

THE INTERNATIONAL TRANSACTIONAL ANALYSIS ASSOCIATION

ITAA CODE OF ETHICAL CONDUCT

and

ITAA ETHICS PROCEDURES MANUAL

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The ITAA Ethics Committee acknowledges and thanks the European Association for Transactional Analysis (EATA) for allowing parts of their documentation to be adapted for this manual. The ITAA Ethics Committee also acknowledges and thanks the American Association of Marriage and Family Therapists for allowing parts of their procedures to be adapted for this manual.

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ITAA CODE OF ETHICAL CONDUCT

Chapter 1: Introduction

1.1 Purpose

The ITAA is dedicated to promoting the highest caliber of conduct among members providing contractual services across the four fields of transactional analysis specialization: counseling, psychotherapy, organizational, and educational training and consulting services. As an organization, the ITAA recognizes its social responsibility to set the ethical standards for all members in order to advance the welfare of society through common values and moral principles of mutual respect and ethical actions. Accordingly, the overall aim of this Code of Ethical Conduct is intended to provide individual members of the ITAA with common moral principles, values, and a decision-making framework for identification and analysis of ethical dilemmas.

Members of the ITAA are required to commit to the values and ethical principles of transactional analysis as defined below. Moreover, all members are obliged to maintain safe, ethical, and effective contractual services, which earns public confidence and merits trust in transactional analysis through protection of the public's rights to dignity and respect, whether such conduct relates directly to professional practice or not.

It is the intent of this manual to ensure that processes that deal with infractions are fair and transparent and thereby maintain the public's confidence in the profession of transactional analysis.

1.2 Preamble

The ITAA Code of Ethical Conduct is mediated by the tensions between *comprehensiveness*, on the one hand, and *specificity and prescriptive detail*, on the other. In this context, the ITAA regards the comprehensive component - the statement of values and ethical principles outlined

below - as an overarching orientation to the ethical application of transactional analysis relevant to *all* members. Being based on common values and ethical principles, the ITAA Code of Ethical Conduct aims to ensure compatibility at a global level while allowing for variations of culture, syntax, and presentation style.

1.3 Values

The following three articles (1.3 – 1.5) have largely been adapted from the EATA Ethics Manual and the United Nations Declaration of Human Rights

Values are the fundamental basis on which human beings promote their own personal development and fulfillment as well as that of others. Values include reference to natural law that informs how people behave respectfully toward self and others. The following identified values are related to human rights and are included in the Universal Declaration of Human Rights.

This frame of reference is also congruent with the existential and philosophical perspective of transactional analysis. Many values can be extrapolated, so the following list should not be considered exhaustive by ITAA members.

Considering the range of activities involved, the fundamental values are:

A. Dignity of human beings¹

Each human being is of worth, regardless of gender, social position, religious creed, ethnic origin, physical or mental health, political beliefs, sexual orientation, and ability.

B. Self-determination²

Each individual is free to decide his/her own future within the national laws of their country and with due consideration for the needs of self and others. Each person can learn from their experience to be in charge of himself/herself while taking into account the nature of the world and the freedom of others.

C. Health³

Physical and mental stability is a right of every individual and needs to be actively safeguarded.

D. Security⁴

Each person needs to be free to explore and grow in an environment that enables a sense of security.

E. Mutuality⁵

Each person, considering that he/she lives and grows in an interpersonal world, is mutually involved with the well-being of others and develops interdependency with others in order to build his/her own and others' security.

These values are directly related to each other and will influence those who provide contractual services in their own professional fields.

¹ General Assembly of the United Nations, Universal Declaration of Human Rights. Arts. 1 - 3.

² Ibid. Arts 18, 19.

³ Ibid. Arts. 24, 25.

⁴ Ibid. Arts. 22, 23.

⁵ Ibid. Arts. 29.

1.4 Ethical Principles

Because of the nature of values and their significance in human life, and in order to guarantee the respect and rights of each person, it is necessary to identify clear guidelines for behavior that are strictly linked to values. Ethical principles are derived from values and are intended as an indication of how to behave so as to promote the well-being, development, and growth of the individual. They are prescriptive and offer criteria for ethical behavior.

Using values as the starting point, it is possible to determine a set of ethical principles. The principal ones are:

- Respect
- Empowerment
- Protection
- Responsibility
- Commitment in relationship

Within the helping professions, ethical principles need to address many target groups in order to influence ethical behavior. The main ones are:

- Clients
- Self as practitioner
- Trainees
- Colleagues
- Human environment/community

ITAA members will consider each value and the ethical principles that derive from it and self-reflect in order to decide what attitude to take and how to behave as a member of the group to which they belong. They will analyse a given situation, consider the influence of ethical principles on their practice, and choose behaviors that take into account a wide variety of factors, including client, self, and environment.

After a brief definition of each ethical principle, the points that need to be taken into consideration for that principle are listed. This enables members to evaluate a situation and take responsibility for their choices.

First, there are examples of good practice developed in response to that ethical principle. The list cites criteria that need to be assumed in transactional analysis contractual services. The purpose of this list is to stimulate practitioners to question themselves in order to translate principles into practice. It is not an exhaustive list, and each practitioner will find his/her own response while looking at the five target groups. This process will enable practitioners to clarify the reasons for their behavior.

1. *Respect* for each person as a human being, aside from any specific characteristic or quality

- *Toward clients:*
The practitioner will fully consider and seek to understand the personal perspectives of every individual.
The practitioner will help the individual to be congruent with the individual's own perspective.
The practitioner will provide his/her best possible services to the client based on the mutual goal of benefit to the client through contract fulfillment.
The practitioner will provide a safe and professional environment. Being aware of the power of his/her position, the practitioner will be careful to create a trustworthy environment and avoid any situation that is exploitive.

- *Toward self:*
The practitioner will take into account his/her own perspective/difficulties/preferences/skills, referring clients or situations that he/she is not willing or able to handle.
- *Toward trainees:*
The trainer, aware of the level of learning of trainees, will give adequate support, provide all necessary learning resources, and be open to addressing his/her own teaching style in order to attune to the learning needs of trainees.
- *Toward colleagues:*
The practitioner will maintain awareness of the professionalism of colleagues, and when there are concerns, will directly address them with the colleague. After listening to the response, the practitioner will make an independent judgment on the issue.
- *Toward the community:*
The practitioner will take into account the specific culture of his/her community and will seek to foster respectful beliefs within that community.

2. *Empowerment* that emphasizes the importance of enhancing the growth of each person

- *Toward clients:*
The practitioner will commit himself/herself to working on developing clients' awareness of their dignity, responsibility, and rights.
- *Toward self:*
The practitioner will maintain ongoing education in his/her field of specialization in order to expand his/her knowledge and sustain his/her professional and personal growth.
- *Toward trainees:*
The trainer will evaluate the competency of his/her trainees and enable them to develop their potential, growth, and well-being.
- *Toward colleagues:*
The practitioner will respect a colleague's contributions and create occasions to expand his/her professionalism while aiming to share competencies.
- *Toward the community:*
The practitioner will think in terms of the wider well-being of the community as well as that of the individual.

3. *Protection* implies taking care of both self and others (physically and psychologically), bearing in mind the uniqueness and worth of each individual.

- *Toward clients:*
The practitioner will offer adequate services to his/her clients, provide a safe working environment (e.g. confidentiality, physical safety, informed consent for high-risk procedures), and hold an awareness of a client's destructive tendencies. He/she will not enter into or maintain a professional contract in which other activities or relationships might jeopardize the professional contract and will maintain confidentiality even when the therapeutic relationship has ended.
- *Toward self:*
The practitioner will take care of his/her own values and learning process. He/she will take care of his/her own safety and decide to terminate the relationship with a client if the practitioner experiences any physical or mental condition that impairs his/her ability to work effectively and competently with the client.

- *Toward trainees:*
The trainer will encourage trainees to recognize their own preferences and limits in order to protect himself/herself and clients from inadequate or harmful interventions. He/she will stimulate trainees to take care of their personal and professional growth and to look at their personal styles to address personal issues that interfere with their own or others' safety.
- *Toward colleagues:*
The practitioner will promote the well-being of colleagues and model respectful treatment of colleagues through demonstrating caring and acknowledgement and providing information.
- *Toward the community:*
The practitioner will provide contractual services to clients in recognition of existing laws of the country and abide by them where they are consistent with the UN Declaration of Human Rights.

4. *Responsibility* implies taking into account the consequences of our own actions as clients, trainers, therapists, supervisors, counselors, consultants, and teachers.

- *Toward clients:*
The practitioner will make clear contracts and conduct the professional relationship in such a way as to bring no harm to the client when that individual is unable or unwilling to function autonomously and responsibly because of mental impairment or intentional reckless behavior. The practitioner will not exploit the client in any manner or act in a way that causes intentional harm to the client. The practitioner will adhere to the principle of fidelity, keeping promises and commitments made to clients.
- *Toward self:*
The practitioner will consider the impact on the client of his/her position as an authority figure and take care in how he/she responds to clients in order to promote well-being and prevent the misuse of his/her power in relation to clients.
- *Toward trainees:*
The trainer will be aware of the learning needs of his/her trainees and provide them with full awareness of ethical practices and principles, including delineating ethical issues in training and practice. Trainers will confront trainees regarding unethical behavior and decide on a specific and ethical course of action if the trainee is not willing to change his/her behavior.
- *Toward colleagues:*
The practitioner will accept responsibility for acknowledging his/her concerns about colleagues' ethical behavior and will take appropriate steps to effect a resolution.
- *Toward the community:*
The practitioner will hold as a professional responsibility the need to be concerned with the psychological and physical health of his/her community.

5. *Commitment in relationship* means members are mindful of the social and interpersonal contexts of relationships and endeavor to uphold agreements with others..

- *Toward clients:*
The practitioner will be careful to take into consideration the interpersonal world of the client and to consider its impact on the individual.
- *Toward trainees:*
The trainer will teach trainees to consider the interpersonal world of their clients.

