

Association for the Treatment of Sexual Abusers

ATSA

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ATSA

Professional Code of Ethics

Association for the Treatment of Sexual Abusers

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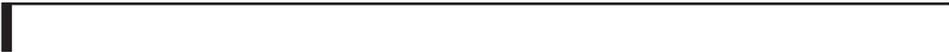
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**Association for the
Treatment of Sexual Abusers**

**PROFESSIONAL
CODE OF ETHICS**

2017



INTRODUCTION

Dear ATSA colleagues:

Welcome to the Association for the Treatment of Sexual Abusers (ATSA) Professional Code of Ethics, revised in 2017. The Code of Ethics presents a framework for making professional decisions and augmenting our moral compass. Most professional organizations have a code of ethics as a standard practice. However, the strength of an organization ultimately resides in the commitment of its members to common goals, beliefs, and values. ATSA members have a long tradition of dedication to supporting values of basic human dignity and respect, as well as common goals related to community safety and preventing sexual violence. The Code of Ethics is further strengthened by the fact that we are an organization of professionals committed to mentorship, training, and consultation with colleagues.

This revised Code of Ethics is structured for ease of use and clarity of purpose. In this revision, we address a broader array of professional situations and better define the process involved in resolving allegations of unethical behavior. The Code of Ethics is divided into two chapters:

- (1) Ethical Principles, and
- (2) Rules and Procedures.

The Ethical Principles chapter presents guidelines for ethical professional conduct. The Rules and Procedures chapter defines the processes by which ethical concerns are pursued within ATSA.

The Code of Ethics complements the ATSA Practice Guidelines for the Assessment, Treatment, and Management of Male Adult Sexual Abusers (2014) as well as the ATSA Practice Guidelines for Assessment, Treatment, and Intervention with Adolescents Who Have Engaged in Sexually Abusive Behavior (2017). Ethical violations may arise from failure to adhere to the best practices established in any of these professional guidelines.

The Ethics Committee appreciates the important input received from the ATSA Executive Board of Directors and the work of the many contributors who helped revise the 2001 document.

Please consider this revised Code of Ethics a matter of your personal and professional responsibility. Be aware of ways to improve our field and our organization. Consider how you may gently and respectfully offer consultation to and seek consultation from colleagues as a means of improving professional skills, enhancing treatment effectiveness, and diverting ethical violations and complaints. Also consider how you may incorporate ethical principles into your training and encourage other organizations, agencies, and entities to do the same.

We hope the ATSA Professional Code of Ethics will improve our work in this field and enhance the professionalism with which we provide our services.

Sincerely,



Erik Fox, JD, PhD
Chair, Ethics Committee



Maia Christopher
ATSA Executive Director

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CONTENTS

Chapter 1: Ethical Principles

Philosophical Foundation	1
1. Definitions	2
2. Professional Conduct	3
3. Payment for Services	5
4. Members' Training and Expertise	6
5. Personal Problems and Conflicts	7
6. Supervisory Relationships	8
7. Client Relationships	9
8. Dual Relationships	11
9. Confidentiality	12
10. Record Keeping	15
11. Professional Relationships	16
12. Research and Publications	17
13. Public Information	18
Upholding Values	18

Chapter 2: Rules and Procedures

14. Definitions	20
15. Purpose and Responsibility of the Ethics Committee	20
16. Procedural Steps Involved in Filing an Ethical Complaint and Investigation by the Committee	22
17. Confidentiality	25
18. Records	27
19. Recommendation Development	28
20. Types of Recommendations for Sanctions, Corrective Actions, and Directives	29
21. Membership	30

22.	Procedures for Commencing an Investigation on the Committee's Own Motion	31
23.	General Considerations	32
24.	Evaluation of Complaints	33
25.	Legal Representation.....	36

CHAPTER 1: ETHICAL PRINCIPLES

Philosophical Foundation

The Association for the Treatment of Sexual Abusers (ATSA) represents professionals committed to the welfare of their clients, community, and professional colleagues. Our profession, like many others, is self-regulating, based upon a foundation of theory, research, knowledge, and skill. An inherent assumption in the self-regulation process is that professionals will adopt and adhere to a set of guidelines or code of ethics that facilitates the evaluation of each professional act in regard to its positive or negative effect on clients. The ATSA Professional Code of Ethics is intended to reflect evidence-based and professionally accepted understanding regarding professional behavior and conduct as well as satisfy prevailing community standards.

These standards for professional conduct are particularly relevant to the investigation of grievances, because they are developed based on a consensus of members within a profession. The public nature of an organization's code of ethics and the uniform application of these principles are integral to sustaining community confidence. Ethical standards are maintained through each individual member's reflection and self-discipline, through collegial input and guidance, and as a result of more formal discipline provided by professional associations. Since association membership is highly valued and contributes to professional success, the potential for formal disciplinary action represents a powerful force in encouraging adherence to ethical standards of conduct.

ATSA is a voluntary association whose members accept its Code of Ethics as part of their choice to affiliate, and ATSA members have duties they are expected to perform as well as rights to be protected. ATSA has an obligation to inquire into the conduct of its members and the right to become involved in areas of concern to its members. As a professional association, ATSA also has a twofold duty to support its members and protect the public.

Ethical principles reflect a code of behavior consistent with the performance of professional duties at the highest level of integrity within a professional's area(s) of competence. At the same time, ethical principles should safeguard the interests of a professional's client, balance the interests of individuals who have been harmed, and represent the interests of the community at large. These principles are intended to complement the ATSA Adult Practice Guidelines and the ATSA Adolescent Practice Guidelines, and to offer clarification regarding professional conduct, relationships, and confidentiality.

1. Definitions

- (a) **Member:** An individual who, based on the nature of his or her profession or field of expertise and/or study, has applied for and met the membership requirements of ATSA and who is current with all dues and any other defined membership obligations.
- (b) **Client:** Any person or entity who enters into a therapeutic or consulting relationship with an ATSA Member for the purpose of receiving assessment, treatment, or consulting services. For further clarification regarding involuntary evaluations, see Section 7: Client Relationships.
- (c) **Professional services:** Services performed by a Member that include services in the course of providing assessment, treatment, supervision, or consultation, and conducting research and publishing.

