

## **British Columbia Association of School Psychologists**

### **Ethical and Professional Conduct Committee Procedures**

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#### **I. Responsibility and Function**

- A. The purposes of the Ethical and Professional Conduct Committee (hereafter referred to as the Ethics Committee) are: 1) to promote and maintain ethical conduct by certified school psychologists, 2) to educate school psychologists regarding the *Code of Ethics for the Canadian Association of School Psychologists* (hereafter referred to as the Code of Ethics), and 3) to adjudicate ethical violations reported by members.
- B. A key role of the Ethics Committee is to act in an educative manner when responding to questions and concerns. This educative role is intended to be advisory in nature and is typically accomplished through informal communication via telephone and/or email between the member raising the question or concern and the BCASP Executive Committee member currently serving as the Chair of the Ethics Committee. The Ethics Committee shall endeavour to settle cases informally and recommend disciplinary or remedial action when the behaviour of a member is judged to be in conflict with the principles in the Code of Ethics.
- C. A second function of the Ethics Committee is to investigate complaints from one certified school psychologist against another. When responding to complaints, members of the Ethics Committee have the following responsibilities:
- to obtain a thorough and impartial account from the complainant;
  - to act in an unbiased manner;
  - to work expeditiously toward a timely response;
  - to safeguard the confidentiality of the Ethics Committee's activities; and
  - to make recommendations to the BCASP Executive Committee when it is judged that a BCASP member has failed to observe the Code of Ethics.
- D. The Ethics Committee is appointed by the BCASP Executive Committee.
- E. The Ethics Committee shall assure the responsible use of all information obtained in the course of an inquiry or investigation. The objective with regard to the individual shall, whenever possible, be constructive and problem-solving, rather than disciplinary in nature. Members of the Ethics Committee recognize that their role is an extremely important one, involving the rights of many people, the reputation of the profession, and the careers of individual professionals. They are alert to the four principles in the Code of Ethics (Respect for the Dignity of Persons; Responsible Caring; Integrity in Relationships; and Responsibility to Society) in ensuring that they do not misuse their influence.
- F. All information concerning complaints to the Ethics Committee shall be confidential, as specified in the Code of Ethics, except when information must be released to protect the interests of the complainant or respondent, or other investigative or adjudicative bodies.

## II. Scope and Authority

- A. The Ethics Committee shall address issues raised when ethical principles are in conflict in an investigatory, advisory, educative, and/or remedial role. What constitutes conflict of ethical principles shall be determined on the basis of the provisions of the Code of Ethics and any published advisory opinions that from time to time are developed by the Ethics Committee and ratified by the Executive Committee. In applying the principles, the authorized opinions of those charged by BCASP with the administration and interpretation of the ethical principles shall be binding on all BCASP members.
- B. When conducting its operations, the Ethics Committee shall utilize applicable governmental laws, the BCASP Constitution and Bylaws, the Code of Ethics, and the procedures in this document to formulate its actions and make decisions.

## III. Complaints and Inquiries to the Committee

- A. The Ethics Committee shall recognize and respond to all complaints and inquiries from BCASP members in accordance with these procedures. Anonymous letters and phone calls will not be recognized. Complaints by members that are judged by the Ethics Committee to be frivolous or revengeful may be cause for action against the complainant.
- B. An inquiry may be informally handled, referred elsewhere when appropriate, or the Ethics Committee Chair may request that the complaint be formally submitted through completion of the complaint form (available on the BCASP website). A formal complaint shall consist of a completed *Complaint Alleging Ethical Principles which are in Conflict on the Part of a School Psychologist* form sent by certified mail to the attention of the Chair of the Ethics Committee. As an attachment to the complaint form, the complainant shall be asked to sign a release acknowledging that his/her name be revealed to the respondent.
- C. The individual filing the complaint shall complete the complaint form describing the alleged misconduct and indicating the ethical principles that appear to be violated. Such written statements shall be signed by the complainant. BCASP will maintain appropriate records regarding the number and nature of all written complaints filed against BCASP members.
- D. Relevant materials associated with completed adjudication processes will be stored and maintained (either on paper or electronically) by BCASP for a period of five (5) years after the matter is closed. Adjudication materials to be maintained will include records associated with the initial complaint; all written correspondence between members/designees of the Ethics Committee and complainants or respondents; summaries of meetings or phone conferences held to discuss the complaint; final Ethics Committee recommendations and decisions relative to the complaint; and summaries of Ethics Committees activities and decisions relative to the complaint. Adjudication materials will remain confidential with restricted access. In cases in which a member loses membership, these records will be kept indefinitely. Additionally, the name, date, nature of the written complaint and any action taken will be maintained confidentially by BCASP.
- E. Upon receipt of a written statement outlining the details of an alleged misconduct, the Ethics Committee shall expeditiously do the following:

1. Determine if the individual against whom the complaint is made (hereafter referred to as the respondent), is a member of BCASP. If the respondent is not a member of BCASP, the complainant shall be so advised and alternative procedures may be suggested.

If the respondent is a member of BCASP, the Ethics Committee, with any advisory opinions deemed necessary, shall review the complaint. If it is determined that the alleged misconduct, even if true, would not constitute and actual violation of the Code of Ethics, the Chair shall notify the complainant to advise him/her that the allegation will not be investigated by the Ethics Committee.

2. If the information obtained from the complainant is insufficient to make a determination regarding the alleged misconduct, the Chair may send a written request to the complainant, asking for clarification and/or additional information as would be needed to make such a determination.
3. The Ethics Committee shall not act on an anonymous complaint. However, the Ethics Committee is empowered to use its judgment and to proceed on its own volition when it appears that ethical principles are in conflict and that the action in the complaint has the potential to injure BCASP or its membership; or to adversely affect BCASP's reputation; or that is clearly inconsistent with or destructive to the purposes of BCASP as stated in the constitution. In those situations, in which the complainant is involved in a hierarchical relationship (e.g., professor-student, supervisor-supervisee) the Ethics Committee may act on behalf of the complainant and the identity of the complainant shall remain confidential.