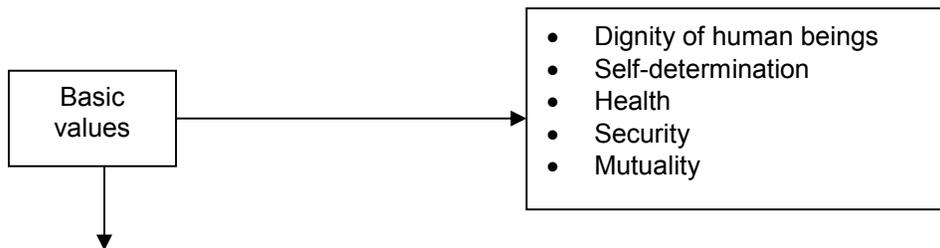
- *Toward colleagues:*
The practitioner will foster the professional social system by engaging in professional development.
- *Toward the community:*
The practitioner will be aware and active in the life of his/her community.

In order to make an ethical decision, practitioners are supported by ethical principles that enable them to evaluate various situations so that their choice of action can be a considered one. However, in some instances, practitioners may be involved in situations in which it is not possible to reconcile all the applicable principles. Despite this difficulty, the practitioner will still need to look at the specific situation, consider the different perspectives, and be accountable for his/her decision.

1.5 Guidelines for the Application of Values and Ethical Principles

Principles such as those above provide a useful framework for understanding conflicts but do not provide answers for handling particular situations. This section is designed to be a bridge to ethical contractual services. A graphic is provided to help practitioners visualize the complexity required in applying the code to practice.

A Grid for Ethical Assessment



Ethical Principles	Target group(s) to be addressed				
	Clients	Self as practitioner	Trainees	Colleagues	Human environment/ community
Respect					
Empowerment					
Protection					
Responsibility					
Commitment in relationship					

This grid should be viewed as a potentially useful visual aid for thinking about prospective ethical dilemmas. It encourages practitioners to consider the values implicit in each principle in relation to a particular context. However, it should not be regarded as a formulaic, tick-box method of decision making.

Ethical decisions that are strongly supported by one or more of the above ethical principles, without any contradiction from other principles, may be regarded as reasonably well founded. In addition to these principles and values, members are expected to consider legal, contractual, or clinical issues and ethical concerns in relation to the ethical dilemma under consideration.⁶

However, practitioners, educators, and consultants are bound to encounter circumstances in which it is impossible to reconcile all the applicable principles, and thus, choosing between principles may be required. In many cases, practitioners may need to balance the relevance of one principle against one or more of the others. Likewise, a decision or course of action does not necessarily become unethical merely because it is contentious in the eyes of other practitioners, educators, and/or consultants who would have reached different conclusions in similar circumstances. Even for experienced practitioners, educators, and consultants, supervision and/or consultation is highly recommended.

1.6 ITAA Code of Ethical Conduct

We recognize that through our Code of Ethical Conduct, the ITAA establishes a social contract that invites the public to trust that all members of the ITAA will conduct themselves in accordance with the above ethical principles.

We also recognize that these ethical principles are not always reflected in the behavior of members and, therefore, that confrontation of a member is sometimes desirable and/or necessary.

We further recognize that should an individual's behavior show a lack of integration of or consistency with these principles, his/her membership may be suspended by the ITAA until such time as that integration is assured.

The following clauses imply or explicitly state what practitioners must do and/or not do. The aim is to ensure that the process of framing, investigating, and adjudicating complaints is fair and transparent.

1. ITAA members acknowledge the dignity of all humans, regardless of their physiological, psychological, sociological, or economic status.
2. It is the primary protective responsibility of ITAA members who are providing contractual services to offer their best possible services to clients, trainees, and supervisees and to act in such a way as to cause no intentional or deliberate harm to any client, trainee, or supervisee.
3. ITAA members who use transactional analysis should strive to develop their clients' awareness of and functioning from a position of dignity, autonomy, and personal responsibility.
4. The ethical application of transactional analysis involves entering into an informed contractual relationship that the ITAA member and the client should have the competence and intent to fulfill. When a client is unable or unwilling to function autonomously and responsibly within this contractual relationship because of mental impairment or intentional reckless behavior, the ITAA member must resolve this relationship in such a way as to bring no harm to the client.

⁶ McGrath, G. (1994). Ethics, boundaries, and contracts: Applying moral principles. *Transactional Analysis Journal*, 24, 6-14.

5. ITAA members who are providing contractual services will not exploit a client in any manner, including, but not limited to, financial and sexual matters. Sexual relationships between an ITAA member and his/her clients, trainees, or supervisees are prohibited.
6. An ITAA member will not enter into or maintain a professional contract whereby other activities or relationships between that member and a client might jeopardize the professional contract. ITAA members are expected to minimize dual roles and to seek consultation from trusted colleagues and respected supervisors when faced with potential dual roles.
7. The professional relationship between an ITAA member and a client is defined by the contract, and that professional relationship ends with the termination of the contract. However, certain professional responsibilities continue beyond the termination of the contract. They include, but are not limited to: (a) maintenance of agreed-on confidentiality; (b) avoidance of any exploitation of the former relationship; and (c) provision for any needed follow-up care.
8. ITAA members will operate and conduct services to clients with full responsibility to existing laws of the state and/or country in which they reside, provided such laws are not in conflict with the United Nations Declaration of Human Rights and the ethical principles of the ITAA.
9. In establishing a professional relationship, ITAA members assume responsibility for providing a suitable environment, including such things as specifying the nature of confidentiality observed, providing for physical safety appropriate to the form of activity involved, and obtaining informed consent for high-risk procedures that could possibly have harmful effects. Informed consent includes informing the client of his/her right to refuse to participate in any procedures and/or to end the professional contract at any time. ITAA members will also seek to ensure the protection of clients' confidentiality regarding personal information conveyed through electronic transmission.
10. ITAA members will, in their written and/or verbal public statements, refrain from derogatory comments, inferences, and/ or innuendoes that disparage the standing, qualifications, or character of other people, bearing in mind their responsibility as representatives of the ITAA and of transactional analysis. On the other hand, direct personal and objective feedback is welcomed.
11. If ITAA members become aware that personal conflicts or medical problems might interfere with their ability to carry out a contractual relationship, they must either terminate the contract in a professionally responsible manner or ensure that the client has the full information needed to make a decision about remaining in the contractual relationship.
12. ITAA members accept responsibility for confronting any colleague whom they have reasonable cause to believe is acting in an unethical manner and, failing resolution, may report that colleague to the ITAA Ethics Committee or Board of Trustees. On occasions when members have concerns about potential cultural, professional, or personal consequences of confronting a colleague's behavior, they are advised to seek consultation with respected supervisors to find ethical solutions in accordance with these values and principles.

We affirm these principles and conduct as common to the practice of ITAA members unless a member explicitly states in writing his/her differences from these positions. In such an instance, the client's attention to any such differences must also be noted in writing as part of his/her contract-setting process.

Appendix

Articles of the Universal Declaration of Human Rights related to basic values:

Article 1:

All human beings are born free and equal in dignity and rights. They are endowed

with reason and conscience and should act toward one another in a spirit of brotherhood.

Article 2:

Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing, or under any other limitation of sovereignty.

Article 3:

Everyone has the right to life, liberty, and security of person.

Article 18:

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his/her religion or belief and freedom, either alone or in community with others and in public or private, to manifest his/her religion or belief in teaching, practice, worship, and observance.

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Article 22:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social, and cultural rights indispensable for his dignity and the free development of his/her personality.

Article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring for himself/herself and his/her family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his/her interests.

Article 24:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including food, clothing, housing, medical care, and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his/her control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 29:

(1) Everyone has duties to the community in which alone the free and full development of his/her personality is possible. (2) In the exercise of his/her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ITAA Ethics Procedures Manual

Chapter 1: Introduction

1.1 Introduction

The primary goal of the complaint procedures for dealing with alleged violations of the ITAA Code of Ethical Conduct is to ensure that procedural fairness exists for all parties involved in the ethics complaint process. An objective will be to facilitate a resolution to the alleged violation through a mediation process, without the need to proceed to a formal complaint.

However, when applying this process fails to facilitate a resolution, the Ethics Committee will provide a structure for proceeding, a fair hearing, and, if necessary, fair and sound judgment to ensure that ITAA members represent and conduct themselves professionally in line with the ITAA Code of Ethical Conduct.

The ordinary rules of natural justice shall apply throughout the complaint process.

The term *natural justice* is used in the sense that it is commonly applied to include that:

1. The person accused should know of the nature of the accusation made.

2. The person accused should be given an opportunity to state his/her case in response to the accusations being made.
3. Persons called upon to investigate, mediate, or adjudicate shall act and be perceived to act fairly, in good faith, without bias, and in a dispassionate manner.
4. Only information relevant to the case is collected.
5. All parties involved in the complaint will treat all information received confidentially.

1.2 Committee Constraints

In carrying out its responsibilities, the Ethics Committee shall act in accordance with the ITAA Articles of Incorporation and Bylaws, the Code of Ethical Conduct, and with these procedures.

ITAA adjudication proceedings are not formal legal proceedings.

1.3 Subject's Use of Legal Counsel

The respondent under investigation may consult with legal counsel at any time, but the respondent is to be an active participant in these proceedings. The respondent must respond to the complaints at all levels of the process.

Chapter 2: A Summary of the Procedures

2.1 An individual is required to talk to the ITAA member whose behavior he/she believes to be in violation of the Code of Ethics and to invite a change in behavior.

2.2 Should the confrontation prove to be unsuccessful or impractical, then a formal written complaint must first be dealt with by the local TA association. When no such authority exists, or it is impractical for the local TA association to deal with the complaint, the ITAA Ethics Committee will then submit the complaint to the following procedure.

2.3 A formal written complaint must be filed with the ITAA Ethics Committee, addressed to the Chairperson(s) ITAA Ethics Committee, c/o the ITAA office, in an envelope marked "CONFIDENTIAL." A copy of the complaint form is available by request from the ITAA office.

2.4 The ITAA office will check to see if the complaint is about an ITAA member and if so, will send a copy of the formal complaint to the chairperson(s) of the Ethics Committee. If the person complained about is not an ITAA member, the ITAA office will advise the chairpersons, who will, in turn, advise the complainant that the ITAA has no authority to deal with the matter.

2.5 The chairperson(s) of the Ethics Committee and, if required, the legal counsel for the ITAA, shall review the complaint and determine whether it states allegations that, if proven factual, would constitute violation(s) of the ITAA Code of Ethical Conduct.

