



American Counseling Association Ethical Standards

(As Revised by Governing Council, March, 1988)

PREAMBLE

The Association is an educational, scientific, and professional organization whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual and thus to the service of society.

The Association recognizes that the role definitions and work settings of its members include a wide variety of academic disciplines, levels of academic preparation, and agency services. This diversity reflects the breadth of the Association's interest and influence. It also poses challenging complexities in efforts to set standards for the performance of members, desired requisite preparation or practice, and supporting social, legal, and ethical controls.

The specification of ethical standards enables the Association to clarify to present and future members and to those served by members the nature of ethical responsibilities held in common by its members.

The existence of such standards serves to stimulate greater concern by members for their own professional functioning and for the conduct of fellow professionals such as counselors, guidance and student personnel workers, and others in the helping professions. As the ethical code of the Association, this document establishes principles that define the ethical behavior of Association members. Additional ethical guidelines developed by the Association's Divisions for their specialty areas may further define a member's ethical behavior.

Section A: General

1. The member influences the development of the profession by continuous efforts to improve professional practices, teaching, services, and research. Professional growth is continuous throughout the member's career and is exemplified by the development of a philosophy that explains why and how a member functions in the helping relationship. Members must gather data on their effectiveness and be guided by the findings. Members recognize the need for continuing education to ensure competent service.

2. The member has a responsibility both to the individual who is served and to the institu-

tion within which the service is performed to maintain high standards of professional conduct. The member strives to maintain the highest levels of professional services offered to the individuals to be served. The member also strives to assist the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the member is in agreement with the general policies and principles of the institution. Therefore the professional activities of the member are also in accord with the objectives of the institution. If, despite concerted efforts, the member cannot reach agreement with the employer as to acceptable standards of conduct that allow for changes in institutional policy conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

3. Ethical behavior among professional associates, both members and nonmembers, must be expected at all times. When information is possessed that raises doubt as to the ethical behavior of professional colleagues, whether Association members or not, the member must take action to attempt to rectify such a condition. Such action shall use the institution's channels first and then use procedures established by the Association.

4. The member neither claims nor implies professional qualifications exceeding those possessed and is responsible for correcting any misrepresentations of these qualifications by others.

5. In established fees for professional counseling services, members must consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, assistance must be provided in finding comparable services of acceptable cost.

6. When members provide information to the public or to subordinates, peers, or supervisors, they have a responsibility to ensure that the content is general, unidentified client information that is accurate, unbiased, and consists of objective, factual data.

7. Members recognize their boundaries of competence and provide only those services and use only those techniques for which they are qualified by training or experience. Members should only accept those positions for which they are professionally qualified.

8. In the counseling relationship, the counselor is aware of the intimacy of the relationship

and maintains respect for the client and avoids engaging in activities that seek to meet the counselor's personal needs at the expense of that client.

9. Members do not condone or engage in sexual harassment which is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature.

10. The member avoids bringing personal issues into the counseling relationship, especially if the potential for harm is present. Through awareness of the negative impact of both racial and sexual stereotyping and discrimination, the counselor guards the individual rights and personal dignity of the client in the counseling relationship.

11. Products or services provided by the member by means of classroom instruction, public lectures, demonstrations, written articles, radio or television programs, or other types of media must meet the criteria cited in these standards.

Section B: Counseling Relationships

This section refers to practices and procedures of individual and/or group counseling relationships.

The member must recognize the need for client freedom of choice. Under those circumstances where this is not possible, the member must apprise clients of restrictions that may limit their freedom of choice.

1. The member's primary obligation is to respect the integrity and promote the welfare of the client(s), whether the client(s) is (are) assisted individually or in a group relationship. In a group setting, the member is also responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

2. Members make provisions for maintaining confidentiality in the storage and disposal of records and follow an established record retention and disposition policy. The counseling relationship and information resulting therefrom must be kept confidential, consistent with the obligations of the member as a professional person. In a group counseling setting, the counselor must set a norm of confidentiality regard-

ing all group participants' disclosures.

3. If an individual is already in a counseling relationship with another professional person, the member does not enter into a counseling relationship without first contacting and receiving the approval of that other professional. If the member discovers that the client is in another counseling relationship after the counseling relationship begins, the member must gain the consent of the other professional or terminate the relationship, unless the client elects to terminate the other relationship.

4. When the client's condition indicates that there is clear and imminent danger to the client or others, the member must take reasonable personal action or inform responsible authorities. Consultation with other professionals must be used where possible. The assumption of responsibility for the client's(s') behavior must be taken only after careful deliberation. The client must be involved in the resumption of responsibility as quickly as possible.

5. Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, electronic data storage, and other documents are to be considered professional information for use in counseling, and they should not be considered a part of the records of the institution or agency in which the counselor is employed unless specified by state statute or regulation. Revelation to others of counseling material must occur only upon the expressed consent of the client.

6. In view of the extensive data storage and processing capacities of the computer, the member must ensure that data maintained on a computer is: (a) limited to information that is appropriate and necessary for the services being provided; (b) destroyed after it is determined that the information is no longer of any value in providing services; and (c) restricted in terms of access to appropriate staff members involved in the provision of services by using the best computer security methods available.

7. Use of data derived from a counseling relationship for purposes of counselor training or research shall be confined to content that can be disguised to ensure full protection of the identity of the subject client.

8. The member must inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the counseling relationship is entered. When working with minors or persons who are unable to give consent, the member protects these clients' best interests.

9. In view of common misconceptions related to the perceived inherent validity of computer-generated data and narrative reports, the member must ensure that the client is provided with information as part of the counseling relationship that adequately explains the limitations of computer technology.

