

The New England Society of
Jungian Analysts, Inc. is
pleased to publish its Code of
Ethics in its entirety.

The names and addresses of the
members of the Society's
standing Ethics Committee may
be obtained from the C. G. Jung
Institute – Boston, Ltd., whose
contact information is listed on
the home page.

Ethics Code
of
The New England Society of Jungian Analysts, Inc.

(Adopted on June 5, 2011, as ARTICLE XIV of its Bylaws)

Table of Contents

Part I. Preamble	6
Part II. Principles of Ethical Practice.....	7
Section One: Practice Responsibilities.....	7
A. Clear Working Agreement.....	7
B. Working Agreements for Group or Family Work.....	7
Section Two: Confidentiality	7
A. Obligation to Respect Confidentiality.....	7
B. Disclosure of Legal Limits of Confidentiality	7
C. Confidentiality of Records and Information about Analysands	7
D. Consent to Disclose Information.....	8
Section Three: Welfare of the Analysand.....	8
A. No Form of Sexual Contact.....	8
B. Sexual Intimacy After Termination.	8
C. Non-Established Methods of Treatment.....	8
D. Termination of Non-Beneficial Treatment	8
Section Four: Professional Competence	9
A. Practice Within Limits of Competence.....	9
B. Disclosure of Professional Training and Experience	9
C. Disclosure of Alternatives.....	9
D. Duty Not to Practice While Impaired.....	9
E. Duty to Seek Professional Help.....	9
F. Continuing Education and New Learning.....	9
Section Five: Specific Moral and Legal Standards	9
A. Unfair Discrimination.....	9
B. Sexual Harassment	9
C. Other Harassment.....	10
D. Abstaining From Personal Gain.....	10
E. Avoiding Dual Relationships.....	10
F. Consent to Conduct Analysis and Research with the Same Person.....	10
G. Refrain from Bartering	10
H. Compliance with NESJA's Rules of Procedure	10
I. Reporting Requirements of States.....	10
J. Reporting Requirement in Case of Criminal Conviction or License Limitation	11
K. Duty Not to Harm NESJA or the Boston Institute	11
Section Six: Public Statements and Communications	11
A. Limits to Speaking or Appearing on Behalf of NESJA.....	11
Section Seven: Collegial Relationships	11
A. Cooperation with Other Professionals	11
B. Respecting Each Therapeutic Relationship Between a Patient and a Colleague	11
C. Concurrent Treatment of an Analysand.....	11
D. No Payment for Referrals.....	11
E. Acknowledging the Work and Influence of Others	12

F. Maintaining Confidentiality in Collegial Consultations 12
 G. Inform and Support 12

Section Eight: Educational Responsibilities 12

A. No Exploitation of Authority 12
 B. Respect for Diversity of Values 12
 C. Focus of Supervision and Case Consultation 13
 D. Avoidance of Boundary Violations 13

Part III. Rules of Procedure 14

Section One: Introduction 14

A. Purpose of these Rules 14
 B. Role of the Ethics Committee 14
 C. Due Process 14
 D. Member 14
 E. Accused Member and Respondent 14
 F. Professional Relationship 15
 G. Collegial Relationship 15

Section Two: Other Ethics Codes 15

A. NAAP’s Code of Ethics 15
 B. Other Codes of Ethics 15

Section Three: Complaints 15

A. Scope and Nature of Complaints 15
 B. Time Limits for Complaints 16
 C. Records of Complaints and Responses 16
 D. Complaints Involving IAAP, NAAP or the Boston Institute 16

Section Four: Screening Committee and Procedure for Screening

Complaints 17

A. Policy for Screening Complaints 17
 B. Screening Committee 17
 C. Initial Screening of Complaints 17
 D. Reopening of a Dismissed Complaint 18
 E. Mediation 18
 F. Duty of Member to Report Complaint 19

Section Five: Ethics Committee’s Mandate, Composition, Voting 20

A. Committee Mandate 20
 B. Ethics Committee’s Selection and Terms 20
 C. Conflict of Interest Challenges 20
 D. Member Absences 21
 E. Removal of Ethics Committee Member for Legal Misconduct 21
 F. Interim Member 21
 G. Voting 21

Section Six: Initial Investigation and Deliberation 22

A. Initial Steps by the Ethics Committee 22
 B. Notification of the Boston Institute in Certain Cases 22
 C. Ethics Committee’s Requests for Additional Information 22

