

American Psychological Association

Association Rules – February 2007

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 and provincial 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 and provincial 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 90-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 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 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 approve the standard or guideline as APA policy.

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 AR 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.

100. DIVISIONS

100-1. REPORTS, LIABILITY INSURANCE, PUBLIC STATEMENTS, CONTRACTS, AND POLITICAL ACTIVITIES

100-1.1 On or about February 1 of each year, Divisions shall submit to the Board of Directors a report that covers the activities of the Division during the preceding year. The report shall be in a format requested by the Recording Secretary.

100-1.2 The annual report of the Division shall cover financial activities (including a copy of the division's annual tax return), membership, elections, special projects undertaken during the year, new committees, new chapters and sections, political advocacy, interorganizational linkages, and such other matters as may be required to present an accurate accounting of the Division's activities during the reporting period.

100-1.3 The Board of Directors shall inform Divisions of activities that appear to be out of compliance with the Bylaws, Association Rules or policies of the Association. Continued failure or refusal to comply with these requirements may constitute good and sufficient reason for the imposition of sanctions, including the dissolution of a Division by the Council of Representatives. The Board shall seek to resolve issues of concern with Divisions on an informal basis before placing the issue on Council's action agenda.

100-1.4 Every five years, the Board of Directors shall evaluate the reports of each Division, including its chapters and sections, for overall compliance with the Bylaws, Association Rules, and APA policies and report the results of these evaluations to the Council of Representatives.

100-1.5 A division of the Association or a subunit of a division may release a position or policy statement on public policy matters in its field in its own name so long as the statement "complies with all relevant association bylaws, rules and current association policies" (APA Bylaws, Article VI.5) and does "not establish or enforce standards for ethics, accreditation, certification, or credentialing of specialty recognition" (APA Bylaws, Article VI .5). If the position or policy statement is intended to establish or could be construed by APA members or the public as establishing a standard or guideline for psychologists or for individuals or organizations that work with psychologists, the provisions of Association Rule 30-8 apply. Unless a division or division subunit obtains approval for a proposed statement on public policy issues from Council, such statements shall contain a disclaimer clause making it clear that the division or subunit is not speaking for the APA or for any other division or unit of the APA. Position or policy statements issued in the name of the APA require prior approval by Council.

When issuing statements on public policy matters in its field, a division or its subunit should contact the Division Services office, which will consult with APA legal counsel and executive directors, to determine if the proposed position or policy statement is in conflict with APA Bylaws, rules or policies and to determine if Rule 30-8 applies. Provided there is no such conflict, the Division Services office, in consultation with APA legal counsel, will determine appropriate disclaimer language to accompany the position or policy statement.

For positions or policy statements to be presented by a division or its subunit in amicus curiae briefs, affidavits or other statements in legal proceedings, the provisions of Rule 100-1.9 apply.

100-1.6 As stated in Article VI, Section 9 of the APA Bylaws, divisions shall publish journals only with the approval of Council. Proposals for division journal publication go to Council via the Publications and Communications Board. Such journals shall be operated in a manner consistent with APA and Publications and Communications Board policies on division journals.

100-1.7 APA shall obtain liability insurance for publications of APA and its divisions.

100-1.8 A Division may execute contracts or negotiate grants with outside entities. Such contracts or grants (with the exception of those for routine, annually recurring events or expenses, e.g., meetings) which provide for payment or receipt by a Division or the Association of funds, goods, services or other value in excess of \$10,000 must be submitted to the APA Executive Office for prior legal and financial review. The legal and financial reviews will be conducted in a timely manner.

100-1.9 A division or other unit of the Association may participate in amicus briefs according to the procedures approved by the Board of Directors. In the event that the Board decides that APA will file an amicus curiae brief in a case, a division or other APA-related entity may not file a separate brief in the same case.

100-1.10 A division or other unit of the Association may not support, either directly or indirectly, any candidate for federal, state, or local office including contributions or other support to any political action committees.