10. The member must screen prospective group participants, especially when the emphasis is on self-understanding and growth through self-disclosure. The member must maintain an awareness of the group participants' compatibility throughout the life of the group.

11. The member may choose to consult with any other professionally competent person about a client. In choosing a consultant, the member must avoid placing the consultant in a conflict of interest situation that would preclude the consultant's being a proper party to the member's efforts to help the client.

12. If the member determines an inability to be of professional assistance to the client, the member must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the member must suggest appropriate alternatives. (The member must be knowledgeable about referral resources so that a satisfactory referral can be initiated.) In the event the client declines the suggested referral, the member is not obligated to continue the relationship.

13. When the member has other relationships, particularly of an administrative, supervisory, and/or evaluative nature with an individual seeking counseling services, the member must not serve as the counselor but should refer the individual to another professional. Only in instances where such an alternative is unavailable and where the individual's situation warrants counseling intervention should the member enter into and/or maintain a counseling relationship. Dual relationships with clients that might impair the member's objectivity and professional judgement (e.g., as with close friends or relatives), must be avoided and/or the counseling relationship terminated through referral to another competent professional.

14. The member will avoid any type of sexual intimacies with clients. Sexual relationships with clients are unethical.

15. All experimental methods of treatment must be clearly indicated to prospective recipients, and safety precautions are to be adhered to by the member.

16. When computer applications are used as a component of counseling services, the member must ensure that: (a) the client is intellectually, emotionally, and physically capable of using the computer application; (b) the computer application is appropriate for the needs of the client; (c) the client understands the purpose and operation of the computer application; and (d) a followup of client use of a computer application is provided to both correct possible problems (misconceptions or inappropriate use) and assess subsequent needs.

17. When the member is engaged in short-term group treatment/training programs (e.g.,

marathons and other encounter-type or growth groups), the member ensures that there is professional assistance available during and following the group experience.

18. Should the member be engaged in a work setting that calls for any variation from the above statements, the member is obligated to consult with other professionals whenever possible to consider justifiable alternatives.

19. The member must ensure that members of various ethnic, racial, religious, disability, and socioeconomic groups have equal access to computer applications used to support counseling services and that the content of available computer applications does not discriminate against the groups described above.

20. When computer applications are developed by the member for use by the general public as self-help/stand-alone computer software the member must ensure that: (a) self-help computer applications are designed from the beginning to function in a stand-alone manner, as opposed to modifying software that was originally designed to require support from a counselor; (b) self-help computer applications will include within the program statements regarding intended user outcomes, suggestions for using the software, a description of the conditions under which self-help computer applications might not be appropriate, and a description of when and how counseling services might be beneficial; and (c) the manual for such applications will include the qualifications of the developer, the development process, validation data, and operating procedures.

Section C: Measurement & Evaluation

The primary purpose of educational and psychological testing is to provide descriptive measures that are objective and interpretable in either comparative or absolute terms. The member must recognize the need to interpret the statements that follow as applying to the whole range of appraisal techniques including test and nontest data. Test results constitute only one of a variety of pertinent sources of information for personnel, guidance, and counseling decisions.

1. The member must provide specific orientation or information to the examinee(s) prior to and following the test administration so that the results of testing may be placed in proper perspective with other relevant factors. In so doing, the member must recognize the effects of socioeconomic, ethnic, and cultural factors on test scores. It is the member's professional responsibility to use additional unvalidated information carefully in modifying interpretation of the test results.

2. In selecting tests for use in a given situation or with a particular client, the member must consider carefully the specific validity, reliability, and appropriateness of the test(s). General validity, reliability, and related issues may be questioned legally as well as ethically

when tests are used for vocational and educational selection, placement, or counseling.

3. When making any statements to the public about tests and testing, the member must give accurate information and avoid false claims or misconceptions. Special efforts are often required to avoid unwarranted connotations of such terms as IQ and grade equivalent scores.

4. Different tests demand different levels of competence for administration scoring and interpretation. Members must recognize the limits of their competence and perform only those functions for which they are prepared. In particular, members using computer-based test interpretations must be trained in the construct being measured and the specific instrument being used prior to using this type of computer application.

5. In situations where a computer is used for test administration and scoring, the member is responsible for ensuring that administration and scoring programs function properly to provide clients with accurate test results.

6. Tests must be administered under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions must be noted and the results designated as invalid or of questionable validity. Unsupervised or inadequately supervised test-taking, such as the use of tests through the mails, is considered unethical. On the other hand, the use of instruments that are so designed or standardized to be self-administered and self-scored, such as interest inventories, is to be encouraged.

7. The meaningfulness of test results used in personnel, guidance, and counseling functions generally depends on the examinee's unfamiliarity with the specific items on the test. Any prior coaching or dissemination of the test materials can invalidate test results. Therefore, test security is one of the professional obligations of the member. Conditions that produce most favorable test results must be made known to the examinee.

8. The purpose of testing and the explicit use of the results must be made known to the examinee prior to testing. The counselor must ensure that instrument limitations are not exceeded and that periodic review and/or retesting are made to prevent client stereotyping.

9. The examinee's welfare and explicit prior understanding must be the criteria for determining the recipients of the test results. The member must see that specific interpretation accompanies any release of individual or group test data. The interpretation of test data must be related to the examinee's particular concerns.

10. Members responsible for making decisions based on test results have an understanding of educational and psychological measurement, validation criteria, and test research.

11. The member must be cautious when interpreting the results of research instruments possessing insufficient technical data. The spe-

cific purposes for the use of such instruments must be stated explicitly to examinees.

