

## Code of Ethics



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## **A. OMBUDSMAN REGULATIONS**

### **1. Legal Basis and Purpose**

The C.G. Jung Institute Zürich maintains an Ombudsman consisting of one male and one female representative. The Ombudsman is elected by the Assembly of the Accredited (see Regulations of the Training Sector of the C.G. Jung Institute Zürich, Küsnacht).

The Ombudsman is the first point of contact in cases of conflict or violations of the Code of Ethics, in order to allow for clarification and mediation before the potential filing of a complaint with a sanctioning body

A complaint to the Ethics Committee is possible only after an unsuccessful recourse to the Ombudsman.

Those wishing to consult the Ombudsman are free to choose which of the two Ombudsman representatives they prefer to contact.

### **2. Tasks**

The Ombudsman provides information about possible steps in cases of alleged breaches of the Code of Ethics and also regarding the course of events involved in any appropriate proceedings

The Ombudsman attempts to bring about an amicable resolution between the parties at conflict

### **3. Prerequisites of Recourse**

Accredited members, trainers, students, members of the Institute or patients who complain about the conduct of an analyst or therapist must make a release of confidentiality with respect to the reported party in favour of the Ombudsman. Without such a release, the Ombudsman may not enter into the allegations.

For the duration of mediation efforts by the Ombudsman, the parties undertake neither to initiate any legal proceedings nor to inform any third parties about the conflict.

The Ombudsman services are free for all participants

### **4. Ombudsman Procedures**

After the initiation of recourse, the Ombudsman makes appropriate contact with the parties to the conflict, clarifies the issues and concerns raised and seeks to mediate an amicable solution.

The Ombudsman documents the process of clarification of facts, the course of the mediation and the reactions of the parties to the recommendations of the Ombudsman.

The ombudsman informs the parties in writing on completion of mediation. Six months after the completion of the Ombudsman proceedings, the documents will be destroyed.

Upon failure of mediation, the complainant may, within three months of notification of completion of the Ombudsman procedures, engage the Ethics Committee.

The Ombudsman is subject to confidentiality about statements regarding third parties but not in respect of statements regarding the involved parties themselves.

Unless otherwise stated above, the procedural principles and processes of the Ethics Committee Procedures apply, insofar as this make sense by suitable analogy.

## **5. Coming into Force**

This regulation comes into force after approval by the Board of the Training Sector and the Curatorium.

Küsnacht, 01. April 2015

## **B. CODE OF ETHICS**

### **1. Preamble**

As a Depth Psychology Institution, the C.G. Jung Institute Zürich, Küsnacht is concerned with a dialog with the unconscious. As members of the Institute, we are particularly conscious of the responsibilities involved in our roles as accredited members, trainers, students. We are committed to responsible relations with individuals, the community and the Institute in general.

In particular, we wish to offer our patients and students a safe, secure space in which the depth-psychological work can be done. In our work with symbolic content, we exercise the utmost care in the therapeutic relationship and are guided in our profession by the conditions laid down in the guidelines contained in the Code of Ethics.

### **2. Purpose of the Code of Ethics**

The Code of Ethics serves the following purposes:

- the protection of patients against unethical applications of psychotherapy by members of the C.G. Jung Institute engaged in therapeutic or training roles
- the protection of accredited members, trainers and students of the C.G. Jung Institute;
- as orientation for all Institute members;
- as basis for the clarification and handling of complaints through the Ombudsman and Ethics Committee.

### **3. Scope**

The Code of Ethics applies to all accredited members, trainers and students of the C.G Jung Institute in all their teaching and research functions, such as:

- in analytical and therapeutic work
- in the role of Training Analyst or Self-experience Therapist
- as Supervisor
- as Teacher, Examiner or member of other Committees of the Institute
- for students in their activities at the Institute

These codes of conduct do not exclude the applicability of the codes of conduct of other professional bodies by which members of the Institute may also be bound.

The Code of Ethics shall apply mutatis mutandis to all members of the Institute.

