APA of trying to supplement the record with expert testimony. The 8th Circuit again denied APA’s request and thus the brief was not included in the material that the merits panel will consider when it decides the appeal. Thus, the brief was submitted to the 8th Circuit Court of Appeals but not accepted.

The OGC is working with the APA Public Interest Directorate and outside counsel to review, and update as needed, any new research that may appear to in any way undermine the APA Task Force Report that presents a valid summary of the social science. For example, OGC has identified recent studies that appear to improperly infer causation from correlation. Although correlation is a necessary prerequisite for causation, the simple existence of a correlation, by itself, does not provide a sufficient scientific basis for making causal inferences about abortion history and mental health variables.

The *Rounds* brief provides a strong template for filing a brief in *Burdick* or any case where the APA Task Force Report’s findings come into issue. Legal fees are capped at $10,000. An APA amicus brief will be filed in late August.

E. **Cases Involving Eyewitness Testimony** – (Massachusetts Supreme Judicial Court) - The Massachusetts Supreme Judicial Court sponsored an expert report on eyewitness testimony and has now
issued a call for amicus briefs in three separate eyewitness identification cases, which will be heard in September. We expect that there will be one consolidated brief. The cases and certified questions are:

1) Commonwealth v. Jeremy Gomes (SJC-11537) - Whether the judge erred in refusing to instruct the jury, as requested by the defendant, in essence that (a) a witness's prior viewing of a suspect in an identification procedure, without making a positive identification, reduces the reliability of the witness's later identification of the same suspect; (b) human memory is not like a video recording; and (c) witnesses who are highly confident of their identifications are not therefore necessarily reliable.

2) Commonwealth v. Kenneth Johnson (SJC-11567) - Where a victim of a crime has failed to identify the defendant in an identification procedure such as a police line-up, whether the defendant is entitled to a modified identification instruction that informs the jury that they may consider the fact that the victim failed to identify the defendant as the perpetrator.

3) Commonwealth v. Walter Crayton (SJC-11639) - Whether the court should adopt the recommendation of the S.J.C. Study Group on Eyewitness Evidence, that “in-court identification not be permitted except, in the judge's discretion, on redirect examination, in rebuttal, or in other circumstances where the defendant challenges the witness's ability to make such identification.” [We will evaluate whether there is strong research to present in this case with our experts and COLI reviewers. As noted above it is likely that there will be one consolidated brief. ]

APA has filed three briefs in the eyewitness testimony area (Commonwealth v. Walker; Perry v. New Hampshire; and State of Connecticut v. Troy Artis) and we will build on those briefs in filing in these cases.

Gary Wells, Steve Penrod, and Brian Cutler have agreed to be reviewers on this brief.

Legal fees are capped at $10,000.

NO NEW DEVELOPMENTS SINCE FEBRUARY 2014

A. Sevcik v. Sandoval and Jackson v. Abercrombie (U.S. Court of Appeals for the 9th Circuit) - This case challenges whether the Equal Protection Clause, part of the 14th Amendment to the U.S. Constitution, does not prohibit the state from limiting marriage to people of the opposite sex.

These two cases, arising in Hawaii and Nevada, respectively, had similar outcomes in that the District Courts each found there was no constitutional right to marriage for couples of the same sex. In both cases, the courts applying rational basis review, ruled that the Equal Protection Clause of the 14th Amendment does not prohibit the state from limiting marriage to people of the opposite sex. The Hawaii case, based on Hawaii's marriage statute, also upheld the legitimacy of state policy refusing to recognize same sex marriages performed in other states. The Nevada case involves the validity of an amendment to the state's constitution banning same sex marriage.

