

Judith Van Hoorn

#2

34E

AUGUST 2008 LEGISLATIVE COUNCIL NEW BUSINESS FORM

Date Submitted: _____

Agenda Item #
(completed by staff)

Please follow the instructions on the right hand side. The back of this page provides the Guidelines for Council Resolutions, the APA priorities most recently identified by Council and a space for co-sponsors to sign. **If you have questions, consult a staff person or a member of CSFC.**

SUBJECT:

Council resolution directing the Ethics Committee to complete action from the August 2005 meeting in time for Council to review the Ethics Committee recommendation at its August 2009 meeting

MOVER:

Judith Van Hoorn
Corann Okorodudu
Bill Strickland
Beth Wiggins
Laurie Wagner
Allen Omoto
Martha Banks

→ Jennifer Kelly
Alia S. Carter

REPRESENTING: DIVISIONS 9, 19, 39, 41, 45, 48, 33

→ Georgia

ISSUE:

In August 2005 Council took the following action: "...that the APA Ethics Committee review the discrepancy between the language of the *Introduction and Applicability Section* of the Ethical Principles of Psychologists and Code of Conduct and *Ethical Standard 1.02*, and make a recommendation to the Board of Directors concerning adding the words 'in keeping with basic principles of human rights' to *Ethical Standard 1.02*."

This new business item reaffirms Council's commitment to resolve this discrepancy in a timely way. Council supports such action by funding a process to speed a comprehensive review to implement language that clarifies that all psychologists in all roles work in keeping with basic principles of human rights.

RELATION TO APA PRIORITIES:

10. Promote human welfare through social justice research, practice, policy, and/or education.

ESTIMATED COSTS/STAFF RESOURCES: \$10,500

MAIN MOTION:

INSTRUCTIONS

Subject: Concise title that accurately reflects the spirit/intent of the main motion.

Mover(s): Identify the author(s) of the item.

Representing: Identify the constituency the author(s) represent.

Issue: Provide a rationale for the motion as well as relevant background information. Avoid extraneous detail.

Relation to APA Priorities: Identify the priorities, if any, (see reverse side) to which your item is aimed.

Estimated Costs/Staff

Resources: Provide, to the best of your ability, a realistic assessment of what this will cost. Consult with a staff person if needed.

Main Motion: Describe in succinct language what you are asking for. If requesting the formation of a task force or committee, specify its charge, size and expected duration. If requesting an amendment to the Association Rules or Bylaws, provide the current language and bracket material to be deleted and underline material to be added.

Expected Outcomes/Products:

Define the expected outcome or product if the main motion is approved.

Council directs the APA Ethics Committee to form an ad hoc committee to move forward expeditiously to recommend language to Council that would resolve the discrepancy between the language of the Introduction and Applicability Section of the Ethical Principles of Psychologists and Code of Conduct and the Ethical Standards 1.02 and 1.03 and make a formal recommendation for immediate action at the August 2009 meeting of Council.

Whereas, in August 2005 following adoption by the Board of Directors of the PENS Task Force Report, Council requested "that the APA Ethics Committee review the discrepancy between the language of the Introduction and Applicability Section of the Ethical Principles of Psychologists and Code of Conduct and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words 'in keeping with basic principles of human rights' to Ethical Standard 1.02."

Whereas, when Council adopted the 2002 Ethics Code, it was never Council's intent that the language of Standards 1.02 and 1.03 be interpreted to mean that any psychologist in any role could use these standards as a defense for violating basic human rights.

Whereas, Council requested "that this process [to recommend language] move forward as expeditiously as reasonably possible, recognizing that a proposed amendment to the Ethical Principles of Psychologists and Code of Conduct will be subject to the review procedures required by Association Rule 30-8, Standards and Guidelines, and final Council action."

Whereas, Council took this action after it was informed that the Introduction and Applicability Section of the Ethics code is aspirational rather than enforceable. It states: "If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights." In contrast, Standard 1.02 states, "If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority." Standard 1.03 states "If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code."

Whereas, according to The Association Rules (2008) Code 20-4.1, titled, Review of the Ethics Code, "The Ethics Committee shall have the responsibility from time to time of initiating a review of the latest formally adopted version of the ethics code or any part of the code and proposing necessary changes or additions. In carrying out such a review, the Ethics Committee may set up such ad hoc committees as it finds necessary."

Whereas, Council acknowledges the Ethics Committee's work to implement Council's 2005 charge. In particular, Council appreciates the manner in which the Committee has considered suggested changes in language as well as the way that the Committee has reached out to various constituencies in its efforts.

Whereas, Council remains committed to providing its support to the Ethics Committee to

facilitate the entire review process including, as mandated by the Association's Rules, the subsequent review by Boards, Committees, and relevant constituencies and final action by Council.

Therefore, **BE IT RESOLVED** that Council directs the APA Ethics Committee and the other relevant Boards, Committees and constituencies to move forward expeditiously to recommend language to Council that would resolve the discrepancy between the language of the Introduction and Applicability Section of the Ethical Principles of Psychologists and Code of Conduct and Ethical Standards 1.02 and 1.03.