#### **4. Qualifications and Professional competence**

Accredited members, trainers and students commit themselves to constantly apply and critically reflect upon their professional competences so as to promote the health of the patient as well as the welfare of the other members of the Institute. They are called upon to respect personal integrity and avoid any abuse of their position, in particular those which constitute a therapeutic or training relationship.

Accredited members, trainers and students commit to only offer those services for which they have acquired an particular qualification and competence.

Accredited members, trainers and students agree not to exercise their activities while under the influence of alcohol or other drugs, or a mental or physical illness which could have an adverse effect on their activities.

When working with patients or students, the therapist or analyst agrees to cooperate with physicians, institutions, social work, therapists from other disciplines in order to offer the best possible support. This cooperation is modulo the provisions set forth in 6.c.1 unless the therapist or analyst has grounds to consider that the patient or student may be a danger to themselves or to other people.

Professional competence and professional ethical conduct requires continuous quality assurance, training and reflection on one's own therapeutic attitude by way of collegial assistance (i.e. through supervision, peer supervision, group discussions).

#### **5. Advertising**

Institute members abstain from intrusive or misleading advertising, in particular advertising through advertisement listings insofar as it goes beyond the customary practice of announcing practice openings, change of address or interruption or resumption of employment. Professional titles must be declared correctly on promotional materials and personal stationery.

Institute members may advertise their own courses or educational events that are external to the Institute.



## **6. Relationship to Patients and Students**

### **a. Orientation of Patients and Students**

Patients are free in their choice of therapists and students in their choice of trainers and determine the duration of therapy or cooperation.

The orientation of the patient (or their legal representative) or student should be factual, honest and reasonable. In particular, the following points should be covered:

- type of method, the setting, the training context
- the estimated duration of the analysis / psychotherapy, self-experience /, training analysis or supervision
- the fees, social security benefits (particularly health insurance) and charging structure for missed sessions
- confidentiality
- the governing Code of Professional Conduct, the Ethics Committee, the Ombudsman and the appeals procedure of the C.G Jung Institute

### **b. Responsibility of Documentation**

Trainers, accredited analysts or therapists and Diploma candidates are obliged, with respect to their casework, to document medical history, treatment indication, clinical overview and course of therapy. Patients have the right to inspect these documents in addition to any correspondence with health insurance companies, government agencies, etc. These rights to inspect apply also after completion of treatment.

The same applies to the provision of self-experience analysis and supervision for students.

All files must be retained for 10 years after the end of therapy, analysis, self-experience analysis or supervision. It is part of the standard tasks of practice to ensure appropriate archiving.

### **c. Confidentiality**

All members of the Institute are obliged to respect confidentiality about knowledge they acquire in the exercise of their profession. Confidentiality endures beyond the death of patients or students. Information communicated to third parties is allowed only to the extent to which the patient or student agrees.

The following are especially to be noted:

- in regard to written information to authorities or courts, the report should be discussed with the patient or student.
- Patients must be informed and their consent obtained when information must be given to insurance medical officers (in particular health insurance), school boards, etc.

- The use of material from a psychotherapeutic, analytical or self-experience process for education, publications and research purposes without the consent of the patients or students is allowed only if no conclusions as to the identity of the person concerned can be drawn and no disadvantages thereby experienced.
- Analytical materials such as images, dreams, etc. require, for publication purposes or public lectures, the consent of the patient or student.
- Trainers, students and accredited members undertake to ensure that in case of illness, accident or death, suitable arrangements are in place to protect and secure patient or student materials.

In all cases, the trainers, students and analysts are required to exercise the highest level of care in the protection of patients/students in order to safeguard confidentiality.

However, trainers and supervisors are required to notify serious concerns about the suitability of a student as a psychoanalyst or psychotherapist to the selection committee responsible.

#### d. Professional Confidentiality

If accredited members, trainers or students are asked by a public authority or a court to provide information about therapy, a self-experience process or supervision or are called as witness, without being able to rely respectively on a right to refuse to give evidence or confidentiality and without consent from the person concerned, they are obliged to submit the case to the Ethics Committee.