APA’s brief relied on much of the scientific and professional literature sited in previous marriage briefs — that most gay men and lesbians do not experience their sexual orientation as resulting from a voluntary choice; that the consensus of mental health professionals and researchers has been that homosexuality and bisexuality are normal expressions of human sexuality; that they pose no inherent obstacle to leading a happy, healthy and productive life; and that there is no scientific basis for concluding that same-sex couples are any less fit or capable parents than heterosexual couples. APA's position, based
on that science, is that the states' judgment that, in the realm of intimate relationships, legally united same-sex couples are inherently less deserving of society's full recognition than heterosexual couples is unconstitutional. APA's position is that by devaluing and delegitimizing the relationships that constitute the very core of homosexual orientation, the Nevada and Hawaii laws challenged by this brief compound and perpetuate the stigma historically attached to homosexuality, and that the states’ judgments should be reversed.

B. State of Connecticut v. Troy Artis – (Supreme Court of Connecticut) – At issue is whether the appellate court majority properly determined that admission of the victim’s in-court and out-of-court identifications following a suggestive police display of defendant’s photograph was a reversible due process violation.

The case before the Connecticut Supreme Court involves research as presented in Perry v. New Hampshire but involves a different legal issue. In this case, Mr. Artis was convicted as an accessory to the first-degree assault in connection with a club fight. The central issue is whether the trial court’s admission into evidence of the victim’s out-of-court identification of the defendant violated the defendant’s due process rights under Manson v. Brathwait, 432 U.S. 98 (1977), and Neil v. Biggers, 409 U.S. 188 (1972). Here, all parties and the courts agree that the identification procedure was unnecessarily suggestive. The trial and appellate courts disagreed, however, in the application of the reliability factors. The State appealed the reversal of Artis’s conviction to the Connecticut Supreme Court, which agreed to hear the case.

APA filed an amicus brief providing the Court with an overview of the strong body of research showing the variables that affect accuracy of eyewitness identification, specifically addressing the point that suggestive circumstances that will affect eyewitness identification can occur without police action and that limiting due process protections to only those faulty eyewitness identification procedures that are caused by state actors is too narrow a band of protection. In this case, the state’s sweeping attacks on the appellate court’s ruling (and on psychological research and researchers) are addressed in detail in the APA brief as lacking merit. APA’s brief also notes that courts throughout the country have acknowledged that the relevant research is reliable and properly considered by the courts.

Legal fees were capped at $10,000.
AUGUST 6 & 8, 2014, COUNCIL MEETING
AGENDA ITEM #10

A STRAW POLL IS A VOTE WITH NONBINDING RESULTS AND SHOULD NOT BE VIEWED AS AN OFFICIAL VOTE.

STRAW POLLS TAKEN RELATED TO COUNCIL’S STRUCTURE

Poll #1

Where do you stand on having 9 at-large seats designated by the NASCC each year based on a needs assessment?

I support the IWG Proposal – 63 votes/39 %
I think more work is needed on other options, such as considering a different # or method of allocating at-large seats – 51 votes/32 %
We need to develop entirely new models for at-large seats – 47 votes/29%

Poll #2

Vote your preference

Apportionment – 51/32%
1 vote 1 unit – 81/50%
Weighted – 29/18%

Poll #3

Vote your preference

Apportionment – 71/44%
1 vote 1 unit – 90/56%

Poll #4

Question on whether additional seats (in addition to division and SPTA seats) should be added to Council.

Vote your preference

No additional seats: 32/22%
Additional 9 seats as proposed by IWG: 50/34%
Other*: 18/12%
Combination of IWG proposal and other seats: 47/32%

*Examples of “other” include: Ethnic Minority Psychological Association representatives, Regional Psychological Associations representatives]
## TRIAL AUTHORITY CHART