- (d) Professional tasks: Tasks that may be performed by or under the supervision of a Member in the course of rendering assessment, treatment, or consulting services to a client.
- (e) Professional relationship: A therapeutic or consulting relationship that a client has with an ATSA Member, or anyone under the Member's supervision, in connection with the client receiving assessment, treatment, or consulting services.
- (f) Confidential information: Any information gained in a professional relationship is confidential, with the exceptions outlined in law, which typically include mandatory reporting of abuse or neglect of children and other vulnerable people, duty to prevent harm to self or others, a court order, and a signed release of information.
- (g) Confidential relationship: Any professional or privileged relationship in which a person entrusts information to a member under terms or circumstances where the Member understands, or should understand, that the information is confidential, constitutes a confidential relationship.

2. Professional Conduct

- (a) Members shall not allow personal feelings related to a client's crimes or behaviors to interfere with professional judgment and objectivity. When a Member cannot offer the highest quality service to a client for any reason, the Member shall seek supervision or peer consultation to address and resolve concerns and/or make a proper referral.
- (b) Members shall not engage in discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, political affiliation, social or economic status, disability, or on any basis proscribed by law.

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- (c) Members shall not engage in conduct that demonstrates a lack of good moral character. Conduct reflecting a lack of moral character shall include acts or conduct that reflect moral turpitude or acts or conduct that would cause a reasonable person to have substantial doubts about the Member's honesty, fairness, and respect for the rights of others and for the laws of the jurisdictions in which the Member lives and works. The conduct or acts in question should be rationally connected to the Member's fitness to provide professional services and/or professional tasks.
 - (d) Members shall not engage in behaviors that are harassing, exploitative, or demeaning to people with whom they interact as a part of their work.
 - (e) Members shall not engage in sexual harassment. Sexual harassment is unlawful discrimination within a professional relationship on the basis of gender and/or sexual orientation and includes any unwelcome verbal or physical sexually oriented conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with a professional relationship or creating a hostile, intimidating, or offensive professional environment.

The standard for determining whether harassment based on an individual's gender and/or sexual orientation is sufficiently severe or pervasive to create a hostile, intimidating, or offensive professional environment is whether a reasonable person in the circumstances of the complaining individual would so perceive it.

- (f) Any ATSA Member or pending ATSA Member with a felony conviction that reflects adversely upon the individual's fitness to provide professional services or conduct professional tasks must disclose the conviction and disposition upon applying for or renewing ATSA membership.
- (g) No Member shall engage in illegal behavior that reflects adversely on the Member's fitness to provide professional services or professional tasks.

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- (h) All Members are responsible for becoming fully aware of all statutes that pertain to the conduct of their professional practice.
 - (i) Members are responsible for familiarizing themselves with the ATSA Adult Practice Guidelines, the ATSA Adolescent Practice Guidelines, and this Code of Ethics.
 - (j) ATSA recognizes that Members must exercise their professional judgment when interpreting and applying the ATSA Adult Practice Guidelines as well as the ATSA Adolescent Practice Guidelines to their work.
 - (k) ATSA may consider deviations from the ATSA Adult Practice Guidelines and the ATSA Adolescent Practice Guidelines an ethics violation except to the extent that a guideline conflicts with applicable laws or professional regulations that pertain to a Member's practice.
 - (l) It is unethical for ATSA Members to conduct evaluations with the primary purpose of determining guilt or innocence.

3. Payment for Services

- (a) Other than charging or collecting customary fees, Members shall refrain from using professional relationships relating to the assessment or treatment of a client to further personal, religious, political, or economic interests.
- (b) Bartering for services may result in a dual relationship and therefore may leave a Member open to an ethical complaint. Members should conform to their specific professional discipline's codes of ethics for further guidance (e.g., the Canadian Psychological Association or American Psychological Association). For further discussion of dual relationships, see Section 8, Dual Relationships.

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- (c) If a client does not pay for services as agreed and if the Member wishes to use a collection agency to collect the fees, the Member must first give written notice to the client that a collection agency will be employed, but that the client will first be allowed a reasonable opportunity to make prompt payment. The written notice shall specify a date by which the collection agency will be employed if prompt payment is not received. The Member shall limit information provided to the collection agency to that which is essential to recover the Member's fees.
- (d) Members shall address the following financial matters with clients:
- i. The Member shall describe the fees for services to the client either before or at the time of the initial appointment.
 - ii. The Member shall settle payment arrangements for fees at the beginning of an assessment or a therapeutic relationship.
 - iii. If there is a change in fees, or if a service is to be provided for which the fees have not been discussed, the Member shall inform the client of the change in fees before providing the service. In the case of an emergency, the Member shall inform the client of any fees as soon as is practical after rendering the service.
 - iv. If the client is a minor or lacks the capacity for consent, the Member shall inform the parent or legal guardian of all fees in the manner outlined above.

4. Members' Training and Expertise

- (a) Members have an obligation to engage in continuing education and professional growth activities on a regular basis to ensure they maintain an awareness of advances in the field.
- (b) Members shall refrain from diagnosing, treating, or giving advice about problems outside the recognized boundaries of their specific professional discipline(s) or training.

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- (c) Members interested in developing new areas of competency shall attend a sufficient number of training sessions that address the newly adopted area of interest before offering or providing treatment or consultation services in that area. Members also shall seek and receive appropriate supervision as they begin to practice in a new area of competency.

5. Personal Problems and Conflicts

- (a) Members recognize that their personal problems and conflicts may interfere with their effectiveness with clients. In keeping with this awareness, Members shall avoid undertaking an activity where it can be reasonably foreseen that the activity will result in harm to a client, colleague, student, research participant, or other person to whom they owe a professional or scientific obligation.
- (b) Members shall be alert to signs that a personal difficulty may adversely impact their professional behavior. In these situations, the Member shall seek professional assistance to address concerns.
- (c) In instances where personal difficulties affect professional behavior to a significant extent, Members shall seek professional counseling; addiction, mental health, or medical services; supervision; and/or peer consultation; and Members shall consider limiting, suspending, or terminating their work-related duties until these problems are resolved.

