

**Report to APA Board of Directors
& Council of Representatives
August 2017**

Introduction

At its August 2015 meeting, the Board of Directors (BoD¹) recommended, and the APA Council of Representatives (CoR) approved, the establishment of a Blue Ribbon Panel (which became known as the “Ethics Commission”) as one of the first steps in a series of recommendations following the APA Independent Review (IR, Hoffman Report). The APA leadership took 19 specific actions, including the establishment of this Ethics Commission, in order to address the concerns identified in the report.

The purpose of the Ethics Commission (hereafter referred to as the “Commission”) was to examine the APA ethics processes and recommend changes. The charge of the Commission was stated by the APA as follows:

The scope of work of the Commission is to evaluate and recommend changes to APA’s ethics processes, including, but not limited to: (1) the relationship between ethics education and adjudication function, (2) the efficacy and utility of the investigative and adjudication processes, and (3) the establishment of a Chief Ethics Officer. The Commission’s work should be based on an assessment of current practices and procedures, attend to the potential conflicts between human rights and other considerations, and the benchmarking of APA’s ethics processes against those of other professional organizations.

Formation of the Commission:

A call for nominations to the Commission was distributed in September 2015, and in February 2016, 17 Commission members were selected to serve (Appendix A). In making the appointments, the APA BoD and Council Leadership Team sought to include a diversity of perspectives, specialties, practice settings, careers, and human diversity. Half the members represented disciplinary fields other than psychology, including law, philosophy, psychiatry, social science, and medicine, all with subject matter expertise in ethics.

The IR and additional documents including correspondence to the Commission from the Ethics Committee, correspondence distributed by former Ethics Chairs, articles, and additional organizational policies and procedures were reviewed (Appendix B). In addition, Commissioners were asked to review the website that the APA posted related to the IR report that included responses to the IR report from APA Divisions, past APA presidents, and other individuals. In addition, the Commission sought and reviewed public comments related to its work. Various organizations were surveyed and individuals were identified from the following groups to be interviewed: current Ethics Office (EO) staff, past and current Ethics Committee (EC) Chairs and members, current APA Board members, and the interim CEO of the APA.

¹ Appendix D is an index of acronyms used in this report.

Structure and Process of the Commission:

After analyzing the needs of the Commission and the work to be done, the Commission divided into four subcommittees tasked with the following areas of inquiry:

- **Ethics Adjudication and Education** – the focus of this subcommittee was to develop and prioritize a list of real and potential issues and problems (e.g., loopholes, weaknesses) with the (a) APA’s adjudicatory processes, (b) its educational efforts, and (c) with the organization of the APA as it relates to these functions. In addition, this subcommittee was assigned to develop recommendations to address the problems identified.
- **APA Policies and Procedures related to the EC and EO** – the focus of this subcommittee was to address and recommend changes related to the structure and function of the EC and EO, as well as other APA organizational entities that address non-adjudication ethics policies and procedures. The subcommittee also addressed issues of governance oversight and independence of the EC and EO; additional APA policies related to the EC and EO; mechanisms for the revision of the *Ethical Principles of Psychologists and Code of Conduct* (Ethics Code); potential conflicts within and from outside the Association; guidelines, policies and incongruences related to human rights; and policies and procedures related to the issuance of ethical opinions by the organization related to societal issues.
- **APA Institutional and Organizational Culture** – the focus of this subcommittee was to review and recommend changes related to the institutional and organizational culture of the organization and its policies. The subcommittee considered the role and influence of external entities (e.g. military, for-profit companies, Pharma), the integration of human rights throughout the work of the organization, the promotion of minority voices, the promotion of an understanding of and adherence to the APA Ethics Code of member and non-member psychologists, and a review of the processes related to identifying and addressing acute ethics crises within the organization.
- **Benchmarking.** – the focus of this subcommittee was to review current policies and procedures of other organizations related to the development of professional ethics codes, adjudication procedures and the role and responsibilities of governance committee(s) and employed staff related to ethics adjudication and education. The Commission subcommittee members gathered information for benchmarking from relevant national and international organizations via a survey and interviews. See Appendix C for benchmarking FAQs.

The subcommittees met both in person and virtually, and executed their tasks with what the Chairs believed was singular and impressive fidelity. Commission members took their subcommittee assignments with the utmost seriousness, and put many hours into research, readings, discussions, interviewing, and writing. The consensus of the Chairs and the Commission members was that the members collaborated effectively and collegially. The Commission then met in person and reviewed the reports, processes, and

recommendations of the subcommittees. There was debate and discussion about several of the recommendations proposed by the various subcommittees. After careful consideration the Commission arrived at a consensus on its final recommendations to the APA. Commission members had an opportunity to review this final report, and recommend suggestions, edits, and changes to the report. Commission members have reached agreement on this final report.

In considering its recommendations, the Commission recognized the complexity of the APA with its different organizational structures, including the APA management structure (reflects the duties and responsibilities of the CEO and all employees) and the APA governance structure (reflects APA governance including the CoR, the BoD, Boards and Committees, Divisions, and other governance entities). In addition, the Commission did not make a distinction between whether particular recommendations should be implemented as policies or as procedures, nor did the Commission consider the impact on costs or staffing needs in its recommendations. Lastly, the Commission recognized that a review of its recommendations will need to be addressed by APA through its organizational and governance systems; and, of those recommendations that could be implemented, some of the recommendations may be appropriate for implementation within the organizational structure, within the governance structure, or within both structures.

The Commission was not charged with determining the accuracy of the problems identified in the IR or the conclusions stated in the IR. Also, the Commission was not charged with, nor did it undertake, re-adjudication of the cases discussed in the IR. However, the Commission considered the conclusions cited in the IR, including the criticisms and concerns discussed as issues that needed to be independently examined and assessed by the Commission. In addition, the Commission viewed the conclusions, criticisms, and concerns, as useful guidance in formulating its recommendations. In identifying best practices, the Commission considered practices and procedures benchmarked against other organizations, as well as the collective judgment and wisdom of its members. The Commission then used best practices, thought to be compatible with the mission of the APA, to assist in forming its recommendations.

Recommendations

I. Institutional and Organizational Culture

The APA is a large, complex organization with different organizational and governance structures, a diverse membership, and multiple competing interests. It is a challenge to develop and maintain a strong moral compass that is embedded in the organizational structure and culture, and that is clear and obvious and visible to members, staff, and the public. Professions articulate and enforce their shared standards in a wide variety of ways, from educational standards, to licensure standards, to continuing education standards, and so on. The most common way for professions to articulate shared values is by coming together to develop, promulgate, and enforce a code of ethics. Professional codes of ethics typically form the basis for professional organizations' mission, vision,

and values statements, which are also key public statements of the core beliefs, priorities, and promises that reflect the discipline and motivate the profession. The following recommendations are provided in an effort to support an organizational culture that reflects the values and standards of psychology as a discipline and a profession.

Recommendation 1: The Commission recommends that the APA revise the APA mission and vision statements and articulate a core set of organizational ethical principles and standards.

