

**PROVISIONS FOR IMPLEMENTATION OF
THE CODE OF PROFESSIONAL CONDUCT OF
THE PSYCHOANALYTIC SOCIETY OF
THE WILLIAM ALANSON WHITE INSTITUTE**

June 2022

I. Committee on Professional Conduct: The Psychoanalytic Society of the William Alanson White Institute (“Society”) shall have a standing Committee on Professional Conduct as described in Section V subsection G of the Society By-Laws.

A. Composition and Appointment. The Committee on Professional Conduct (“Committee”) will consist of three Regular, Corresponding or Life Members appointed by the President with the consent of the Board of Directors to serve for a period of three years each and eligible for a second term if so decided by the President in consultation with the Board.

The Committee members will designate one member to act as chair of the Committee (“Chair”) for a term of three years. In the event of a vacancy on the Committee, the Board of Directors of the Psychoanalytic Society will appoint another member to complete the unexpired term of the incumbent member. The Committee will initiate and handle formal and informal Conduct proceedings. It is expected that members will recuse themselves in cases where there may be a conflict of interest. The Chair will appoint substitutes to replace any committee members who recuse themselves from a case or who are unable to serve for any other reason.

B. Duties. The Committee on Professional Conduct shall:

(1) Respond to communications regarding the “Code of Professional Conduct of the Psychoanalytic Society of the William Alanson White Institute” (“Code”) and these “Provisions for Implementation of the Code of Professional Conduct of the Psychoanalytic Society of the William Alanson White Institute” (“Provisions”) and issue advisory opinions regarding the application of the Code to particular conduct.

(2) Pursuant to procedures hereinafter described, the Committee will evaluate the merits of a complaint alleging that a member of the Psychoanalytic Society of the William Alanson White Institute (“Society”) has breached the Code. Such a review shall enable the Committee to make a decision on the basis of its inquiry. The Committee will maintain strict confidentiality during its process. A breach in confidentiality is subject to discipline under these Provisions.

C. Informal Proceedings and Resolution.

The Committee shall initially try to address a complaint through informal proceedings which can facilitate the efficient resolution of the complaint in a manner that is educational and, if necessary, corrective to the respondent. This can be done by the committee, along with the President of the Society, if appropriate.

D. Initial Response to Potential Complaint.

(1) Determination of Whether Complaint Merits Investigation. The committee will respond to a complaint. First, the committee shall determine whether the asserted misconduct by the charged member (“respondent”), if found to have occurred, would constitute a violation of the standards established by the Code. If not, the complainant and the respondent shall be so informed in writing. If the complaint is determined to merit further investigation, the respondent shall be informed in writing and notified of the operating procedures of the Committee and that during the inquiry, the procedures set out in Section (E), below, shall apply.

The standards in the Code will be used to resolve complaints brought concerning alleged conduct occurring on or after the effective date of the Code. Complaints regarding conduct occurring prior to the effective date will be resolved on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred. Ongoing conduct that began when it did not violate the Code in effect at that time, but now does violate the current Code shall be evaluated according to the nature of the conduct and how feasible it would be to discontinue it.

The Chair, with the approval of the Committee, may dispose of a complaint based on undue delay of the complainant in making the complaint, taking into account all considerations deemed relevant.

(2) Communication with Interested Parties.

The Committee will furnish any potential complainant copies of the Code and the Provisions which describes the Committee’s procedures for dealing with complaints of conduct in violation of the Code. The Committee will be available for informal consultations regarding a contemplated complaint.

The complainant will also be informed that such complaint must identify the charged member; must be in writing and be signed by the complainant; must clearly describe the facts and circumstances surrounding the charge, citing, if possible, the applicable principle(s) alleged to have been breached; and must be accompanied by a signed statement agreeing to the use of the Society’s procedures, asking that action be taken and authorizing the distribution of the complaint and

other materials submitted by the complainant in connection with the inquiry. In the absence of a complainant, and in the event that the Chair of the Committee or the President of the Society have reason to believe that a violation may have occurred, the President and the Chair, if in agreement, can at their discretion, initiate an inquiry.

The Committee shall next notify the respondent of the complaint, providing copies of the complaint and other materials submitted by the complainant, and the Society's procedures and provisions for handling such complaints.

E. Fair Process. The Committee's procedures for handling complaints of Code violations must assure fair process and provide the respondent with the following:

- (1) The opportunity to be notified of, and to address, the charges;
- (2) The opportunity, if appropriate and with the Committee's approval, for the respondent to be assisted in the respondent's response;
- (3) The right to a hearing;
- (4) Notice of not less than 30 days of the date, place, and time of the hearing, any persons other than Committee members who will be present and permitted to speak at the hearing; and the respondent's procedural rights at the hearing;
- (5) The right to postpone the hearing provided that it can be rescheduled to occur within 30 days of the original hearing date;
- (6) The right to submit a written statement at the end of any hearing;
- (7) The right to have a record made of the hearing proceedings or to have a copy of the Society's record; and
- (8) The right to receive the written final decision or recommendation of the Committee, including a statement of the basis for it.
- (9) In the event the complainant has filed a lawsuit or a complaint with a state licensing agency or a professional organization, the Committee's procedures may be suspended until the lawsuit or the state's investigation, or the professional organization's investigation, has been decided.

F. Decision of the Committee. In any case in which formal procedures have been followed, after full and fair consideration of the complaint and all the evidence introduced at the hearing, the Committee shall arrive at a determination as to the appropriate disposition of the case. It may:

- (1) Conclude that no Code violation has occurred; or
- (2) Determine that there has been a violation of the Code that requires one of the following responses:
 - (a) Private admonishment;
 - (b) Censure, which includes notification of the Society;
 - (c) Suspension of Society Membership for a specified period; or

- (d) Permanent termination of Society membership;
- (3) Conclude that conduct in violation of the Code may have occurred but recommend that no formal finding be made and no sanction imposed pending completion of remedial action recommended and agreed to by the respondent.

G. Review of the Committee Decision.

The Chair will present the committee's findings and recommended course of action to the Society Board for review. The Board will meet, and by simple majority, either accept that a decision was reached following established procedures or refer the case for further proceedings back to the committee for cause. The Board will maintain confidentiality during its review.

H. Notification of Respondent.

Within seven business days after the decision has been reviewed, the Committee shall advise in writing the respondent of its decision.

I. Appeal Process.

The respondent will have thirty days after receiving written notice of the final disposition of a proceeding to initiate an appeal to the Board of the Society. In order to initiate an appeal, the respondent must notify the President of the Society in writing. Upon receipt of the respondent's request for an appeal, the President will gather the necessary documentation from the Chair of the Committee.

The President of the Society will convene an *ad hoc* Appeals Committee of three Society members. Within thirty days of being convened, the Appeals Committee shall review the record of the proceedings to ascertain that proper procedures have been followed. If it deems further fact-finding is required, it shall refer the matter to the Committee for the necessary further investigation and deliberation. Confidentiality shall be kept during the appeals process.

J. Notification of Respondent and Society

After a final decision has been made by either review or appeal, the Committee shall advise the respondent and the complainant of the decision. If the decision of the Committee is censure, suspension or termination of the respondent, then the President of the Society will be notified. The President, in consultation with the Committee, may notify the Society of the Committee's decision.