6. Supervisory Relationships

- (a) Members shall delegate responsibilities only to people (e.g., employees, supervisees, and research assistants) the Member reasonably believes have the competency to perform the delegated professional tasks with training and supervision the Member provides or arranges to provide. Members shall delegate responsibilities based on the education and/or experience of the person to whom a task is delegated (delegatee).
- (b) Members shall provide or make available appropriate training to delegates, ensuring they have the tools and information they need to perform professional tasks responsibly, competently, and ethically.
- (c) Members shall provide or arrange to provide appropriate supervision to delegates, ensuring that the frequency, extent, and duration of the supervision enables the delegates to perform competent professional work.
- (d) Training and supervision arrangements for delegates shall be agreed upon in writing and shall specify: (1) expected duties of the supervisee, (2) any training that will be provided, (3) the scope and focus of the supervision, and (4) the frequency and duration of meetings between the supervisee and the Member to review the supervisee's professional performance.
- (e) Members shall not engage in sexual behaviors with students, supervisees, or others over whom the Member has evaluative or direct authority.

7. Client Relationships

- (a) Members, while offering dignified and reasonable support to clients, shall not exaggerate the efficacy of their services.
- (b) Informed consent is an essential component of the provision of any professional service. The Member shall inform each client or, when applicable, the parent or guardian of a client to give informed consent in writing of:
 - i. the types of services proposed,
 - ii. reasonable expectations of outcomes,
 - iii. alternatives to the types of services proposed,
 - iv. potential benefits and risks involved in the acceptance and/or refusal of services, and
 - v. the limits of privilege and confidentiality.
- (c) Members shall engage in supervisory or peer-based consultation or refer the client to a different practitioner under circumstances where reasonable Members recognize they may be practicing outside their scope of competency.
- (d) Sexual behaviors with clients or former clients are unethical. A Member shall not engage in sexual behaviors with any client who is receiving or has received professional services, regardless of whether payment for the professional services was involved.
- (e) Sexual behaviors with a current or former client's immediate family members are unethical. Sexual behaviors with extended family members such as step-relatives may constitute dual relationships depending on the nature, duration, and quality of the relationship.

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- (f) Members shall follow applicable laws, regulations, and professional guidelines regarding appropriate prescribing practices including:
 - i. appropriate assessment and medical investigations before prescribing,
 - ii. voluntary treatment,
 - iii. consideration of all medication options,
 - iv. evaluation of the benefits and risks of all medication choices,
 - v. ongoing monitoring, and
 - vi. medical investigations.

 - (g) Members involved in prescribing medications to clients shall make best efforts to augment pharmaceutical interventions as part of a comprehensive treatment plan.

 - (h) Members involved in prescribing medications shall adhere to the principles of informed consent that:
 - i. provide guidelines with regard to consent and capacity; and
 - ii. include appropriate disclosure of benefits and risks of medications, noting that some recommended medications may have serious and/or permanent effects.

 - (i) Members shall not withdraw services from a client in a sudden manner. When considering termination of services, Members shall give careful consideration to all factors involved in the situation and take care to minimize possible adverse effects on the client.

 - (j) If Members anticipate the termination or disruption of services to a client, they shall notify the client promptly and, when possible, provide for transfer or referral to a different practitioner.

 - (k) Members who serve a client of a colleague during a temporary absence or emergency shall serve that client with the same consideration they afford to their own clients.

- (l) Members recognize that their primary professional obligation is to the client to whom they are providing services, regardless of who is paying for those services. Additionally, Members recognize that third-party relationships have the potential to create conflicts of interest and that the primary professional obligation remains to the client.
- (m) When performing consulting services, the client may be an agency or organization. In this case, Members shall behave in accordance with the ATSA Code of Ethics and take steps to protect the organization and the individuals within.
- (n) In the case of involuntary evaluations, Members shall abide by their pertinent jurisdictional laws regarding private health information and licensure in their specific professional discipline(s).
- (o) As much as possible, Members shall apply the core principles of this Code of Ethics to the recipients of services even when those individuals are not the clients.

8. Dual Relationships

- (a) Dual relationships may impair professional judgment and pose a significant risk for client exploitation. Members shall avoid engaging in dual relationships with a client where a Member and a client have a relationship with one another in one context (e.g., social or business) in addition to the primary professional relationship. When it is not reasonable or possible for a Member to avoid having nonprofessional contact with a client, the Member shall take steps to ensure that any foreseeable nonprofessional contact with a client takes place only after exhausting all other possible options and after discussing the risks and benefits with the client.

- (b) A Member shall refrain from accepting professional or scientific obligations when any pre-existing relationship may foreseeably create a conflict of interest, impair the Member's professional judgment, or create a risk of harm.
- (c) If a potentially harmful dual relationship develops, due to unforeseen circumstances, Members shall attempt to resolve it as quickly as possible, with regard for the best interests of clients, supervisees, and other people relying on Members in their professional capacity, and in keeping with this Code of Ethics.
- (d) Members shall clarify with clients what are considered appropriate means of communication to avoid dual relationships and to protect client confidentiality, which may include interacting via social media, electronic communication, and/or phone.

9. Confidentiality

- (a) Members are responsible to ensure they:
 - i. Inform clients of the limits of confidentiality.
 - ii. Inform clients of any circumstances that may cause an exception to the agreed-upon confidentiality.
 - iii. Provide a release of information signed by the client and/or guardian allowing for the sharing of specific information with a specific third party (e.g., probation officer or attorney).
 - iv. Specifically inform clients about mandatory reporting requirements including requirements to report threats of self-harm and/or suspected abuse or neglect of an identified victim or vulnerable person.
 - v. Clarify issues of confidentiality where multiple parties are involved.
 - vi. Clarify the types of communications that are available and acceptable (e.g., email or text messages), and any limits of confidentiality related to the methods of communication.