BE IT RESOLVED that the language proposed for Council's action communicate clearly that Standards 1.02 and 1.03 can never be interpreted to justify violations of basic human rights. Council suggests the addition of the following text to both Standard 1.02 and 1.03: "This Standard can never be interpreted to justify violations of basic human rights."

BE IT RESOLVED that this entire process be completed in time for the Ethics Committee to make a formal recommendation to Council in time for the August 2009 meeting and that this recommendation be included in the agenda for that Council meeting.

BE IT RESOLVED that, to expedite the process and in accordance with APA Association Rules, Council recommends that the Ethics Committee establish an ad hoc committee for this purpose.

BE IT RESOLVED that since this change in the Ethics Code would apply to all psychologists, Council recommends that this ad hoc committee shall include, in addition to representatives from the Ethics Committee, at least one representative from each of the Association's Boards to provide input from each of the Directorates. It is suggested that, where possible, a representative from each group be a Council member. Furthermore, the ad hoc committee shall include a representative from the Board of Directors and the Association of State and Provincial Psychology Boards (ASPPB). This group shall work closely with APA Counsel and the Director of Ethics as its work proceeds.

BE IT RESOLVED, as deemed timely by the ad hoc committee, these representatives keep their constituencies alert to progress and seek input so that the entire review process can be informed and efficient, and completed by July, 2009.

BE IT RESOLVED that Council demonstrates its resolve to expediting these actions by allocating \$10,500 in funds to support the work of this ad hoc committee, in addition to the funds and time that would be spent in implementing the 2005 Council action.

EXPECTED OUTCOMES/PRODUCTS:

Clarify that psychologists may never interpret Ethics Code Standards 1.02 and 1.03 to justify behaviors that violate basic human rights.

WHEN SUBMITTING A NEW BUSINESS ITEM --- IT IS IMPORTANT TO:

- ▶ Provide adequate information so that someone unfamiliar with the issue can understand the need for item and what it will accomplish.
- ▶ Adhere to grammatical and stylistic requirements of Standard English.
- ▶ Do your homework: make certain that what you are proposing does not replicate existing Association policy, that it is consonant with current Association priorities, and that it is fiscally realistic.

DESIGNATE COSPONSOR(S):

Ann E. Donnell PhD - Illinois

Doug Waldeman BOD

Paula Williams BOD

Norman G. John Div 29

Glen L. Div. 31

Gene Darrow Division 39

Jeffery Division 40

Louise Barbouf Div 39

Melba Vasquez BOD

Ann R. Carlson BOD

Dolores Amaris D. 39

Juan M. Lopez BOD

Sandra Campbell Div 29

Marlene Salter - PA

Dennis L. Div 14

APA PRIORITIES

(As Identified by Council - August 2005)

1. Increase membership in APA (and its divisions, associations and/or affiliates), with a special focus on recruitment and/or retention of students, early career psychologists, diverse groups (race/ethnicity, gender, sexual orientation, age and aging, religious affiliations, and/or those with disabilities), basic and applied scientists, practitioners, retirees, university faculty, and/or psychologists in non-traditional roles.
2. Encourage the integration of scientific and practice psychology at all levels of psychology and for all psychologists.

DESIGNATE COSPONSOR(S):

An [unclear] Lynne Cooper
 James Mylena Astoria Janet Swin Anna Rosa de Torres
 Ramona Yoon, v.i. Florence Kaslow Mike [unclear] [unclear]

[unclear] Div 14
 Janet Barnes-Farrell Div. 14
 Robert [unclear] Div. 14
 David Johnson Div. 21

DESIGNATE COSPONSOR(S):

Maureen O'Connor, Div. 9 Art Lyons - Division 32
 [unclear] Div 35 Mary Gregerson - Div 10
 Bonnie Strickland Div. 1
 John Montseign Washington State

Michael E. Martinez (Division 15) Leona Walker Div 46
 James R. Cornett (Div. 30) Elaine [unclear] Div 55
 Denny Wedding (Div. 52) Beth J. [unclear] Div 55
 Stephen [unclear] (ISC)

Gary [unclear] Div 51
 [unclear] Div 5

[unclear] Div 17
 [unclear] Div 17 HOC Div 17

Kate F. Hays
 Katharine S. Brown
 Gwyneth Boncher

Ontario
 Div. 22
 Div 5

DESIGNATE COSPONSOR(S):

Kath Spivey RT
Josephine Johnson Div 42
Robert Morris D. 39
Geri Jowin Div. 39
Dawn Walker Div 46
~~Spudie Spivey Div 29~~
Anna (Belle) Hall Div 39

DESIGNATE COSPONSOR(S):

Sari H. Davis Div 44
Karen Sawyer Div 37
Patricia Johnson Rep from Oregon
Lynne Hebert Rep from Ohio