

# **ASSOCIATION OF POSTDOCTORAL PROGRAMS IN CLINICAL NEUROPSYCHOLOGY (APPCN) ETHICAL PRINCIPLES, CODE OF CONDUCT, AND PROCEDURES**

## **1. GOVERNING PRINCIPLES AND SCOPE OF AUTHORITY**

### **1.1 Governing Principles**

In its activities, decisions, and recommendations, the APPCN is committed to a) the Ethical Principles of Psychologists of the American Psychological Association (“Ethical Principles”), as they are presently constituted and as they may be revised, and to b) the Code of Conduct for Postdoctoral Programs in Clinical Neuropsychology set forth herein (“Code of Conduct”).

### **1.2 Authority and Objectives**

The APPCN has jurisdiction and authority only over its members. In its dealings with members, it strives to exert a constructive and educational influence rather than a punitive one, while maintaining its focus on the welfare of postdoctoral program fellows and the public.

## **2. CODE OF CONDUCT FOR POSTDOCTORAL PROGRAMS IN CLINICAL NEUROPSYCHOLOGY (“PROGRAMS”)**

### **2.1 Accountability**

Program directors will strive to assure that their programs maintain high standards for postdoctoral training, offer only those program services which they are qualified and able to provide, and provide program services which they have offered.

### **2.2 Integrity**

Program directors will strive to assure that program descriptions and reports do not include statements that are false, misleading, or deceptive.

### **2.3 Professional and Scientific Responsibility**

Program directors are concerned about the ethical aspects of their colleagues’ and their training fellows’ scientific and professional conduct.

### **2.4 Respect for People’s Rights and Dignity**

Program directors will ensure that appropriate respect is accorded to the rights, dignity, and worth of all people involved with the Program. Program directors will assure that participants do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, disability, socioeconomic status, or other basis prohibited by law. In addition, Program directors will assure that Program participants do not engage in sexual harassment.

## **3. GENERAL OPERATING RULES FOR ADDRESSING COMPLAINTS RELATED TO ETHICAL PRINCIPLES AND/OR CODE OF CONDUCT**

### **3.1 Confidentiality**

All information concerning ethics complaints shall be confidential and shall be released by the APPCN Board only with the written consent of the complainant, complainee and other applicable informant, except that appropriate information shall be disclosed in response to a valid subpoena or when otherwise required by law.

### **3.2 Correspondence**

As much of the ethics business of the APPCN Board as is practical shall be conducted in written correspondence, which normally shall be carried out by the APPCN President.

### **3.3 Records**

#### **3.3.1 Confidentiality of Records**

The ethics files of the APPCN Board shall be confidential within the limits of Section 3.1. Access to the files shall be limited to APPCN Board members and other duly authorized persons.

#### **3.3.2 Maintenance of Records**

Records concerning programs that have been terminated from membership or that have been permitted to resign under stipulated conditions shall be maintained indefinitely. Records of other ethics cases shall be maintained for five years.

### **3.4 Meetings**

#### **3.4.1 Investigative Panels**

Members of the APPCN Board designated to form investigative panels to meet with complainants, complainees or others will meet as needed. Such panels shall report back to the full APPCN Board at its regular meetings.

#### **3.4.2 Quorums**

For the purpose of voting on all ethics matters, a quorum shall consist of at least one-half of the APPCN Board membership.

#### **3.4.3 Voting**

Decisions on ethics motions shall require a majority vote. When an ethics decision is required prior to the next scheduled APPCN Board meeting, the Board shall be polled by the Chair, and the decision will require a majority vote.

#### **3.4.4 Presence at Meetings**

Ethics meetings of the APPCN Board and its deliberations shall be closed to all but members of the Board, except when it is necessary to have present a complainant, complainee, or other party to a complaint. The inclusion of persons other than Board members shall be determined by the Board at its discretion.

## **4. PROCEDURES FOR ETHICS COMPLAINTS**

## **4.1 Processing and Disposing of Complaints**

### **4.1.1 Who May Initiate a Complaint**

#### **4.1.1.2 Complaints from Outside the Board**

Complaints regarding a member may be received from the public and from members.

#### **4.1.1.3 Complaints Arising Within the Board**

A complaint may originate within the Board itself, *sua sponte*, when a member appears to have violated ethics. Materials that are matters of public record or that are within the public domain may also lead to *sua sponte* complaints.

### **4.1.2 Time Limitations**

The Board may consider a complaint only if the complaint was filed within two (2) years of the time the alleged unethical conduct occurred, was discovered, or was recognized by the complainant as a violation.

### **4.1.3 Form of Complaint**

The Board shall consider only written and signed complaints. Anonymous complaints will not be considered, and no investigation shall be conducted when the complainant has failed to identify the subject of the complaint or complainees by name.

