

## What is CAMFT

### Ethical Standards Part 2 PART II

#### **PREAMBLE**

In accepting membership in the Association, each member binds himself/herself to abide by the *CAMFT Ethical Standards for Marriage and Family Therapists*. It is the ethical responsibility of each member to safeguard the standards of ethical practice and to see that violations of the *Ethical Standards for Marriage and Family Therapists* are addressed. Members of the Association cooperate with duly constituted bodies of the California Association of Marriage and Family Therapists, and in particular, with the Ethics Committee, by responding to inquiries promptly and completely.

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#### **I. Basics and Scope of Authority of the Ethics Committee**

**A.** The Bylaws of the Association (Article IV, Section A) provide for three categories of membership, as follows:

- 1. clinical member - voting
- 2. student member - voting for one director only
- 3. associate member - nonvoting

**B.** The Association has authority only over these members. This authority is derived from Article IV, Section C of the Bylaws of the Association which requires that:

All members shall pay dues in accordance with the dues schedule of the Association and shall abide by the Bylaws and the ethical standards of the Association.

**C.** The Bylaws of the Association authorize the Ethics Committee to:

Maintain and review the ethical standards of the Association, interpret the ethical standards to the membership and the public, conduct investigations of alleged ethics violations, make recommendations to the Board of Directors regarding members alleged to have violated the ethical standards, and from time to time propose revisions, deletions and additions to the ethical standards to the Board of Directors for its approval. (Article VII, Section B3.)

**D.** The Bylaws of the Association, in Article IV, Section E3, also provide that:

Anyone in any class of membership who violates the ethical standards of the Association may be expelled or suspended from membership in the Association following an investigation and report by the Ethics Committee and a hearing before the Board of Directors. A two thirds (2/3) majority of those Directors present at the hearing shall be necessary in order to expel or suspend a member. The member accused of the violation shall be given a reasonable opportunity to defend against the charge and shall be entitled to be represented at all stages of the proceedings. Any member to be expelled or suspended shall be entitled to at least fifteen (15) days prior notice of the expulsion or suspension and the reasons therefor, and shall be entitled to be heard, orally or in writing, not less than five (5) days before the effective date of expulsion or suspension by the Board of Directors. Notice may be given by any method reasonably calculated to provide actual notice. Any notice given by mail shall be given by first-class or registered mail sent to the last address of the member as shown on the Association's records. The ethical standards of the Association shall spell out further details of the procedures for investigation and hearing of alleged violations not inconsistent with these bylaw provisions.

**E.** One role of the Ethics Committee, therefore, is to investigate complaints of violations of the Code of *Ethical Standards for Marriage and Family Therapists*.

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## **II. Membership and Meetings of The Committee**

**A.** Pursuant to Article VII, Section B3 of the Bylaws, the Ethics Committee is designated as a standing committee of CAMFT, and shall consist of not less than five (5) nor more than seven (7) members, all of whom shall be clinical members of the Association for at least two (2) years prior to appointment. The Committee shall not contain any directors on its membership. The term of office shall be two (2) years.

**B.** Pursuant to Article VII, Section E of the Bylaws, committees shall meet at such times as determined either by resolution of the Board of Directors, by resolution of the committee, or by a committee chair with the prior approval of the president of the Association.

**C.** Meetings of the committee shall be held upon not less than ten (10) days written notice. Notice of a meeting need not be given to any committee member who signed a waiver of notice or a written consent to holding the meeting or as approved by the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such committee member.

**D.** A majority of the committee members of each committee shall constitute a quorum of the committee for the transaction of business.

[Outline](#)

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### **III. Initiation of Complaints**

**A.** The Ethics Committee shall recognize and accept written complaints received from both members and non-members of the Association.

**B.** All complaints must be in writing.

**C.** Complaints must be signed by the complainant and accompanied by the complainant's address. In addition, the Committee will only act on the basis of a complaint that specifically names the person alleged to have been affected by the member's conduct, and only if the affected person agrees to be identified to the member.

**D.** Any member who knows of a violation of the *CAMFT Ethical Standards for Marriage and Family Therapists* should bring this fact to the attention of the Committee in the form of a complaint.