D. Respondent’s Obligations	22
E. Complainant’s Obligations	22
F. Determination Based on the Parties’ Written Submissions	22
Section Seven: Further Investigation and Deliberation	23
A. Calling of Hearings	23
B. Conduct of Hearings	23
Section Eight: Dispositions by the Ethics Committee	24
A. Procedure for Deliberations	24
B. Informal Actions.....	24
C. Formal Actions.....	25
Section Nine: Appeals, Ratification, Notification	25
A. Appeals in General	25
B. Reconsideration by the Ethics Committee.....	26
C. Appeal to NESJA.....	26
D. Ratification	27
E. Notification of NESJA and the Boston Institute.....	27
F. Notification of IAAP.....	28
Section Ten: Records.....	28
A. Basics of Records and Record-keeping.....	28
B. Transfer of Records upon Termination or Resignation of a Committee Member	28
C. Duration of Ethics Committee Records	29
D. Access to Records of Terminated/Past Cases.....	29
E. Transfer and Disposal of Records	29
F. Pre-existing Records	30
Section Eleven: General Rules	30
A. Support and Counsel	30
B. Confidentiality	30
C. Counter-complaints	31
D. Legal Consequences	31
E. Discretion to Fashion Temporary Steps to Fulfill the Purposes of these Rules	31
F. Headings for Purposes of Orientation Only	31
G. Applicability.....	31

Part I. Preamble

The membership of The New England Society of Jungian Analysts, Inc. (hereinafter referred to as “NESJA”) adopted this Code for the Ethical Practice of Jungian Analysis (hereinafter referred to as the “Ethics Code”) on June 5, 2011. It sets forth: first, the ethical principles which NESJA requires its members to uphold; and second, the rules of procedure by which NESJA will process any complaint alleging that a member has violated those principles.

The Ethics Code is intended to be just, educative, and constructive. No procedural action will be taken without due regard for the rights of all parties involved. The ethical principles and rules of procedure articulated herein are based upon the premise that the welfare of the patient, the integrity of the analyst, and the safety of the community should be the primary determinants of a member’s behavior.

The Ethics Code applies only to the professional activities of NESJA members (hereinafter referred to as “members”) in their capacity as Jungian analysts. Professional activities include, but are not limited to: the practice of Jungian analysis and family and group therapy; supervision, consultation, teaching, evaluation, research and publishing; and engaging in professional organizations such as NESJA, the International Association for Analytical Psychology (hereinafter referred to as “IAAP”), and the C. G. Jung Institute – Boston (hereinafter referred to as the “Boston Institute”). These work-related activities are distinguished from the private activities of a member, which are not within the purview of this Ethics Code.

Because those members of NESJA who are members of The National Association for the Advancement of Psychoanalysis (hereinafter referred to as “NAAP”) or who are active in the Boston Institute must comply with NAAP’s *Guidelines for Ethical Conduct and Standards for Professional Practice*, and because NESJA’s Ethics Code must comply with the *Guidelines for Minimal Standards in the Codes of Ethics for the Member Groups of IAAP*, the principles of NAAP’s *Guidelines* and IAAP’s *Guidelines* have been incorporated into this Ethics Code.

The Ethics Code shall be made available to all members and to the Boston Institute. Copies shall also be available, upon request, to anyone from the general public.

Part II. Principles of Ethical Practice

Section One: Practice Responsibilities

A. Clear Working Agreement

Members bear the responsibility for determining and clarifying the working agreement between themselves and their analysands. A member shall, therefore, inform the analysand, as early in treatment as possible, about the length and frequency of sessions, the cost and method of payment, the nature and course of treatment, the conditions for cancellation of sessions, and where and when meetings shall take place. Other contractual arrangements shall be discussed as they arise in treatment.

B. Working Agreements for Group or Family Work

For members practicing with groups or doing family or couples therapy, the working agreement shall include a clear articulation of how the group activities differ from individual analytic treatment and how patient confidentiality will be safeguarded. When serving dual roles, members' obligations to any affected analysands, as well as to any group participants or family members with a right to be informed, must be articulated with particularity, and any alterations in how confidentiality is defined must be included in the working agreements of those affected.

Section Two: Confidentiality

A. Obligation to Respect Confidentiality

Members have an obligation to respect the confidentiality of information revealed by the analysand in the course of treatment, except where otherwise required by this Ethics Code or by law. Members have the same obligation with respect to patient and analysand information shared during case colloquia, consultations, and supervision.

B. Disclosure of Legal Limits of Confidentiality

As early in treatment as possible, members shall inform analysands of the legal limits of confidentiality and the conditions under which information about them may be divulged and to whom.

C. Confidentiality of Records and Information about Analysands

Members shall maintain confidentiality in the storage and disposal of records. A member may release information obtained in an analysis only: (a) with the analysand's written authorization; (b) in the case of a minor (or other individual who is not legally competent to grant permission), with the written permission of the parent or a duly designated legal guardian; or (c) under legal compulsion.

D. Consent to Disclose Information

Except when consulting with colleagues, members must obtain consent from an analysand before presenting personal information obtained during the course of their professional activities. Unless the law or the analysand's written permission provides otherwise, members must disguise all information that might reasonably identify the analysand.

