



**Canadian Association for Marriage & Family Therapy
L'association canadienne pour la thérapie conjugale et familiale**

CAMFT/ACTCF Procedures for Handling Ethical Matters

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The purpose of this document is to facilitate the work of the Ethics Committee by specifying procedures for submitting and processing ethical complaints against members of the Canadian Association for Marriage & Family Therapy.

<http://CAMFT.ca>

I. Introduction

1. The CAMFT/ACTCF Ethics Committee (“the Ethics Committee”) Policies and Procedures apply to all members of all levels of the CAMFT/ACTCF. All members of all levels of membership are required to uphold the most current version of the CAMFT/ACTCF Code of Ethics (“Code of Ethics”), and cooperate with the Ethics Committee on all matters. CAMFT/ACTCF has a responsibility to its membership and the public at large to uphold professional standards of all members and the profession, and fulfills this responsibility in part by investigating all allegations of unethical behavior by members through the Ethics Committee in addition to responding to questions pertaining to ethical issues and standards of practice. Only the Ethics Committee Chair or designate can respond to advisory questions of ethical behavior. Further, it is up to the chair or designate to decide if an advisory opinion will be given.
2. The Ethics committee will meet on an annual basis (or more often as needed at the discretion of the chair) to deliberate on complaints and issues brought to the committee in the preceding year. The committee can also meet on an ad hoc basis as is necessary for the business of the committee.
3. In order for the ethics committee to make a decision, a minimum of 50% of the members must be present. In the event of a split decision, the chair has the final decision.
4. These procedures are in force until such time that they are amended or modified. Calls for review and potential changes are made by the board of directors of the CAMFT (hereafter referred to as the ‘board of directors’) who may charge the Ethics Committee or another subcommittee with the task. All changes to these procedures need to be approved by the board of directors.
5. The Ethics Committee is governed by the by-laws of the CAMFT/ACTCF, the current version of its Code of Ethics, and by these CAMFT/ACTCF Procedures for Handling Ethical Matters. This committee has standing within the CAMFT/ACTCF, but its procedures are not legal proceedings. Members and complainants are welcome to their own personal legal representation/consultation at any point throughout the process.
6. In ethical complaints procedures, timeliness is important, and many timelines are given. The ethics committee recognizes that delays may occur for many reasons and that delays on the part of the ethics committee are not considered a violation of the procedures unless it can be demonstrated that a delay occurred with deliberate prejudice to the detriment of those involved.

II. Procedures for Submitting Complaints

1. In order to act upon a complaint, the Ethics Committee requires a timely, signed, written complaint by an individual or individuals with evidence of the alleged unethical behavior of a specific identifiable individual who is a member or was a member of CAMFT/ACTCF when the alleged incident took place.
2. In order for the committee to begin an investigation, the complaint about the alleged behavior or lack of behavior must violate one or more of the principles in the Code of Ethics. The Ethics committee cannot move forward on complaints where there is no violation of the Code of Ethics, or where there are anonymous allegations, allegations against non-members, or allegations with insufficient identifiable information about the member in question. In the case of complaints where the complainant wishes not to have their identity disclosed to the member who is the subject of the complaint, the Ethics Committee can proceed if there is sufficient evidence in the public record, media, etc. (see below).
3. Further, members are held responsible for their own actions and inactions, and also the actions/inactions of the supervisees, staff, volunteers, agencies, programs, and departments or similar that they are directly responsible for as identified in the Code of Ethics.
4. While disciplinary processes may be part of the outcome of an ethics complaint, it is the primary stance of the CAMFT/ACTCF that training and re-education are preferred outcomes.
5. Timeliness of an ethical complaint is essential for adequate investigation and resolution. Complaints that are significantly old make investigation, defense and appropriate consequences much more difficult to enact, and as a result the Chair of the Ethics Committee has the discretion not to proceed on complaints over 2 years since the last date of alleged unethical behavior. Complaints related to the abuse of clients, particularly minor or vulnerable clients are exempt from this restriction. For alleged breaches that occurred prior to the publication of the CAMFT/ACTCF's Code of Ethics, the Ethics Committee will use the AAMFT Code of Ethics that would have been in place for when the alleged incident(s) occurred.
6. In the case of third party reports or anonymous complaints, the Chair of the Ethics Committee may entertain a third-party report of unethical behavior where there is evidence in the public domain, the public record or the media to validate the allegation of unethical conduct. In these cases, the Ethics Committee may launch their own complaint process, where the media representation and/or public record and/or information in the public domain are seen as the witnesses to the unethical conduct. The Chair of the Ethics Committee may use their discretion as to what constitutes sufficient evidence to launch an investigation, and may at their discretion contact relevant third parties to seek collateral information.
7. All those involved in reviewing, investigating or deciding on the outcome of complaints to the Ethics Committee on behalf of CAMFT/ACTCF and/or the Ethics Committee shall recuse themselves if they believe they have a conflict of interest related to any part of the matter before the Ethics Committee.