The mission and vision statements guiding APA were determined by the Commission to be overly long and complicated; in addition, they are not prominently displayed on the APA website. The mission and vision statements should not be simple statements of aspiration, but documents that guide, motivate and inform every major decision of the organization. As a practical matter, for these statements to be useful guides for daily action, they should be succinct and easily recalled and employed by APA staff and members. The mission and vision statements should be prominently displayed and incorporated into new member and staff orientations, board and committee meetings, all leadership conferences, and other APA meetings and conferences. Reports produced by the APA and its various governance groups should reflect on how they have adhered to the APA's vision and mission in their annual report summaries.

Currently, the APA applies the concept of ethical values in terms of individual psychologists. However, ethical values can also be used as a guide for the management and governance structures of an organization. The APA should develop a set of core ethical values to be used by both the management and governance structures to guide the organization in its policies and decisions. These core ethical values for the management and governance structures should include clear language around critical principles such as transparency, accountability, justice, and support of those who may be subject to undue institutional pressure or abuse. Any ethical codes relevant to psychologists developed by the EC or guidelines developed by other Boards and Committees or Divisions should be consonant with the organizational core ethical values.

A revised mission and vision statement, and a set of organizational core ethical values, should be developed through an exercise that deeply involves the voices of membership. This exercise would be an opportunity to re-engage members in the purpose and principles of the APA, and to solicit their values and visions. Annual or biennial assessments of the membership could be used to continue to track organizational and governance culture and the membership's knowledge of, and investment in, the mission and vision.

The Commission recommends that, as part of the core ethical values of the organization, the APA consider the following principles of human rights:

- Psychologists have both moral and pragmatic professional reasons to serve as protectors of human rights, especially in circumstances where these rights may be placed at risk; this fact should be recognized and supported by the APA as an organization.

- Consistent with the importance of justice as a core value for the APA, psychologists have special obligations to ensure that when individual rights must be curtailed to serve social aims, this is done under appropriate and accountable mechanisms of international and constitutional authority.
- Human rights should be protected by procedural safeguards and justice, in keeping with international standards such as the [United Nations Universal Declaration of Human Rights](#); United Nations Rights Covenants and Conventions as well as the [U.S. Constitution](#) and the [Siracusa Principles](#).

II. The Organizational Ethics Structure and Processes

APA's members include researchers, educators, clinicians and consultants, who are involved in many scientific and professional activities. The organization, as a non-profit entity, must act in the interest of benefiting society. However, as the leading scientific and professional organization representing psychology in the United States (US), it also must promote and ensure the high standards of the diverse groups of psychologists that it represents in areas of ethics and conduct.

For these reasons and others, a well-maintained, well-integrated ethics program is crucial for the future if the APA wishes to maintain its position as the leading organization representing psychology and psychologists in the US. The ethics structure must be robust and redundant, while at the same time maintaining functional independence among its parts; each element of the ethics structure must have the integrity of its purpose without interference from other parts of the organizational and governance structures. In addition, the overall program as a whole must have a series of checks and balances so that no element of the ethics program can operate without accountability and oversight.

For these reasons and others which follow, the Commission recommends a fundamental reorganization of the APA ethics program. The reorganization includes the following recommendations: 1) separate the ethics consultation and education function from the ethics adjudication function; 2) establish an Office of the Ombudsperson; 3) create an "executive committee" of ethics leaders; 4) increase ethics education; and 5) strengthen ethics policies and practices.

Recommendation 2: The Commission recommends that the APA constitute two separate ethics committees, the "Ethics Guidance Committee" (EGC) and the "Ethics Adjudication Committee" (EAC).

The Commission determined that the adjudication function constituted a separate process and skill set from the ethics consultation and education function. The Commission therefore recommends dividing these functions into two separate Committees. The Commission believes that separating these functions will help to avoid potential conflicts of interest, and ensure each Committee a manageable workload.

The EGC, described in Recommendation 3, should function as a resource for the organization, and its members, who wish to clarify or obtain guidance on ethics issues of importance to the field of psychology in all its applications (see Recommendations 4-8). The EAC should exercise the current adjudication functions of the EC, with the recommendations for change as described in this report (see Recommendations 9-13). The two Committees should be structured to insure independence of action within the APA organizational and governance structures. The Commission believes that the separation of the two Committees will enable the APA to address ethical issues that might impact the organizational and governance structures as well as ethical issues related to individual psychologists. In addition, the separation of the two Committees allows the APA to better address questions and/or concerns of potential conflicts of interest that might arise related to the organization acting in conflict with its organizational ethical core values and other organizational concerns, such as a desire to establish or maintain good relations with external institutions. The EO of the APA should be re-conceptualized, with the Director of the EO serving as the key liaison to the two Committees (see Recommendation 10).

The Commission believes that separation of the consultation and educational processes and adjudication processes insures the independent nature of the work of each of the Committees. In addition, the Commission believes that the development and implementation of the different processes and procedures will lead to greater transparency in decision-making by the organization. Other professional organizations have committees that issue opinions, interpretations of ethical codes and guidance to members.

The following recommendations begin with a focus on the EGC and related structures and then move on to recommendations about the EAC and a revised adjudication process.

Recommendation 3: The Commission recommends that the EGC be charged with forming and interpreting the APA's ethical positions; facilitating revisions of the Ethics Code and interpretations of the Code; and serving as a resource for the organization, its members, and the public to clarify or seek guidance on ethics issues of importance to the field of psychology in all its applications.

The Commission recommends that the EGC be responsible for the following:

Revisions to the Ethics Code:

The Commission recommends that the process of amending the Ethics Code by the EGC be streamlined so that the process can be done in a timely and efficient manner. The EGC could initiate its own revisions, as is current practice, and respond to requests from any APA member or group suggesting a particular revision to the Ethics Code. The EGC would determine whether a proposed revision is consistent with the Ethics Code, and if so, the EGC would process the revisions through the APA governance structure, including public comment and approval by CoR. If approved, the EGC would promote member awareness of the new enforceable provision. The Commission proposes that revisions related to the Ethics Code be consistent with the recommendations in this report.

In addition, the Commission recommends that APA develop a process for adopting policies that are enforceable without being written into the Ethics Code. The EGC would determine whether the proposed policy statement is sufficiently consistent with the extant code to be enforceable, whether the statement requires revision of the Ethics Code to be enforceable, and any other relevant factors. If the EGC determines that the policy statement is consistent with the current code, the EGC could issue the statement on its own authority noting that the policy is an appropriate implementation of the ethics code and is considered enforceable. If the statement would extend to behaviors not already covered by the Ethics Code, or where that determination is unclear, the EGC could use the same approval process as for revision of the Ethics Code, including approval by CoR. The EGC could initiate such policy statements and respond to requests from any APA member or group, including the EAC, suggesting such statements. Similarly, policy statements initiated by CoR, if approved by the EGC as part of the development process, would be considered enforceable under the code. Once approved, the EGC would promote member awareness of the new enforceable policy statement, and it would be drawn upon by the EAC in its adjudications. In addition, the Commission recommends that as an early item of business, the EGC review existing policies and determine if these policies are also enforceable. The APA Membership Affirmation Statement should include support of these types of APA enforceable policies.