#### **IV. Ethics Committee Investigations**

- A. When the decision is made to investigate a complaint, the Ethics Committee Chair shall expeditiously inform the respondent, in writing, by certified mail, with the envelope marked "confidential," that a complaint has been filed against him/her. This letter shall describe the nature of the complaint, indicate the principle(s) that appear to have been violated, and request the respondent's cooperation in obtaining a full picture of the circumstances that led to the allegations. The respondent will be advised of the online address where electronic copies of the BCASP Standards for Professional Practice, the Ethical and Professional Conduct Committee Procedures, and any pertinent advisory opinions of the Ethics Committee may be accessed. In instances where the respondent does not have access to online resources, copies of the above-mentioned documents will be provided. Ordinarily the respondent shall be informed of the name of the complainant.
- B. The respondent shall be asked to provide a written statement outlining his/her view of the situation and provide any supporting evidence/documentation pertinent to the complaint.
- C. Whenever possible, the Ethics Committee shall attempt to resolve differences privately and informally through further correspondence with all parties involved. An attempt shall be made to bring about an adjustment through mediation efforts in the interest of correcting a general situation or settling the particular issues between the parties involved. If differences cannot be resolved, the Ethics Committee will proceed with further investigation. The Ethics Committee Chair may, at his/her discretion, assign a case manager from among the Ethics Committee members.

- D. If the respondent does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the respondent by certified mail, marked “confidential,” with a return receipt requested.
- E. If the respondent refuses to reply to the Ethics Committee inquiry or otherwise cooperate with the Ethics Committee, the Ethics Committee may continue its investigation, noting in the record the circumstances of the respondent’s failure to cooperate. The Ethics Committee Chair shall also inform the respondent that his/her lack of cooperation may result in action which could eventuate in his/her being expelled from membership in BCASP in accordance with the bylaws of the organization.
- F. The complainant and respondent will be appraised when a final recommendation has been submitted by the Ethics Committee to the Executive Committee. They may also, at the discretion of the Ethics Committee, be provided with information associated with decisions made regarding the complaint at specified times during the adjudication process.
- G. In general, if the complainant wishes to withdraw the complaint, the inquiry is terminated, except in extreme cases where the Ethics Committee feels the issues in the case are of such importance as to warrant completing the investigation in its own right.
- H. BCASP will not recognize a respondent’s resignation from membership while there is a complaint pending before the Ethics Committee unless he/she submits an affidavit stating that:
1. The resignation is voluntary;
  2. He/she is aware of a pending investigation into allegations of misconduct; and
  3. He/she acknowledges that the material facts upon which the complaint is based are true and cannot be defended.
- I. The Ethics Committee shall review all relevant materials and determine whether:
1. The case shall be closed;
  2. Further investigation by correspondence is indicated;
  3. The respondent and/or complainant shall be asked to appear before the Ethics Committee;
  4. The Ethics Committee is ready to make recommendations to the Executive Committee; or
  5. Some other action or a combination thereof shall be taken.

## **V. Ethics Committee Recommendations**

- A. When the Ethics Committee has obtained sufficient information to reach a decision, the Ethics Committee shall prepare detailed recommendations and forward them, in writing, to the Executive Committee for review. The Executive Committee shall then decide on a course of action, and advise the respondent in writing, which may include one or more of the following:
- education
  - mediation
  - supervision
  - letter of direction
  - expulsion from BCASP
  - other action as judged appropriate to the case

- B. An appeal may be directed to the Executive Committee if:
  - 1. the recommendations of the Ethics Committee do not lead to resolution of the problem;
  - 2. the Executive Committee does not accept the recommendation of the Ethics Committee; or
  - 3. the respondent formally requests such a hearing after the Executive Committee has rendered a decision.
- C. In the event that the Executive Committee does not adopt the recommendations of the Ethics Committee, the case is referred back to the Ethics Committee for further review and revised recommendations or forwarded to an Independent Appeals Committee.

## **VI. Independent Appeals Committee**

- A. Following receipt of a statement of the charges against him/her and a statement of the Executive Committee's decision, the respondent has the right to request from the President of BCASP a hearing on the charges. This request must be made within 30 days after the respondent's receipt of the Executive Committee's decision.
- B. In the event of an appeal, the Executive Committee may establish an Independent Appeals Committee which will include no members of the Ethics Committee having any prior connection to the case.
- C. In instances where an Independent Appeals Committee is selected, the President shall appoint a chairperson for the group who shall conduct the hearing and assure that the procedures are properly observed. There shall be no communication between the members of the Independent Appeals Committee and the Ethics Committee or any of its representatives prior to the hearing itself.

## **VII. Resolution of Ethical Complaints**

- A. At the conclusion of the hearing, the Independent Appeals Committee shall expeditiously issue its report and recommendations to the Executive Committee.
- B. The Executive Committee shall then decide on a course of action, and advise the respondent in writing, which may include one or more of the following:
  - education
  - mediation
  - supervision
  - letter of direction
  - expulsion from BCASP
  - other action as judged appropriate to the case
- C. The decision of the Executive Committee following review of the recommendations of the Independent Appeals Committee shall be final.

- D. The President shall report at the Annual General Meeting the names of those members who have been allowed to resign or who have been expelled from membership, and the ethical principle(s) involved.
- E. In cases and when the welfare of the public and/or the reputation of the profession is at stake, the President may also notify the Ministry of Education and the respondent's employer that the respondent has been expelled from membership.