Support in legal matters is afforded when members of the Institute are asked by authorities or courts to provide information about therapy, self-experience or supervision, whether in oral or written form as respondent, witness or expert, without the consent of the person concerned.

Accredited members, trainers and students may not, without a release from professional confidentiality, make any report unless authorized by public health authority or, when this is not possible, by the Ethics Committee. The authorization must set forward appropriate reasons.

#### e. Fees

The fee is, if possible, to be agreed with the patient or student in the initial interview and in any event before the start of the analysis, therapy, self-experience or supervision. Initial interviews are usually chargeable.

A rule for the handling of missed sessions should be established.

Phone calls and video sessions of analytical-therapeutic character will be charged depending on time spent.

No appeals about fees are permitted. The offering or acceptance of compensation or commission for the referral of patients or students is not allowed.

#### f. Protection of Patients and Students

Accredited members, trainers and students may not abuse dependency resulting from the therapeutic relationship or transference dynamics.

Abuse is indicated when accredited members, trainers and students fail to accord with their role and responsibilities towards patients/students, especially in the satisfaction of personal interests, e.g. narcissistic, sexual, economic or social interests.

The consent of the patient themselves does not relieve responsibility. The responsibility lies solely with the accredited member, trainer or student.

Held for unethical are, for example:

- Any harm to the patient or student through infringement of intellectual, physical or sexual integrity due to improper therapeutic management
- manipulation and indoctrination in ideological religious matters
- Professional activity detrimental to the person concerned, for example, ignoring documentation requirements, excessive fees, etc .
- the application of methods and provision of services for which there is no qualification
- Omission of the involvement of necessary experts, for example by omission of Intervention or Supervision in difficult cases etc.
- violation of the confidentiality

Special care must be taken when mixing roles in which the analytic function and position is compromised. This is especially true in the area of training, where the structural relationships of dependence between students and teachers/examiners must be reflected upon and may not be abused.

Important to note is that in respect of the self-experience processes students also have responsibility for the success of the analytic process and for the adherence to ethical rules.

Accredited members, trainers and students have the right to terminate the therapy, self-awareness process or supervision if they themselves reach their own limits of ability and they have a duty to terminate when it appears that in all probability the patient or student no longer benefits. In such cases, it is part of the duty of care to refer the person to other qualified professionals if necessary.

After completion of treatment, self-experience process or supervision, ethical obligations are still to be considered in accordance with ethical and human discretion, at least until the transference dynamics are deemed to have been resolved.

## **7. Collegiality and Loyalty**

Accredited members, trainers and students undertake to maintain among themselves and in their dealings with other professionals, collegial behavior and work together for the benefit of patients and students. They shall, in relation to these and other colleagues as well as to patients and students, refrain from derogatory remarks about other members of the Institute.

Solicitation of patients or students and their exploitation in conflict situations is unprofessional. Patients or students seen temporarily in the absence of a colleague are to be referred back on their return.

The Institute members are obliged to exhibit loyal behavior towards the C.G. Jung Institute.

## **8. Breaches of Professional Ethics**

The Ethics Committee of the C.G. Jung Institute is obliged to uphold the Code of Ethics and to lead the implementation of due process when breaches of the Code become known.

The first point of contact in cases of conflict and grievance is the Ombudsman of the C.G. Jung Institute, Zürich.

The responsibilities and tasks of the Ombudsman are detailed in the Ombudsman Regulations.

If an issue cannot be settled amicably by the Ombudsman, the Ethics Committee of the C.G. Jung Institute Zürich will be involved.

Procedures, processes and competences of the Ethics Committee are governed by the Ethics Committee Procedures of the C.G. Jung Institute Zürich.

Entitled to make a report are all persons who believe that a violation of the Code of Ethics has been made, especially patients of Institute members and other members of the Institute.

## **9. Coming into force**

This Code of Ethics comes into force after approval by the Board of the Training Sector and the Curatorium.

