

Call for Comments

[Submit your comment regarding Ethical Standard 1.02](#)

Ethics Committee requests comments regarding Standard 1.02 of the Ethical Principles of Psychologists and Code of Conduct (2002) by March 1, 2009

At the August 2005 Council of Representatives meeting, the Council of Representatives directed the Ethics Committee to, “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.” The reason for Council’s action is that the language, “in keeping with basic principles of human rights,” is found in the *aspirational* aspect of the Ethics Code, but not in the Code’s *enforceable* ethical standard. (Please see texts at the end of this *Call for Comments*. Also at the end of this *Call* is a note on the meaning of the term “conflict” as it is used in Standard 1.02.)

In April of 2006, the Ethics Committee began a process of collaborating with consecutive chairs of the Divisions for Social Justice on this issue, and of eliciting feedback from APA governance groups. The Committee also continued to track the various Council resolutions with direct bearing on this issue to ascertain the degree to which new developments in APA policy might impact interpretation of the Ethics Code.

In September 2008, the Ethics Committee formally solicited responses from Boards and Committees for input regarding the felt need to modify Standard 1.02, and specific recommendations for language modifying the Standard if indicated.

The Ethics Committee is committed to a process for review and consideration of the discrepancy noted above and to making a formal recommendation to the Board of Directors in preparation for the August 2009 Council meeting. At its spring 2008 meeting, the Ethics Committee determined that several specific questions must be answered in order to respond effectively to the Council directive. These questions include:

- (1) Does the current discrepancy between the Introduction and Applicability section of the Ethics Code and Standard 1.02 constitute a problem that necessitates some corrective action?
- (2) Can psychologists provide specific examples of instances in which the current language of Standard 1.02 has proven inadequate or problematic?
- (3) If the discrepancy has or is very likely to lead to specific ethical or legal problems, what options exist for addressing the discrepancy?
- (4) If a modification to the current Ethics Code is the best option for addressing the discrepancy, how should the Code be modified?

Please provide responses to these questions by March 1, 2009.

[Submit your comment regarding Ethical Standard 1.02 electronically.](#)

Submit a comment in hardcopy to APA Ethics Office, attn: Standard 1.02; 750 First Street, NE; Washington, DC; 20002-4242.

From the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* (2002):

... 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.

Ethical Standard 1.02 of the *Ethical Principles of Psychologists and Code of Conduct* (2002):

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

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.

A note on what constitutes a Standard 1.02 “conflict”

Ethical Standard 1.02 address conflicts between ethics and law. To understand this standard, it is necessary to understand how the standard uses the term "conflict." A psychologist's legal and ethical obligations will sometimes differ. In certain instances, for example, the law will impose requirements that the Ethics Code does not; at other times, the Ethics Code may require more than law, regulation, or other governing legal authority will require of the psychologist. None of these instances will necessarily entail a conflict between ethics and law, as the term "conflict" is used in Standard 1.02. In short, a difference does not, in and of itself, constitute a Standard 1.02 conflict.

As used in Standard 1.02, the term "conflict" means a situation in which a psychologist's obligations under the law and the psychologist's obligations under the Ethics Code are mutually exclusive. Such conflicts arise in the exceedingly rare instances when fulfilling a psychologist's legal obligations will necessarily entail violating the psychologist's ethical obligations, and/or vice versa. In other words, following the law will *necessarily* entail violating the Ethics Code, and conversely, following the Ethics Code will *necessarily* violate the law. The psychologist is in the position of choosing which—the law or the Ethics Code—to violate. In the situation of a Standard 1.02 conflict, the psychologist cannot abide by both.

It will be important for psychologist to be clear about the meaning of "conflict" in Standard 1.02 in order to identify the situations in which a true conflict is likely to arise.