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- (b) Members shall take steps to ensure their electronic communications are secure.
 - (c) Members are responsible for ensuring that client information is not communicated to others without the written and informed consent of clients, unless any of the following circumstances apply:
 - i. There is an obligation to comply with specific governmental statutes or regulations requiring reporting to authorities.
 - ii. Clients present a clear and immediate danger to another individual or individuals.
 - iii. Clients present a clear and immediate danger to themselves.
 - (d) Members shall clarify issues of confidentiality in cases involving clients who are minors and/or whose ability to understand may be compromised, such that the client is incapable of understanding the requirements for sharing information with parents, guardians, and/or agencies who may have custody of the client.
 - (e) When a Member agrees to provide services to several people who have a relationship (such as spouses or families), the Member shall clarify at the outset how confidentiality will apply among participants and to any external party (e.g., criminal justice agency).
 - (f) Members shall comply with mandatory reporting laws and statutes. No part of this Code of Ethics shall be construed as releasing Members from these obligations. Members shall inform clients that they will comply with mandatory reporting requirements.
 - (g) Members shall ensure that a client is informed when an individual under the Member's supervision is providing services to the client, such that the client is informed of the name of the Member(s) responsible for providing supervision and how this affects confidentiality.

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- (h) In instances where people are minors and/or legally incapable of giving informed consent, Members shall obtain written informed consent from a legally authorized person or agency for providing treatment services, participating in research, and/or participating in videotaping for educational purposes.
 - (i) When working with clients who are minors and/or incapable of giving informed consent, the Member is still responsible to:
 - i. Inform the client about any proposed assessments and/or interventions in a manner commensurate with the person's psychological or developmental capabilities.
 - ii. Seek the client's help and participation in the interventions.
 - iii. Consider the person's preferences and best interests.
 - (j) Live demonstrations of treatment techniques with current or former clients or their family members is considered exploitative and compromises confidentiality beyond what can be justified relative to educational benefits.
 - (k) Unless reporting is mandatory, written permission shall be required before divulging any identifying data to people beyond a Member's staff. The Member shall inform the client of the reason for the release of information.
 - (l) When consulting with colleagues, a Member shall not share confidential information that might reasonably lead to the identification of a client, research participant, or other person or organization with whom the Member has a confidential relationship unless the Member first obtains written and informed consent to do so, or if the disclosure cannot be avoided. If disclosure cannot be avoided in the course of a professional consultation, then the only information disclosed shall be limited to that which is necessary to achieve the purpose of the consultation.

- (m) While providing trainings or workshops, a Member shall not share confidential information that might reasonably lead to the identification of a client, research participant, or other person or organization with whom the Member has a confidential relationship.
- (n) When using audio/video or digital information in the context of trainings, workshops, or research studies, Members shall protect the confidentiality of participants. This information shall be used only with the written and informed consent of all individuals portrayed for that particular use (e.g., trainings, workshops, research studies).
- (o) A Member providing services within criminal justice settings shall inform all parties (including the client) of the level of confidentiality that applies.

10. Record Keeping

- (a) Members shall ensure that documentation in records is accurate and reflects the services provided.
- (b) Members shall document services in a timely and sufficient manner.
- (c) Members shall ensure their clients' records facilitate the delivery of services and continuity of services provided to clients.
- (d) Members shall ensure documentation protects clients' privacy to the extent possible and appropriate, and includes only information directly relevant to the delivery of services.
- (e) Members shall store records following the termination of services to ensure reasonable future access. Members shall maintain records for the number of years required by statute or relevant contracts.
- (f) Members shall maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, recorded, or in any other medium.

- (g) Members shall make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of the transfer of a client or of a Member's withdrawal from a position or practice.
- (h) Members shall abide by the laws and regulations governing electronic record keeping within their jurisdiction(s).

11. Professional Relationships

- (a) Members shall refrain from knowingly offering services to a client who is in treatment with another practitioner without consultation between the practitioners involved.
- (b) If a client has had prior treatment and/or evaluation, Members shall make reasonable attempts to contact any current or previous practitioner. Information shall be shared with practitioners only after clients or their parents/guardians are informed and consent to the disclosure.
- (c) In cases where a Member agrees to provide services to a person, agency, or organization at the request of a third party, the Member shall clarify at the outset of the service the nature of the relationship with each party including the role of the Member, the potential use of the services to be provided and any information obtained, as well as any limits to confidentiality.
- (d) A Member shall avoid a conflict of interest if the Member's professional objectivity or professional judgment on behalf of the client will be, or reasonably may be, affected by:
 - i. the Member's own financial, business, property, research, or personal interests;
 - ii. the Member's treatment of another or existing client; or
 - iii. any commitment or relationship the Member has, or may have, with any third party or entity.

- (e) A Member shall neither offer nor accept payments for referrals.

12. Research and Publications

- (a) Members shall plan and conduct research in a manner consistent with applicable jurisdictional laws and regulations, as well as professional standards governing the conduct of research.
- (b) Members shall conform to research conduct as specified within the ethical code of their professional discipline(s), as well as any laws and statutes pertaining to research in any applicable jurisdiction.
- (c) Members shall be aware that the usage of anonymized, historical, or aggregated data for program evaluation or other forms of research is permissible where informed consent is not possible.
- (d) Members shall acknowledge that the research participant has full freedom to decline to participate in or withdraw from research at any time without any prejudicial consequences.
- (e) Members shall ensure the research subject is protected from physical and mental discomfort to the greatest degree possible.
- (f) Members shall ensure publication credit is assigned to those who have contributed to a publication in proportion to their contribution and in accordance with applicable discipline-specific guidelines and standards.
- (g) Members shall be aware that incarcerated individuals, probationers, and patients in secure forensic settings are vulnerable populations and that, therefore, additional human subject protections may apply.