12. The member must proceed with caution when attempting to evaluate and interpret the performance of minority group members or other persons who are not represented in the norm group on which the instrument was standardized.

13. When computer-based test interpretations are developed by the member to support the assessment process, the member must ensure that the validity of such interpretations is established prior to the commercial distribution of such a computer application.

14. The member recognizes that test results may become obsolete. The member will avoid and prevent the misuse of obsolete test results.

15. The member must guard against the appropriation, reproduction, or modification of published tests or parts thereof without acknowledgment and permission from the previous publisher.

16. Regarding the preparation, publication, and distribution of tests, reference should be made to:

- a. "Standards for Educational and Psychological Testing," revised edition, 1985, published by the American Psychological Association on behalf of itself, the American Educational Research Association and the National Council of Measurement in Education.
- b. "The Responsible Use of Tests: A Position Paper of AMEG, APGA, and NCME," *Measurement and Evaluation in Guidance*, 1972, 5, 385-388.
- c. "Responsibilities of Users of Standardized Tests," APGA, *Guidepost*, October 5, 1978, pp. 5-8.

Section D: Research and Publication

1. Guidelines on research with human subjects should be adhered to, such as:

- a. *Ethical Principles in the Conduct of Research with Human Participants* Washington, D.C.: American Psychological Association, Inc., 1982.
- b. Code of Federal Regulation, Title 45, Subtitle A, Part 46, as currently issued.
- c. *Ethical Principles of Psychologists*, American Psychological Association, Principle #9: Research with Human Participants.
- d. Family Educational Rights and Privacy Act (the Buckley Amendment).
- e. Current federal regulations and various state rights privacy acts.

2. In planning any research activity dealing with human subjects, the member must be aware of and responsive to all pertinent ethical principles and ensure that the research problem,

design, and execution are in full compliance with them.

3. Responsibility for ethical research practice lies with the principal researcher while others involved in the research activities share ethical obligation and full responsibility for their own actions.

4. In research with human subjects, researchers are responsible for the subjects' welfare throughout the experiment, and they must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

5. All research subjects must be informed of the purpose of the study except when withholding information or providing misinformation to them is essential to the investigation. In such research the member must be responsible for corrective action as soon as possible following completion of the research.

6. Participation in research must be voluntary. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation.

7. When reporting research results, explicit mention must be made of all variables and conditions known to the investigator that might affect the outcome of the investigation or the interpretation of the data.

8. The member must be responsible for conducting and reporting investigations in a manner that minimizes the possibility that results will be misleading.

9. The member has an obligation to make available sufficient original research data to qualified others who may wish to replicate the study.

10. When supplying data, aiding in the research of another person, reporting research results, or making original data available, due care must be taken to disguise the identity of the subjects in the absence of specific authorization from such subjects to do otherwise.

11. When conducting and reporting research, the member must be familiar with and give recognition to previous work on the topic, as well as to observe all copyright laws and follow the principles of giving full credit to all to whom credit is due.

12. The member must give due credit through joint authorship, acknowledgments, footnote statements, or other appropriate means to those who have contributed significantly to the research and/or publication, in accordance with such contributions.

13. The member must communicate to other members the results of any research judged to be of professional or scientific value. Results reflecting unfavorably on institutions, programs, services, or vested interests must not be withheld for such reasons.

14. If members agree to cooperate with another individual in research and/or publica-

tion, they incur an obligation to cooperate as promised in terms of punctuality of performance and with full regard to the completeness and accuracy of the information required.

15. Ethical practice requires that authors not submit the same manuscript or one essentially similar in content for simultaneous publication consideration by two or more journals. In addition, manuscripts published in whole or in substantial part in another journal or published work should not be submitted for publication without acknowledgment and permission from the previous publication.

Section E: Consulting

Consultation refers to a voluntary relationship between a professional helper and helping individual, group, or social unit in which the consultant is providing help to the client(s) in defining and solving a work-related problem or potential problem with a client or client system.

1. The member acting as consultant must have a high degree of self-awareness of his/her own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and/or organizational change and that the focus of the relationship be on the issues to be resolved and not on the person(s) presenting the problem.

2. There must be understanding and agreement between member and client for the problem definition, change of goals, and prediction of consequences of interventions selected.

3. The member must be reasonably certain that she/he or the organization represented has the necessary competencies and resources for giving the kind of help that is needed now or may be needed later and that appropriate referral resources are available to the consultant.

4. The consulting relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The member must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant.

5. When announcing consultant availability for services, the member conscientiously adheres to the Association's Ethical Standards.

6. The member must refuse a private fee or other remuneration for consultation with persons who are entitled to these services through the member's employing institution or agency. The policies of a particular agency may make explicit provisions for private practice with agency clients by members of its staff. In such instances, the clients must be apprised of other options open to them should they seek private counseling services.

Section F: Private Practice

1. The member should assist the profession by facilitating the availability of counseling services in private as well as public settings.

2. In advertising services as a private practitioner, the member must advertise the services in a manner that accurately informs the public of professional services, expertise and techniques of counseling available. A member who assumes an executive leadership role in the organization shall not permit his/her name to be used in professional notices during periods when he/she is not actively engaged in the private practice of counseling.

3. The member may list the following: highest relevant degree, type and level of certification and/or license, address, telephone number, office hours, type and/or description of services and other relevant information. Such information must not contain false, inaccurate, misleading, partial, out-of-context, or deceptive material or statements.

4. Members do not present their affiliation with any organization in such a way that would imply inaccurate sponsorship or certification by that organization.