2.6 If there are sufficient grounds for the complaint to be investigated, the chairperson(s) shall:

1. Notify the complainant in writing that the complaint will be investigated
2. Request the complainant's permission to disclose his or her name to the member being complained about (respondent)
3. Seek permission to provide a copy of the complaint (or a summary) to the Ethics Committee's investigator

2.7 After the chairpersons of the Ethics Committee receive permission for the use of the complainant's name, the chair of the Ethics Committee will notify the member (respondent) of the complaint. The notice to the respondent will:

1. Be mailed by appropriate means and marked "CONFIDENTIAL"
2. State the articles of the Code of Ethical Conduct relevant to the allegations of the complainant
3. Enclose a copy or a summary of the complaint
4. State the Committee's basis for allegation of the complaint
5. Enclose a copy of the ITAA Code of Ethical Conduct and a copy or a summary of the ITAA Ethics Procedures Manual
6. Direct the respondent to respond to the allegations, in writing, within thirty (30) days from receipt of the notification
7. Inform the respondent that failure to respond may:
 - a) Be taken as an admission of the facts contained in the allegation/s
 - b) May result in sanctions being applied, including the possibility of termination of his or her membership in the ITAA.

2.8 The chairperson(s) will appoint an investigator or investigating subcommittee who will:

1. Notify the respondent and complainant of the ethics procedures to be used
2. Contact both the complainant and the respondent in order to gather all relevant information
3. Notify the respondent of his/her rights to appear, to testify, or to present his/her side of the allegations
4. Notify the respondent that he/she may respond to the complainant's allegations in writing and that this response may be given to the complainant

2.9 It will be the responsibility of the investigator or investigating subcommittee to see if it is possible to facilitate a resolution of the issues through mediation and, if need be, to suggest a line of action that is agreed on by all concerned. If complainant and respondent agree on the resolution of the complaint, such recommendation will be reported to the Ethics Committee members for their review and approval.

If a resolution is not reached, the investigator or investigating subcommittee will report the results of their investigation to the Ethics Committee with a recommendation for action. The Ethics Committee will review and take action.

2.10 After reading the report of the investigator or investigating subcommittee, the Ethics Committee may find that violation/s of the code have been established and then order any of the following actions:

1. An order to cease and desist
2. Censure
3. Supervision
4. Education and/or therapy

5. A requirement to perform community service
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
7. Resignation with or without publication
8. Termination of membership
 - a) Permanent bar to readmission
 - b) Suspension or termination of the ITAA designation
 - c) Or any other action, within its remit, that the Ethics Committee deems appropriate.

If the Ethics Committee decides on a finding for suspension or expulsion, the committee will so report to the ITAA President within ten (10) days of reaching the decision. The ITAA President will forward the findings to the ITAA Board of Trustees, the members of which must enact requests for suspension or expulsion.

2.11 The respondent may request, or the Ethics Committee may decide, that the case should be submitted to a hearing board, in which case the chairperson(s) will appoint a hearing board chairperson who will appoint at least three hearing board members.

2.12 After all parties have been notified of the hearing board and the documents have been reviewed, the hearing board will convene to hear the case following the procedures laid down for the conduct of the hearing.

2.13 If a violation of the Code of Ethical Conduct is found, the hearing board will recommend to the Ethics Committee the action to be taken. Such action will be consistent with paragraph 10 above.

2.14 The respondent, with reasonable grounds, may appeal the findings of the hearing board in writing to the ITAA President within thirty (30) days of the announcement of the decision. The only basis for appeal to the ITAA Board of Trustees by a respondent regarding the decision of the Ethics Committee is that there was a violation of the procedural rules of the hearing board and that this violation substantially impaired the respondent's ability to defend against the complaint. The appeal will be limited to a review of the procedures, evidence, and findings, with no new evidence allowed.

2.15 Should an appeal be granted by the ITAA President, an appeal board consisting of the chair(s) of the Ethics Committee and four members of the ITAA Executive Committee will convene to consider the application and all relevant material.

2.16 The ITAA President will issue a written decision on the appeal and inform the respondent and the Ethics Committee of the decision in writing within fifteen (15) days of the meeting. The appeal board must either:

1. Affirm the Ethics Committee's decision,
2. Order a new hearing before a hearing board,
3. Change the findings of the hearing board, or
4. Dismiss the case.

2.17 If additional evidence of unethical conduct is brought to the attention of the Ethics Committee after a matter has been closed, the case may be reopened by the chairperson(s) of

the ITAA Ethics Committee and under these procedures be used in deliberations about the new matter.

Chapter 3: The ITAA Ethics Committee

3.1 Membership of the Ethics Committee

The ITAA Board of Trustees, on the recommendation of the ITAA Vice President of Operations, appoints the committee chair(s). The members of the Ethics Committee will be nominated by the chairperson(s) of the committee and appointed by the Board of Trustees. Nominations should ensure that all four fields of specialization within TA are represented. The committee will consist of at least six (6) members. The terms of office for committee members will be for three (3) years. Because of the specialized nature of the work of this committee, members may be reappointed for successive terms. Decision-making processes will follow the ITAA guidelines for the conduct of association committee meetings. The membership of the Ethics Committee will include no more than three trustees, and those individuals may not serve on an ethics appeal board.

3.2 Role of the Ethics Committee

The Ethics Committee will follow the procedures laid down in this manual for handling ethical complaints against ITAA members.

The committee will establish, oversee, review, and approve investigations of alleged violations of the ITAA Code of Ethical Conduct and resolve such allegations by mutual agreement with the member through an ITAA Ethics Committee investigator. In addition, the Ethics Committee establishes, oversees, reviews, and approves the work of the hearing board, which will make a recommendation of disciplinary action to be taken against the member by the ITAA Board of Trustees.

The ITAA Ethics Committee will serve as a consultant body to other TA organizations to develop and/or revise ethical procedures. It will also serve as a consultant on the request of another TA organization to resolve disputed ethics decisions within that organization. The ITAA Ethics Committee will not serve as an appeals body for other TA organization members.

The committee will review the ITAA Code of Ethical Conduct from time to time and interpret it to the membership and the public.

3.3 Advisory Opinions

The Ethics Committee, at its discretion, may choose to give an advisory opinion about an ethical issue raised by a member of the association, but it is not required to do so. Any such opinion will be confined to matters concerning the ethics process and whether an inquiry about alleged ethical violations would be appropriate matters for the ITAA Ethics Committee to consider. An advisory opinion will be given only when actual and not hypothetical question(s) have been asked. Such opinions will be rendered only in writing and only in response to a written request.

3.4 Jurisdiction

The Code of Ethical Conduct is binding on members of the ITAA in all membership categories.

3.5 Jurisdiction Over Resigned Members

The association also has jurisdiction over resigned members in relation to complaints of ethical violations that occurred during the period of membership, provided the complaint is received within one (1) year of the date of resignation.

Chapter 4: Procedures for Handling Ethical Complaints

4.1 Scope of the Committee

The Ethics Committee of the local TA association must have first dealt with all complaints submitted to the ITAA Ethics Committee. When no such authority exists, or it is impractical for the local TA association to deal with the complaint, the ITAA Ethics Committee will deal with the complaint.

Procedures

4.2 Member to be Confronted

Any person having reasonable grounds to believe that a member's professional behavior is not consistent with his/her ITAA membership is required to talk to the member involved directly and to invite the desired change in behavior.

4.3 Filing a Formal Complaint

In the event that such confrontation fails to produce the desired result, or is deemed impractical, the concerned person may file a formal complaint with the Ethics Committee through the ITAA office, by making such a complaint in writing and supplying the substantiating evidence. Individuals submitting complaints should be aware that in doing so they are acting to resolve difficulties, that they may be confronted, and that they may seek no reward.

The Ethics Committee will receive written complaints from members of the association and nonmembers. The complainant must have personal knowledge of the alleged behavior complained about or be in position to supply relevant, reliable testimony or other evidence on the subject. Complaints must be in writing and signed. The information contained in the complaint should at least cover the following areas (see ethics complaint form in appendices):

1. What action the complainant is seeking in order to achieve a resolution of the complaint
2. Details about the complainant, including name, address, contact details, employment position, and the position held at the time of the alleged ethics violations (e.g., client, colleague, etc.)
3. The name of the person/s that the complaint is against (the respondent)
4. The details of the alleged violations of the ITAA Code of Ethical Conduct
5. The date(s) of the alleged violations
6. The section(s) of the code that the complainant believes have been violated
7. Any evidence or names of persons that could help to support complainant's allegations
8. Details and outcome of the action that the complainant has taken to confront the ITAA member before filing a formal complaint as required by the code and these procedures
9. Any actions that the complainant has taken or is considering taking to deal with the alleged violations (e.g., advising the respondent's employer, initiating a formal grievance procedure, seeking legal sanctions, etc). The letter of complaint should be addressed to the Chairperson(s), ITAA Ethics Committee, and forwarded to the ITAA office with the envelope marked "CONFIDENTIAL"

4.4 Initiation of a Complaint by the Ethics Committee

The Ethics Committee may proceed on its own initiative when it has been presented with sufficient allegations that, if proven factual, would constitute a violation of the Code of Ethical Conduct. For example, the committee could proceed on information received from another professional organization, a state regulatory agency, or public sources. If the committee decides to proceed on its own initiative, it will prepare a written statement concerning factual allegations of a Code of Ethical Conduct violation or violations.

4.5 Time Limitations

The Ethics Committee may determine, at its discretion, that a complaint cannot be investigated because the events complained about occurred too far in the past.

4.6 Complaints Regarding Resigned Members

The Ethics Committee will consider a complaint within one (1) year from the date of resignation of membership or termination of membership for nonpayment of dues.

4.7 Actions Prior to Membership

An ITAA member may not be charged with unethical behavior for actions related to his or her professional conduct prior to the time the individual became an ITAA member.

4.8 Time Requirements for the Adjudication

ITAA will make its best efforts to adhere strictly to the time requirements specified in these procedures. However, failure to do so will not prohibit final adjudication unless the person under investigation can show that such failure was willful or unfairly prejudicial.

Chapter 5: Action on Receipt of a Formal Complaint

5.1 Membership Status

Anonymous complaints will not be recognized as a basis for action. When a complaint is received at the ITAA office, the office will check to determine the membership status of the person being complained about. A copy of the complaint along with the information about the membership status will be forwarded to the chairperson(s) of the Ethics Committee.