**E.** Anonymous complaints shall not be recognized as a basis for action.

**F.** The Ethics Committee may proceed on its own initiative when it has been presented with enough facts which, if proven, would constitute a violation of the *Ethical Standards for Marriage and Family Therapists*. For example, the Committee could proceed on information received from another professional organization or a state licensing board or committee. If the Committee decides to proceed on its own initiative, it shall prepare a written statement concerning factual allegations of a violation or violations of the Code.

**G.** The Ethics Committee may determine, in its discretion, that a complaint cannot be acted upon because the events complained about occurred too far in the past.

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### **IV. Initial Action by Executive Director**

**A.** Upon receipt of a complaint, the Executive Director, or his/her designee (hereafter "Executive Director") shall determine whether the person about whom the complaint has been made is a member or applicant for membership in the Association.

1. If the person is not a member or applicant for membership in the Association, the Executive Director shall so inform the complainant in writing and shall explain that the Association has no authority to proceed against the person.

2. If the person is an applicant for membership in the Association, the complaint shall be immediately referred to the Chair of the Membership Committee.

**B.** If the person is a member of the Association, the Executive Director shall forward a copy of

the complaint to the Chair of the Ethics Committee. A letter shall be sent to the complainant acknowledging receipt of the complaint and informing the complainant that the person complained against is a member. A copy of the *Ethical Standards (Part I)* will be included with the letter.

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#### **V. Preliminary Determination by Chair of Ethics Committee with the Advice of Legal Counsel for the Association**

**A.** The Chair of the Ethics Committee, with the advice of Legal Counsel for the Association, shall review the complaint and shall determine whether the complaint warrants further action by the Committee or whether the matter shall be closed without further action. In the event the Chair determines that the complaint shall be closed without further action, the complainant shall be notified of such decision and the reason for such decision. To aid in making such a determination, the Chair of the Ethics Committee may request a written response to the letter of complaint from the member.

**B.** If the Chair of the Ethics Committee requests a written response from the member to aid in making the determination referred to in paragraph (A) above, or if the Chair determines that the complaint warrants further action by the Committee, the Chair shall request the complainant's permission for the use of his/her name in the investigation and disclosure of his/her name and all written or other matter or evidence provided by the complainant. The Chair shall also request that the complainant agree in writing to waive confidentiality and/or psychotherapist/patient privilege available to him/her so that the Ethics Committee may obtain information from the member and others.

**C.** If the complainant refuses permission for the use of his/her name in the investigation or refuses permission for the disclosure of his/her name or any of the written or other matter or evidence provided by the complainant, or if the complainant refuses to sign a waiver of confidentiality and/or psychotherapist/patient privilege, then the Chair of the Ethics Committee, with the advice of Legal Counsel, may do any of the following:

1. close the matter and notify the complainant
2. refer the matter to the full Committee for their action, or
3. decide whether the Committee may proceed with the complaint with an investigation on the Committees' own initiative pursuant to III (F).

**D.** All correspondence to the complainant and to the member shall be marked "Confidential" or "Personal and Confidential."

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#### **VI. Investigation by Ethics Committee or Designees**

**A.** When the Chair of the Ethics Committee has decided that the complaint warrants further investigation, copies of the complaint and any supporting documentation/evidence shall be sent to all members of the Ethics Committee. Any written response from the member shall also be

sent to all members of the Ethics Committee.

**B.** The Chair of the Ethics Committee shall cause an investigation of the complaint to take place. This investigation may be carried out by the Chair of the Committee in consultation with legal counsel, or by two or more members of the Ethics Committee in consultation with legal counsel or the Chair, or by the entire Committee.

**C.** The Chair of the Ethics Committee, in consultation with legal counsel, shall prepare and send a letter to the accused member, prior to commencing the investigation, specifying those sections of the *Ethical Standards for Marriage and Family Therapists* which may have been violated by the member. The letter shall contain a request that the member cooperate with the Ethics Committee in their effort to obtain a full picture of the circumstances which led to the allegations, and to provide in his/her behalf a written statement outlining his/her response to the allegations or accusations made by the complainant.

**D.** Investigations may be pursued by corresponding with the parties involved in the dispute, or by interviewing, personally or by telephone, such parties.

**E.** During the investigation stage of the proceedings, the accused member shall have the right to consult with his/her attorney and shall have the right to have his/her attorney present at any investigatory meeting with the member.