5. Members may join in partnership/corporation with other members and/or other professionals provided that each member of the partnership or corporation makes clear the separate specialties by name in compliance with the regulations of the locality.

6. A member has an obligation to withdraw from a counseling relationship if it is believed that employment will result in violation of the Ethical Standards. If the mental or physical condition of the member renders it difficult to carry out an effective professional relationship or if the member is discharged by the client because the counseling relationship is no longer productive for the client, then the member is obligated to terminate the counseling relationship.

7. A member must adhere to the regulations for private practice of the locality where the services are offered.

8. It is unethical to use one's institutional affiliation to recruit clients for one's private practice.

before essential that the member and the institutional function in ways to: (a) make the institutional goals specific; and public; (b) make the member's contribution to institutional goals specific; and (c) foster mutual accountability for goal achievement.

To accomplish these objectives, it is recognized that the member and the employer must share responsibilities in the formulation and implementation of personnel policies.

1. Members must define and describe the parameters and levels of their professional competency.

2. Members must establish interpersonal relations and working agreements with supervisors and subordinates regarding counseling or clinical relationships, confidentiality, distinction between public and private material, maintenance and dissemination of recorded information, workload, and accountability. Working agreements in each instance must be specified and made known to those concerned.

3. Members must alert their employers to conditions that may be potentially disruptive or damaging.

4. Members must inform employers of conditions that may limit their effectiveness.

5. Members must submit regularly to professional review and evaluation.

6. Members must be responsible for inservice development of self and/or staff.

7. Members must inform their staff of goals and programs.

8. Members must provide personnel practices that guarantee and enhance the rights and welfare of each recipient of their service.

9. Members must select competent persons and assign responsibilities compatible with their skills and experiences.

10. The member, at the onset of a counseling relationship, will inform the client of the member's intended use of supervisors regarding the disclosure of information concerning this case. The member will clearly inform the client of the limits of confidentiality in the relationship.

11. Members, as either employers or employees, do not engage in or condone practices that are inhumane, illegal, or unjustifiable (such as considerations based on sex, handicap, age, race) in hiring, promotion, or training.

Section G: Personnel Administration

It is recognized that most members are employed in public or quasi-public institutions. The functioning of a member within an institution must contribute to the goals of the institution and vice versa if either is to accomplish their respective goals or objectives. It is there-

Section H: Preparation Standards

Members who are responsible for training others must be guided by the preparation standards of the Association and relevant Division(s). The member who functions in the capacity of trainer assumes unique ethical re-

sponsibilities that frequently go beyond that of the member who does not function in a training capacity. These ethical responsibilities are outlined as follows:

1. Members must orient students to program expectations, basic skills development, and employment prospects prior to admission to the program.

2. Members in charge of learning experiences must establish programs that integrate academic study and supervised practice.

3. Members must establish a program directed toward developing students' skills, knowledge, and self-understanding stated whenever possible in competency or performance terms.

4. Members must identify the levels of competencies of their students in compliance with relevant Division standards. These competencies must accommodate the paraprofessional as well as the professional.

5. Members, through continual student evaluation and appraisal, must be aware of the personal limitations of the learner that might impede future performance. The instructor must not only assist the learner in securing remedial assistance but also screen from the program those individuals who are unable to provide competent services.

6. Members must provide a program that includes training in research commensurate with levels of role functioning. Paraprofessional and technician-level personnel must be trained as consumers of research. In addition, personnel must learn how to evaluate their own and their program's effectiveness. Graduate training, especially at the doctoral level, would include preparation for original research by the member.

7. Members must make students aware of the ethical responsibilities and standards of the profession.

8. Preparatory programs must encourage students to value the ideals of service to individuals and to society. In this regard, direct financial remuneration or lack thereof must not be allowed to overshadow professional and humanitarian needs.

9. Members responsible for educational programs must be skilled as teachers and practitioners.

10. Members must present thoroughly varied theoretical positions so that students may make comparisons and have the opportunity to select a position.

11. Members must develop clear policies within their educational institutions regarding field placement and the roles of the student and the instructor in such placement.

12. Members must ensure that forms of learning focusing on self-understanding or

growth are voluntary, or if required as part of the educational program, are made known to prospective students prior to entering the program. When the educational program offers a growth experience with an emphasis on self-disclosure or other relatively intimate or personal involvement, the member must have no administrative, supervisory, or evaluating authority regarding the participant.

13. The member will at all times provide students with clear and equally acceptable alternatives for self-understanding or growth experiences. The member will assure students that they have a right to accept these alternatives without prejudice or penalty.

14. Members must conduct an educational program in keeping with the current relevant guidelines of the Association.

Policies and Procedures for Responding to Members' Requests for Interpretations of the Ethical Standards

EFFECTIVE JULY 1, 1994

Section A: Appropriate Requests

1. ACA members may request that the Committee issue formal interpretations of the ACA ethical standards for the purpose of guiding the member's own professional behavior.

2. Requests for interpretations will not be considered in the following situations:

a. The individual requesting the interpretation is not an ACA member, or

b. The request is intended to determine whether the behavior of another mental health professional is unethical. In the event an ACA member believes the behavior of another mental health professional is unethical, the ACA member should resolve the issue directly with the professional, if possible, and should file an ethical complaint if appropriate.

Section B: Procedures

1. Members must send written requests for interpretations to the Committee at ACA Headquarters.

2. Questions should be submitted in the following format: "Does (counselor behavior) violate Sections _____ or any other sections of the ACA Ethical Standards?" Questions should avoid unique details, be general in nature to the extent possible, and be brief.

3. The Committee staff liaison will revise the question, if necessary, and submit it to the Committee Co-Chair for approval.