Developing Ethical Position Statements:

The EGC should be charged with drafting and publishing ethical position statements of relevance to psychologists and psychological science, particularly in relation to timely concerns, including position statements on societal issues that have strong ethical and human rights implications and that involve psychologists professionally. APA ethical position statements that will be considered APA policy should be reviewed and approved by the CoR through the normal policy approval processes. This type of approval process is analogous to the procedure used by at least two other major health associations. APA ethics position statements should include references to the APA Ethics Code (if relevant). (Also see EGC Consultation Role below.)

Role in the Development of APA Policies:

The Commission recommends that the EGC play a central role in the development of policies that interpret ethical standards or provide ethical guidance, such as professional and clinical practice guidelines. Currently, the EC is one of many organizational components that reviews and offers comments on these policies. The goal is to ensure that such policies are deemed by the EGC to represent accurate interpretation of the code.

Seeking Public Input from Members:

While the APA encourages members to submit feedback on ethics issues at any time, the EGC should hold well-publicized, open forums for members on a regular basis, to allow members to voice concerns related to APA ethical standards and to contribute to committee deliberations on specific issues that may be under active consideration. The Commission understands that the current EO and EC offer ethics guidance, hold town hall sessions at convention, and provide *Monitor on Psychology* articles.

Consultation Role:

The Commission recommends that the APA increase its ethics consultation service, prepare opinions and suggestions, and provide visible service to psychologists. Additional venues that could be utilized are the following: a) monthly messages to members about ethical issues via the *Monitor on Psychology*, b) APA conventions; and, c) other avenues that can be promoted. Staff would support these activities, but the EGC, rather than the EO, would guide the work. The opinions and guidance would be considered public documents, and educational efforts could be focused on high-risk areas of practice.

Composition of the Committee:

The Commission recommends that members of the EGC should not hold other offices in the APA, and that service on the Committee should be set at 5 years in staggered terms. The nomination and election process could be similar to that of other standing Boards and Committees, or nominations could come through the Office of the President, and be formalized. Members should recuse themselves from issues in which they are involved or have a conflict of interest. The Board should consider whether the EGC would benefit from the inclusion of one or more public members.

An important function of the EGC should be to assist the organizational and governance structures of the APA in thinking of ethics as an integral part of the decision making process of the organization. The policy of the EO should be to prioritize the application of ethical principles and values rather than the application of risk management.

The EGC should operate with transparency.

Roles of the EGC and the EO:

The relationship between the EO and the EGC should be structured to insure a membership-driven (vs. staff-driven) guidance process. The EO's role should be defined as a support function, without authority to determine whether matters receive guidance or how such guidance is structured. The staff of the EO do not function as peers, but as staff support, and so should not have a formal vote in the workings of the committee.

Recommendation 4: The Commission recommends that the APA create an Office of the Ethics Ombudsperson or equivalent, who could be appealed to in order to sidestep bureaucratic process when disputes are not being satisfactorily resolved.

The Commission recommends that the APA establish an Office of the Ethics Ombudsperson to resolve conflicts that are not being resolved through the organization's normal channels. The office should be independent of the EGC and EAC, though it may be housed in the organization's EO. The suggestion came from the original charge to explore the possibility of a "Chief Ethics Officer." While the Commission does not recommend such an office (opting instead for an "Executive Committee for Ethics, see Recommendation 5), it felt strongly that an office should be established to allow APA staff and members to have a resource to appeal to directly when they feel the organization's normal channels have failed to solve problems. The Office of the Ethics

Ombudsperson should have direct access to the leadership of the organization, and report directly to the CEO.

According to the International Ombudsman Association:

The primary duties of an organizational ombudsman are (1) to work with individuals and groups in an organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns, and (2) to bring systemic concerns to the attention of the organization for resolution.

The Office of the Ethics Ombudsperson should serve as a resource to both the staff and the members of the APA who are challenged by an issue that they cannot get resolved to their satisfaction. The Office of the Ethics Ombudsperson should also be a resource for the APA administration to consult on issues with staff, members, or Board conflicts, and act as a mediator where necessary. In addition, the office would provide feedback to the BoD and CoR on activities of the APA that raise ethical concerns. Similarly, members and staff could bring concerns about ethical violations by staff or elected leadership, and the ombudsperson should be the person empowered to receive “whistleblower” complaints.

The APA can decide the scope of the office, that is, whether the Office of the Ethics Ombudsperson is primarily focused on ethical issues alone or has a broader mandate to serve as a general ombudsperson for the organization, in which case it might be called the Office of the Ombudsperson. Having such a person would contribute to restoring confidence in the APA as an organization committed to integrity in all aspects of governance and functioning. A method of communication among the EAC, EGC, and the Office of the Ethics Ombudsperson can be developed, in part, via the next recommendation.

Recommendation 5: The Commission recommends that the APA create an Executive Committee for Ethics (ECE) that consists of the Chair of the EGC, the Chair of the EAC, the Ethics Ombudsperson, and the Director of the EO.

The ECE should be a consultative resource to reflect on the ethics culture of the organizational and governance structures of the APA. The purpose of the ECE is to assist the President and BoD, CoR, CEO, and all of APA governance and management to think through ethical challenges to the organization as a whole, to identify and bring to the leadership any ethical issues that are percolating throughout the organizational and governance structures and to take responsibility for helping to debate and disseminate the ethical policies of the APA. The ECE should also have the power to call in outside experts and ethical advisors in special cases. It would help create a strong presence, with checks and balances among its members, of an ethical orientation in the organization. As mentioned, the Commission recommends the ECE instead of a Chief Ethics Officer as a resource for the APA.

The Commission recommends that the ECE take the lead in guiding the APA in the development of a rapid response mechanism for making public statements on ethical

questions already addressed in existing ethics code and policy. This mechanism should never be substituted for the regular policy development process.

Recommendation 6: The Commission recommends that the APA review and enhance its institutional conflict of interest policies.

The Commission understands and supports that a governance task force for Conflict of Interest (COI) issues has been established. Institutional COI is different than individual COI, and includes such things as institutional investments, contracts, licenses, and relationships and partnerships with other organizations, among others. The Commission is aware that various internal organizational policies exist that address dealings with contracts, licenses, etc. The Commission recommends that a) internal policies related to organizational issues (i.e. institutional investments, contracts, licenses) should be incorporated into (or under the umbrella of) an institutional conflict of interest statement; and, b) that the COI statement should be shared with the public.

The APA should adhere to a strong institutional COI policy, and ensure adequate review of all proposed external relations to ensure they are in accord with the mission, vision and values of the organization. The continued development and oversight of institutional conflicts of interest should be established.

Recommendation 7: The Commission recommends that the APA undergo an ethics audit, conducted by an external organization with such expertise, at regular intervals of at minimum every three years.

The ethics audit should be under the auspices of the CEO in cooperation and coordination with the Office of Ethics Ombudsperson and with the Director of the EO. The EO itself should not be the organizational entity in charge of the audit as it is the major subject of such an audit. An outside ethics auditor would evaluate the ethics processes including the work of the EGC, the EAC, the EO, responsiveness of the APA to concerns raised by the Ombudsperson, the Ombudsperson's functioning, and other ethical concerns the auditor identifies. The auditor could also evaluate to what extent the APA organizational and governance structures have realized its ethical and human rights commitments as expressed in the code and other policy documents.

Recommendation 8: The Commission recommends that the APA prioritize ethical outreach and education for its members.