5.2 Non-ITAA Members

If the person is not an ITAA member or a recently resigned or terminated member or an applicant for membership in the association, the ITAA office will so inform the chairperson(s) of the Ethics Committee, who will, in turn, inform the complainant and explain that the association has no authority to proceed against the person. The chairperson(s) and may refer the complainant to another agency or association with proper jurisdiction.

5.3 Resigned or Terminated Member

If the person is a recently resigned member or his/her membership has been terminated, the complaint will be referred immediately to the chairperson(s) of the Ethics Committee, who will determine whether the alleged violation occurred during the period of the person's membership or prior to membership, provided the complaint is received within one (1) year from the date of resignation. If it is determined that the Ethics Committee has jurisdiction, the complaint process will proceed.

5.4 Determination of Whether Grounds Exist for an Investigation

The chairperson(s) of the Ethics Committee and, if required, the legal counsel for the association, will review the complaint and determine whether it states allegations that, if proven factual, would constitute violation(s) of the ITAA Code of Ethical Conduct. In the event the chairperson(s), in consultation with the ITAA's legal counsel, cannot decide on such action or on any other action required of them under these rules, the matter will be referred to the full Ethics Committee for a decision.

5.5 Insufficient Grounds

If the complaint does not state factual allegations that constitute (a) violation(s) of the Code of Ethical Conduct, the chairperson(s) will so notify the complainant in writing. Notification to the complainant will explain why the allegations do not warrant further action by the Ethics Committee and include a copy of the ITAA Code of Ethical Conduct.

5.6 Sufficient Grounds

If the complaint states allegations that, if proven factual, would constitute (a) violation(s) of the ITAA Code of Ethical Conduct, the chairperson(s) will:

1. Notify the complainant in writing that the complaint will be proceeded with
2. Request the complainant's permission to disclose his or her name to the member being complained about (respondent)
3. Seek permission to provide a copy of the complaint (or a summary) to the Ethics Committee's investigator. Only with this permission can an investigator proceed.

All correspondence to the complainant will be marked "confidential" and sent by appropriate means. Correspondence is not to be faxed or sent by any electronic means unless the sender has ensured that only the recipient will see it. The chairperson(s) will also request that the complainant agree in writing to waive any relevant client-therapist privilege available to him/her so that the Ethics Committee may obtain information from the ITAA member and others. If the Ethics Committee decides that the complaint is appropriate for the ITAA Ethics Committee to pursue, the chairperson(s) will appoint (a) a representative(s) from among the members of the committee or (b) suitable alternative(s) as the investigator(s).

5.7 Complainant Refusal of Permission

If the complainant refuses permission for the use or disclosure of his/her name, the chairperson(s) of the Ethics Committee may refer the matter to the full committee or, with the advice of legal counsel, decide whether it may proceed with the complaint with an investigation on the committee's own initiative.

5.8 Notification of the Respondent

After the chairperson(s) of the Ethics Committee receives permission for the use of the complainant's name, they will notify the member (respondent) of the complaint. The notice to the respondent will:

1. Be mailed by appropriate means and marked "CONFIDENTIAL"
2. State the portion(s) of the Code of Ethical Conduct relevant to the allegations of the complaint
3. Enclose a copy or a summary of the complaint, if the complainant has granted permission for the use of his/her name
4. State the Committee's basis for allegation of the complaint if the Ethics Committee is proceeding on its own initiative

5. Enclose a copy of the Code of Ethical Conduct and a copy or a summary of these procedures
6. Direct the respondent to respond to the allegations, in writing, within thirty (30) days from receipt of the notification
7. Inform the respondent that failure to respond in writing within thirty (30) days may
 - a) Be taken as an admission of the facts contained in the allegation(s)
 - b) Result in termination of his or her membership in the ITAA

For the purposes of notification, the last address received from the respondent with the payment of dues will be used, and mailing to that address will be deemed sufficient notice.

5.9 No Response by the Respondent

If a charged member does not respond to the charge(s) or to each specific allegation, the Ethics Committee may take the lack of response as an admission of the facts contained in the allegation.

5.10 Response by the Respondent

If a response is received from the respondent within thirty (30) days or before the matter has been referred to the full Ethics Committee, the chairperson(s) of the committee, with the advice of ITAA legal counsel, will either:

1. Close the case and notify the complainant, the respondent, and all members of the Ethics Committee or
2. Impanel an investigator

5.11 Resignation by the Respondent

If a charged member resigns from membership in the association at any stage of the committee's investigation of the complaint, the committee will nonetheless complete its investigation and may publicize a proven violation in accordance with these Ethics Committee procedures.

Chapter 6: Investigation

6.1 Preliminary Investigation by the Chairpersons

The chairperson(s) of the Ethics Committee, assisted by legal counsel, has the authority to gather sufficient information so that the ITAA investigator may review the complaint. For example, the chairperson(s) may deem it necessary to write to the respondent or the complainant for further information or to contact state regulatory bodies or other professional associations.

6.2 Appointment of an Investigator

If the ITAA Ethics Committee decides that it is the appropriate body to consider the complaint, the chairperson(s) will appoint (a) representative(s) from among the members of the committee or (a) a suitable alternative(s) as the investigator(s).

The chairperson(s) may appoint an ITAA investigator(s) or an investigating subcommittee from the ITAA membership. If an investigating subcommittee is impaneled, it will be composed of at least two persons, one of whom will be appointed as chair. At least one member of the subcommittee must be a member of the Ethics Committee. The chairperson(s) may also appoint former members of the Ethics Committee to serve on such a subcommittee. In such instances,

the chairperson(s) will appoint, when appropriate, a current committee member as chair of the subcommittee.

6.3 Instructions for the ITAA Investigator or ITAA Investigating Subcommittee

The chairperson(s) of the committee will prepare, if needed and with the advice of ITAA's legal counsel, instructions specifying the scope of the investigator(s) or subcommittee's investigation, including: (a) the names of the person(s) who should be contacted and (b) the area(s) of inquiry that should be pursued.

6.4 Investigator's Responsibilities

When an ITAA investigator is appointed, it will be the investigator's responsibility to in writing:

1. Notify the respondent and complainant of the ethics procedures to be used
2. Contact both the complainant and the respondent to gather all relevant information
3. Notify the respondent of his/her rights to appear, to testify, and/or to present his/her side of the allegations.
4. Notify the respondent that he/she may respond to the complainant's allegations in writing and that this response may be given to the complainant.

6.5 Authority of the ITAA Investigator or ITAA Investigating Subcommittee

The investigator(s) or subcommittee will investigate the allegations of the complaint in accordance with its instructions.

The investigator(s) or subcommittee will have the authority to pursue its investigation by corresponding with or interviewing personally or by telephone the person(s) named in the complaint. He/she/they also have the authority to resolve the matter by mutual agreement of the parties, with the Ethics Committee reserving the right to review and approve the final agreement.

6.6 Mediation

It will be the responsibility of the investigator(s) to see if it is possible to facilitate a resolution of the issues through mediation and, if need be, to suggest a line of action that is agreed on by all concerned. If the complainant and respondent agree on resolution of the complaint, such recommendation will be reported to the Ethics Committee for review and approval.

6.7 Resolution Not Reached

If a resolution is not reached, the investigator(s) or investigating subcommittee will report the results of his/her/their investigation to the Ethics Committee with a recommendation for action. The Ethics Committee will review and take action.

6.8 Appearance by the Respondent Before the Investigator or Investigating Subcommittee

The ITAA investigator(s) or investigating subcommittee will provide the respondent with the opportunity to appear, at the respondent's expense, before the investigator(s) or subcommittee to make a statement. In any such appearance, the respondent will have the right to be assisted by counsel but must be an active participant himself/herself at the appearance. The respondent may ask to have a tape recording made of the appearance and shall pay for the expense thereof, including providing a copy of the recording to the ITAA investigator(s) or investigating subcommittee or the full Ethics Committee.

6.9 Report by the ITAA Investigator or ITAA Investigating Subcommittee

After completing its investigation, the investigator(s) or subcommittee will make a full report to the Ethics Committee detailing their findings of facts and will include records of its investigation. It is the Ethics Committees responsibility to fully review and approve the recommendation.

Chapter 7: Hearing Board

7.1 Action by the Ethics Committee

The Ethics Committee may take the report of the investigator or investigating subcommittee, find that violation(s) of the code have been established, and order any of the following actions:

1. An order to cease and desist
2. Censure
3. Supervision,
4. Education and/or therapy
5. The requirement to perform community service
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
7. Resignation with or without publication
8. Termination of membership
 - a) Permanent bar to readmission
 - b) Suspension or termination of the ITAA designation
 - c) Any other action that the Ethics Committee deems appropriate

If the Ethics Committee decides on a finding for suspension or expulsion, the committee will so report to the ITAA President within ten (10) days after the decision. The Board of Trustees, at the request of the ITAA President, must enact requests for suspension or expulsion.

7.2 Charges from the Ethics Committee

If the Ethics Committee decides that action should be taken against a member, and if, thereafter, the member requests a hearing before a hearing board, the Ethics Committee chairperson(s) and the ITAA investigator(s) will transmit to the chair of the hearing board a statement of charges against the member.