13. Public Information

- (a) All professional presentations and advertising shall be based on accurate information and, whenever possible, supported by scientific literature.
- (b) Members shall refrain from public presentations, testimony, and/or advertising that produces unrealistic expectations, brings about a lack of confidence, or harms the community.
- (c) Members shall refrain from the use of a name, professional affiliation, or credential in a way that is false or could be misleading.
- (d) Members shall indicate any limitations in their practice, including any requirements for the Member's supervision.
- (e) Members shall not represent their affiliation with any organization or agency in a manner that falsely implies membership or certification by that organization or agency.

Upholding Values

As a condition of ATSA membership, Members indicate their consent to abide by ATSA's Code of Ethics, as well as the ATSA Adult Practice Guidelines and the ATSA Adolescent Practice Guidelines, when they sign the membership application. Members are bound to uphold this Code of Ethics in all respects of professional practice. Complaints regarding Members' conduct under this Code of Ethics are measured against the privilege of continued membership in ATSA.

ATSA has established procedures to interpret the meaning of the Code of Ethics to the community and practitioners, to protect its Members from irresponsible accusations of unethical behavior, and to discipline Members who violate the Code of Ethics based on objective evidence weighed judiciously by peers. Given the potential consequences of an ethics violation, ATSA expects Members who have concerns regarding the practices of others to address the issue first with the other Member. ATSA also understands there are specific situations where addressing the issues with another Member may be problematic (e.g., safety, confidentiality, or retaliation) and will review complaints in cases where communication has not been taken.

These procedures serve a concomitant purpose for ATSA by providing the machinery for unifying concepts of professional values through the examination of specific behavior in professional practice. Moreover, at a time when professions are under public scrutiny, it is increasingly important to hold Members to high standards of professional conduct.

CHAPTER 2: RULES AND PROCEDURES

14. Definitions

- (a) Committee: The ATSA Ethics Committee.
- (b) Board: ATSA's Executive Board of Directors.
- (c) Code of Ethics: ATSA's Code of Ethics.
- (d) Complaint: An ethics complaint.
- (e) Complainant: The person who files a complaint.
- (f) Subject Member: The person who is the subject of a complaint.

15. Purpose and Responsibility of the Ethics Committee

- (a) The objective of the Ethics Committee shall be to promote ethical conduct by ATSA Members at the highest professional level.
- (b) The Ethics Committee is guided by the following General Operating Rules and Nature of Authority:
 - i. Power to Investigate. The Committee has the power to investigate allegations of unethical scientific and professional conduct that may be in violation of the Code of Ethics. These investigations shall be conducted in as timely a manner as possible, subject to the Committee's ability to gather and review appropriate information.
 - ii. Failure to Follow these Rules and Procedures. Failure to follow these rules and procedures by the Committee is not a reason to set aside any action taken by the Committee, unless the failure resulted in demonstrable prejudice to the complainant or the Subject Member.

- iii. Relationship to the ATSA Executive Board of Directors. The Committee is responsible to the Board. Committee decisions may be superseded by the Board, and Board decisions are final. The Committee Chair shall make regular reports of the Committee's activity to the Board.
- iv. Committee Membership. The Committee shall consist of ATSA Members appointed by the ATSA President, Executive Director, and/or Ethics Committee Chair.
- v. Ethics Committee Chair. The Chair shall be appointed as a member of the Committee by the ATSA President from among the Board members.
- vi. Frequency of Meetings and Quorum. The Committee shall meet at reasonable intervals as needed. A quorum shall consist of a majority of the appointed members of the Committee including the Chair or designee as appointed by the Chair.
- vii. Jurisdiction over Individuals. The Committee has jurisdiction only over ATSA Members.
- viii. Litigation. Civil, administrative, or criminal litigation pending against Members shall not bar the consideration of complaints by the Committee. It shall be within the sole discretion of the Committee whether to proceed during the course of litigation or wait until its completion. At the Committee's discretion, investigations may be deferred when another body, such as a licensing board, is involved in the matter. Delay in conducting the investigation by the Committee during pending litigation shall not constitute a waiver of jurisdiction by the Committee.
- ix. Confidential Sessions. Committee deliberations are confidential, and any attendance beyond the Committee's membership shall be at the Committee's discretion. The deliberations of the Committee are considered to be peer review functions by a professional association.

16. Procedural Steps Involved in Filing an Ethical Complaint and Investigation by the Committee

- (a) Submitting a Complaint Alleging Violations of the Code of Ethics. Specific rules guide submission of complaints:
- i. A complaint must cover conduct during the period of time the Subject Member was an ATSA Member.
 - ii. The alleged violation must have occurred or been discovered no more than one year before initiating the complaint.
 - iii. A complaint shall include the name of the Subject Member and may include the names of any other individual(s) who may have witnessed the behavior, been involved in the behavior, or to whom the behavior was directed. An exception to this rule is if divulging the names of others involved in the complaint violates a client's right to confidentiality. However, if the client is not named, the Ethics Committee may be limited in its ability to proceed with the complaint.
 - iv. A complaint shall contain a precise description of the behavior constituting the alleged ethics violation. All complainants shall submit complaints in writing to the attention of the "ATSA Ethics Committee Chair" and deliver them to the ATSA Office.
 - v. A complaint shall identify the specific section(s) of the Code of Ethics the Subject Member is alleged to have violated.
- (b) Determining Subject Member Membership Status and Acknowledging the Complaint. Upon receiving the complaint, the ATSA Executive Director shall determine whether:
- i. the Subject Member was an ATSA Member while the ethics violations in the complaint are alleged to have occurred, and
 - ii. the ethics violation is alleged to have occurred or been discovered no more than one year before the date the ATSA Office received the complaint.