Section Three: Welfare of the Analysand

A. No Form of Sexual Contact

1. No Sexual Intimacy During Treatment. A member shall not engage in any physical contact of a sexual nature with analysands in their care. Seduction, whether overt or covert, is unethical, even if an analysand invites or consents to such involvement. Terminating the analysis in order to engage in a sexual relationship is also unethical.

B. Sexual Intimacy After Termination.

A member shall not engage in physical contact of a sexual nature with a former analysand for at least two years after cessation or termination of the professional relationship. Any complaint must be made by the former analysand. Any member who engages in such contact after that two-year period shall bear the burden of demonstrating, if a complaint is subsequently brought by a former analysand, that there has been no exploitation, in light of all the relevant factors, including: (1) the amount of time that passed after the analysis ended; (2) the nature and duration of the analysis; (3) the circumstances of the termination; (4) the former analysand's personal history; (5) the former analysand's mental status at the time that such contact began; (6) evidence of adverse impact upon the former analysand; (7) any statements or actions made by the member during the course of the analysis suggesting or inviting the possibility of a post-termination sexual relationship; and (8) any steps the member and former analysand have taken in terms of analysis, therapy, or consultation to ensure that involvement in a sexual relationship would probably not be harmful to the former analysand.

C. Non-Established Methods of Treatment

When treatment methods are used for which there are no professionally accepted standards, members shall inform their analysands of the developing nature of the treatment, the potential risks and benefits involved, alternative treatments that may be available, and the voluntary nature of their participation.

D. Termination of Non-Beneficial Treatment

A member shall discuss termination of treatment with an analysand when the member becomes aware that the treatment may not be benefitting the analysand. Where appropriate, the member shall offer to help the analysand locate alternative sources of assistance.

Section Four: Professional Competence

A. Practice Within Limits of Competence

Members shall practice only within the limits of their competence.

B. Disclosure of Professional Training and Experience

Members shall not misrepresent their academic and professional training, their experience, their professional affiliations, their licensure status, or the scope of their therapeutic competence, Jungian or otherwise, either to analysands or to the public.

C. Disclosure of Alternatives

When appropriate, analysands shall be informed that there are other forms of treatment.

D. Duty Not to Practice While Impaired

Members shall not practice or work professionally when their competence is impaired by alcohol, drugs, medications, or physical or psychological illness that adversely impacts their ability either to treat their analysands or to otherwise engage in professional activities.

E. Duty to Seek Professional Help

When members become aware that they are suffering from an impairment or from any personal or interpersonal problem that is interfering, or likely to interfere, with their professional effectiveness, they shall seek competent professional assistance to determine whether they should limit, suspend, or terminate their professional activities.

F. Continuing Education and New Learning

Members shall continue their professional education and development.

Section Five: Specific Moral and Legal Standards

A. Unfair Discrimination

Members shall not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

B. Sexual Harassment

Members shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the member's activities as an analyst, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the member knows or is told this; or (2) is sufficiently severe or intense to be abusive to a reasonable

person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

C. Other Harassment

Members shall not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their activities as analysts based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

D. Abstaining From Personal Gain

Members shall not use their professional relationship to give or receive personal gain or services to further any of their personal interests.

E. Avoiding Dual Relationships

Members shall avoid dual relationships, including, but not limited to, the treatment, supervision or evaluation of close friends or relatives.

F. Consent to Conduct Analysis and Research with the Same Person

A member shall refrain from engaging an analysand as a subject in research unless and until the member receives the approval of the Ethics Committee and, then, receives written consent from the analysand.

G. Refrain from Bartering

Members shall generally refrain from accepting goods, services, or other non-monetary remuneration from analysands in return for professional services. Such arrangements increase the risk of conflict, exploitation, or distortion of the professional relationship. A member may participate in bartering only if: (1) it is demonstrably not clinically contra-indicated, and (2) the relationship is demonstrably not exploitative.

H. Compliance with NESJA's Rules of Procedure

Members are obliged to comply with the Rules of Procedure of the Ethics Code (see Part III, below) and to cooperate with NESJA's Ethics Committee, and any other Committee or person duly appointed by NESJA to process an ethics complaint. Upon request by the Ethics Committee, members shall disclose to the Ethics Committee their membership and affiliations in other Jungian societies and associations.

I. Reporting Requirements of States

Members shall follow all reporting requirements mandated by the state in which they are practicing. These may include, for example, the need to report suspected abuse of children, the elderly, or those who are physically or mentally disabled or dependent.

J. Reporting Requirement in Case of Criminal Conviction or License Limitation

If a member is convicted of a criminal offense, or if the member's license or registration to practice has been suspended, revoked, or in any way limited by a professional body or licensing agency in the state or country where the member practices or lives, the member shall inform the President of NESJA of the relevant proceedings and underlying facts.