8. When the complaint is against a member who is part of another professional association and/or part of a regulatory body in Provinces where their professional activities as a Marriage & Family Therapist are provincially regulated or licensed, or where there is a police investigation into the matter, the Ethics Committee may keep the complaint under review until all other investigations have been resolved, and the outcomes of these proceedings will be included in the review of the complaint. The Ethics Committee will proceed with their own review and decision-making only after the relevant appeals timelines have lapsed and final decisions have been entered.
9. The Ethics Committee works in collaboration with the Membership Committee and informs the membership committee of any and all investigations and outcomes of investigations that impact membership applications, renewals and requests for re-admission to CAMFT/ACTCF.
10. At any point in the process, a complaint may be terminated by the complainant. Additionally, the Chair of the Ethics Committee reserves the right to terminate any complaint if they believe the complaint is spurious, misleading, malicious, or contains inaccurate or insufficient information.

III. Complaint Procedures

1. All complaints must be written on the official CAMFT/ACTCF complaint form.
2. All complaints are initially received by the Administrator for the CAMFT/ACTCF who performs a preliminary review of the complaint to verify that sufficient identifying information exists, that the person who is the subject of the complaint is a member of the CAMFT/ACTCF or was a member at the time of the alleged ethical violation, and that there is an identifiable complaint.
3. If the subject of the complaint is or was a member of CAMFT/ACTCF at the time of the incident, the Administrator marks the complaint as 'confidential', forwards the complaint to the Chair of the Ethics committee, notifies the complainant that they have done so and forwards the complainant a copy of the CAMFT Procedures for Handling Ethical Matters and the Code of Ethics. If the person is not or was not a member of the CAMFT/ACTCF, they notify the complainant of this and refer them to the more relevant professional association or regulatory body if one exists.
4. Upon receipt of the complaint, the Chair of the Ethics Committee notifies the complainant that their complaint has been received and is under review. The Chair may also request additional information at this point.
5. The Chair performs an initial review of the complaint to verify there is a credible allegation of a violation of one of the standards of the Code of Ethics and on that basis either decides to open an investigation (notifying the complainant of that decision), requests clarification to identify the violation, or decides to close the complaint for insufficient information (notifying the complainant of the decision). At their discretion, the chair may involve other

committee members in this determination. Further, at any point, the chair and/or committee may consult with legal representation regarding a complaint.

6. Upon opening an investigation, the Chair of the Ethics committee (or designate) notifies the member who is the subject of the complaint of the allegation in writing, identifying the relevant sections of the Code of Ethics, forwards by mail all relevant documentation (except when doing so could risk the safety of the complainant or a third party), and requests a written defense (with accompanying documentation, evidence and signature) relevant to the alleged violations of the code of ethics. The Ethics Committee will use the current address on record with the CAMFT/ACTCF of the member who is the subject of the complaint. This letter will be deemed sufficient notice, even if it is not collected by the member who is the subject to the complaint. The member then has 30 days (or longer at the discretion of the Chair) from the date of CAMFT sending the letter to respond to the allegations. The chair also informs the member that the Ethics Committee reserves the right to make inquiries of third parties for collateral information, and that failing to respond or participate, or terminating membership will not stop the investigation process. Additionally, the member is informed that any response they send will be copied to the complainant who has an opportunity to respond. Failure to respond on the part of the member who is the subject to a complaint will be deemed an admission of the statements presented in the complaint by the complainant.
7. If and when a response is received from the member, the Chair of the Ethics Committee (or designate) will forward the response to the complainant who will have 30 days from the date of sending the response to comment or produce further evidence.
8. If and when a response is received from the complainant, this will be forwarded to the member involved, and they will have a final opportunity to respond within 30 days of the sending of the response.
9. Upon receipt of the complaint, defense, evidence and responses from all parties, the Chair of the Ethics Committee (or designate) compiles all of the evidence for circulation to Ethics Committee members for review at the annual Ethics Committee Review Meeting. Cases may be held in abeyance at the discretion of the Chair for many reasons including but not limited to ongoing investigations with other professional associations or regulatory bodies, legal proceedings, etc.
10. At the annual Ethics Committee Review Meeting, the committee reviews all evidence for each case, decides on the merit of the complaint and decides on the consequences for the member involved. The Ethics Committee reserves the right to take prior and external complaints and conclusions into consideration when investigating and considering disciplinary actions. Further, the Ethics Committee reserves the right to reopen cases when new evidence comes to light, even if a case has already been decided, closed and disciplinary actions completed.
11. Decisions arising out of an Ethics Complaint can include but are not limited to:
 - a. Finding of no unethical behaviour