### **4.1.4 Initial Response to Complaint**

As explained below, the existence of a complaint against a member, by itself, shall not be sufficient to cause a full investigation and adjudication of the matter by the Board.

In cases in which the complaint appears to be frivolous or otherwise inappropriate, the Board may decline to initiate an investigation. In such cases, a written explanation of the Board action shall be transmitted to the complainant. However, investigation shall not be permanently denied simply because of a complainant's initial failure to produce a clear, coherent and informative complaint.

The Board or the Board Chair may recommend that the complainant refer the complaint to the state licensing board, the ethics committee of a relevant professional organization or other appropriate adjudicatory body. Such referral does not constitute a permanent waiver of jurisdiction over the complaint, provided that the Board opens the case within 24 months from the date of the referral.

When a complaint filed with the Board has also some before another tribunal, such as a court of law, state licensing board, accrediting body, and/or other professional association ethics committee, the Board may defer action and hold the complaint in obedience until completion of adjudication in the other tribunal(s). In such an instance, the Board's action on the complaint may be resumed upon the verification of closure of the case before the other tribunal(s).

### **4.1.5 Communication with the Complainees**

Upon receipt of a complaint, or upon a complaint being raised *sua sponte* by the Board, and when there appears to be a valid question of whether a member has violated ethics, which questioning is not deferred or otherwise before a tribunal pursuant to Section 4.1.4.2 or 4.1.4.3 above, a notification of the complaint shall be sent by registered mail to the complainee. The notification shall include a copy of the complaint and supporting documents as received, a copy of the Ethical Principles, Code of Conduct, and rules and procedures for addressing ethics complaints, and a statement of the particular aspects of the Ethical Principles or Code of Conduct that appear to have been violated by the alleged conduct of the complainee. The notification will also advise the complainee of the need for a response to the complaint.

#### **4.1.6 Complainee Response**

The complainee shall be required to provide the Board with a substantive response to the complaint and its allegation within 30 days of the date of the notification sent by the Board or show cause why a substantive response cannot be made within that time. Failure or unwarranted delay in responding or lack of cooperation in the investigation shall not prevent continuation of the proceedings and could itself constitute a violation of the Ethical Principles. It shall be within the discretion of the Board to decide whether a complainee response is prompt and complete, whether an explanation for the failure to provide such a response is adequate or whether an investigation should proceed in the absence of a complainee response.

#### **4.1.7 Disposition of Complaints**

##### **4.1.7.1 Further investigation**

In attempting a disposition of a complaint, the Board may determine that further investigation is needed. The Board may request additional information from the complainant, complainee or other applicable parties. In addition, a panel of Board members or other APPCN members may be designated by the Board Chair to interview the complainant, complainee or other relevant parties.

##### **4.1.7.2 Closure of Adjudicated Cases**

Following a prompt, thorough and objective investigation of a complaint, the Board may vote to close the case by any of the following:

###### **4.1.7.2.1 No Violation**

The Board may determine that there was no ethical violation or that there is insufficient evidence to conclude that there was an ethical violation.

###### **4.1.7.2.2 Committee Sanction**

The Board may vote to close the case by invoking any of the sanctions set forth in Section 4.1.7.3.

###### **4.1.7.3 Available Disciplinary Actions**

When a complaint of unethical conduct against an APPCN member has been brought before the Board, the following will be the range of sanctions that may be imposed in cases where the Board finds that there has been an ethics violation:

#### **4.1.7.3.1 Termination of Membership (Expulsion)**

#### **4.1.7.3.2 Resignation under Stipulated Conditions**

Stipulated resignations may include any requirements recommended by the Board, including the provision that the member resigning not reapply for membership.

#### **4.1.7.3.3 Censure**

Censure before the APPCN membership may be imposed in lieu of expulsion or stipulated resignation.

#### **4.1.7.3.4 Educational Advisory**

The Board may issue an educational advisory to a complainee where the challenged behavior appears to be due only to a lack of knowledge or understanding by the complainee of ethical principles and/or standards.

#### **4.1.7.3.5 Cease and Desist Order**

The complainee may be ordered by the Board to cease and desist from the challenged behavior.

#### **4.1.7.3.6 Reprimand**

The complainee may be reprimanded by the Board when there has been a relatively minor violation of ethics.

#### **4.1.8 Notification of Closure**

##### **4.1.8.1 Notification of Relevant Parties**

Upon closure of a case, the complainant shall be notified of the Board's decision and recommendations and shall be provided with an explanation of the decision.

##### **4.1.8.2 Notification of Other Organizations**

The Board shall notify other appropriate parties of final action on an adjudicated case when the Board deems it necessary.