7.3 Hearing Board Appointed

If the Ethics Committee, in consultation with ITAA legal counsel, decides to submit the case to a hearing board, the chairperson(s) will:

1. Name a chairperson of the hearing board who is ideally, but not necessarily, from the ITAA Ethics Committee
2. Instruct the chairperson of the hearing board to name at least three (3) hearing board members
3. Forward to each member of the hearing board:

- a) A copy of the complaint or a statement of the complaint
 - b) A copy of his/her letter to the respondent
 - c) A copy of the respondent's response, if one was received
 - d) If no response was received, a statement to that effect
 - e) A copy of the report of the ITAA investigator(s) or the investigating subcommittee if one was impaneled.
4. Notify the respondent and the complainant that the case has been submitted to a hearing board

7.4 The Hearing Board Chairperson will:

- 1. Review the documents of the investigator(s)
- 2. Review the deliberations of the Ethics Committee
- 3. Then establish the hearing board of no less than three (3) ITAA members (note that an investigator cannot be a member of a hearing board).
- 4. Review the procedures to be used

7.5 Action by the Hearing Board.

Once the case is submitted to the hearing board for deliberation and recommendation, the hearing board chairperson, in consultation with the appointed board members, will:

- 1. Review all documentation and then notify the complainant and the respondent of the hearing board membership and procedures
- 2. Notify the respondent that he/she will have the right, with reasonable explanation, to ask one member of the hearing board not to participate on the board. In the event that one member of the board is excused, one additional member of the ITAA may then be added to the hearing board to ensure a minimum of at least three persons on the board.
- 3. Advise the members of the hearing board to declare that they believe they can hear the case without bias
- 4. Establish the procedures for the hearing and communicate them to both parties at least fifteen (15) days before the hearing
- 5. Give the complainant and the respondent at least thirty (30) days' notice of the impending hearing
- 6. Advise both parties of their right to have counsel present.
- 7. Advise the respondent that he/she may cross-examine the complainant and/or any other individuals appearing on behalf of the complainant or presenting the complainant's case
- 8. Advise both parties of their responsibility to gather and present any or all evidence or witnesses that the hearing board should consider

7.6 Hearing Date and Location

Hearings will normally be held at ITAA conferences. The chair of the hearing board can schedule meetings outside of conferences only when the total meeting costs (members and staff travel,

hotel, meals, etc.) would not exceed the total costs if the hearing were held at a conference. To plan a nonconference hearing, the chair of the hearing board must develop the comparable cost data and submit it to the ITAA treasurer prior to scheduling or announcing such a meeting. If an out-of-town hearing would exceed the cost of a conference-based hearing, the committee may make a special request to the treasurer for an exception to this policy. This request must include the comparable cost data and reasons why an exception should be considered.

7.7 Hearing Schedule

The hearing shall be scheduled for the first ITAA-sponsored conference after the case was submitted to the Ethics Committee when possible and on a date chosen by the chairperson of the hearing board.

7.8 Notification of the Participants

The chair of the hearing board will notify the chair of the Ethics Committee, legal counsel for the association, the complainant, and the respondent of the date and location of the hearing by mail, marked "CONFIDENTIAL" (using appropriate means).

7.9 Prehearing Disclosure by the ITAA investigator or the ITAA Investigating Subcommittee and the Respondent

At least thirty (30) days before the hearing, the ITAA investigator(s) or ITAA investigating subcommittee member must submit to the chair of the hearing board and the chairperson(s) of the Ethics Committee the following documentation:

7.9.1 Statement of the Grounds for the Request for the Hearing

The ITAA investigator(s) or ITAA investigating subcommittee and/or the Ethics Committee must submit in writing which of the following grounds are the basis for their request for a hearing and their arguments for these contentions, that is:

7.9.2 Findings

The request is based on the contention that the findings of the ITAA investigator(s) or ITAA investigating subcommittee were not consistent with the facts or that the respondent disputes the facts and if so, which facts, and the respondent's argument for this contention.

7.9.3 Procedures

The request is based on the contention that the ITAA investigator(s) or ITAA investigator subcommittee did not follow the procedures for handling complaints and the respondent's argument for these contentions

7.9.4 Actions

The request is based on the contention that the recommended actions of the ITAA investigator(s) or ITAA investigating subcommittee are inappropriate or too harsh and the respondent's argument for this contention.

7.9.5 Other Grounds

The request is based on other contentions and the respondent's argument for these contentions.

7.10 List of the Witnesses and Summary of the Testimony

The hearing board chairperson must request that the complainant and the respondent submit in writing a list of any witnesses he/she intends to present and a summary of the testimony those

witnesses will present so that substantial portions of such testimony can be stipulated and not repeated during the actual hearing.

7.11 Statements by the Respondent and/or the Respondent's Counsel and Additional Materials

The respondent and/or his/her counsel may submit any additional written statements they may wish to make as well as any additional materials they believe are relevant to the case.

7.12 Prehearing Disclosure by the Ethics Committee

At least thirty (30) days before the hearing, the Ethics Committee will furnish the hearing board with copies of all relevant documents. The investigator will also submit a written summary of the testimony the witnesses presented so that substantial portions of such testimony can be stipulated and not repeated during the actual hearing.

Chapter 8: Conduct of the Hearing

8.1 Purpose

The purpose of a hearing is to determine the facts and decide whether such facts constitute a violation of the ITAA Code of Ethical Conduct and if so, to recommend actions to be taken.

8.2 Chairing the Hearing

The chairperson of the hearing board will rule on the procedures and the admissibility of evidence and will be responsible for seeing that the hearing is conducted fairly. The chairperson will have access to legal counsel for advice on procedural matters.

8.3 The Format of the Hearing

The hearing format must allow the complainant and respondent to state their positions, ask questions of witnesses, answer questions posed by the hearing board, and make closing statements.

The following lists the sequence for the hearing:

1. Hearing board chairperson introduces board and participants and gives purpose of the hearing and an explanation of procedure.
2. Complainant gives a statement of allegations
 - a) Board asks questions of complainant for clarification
 - b) Respondent asks questions of complainant for clarification
3. Respondent gives statement of response to allegations (refutation)
 - a) Board asks questions of respondent for clarification
 - b) Complainant asks questions of respondent for clarification
4. Complainant gives response to refutation
 - a) Respondent gives statement of rebuttal
5. Witness for the complainant

- a) Respondent asks questions of witness (repeat for each witness)
 - b) Board asks questions of witness (Repeat for each witness)
6. Witness for the respondent
- a) Complainant asks questions of witness (repeat for each witness)
 - b) Board asks questions of witness (repeat for each witness)
7. Board asks final questions of complainant and of respondent
- a) Complainant gives closing statement
 - b) Respondent gives closing statement
8. Chairperson gives closing statement regarding action to be taken

The hearing board may request additional information or documentation at any time from either the complainant or the respondent. If either is unable or unwilling to comply with such a request, the board may, with notice to the complainant and respondent, call additional witnesses or request access to other evidence.

The hearing board must determine what documentation is pertinent and necessary and may limit the quantity of material it will consider.

8.4 Role of the ITAA Ethics Committee and the ITAA Investigator(s) or ITAA Investigating Subcommittee

The investigator(s) may present evidence to the hearing board. The investigator(s) may not be a party to the discussion by the hearing board and may not vote.

8.5 Rights of the Respondent

The costs incurred by the respondent, the respondent's attorney (if assisted by legal counsel), and any witnesses the respondent requests to present are not borne by ITAA. The respondent will have the right to:

1. Be assisted by counsel
2. Present witnesses or evidence as determined by the hearing board chairperson
3. Ask questions of witnesses against him/her
4. Appear on his/her own behalf

8.6 Evidence

All evidence that is relevant and reliable, as determined by the chair of the hearing board, will be admissible. The formal rules of evidence will not apply.

8.7 Legal Counsel

Although each party may retain his/her own attorney in order to be properly counseled about his/her legal interests, rights, and obligations, such legal representative may not attend the hearing board.

8.8 Recording of the Hearing

Audio- or videotaping of the proceedings is not allowed.

8.9 Burden of Proof

The ITAA investigator or ITAA investigating subcommittee will have the burden of proving the complaints by a preponderance of clear, cogent, and compelling evidence.

8.10 Voting

Voting will be done in private with a majority vote required for dismissal of the complaint, for admonition, or for censure. The hearing board may also, by a two-thirds majority vote, request suspension of certification or other membership status until such time as a prescribed plan for reestablishing behavior consistent with membership status is carried through. In the event that an individual is unwilling to cooperate with the process or with a prescribed plan, then the finding of the hearing board may be for expulsion.

8.11 Hearing Board Constraints

ITAA adjudication proceedings are not formal legal proceedings.

8.12 Decision of the Hearing Board Deadline

The hearing board shall issue its decision within thirty (30) days after the hearing to the Ethics Committee for review and approval.

9.13 No Violation Found

If no violation of the Code of Ethical Conduct is found, the hearing board will order that the respondent be cleared of all complaints that were reviewed at the hearing.

8.14 Violation Found

If a violation(s) is found, the hearing board's decision will state:

1. The findings of fact
2. The code violation(s)
3. The action recommended to the Ethics Committee

8.15 Ordered Action

If a violation(s) of the ITAA Code of Ethical Conduct is found, the hearing board will recommend to the Ethics Committee actions to be taken for their review and approval. The ITAA Ethics Committee will order action to be taken. The Ethics Committee may order that the investigator's recommended actions be implemented, or the Ethics Committee may impose its own actions, whether more lenient or severe. In imposing its own actions, the Ethics Committee may go beyond the investigator's or the hearing board's recommendations. For example, when the ITAA investigator or ITAA investigating subcommittee recommends supervision, the Ethics Committee could order termination.

Actions that may be ordered include:

1. An order to cease and desist
2. Censure
3. Supervision

4. Education and/or therapy
5. The requirement to perform community service
6. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
7. Resignation with or without publication
8. Termination of membership:
 - a) Permanent bar to readmission
 - b) Suspension or termination of the ITAA designation
 - c) Any other action within its remit that the hearing board deems appropriate

The decision will also recommend the manner in which the action is to be instituted and/or supervised. If a respondent is allowed to resign, or his/her membership is suspended or terminated, he/she must at once surrender his/her membership certificate to the ITAA office if he/she has one.

8.16 Findings of Expulsion

If the Ethics Committee concurs with the finding for suspension or expulsion, the committee will so report to the ITAA President within ten (10) days after the review and approval of the findings of the hearing board. The ITAA President will forward the findings to the Board of Trustees, the members of which must enact requests for suspension or expulsion.

8.17 Informing the Participants

The chairperson(s) of the Ethics Committee will, after a review of the written decision by legal counsel for the association, inform the following persons in writing of the decision:

1. The respondent
2. The complainant
3. Legal counsel for the association

Notice of the decision to the respondent and complainant will be sent by mail and marked "CONFIDENTIAL" (using appropriate means). The Ethics Committee chairperson(s) will tell nonmembers of the ITAA who are complainants only the disciplinary actions as decided.

Chapter: 9 Appeals

9.1 Grounds for Appeal

The respondent, with reasonable grounds, may appeal the findings of the hearing board within thirty (30) days after it is announced. The only basis for appeal to the ITAA Board of Trustees by a respondent regarding a decision of the Ethics Committee is that there was a violation of the procedural rules of the hearing board and that this violation substantially impaired the respondent's ability to defend against the complaint. The appeal will be limited to a review of the procedures, evidence, and findings, with no new evidence allowed.