4. The question will be sent to Committee members who will be asked to respond individually.

5. The Committee Co-Chair will develop a consensus interpretation on behalf of the Committee.

6. The consensus interpretation will be sent to members of the Committee for final approval.

7. The formal interpretation will be sent to the member who submitted the inquiry.

8. The question and the formal interpretation will be published in the ACA newsletter, but the identity of the member requesting the interpretation will not be disclosed.

Policies and Procedures for Processing Complaints of Ethical Violations

Revised by Governing Council April 1994
EFFECTIVE JULY 1, 1994

Section A: General

1. The American Counseling Association, hereafter referred to as the "Association" or "ACA," is dedicated to enhancing human development throughout the life span and promoting the counseling profession.

2. The Association, in furthering its objectives, administers the ethical standards that have been developed and approved by the ACA Governing Council.

3. The purpose of this document is to facilitate the work of the ACA Ethics Committee ("Committee") by specifying the procedures for processing cases of alleged violations of the ACA ethical standards, codifying options for sanctioning members, and stating appeals procedures. The intent of the Association is to monitor the professional conduct of its members to promote sound ethical practices. ACA does not, however, warrant the performance of any individual.

Section B: Ethics Committee Members

1. The Ethics Committee is a standing committee of the Association. The Committee consists of six (6) appointed members, including two (2) Co-Chairs whose terms overlap. Two members are appointed annually for three (3) year terms by the President-Elect; appointments are subject to confirmation by the ACA Governing Council. Any vacancy occurring on the Committee will be filled by the President in the same manner, and the person appointed shall serve the unexpired term of the member whose place he or she took. Committee members may be reappointed to not more than one (1) additional consecutive term.

2. One (1) of the Committee co-chairs is appointed annually by the President-Elect from among the Committee members who have two (2) years of service remaining and serves as co-chair for two (2) years, subject to confirmation by the ACA Governing Council.

Section C: Role and Function

1. The Ethics Committee is responsible for:

a. Educating the membership as to the Association's ethical standards;

b. Periodically reviewing and recommending changes in the ethical standards of the Association as well as the *Policies and Procedures for Processing Complaints of Ethical Violations*;

c. Receiving and processing complaints of alleged violations of the ethical standards of the Association; and,

d. Receiving and processing questions.

2. The Committee shall meet in person or by telephone conference a minimum of three (3) times per year for processing complaints.

3. In processing complaints about alleged ethical misconduct, the Committee will compile an objective, factual account of the dispute in question and make the best possible recommendation for the resolution of the case. The Committee, in taking any action, shall do so only for cause, shall only take the degree of disciplinary action that is reasonable, shall utilize these procedures with objectivity and fairness, and in general shall act only to further the interests and objectives of the Association and its membership.

4. Of the six (6) voting members of the Committee, a vote of four (4) is necessary to conduct business. In the event a Co-Chair or any other member of the Committee has a personal interest in the case, he or she shall withdraw from reviewing the case.

5. In the event Committee members recuse themselves from a complaint and insufficient voting members are available to conduct business, the President shall appoint former ACA Committee members to decide the complaint.

Section D: Responsibilities of the Committee Members

1. The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee's activities, and to follow procedures established to protect the rights of all individuals involved.

Section E: Responsibilities of the Co- Chairs Administering the Complaint

1. In the event that one of the Co-Chairs has a conflict of interest in a particular case, the other Co-Chair shall administer the complaint. The Co-Chair administering the complaint shall not have a vote in the decision.

2. In addition to the above guidelines for members of the Committee, the Co-Chairs, in conjunction with the Headquarters staff liaison, have the responsibilities of:

a. Receiving, via ACA Headquarters, complaints that have been certified for membership status of the accused;

b. Determining whether the alleged behavior(s), if true, would violate ACA's ethical standards and whether the Committee should review the complaint under these rules;

c. Notifying the complainant and the accused member of receipt of the case by certified mail return receipt requested;

d. Notifying the members of the Committee of the case;

e. Requesting additional information from complainants, accused members and others;

f. Presiding over the meetings of the Committee;

g. Preparing and sending, by certified mail, communications to the complainant and accused member on the recommendations and decisions of the Committee; and

h. Arranging for legal advice with assistance and financial approval of the ACA Executive Director.

Section F: Jurisdiction

1. The Committee will consider whether individuals have violated the ACA ethical standards if those individuals:

a. Are current members of the American Counseling Association; or

b. Were ACA members when the alleged violations occurred.

2. Ethics committees of divisions, branches, corporate affiliates, or other ACA entities must refer all ethical complaints involving ACA members to the Committee.

Section G: Eligibility to File Complaints

1. The Committee will receive complaints that ACA members have violated one or more sections of the ACA ethical standards from the following individuals:

a. Members of the general public who have reason to believe that ACA members have violated the ACA ethical standards.

b. ACA members, or members of other helping professions, who have reason to believe that other ACA members have violated the ACA ethical standards.

c. The Co-Chair of the Committee on behalf of the ACA membership when the Co-Chair has reason to believe through information received by the Committee that ACA members have violated the ACA ethical standards.

2. If possible, individuals should attempt to resolve complaints directly with accused members before filing ethical complaints.

Section H: Time Lines

1. The time lines set forth in these standards are guidelines only and have been established to provide a reasonable time framework for processing complaints.

2. Complainants or accused members may request extensions of deadlines when appropriate. Extensions of deadlines will be granted by the Committee only when justified by unusual circumstance.

Section I: Nature of Communication

1. Only written communications regarding ethical complaints against members will be acceptable. If telephone inquiries from individuals are received regarding the filing of complaints, responding to complaints, or providing information regarding complaints, the

individuals calling will be informed of the written communication requirement and asked to comply.

