



Update to CPA's Rules and Procedures for Dealing with Reports and Complaints of Unethical Behaviour

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The Canadian Psychological Association archives indicate that, similar to most other Canadian professional associations, CPA has accepted and adjudicated complaints about its members' ethical behaviour for many decades. It was not until 1990, however, that the Association developed and implemented a detailed set of procedures for handling such complaints. Entitled *Rules and Procedures for Dealing with Ethical Complaints*, the document set out the criteria for accepting complaints, outlined procedures for addressing and investigating complaints, specified options for disposition, allowed for consultation regarding membership questions, and provided some brief rules with respect to records of complaints. These *Rules and Procedures* have remained in place for over two decades, with only a few minor language changes.

Needless to say, since 1990, the context in which the *Rules and Procedures* are being implemented has changed. There have been developments with respect to the organization of Canadian psychology, changes to the CPA bylaws, clarification of and changes to the legal framework for non-profit corporations, increasing case law relevant to professional organizations, and extensive developments in technology and communications. In response to this changing context, the Committee on Ethics began a review and updating process of the *Rules and Procedures* about two years ago. This process led to an updated set of procedures that is more in keeping with the current context, strengthens due process requirements, more readily ensures timely resolution of complaints, and promotes informal resolution of complaints where appropriate. The CPA Board of Directors approved the updated version, now entitled *Rules and Procedures for Dealing with Reports and Complaints of Unethical Behaviour*, at its meeting in November 2014.

Many of the positions and directions included in the former *Rules and Procedures* remain in the updated version. For example: (a) complaints still can be accepted only if they are about individual Members or Affiliates (not non-members or groups of Members or Affiliates); (b) complaints against Members or Affiliates who are members of a regulatory body are still deferred to the regulatory body; (c) the Association remains interested in the outcome of regulatory body or other statutory body proceedings regarding any CPA member; (d) the same range of possible dispositions remains in place; (e) there are rules regarding the keeping of records related to the *Rules and Procedures*; and (f) the Committee on Ethics remains involved in Membership/Affiliateship decisions where there are questions about ethical behaviour.

Changes in the new *Rules and Procedures* document relate

primarily to its organization, amount of detail, and sophistication in light of the current context. For example, a rationale is provided for an association like CPA being concerned about reports and complaints of unethical behaviour, and the need for fairness, reasonableness and impartiality toward all parties is emphasized. Separate procedures are provided for review of: (a) relevant applications, renewals and requests for re-admission which involve possible previous unethical behaviour; (b) third-party reports of unethical behaviour (e.g., media reports, regulatory body disciplinary reports, court records); and (c) complaints of unethical behaviour. In addition, separate sections are provided for confidentiality and record keeping, which reflect recent developments in laws and ethical guidelines regarding privacy as well as the benefits and risks of using electronic technologies for communication.

Members of the Committee on Ethics found that one of the most difficult-to-understand aspects of the *Rules and Procedures* (both former and new) is the difference between the Canadian Psychological Association and a regulatory body in terms of expectations and requirements for handling complaints of unethical behaviour. This is evident in the number of members of the public who first bring their complaints of unethical behaviour to CPA rather than to the appropriate regulatory body. It is also evident when complainants and members expect the *Rules and Procedures* to be very similar to the procedures followed by regulatory bodies (e.g., involvement of lawyers, formal "hearings" etc.). In updating the document, Committee members found it helpful to familiarize themselves as much as possible with both statutory and case law related to the difference between the two types of bodies.

Under Canadian law, the Canadian Psychological Association is considered a corporate body that is non-statutory and private in nature. It is not considered a regulatory body established under statutory law. Individuals providing psychological services, research or teaching are not required to be members of CPA, and CPA does not have the power to regulate, supervise, or control them.ⁱ Membership or Affiliateship in CPA is voluntary. Decisions of a regulatory or other statutory body can have a direct impact on an individual's ability to carry out their occupational activities. In contrast, the decisions of a voluntary organization may have some implications for an individual's reputation, but have no direct impact on the individual's occupational activities.ⁱⁱ Generally, individual membership in a private voluntary association is viewed as a contract, the parameters of which are based on the constitution and bylaws of the association. These governing documents provide the association with the legal authority to establish the rights, privileges and obligations of membership, including the expectation that both the as-

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ⁱ See *Ferguson v. Can. Counselling Assoc.*, 2007 NBQB 46 (CanLII). Retrieve from: <https://www.canlii.org/en/nb/nbqb/doc/2007/2007nbqb46/2007nbqb46.html>

ⁱⁱ See *Wang v. British Columbia Medical Association*, 2008 BCSC 1559 (CanLII). Retrieve from: <https://www.canlii.org/en/bc/bcsc/doc/2008/2008bcsc1559/2008bcsc1559.html>



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sociation and the member will adhere to the established terms and provisions of the contract.