**F.** If an accused member resigns from membership in the Association at any stage of the investigation of the complaint, the Ethics Committee, in its discretion, may continue its investigation. If inability to pay dues is cited as a reason for voluntary resignation by a member under ethics investigation, the Ethics Committee may suspend dues obligations until the ethics investigation is completed.

**G.** After the investigation is completed, a full report shall be made to the Ethics Committee detailing the findings.

**H.** The Ethics Committee, after receiving the report of the investigation, may take such action as is authorized by Section VII of these procedures.

**I.** The accused member and the complainant shall be notified when the case has been submitted to the full Ethics Committee.

**J.** The accused member shall be sent a copy of these procedures (Part II of the *CAMFT Ethical Standards for Marriage and Family Therapists*) upon first being contacted by the Ethics Committee.

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## **VII. Action by the Full Ethics Committee**

**A.** After reviewing the complaint, the response of the member, and the report of the investigation, the Ethics Committee may attempt to settle the case by mutual agreement with the member. While settlement by mutual agreement is favored, the Ethics Committee is not required to attempt such a settlement.

1. In making such a settlement, the Committee may recommend to the member that he/she agree to the Committee's request that the member cease and desist, accept censure, be placed on probation and/or rehabilitation, be given supervision, education, and/or therapy, termination of membership in the Association, or any other action which the Committee deems appropriate. The Ethics Committee may appropriately impose more stringent requirements upon members previously found to have violated the *CAMFT Ethical Standards for Marriage and Family Therapists*, or any other relevant professional or state code of professional conduct.
  2. The mutual agreement shall be reduced to writing and shall detail the facts upon which it is based and the manner in which it is to be instituted and/or supervised.
  3. The agreement shall be instituted and/or supervised by the Ethics Committee and/or any member of the Association so designated in the agreement.
  4. The agreement shall become final as soon as it is reduced to writing and agreed to by the member and the Ethics Committee or at any other time designated in the agreement. The Board of Directors shall be notified of the agreement without disclosing the name of the member. The agreement shall be filed in the membership file of the member.
- B.** If the Ethics Committee does not attempt settling by mutual agreement, it will either drop the charges and close the case, or make a formal recommendation to the Board of Directors that action should be taken. If the Committee recommends formal action, it shall: (a) recommend action to be taken, including a request to cease and desist, provide censure, probation, supervision, therapy, education, or rehabilitation, or to terminate or suspend membership in the Association, or any other action which the Association is authorized to take against a member; (b) recommend the manner in which the action will be instituted and/or supervised; (c) notify the member of the recommendation; (d) send the member a copy of the report of the investigation and recommendations of the Ethics Committee; and (e) inform the member, by certified mail, return receipt requested, that he/she has a right to a hearing before the Board of Directors of the Association, and that if he/she does not request a hearing before the Board of Directors within thirty (30) days from receipt of notification, no hearing will be held and the Ethics Committee recommendation for action will become final. The Ethics Committee may appropriately impose more stringent sanctions upon members previously found to have violated the *CAMFT Ethical Standards for Marriage and Family Therapists*, or any other relevant professional or state code of professional conduct.
- C.** In the event that the Committee's recommendation for action becomes final because the member does not request a hearing within thirty (30) days, the Ethics Committee Chair shall thereafter forward a determination of the matter to the executive director for execution.
- D.** If the member requests a hearing before the Board of Directors, then the Ethics Committee shall prepare and transmit to the Board of Directors, through the president of the Association, the statement of charges against the member and the action which the Ethics Committee recommends.
- E.** In any hearing before the Board of Directors of the Association, the Ethics Committee, through its Chair or his/her designee, shall present the case against the member.

**F.** If additional evidence of unethical conduct is brought to the attention of the Committee after a matter has been closed, the case may be reopened and acted upon under these procedures.

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### **VIII. Procedures for Hearings Before Board of Directors**

**A.** Upon receipt of the statement of charges and recommended action from the Ethics Committee, the President of the Association <sup>2</sup> shall inform the charged member by certified mail, return receipt requested, that his/her request for a hearing has been received and enclose a copy of the charges, the report of the investigation, and the recommended action. The member shall be informed about these procedures for hearings before the Board of Directors.