Upon completing a review of the complaint, the Executive Director shall proceed under the following directions:

- iv. If the complaint satisfies the membership and time limitation requirements, the Executive Director shall notify the complainant in writing that the complaint has been referred to the Committee.
 - v. If the Executive Director determines the membership and time limitation requirements have not been met, the Executive Director shall notify the complainant in writing that ATSA cannot take any action on the complaint, giving the reasons why.
 - vi. If the complainant or Subject Member disagrees with any of the Executive Director's determinations as to membership or time, the complainant may request a review by the Committee. The Committee's determination shall be subject to review only by the Board.
 - vii. Reasonable attempts will be made within 10 business days from the date the ATSA Office receives the complaint to provide the complainant with written acknowledgment of the Office's receipt of the complaint, which will include the date the Office received the complaint.
- (c) **Subject Member Request for Reply.** The Committee Chair or designee shall make reasonable efforts to send the Subject Member a copy of the complaint within 10 business days after the ATSA Office sends the acknowledgment of the complaint to the complainant. The complaint will be accompanied by a copy of the Code of Ethics and a letter requesting the Subject Member to provide the Chair with a response within 21 days of the date on the letter. Failure by the Subject Member to file a timely response is grounds for suspension of membership privileges and possible termination of ATSA membership.
- (d) **Lack of Cooperation.** Failure or delay in responding, or lack of cooperation in the investigation, shall not prevent continuation of any proceedings and in itself may constitute a violation of the Code of Ethics.

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- (e) Action of the Committee. Within a reasonable time, the Chair shall provide Committee members with copies of the complaint, as well as a copy of the Subject Member's response. The Committee may determine that additional information is required from the complainant, the Subject Member, and/or a third party who may have pertinent information. Based upon the type of information required, the Committee shall make a written request of the individual or individuals considered to have relevant information to respond within a particular period of time. Failure of a Member to respond to the Committee may be grounds for suspension of membership privileges and possible termination of ATSA membership. Once the Committee determines it has sufficient information, it shall deliberate and make a recommendation to the Board regarding the allegations in the complaint. The recommendation shall be agreed upon by a majority vote of the Committee's members.
- (f) Case Closure. After the receipt of a written response from the Subject Member, the Committee may determine the complaint has no basis in fact, or is insignificant, and may dismiss the complaint without further action.
- (g) Information from Other Sources. The Committee may request additional information from people or witnesses involved, including boards, committees, or ethics committees of professional licensing boards or other relevant entities.
- (h) Action of the ATSA Executive Board of Directors. The Committee Chair shall present the recommendations of the Committee during a meeting of the Board. The final decision regarding the complaint shall be determined through discussion and a formal resolution by the Board. The resolution shall describe the sanctions, if any, to be imposed against the Subject Member. The Board's action shall not be subject to appeal.

- (i) Notification of Parties Involved. The ATSA Executive Director or designee, in coordination with the Committee Chair, shall notify the complainant and Subject Member of the Board's final resolution.
- (j) Monitoring of Sanctions. The Committee Chair shall coordinate and monitor any sanctions decided upon by the Board.
- (k) Notification of ATSA Members. If the Board finds that the Subject Member violated the Code of Ethics and imposes sanctions leading to termination of ATSA membership, ATSA may publish in the next scheduled issue of the ATSA newsletter the Subject Member's name; the circumstances of the violation; the Code of Ethics section(s) violated; the corrective action, directive, and/or sanction(s) imposed; and the status of the Subject Member's ATSA membership. For sanctions that do not lead to termination of membership, ATSA may publish information about the complaint and corrective action at the discretion of the Committee and the Board.
- (l) Waive Right to Subpoena. Membership in ATSA constitutes a member's agreement to waive any right to subpoena from ATSA, its officers, directors, and other members any documents or information in connection with a complaint, including Committee investigations and recommendations and Board materials, for any purpose, including private civil litigation.

17. Confidentiality

- (a) Correspondence. All case material mailed from the ATSA Office relating to a specific complaint shall be designated as confidential.
- (b) Disclosure of Information during Investigations. All information concerning complaints against members shall be confidential except that the Committee may disclose information when compelled under a validly issued subpoena or court order or when otherwise required by law. The Committee at its sole discretion may divulge information as considered necessary to complete its investigation.

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- (c) Disclosure of Information in Cases Closed by the Committee. If the Committee dismisses a complaint without further action, the ATSA Executive Director or designee shall notify the complainant and the Subject Member in writing of its action. The Committee's action shall be final and binding upon the parties and shall not be subject to review.
- (d) Disclosure of Corrective Action, Directives, and/or Sanctions. If the disposition of a case results in a corrective action, directive, and/or sanction, the Committee may release a description of the corrective action, directive, and/or sanction to any individual upon written request at the discretion of the Executive Director or Board. ATSA may respond to the written request by providing the name of the Subject Member, the Code of Ethics sections violated, and the corrective action, directive, and/or sanctions imposed against the Subject Member.
- (e) Requirement of Confidentiality. Except as otherwise provided within these rules and procedures, all information concerning complaints shall be confidential. Notwithstanding the confidential nature of complaint materials, information may be released when the Board members in their discretion agree that the release of information is necessary to protect the interests of the complainant or Subject Member, other investigative bodies, ATSA, the public, or a client, and that the release will not unduly interfere with ATSA's interest in respecting the confidentiality interests of participants in the ethics review process, the interests of clients, and ATSA's interest in safeguarding the confidentiality of internal peer review deliberations.
- (f) Communication for Investigation. Nothing in this section shall be construed as preventing the Committee from communicating with the complainant, witnesses, potential members of other fact-finding committees, or other sources of information necessary to enable the Committee to carry out its investigative function.

18. Records

- (a) Confidential Permanent Files. Permanent files of the Committee shall be confidential according to these rules and procedures. The files shall be maintained at the ATSA Office and shall be available only to those specifically authorized by the Committee. These records are the property of ATSA.
- (b) Files for Loss of Membership. ATSA shall maintain for a minimum of five years the files of individuals whose membership has been terminated because of an ethical violation.
- (c) Files for Non-Violation. Personally identifiable information concerning Members who have been found not to have committed an ethical violation shall be maintained for a minimum of five years after the Committee has closed the case.
- (d) Files for Insufficient Information. In cases where the Committee has closed a case due to insufficient evidence to sustain a complaint, ATSA shall maintain records containing personally identifiable information for a minimum of five years after the Committee has closed the case.
- (e) Files for Lesser Sanctions. In cases where the Committee has found an ethical violation, but where the sanction is less than termination of membership, ATSA shall maintain records containing personally identifiable information for a minimum of five years after the Committee has closed the case.
- (f) Records for Educational Purposes. Nothing in this section shall preclude the Committee from maintaining records in a form that prevents identification of the parties involved so the records may be used for remediation, education, or other legitimate purposes.