The APA should consider developing and expanding programs offered to faculty that can be used to review ethical practices and ways to incorporate the teaching of ethics in current curriculum at all levels of education, including high school through doctoral education and continuing education. It is important to emphasize the inclusion of human rights in materials produced, and perhaps create modules that can be used at all educational levels. It will be important for the EGC to work in cooperation with the APA Education Directorate to coordinate these efforts. In addition, to promote better understanding and dissemination of information in the Code, APA should include ethics cases with discussion in the *Monitor*, online and elsewhere.

III. Ethics Adjudication: Policies and Procedures

As mentioned earlier, the Commission recommends the creation of a dedicated EAC separate from the EGC described above. In addition, the Commission is recommending the reform of key characteristics of the current adjudication process.

Overall, Commission members found relatively little concern expressed by interviewees about the workings of the current, existing EC in terms of deliberating on the formally opened cases. Most, although not all, of the concerns expressed had to do with the steps in the adjudication process leading up to that point. There are several good reasons, however, why this disproportionate focus on pre-EC deliberation stage is important.

- First, the controversies discussed in the IR around adjudication had to do with decisions made during that stage, i.e., concerns over issues and complaints that never made it to the full EC review stage.
- Second, most of the matters, especially complaints submitted to APA by individuals, have not traditionally made it to the full EC deliberation stage. This is perhaps because many complaints may be determined to lack merit even at early stages. However, the fact that procedures are designed with steps that require deliberation and judgment regarding the merits of the matter prior to the full EC review stage means that important ethical decisions are made during those earlier stages by staff and one representative of the EC without the knowledge, participation or review of the full EC.
- Finally, the initial review process to determine whether to open a case means that, if a case is opened for EC deliberation, EC members see the primary source materials, including the recommendations presented by those involved in the initial stage. Thus, it is important to review and understand the initial review process, and whether changes would improve the process.

Current Procedures:

The EC adjudicates three types of matters and also handles membership-related reviews:

- “show cause” matters arising from information received regarding a serious action against a member’s license by a licensing board or serious conviction by a court that also involves behavior that meets an expellable threshold (defined as sexual misconduct; felony conviction; insurance fraud; plagiarism; noncooperation; and blatant, intentional misrepresentation or other behavior likely to cause substantial harm);
- “sua sponte” matters in which the EC begins a complaint on its own initiative related to behavior meeting the expellable threshold (most often arising from an action by a licensing board that involves expellable behavior but was not a serious enough action to open a show cause case).
- “complainant” matters which originate with the filing of a complaint and are not required to be expellable behavior.

- membership matters involving members with unethical conduct prior to applying for membership, previous loss of membership due to ethics, and who have allegedly given false information when applying for membership.

Matters received by APA from complainants or from groups such as licensure boards are processed by staff, reviewed for missing information, and ultimately sent with a recommendation to the EC Chair to pursue investigation or not for complaints or, for licensing board information, to the Vice-Chair to either open a case or alternatively monitor completion of licensing board requirements and close the matter once completed. The EC Rules and Procedures are detailed and complex, and any discussion of the process is also complicated. The description of current procedures in this report is not intended to be comprehensive but to provide context for the Commission's recommendations and to acknowledge that there are EO/EC functions that are not addressed by specific recommendations.

Most of the concerns discussed in this report relate to complainant-initiated rather than other types of matters. Complainant matters involve the application of several standards that involve significant interpretation and discretion. A substantial part of the adjudication program involves other matters related to licensing board actions. These involve less discretion than complainant matters, because the EC has determined that it will only open a case for EC review in a licensure board matter when it is likely that they would expel the member.

Recommendation 9: The Commission recommends that the APA ensure that there are “more eyes on cases” to occur earlier in the process of determining whether to open cases for full Committee review.

One of the more common themes heard from both the current EC and some staff members was that there are “too few people making decisions.” The relatively small number of individuals involved in the reviewing of a majority of matters, as well as limited oversight provided to the Chair/Vice Chair and Director, pose a potential threat to the integrity of the ethics process by making the existing system vulnerable to undue influence and implicit bias. These themes emerged frequently in the interviews conducted, the written materials sent to the Commission, as well as in open comments posted to the APA website.

One method discussed by the Commission, as an example, was using 2 or more reviewers, drawn from all EAC members, to make a recommendation to the full EAC regarding whether to pursue investigation or not. A structured review sheet might be used.

To ensure transparency and accountability of this process, while protecting the rights of complainants and the subjects of complaints (i.e., respondents), a summary report of complainant cases and their eventual disposition should be presented to the Council on an annual basis.

Also, consideration should be given to whether certain categories of matters be automatically referred to the full EAC.

Recommendation 10: The Commission recommends that the current relationship between the EO and the EAC be restructured to develop a more membership-driven (vs. staff-driven) adjudication process. The EO's role should be redefined as a support function, without authority to determine whether matters go forward as cases to adjudication. The staff of the EO do not function as peers, but as expert staff support, and should not have a formal vote in the pre-EAC deliberation stages, or any other formal voting power as currently structured in the *Rules and Procedures of the Ethics Committee*. The Chair/Vice Chair of the EAC, other appropriate EAC members as designated by the Chair or other EAC members involved in the initial and secondary disposition of complaints, if the recommendations are implemented, should make all substantive judgments about whether a given case proceeds and attend to the timing of the responsiveness of complaints.

One of the common themes observed by both the Policies and Procedures and the Adjudication and Education subcommittees was a concern about a “power imbalance” between the EO and the current EC. Several factors were identified, as discussed in the next section.

The Structure of the Current EO and Current EC:

1) The EO is a permanent entity with a professional staff who build up expertise over the years dealing with every adjudication matter that presents to APA through a variety of channels. Also, the staff of the EO know each other well, having worked together for years. The EC members are elected for a single 3-year term (with staggered terms so there is constant turnover year to year, and new Chairs every year) and meets in person only 2 times per year to review cases and do the other business of the committee. The structure assures that the expertise and knowledge of procedures vests primarily in the EO staff.

2) Second, the EO plays a greater role in deciding which matters are moved forward for full review. Although the Chair and Vice-Chair work closely with the EO investigators/Director to determine which matters are moved forward (in effect, the EC and EO each get a vote), the Chairs change every year and do not have the same experience as the EO staff (and probably vary in their expertise) and do not contribute to continuity on the EC side of the process.

3) Aside from the Chair/Vice Chair, none of the remaining EC members are involved in the early reviews to determine whether to pursue matters.

4) The EC members' workload is still rather full at meetings and tends to require an extensive learning period.

5) The EO, as staff, reports to the APA CEO, and the EC does not have a direct oversight role over the EO.

Thus, although on paper it looks as though it is the EC who makes the substantive decisions with EO functioning as “staff support,” the reality is much more complex. The overall perception of this process is that the EO primarily manages the adjudication process with the EC functioning in a “somewhat adjunct role” as one Chair put it. The Commission wishes to make clear that the perception is not that the EO is *systematically or intentionally* abusing power, but rather that *the current APA policies create this situation structurally and that this imbalance in power could have an impact in some situations*. Thus, there were some concerns expressed regarding how influential the EO can be because of the knowledge differential and the control of the process that the EO has. There were several examples that were mentioned by at least one person in interviews. Therefore, persons involved in the adjudication process—from both EO and EC—harbor concerns about the potential influence of the EO on the process and this can breed mistrust between the two entities.