9.2 Composition and Power of the Appeal Board

The appeal board is appointed by the ITAA President and is a duly authorized committee of the Board of Trustees. The appeal board is composed of the chairperson(s) of the Ethics Committee and four (4) persons delegated by the ITAA Executive Committee. The appeal board will have the power to change the findings of the hearing board and the approval of the Ethics Committee, dismiss the case or to order a rehearing by a different hearing board.

In cases involving the recommendation of suspension or expulsion, the appeal board will have the right, as authorized by the ITAA Bylaws, to initiate the process of suspension for a period of up to twelve (12) months or to expel the respondent from membership in the ITAA. The grounds and procedures as contained in the ITAA Bylaws are to be followed in such cases.

9.3 Written Statement of the Respondent

To affect an appeal, the respondent will state, in writing, to the ITAA President the specific violation of the hearing board's procedural rules and how this violation substantially impaired the respondent's ability to defend against the complaint. The ITAA President will review the statement to ensure that the appeal is based on the contention that the hearing board violated its procedural rules. If not, the president may deny the appeal.

9.4 Respondent's Deadline

The respondent will have thirty (30) days from receipt of the hearing board decision to appeal to the ITAA President.

9.5 Ethics Committee Transmittal to the Hearing Board

If an appeal is granted by the ITAA President, the Ethics Committee will transmit to the ITAA President the statement of the complaint, the recording, the hearing board's recommendations, and the Ethics Committee's decision.

The hearing board chairperson(s) will prepare a statement in response to the respondent's statement that includes a review of the relevant procedural rules and any substantive materials relating to the review of the hearing board's actions. The president will ensure that all materials are then submitted to the appeals board.

9.6 Scheduling the Appeal

The appeal board will consider the appeal within thirty (30) days of receiving the notice of appeal. The appeal will be considered solely on the basis of the respondent's written statement and the response of the Ethics Committee or the association's legal counsel (which may or may not be in writing), and there will be no right to a personal appearance before the appeal board by the respondent or his or her personal representative.

9.7 Vote on the Appeal

A majority vote by the appeal board will determine the outcome of the appeal. Voting will be carried out per the requirements for the conduct of meetings in the ITAA Bylaws and Guidelines, that is, in a face-to-face meeting or by conference phone call. A written vote by mail or fax (not email) will require the unanimous vote by all appeal board members.

9.8 Board Decision

The ITAA President will issue a written decision on the appeal and inform the respondent and the Ethics Committee of the decision in writing within fifteen (15) days of the meeting. The appeal board must either:

1. Affirm the Ethics Committee's decision

2. Order a new hearing before a hearing board
3. Change the findings of the hearing board
4. Dismiss the case

The only basis for ordering a new hearing is the appeal board's decision that the respondent demonstrated that there was a violation of the hearing board's procedures that did substantially impair the respondent's ability to defend against the complaint.

9.9 If No Appeal Is Made

If no appeal is made within thirty (30) days after the respondent has been notified of the decision of the hearing board, the decision of the hearing board will become final.

As soon as the decision becomes final, the chairperson(s) of the Ethics Committee transmits the decision to the Ethics Committee and then informs the ITAA President, ITAA legal counsel, the ITAA office, and the person(s) who is responsible for instituting and/or supervising the decision.

Chapter 10: Reopening a Case

10.1 Reopening a Case

If additional evidence of unethical conduct is brought to the attention of the Ethics Committee after a matter has been closed, the case may be reopened by the chairperson(s) of the ITAA Ethics Committee and acted on under these procedures.

Chapter 11: Resignation from Membership

11.1 Resignation from Membership

In situations in which a charged member resigned from ITAA membership in the face of an Ethics Committee investigation, and a violation of the Code of Ethical Conduct is subsequently proven, any publication of the findings and actions of the Ethics Committee will include the fact of the member's resignation.

11.2 Action During Litigation

While civil or criminal litigation pending against members might not be a bar to the consideration of complaints by the ITAA, the ITAA Ethics Committee will not normally proceed with complaints until the civil or criminal actions have been finalized. The Ethics Committee will have discretion to decide whether to proceed during the course of litigation or to wait until its completion. The time period between the lodging of a formal complaint with the ITAA and the resolution of any civil or criminal litigation will not be counted in any time limits for ITAA ethics processes.

11.3 Findings of Other Professional Associations, Regulatory Bodies, and Courts as the Basis for the Finding of a Violation the ITAA Code of Ethical Conduct

It is incumbent on members to maintain their good standing with other professional associations to which they belong and with regulatory boards that have jurisdiction over their professional practice as well as to avoid conduct that could lead to conviction of felonies or misdemeanors related to their qualifications or functions. When a member has been disciplined by another professional association or regulatory board or convicted by a court of a felony or a misdemeanor related to his or her qualifications or functions, it is the policy of the ITAA Ethics Committee and/or hearing board that the committee will review the situation.

11.4 Respondent's Demonstration of Evidence to Overcome Presumption

To overcome the presumption that an ITAA member has not maintained good standing with other professional associations or regulatory bodies that have jurisdiction over his/her professional practice or conduct, the respondent must prove to the hearing board's satisfaction one of the following:

11.4.1 A Flawed Process

That the process was so flawed that the finding of the association or board cannot be presumed to be correct (e.g., demonstrated bias of one of the decision makers, failure of the body to allow the respondent to be heard, etc.).

11.4.2 Action Too Severe

That in the case of a disciplinary action by an association or board, the action was far in excess of the respondent's conduct.

11.4.3 Absent Evidence: The Hearing Board's Recommended Action

In the absence of compelling evidence of one or both of the above, the ITAA hearing board and/or Ethics Committee will not question or go behind the finding of the association, board, or court and will move on to its decision about what disciplinary action to recommend.

11.4.4 Other Charges Based on Actions by Disciplinary Bodies

On occasion, when a respondent is charged by the Ethics Committee with an alleged violation of the ITAA Code of Ethical Conduct on the basis of action by another association, board, or court and the committee also decides to charge the respondent with additional alleged violations of the code growing out of facts related to the charge of violation, then the following principles will be applied:

1. Clear Evidence

If the evidence is clear concerning these other alleged Code of Ethical Conduct violations, the hearing board and/or the Ethics Committee may make a finding of violations.

2. Disputed Evidence

However, if there is a dispute concerning the facts of these other alleged violations, the hearing board and/or the Ethics Committee, at its own discretion, may decide to drop the other alleged Code of Ethical Conduct violations and rely solely on the finding of the other professional bodies regarding the alleged violation(s). Since the hearing board and/or the Ethics Committee must carefully allocate its limited resources to conduct investigations, it is appropriate for them to limit investigations in cases where there is a serious factual dispute and no clear allegation of violation.

Chapter 12: Settlement by Mutual Agreement

12.1 Settlement by Mutual Agreement

After reviewing the complaint, the respondent's response, and the report of the ITAA investigator(s) or ITAA investigating subcommittee (if one was impaneled), the hearing board and/or the Ethics Committee may attempt to settle the case by mutual agreement with the respondent.

12.2 Possible Actions in Mutual Agreements

In making such a settlement, the hearing board and/or the Ethics Committee may recommend to the respondent that he/she agree to their request that the respondent do one or more of the following:

1. Cease and desist
2. Accept censure, supervision, education, rehabilitation, and/or therapy
3. Perform community service
4. Agree to suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
5. Resign
6. Terminate his/her membership (a permanent bar to readmission)
7. Accept publication of the terms of the settlement by mutual agreement
8. Any other action that the association is authorized to take against a respondent

12.3 Written Agreement

The mutual agreement will become final as soon as it is specified in writing and will detail the facts on which it is based and the manner in which it is to be instituted and/or supervised.

12.4 Supervision of the Agreement

The agreement will be instituted and/or supervised by the Ethics Committee chairperson(s) or a person(s) delegated by the Ethics Committee and/or any respondent of the association so designated in the agreement.

12.5 Finalization of the Agreement

The agreement will become final as soon as it is specified in writing, agreed to, and signed by the respondent and the Ethics Committee or at any other time designated in the agreement.

13.6 Failure to Meet the Terms of the Agreement

If at any time the respondent fails to meet fully the terms of the agreement, the matter shall be returned to the Ethics Committee for further action and may serve as grounds for recommending termination of membership.

12.7 Other Action

If the hearing board and/or the Ethics Committee do not attempt to settle a complaint by mutual agreement, or if the respondent does not accept an offer of a settlement by mutual agreement, the charges will either be dropped and the case closed or the committee will make a formal recommendation. If the committee recommends formal action, it will recommend the action(s) to be taken, including one or more of the following:

1. Cease and desist
2. Accept censure, supervision, education, rehabilitation, and/or therapy
3. Requirement to perform community service
4. Agree to suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)

5. Resignation with or without publication
6. Termination of membership (a permanent bar to readmission)
7. Publication of the terms of the settlement by mutual agreement
8. Any other action that the association is authorized to take against a respondent
9. Recommend the manner in which the action will be instituted and/or supervised
10. Notify the respondent of the recommendation
11. Send the respondent a copy of the findings and recommendations of the Ethics Committee
12. Inform the respondent by mail (using appropriate means) marked "CONFIDENTIAL" that he/she has a right to request an appeal to the ITAA President, who if he/she agrees, calls an appeal hearing board composed of members of the ITAA Ethics Committee and the ITAA Executive Committee who have the power to:
 - a) Change the findings of the hearing board
 - b) Dismiss the case
 - c) Order a rehearing

If the respondent does not request an appeal before the ITAA Executive Committee within thirty (30) days from the receipt of notification, no hearing will be held, and the Ethics Committee recommendation for action will become final.

Chapter 13: Confidentiality

13.1 Confidentiality

All information concerning ethical complaints made against ITAA members will be treated in a strictly confidential manner by ITAA Ethics Committee members, staff persons, and members. Ensuring that confidentiality is maintained is important in order to protect the rights of the individual members who are the subject of complaints and to protect the ITAA from charges of improper disclosure of information. Under the terms of these procedures, all information regarding complaints will be treated in a strict, confidential manner. Ethics case information is not to be faxed or sent by any electronic means unless the sender has ensured that only the recipient will see it.

13.2 Breaches of Confidentiality

The Ethics Committee may take action if either party alleges a breach of confidentiality by:

1. Sending letters of warning or
2. Terminating proceedings

If the Ethics Committee determines that a breach of confidentiality has occurred, it may demand that all confidential material be immediately removed from any person to whom the material was given and returned to the ITAA office.