K. Duty Not to Harm NESJA or the Boston Institute

No member, committee member, director, or officer of NESJA or the Boston Institute shall intentionally or recklessly act, or fail to act, so as to imperil NESJA or the Boston Institute. This includes acts such as fraud, theft, embezzlement, forgery, destruction of property, libel and slander.

Section Six: Public Statements and Communications

A. Limits to Speaking or Appearing on Behalf of NESJA

When expressing professional opinions, members shall not purport to speak on behalf of NESJA or to represent its official position, except as authorized by the Executive Committee or in accordance with the bylaws of NESJA.

Section Seven: Collegial Relationships

A. Cooperation with Other Professionals

Recognizing that its members are part of a network of health care professionals, NESJA recommends that its members develop and maintain collegial relationships both with other members and with other health care professionals.

B. Respecting Each Therapeutic Relationship Between a Patient and a Colleague

When meeting or speaking in a professional capacity with an analysand or patient who is currently in individual psychotherapeutic treatment with a colleague (or with another healthcare professional), a member shall remain sensitive to and respectful of the treatment that is in progress.

C. Concurrent Treatment of an Analysand

When an analysand is involved in concurrent forms of treatment, e.g., analysis and couples therapy, a member shall be sensitive to the effects that the concurrent therapies may have on each other.

D. No Payment for Referrals

Members shall not offer or accept payment for referrals.

E. Acknowledging the Work and Influence of Others

Members shall give credit to those whom they quote or who have contributed to or substantially influenced the member's professional work, such as writings, lectures, or research.

F. Maintaining Confidentiality in Collegial Consultations

When seeking consultation with a colleague, a member shall ascertain whether there is an existing relationship between the analysand and the colleague. If there is such a relationship, the member shall seek consultation with a different colleague. When consulting with a colleague, a member shall share confidential information only to the extent necessary to achieve the purposes of the consultation.

G. Inform and Support

When a member obtains information from an analysand, or from another person who consults the member, about a purported violation of this Ethics Code that is presently taking place in an analytic relationship or that took place in a previous analytic relationship, the member shall inform the analysand, or other person, of how to obtain a copy of the Ethics Code. If the person is currently in analysis with the member, then it is the duty of the member to approach the analysand's questions of pursuing a complaint with the same integrity, care and regard for the individuation process as the analyst would bring to any other subject or issue in analysis. If the member feels that he or she cannot fulfill these duties, whether because of a conflict of interest or because of some other reason, the member shall refer the analysand, or other person, to another member or to the Chairperson of the Ethics Committee.

Section Eight: Educational Responsibilities

A. No Exploitation of Authority

A member involved in education or training, in such positions as supervisor, case consultant, instructor, thesis advisor or evaluator, shall not exploit the power differential implicit in such a position. Sexual, financial or emotional exploitation during the time of the professional relationship are, thus, all unethical. In addition, supervisors, consultants, thesis advisors, and evaluators shall not engage in physical contact of a sexual nature with those whom they supervise, consult with, instruct, advise or evaluate, either during the professional relationship or for one year after the professional relationship has ended.

B. Respect for Diversity of Values

When involved in education or training, members shall be aware how their personal values affect what is presented and discussed. Members shall recognize and respect the diverse values that others hold, such as religious, political, ethnic, or sexual values.

C. Focus of Supervision and Case Consultation

The primary focus in a supervisory or consultative relationship shall be the well-being of the analysand, or patient, being discussed by the supervisee or training candidate.

D. Avoidance of Boundary Violations

A member shall give special consideration to preserving the boundaries between analysis and his or her education roles. A member acting as a person's analyst shall not concurrently serve as a supervisor, case consultant, examiner, thesis advisor, or evaluator for that person. In addition, a member who has formerly served as the analyst for a person may not later serve as that person's supervisor, consultant, or evaluator.

Part III. Rules of Procedure

Section One: Introduction

A. Purpose of these Rules

This Part III sets forth the specific rules of procedure for processing any complaint which is brought to NESJA's attention and which concerns a member's alleged violation of the principles of ethical practice set forth in Part II, above. These rules of procedure (hereinafter referred to as the "Rules of Procedure") cover:

- the initial screening, referral and possible early resolution of a complaint by the Screening Committee of NESJA (hereinafter referred to as the "Screening Committee");
- mediation of the complaint if mediation is deemed appropriate;
- processing of a complaint by the Ethics Committee of NESJA (hereafter referred to as the "Ethics Committee"); and
- processing of any appeals by a duly constituted Appeals Committee and final resolution by NESJA's membership.

B. Role of the Ethics Committee

All complaints concerning alleged violations of the Ethics Code by a member shall be referred to the Ethics Committee for deliberation and determination, unless an initial screening by the Screening Committee finds that the complaint is without merit or is better suited for mediation (See Subsection Four, E, below). The Ethics Committee shall also provide consultation to members as to the interpretation and implementation of the Ethics Code, and shall educate the membership about the aims and principles of the Ethics Code.