### BEFORE GGP/IWG

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<tr>
<th>FUNCTION</th>
<th>Final Authority</th>
<th>Recommendation*</th>
<th>Final Authority</th>
<th>Recommendation*</th>
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<td>2. Membership Strategies/Procedures</td>
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<td>4. Policy Related to Psychology</td>
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<td>6. Oversight of Implementation of Public Policy (e.g. Amicus Briefs)</td>
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<td>10. Approval of Division Journals</td>
<td>Council</td>
<td>Board</td>
<td>Council***</td>
<td>Board</td>
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<td>11. Investment Strategies</td>
<td>Council</td>
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<td>Board</td>
<td>FC</td>
</tr>
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<td>12. Budget Approval</td>
<td>Council</td>
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<td>Board</td>
<td>FC</td>
</tr>
<tr>
<td>13. Organizational Financial Policy</td>
<td>Council</td>
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<td>Board</td>
<td>FC</td>
</tr>
<tr>
<td>14. Budget Development</td>
<td>EMG</td>
<td>FC</td>
<td>EMG</td>
<td>FC</td>
</tr>
<tr>
<td>15. Audited Statements</td>
<td>Board</td>
<td>FC</td>
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<td>FC</td>
</tr>
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<td>16. Fiduciary Duty: Discipline-Related Policy</td>
<td>Council</td>
<td>Board</td>
<td>Council</td>
<td>CLT/EMG/relevant groups</td>
</tr>
<tr>
<td>17. Fiduciary Duty: Financial/Organizational Policy</td>
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<td>Board</td>
<td>Board</td>
<td>FC/EMG/relevant groups</td>
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<tr>
<td>18. Legal Risk Management</td>
<td>Coordinated</td>
<td>EMG</td>
<td>Coordinated</td>
<td>EMG</td>
</tr>
<tr>
<td>19. Election Policies</td>
<td>Council</td>
<td>Board</td>
<td>Council***</td>
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<td>20. Evaluating the CEO</td>
<td>Board</td>
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<td>Board</td>
<td>EMG</td>
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<tr>
<td>21. Hiring the CEO</td>
<td>Council</td>
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<td>Board</td>
<td>EMG</td>
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</table>
TRIAL AUTHORITY CHART

NOTES: This document provides the final authority and final recommendation group for several function areas of APA’s governance, showing the delineation of roles both before and after the implementation of the Good Governance Project/Implementation Work Group motions approved by Council. Under the new delegation, the Board will have the final authority on policies related to the organization and Council will have the final authority on policies related to the discipline. The summary reflects the Authority Matrix and any future changes to that document will subsequently be reflected in the chart. Additionally, at the end of the three-year trial period (February 28, 2017) the Final Authority Chart/Matrix will be reviewed and reassessed.

Abbreviation Key
MB = Membership Board
FC = Finance Committee
EMG = Executive Management Group (includes Chief Executive Officer, Deputy Chief Executive Officer, Chief Financial Officer, Chief Information Officer, General Counsel, Chief Policy Advisor and seven Executive Directors)
P&C = Publications and Communications Board

Collaborative = Board and Council collaboration. The group within the organization must work collaboratively with another group(s) within the organization.
Coordinated = Each group is responsible for the given functional area and actions as they relate to that group’s specific domain.

*The areas in which the Executive Management Group has final authority does not change. It is assumed that EMG will continue to provide support and recommendations to decision makers on all issues.

The chart above shows the group that provides the final recommendation to the group having the final authority. Boards and committees will continue to review and provide recommendations on the items relevant to them.

**Duties of the Council Leadership Team include developing procedures for Council to select mega issue topics and overseeing the discussions/assisting with backgrounders; assisting the President in proposing the order of the Council agenda to Council; regularly reviewing the structure and function of Council; overseeing the orientation of new Council members; providing a recommendation to Council on policies related to the discipline and leading Council in reviewing and revising the strategic direction for the science of psychology. The Council Leadership Team’s role is to make recommendations to Council; it is not a group that has final authority for function areas.

***The Bylaws provide that Council shall approve the publication of new division journals. To be consistent with the new allocation of responsibilities, Council may decide at a future time to propose Bylaw changes to give the Board the final authority on this. It is also anticipated election policies will eventually be under the Board’s authority. Some of the policies and details regarding elections are currently in the Bylaws while others are in the Association Rules. These changes are not being proposed at this time as they were not part of the motions approved by Council in February. It is anticipated that Council will retain the final authority for approval of new divisions.