- b. Finding of a breach of the Code of Ethics resulting in:
 - i. Recognition of actions already taken for resolution of the issue
 - ii. Finding of no further action necessary
 - iii. Termination of membership in CAMFT/ACTCF
 - iv. Maintaining membership in CAMFT/ACTCF on probationary status of no less than 1 yr. During this time, there may be requirements such as but not limited to specific education and/or training and/or supervision and/or treatment with the agreement that the concerning behavior stop immediately
 - v. Informing other relevant professional associations and/or licensing or regulatory bodies where the member may be involved or who have a regional mandate for overseeing clinical practice.
 - vi. Posting of the outcome of the compliant process on the CAMFT/ACTCF website and/or in publications.
- 12. The chair of the Ethics committee will inform the President of CAMFT/ACTCF of the decision, and with the approval of the President and/or the board of directors, the chair will inform the Member who is subject of the complaint and the complainant in writing of the outcome of the Ethics Committee's deliberations. If the committee recommends a change in membership, the chair of the ethics committee will inform the chair of the membership committee of the outcome.

IV. Appeal Procedures

1. Appeals of an ethics committee decision are possible by either party – the complainant or the subject of the complaint. Appeals must be received in writing to the CAMFT/ACTCF office within 30 days of the letter informing the parties of the decision of the ethics committee.
2. Grounds for an appeal is limited to:
 - a. Mistakes in Ethics Committee process
 - b. A substantial error in the facts related to evidence underlying the final decision
 - c. A fundamental error in the understanding and application of the code of ethics
3. Appeals must be complete and contain an explanation of the appeal; specific grounds for the appeal; all evidence related to the grounds for appeal.
4. The board of directors will convene a subcommittee to decide if the appeal has merit, and has the authority to override the decisions of the ethics committee with new findings and disciplinary actions.

- a. The subcommittee will consider the original decision by the ethics committee, including the original complaint and all statements of defense and any evidence provided; as well as the appeal and any evidence submitted with the appeal.
- b. The subcommittee may interview the chair of the ethics committee as part of their consideration of the appeal.
- c. The subcommittee will determine if the appeal has merit or not and will report back to the board of directors, typically within 30 days from receipt of the application for an appeal. If the subcommittee decides that the appeal has merit, the subcommittee has the power to issue a new finding on the case, change the disciplinary measures required, or request a new investigation.
- d. The board has the discretion to accept, reject or amend the decision of the subcommittee. Once the decision is accepted by the board, the decision is final. Once the decision is final, the chair of the subcommittee will inform the ethics committee, complainant, and member indicated in the original complaint of the findings.

V. Record Keeping

1. The official records of the ethics committee will be kept by the Administrator of the CAMFT/ACTCF.
2. The Chair of the Ethics Committee will be responsible for forwarding all official summaries and decisions of the ethics committee to the administrator for inclusion in the official record.
3. During investigations and deliberations of the Ethics Committee, all members may keep their own notes. All personal notes must be kept secure and confidential, and must be properly destroyed at the conclusion of an investigation after the deadline for an appeal has passed. If an appeal of the decision is applied for, members may continue to keep private notes until the conclusion of the appeals process.
4. The membership committee will have its own policy on how long to maintain records of disciplinary actions against members or past members.

VI. Confidentiality

1. All information in an ethics investigation or appeal is considered confidential, with a number of exceptions. Information may be shared on a need-to-know basis with members of the Ethics Committee, members of the board of directors, and administrator of the CAMFT as is necessary for the carrying out of the duties of the Ethics Committee. The outcome of Ethics Committee decisions will be shared with the membership committee and/or other CAMFT committees relevant to the complaint, outcome and/or

disciplinary action. Further, the original complaint, including the name of the complainant can be divulged to the member named in the complaint. The CAMFT reserves the right to publish outcomes of disciplinary actions including the names of the members found guilty of violations of the Code of Ethics. This includes responses to written requests for information by third parties or members of the public about past disciplinary outcomes.