C. Due Process

These Rules of Procedure have been established to protect the rights of both complainants and respondents and to provide fair consideration and due process for all parties.

D. Member

The term "member" as used in these Rules of Procedure always refers to a member of NESJA, unless the context of a provision clearly indicates a reference to a member of the Executive Committee, the Ethics Committee, the Screening Committee or an Appeals Committee.

E. Accused Member and Respondent

A member against whom a complaint has been brought is referred to initially as the "accused member." Later, if and when the accused member begins to respond to the complaint (starting in Section Six), he/she is usually referred to as the "respondent."

F. Professional Relationship

A professional relationship is one wherein a member serves as another person's personal analyst, supervisor, training consultant, training instructor, thesis advisor, examiner, or evaluator.

G. Collegial Relationship

A collegial relationship is one between one member and another.

Section Two: Other Ethics Codes

A. NAAP's Code of Ethics

Members of NESJA who are also members of NAAP or who are active in the Boston Institute must comply with NAAP's *Guidelines for Ethical Conduct and Standards for Professional Practice*, published in the NAAP's Registry of Psychoanalysts.

B. Other Codes of Ethics

Some members may be bound by the codes of ethics of a professional organization other than NESJA, NAAP or IAAP. While NESJA encourages members to comply with whichever codes apply to them, a complaint alleging a violation of another such code must be directed to the organization that has promulgated it.

Section Three: Complaints

A. Scope and Nature of Complaints

1. Basic Requirements of a Complaint. All complaints shall be in writing, signed by the complainant and submitted to the Screening Committee. Complaints may be submitted only by (a) a person who has, or has had, a professional relationship with the accused member (for example, as an analysand, supervisee, training candidate, or examinee), (b) a member who has had a collegial relationship with the accused member, or (c) the Presidents of NESJA and the Boston Institute, on behalf of their respective institutions, if the alleged violation of the Ethics Code impacts said institution(s) negatively (for example, violations of Part II, Section Five, Subsection H, I, J or K).

2. No Anonymous Complaints. Anonymous complaints will not be considered.

3. Willingness to Comply with these Rules. Only when the complainant accepts these Rules of Procedure will a complaint be considered (see Subparagraph Four, B, 2, f, below).

B. Time Limits for Complaints

1. Involving a Professional Relationship. An alleged violation of the Ethics Code occurring during a complainant's professional (not collegial) relationship with a member shall be considered only if the complaint is filed within the time of the professional relationship, within five years of its cessation, or within one year of the complainant's discovery of the alleged violation, whichever is later.

2. Involving a Collegial Relationship. An alleged violation of the Ethics Code occurring during a complainant's collegial relationship with a member shall be considered only if the complaint is filed within a year of the time of the alleged violation, or within a year of its discovery by the complainant, whichever is later.

3. Involving NESJA or the Boston Institute. An alleged violation of the Ethics Code negatively impacting NESJA or the Boston Institute shall be considered only if the complaint is filed within five years of the alleged violation, or within one year of its discovery by the complainant, whichever is later.

4. Extension of Time Limits. A complainant shall have the right to show cause as to why, because of compelling and egregious circumstances, the time restrictions stated in Paragraphs 1 to 3, above, should be extended. Any such extension must be approved by the Screening Committee in the initial screening and before the complaint is referred to the Ethics Committee.

5. Resigned Member. A member's voluntary resignation from NESJA does not preclude NESJA from receiving and processing a complaint against the resigned member for an alleged violation of the Ethics Code that is said to have occurred before the member's resignation and within the time limits specified in Paragraphs B, 1, 2, & 3, above.

C. Records of Complaints and Responses

All complaints, responses to complaints, and communications between the parties and the Screening Committee or the Ethics Committee shall be in writing or recorded electronically so that a complete record can be formed and maintained. Any other communication will not be considered part of the proceedings.

D. Complaints Involving IAAP, NAAP or the Boston Institute

1. Complaints Referred by IAAP or NAAP. Any complaint regarding a member that is filed with IAAP or NAAP and subsequently referred to NESJA shall initially be heard and decided by NESJA in accordance with these Rules of Procedure. Once NESJA has concluded its processing of the complaint, the President of NESJA shall notify the referring organization of NESJA's final resolution of the matter.

2. Complaints Involving the Boston Institute. Any complaint involving a member's activities within the Boston Institute shall be referred to the Screening Committee, and then processed in accordance with these Rules of Procedure. In such a case, the Screening Committee shall ensure that copies of the complaint and the accused member's reply are shared with the President of the Boston Institute.

Section Four: Screening Committee and Procedure for Screening Complaints

A. Policy for Screening Complaints

NESJA shall not consider a complaint against a member as formally filed unless and until all the conditions of this Section Four have been satisfied and the complaint has been referred to the Ethics Committee. The dual purposes of this section are to assist the complainant in articulating a valid complaint if such can be substantiated, and to protect an accused member against at least some of the consequences of false, invalid or insufficient complaints.