Recommendation Detail:

The Commission recommends a change in the procedures and relationship between the EO and the newly constituted EAC. As staff, supervised by the CEO, they should function to support the EAC member reviewers who should make any substantive judgments about whether a given matter proceeds. EO staff and the Director will undoubtedly continue to exert considerable informal influence in the process, but should not have formal voting power as currently structured in the *Rules and Procedures of the Ethics Committee*. Most EO staff are not psychologists, and the Director, although a psychologist, is functioning as an employee of the APA and not in his or her capacity as a member peer.

It is notable that comments from current and past EC chairs (and former members) did not raise many concerns about the actual functioning of the EC during the deliberations themselves. The work of EC members in reviewing the formally opened cases brought to the EC was seen positively.

Recommendation 11: The Commission recommends that the APA engage in an in-depth process to reform the complexity of the process while maintaining robust due process protections. Rules and EO and EAC policies should be reviewed for instances where concern about being risk averse compromises fairness or simplicity of process.

The Commission believes that it may be possible to retain due process while also simplifying the complexity of the procedures and involving some or all EAC members in the adjudication process throughout the entire investigation and determination processes. These changes would have at least three positive consequences: first, it would considerably ease the burden on the Chairs; second, it would more rapidly increase the expertise of the regular members since they would become involved right away and start learning the process with actual matters as well as to allow all EAC member to see first-

hand the range of matters from the frivolous to the serious, etc.; third, it would make the adjudication process more transparent to the EAC (since the current EC is not fully aware of all matters that enter the process) as most members would no longer be cut off from the substantial decision-making and review processes that precede full EAC review.

The in-depth process may consider the following:

- Rethink current need and purpose for adjudication for each of 3 current types of cases.
- Rename “investigation” to more accurately reflect the current process (paper only) and/or enhance paper process in targeted way.
- Rather than binary (high bar for full case vs. close matter), more intermediate options that might include educative or other non-disciplinary interventions.
- Consider reducing or eliminating some categories (but not all) of adjudication (e.g., matters with other avenues for resolution such as complaints that can be filed with licensing boards).
- Clarify standards for determining when an alleged violation is “minor” or “technical” and when allegations have been “adequately” addressed elsewhere in a guidance document (which was apparently previously developed, but not used more recently). This could be helpful in channeling discretion and maintaining consistency among cases over time as well as in educating APA psychologists and the public and in demonstrating transparency.

Concerns were expressed about limitations to the current investigative and adjudication process, particularly its “paper-only” nature, suggesting it should more closely resemble law enforcement or licensing board investigations; the Commission does not believe that this would be feasible or prudent. Doing so would require significant human and financial resources that the EO (and possibly the association) currently lacks. That investment seems unlikely to be justified, considering that the APA has no means of compelling non-APA members to submit to interviews or supply evidence, and can only insist that APA members comply on pain of losing their membership (and even that limited form of leverage is subject to the APA’s legal obligation to provide its members with due process). Nor is the APA alone in conducting paper-only reviews of complaints.

Although the Commission appreciates the importance of not taking an adverse action against a member without due process, the APA may be overestimating what is required to meet this threshold. The Commission’s impression from speaking with several individuals is that the APA can more aggressively adjudicate while still offering its members ample due process.

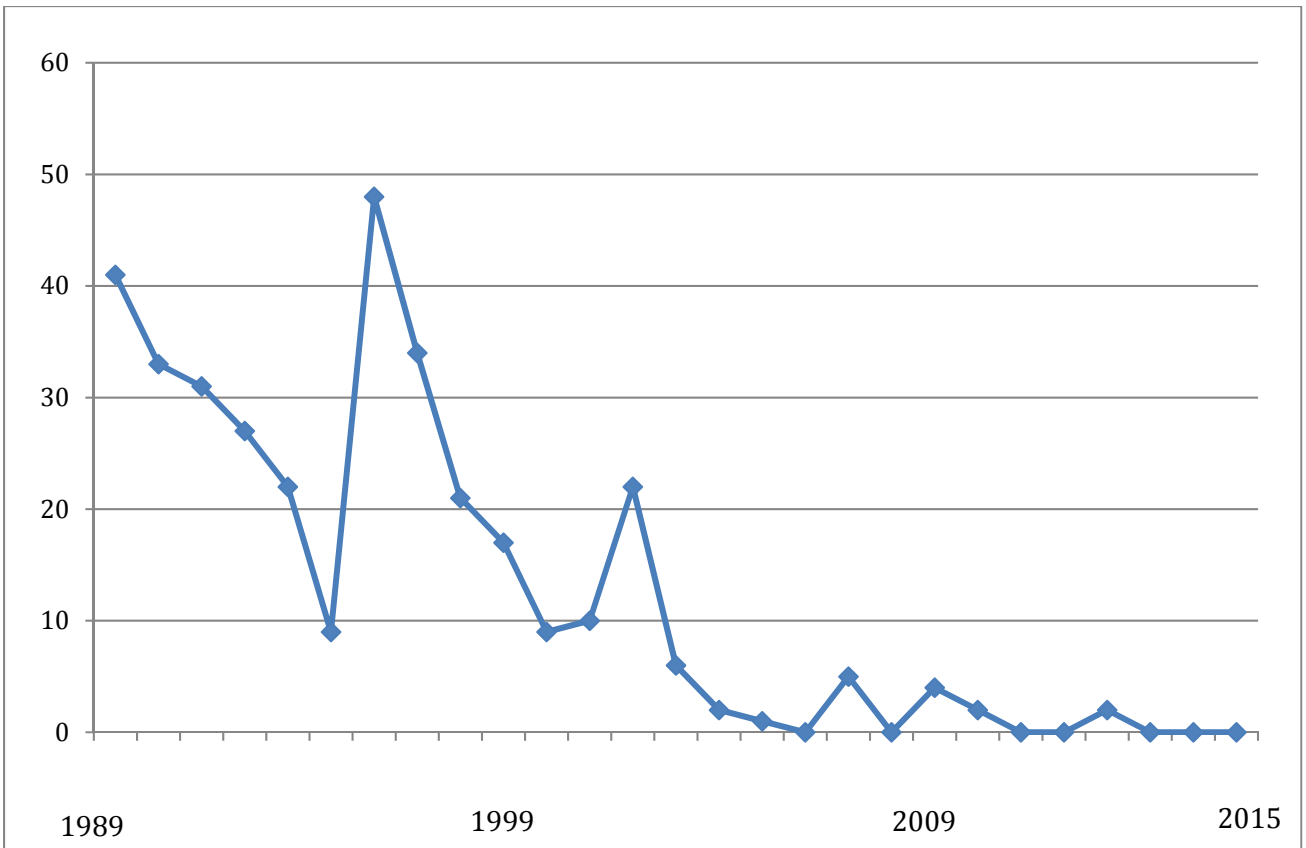
Recommendation 12. The Commission recommends that the APA review the threshold for opening complainant-initiated cases and better address complainant expectations.