In making decisions related to denying, restricting or terminating membership, all organizations, whether statutory or voluntary, are expected to meet the requirements of natural justice (“procedural fairness”) and to do so to a level and degree that is proportionate to the likely consequences of their decisions. In revising the *Rules and Procedures*, care has been taken to ensure that all reasonable requirements of natural justice are met: (a) notification; (b) oppor-

tunity to be heard; and (c) decision based on a process that is known to members and is impartial. However, proportionate to the role and mandate of CPA, decisions are based only on continuation of the former process of review and consideration of written submissions, and no longer include the possibility of being based on a formal, in-person hearing with lawyers present – a process used only once by CPA.

A copy of the new *Rules and Procedures* can be downloaded from the “Ethics” page on the CPA website.

Invitation: Please feel free to send any ideas you might have regarding topics for future Ethics Corner articles to ethicscttee@cpa.ca.

<http://www.cpa.ca/Convention/HighSchoolScienceAwards>

5th Annual

Canadian Psychological Association High School Science Award

\$2500.00 in Prizes

WHAT DO YOU NEED TO INCLUDE IN YOUR SUBMISSION?

Submit a completed application form, a description of your role in the project, and a Scientific Summary of your project.

WHO CAN YOU CONTACT FOR MORE INFORMATION?

Tyler Stacey-Holmes - styler@cpa.ca

ARE YOU ELIGIBLE?

If you are a student attending a Canadian high school and you've completed, or are completing a science project in 2014/2015 that examines some aspect of human or animal behavior, thinking or feeling (psychology).

HOW DO YOU MAKE A SUBMISSION?

Submissions should be in PDF format and emailed to styler@cpa.ca by April 10th, 2015.

WHEN WILL THE WINNERS BE ANNOUNCED?

Our panel of psychologists will select 1 winner and up to 2 runners-up. Selections will be made by Friday May 1st, 2015 and winners will be notified. Winners and runner(s)-up will receive a cash prize, generously provided by Scotiabank. Those selected will be invited to attend CPA's 76th Annual Convention from June 4-6 in Ottawa, ON and will participate in a digital poster session to present their work. The winner and runner(s)-up will also receive up to \$500 by the CPA to support the costs of travel and accommodation to attend the convention.



Scotia Professional Plan



International Knowledge Exchange

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My next stop was in Budapest, where I had several meetings with two colleagues who will be involved in a proposed research project at Concordia and Halley Stations in Antarctica. The study has been approved by the European Space Agency, which controls research there, and we have submitted a grant proposal to the Canadian Space Agency. I am the Principal Investigator on the project, which would measure several dimensions of voice communications throughout the austral winter. I will content analyze the material.

The last stop was a plenary presentation in Antwerp, Belgium, at an international conference on Collective Decision-making in Complex Environments. I spoke on integrative complexity, a cognitive variable related to long-term success among high-level political and military leaders. Surprising to some colleagues, in some environments, high complexity is actually detrimental to success. Two presentations by Belgian researchers had used my method for scoring integrative complexity.

European colleagues showed serious interest in topics that have attracted significant Canadian research. Several commented that Canadian psychologists relatively seldom traveled to conferences outside North America, and also seldom invited psychologists from other continents to our meetings. Budgetary restrictions are a major problem; but they would like at least to have intensified exchanges of papers and presentations. The language problem was also mentioned more than once: they feel that to gain visibility, they had to publish in English-language journals, and their command of the language is not always adequate for scientific publication. In fact, the Director General of my co-researchers' department at the Hungarian Academy of Sciences asked whether it would be feasible for his unit to create a new journal on the psychology of restricted environments, to be published in English with editorial help from Canadian collaborators.