Küsnacht, 1. April 2015

## **C. ETHICS COMMITTEE PROCEDURES**

### **1. Composition of the Ethics Committee**

The Assembly elects two permanent Chairpersons for the Ethics Committee. For cases arising before the Ethics Committee, an ad hoc committee of three people will be constituted. Hereafter, by “Ethics Committee” we refer to the constituted ad hoc committee constituted for a particular case plus the two permanent Chairpersons. References to only the two permanent Chairpersons will be made explicit.

The two permanent Chairpersons decide which of them is responsible for a given case. In a timely manner, they then appoint two other impartial members (see 11.1) to the Ethics Committee, who act as assessors.

It is also possible that people outside of the Institute, for example qualified professionals, may be appointed as assessors.

### **2. Responsibilities of the Ethics Committee**

The Ethics Committee is responsible for reviewing compliance with the Ethics Code of the CG Jung Institute.

The Chairpersons of the Ethics Committee are responsible for the release from confidentiality requirements without patient consent if there is a need for authorities to be informed in order to safeguard overriding public or private interest. In the case where there is a state process for the release from confidentiality requirements, this should be initiated. Such assessments must be made in as timely a manner as possible.

### **3. Jurisdiction of the Ethics Committee**

The Ethics Committee is responsible for incidents which have not expired due to time limitations. Violations of the Code of Ethics shall expire as such in therapy, self-experience process, training analysis or supervision ten years after completion of therapy or self-experience process and in other cases after five years. This time limitation is measured from the filing of a complaint with the Ombudsman of the C.G. Jung Institute.

### **4. Confidentiality**

The members of the Ethics Committee are obliged to respect the confidentiality of all information that becomes known to them in the exercise of their duties.

This clause is subject to statutory and regulatory exceptions (Ethics Code and Procedures).

## **5. Organization of the Ethics Committee**

The Ethics Committee organizes itself based on procedures so that during proceedings, the Committee as a body or the Chairpersons in particular are aware of their assigned duties.

### **a. The Responsible Chairpersons**

The Chairpersons are the first point of contact. From the Chairpersons, the reporting party is informed which of the Chairpersons will be responsible for the case and henceforth the sole contact person. The responsible Chairperson checks whether all formal requirements for an investigation of the report are available.

The responsible Chairperson is responsible for the treatment of complaints of bias against individual members of the Ethics Committee. Challenges on the basis of bias are covered by 11.2 below.

The responsible Chairperson is responsible for procedural management and in particular the attention to deadlines.

The responsible Chairperson is responsible for the keeping of records and the management of the procedural minutes.

The Responsible Chairperson takes part in all procedural formalities.

### **b. Records Management**

All conversations, deadlines and everything essential for the procedures are to be recorded in chronological order in a dossier. Files are generally stored after receipt in chronological order.

For each report, a separate file is to be created.

## **6. Participation and Compliance Obligation of Reported Institute Members**

A reported Institute member is required to address the proceedings initiated against them and to participate cooperatively. In particular, they are obliged to comply with professional confidentiality and to maintain the confidentiality of the proceedings.

The reported Institute member must appear in person at a hearing to answer any questions. On request, or if special circumstances justify it, the Institute member may be accompanied at the hearing. Lawyers or legal representatives may not constitute the accompanying party.

Refusal of a reported Institute member to participate in the proceedings, or refusal to comply with a decision shall, allowing a reasonable time period for compliance, be dealt with in writing under threat of expulsion from the Institute.

After the expiry of a compliance deadline, the responsible sub-committee of the Ethics Committee may decide on expulsion from the Institute. A possible decision is to impose a waiting period before re-acceptance.

In situations where reported Institute members refuse to participate in the procedures of the Ethics Committee, or attempt to avoid participation by leaving the Institute, the case can be decided based on the files alone. The responsible sub-committee can still impose restrictions or sanctions and give notice to any third party according section 14.b.3. Regardless, processing costs may be imposed on the reported Institute member. The Institute has the right to inform the members of the Institute in respect of such procedural behavior and of any penalties.

## **7. Involvement of External Experts**

The Ethics Committee or its responsible sub-committee may, after consultation with the Chairpersons, at any stage of the process, consult an appropriate third party (for example professional experts or legal experts).