19. Recommendation Development

- (a) Focus of Recommendations. Since the purpose for investigating complaints is to improve the profession and retain community confidence in our work, any corrective action, directive, and/or sanction recommended by the Committee and resolved by the Board shall be fashioned with an aim to instruct whenever possible.
- (b) Form of Recommendations. The Committee has the latitude to suggest a broad array of corrective actions, directives, and/or sanctions. Its final written recommendations shall include: (1) a synopsis of its findings regarding each of the alleged Code of Ethics violations; (2) details describing its rationale for the conclusions drawn; (3) specific corrective actions, directives, and/or sanctions to be imposed upon the Subject Member; (4) the impact of these recommendations on current and future membership in ATSA; and (5) a specific timeframe for any recommended corrective action, directive, and/or sanction.
- (c) Sanctions for Non-Compliance with Requests for Information from Members Pertaining to an Ongoing Investigation of an Ethical Violation. The Committee may immediately impose temporary suspension of membership privileges for any Member who does not fully comply with informational or investigatory requests from the Committee. Other sanctions may be considered with consultation from the Committee or the Board. Membership may be fully reinstated upon compliance with the Committee's requests. Reinstatement shall include forwarding back issues of the ATSA Sexual Abuse journal and The Forum newsletter.
- (d) Sanctions for Non-Compliance with Approved Final Recommendations. The Committee may recommend additional and more severe consequences for members who do not comply with corrective actions, directives, and/or sanctions approved by the Board as a result of findings of ethical violations.

20. Types of Recommendations for Sanctions, Corrective Actions, and Directives

- (a) **Informational Letter.** ATSA shall provide informational letters to the Subject Member when the Committee determines that no ethical breach has occurred. These informational letters are not considered sanctions or directives, and are not evidence of any type of inappropriate conduct. Informational letters may include suggestions, feedback, and/or guidance offered to assist the Subject Member in dealing with issues relevant to ATSA.
- (b) **Order to Desist.** This directive requires the Subject Member to desist from specified unethical behaviors.
- (c) **Education, Training, or Tutorial Requirement.** This corrective action requires the Subject Member to engage in education, training, or tutorials specified and/or approved by the Committee.
- (d) **Supervision or Clinical Consultation Requirement.** This corrective action requires the Subject Member to receive supervision or clinical consultation from a supervisor or consultant recommended and/or approved by the Committee. The Committee may stipulate the type, frequency, duration, goals, and content of supervision or consultation.
- (e) **Reprimand.** This sanction requires that ATSA shall send the Subject Member a written statement of censure for unethical or unprofessional behavior clarifying the inappropriate nature of the conduct.
- (f) **Evaluation and/or Treatment.** This directive requires the Subject Member to obtain an evaluation to determine the possible need for treatment and/or, if a dysfunction has been established, to obtain remedial treatment approved by the Committee and the Board. The Subject Member may submit names of evaluators and/or treatment providers for approval.

- (g) **Suspension.** Suspension is an immediate change in status that ends ATSA membership until a specified period of time elapses or until the Board allows reinstatement.
- (h) **Termination.** Termination constitutes expulsion from current and future ATSA membership on a permanent basis. This usually occurs as the result of a particularly egregious ethical violation and/or noncooperation with the Committee's investigation.

21. Membership

- (a) **Application for Membership.** The Committee Chair or designee shall review applications for membership. After the review, the Chair or designee may recommend that an application for membership be denied or voided because of past or current ethical violations.
- (b) **Terminated Membership.** The Committee may recommend to the Board that it terminate the membership of any person who obtained membership on the basis of false or fraudulent information.
- (c) **Effect of Resignation.** A Subject Member's resignation shall have no effect upon the investigation and resolution of a complaint, so long as the Code of Ethics violation(s) alleged in the complaint took place during the term of the Subject Member's membership with ATSA.
- (d) **Application for Readmission.** The Committee shall automatically review all applications for readmission received by the Membership Committee and/or designee from people whose memberships have been suspended or terminated.

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- (e) Procedures for Readmission. The Committee Chair or designee shall submit to the Committee for consideration a summary of the application for readmission, including copies of any statements submitted by sponsors of the applicant and any available record of the previous case against the former Member. The Committee shall make one of the following recommendations to the Membership Committee or designee:
- i. Readmission. Recommend to the Membership Committee or designee that the former Member be readmitted.
 - ii. Denied Readmission. Recommend to the Membership Committee or designee that readmission be denied.
 - iii. Deferred Decision. Recommend to the Membership Committee or designee that a decision is deferred pending the results of further investigation.

22. Procedures for Commencing an Investigation on the Committee's Own Motion

- (a) The Committee, on its own motion, may commence an investigation according to these rules and procedures under the following circumstances:
- i. Felony or Other Illegal Offense. The Committee learns that a Member has been convicted of a felony or other illegal behavior that reflects adversely upon the Subject Member's fitness to provide professional services or tasks, and the Committee determines that an investigation is necessary to protect the public or the profession, and the felony conviction is not under appeal.
 - ii. Breach of ATSA's Code of Ethics. The Committee learns that a Member may have violated the Code of Ethics.

- iii. Sanction, Expulsion, Suspension, Delicensure, or Decertification. The Committee learns that a Member has been sanctioned, expelled, or suspended from a state/provincial, regional, national, or other jurisdictional psychological association/college, and/or delicensed or decertified, and/or had a certificate or license revoked or suspended by a licensing body or any relevant regulatory or professional association, and the action is not under appeal.
- iv. Public Information. The Committee learns of publicly available information indicating unethical conduct and the Committee determines that commencing an investigation is necessary for the protection of the public and/or the profession.
- v. Multiple Complaints. The Committee, taking into consideration previous complaints, regardless of outcome, determines there has been a pattern of ethically questionable behavior.
- vi. Notice to the Subject Member. The Committee shall provide notice to the Subject Member that it has commenced an investigation on its own motion with the same specificity required as if a complaint were filed, and the Subject Member shall have the same time period to respond as if responding to a complaint. See 16 (c) for procedural details.