**B.** A hearing shall be scheduled at the next regularly scheduled meeting of the Board of Directors or as soon thereafter as possible. The complainant and charged member shall be notified promptly of the hearing date, time and place. All costs of attendance at the hearing shall be borne by the complainant and the charged member, respectively.

**C.** At least thirty (30) days before the hearing, the Ethics Committee shall furnish the charged member and the Board of Directors with copies of all documents and the names of witnesses who will appear in support of the charges.

**D.** The Ethics Committee, through the Chair of the Committee or his/her designee, shall present the charges against the member and shall have the right to:

1. be represented by counsel for the Association
2. present witnesses and evidence to support the charge
3. cross-examine witnesses who appear for the charged member
4. offer rebuttal evidence
5. make opening and closing statements.

**E.** The charged member shall have the right to:

1. be represented by counsel
2. present witnesses and evidence
3. cross-examine witnesses against him/her
4. appear on his/her own behalf
5. make opening and closing statements.

**F.** All evidence which is relevant and reliable, as determined by the President of the Association, shall be admissible. The formal rules of evidence shall not apply.

**G.** A tape recording of the hearing shall be made if requested by the Board or the accused member. If the accused member makes the request, he/ she shall pay the expense of recording the hearing.

**H.** The Ethics Committee shall have the burden of proving the charges by a preponderance of the evidence.

**I.** The Board of Directors shall issue its decision within thirty (30) days after the hearing.

**J.** The decision shall state:

1. the Board's findings of fact
2. whether a violation of the code was found and, if so, the section of the code violated; and
3. the Board's decision:
  - a. if no violation of the code is found, the Board of Directors shall order that the member be cleared of all charges
  - b. if a violation or violations of the Code are found, the Board shall order action to be taken, including an order to cease and desist, censure, therapy, probation, rehabilitation, supervision, education, revocation or suspension of membership, or any other action which the board deems appropriate. The decision shall also specify the manner in which the action is to be instituted and/or supervised.

**K.** The President of the Association shall inform the complainant and the Chair of the Ethics Committee of the decision. Notice of the decision to the member shall be by certified mail, return receipt requested.

**L.** There shall be no appeals from decisions of the Board of Directors, but the Board, in its discretion, may reconsider its decision upon request of the accused member. Any request for reconsideration shall be made in writing and within thirty (30) days of receipt of the Board's decision.

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## **IX. Records and Disclosure of Information**

**A.** The permanent files of the Ethics Committee shall be maintained in the central office of the Association.

**B.** All information obtained by the Ethics Committee, including any investigating subcommittee, and all proceedings of the Ethics Committee, shall be confidential except as follows:

1. Information may be disclosed by those investigating the complaint as is necessary in order to pursue a thorough investigation.
2. The Ethics Committee may, in its discretion, authorize the Executive Director to publicize

settlements by mutual agreement without disclosing the name of the complainant or the charged member.

3. In situations in which an accused member resigned from CAMFT membership in the face of an Ethics Committee investigation, and a violation of the code is subsequently proven, any publication shall include the fact of the member's resignation.
4. Whenever the Board of Directors finds, after hearing, that a member has violated the Code, and orders disciplinary action, the Board of Directors or its designee is authorized to disclose the ethics violation and disciplinary action to the membership of the Association. Publication shall be made of all terminations or suspensions of membership. Publication may also be made of other sanctions in the discretion of the Board of Directors. Publication of the Board of Directors' findings and actions will be made in *The California Therapist* and will include the member's full name, any earned degree, his/her geographical location, and the violation of the section of the Code proven.
5. Whenever the Board of Directors finds, after hearing, that a member is not guilty of the Code violations charged, that fact shall be disclosed to the membership of the Association only upon the written request of the accused member.
6. The complainant shall be informed of the status and progress of the complaint in a timely manner and shall be notified of the conclusion of the case.
7. The Board of Directors may inform state regulatory agencies and other professional organizations, including chapters of CAMFT, of any disciplinary action taken against a member for violating the *CAMFT Ethical Standards for Marriage and Family Therapists*.

*Ethical Standards for Marriage and Family Therapists - Part II* (Procedures for Handling Complaints of Violations of the code of *Ethical Standards for Marriage and Family Therapists*) is a publication of the California Association of Marriage and Family Therapists, headquartered in San Diego, California.

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