## **8. Principles of Ethics Proceedings**

Ethics proceedings are carried out according to the principles of a fair trial. In particular, the right to be heard and the rights of parties to have their privacy respected. The process is expedited and is not public.

The Ethics Committee examines the facts through hearings involving the reporting party, hearings involving the reported member and by a review of therapy documentation. Exceptionally, other people may be invited or relevant documents consulted. If necessary, reports may be commissioned by professional experts.

The facts of the case must be shown to be credible. The Ethics Committee is entitled to freely assess statements and documents.

The reporter is not party to the proceedings. The reporter is entitled to a formal response and is offered a concluding interview to explain the decision.

Institute members, against whom a report has been made and who occupy Institute positions, excuse themselves from these positions during the Ethics proceedings and during any following judicial proceedings.

## **9. Reporting**

Reports are written and submitted in duplicate to the Chairpersons of the Ethics Committee.

The proceedings will be conducted in either English or German. For reports submitted in other languages, a translator will be consulted.

The report must list the following:

- the reporting person(s) (with standard personal details)
- the reported upon Institute member (with address)
- the description of the incident leading to the report
- the date on which the incident leading to the report took place

The Secretary of the Institute is required to forward unopened, letters for the attention of the Ethics Committee to the two elected Chairpersons of the Ethics Committee.

After receiving a report, the responsible Chairperson notifies the reporter regarding the necessity of a prior appeal to the Ombudsman. During the Ombudsman process, the Ethics Committee process shall be suspended. The Ombudsman shall notify the Ethics Committee when - and with what result - their mediation process has been completed. If the report is then not taken up further within three months, the Ethics Committee closes the case.

The Chairperson informs the reporter in each case about the principles and sequence of events and provides to them the Code of Ethics and Ethics Committee Procedures documents and at the initiation of the process, the Confidentiality Release Form. If need be, the Chairperson also requests authorization to inspect the patient documentation of the reported member.

## **10. Decision Process**

### **a. Review of Formal Requirements**

The Ethics Committee reviews the confirmation of the Ombudsman that the required preliminary process has been completed.

The Ethics Committee shall begin with the process only when the reporter has released, for the furtherance of the Ethics process, the reported Institute member from confidentiality requirements to the competent organs of the Institute and any consulted experts and, where appropriate given their authorization to inspect the patient documentation. This confidentiality release and authorization to inspect the patient documentation also includes any subsequent judicial proceedings.

The Chairperson reviews within 3 months whether the formal conditions for the initiating of proceedings are met (Institute membership, Institute membership at the time of the incident, confidentiality releases,



confirmation of previously completed Ombudsman procedure). The Chairperson reviews any potential limitations of applicability on the basis of the information in the report.

#### b. Review of Substantive Contents

When the formal conditions are met, the Chairperson reviews, in consultation with the other Ethics Committee members, whether to initiate the ethics proceedings.

If the assessed report refers to violations of the Code of Ethics which occurred abroad and having only a minimal domestic component e.g, the parties concerned were wholly or partially living abroad when the reported issue or the following consequences occurred, then the report will not be cause for initiation of The Ethics Procedures (forum non convenient). In this case, the report will be forwarded to the IAAP in order to assess possible actions.

In case of non-initiation of proceedings, the reporter is informed by written statement the grounds thereof. With insufficient domestically situated components of the report, the reporter is referred to the international association (IAAP).

Upon acceptance of the report, the following take place: If the reported Institute member holds an Institutional position, the Chair of the Ethics Committee informs the Board of the Training Sector and the President of the Curatorium regarding the opening of proceedings, naming the reported Institute member. The President notifies the reported Institute member that their Institutional position shall be vacated for the duration of the ethics proceedings.

Even in the event of the withdrawal of a report, in serious cases the case against an Institute member may be initiated or continued. Sanctions may also, if applicable, be imposed.