23. General Considerations

- (a) Time Requirements. Any failure to adhere to the time requirements specified in these rules and procedures shall not prevent an investigation from proceeding to final resolution by the Board unless the Committee or the Subject Member can show that the failure was intentional.
- (b) Clarification by the Committee on Client Responsibility. If the Subject Member believes there is a conflict between responsibility to clients and the Committee's request for information, the Subject Member may seek advice from the Committee to resolve the conflict.

- (c) **Release of Information.** The complainant, upon submitting a complaint, is considered to have consented that the complaint and all associated materials submitted with the complaint shall be provided to the Subject Member and to other individuals as provided in these rules and procedures.
- (d) **Telephone Inquiries about Potential Complaints.** Telephone inquiries shall not be considered complaints.
- (e) **Previous Remedy.** The Committee may require that the complainant provide information about previous steps taken, if any, to remedy the situation.

24. Evaluation of Complaints

- (a) **Evaluation by the Committee.** The Committee shall review each qualifying complaint and take action as outlined in these rules and procedures.
- (b) **Immediate Referral.** The Committee may immediately refer the matter to the appropriate professional licensing board for action before the Committee takes action.
- (c) **Impaired Members.** The Committee Chair may determine that the alleged violation may have resulted from a Member's substance abuse, mental health issues, and/or emotional problems. The determination shall not preclude the Committee from proceeding with the process outlined in these rules and procedures and may form the basis of the Committee's recommendations to the Board.
- (d) **Violations with Potential for Harm to the Public.** If the Committee determines the alleged violation has potential for harm to the public, the Chair shall immediately consult with ATSA's legal counsel, who may recommend referring the case to the appropriate jurisdiction of law enforcement.

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- (e) Conflict of Interest. The Committee shall first determine if there is a conflict of interest that informs how the Ethics Committee proceeds. Complaints that involve ATSA officers, Committee members, or Board members shall adhere to the following procedures:
- i. If a conflict of interest is considered present, the Committee Chair shall immediately notify the ATSA Executive Director and together they shall determine who from the Committee will participate in the deliberations and decisions.
 - ii. If the complaint involves the ATSA President, the Committee Chair or designee shall inform the ATSA Past President or President Elect.
 - iii. If the complaint involves the Executive Director, the Committee Chair or designee will notify the ATSA President.
 - iv. If the complaint involves the Committee Chair, the ATSA President shall appoint another member of the Board, subject to the Board's approval, to oversee Committee matters involving this complaint.
 - v. If the complaint involves any member of the Ethics Committee, that member shall recuse him/herself from Committee discussions and decisions pertaining to the case.
 - vi. If the complaint involves an ATSA Board member, that individual shall not participate in discussions or decisions regarding the case.
 - vii. In all other situations where there is a conflict of interest, the ATSA President and the Committee Chair shall take actions considered prudent to resolve the conflict.
- (f) Conflict of Interest within the Committee. Committee members who have a conflict of interest shall adhere to the following procedures:
- i. If the Committee Chair has a conflict of interest with either the Subject Member of the complaint or the complainant, the Chair shall recuse him/herself from discussion and deliberation, and shall appoint a member of the Committee to oversee the Committee during the investigation and resolution of the complaint.

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- ii. If a member of the Committee has a conflict of interest with either the Subject Member of the complaint or the complainant, he/she shall declare the conflict to the Chair and recuse him/herself from discussion and deliberation during the investigation and resolution of the complaint.
- (g) Request for Further Information. If the Committee determines there is insufficient information with which to make a recommendation to the Board, the Committee may request further information from the complainant or others. If a request is made to the complainant, the complainant shall have 21 days to respond. Failure to respond to this request may result in a recommendation by the Committee to dismiss the complaint for lack of evidence. Continued refusal by a Member to provide the Committee with information within that Member's control may constitute grounds for an ethics violation and may result in discipline up to and including termination of ATSA membership.
- (h) Multiple-Category Complaints. A single complaint may include multiple allegations about individual ethics violations and violations of portions of the ATSA Adult Practice Guidelines and ATSA Adolescent Practice Guidelines.
- (i) Anonymous Complaints. The Committee shall not act upon anonymous complaints except when there is sufficient evidence or concern that provides cause for the Committee to proceed on its own motion.
- (j) Complaints about Non-Members. Complaints about individuals who have never been an ATSA Member shall not be considered.
- (k) Complaints about Members. Members in the grace period of membership renewal shall be treated as ATSA Members and be subject to the Code of Ethics.

- (l) Counter Complaints. The Committee may not accept formal complaints from a Subject Member against a complainant during the course of an investigation of the initial complaint. Rather, the Committee shall indicate that all sides of the matter leading to the complaint may be considered and that a countercharge may not be considered until after the initial complaint is resolved.
- (m) Capricious Complaints. The Committee may recommend that a complaint be filed against a complainant if the Committee determines that the initial complaint is capricious or primarily intended to harm the Subject Member rather than to uphold professional standards.

25. Legal Representation

- (a) Involvement of Legal Representation. ATSA's investigation procedures do not allow for legal representation of a Subject Member before the Committee or the Board during the investigation process or with respect to any deliberations. ATSA's rationale for precluding active participation by attorneys in this process is that an ethics investigation is a peer review and members of ATSA are best able to conduct the professional review process.
- (b) ATSA's Access to Legal Counsel. ATSA, including the Committee and the Board, retains the right to consult with its own attorney at any point in this process.

**For questions about the contents of this document,
contact the Association for the Treatment of Sexual Abusers
at 503-643-1023 or atsa@atsa.com.**

***ATSA believes in, fosters, and
demands high ethical standards
and professional integrity.
ATSA promotes standards and training
that reflect responsible and ethical
research, clinical, and
management practices.***

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