Based on its review of EC Reports, the subcommittee identified several trends in the APA’s ethics adjudication process over the past 25-plus years. Most notably, there was a

dramatic downturn in the number of complainant-initiated investigations opened as cases post 2001 and therefore in the number of cases referred to the full EC. (See Table: Complainant Cases Opened, 1989-2015.) The most obvious explanation for this trend is the APA’s decision, in 2001, to focus more EO resources on education and fewer on adjudication. .

To the extent that the downward trend in complaints opened as cases reflects false negatives— complaints that should have been opened as full cases under the APA’s existing criteria but were not — the Commission believes that the changes addressed in Recommendations 9 and 11 (more eyes on cases in early stages and reducing complexity) will result in more complaints going to the full EAC. We recommend that the APA conduct a review of complaints closed without opening a case by the full EAC to help to determine whether the substantive criteria for opening complaints as cases should be revised. The Commission believes that complainants deserve to be informed of the process and possible outcomes of complaints filed by individuals.

TABLE 1 Complainant Cases Opened (1989-2015)



Although Ethics complaints currently require a written complaint, a mechanism needs to be developed that reflects a complaint process that is accessible for those with limited

literacy skills, lack of proficiency in English, or other challenges which inhibit the writing of a formal complaint.

Recommendation 13: The Commission recommends that the APA increase the transparency of the process regarding when members are barred from resignation and the option of Resignation Under Ethics Investigation (RUI). Also the Commission recommends that APA change the RUI to include notifications to licensure boards and others usually informed of APA ethics actions.

Clarification is needed to understand resignations related to ethics charges.

Regular resignation - A member can resign or be automatically resigned for non-payment of dues until such time as the member is barred from resigning by a “bar memo” that is sent by the EO to the membership office. In show cause or sua sponte matters, the bar memo is sent at the beginning of the process when information concerning an action taken by a licensing board or court is received. However, for complaints, it is only sent at the first decision point after review.

Resignation Under Ethics Investigation - The RUI process is a separate process that was added in the 2001 Rules and Procedures revision. It is a special resignation where the member does not have to admit any ethics violation but resigns “under a cloud” and understands that the RUI will be reported to the membership and Council, and to anyone requesting information in writing to the EO (but not to the Association of State and Provincial Psychology Boards, licensing boards, state psychology associations, or the national register as is normally the case in an expulsion or stipulated resignation). A member who resigns under ethics investigation can only reapply after 5 years and must go through the same readmit process with the EC as if expelled. If a member resigns under ethics investigation related to a complaint, the complainant is notified of this outcome.

Maintaining membership/avoiding expulsion was perceived by interviewees to be a factor of high importance to many members in our interviews. Over the course of the past several years (2010-2015), the number of APA members who elected to resign while under investigation for all types of matters ranged from 2-13 annually, representing 50%-73% of all membership terminations/resignations related to ethics cases during those years (See Table: Membership Terminations and Resignations Under Investigation, 2010-2015).

The Commission was concerned that APA might not review matters involving serious allegations and that such matters might not be referred to other appropriate bodies, such as licensure boards or law enforcement. Changing the RUI to include more notifications would help address this concern. In addition, the possibility of serious matters being unaddressed should be reviewed.

TABLE 2: Membership Terminations and Resignations Under Investigation, 2010-2015
 *reproduced from *American Psychologist July-August 2015 p.452 and American Psychologist July-August 2016 p.435.*

Year	Resignations under investigation	Automatic Expulsions	Expulsions	Stipulated resignations	Total
2010	9	1	5	0	15
2011	13	2	1	2	18
2012	11	2	2	0	15
2013	2	1	1	0	4
2014	5	2	1	0	8
2015	5	4	1	1	11

Conclusion

This report represents the completion of the work of the Ethics Commission. As noted in its charge, the purpose of the Ethics Commission was to examine and recommend changes to the APA ethics processes. Of note, the Ethics Commission is proposing structural changes, including the creation of separate Ethics Guidance and Ethics Adjudication Committees; and, an Ethics Office that is reoriented as support for these two committees and member-driven. In addition, the Commission does not recommend the creation of a Chief Ethics Officer position. Commission members preferred to spread ethical responsibilities more generally across the Association, rather than placing ethics in an organizational “silo.” Therefore, the Ethics Commission recommends the creation of an Office of the Ethics Ombudsperson, with responsibilities described in this report. As noted in the beginning of the report, the Commission did not consider the impact of costs or staffing needs in its recommendations.

Lastly, the Commission understood and acknowledged that implementation of its recommendations will need to be addressed by the APA through its governance systems. If implemented, some changes could be realized quickly by the current EC via changes in its own policies and procedures; other changes will require amending the *Rules and Procedures of the Ethics Committee*, the APA Bylaws, and/or the Association Rules depending upon how these are structured. Finally, recommendations calling for an in-depth process of review will require further study and review by APA.

AMERICAN PSYCHOLOGICAL ASSOCIATION COMMISSION ON ETHICS PROCESSES

Co-Chairs:

Paul Root Wolpe, PhD

Director of Center for Ethics
Emory University

Melba J.T. Vasquez, PhD, ABPP

Past President of APA (2011)
Independent Practice
Austin, Texas

Members:

Anita L. Allen, PhD, JD

Vice Provost for Faculty
Henry R. Silverman Professor of Law
and Professor of Philosophy
University of Pennsylvania

Michelle N. Meyer, JD, PhD

Assistant Professor of Bioethics
Associate Director, Research Ethics
Center for Translational Bioethics and Health Care
Policy
Geisinger Health System

Armand Cerbone, PhD, ABPP

Independent Practice
Chicago, Illinois

Steven J. Reisner, PhD

Independent Practice
New York City

Joel A. Dvoskin, PhD, ABPP

University of Arizona College of Medicine
Tucson, Arizona

Leonard S. Rubenstein, JD, LL.M.

Center for Public Health and Human Rights
Department of Epidemiology
Johns Hopkins Bloomberg School of Public Health

Rebecca Gordon, PhD

Philosophy Department
University of San Francisco

Erica H. Wise, PhD

Clinical Professor and Director of Psychological
Services
Department of Psychology Community Clinic
University of North Carolina at Chapel Hill

Polli Hagedaars

Director of C5, Center for Counseling and Cross-
Cultural Communication
EFPA Board of Human Rights and Psychology
Amsterdam, Netherlands

Linda Woolf, PhD

Professor, Psychology and International Human
Rights
Webster University

Suzanne Holland, PhD

John B. Magee Professor of Science & Values
Professor of Religion & Honors
University of Puget Sound

Vivian Ota Wang, PhD, CGC, FACMG

(resigned in September 2016)
National Human Genome Research Institute
National Institutes of Health

Heather Hunter, PhD

Brown University–Warren Alpert Medical School
Department of Psychiatry and Human Behavior
Bradley Hospital–Pediatric Partial Program

Matthew K. Wynia, MD, MPH

Director, Center for Bioethics and Humanities
University of Colorado

Scott Y.H. Kim, MD, PhD

Department of Bioethics Clinical Center
National Institutes of Health

Appendix A

APA Board of Directors Liaisons:

Jennifer F. Kelly, PhD
Independent Practice
Atlanta, Georgia

Richard McGraw, PhD
Independent Practice
San Angelo, Texas

Appendix B

Materials and Documents for Review by the Ethics Commission Membersⁱ

- American Academy of Physician Assistants. (2013). *Guidelines for Ethical Conduct for the Physician Assistant Profession*. Washington, DC: Author.
- American Academy of Physician Assistants. (2009). *Judicial Affairs Procedures Manual 2 – License Revocation: Membership Revocation Procedures Related to Members Who Have Had Their State PA License Revoked*. Washington, DC: Author.
- American Anthropological Association. (2009). *Code of Ethics of the American Anthropological Association*. Arlington, VA: Author. Retrieved from <http://s3.amazonaws.com/rdcms-aaa/files/production/public/FileDownloads/pdfs/issues/policy-advocacy/upload/AAA-Ethics-Code-2009.pdf>.
- American Counseling Association. (2015). *Bylaws*. Alexandria, VA: Author. Retrieved from <http://www.counseling.org/about-us/governance-bylaws>.
- American Counseling Association. (2014). *Code of Ethics*. Alexandria, VA: Author. Retrieved from <http://www.counseling.org/docs/ethics/2014-aca-code-of-ethics.pdf?sfvrsn=4>.
- American Counseling Association. (2009). *Policies and Procedures for Processing Complaints of Ethical Violations*. Alexandria, VA: Author. Retrieved from http://www.counseling.org/docs/ethics/policies_procedures.pdf?sfvrsn=2.
- American Counseling Association. (2013). *Policy and Procedure Manual*. Alexandria, VA: Author. Retrieved from <http://www.counseling.org/docs/leadership-resources/policies-and-procedures-manual---march-2013.pdf?sfvrsn=2>.
- American Medical Association. (2016). *Constitution and Bylaws*. Chicago, IL: Author. Retrieved from <https://www.ama-assn.org/about-us/ama-constitution-bylaws-conflict-interest-policy>.
- American Medical Association. (2016). *Code of Medical Ethics*. Chicago, IL: Author. Retrieved from <https://www.ama-assn.org/about-us/code-medical-ethics>.
- American Medical Association. (1847-2016) *Council on Ethical and Judicial Affairs Reports*. Relevant opinions issued by the office that reflect the ethical responsibilities of physicians as members of the profession. Chicago, IL: Author. Retrieved from <https://www.ama-assn.org/about-us/council-ethical-judicial-affairs-ceja-reports>
- American Psychiatric Association. (2015). *APA commentary on ethics in practice*. Arlington, VA: Author.
- American Psychiatric Association. (2016). *Bylaws*. Arlington, VA: Author. Retrieved from <https://www.psychiatry.org/home/search-results?k=bylaws>.

- American Psychiatric Association. (2016). *Operations manual of the Board of Trustees and Assembly of the American Psychiatric Association*. Arlington, VA: Author.
- American Psychiatric Association. (2013). *The principles of medical ethics with annotations especially applicable to psychiatry*. Arlington, VA: Author. Retrieved from <https://www.psychiatry.org/psychiatrists/practice/ethics>.
- American Psychological Association. *Actions Taken in Response to the Independent Review* (2016). Washington, DC: Author.
- American Psychological Association, APA Ethics Commission. (2016). *Comments received from call for comments website posting*. Washington, DC: Author.
- American Psychological Association. (2016). *APA Organizational Chart*. Washington, DC: Author.
- American Psychological Association. (2016). *Association Rules*. Washington, DC: Author. Retrieved from <http://www.apa.org/about/governance/bylaws/rules-20.aspx>.
- American Psychological Association. *Benchmarking Associations Adjudication Comparison Chart*. (n.d.). Washington, DC: Author.
- American Psychological Association. (2016). *Bylaws of the American Psychological Association - Article XI: Boards and Committees*. Washington, DC: Author. Retrieved from <http://www.apa.org/about/governance/bylaws/article-11.aspx>.
- American Psychological Association. (n.d.). *Conflict of interest certificate for APA employees*. Washington, DC: Author.
- American Psychological Association, Council of Representatives. (2015). *Charge to the 2016 American Psychological Association Commission on Ethics Processes*. Washington, DC: Author.
- American Psychological Association, Council of Representatives. (February, 2017). *Organization of APA: Conflict of interest principles* (Agenda Item). Washington, DC: Author.
- American Psychological Association. (2016). *Ethics Committee rules and procedures*. Washington, DC: Author. Retrieved from <http://www.apa.org/ethics/code/committee-2016.aspx>
- American Psychological Association. (2001). *Ethics Committee rules and procedures*. Washington, DC: Author. Retrieved from <http://www.apa.org/ethics/code/committee.aspx>.
- American Psychological Association. (2016). *Ethical principles of psychologists and code of conduct*. Retrieved from <http://www.apa.org/ethics/code/index.aspx>.
- American Psychological Association, Governance Staff Interactions. (1994). *Principles and Guidance*. Washington, DC: Author.

- American Psychological Association. *Health and mental health association codes of ethics: List used for conflicts between ethics and law*. (2016). Washington, DC: Author.
- American Psychological Association, Ethics Committee. (2012). *Ethics Complaint Form APA Ethics Office*. Washington, DC: Author.
- American Psychological Association, Ethics Committee. (2015). *Ethics Committee Manual (confidential)*. Washington, DC: Author.
- American Psychological Association, Ethics Committee. (2015). *Ethics Committee nonconfidential policy documents*. Washington, DC: Author.
- American Psychological Association, Ethics Committee. (n.d.). *Filing a Complaint with the APA Ethics Office*. Washington, DC: Author. Retrieved from <http://www.apa.org/ethics/complaint/index.aspx>.
- American Psychological Association, Ethics Committee. (2002). Report of the Ethics Committee, 2001. *American Psychologist*, *57*, 646–653.
- American Psychological Association, Ethics Committee. (2003). Report of the Ethics Committee, 2002. *American Psychologist*, *58*, 650–657.
- American Psychological Association, Ethics Committee. (2004). Report of the Ethics Committee, 2003. *American Psychologist*, *59*, 434–441.
- American Psychological Association, Ethics Committee. (2005). Report of the Ethics Committee, 2004. *American Psychologist*, *60*, 523–528.
- American Psychological Association, Ethics Committee. (2007). Report of the Ethics Committee, 2006. *American Psychologist*, *62*, 504–511.
- American Psychological Association, Ethics Committee. (2008). Report of the Ethics Committee, 2007. *American Psychologist*, *63*, 452–459.
- American Psychological Association, Ethics Committee. (2009). Report of the Ethics Committee, 2008. *American Psychologist*, *64*, 464–473. doi:10.1037/a0015887.
- American Psychological Association, Ethics Committee. (2010). Report of the Ethics Committee, 2009. *American Psychologist*, *65*, 483–492. doi:10.1037/a0019515.
- American Psychological Association, Ethics Committee. (2011). Report of the Ethics Committee, 2010. *American Psychologist*, *66*, 393–403. doi:10.1037/a0024003.
- American Psychological Association, Ethics Commission. (2012). Report of the Ethics Committee, 2011. *American Psychologist*, *68*, 370–379. doi:10.1037/a0033032.