### **11. Impartiality**

If a member of the Ethics Committee is not impartial with respect to a case, he/she must recuse them self. Impartiality is considered to be compromised when any of the following relations or conditions hold in respect of the Committee member and the reporting or reported party: relation by marriage; connection of friendship, enmity, dependency or mandate; therapeutic, analytic or supervisory relationship; other circumstance which renders the impartiality of the Committee member apparently compromised.

Objections to impartiality are to be promptly, at the latest within 10 days of becoming aware of the grounds of the objection, to be addressed to the Chairman of the Ethics Committee. If the objection is not upheld, an

appeal may be filed within 10 days which will be referred to external experts. Objections to impartiality directed at the entire Ethics Committee are to be decided exclusively by an external expert who makes a binding, equitable decision.

In any proceedings before external experts, the Provisions of the Treaty on Arbitration of 27 March 1969, will be applied. The cost of proceedings regarding impartiality objections will be assigned to the Institute member in case of rejection of complaint.

## **12. Initiation of Proceedings**

Having concluded its consideration of the preconditions, the relevant Chairperson opens the proceedings.

## **13. Course of Proceedings**

### **a. Information for the Reported Institute Member**

The reported Institute member receives along with the notification of opening of proceedings, the following:

- a copy of the report with accompanying materials
- a copy of the release of confidentiality for the reporting party
- the Code of Ethics
- the Ethics Committee Procedures

The reported Institute member has a 20-day deadline for written comments. Along with the comments, the reported member submits therapy/self-experience process documentation any other relevant information.

The deadline for the submission of written comments and other documents may be extended twice for 20 days at the request of the reported Institute member to the responsible sub-committee of the Ethics Committee.

### **b. Protocol**

After receiving the comments of the reported Institute member, oral hearings are performed. These are recorded on recording equipment and summarized.

The summary protocol is delivered in the case of a hearing of the reporter to the reporter and in the case of a hearing of the reported Institute member to the reported Institute member. The summary protocol must be signed and returned within 10 days.

Additions and amendments to the protocol may be inserted, provided they are not contrary to the aural recording and/or do not go beyond what is contained in the aural recording. In case of doubt, the contents of the aural recording are authoritative.

The aural recordings are intended solely for the members of the Ethics Committee and will not be published.

c. Oral Hearings

Firstly, an oral hearing of the reporter is carried out in order ascertain the reported facts. The reporter is entitled to be accompanied by a trusted person with the exception that the trusted person may not be a lawyer or legal representative.

If special circumstances justify it, the hearing of the reporter may be waived. In this case, it should be noted in the files, stating the reasons.

After the hearing of the reporter, the reporter signs the hearing summary protocol and this is delivered within 20 days to the reported Institute member along with an invitation for their hearing.

A reported Institute member may not be represented by proxy at the hearing. They must appear in person and answer the questions themselves. On request, or if special circumstances justify, they may be accompanied at the hearing with the exception that the accompanying party may not be a lawyer or legal representative.

At the hearing of a reported Institute member, they are asked, and on their side are presented with the opportunity, to present their position and to address any supplementary questions to the reporter.

Further hearings of the reporter or the reported Institute member may be instituted in order to provide further clarification. Third parties are not normally interviewed. If necessary, further evidence or an expert report can be consulted.

If agreed to by the reporter and the reported Institute member, both parties may be invited together for a meeting. Where appropriate, recommendations for civil settlements of the case may be submitted.

d. Inception of Files and Final Opinion of Reported Institute Member

The reported Institute member is sent the full and current files under a 20-day deadline for a final opinion. This period may be extended only once for a further 20 days.

e. Judgement of the Ethics Committee

The Ethics Committee members freely assess the statements and documents with particular emphasis on therapeutic activity.

Contradictory or disputed statements are checked as to their credibility.

The responsible Chairperson presents a written proposal to the members of the Ethics Committee for approval.

**14. Requirements and Sanctions**

a. Principles

So far as the facts of an Ethics violation are credibly demonstrated, the Ethics Committee decides about necessary requirements and/or sanctions in compliance with the proportionality principle. The severity of the offense and the culpability of the reported Institute member are assessed.