13.3 Staff

Secretaries and other paid and/or volunteer staff who receive information about complaints must be instructed on the confidential nature of the information.

13.4 Correspondence

Correspondence concerning ethical complaints received by ITAA staff should be mailed as "Personal and Confidential" to the ITAA Ethics Committee chairperson(s). It should not be faxed or emailed unless the sender has ensured that only the recipient will see it.

13.5 Discussion of Complaints

Any necessary discussion of cases by ITAA Ethics Committee officers, staff, or members should take place where conversations cannot be inadvertently overheard by other members in an office or members of the public.

13.6 Confidentiality Exceptions

All information obtained by the Ethics Committee, including any investigation subcommittee, and all proceedings of the Ethics Committee will be confidential except to obtain evidence, at which point participants may disclose that a complaint is under way. The participants should provide the least amount of information and not disclose any identification of the parties involved.

13.7 Publication of Sanctions

Whenever the Ethics Committee orders publication of sanctions, such publication will be an exception to the rule of confidentiality stated above.

Chapter 14 Disclosure of Information

14.1 Publication or Dissemination of Information

It is clearly inappropriate for members to disseminate any information regarding a complaint (including the existence of a complaint) to any member of the public or any ITAA member who is not directly involved in the processing of the particular complaint under consideration.

The procedures allow the ITAA Ethics Committee, at its discretion, and during the process before final disposition, to manage the information and to decide who is to be informed and/or consulted in the process of dealing with complaints.

When the case is completed, it is the ITAA Executive Committee, on the recommendation of the ITAA Ethics Committee, that publishes to ITAA members information regarding the final disposition of the ethics complaint.

14.2 Questions about Disclosure

When ITAA officers, staff, and members have questions about whether information may properly be disclosed, these should be referred to the ITAA Ethics Committee chairperson(s).

14.3 Disclosures by an Investigator(s) or an Investigating Subcommittee

Whenever the Ethics Committee appoints an investigator(s) or subcommittee to investigate a case, either may disclose such information as is necessary to pursue its investigation. The ITAA investigator(s) or ITAA investigating subcommittee will not consult with anyone not specified in the Ethics Committee instructions without receiving additional instructions from the Ethics Committee chair(s) and legal counsel for the association.

14.4 Disclosure to the Complainant

The Ethics Committee will disclose to the complainant the disposition of a particular case as it affects him/her. The ITAA does not reveal internal discipline of the respondent to the complainant unless the hearing board chairperson and the Ethics Committee chairperson(s) rules otherwise.

14.5 Termination of Membership

Whenever an ITAA Ethics Committee recommendation for termination of membership becomes final, the ITAA Executive Committee will publicize that fact to the association membership. Publication will include notices both in *The Script* and with the annual membership dues statement and will state the member's full name, any earned degree, his/her geographical location, and the violation of the section of the Code of Ethical Conduct proven. Notification of a member's termination will be provided to other relevant professional associations and state regulatory bodies.

14.6 Publication of Other Sanctions

Publication of sanctions other than termination, including notification to relevant professional associations and state regulatory bodies, may be directed by the Ethics Committee within its sole discretion in whatever manner and to whatever extent the committee deems appropriate.

14.7 Inquiries From State Regulatory Agencies and Professional Organizations

It is the policy of the ITAA Ethics Committee to cooperate with state regulatory agencies, other professional organizations, or any other institution or organizations that have disciplinary control over the member or former member when such groups inquire about any disciplinary action taken against a member or former member for violation of the ITAA Code of Ethical Conduct. If the member or former member has never been found in violation of the Code of Ethical Conduct, the state regulatory agency or professional association will be so informed. In cases in which the member or former member has been found in violation of the Code of Ethical Conduct, and when such an inquiry is received, the following procedures will be followed:

14.7.1 Notification of the Member

The member or former member will be notified in writing that such a request has been received and that the ITAA intends to comply by a specific date.

14.7.2 Content of Response to the Inquiry

The inquiry will be answered with a report from the Ethics Committee chair(s). The report will include the following:

1. The principle(s)/subprinciple(s) of the ITAA Code of Ethical Conduct that were violated
2. A brief statement regarding the nature of the offence
3. The disciplinary action taken, if any
4. The date of the event and/or finding

A copy of the report will be sent to the member or former member.

Disclosures to ITAA Awards Committees and/or the IBOC.

14.8 Reports to the International Board of Certification (IBOC) regarding Certified Members, Supervisors, or Teachers of Transactional Analysis

When an ITAA member has been found to be in violation of the ITAA Code of Ethical Conduct, and after action, if any, the Ethics Committee will submit a brief report on this violation to the IBOC. The report will state the section(s) of the ITAA Code of Ethical Conduct violated, a brief

statement regarding the nature of the offence, the disciplinary action taken, and the date of the committee's finding.

14.9 Reports to the ITAA Awards Committees and the ITAA Elections Committee

If a person has been found in violation of the Code of Ethical Conduct, the Ethics Committee will make a report to the ITAA awards committees (the EBMA and the EC, which handles the other four awards) or when the member is a nominee for an honor or an elected position within the ITAA, the Ethics Committee will make a report to the Nominations Committee and the BOT as in item 4.11 below. The report of the Ethics Committee will state the section(s) of the Code of Ethical Conduct violated or alleged to have been violated, a brief statement regarding the nature of the offence, the disciplinary action taken if any, and the date of the event and/or finding.

14.10 Disclosures Required by Law

The ITAA may disclose such information as compelled by a validly issued subpoena or when otherwise required by law.

14.11 Disclosure to the ITAA Board of Trustees

The ITAA Ethics Committee chairperson(s) will inform the ITAA President, who will in turn inform the ITAA Board of Trustees of any disciplinary action taken against a member for violating the ITAA Code of Ethical Conduct.

14.12 Action by the ITAA President on Disclosure

If a member of a national or regional transactional analysis association who is also a member of the ITAA is sanctioned or expelled by a national or regional transactional analysis association, the organization enacting the sanction(s) or expulsion is requested to inform the ITAA President. Having ascertained that due process was followed, the president will take whatever appropriate action would ensure that the sanction(s) or expulsion is binding on the sanctioned member's continuing membership in the ITAA.

Chapter: 15 Records

15.1 Disposition of Files

The disposition of any complaint investigated by the Ethics Committee or a hearing board will be noted in that individual's case file, maintained by the Ethics Committee, and all records of the investigation placed in a sealed file to be opened only in the event of a future complaint against the same individual.

1. Files for those members whose membership is terminated or who are permitted to resign are maintained indefinitely.
2. Files of cases in which the member is found not to have violated the Code of Ethical Conduct are screened for identifiable (statistical) information and then destroyed after one (1) year.
3. Files of cases closed for insufficient evidence are maintained for five (5) years.
4. Files of cases in which the Ethics Committee found a violation but in which the sanction is less than termination of membership are maintained for five (5) years.
5. All case files containing identifiable information are destroyed one (1) year after the association is notified of death of the member or former member.

6. The ITAA Ethics Committee may use its case files for archival, educative, or other legitimate purposes so long as identification of the parties is protected.

15.2 Materials

Copies of all original materials regarding ethics complaints received by ITAA should be sent immediately to the ITAA Ethics Committee chairperson(s) or his/her/ delegate.

15.3 Records

All records of hearing board proceedings, including decisions, recordings of hearings, and supporting documents, will be maintained by the association. The permanent files of the Ethics Committee will also be maintained by the association.

Chapter 16: Consultants

16.1 Appointment of a Consultant

The Ethics Committee may assign a consultant to a complainant and to a respondent (on acceptance of the formal complaint). A consultant will be assigned if either party requests one or if one is deemed appropriate by the Ethics Committee. The committee is not required to appoint a consultant. Any person appointed must be acceptable to the party he/she is to support.

The role of the consultant will be to assist the complainant or the respondent through the ethics process. The consultant may also provide confidential support to the person to whom they are assigned. The consultant may be present in any investigative interview or hearing board meeting but will not take an active part in the interview or hearing.

16.2 Confidentiality

Consultants will respect the confidentiality of the complaint process. They should be familiar with the ITAA Code of Ethical Conduct and the manual of procedures for handling ethics complaints.

16.3 Consultant Guidelines

Before a complaint is filed, the consultant for the complainant may:

1. Offer to meet or communicate with the complainant
2. Answer questions about ethics procedures for handling complaints
3. Seek advice from the Ethics Chairperson(s) when needed
4. Encourage an ambivalent complainant to file a serious complaint
5. Discuss the appropriateness of filing frivolous or baseless complaints
6. Explore alternative options for seeking a resolution to a complaint
7. Assist the complainant in focusing on the facts of the allegations and the outcome desired
8. Help the complainant to relate the allegations to specific sections of the ITAA Code of Ethical Conduct.
9. Help to identify supporting documents and witnesses who can provide firsthand data.

16.4 Once a complaint is filed, the consultant for the complainant may:

1. Answer further questions about the ethics procedures
2. Discuss the option of seeking a negotiated resolution/mediation
3. Review the respondent's material with the complainant
4. Review the complainant's proposed statement to the hearing board
5. Discuss the hearing board process and expected conduct at the hearing
6. Discuss possible responses by the respondent and suitable replies

16.5 Before a complaint is filed, the consultant for the respondent may:

1. Offer to meet or communicate with the respondent
2. Answer questions about ethics procedures for handling complaints
3. Seek advice from the Ethics Chairperson(s) when needed
4. Ensure that the respondent is aware of any deadlines for submission of materials
5. Encourage the respondent to file a written submission that focuses on facts specific to the allegations
6. Help to identify supporting documents and witnesses who can provide firsthand data.
7. Offer to review materials before they are submitted while being careful not to impose ideas or wording

16.6 During a hearing, the consultants sit next to the party they are assisting, but they do not participate unless asked to do so by the board chairperson. They may request permission to confer with their party.

16.7 Following the hearing, the consultant is available to advise their party on the appeal process.

16.8 The consultant's responsibility ends when the case is resolved and the time limit for appeal has expired or an appeal has been heard and a decision announced.