2. All correspondence related to an ethical complaint must be addressed to the Ethics Committee, ACA Headquarters, 5999 Stevenson Avenue, Alexandria, VA 22304, and must be marked "confidential." This process is necessary to protect the confidentiality of the complainant and the accused member.

Section J: Filing Complaints

1. Only written complaints, signed by complainants, will be considered.

2. Individuals eligible to file complaints will send a letter outlining the nature of the complaint to the Committee at the ACA Headquarters.

3. The ACA staff liaison to the Committee will communicate in writing with complainants. Receipt of complaints and confirmation of membership status of accused members as defined in Section F.1, above, will be acknowledged to the complainant. Proposed formal complaints will be sent to complainants after receipt of complaints have been acknowledged.

4. If the complaint does not involve a member as defined in Section F.1., above, the staff liaison shall inform the complainant.

5. The Committee Co-Chair administering a complaint will determine whether the complaint, if true, would violate one or more sections of the ethical standards or if the complaint could be properly decided if accepted. If not, the complaint will not be accepted and the complainant shall be notified.

6. If the Committee Co-Chair administering the complaint determines that there is insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the Committee, the ACA staff liaison to the Committee may request further information from the complainant or others.

7. When complaints are accepted, complainants will be informed that copies of the formal complaints plus evidence and documents submitted in support of the complaint will be provided to the accused member and that the complainant must authorize release of such information to the accused member before the complaint process may proceed.

8. The ACA staff liaison, after receiving approval of the Committee Co-Chair administering a complaint, will formulate a formal complaint which will be presented to the complainants for their signature.

a. The correspondence from complainants will be received and the staff liaison and Committee Co-Chair administering the complaint will identify all ACA ethical standards that might have been violated if the accusations are true.

b. The formal complaint will be sent to complainants with a copy of these Policies and Procedures, a copy of the ACA Ethical Standards, a verification affidavit form and an authorization and release of information form. Complainants will be asked to sign and return the completed complaint, verification affidavit and authorization and release of information forms. It will be explained to complainants that sections of the standards that might have been violated may be added or deleted by the complainant before signing the formal statement.

c. If complainants elect to add or delete sections of the ethical standards in the formal complaint, the unsigned formal complaint shall be returned to ACA Headquarters with changes noted and a revised formal complaint will be sent to the complainants for their signature.

9. When the completed formal complaint, verification affidavit form and authorization and release of information form are presented to complainants for their signature, they will be asked to submit all evidence and documents they wish to be considered by the Committee in reviewing the complaint.

Section K: Notification of Accused Members

1. Once signed formal complaints have been received, accused members will be sent a copy of the formal complaint and copies of all evidence and documents submitted in support of the complaint.

2. Accused members will be asked to respond to the complaint against them. They will be asked to address each section of the ACA ethical standards they have been accused of having violated. They will be informed that if they wish to respond they must do so in writing within sixty (60) working days.

3. Accused members will be informed that they must submit all evidence and documents they wish to be considered by the Committee in reviewing the complaint within sixty (60) working days.

4. After accused members have received notification that a complaint has been brought against them, they will be given sixty (60) working days to notify the Committee Co-Chair (via ACA Headquarters) in writing, by certified mail, if they wish to request a formal face-to-face hearing before the Committee. Accused members may waive their right to a formal hearing before the Committee. (See Section P: Hearings).

5. If the Committee Co-Chair determines that there is insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the Committee, the ACA staff liaison to the Committee may request further information from the accused member or others. The accused member shall be given thirty (30) working days from receipt of the request to respond.

6. All requests for additional information from others will be accompanied by a verification affidavit form which the information provider will be asked to complete and return.

7. The Committee may, in its discretion, delay or postpone its review of the case with good cause, including if the Committee wishes to obtain additional information. The accused member may request that the Committee delay or postpone its review of the case for good cause if done so in writing.

Section L: Disposition of Complaints

1. After receiving the responses of accused members, Committee members will be provided copies of: (a) the complaint, (b) supporting evidence and documents sent to accused members, (c) the response, and (d) supporting evidence and documents provided by accused members and others.

2. Decisions will be rendered based on the evidence and documents provided by the complainant and accused member or others.

3. The Committee Co-Chair administering a complaint will not participate in deliberations or decisions regarding that particular complaint.

4. At the next meeting of the Committee held no sooner than fifteen (15) working days after members received copies of documents related to a complaint, the Committee will discuss the complaint, response, and supporting documentation, if any, and determine the outcome of the complaint.

5. The Committee will determine whether each ethical standard the member has been accused of having violated was violated based on the information provided.

6. After deliberations, the Committee may decide to dismiss the complaint or to dismiss charges within the complaint.

7. In the event it is determined that any of the ACA ethical standards have been violated, the Committee will impose for the entire complaint one or a combination of the possible sanctions allowed.

Section M: Withdrawal of Complaints

1. If the complainant and accused member both agree to discontinue the complaint process, the Committee may, at its discretion, complete the adjudication process if available evidence indicates that this is warranted. The Co-Chair of the Committee, on behalf of the ACA membership, shall act as complainant.

Section N: Possible Sanctions

1. Reprimand. Remedial requirements may be stipulated by the Committee.

2. Probation for a specified period of time subject to Committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

3. Suspension from ACA membership for a specified period of time subject to Committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

4. Permanent expulsion from ACA membership. This sanction requires a unanimous vote of those voting.

5. The penalty for failing to fulfill in a satisfactory manner a remedial requirement imposed by the Committee as a result of a probation sanction will be automatic suspension until the requirement is met, unless the Committee determines that the remedial requirement should be modified based on good cause shown prior to the end of the probationary period.