Repeated or prolonged violations of the Code of Ethics aggravate the offense.

The willingness to make good pecuniary and non-pecuniary damage and to avoid repetition through appropriate measures will be assessed in mitigation.

Requirements and/or sanctions may be imposed. Requirements and sanctions may be cumulative.

Any fines will be paid into the Institute accounts.

b. Requirements and Sanctions

The Ethics Committee may impose the following requirements or sanctions

Skill Enhancements and other Requirements

- Requirements concerning continuing education and training
- Supervision (the period and frequency of the supervision to be approved by the Ethics Committee)
- Individual Therapy or medical/psychological examination approved by the Ethics Committee
- Disclosure of bills etc.
- Written apology

Sanctions

- Reprimand;
- Suspension of training activities, accreditation or training status'

- Expulsion from the Institute with embargo period before a possible resumption
- Permanent expulsion from the Institute

A deadline regarding the fulfilment of these requirements and/or sanctions shall be specified. If the reported Institute member does not comply within the specified period, further sanctions may be imposed.

After 30 days, notification of sanctions imposed on the reported Institute member will be communicated to the following Institutions or organizations, as long as during the above mentioned notice period, no court asserted jurisdiction over the case:

- to all board members of professional associations of which the sanctioned Institute member is a member
- in case of serious errors in therapeutic treatment, lack of insight and failure to co-operate, the sanctions can be brought to the attention of the boards of professional associations, the Health Department, the Federal Office of Public Health and Santé Suisse and/or insurance companies in order to protect patients from further abuse.

Notification of the decision of the Ethics Committee to the board members of professional associations to which the sanctioned member belongs is possible at the discretion of the Ethics Committee.

A notification to board members of professional associations of the decisions of the Ethics Committee made under item 14.b.3 is usually accompanied by an explanation of the decision.

## **15. Calculation of Costs**

Institute members faced with competence promoting requirements or sanctions must undertake themselves the associated procedural costs.

Where proceedings are suspended or no violation of the Code of Ethics is found, no procedural costs may be imposed on the reported Institute member.

Exceptions to this are cases where the Institute member refuses to participate in the proceedings or who have resigned from the Institute during Ethics proceedings (see 6.3)

The effort expended and expenses incurred by the reported Institute member are not compensated, irrespective of the outcome of the proceedings

## **16. Reasoned Decision**

The reasons for decision usually include:

- a summary of the procedure
- a summary of the credibly established facts with special attention to violations of ethical principles and basic therapeutic rules
- optionally an interpretation of the Ethical Codes violated by the credibly established facts
- the requirements and/or sanctions, possibly with details of the imposed measures and the time period specified for compliance
- the reasons for any application of proportionality or appropriateness in the imposition of requirements or sanctions
- a summary of the costs of the proceedings,
- a statement regarding to the overriding interests which justify information exchange with external authorities or third parties

The dispositive decision of the finding of an Ethical violation includes the following parts:

- the Ethics rule(s) violated
- the requirements and/or sanctions, possibly with details of the imposed measures and the time period specified for compliance
- the calculation of costs
- the notification that failing a court appeal within 30 days of delivery of the decision, sanctions will be, pursuant to section 14.b.3, carried out
- information regarding standard available legal recourse

## **17. Notification of Decision**

The reported Institute member receives the decision and reasons for decision in writing and the reporter receives the dispositive decision.

Notification of sanctions will be, pursuant to the conditions of 14.b.3, made to the there mentioned bodies.

## **18. Enforcement of Requirement and Sanction Decisions**

The Chairperson of the Ethics Committee is responsible for monitoring compliance with the decision.

If an Institute member refuses compliance with the decision, the member is, in writing, put under threat of exclusion from the Institute should compliance not ensue by a reasonable and stated deadline.

In the case of non-compliance by a deadline, the Ethics Committee decides upon expulsion from the Institute. The Ethics Committee may decide upon a waiting period before a possible resumption of inclusion.

Legally recognized fines and costs unaddressed after reminder are passed to the debt collection agency.