APPENDICES

1. Ethics Complaint Form
2. Letter to Complainant
3. Waiver of Confidentiality Privilege and Authority to Release Information
4. Letter to ITAA Member Against Whom Allegations Are Made
5. Flow Chart of Complaint Process

ETHICS COMPLAINT FORM
CONFIDENTIAL

Date _____

1. Complainant

(Person making the complaint)

Name _____ Address _____

City, State or Province, Postal Code, Country _____

Home Phone () _____ Business Phone () _____

Email:

2. ITAA member/Respondent

(Person being complained about)

Name _____ Address _____

City, State, Postal code, Country _____

Telephone () _____ Email:

3. Your relationship with the respondent at the time of the alleged violation (e.g., client, colleague, employee, trainee, etc.)

4. Date(s) of the alleged unethical behavior

5. Details of the alleged violations

Write an account of what happened that you believe to be a violation of the ITAA Code of Ethical Conduct and how the events affected you. Be as specific as possible. Please type or use a computer if possible. Include this account when you return the ethics complaint form. You may send additional information at any time up until the Ethics Committee begins its deliberation.

6. Indicate the section(s) of the ITAA Code of Ethical Conduct that you believe have been violated.

7. Provide details of the outcome of the action that you took to confront the ITAA member.

8. Indicate any actions that you have taken or are considering taking to deal with the alleged violations (e.g., advising the respondent's employer, initiating a formal grievance process with another body, seeking legal sanctions, etc.).

9. Have you filed a formal complaint against the ITAA member with any other organization?

Yes _____ No _____

If yes, what organization? Please include a contact number.

10. Provide the names, addresses, and telephone numbers of witnesses, if any, or others who might provide relevant information about the events you are filing a complaint about. If possible, obtain from them a signed statement that you can send along with this form.

Signed

Date

LETTER TO COMPLAINANT

Date

CONFIDENTIAL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

xxxxxx

xxxxxx

Dear

I am responding to your letter regarding your complaint against_____.

Since you believe that this member has violated the ITAA Code of Ethics, you may file a formal complaint with the ITAA Ethics Committee by using the enclosed ethics complaint form.

Please read the enclosed copy of the ITAA Code of Ethical Conduct.

Please read the enclosed waiver and release of information forms. In order for the Ethics Committee to proceed with the case, it is necessary for you to provide the Committee with permission to use your name and the information you provide when we contact the member with your complaint and when the committee considers your case. Please sign the form, which gives the Ethics Committee permission to use your name in this manner.

Please understand that signing of the waiver to release information grants the Ethics Committee permission to send a copy of your complete complaint materials, including witness statements and any additional material provided, to the member for a response. Please return all of the materials in envelopes marked "CONFIDENTIAL" to:

The Chairperson(s)
ITAA Ethics Committee
ITAA
2186 Rheem Drive
Pleasanton, CA 94588

When all the material has been received, the chairperson's first steps will be to decide whether the allegations in your complaint would, if proven factual, constitute a violation of the ITAA Code of Ethics and therefore warrant an investigation. If so, the chairperson will appoint a suitable person to investigate. You will be informed of this decision.

The investigator(s) will be responsible for:

1. Contacting both the complainant and the respondent to gather information

- 2. Notifying both parties of the ethics procedures to be used
- 3. Notifying the respondent of his/her rights to appear, testify, and/or present his/her side of the allegations
- 4. Determining if a resolution can be agreed to through a mediation process

A full copy of the ITAA Ethics Procedures Manual to be used can be obtained from the ITAA office. Once you have considered making a formal complaint, you are advised not to discuss the matter with anyone not directly involved with it. All information should be treated as highly confidential. The Ethics Procedures Manual outlines the procedures for any disclosure of information.

Please retain for your own reference copies of all the documents included with this letter. Also, please keep copies of all your correspondence with the Ethics Committee.

We realize that this may be a difficult and lengthy process. We appreciate your patience and cooperation.

If you need any further assistance in reaching a decision or in compiling your complaint, please contact the chairperson(s) of the Ethics Committee.

Thank you for contacting the Ethics Committee with your concerns. Our organization is committed to maintaining high standards of ethical practice in transactional analysis.

Sincerely,

xxxxxxxxxxxxxxxxxxxxxx

Ethics Committee Enclosures:

- Ethics Complaint Form
- ITAA Statement of Ethics
- Waiver Form
- Summary of Procedures for Ethical Complaints

**WAIVER OF CONFIDENTIALITY PRIVILEGE
AND
AUTHORITY TO RELEASE INFORMATION**

I, _____ have filed a complaint with the International
(name of complainant)

Transactional Analysis Association (ITAA) dated _____ against
_____, who is a member of the ITAA.

(name of the ITAA member (respondent) against whom the complaint has been filed)

I hereby waive any confidentiality privilege with respect to the member of the ITAA against whom I have made a complaint (respondent) so that the member may respond to my complaint and provide confidential information to the ITAA Ethics Committee regarding the matters raised in my complaint and to those people who, at the discretion of the committee, its staff, or legal counsel, it may be necessary to contact in order to conduct a full and fair investigation of the complaint.

I hereby authorize the release of the information contained in my complaint to the respondent, the members of the ITAA Ethics Committee, the investigator(s) or investigation subcommittee who will conduct a thorough and fair investigation of the complaint, the legal counsel for the ITAA, and those individuals who, at the discretion of the committee or its legal counsel, may need to receive this information. I also authorize the release of this information to those who might carry out any ensuing therapy or supervision resulting from discipline to the respondent.

I waive any claims that I may have or could have against the ITAA, its Board of Trustees, its employees, or its committee members relative to the release of information that is the subject of my complaint.

I authorize the use of my name in the investigation of my complaint by the ITAA Ethics Committee and the legal counsel for the ITAA.

Name of complainant (please print)

Signature of complainant

Date

LETTER TO ITAA MEMBER AGAINST WHOM THE ALLEGATIONS ARE MADE

Date

CONFIDENTIAL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

xxxxxx

xxxxxx

xxxxxx

xxxxxx

Dear

I am writing to you as chair/cochair of the International Transactional Analysis Ethics Committee. I regret to inform you that the ITAA Ethics Committee has received a formal complaint against you from _____. A copy of his/her correspondence is enclosed as well as a waiver and permission to release information. The Ethics Committee will now begin a process of investigation to determine if there has been a violation of the ITAA Code of Ethical Conduct. At this point, the Ethics Committee makes no assumptions of the validity of the information provided by the complainant. We know that this is a difficult and often lengthy process, and we would appreciate your cooperation.

CHARGES

Based on the information provided thus far by the complainant, I have determined that allegations of _____, if found to be factual, would be a violation of the ITAA Code of Ethical Conduct, as follows:

1. Principle ### which states:

This charge is based on _____ in the complainant's materials.

2. Principle ### which states:

This charge is based on _____.

These charges are based on information that we have at this time. It may be necessary to charge you with additional violations, if further allegations come to our attention.

YOUR RESPONSE

Please respond to each of the allegations made by the complainant, even if they are not specifically outlined in this letter. If you fail to respond to any specific allegations within thirty (30) days of the date of this letter, the Ethics Committee may take your lack of response as your admission of the facts in this allegation and consideration may be given to the status of your ITAA membership.

To assist us in the investigation, please also provide the following information:

A sequence of events leading up to the time of the alleged violations and following that time

Any other relevant information, including copies (not originals) of relevant documents such as billing records, letters, clinical records, telephone bills, diaries, letters, and so on that might explain or validate your response.

You may also submit information from other people with relevant information. You may send this with your own response or have these people submit it directly to the ITAA office at the address on this stationery. Any ITAA Ethics Procedures Manual information submitted should have a signed authorization for its use in the ITAA ethics complaint process from the person releasing the material.

Please do not ask for or submit general letters of support from current or former clients.

Send your written response within thirty (30) days of receipt of this letter. You may consult with legal counsel, but you must respond to the charges yourself. Failure to respond could result in termination of your membership in the ITAA.

Please understand that your response may, if necessary to the investigation, be discussed in detail with or forwarded to the complainant.

PROCESS

A flow chart is enclosed to help you understand the enclosed procedures and the process of the investigation as described below.

The first step will be the investigation conducted by an investigator(s) appointed by the ITAA Ethics Committee chair(s).

This investigation will be conducted largely through correspondence with you, the complainant, witnesses suggested by you and/or the complainant, and other persons with useful information.

During this stage of the process, the investigator(s) will remain open to the complaint being resolved by negotiation through a mediation process.

It is the Ethics Committee's responsibility to see that investigations are conducted thoroughly and impartially and that its procedures are followed. It is your responsibility to cooperate with the investigation, to respond fully and truthfully to inquiries within the deadlines given, and to provide all the information requested by the Ethics Committee and staff.

After this investigation, and if no mediated resolution to the complaint is reached, the next step is for the Ethics Committee to meet and review all the relevant information gathered in the investigation, arrive at a decision as to whether or not, in its judgment, violations of the ITAA Code of Ethical Conduct have occurred and, if so, what actions should be recommended. It is not a meeting in which members, complainants, or witnesses are present or are interviewed. When the Ethics Committee reaches a decision, you will be notified. If the investigation is continuing, you may be requested to provide further information. If the decision is that you did violate the Code of Ethical Conduct and disciplinary actions are recommended, you may accept those decisions or you may exercise your right to have those decisions reviewed by a hearing board.

We make every effort to complete the investigation and deliberation process in as timely a manner as possible. However, due to the complexities involved in most ethics cases and the difficulty of the ITAA Ethics Committee conducting face-to-face meetings to deliberate, this process can, unfortunately, be time consuming. Your prompt response to this letter and subsequent communications will serve to expedite this matter.

CORRESPONDENCE

We are sending this notice to you at the last known address we received from you with payment of your dues, and mailing that to the address will be deemed sufficient notice.

Please send your response and all other correspondence to Please include the date, your current address, home and office phone numbers, and an email address on all correspondence. Please advise which of the addresses will provide confidentiality for any correspondence.

Once you have received notice of a formal complaint, you are advised not to discuss the matter with anyone not directly involved with it. All information should be treated as highly confidential. The ethics manual outlines the procedures for any disclosure of information.

We realize that this may be a difficult and lengthy process for you. We appreciate your patience and cooperation and will endeavor to maintain and respect confidentiality.

Sincerely,

xxxxxxxxxxxxxxxxxxxx

Ethics Committee Chair/Cochair

Enclosures:

Materials from complainant, with waiver

ITAA Code of Ethical Conduct

Summary of Procedures for Ethical Complaints

Flow Chart of Complaint Process

Flow Chart of Complaint Process