B. Screening Committee

The Screening Committee shall consist of the Chairperson of the Ethics Committee and one other member of the Ethics Committee appointed by the Executive Committee.

C. Initial Screening of Complaints

1. Initial Review. Any complaint against a member that alleges a violation of the Ethics Code shall initially be referred to the Screening Committee. When the Screening Committee reviews a complaint, the following criteria must be met before the complaint may be referred to the Ethics Committee:

- a. The complaint must be in writing and its allegations specific and clear enough for a reasonable person reading the complaint to understand it.
- b. The complainant must be or have been in a professional or collegial relationship with the member accused in the complaint, and the alleged ethical violation(s) must have occurred within the context of that relationship.
- c. The complaint must have been submitted within the time limits specified in Subsection Three, B, above.
- d. The alleged conduct, if shown to be true, would constitute a violation of the Ethics Code.
- e. Either the alleged violation, if confirmed, is so egregious as to render mediation inappropriate, or at least one party has declined to participate in mediation, or mediation has failed.
- f. A copy of the Ethics Code has been sent to the complainant along with a three-part Agreement and Release Form for the complainant to read and sign. This Form includes: (1) an Agreement to Abide by the Rules of Procedure; (2) a Release Permitting the Screening Committee to Inform the Accused Member of the Complaint and to Give the Member a Copy of the Complaint; and (3) a Release from Confidentiality, which allows the accused member to provide records and answer questions concerning the professional relationship between the complainant and the accused member.
- g. The complainant has signed and returned the Agreement and Release Form.

2. Notifying the Accused Member. Within twenty (20) days of receiving the “Agreement and Release Form” from the complainant, the Screening Committee shall give written notification of the complaint to the accused member, including a copy of the complaint.
3. Offer of Mediation. If the Screening Committee determines that the complaint lends itself to mediation, the Screening Committee shall offer this option to both parties in writing. Each party shall have thirty (30) days to respond. In general, mediation is the preferred process by which to address and resolve a complaint alleging a violation of the Ethics Code.
4. If Mediation is Refused or Ineffective. Should the complainant or the accused member refuse to participate in mediation, or should the mediation fail to achieve a settlement, the complaint shall be referred to the Ethics Committee, together with all records, and the parties shall be notified thereof.
5. Referral of Complaint to Ethics Committee. If the Screening Committee decides, for whatever reason, that the complaint warrants referral to the Ethics Committee, the Screening Committee shall so refer it, together with all records, and the parties shall be notified thereof.
6. Dismissal of Complaint by Screening Committee. If the Screening Committee decides that the substance of the complaint does not constitute a violation of the Ethics Code, the Screening Committee shall inform the complainant in writing of its decision to dismiss the complaint and state its reasons therefor. All records pertaining to the complaint shall then be turned over to the Ethics Committee for safekeeping (see Section Ten).

D. Reopening of a Dismissed Complaint

If the complainant, within sixty (60) days of being notified that the complaint has been dismissed, submits to the Screening Committee an amended and signed complaint, either alleging additional facts or curing a cited deficiency in the originally submitted complaint, the Screening Committee shall process the amended complaint in accordance with Subsection C, above.

E. Mediation

If both parties accept the option of mediation offered pursuant to Paragraph C, 4, above, the procedures below shall be followed:

1. Mediator appointed. The Screening Committee shall appoint a Mediator from a list of members who have volunteered their services and notify both parties of the appointment. Each party shall have the opportunity to reject up to two suggested Mediators without having to give any reason; and no member with a conflict of interest shall serve as Mediator.
2. Referral to Mediator and Notice to Parties. Once the Mediator has been agreed upon, the Screening Committee shall refer the dispute in writing to the Mediator.

Upon receipt of the referral, the Mediator shall promptly notify both parties that the following procedures will be followed:

- a. Agreeing to date, time and place of mediation. The Mediator and the parties shall agree on a date, time and place for a mediation conference, provided, however, that such date shall not be more than sixty (60) days from the referral date and shall allow for at least twenty (20) days advance notice of the conference. The Mediator shall confirm the date, time and place in writing to the parties.
 - b. Mediation process. At the mediation conference, the parties shall produce all information reasonably required for the Mediator to understand the issues presented. The Mediator will conduct an orderly process to ascertain whether the parties can address and settle the complaint. Only the parties shall have the authority to enter into and sign a binding agreement to settle the complaint. The Mediator shall be impartial in the proceeding and has no authority to compel the parties to agree to a settlement.
 - c. Supportive persons. Any party at the conference may be supported by and accompanied by a friend or colleague. Indeed, such support is encouraged. In the interest of fairness, a party who intends to be supported by another person shall notify the Mediator and the other party of this fact at least ten (10) days in advance of the conference.
 - d. Concluding the mediation. The mediation process may continue for additional sessions until either a mediated settlement is reached, or until a party or the Mediator declares that a mediated settlement is unlikely to be reached. If the mediation fails because the parties are unable to agree to a mediated settlement, the Mediator shall inform the Screening Committee in writing.
 - e. Written and signed agreement. The key terms of any mediated settlement must be reduced to writing by the parties or by the Mediator, with three copies dated and signed by the Mediator and both parties. The Mediator shall submit his or her signed and dated copy of the mediated settlement to the Screening Committee. No further notifications are required unless the mutually agreed upon terms constitute the equivalent of either suspension, a stipulated resignation, or expulsion, as defined in Subsection Eight, C, below. In such instances, the mediated agreement must be reported to the Ethics Committee, which, in turn, must give notification to the IAAP and others in accordance with Subsections Nine, E, 2 & F, below.
3. No reliance on the mediation in other proceedings. No aspect of the mediation shall be introduced as evidence or relied upon in any other proceeding, including, but not limited to: views expressed or suggestions made by a party with respect to a possible settlement of the dispute; admissions made in the course of the mediation; and proposals made or views expressed by the Mediator or responses made thereto by any party. The Mediator shall not testify in any proceeding about information disclosed or representations made at any point in the mediation process, unless compelled by a court order.

F. Duty of Member to Report Complaint

Unless otherwise required by law, no member is required to report any allegation of a violation of the Ethics Code to any insurance company, official licensing agency or

other oversight authority unless and until the complaint has been formally referred to, and is pending before, the Ethics Committee.

Section Five: Ethics Committee's Mandate, Composition, Voting

A. Committee Mandate

1. Consultation. The Ethics Committee is authorized to provide consultation to members who have concerns involving ethical issues of a professional nature.
2. Processing Complaints. The Committee is authorized to investigate alleged violations of the Ethics Code. When processing a complaint, the Ethics Committee may conduct the following activities:
 - a. notify necessary parties that an investigation is proceeding
 - b. hear evidence and make findings of fact
 - c. advise parties of their right to representation
 - d. advise parties of their rights of appeal
 - e. resolve a complaint informally
 - f. issue findings of fact and recommend actions to be taken
 - g. notify the parties of its determinations and actions
 - h. keep records

B. Ethics Committee's Selection and Terms

1. Composition. The Ethics Committee shall consist of four NESJA members, at least two of them senior members (more than five years in NESJA or IAAP). The NESJA membership shall elect the members of the Ethics Committee.
2. Chairperson. The Executive Committee shall appoint one of the elected Ethics Committee members to be its Chairperson.
3. Term of Service. A full term on the Ethics Committee shall be four years. A member may serve no more than eight consecutive years. To further the continuity of the committee, the terms shall be staggered.
4. Vacancy and Replacement. In the event that an Ethics Committee member resigns or can no longer serve during a time when no proceeding is pending before the Ethics Committee, a replacement shall be elected at the next scheduled meeting of NESJA. It is the responsibility of the Chairperson of the Ethics Committee to inform the President of NESJA of any such vacancy. (See Subsection F, below, for replacement of a member when there is a proceeding pending.)

C. Conflict of Interest Challenges

1. Challenge. The composition of the Ethics Committee may be challenged by either party to a complaint. Any challenge must be received by the President of NESJA no later than thirty (30) days from the date of notification that the matter has been referred to the Ethics Committee. (See Paragraphs Four, B, 5 and 6, above) The

challenge must demonstrate that a conflict of interest exists between a particular Ethics Committee member and any party to the case.

2. Determination. The President of NESJA shall make a determination with regard to the challenge within a reasonable time and such determination shall be binding upon the parties.

D. Member Absences

1. Recusal if Named as a Party. If a complaint names as a party a member of the Ethics Committee, that member is automatically recused.

2. Recusal if Conflict of Interest. Ethics Committee members must recuse themselves from considering a complaint when they have identified a conflict of interest. When there is only the appearance of a conflict of interest, the relevant Ethics Committee member should bring this to the attention of the other members of the Ethics Committee and the President of NESJA to ascertain whether recusal is either necessary or preferable, given the particular circumstances.

3. Inability to Serve. When a member of the Ethics Committee is unable to perform his or her duties for personal reasons, such as illness, vacation or leave, the President of NESJA and the Chairperson of the Ethics Committee shall be informed.

E. Removal of Ethics Committee Member for Legal Misconduct

A member of the Ethics Committee who is either convicted of a felony or charged with a serious crime shall inform the President of NESJA and the Chairperson of the Ethics Committee of this fact. The Chairperson and the President of NESJA shall determine whether the conviction or charge would compromise the integrity of the Ethics Committee or appear to do so. If they reach such a determination, the Ethics Committee member shall be removed and an interim member named to serve as a replacement until a permanent member can be elected pursuant to either Paragraph B, 4, above, or Subsection Five, F, below, whichever is applicable at the time.