## **19. Archiving of Files and Access to Files**

After completion of the proceedings, files will be archived by the Chairperson of the Ethics Committee. Completed cases are recorded in a directory. This contains the names of those involved, the decision data and a note regarding the conclusion of the reported case.

Ten years after the completion of the proceedings, the files will be destroyed and the entry removed from the directory.

Inspection of the files is not possible for third parties. Mandatory data protection laws remain in force.

If within ten years of conclusion of proceedings against an Institute member further proceedings are opened, the responsible Chairperson of the Ethics Committee may access and review the archived case files.

The responsibility for the storage and destruction of files and management of the archives is the responsibility of the Chairpersons of the Ethics Committee.

## **20. Procedural Costs**

The members of the Ethics Committee are adequately compensated (currently, CHF 25.00 per quarter hour)

Petty expenses (photocopying postage, telephone etc.) of Committee members and fees for the involvement of legal and other professionals qualify as procedural costs.

If a sanctioned Institute member withdraws from the proceedings by resignation from the Institute, they incur all case specific costs according to 20.1 and 20.2.

Expenses are to be reported.

## **21. Transitional Regulations**

These regulations are applicable, on coming into force, to all currently open proceedings.

## **22. Coming into Force**

This Procedural regulation comes into force after approval by the Board of the Training Sector and the Curatorium. Küssnacht 1. April 2015

## **D. RIGHT OF APPEAL**

### **1. Permissibility of the appeal**

Appeals against decisions by the Admission Committee and against formal errors in examinations are possible. Permissibility of the appeal according to Art 44 PsyG (Swiss law for psychology professions) against:

- The Admission Committee and the Director of Studies regarding the admittance to the study and the issue of training titles
- The Director of Studies regarding the eligibility of educational services and training periods
- The main-examiner regarding the decision of passing examinations.

An appeal against the grading of exams cannot be submitted.

It is recommended that a discussion be sought with the Director of Studies before an appeal is submitted.

### **2. Appeals Committee**

The Assembly of the Accredited elects two permanent chairmen for the Appeals Committee.

The two chairmen decide who is responsible for the respective appeal. Together they determine two other independent members as assessors.

The responsible chairman and the two assessors form the ad hoc Appeals Committee for the appeal case in question.

The members of the Appeals Committee have the necessary knowledge to assess the complaints. The appeals committee is entitled to retain external consultants and appraisers.

Members of the Appeals Committee are not involved in the management or lead of the Institute and are not related among themselves. There must also not exist or have existed a compulsory or dependent relationship, a therapeutic, analytical or supervision relationship or any other circumstances giving rise to a bias.

Their names will be announced.

Appellants can claim personal reasons of bias for members of the Appeals Committee.

### **3. Appeal Procedure**

The appeal is to be submitted to the appeal committee within 20 days when the contested decision was disclosed. The appeal requests are to be stated and justified in the appeal document.



The Appeals Committee asks the lower instance (Director of Studies, Admission Committee, main-examiner) to hand out the available documents and to write a statement in regard to the appeal. The latter is forwarded to the appellant.

The appeal process is usually done in writing. The Chairman or the Appeals Committee can arrange an oral hearing if prospect of an agreement exists.

The Appeals Committee shall decide the appeal in an oral consultation.

All parties are obliged to support an efficient procedure, in order that the written procedure can be done within 4 weeks.

The decision is given in writing to all parties. It includes further instructions on the right to appeal. According to Art.44 of the PsyG (swiss law of psychology professions) an appeal can be forwarded to the Federal Administrative Court.

Generally, no further correspondence will be conducted.

Incidentally, the proceeding is governed by the general provisions of the swiss federal justice.

#### **4. Costs and Fees**

If the appellant loses, he has to pay a fee reasonable to the cost of the procedure.

No party compensations will be awarded.

The chairman and the assessors are adequately compensated for their services in an appeal procedure.

#### **5. Coming into Force**

This Right of Appeal comes into force after approval by the Board of the Training Sector and the Curatorium.

Küsnacht 01. April 2015