6. The penalty for failing to fulfill in a satisfactory manner a remedial requirement imposed by the Committee as a result of a suspension sanction will be automatic permanent expulsion unless the Committee determines that the remedial requirement should be modified based on good cause shown prior to the end of the suspension period.

7. Other corrective action.

Section O: Notification of Results

1. Accused members shall be notified of Committee decisions regarding complaints against them.

2. Complainants will be notified of Committee decisions after the deadline for accused members to file appeals or, in the event an appeal is filed, after a filed appeal decision has been rendered.

3. After complainants are notified of the results of their complaints as provided in Section O., Paragraph 2 above, if a violation has been found and accused members have been suspended or expelled, counselor licensure, certification, or registry boards, other mental health licensure, certification, or registry boards, voluntary national certification boards, and appropriate professional associations will also be notified of the results. In addition, ACA divisions, state branches, the ACA Insurance Trust, and other ACA-related entities will also be notified of the results.

4. After complainants have been notified of the results of their complaint as provided in

Section O., Paragraph 2, above, if a violation has been found and accused members have been suspended or expelled, a notice of the Committee action that includes the sections of the ACA ethical standards that were found to have been violated and the sanctions imposed will be published in the ACA newsletter.

Section P: Hearings

1. At the discretion of the Committee, a hearing may be conducted when the results of the Committee's preliminary determination indicate that additional information is needed.

2. When accused members, within sixty (60) working days of notification of the complaint, request a formal face-to-face or telephone conference hearing before the Committee a hearing shall be conducted. (See Section K.6.)

3. The accused shall bear all their expenses associated with attendance at hearings requested by the accused.

4. The Committee Co-Chair shall schedule a formal hearing on the case at the next scheduled Committee meeting and notify both the complainant and the accused member of their right to attend the hearing in person or by telephone conference call.

5. The hearing will be held before a panel made up of the Committee and if the accused member chooses, a representative of the accused member's primary Division. This representative will be identified by the Division President and will have voting privileges.

Section Q: Hearing Procedures

1. Purpose.

a. A hearing will be conducted to determine whether a breach of the ethical standards has occurred and, if so, to determine appropriate disciplinary action.

b. The Committee will be guided in its deliberations by principles of basic fairness and professionalism, and will keep its deliberations as confidential as possible, except as provided herein.

2. Notice.

a. The accused members shall be advised in writing by the Co-Chair administering the complaint of the time and place of the hearing and the charges involved at least forty-five (45) working days before the hearing. Notice shall include a formal statement of the complaints lodged against the accused member and supporting evidence.

b. The accused member is under no duty to respond to the notice, but the Committee will not be obligated to delay or postpone its hearing

unless the accused so requests in writing, with good cause reviewed at least fifteen (15) working days in advance. In the absence of such 15 day advance notice and postponement by the Committee, if the accused fails to appear at the hearing, the Committee shall decide the complaint on record. Failure of the accused member to appear at the hearing shall not be viewed by the Committee as sufficient grounds alone for taking disciplinary action.

3. Conduct of the Hearing.

a. Accommodations. The location of the hearing shall be determined at the discretion of the Committee. The Committee shall provide a private room to conduct the hearing and no observers or recording devices other than a recording device used by the Committee shall be permitted.

b. Presiding Officer. The Co-Chair in charge of the case shall preside over the hearing and deliberations of the Committee. At the conclusion of the hearing and deliberations of the Committee, the Co-Chair shall promptly notify the accused member and complainant of the Committee's decision in writing as provided in Section O., Paragraphs 1 and 2, above.

c. Record. A record of the hearing shall be made and preserved, together with any documents presented in evidence, at ACA Headquarters for a period of three (3) years. The record shall consist of a summary of testimony received or a verbatim transcript, at the discretion of the Committee.

d. Right to Counsel. The accused member shall be entitled to have legal counsel present to advise and represent them throughout the hearing. Legal counsel for ACA shall also be present at the hearing to advise the Committee and shall have the privilege of the floor.

e. Witnesses. Either party shall have the right to call witnesses to substantiate his or her version of the case.

f. The Committee shall have the right to call witnesses it believes may provide further insight into the matter. ACA shall, in its sole discretion, determine the number and identity of witnesses to be heard.

g. Witnesses shall not be present during the hearing except when they are called upon to testify and shall be excused upon completion of their testimony and any cross-examination.

h. The Co-Chair administering the complaint shall allow questions to be asked of any witness by the opposition or members of the Committee if such questions and testimony are relevant to the issues in the case.

i. The Co-Chair administering the complaint will determine what questions and testimony are relevant to the case. Should the hearing be disturbed by irrelevant testimony, the Co-Chair administering the complaint may call a brief recess until order can be restored.

j. All expenses associated with counsel on behalf of the parties shall be borne by the respective parties. All expenses associated with

witnesses on behalf of the accused shall be borne by the accused when the accused requests a hearing. If the Committee requests the hearing, all expenses associated with witnesses shall be borne by ACA.