- American Psychological Association, Ethics Committee. (2013). Report of the Ethics Committee, 2012. *American Psychologist*, 68, 370–379. doi:10.1037/a0033032.
- American Psychological Association, Ethics Committee. (2014). Report of the Ethics Committee, 2013. *American Psychologist*, 69, 520–529. <http://dx.doi.org/10.1037/a0036642>.
- American Psychological Association, Ethics Committee. (2015). Report of the Ethics Committee, 2014. *American Psychologist*, 70, 444–453. <http://dx.doi.org/10.1037/a0039370>.
- American Psychological Association. (2006). *Ethics Office Deputy Director Job Description*. Washington, DC: Author.
- American Psychological Association. (n.d.). *Ethics Office Director Job Description*. Washington, DC: Author.
- American Psychological Association. (2016). *Ethics Office Organizational Chart*. Washington, DC: Author.
- American Psychological Association. (n.d.). *International ethics codes with links to English versions*. Washington, DC: Author.
- American Psychological Association Society for Military Psychology, Division 19 Presidential Task Force (2015). *Response to the Hoffman Independent Review*. Washington, DC: Author
- Australian Psychological Association. (2015). *Annual Report*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/2015-APS-Annual-Report.pdf>
- Australian Psychological Association (2015). *Charter for clients of APS psychologists*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/APS-Charter-for-clients.pdf>.
- Australian Psychological Association. (2014). *Code of Conduct (APS Member Group Committee members)*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/Groups-Code-of-Conduct.pdf>.
- Australian Psychological Association. (2014). *Code of Conduct for Board of Directors*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/BOD-Code-of-Conduct.pdf>.
- Australian Psychological Association. (2014). *Code of Conduct (Committee Members)*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/Committees-Code-of-Conduct.pdf>.
- Australian Psychological Association. (2007). *Code of Ethics*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/about/ethics/>.
- Australian Psychological Association. (2016). *Constitution*. Melbourne VIC: Author. Retrieved from <http://www.psychology.org.au/Assets/Files/Constitution.pdf>.

- Australian Psychological Association. (2012-2014). *Strategic Plan*. Melbourne VIC: Author. Retrieved from http://www.psychology.org.au/Assets/Files/2012_APS_Strategic_Plan_WEB.pdf.
- Berwick DM. Era 3 for Medicine and Health Care. *JAMA*. 2016; 315(13):1329-1330. doi:10.1001/jama.2016.1509.
- Canadian Psychological Association. (2016). *Bylaws*. Ottawa, Ontario: Author. Retrieved from <http://cpa.ca/aboutcpa/cpabylaws>.
- Canadian Psychological Association. (2002). *Code of Ethics for Psychologists, Third Edition*. Ottawa, Ontario: Author. Retrieved from <http://cpa.ca/aboutcpa/committees/ethics/codeofethics>.
- Canadian Psychological Association. (2016). *Code of Ethics for Psychologists, Fourth Edition: Draft for Comment*. Ottawa, Ontario: Author.
- Canadian Psychological Association. (2009). Ethics guidelines for supervision in psychology: Teaching, research, practice, and administration. Retrieved from <http://cpa.ca/docs/File/Ethics/EthicalGuidelinesSupervisionPsychologyMar2012.pdf>
- Haidt, J., Pinker, S., Shaw, T. (2016). Moral Psychology: An Exchange. *The New York Review of Books*. Retrieved from <http://www.nybooks.com/articles/2016/04/07/moral-psychology-an-exchange/>.
- Het Nederlands Instituut van Psychologen. (2015). *Code of Ethics for Psychologists 2015*. Utrecht, NL: Het Nederlands Instituut van Psychologen.
- Hoffman, D. H., Carter, D. J., Viglucci Lopez, C.R., Benzmilller, H. L., Guo., A. X., Latifi, S.Y., Craig., D. C. (2015). *Report to the Special Committee of the Board of Directors of the American Psychological Association: Independent Review relating to the APA Ethics Guidelines, National Security Interrogations, and Torture*. Washington, DC: Sidley Austin, LLP.
- Kinscherff, R. T., Sparta, S., Roberts, M. D., Francisca, K. D., Deutsch, R. M., Johnson, R. M.,...Bow, J. N. (2016). *Comments received from call for comments website posting*. Washington, DC: American Psychological Association.
- Moore, N. G. (2016). *APA Organizational Structure*. Washington, DC: American Psychological Association.

ⁱ Not all documents are listed, due to confidentiality reasons, plus many documents reviewed by the Commission were included on other websites related to the IR.

Appendix C
Commission on Ethics Processes
Benchmarking FAQ's

1. How was it determined which organizations would be identified as benchmarking organizations?
 - The Commission members collected a listing of associations and then identified four (4) specific organizations (3 national organizations and 1 international organization) that they felt were appropriate to the mission and scope of work undertaken by the Commission. In addition, the Commission felt that these four (4) organizations had a similar organizational and governance structure to the APA, and represented professional memberships that included researchers, educators, clinicians, consultants and students.
2. In addition to the formal benchmarking process, what types of informal benchmarking processes did the Commission utilize?
 - Many of the Commission members have participated in ethics programs related to their respective professional associations and are knowledgeable about ethics programs of other professional associations.
 - In addition, materials from associations were reviewed when identifying associations to include in the benchmarking process, including key documents detailing ethics policies and procedures.
3. How were the questions determined/formulated that were used in the benchmarking process?
 - Each Commission subcommittee provided recommendations related to the survey questions that were relevant to their particular area of work, and final questions were determined by a subcommittee of Commission members.
4. What methods were used in achieving the benchmarking data?
 - A common set of questions were developed by the Commission and used by interviewers. Specific Commission members were asked to interview individuals at the organizations that were identified.
5. How was it determined who would be interviewed within the organizations identified?
 - Commission members identified appropriate members within the benchmarking organizations through inquiries of key staff at the organizations.
6. What types of questions were asked to the organizations identified?
 - The purpose of the surveys was to specifically address questions related to institutional and organizational culture and ethics education and adjudication processes.
7. Why does the report not include information concerning which organizations were interviewed and what information that they provided?
 - Several interview respondents requested confidentiality for themselves and their organizations, in order to be able to provide frank answers. Commission members discussed and determined that similar assurances would be given to all benchmarking organizations in order to allow the respondents to speak freely and increase the quality of the data obtained. This provided that their identity and the information collected would only be available to the Commission and that the information would be destroyed upon completion of the Commission's report.
8. Were APA staff involved in interviewing staff/personnel at the benchmarking organizations?
 - No APA staff were involved in the interviewing of staff/personnel at the benchmarking organizations. Interviewing was done by Commission members.

Appendix D

Index of Acronyms

-A-

APA American Psychological Association

-B-

BoD Board of Directors

-C-

CEO Chief Executive Officer

COI Conflict of Interest

CoR Council of Representatives

-E-

EAC Ethics Adjudication Committee

EC Ethics Committee

ECE Executive Committee for Ethics

EGC Ethics Guidance Committee

EO Ethics Office

Ethics Code *Ethical Principles of Psychologists and Code of Conduct*

Ethics Commission Commission on Ethics Processes

-F-

FAQ Frequently Asked Questions

-I-

IR, Hoffman Report APA Independent Review

-R-

RUI Resignation Under Ethics Investigation

-U-

US United States