4. Presentation of Evidence.

a. The staff liaison, or the Co-Chair administering the complaint shall be called upon first to present the charge(s) made against the accused and to briefly describe the evidence supporting the charge. The person presenting the charges shall also be responsible for examining and cross-examining witnesses on behalf of the complainant and for otherwise presenting the matter during the hearing.

b. The complainant or a member of the Committee shall then be called upon to present the case against the accused. Witnesses who can substantiate the case may be called upon to testify and answer questions of the accused and the Committee.

c. If the accused has exercised the right to be present at the hearing, he or she shall be called upon last to present any evidence which refutes the charges against him or her. This includes witnesses as in Subsection (3) above.

d. The accused will not be found guilty simply for refusing to testify. Once the accused member chooses to testify, however, he or she may be cross-examined by the complainant and members of the Committee.

e. The Committee will endeavor to conclude the hearing within a period of approximately three (3) hours. The parties will be requested to be considerate of this time frame in planning their testimony.

f. Testimony that is merely cumulative or repetitious may, at the discretion of the Co-Chair administering the complaint, be excluded.

5. Relevancy of Evidence.

a. The Hearing Committee is not a court of law and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the Committee, if it is relevant to the case. That is, if the evidence offered tends to explain, clarify, or refute any of the important facts of the case, it should generally be considered.

b. The Committee will not consider evidence or testimony for the purpose of supporting any charge that was not set forth in the notice of the hearing or that is not relevant to the issues of the case.

6. Burden of Proof.

a. The burden of proving a violation of the ethical standards is on the complainant and/or the Committee. It is not up to the accused to prove his or her innocence of any wrong-doing.

b. Although the charge(s) need not be proved "beyond a reasonable doubt," the Committee will not find the accused guilty in the

absence of substantial, objective, and believable evidence to sustain the charge(s).

7. Deliberation of the Committee.

a. After the hearing is completed, the Committee shall meet in a closed session to review the evidence presented and reach a conclusion. ACA legal counsel may attend the closed session to advise the Committee if the Committee so desires.

b. The Committee shall be the sole trier of the facts and shall weigh the evidence presented and assess the credibility of the witnesses. The act of a majority of the members of the Committee present shall be the decision of the Committee. A unanimous vote of those voting is required for permanent expulsion from ACA membership.

c. Only members of the Committee who were present throughout the entire hearing shall be eligible to vote.

8. Decision of the Committee.

a. The Committee will first resolve the issue of the guilt or innocence of the accused on each charge. Applying the burden of proof in subsection (5), above, the Committee will vote by secret ballot, unless the members of the Committee consent to an oral vote.

b. In the event a majority of the members of the Committee do not find the accused guilty, the charges shall be dismissed. If the Committee finds the accused member has violated the ethical standards, it must then determine what sanctions, in accordance with Section N: Possible Sanctions, shall be imposed.

c. As provided in Section O., above, the Co-Chair administering the complaint shall notify the accused member and complainant of the Committee's decision in writing.

Section R: Appeals

1. Decisions of the ACA Ethics Committee that members have violated the ACA ethical standards may be appealed by the member found to have been in violation based on one or both of the following grounds:

a. The Committee violated its policies and procedures for processing complaints of ethical violations; and/or

b. The decision of the Committee was arbitrary and capricious and was not supported by the materials provided by the complainant and accused member.

2. After members have received notification that they have been found in violation of one or more ACA ethical standards, they will be given thirty (30) working days to notify the Committee in writing by certified mail that they are appealing the decision.

3. An appeal may consist only of a letter stating one or both of the grounds of appeal listed in subsection 1 above and the reasons for the appeal.

4. Appealing members will be asked to identify the primary ACA division to which he or she belongs. The ACA President will appoint a three (3) person appeals panel consisting of two (2) former ACA Ethics Committee Chairs and the President of the identified division. The ACA attorney shall serve as legal advisor and have the privilege of the floor.

5. The three (3) member appeals panel will be given copies of the materials available to the Committee when it made its decision, a copy of the hearing transcript if a hearing was held, plus a copy of the letter filed by the appealing member.

6. The appeals panel generally will render its decision regarding an appeal which must receive a majority vote within sixty (60) working days of their receipt of the above materials.

7. The decision of the appeals panel may include one of the following:

a. The decision of the Committee is upheld.

b. The decision of the Committee is reversed and remanded with guidance to the Committee for a new decision. The reason for this decision will be given to the Committee in detail in writing.

8. When a Committee decision is reversed and remanded, the complainant and accused member will be informed in writing and additional information may be requested first from the complainant and then from the accused member. The Committee will then render another decision without a hearing.

9. Decisions of the appeals panel to uphold the Committee decision are final.

Section S: Substantial New Evidence

1. In the event substantial new evidence is presented in a case in which an appeal was not filed, or in a case which a final decision has been rendered, the case may be reopened by the Committee.

2. The Committee will consider substantial new evidence and if it is found to be substantiated and capable of exonerating a member who was expelled, the Committee will reopen the case and go through the entire complaint process again.

Section T: Records

1. The records of the Committee regarding complaints are confidential except as provided herein.

2. Original copies of complaint records will be maintained in locked files at ACA Headquarters or at an off-site location chosen by ACA.

3. Members of the Committee will keep copies of complaint records confidential and will destroy copies of records after a case has been closed or when they are no longer a member of the Committee.

Section U: Legal Actions Related to Complaints

1. Complainants and accused members are required to notify the Committee if they learn of any type of legal action (civil or criminal) being filed related to the complaint.

2. In the event any type of legal action is filed regarding an accepted complaint, all actions related to the complaint will be stayed until the legal action has been concluded. The Committee will consult with legal counsel concerning whether the processing of the complaint will be stayed if the legal action does not involve the same complainant and the same facts complained of.

3. If actions on a complaint are stayed, the complainant and accused member will be notified.

4. When actions on a complaint are continued after a legal action has been concluded, the complainant and accused member will be notified.



For Further Information Write:
American Counseling Association
5999 Stevenson Avenue
Alexandria, Virginia, VA 22304