F. Interim Member

In the event that an Ethics Committee member is unable to perform his or her duties for any reason while a proceeding is pending before the Ethics Committee, an interim member shall be appointed by the Executive Committee. Both parties shall have the right to challenge the appointment of the interim member in accordance with Paragraph C, 1, above, and such challenge shall be resolved in accordance with Paragraph C, 2, above. (See Paragraph B, 4, above, for replacement of a member when no ethics proceeding is pending.)

G. Voting

All decisions by the Ethics Committee require an affirmative vote of at least three members of the Ethics Committee. Whenever possible, however, a unanimous vote shall be sought.

Section Six: Initial Investigation and Deliberation

A. Initial Steps by the Ethics Committee

1. Respondent's Reply to the Complaint. When requested by the Ethics Committee, the accused member (hereinafter referred to as the "respondent") shall reply to the complaint within thirty (30) days from the mailing of the written request. The request shall inform the respondent that a copy of his or her reply will be made available to the complainant.
2. Reply Given to Complainant. The complainant shall be given a copy of the respondent's reply.

B. Notification of the Boston Institute in Certain Cases

If the Ethics Committee receives a complaint from the Screening Committee, alleging a violation of the Ethics Code in connection with training activities at the Boston Institute, the Ethics Committee may inform the President of the Training Board of the Boston Institute that the Ethics Committee is taking up the complaint.

C. Ethics Committee's Requests for Additional Information

After the respondent's reply is received by the Ethics Committee, it may request additional information from the parties. The complainant and respondent each shall be given a copy of any further communication by the other party with the Ethics Committee. Each party shall be given the opportunity to respond to any such communication by the other party.

D. Respondent's Obligations

1. The respondent shall have thirty (30) days to respond to any communication from the Ethics Committee. Any extension of this time limit shall be granted only for good cause.
2. If the respondent fails to respond in accordance with Paragraph 1, above, such failure shall constitute a violation of the Ethics Code, unless good cause is shown.

E. Complainant's Obligations

1. The complainant shall have thirty (30) days to respond to any communication from the Ethics Committee. Any extension of this time limit shall be granted only for good cause.
2. If the complainant fails to respond in accordance with Paragraph 1, above, the Ethics Committee may terminate the investigation and dismiss the complaint.

F. Determination Based on the Parties' Written Submissions

The Ethics Committee may, if it finds that the material facts alleged by the complainant and the respondent are substantially in agreement, decide the case on the basis of the written submissions and without holding a hearing. If formal action is

to be taken on the written submissions, each party must first waive his/her right to a hearing. The Ethics Committee shall inform the parties of its decision in a written report which shall include its findings and the reasons for its decision. The Ethics Committee shall also inform the parties of any right to appeal the Ethics Committee's decision, and the time frame in which to do so (see Section Nine, below).

Section Seven: Further Investigation and Deliberation

A. Calling of Hearings

1. In general. The Ethics Committee may call hearings for the purpose of hearing evidence and ascertaining facts.
2. If a Formal Action is Being Considered. The Ethics Committee must hold hearings if it is considering taking formal action, as defined in Subsection Eight, C, below, unless both parties agree to waive their rights to a hearing.
3. If a Party Requests a Hearing. The Ethics Committee must call a hearing if either party so requests.
4. Each Party's Right to Present Case. If hearings are held, each party shall have the opportunity to present his or her case to the Ethics Committee.

B. Conduct of Hearings

1. Required Steps. In the conduct of the hearings, the following steps shall be taken:
 - a. Notice, Time and Place of Hearings. The Chairperson shall inform both parties in writing of the Ethics Committee's decision to schedule hearings and shall arrange for the time(s) and place(s) of the hearings.
 - b. Separate Hearing for Each Party. The parties shall be heard separately, with at least an hour between the hearings, unless both parties and the Ethics Committee agree that a single hearing, with both parties present, would be preferable.
 - c. Presence of Full Committee and Party to be Heard. Each hearing shall be conducted with all four members of the Ethics Committee and the party to be heard present in person.
 - d. Audio-recording. Each hearing shall be audio-recorded by at least two members of the Ethics Committee, using two different recorders, and the party being heard may also separately audio-record the hearing.
 - e. Witnesses. The parties may call witnesses to testify on their behalf. Any party wishing to call witnesses shall inform the Ethics Committee no later than two (2) weeks before his or her scheduled hearing.
2. Additional Hearings. If the Ethics Committee decides to call additional hearings, the parties must be informed no more than thirty (30) days after the end of the most recently held hearing.

Section Eight: Dispositions by the Ethics Committee

A. Procedure for Deliberations

1. Work of Ethics Committee. When the Ethics Committee deliberates, it shall:
 - a. make a finding of the relevant facts;
 - b. determine which principles of the Ethics Code, if any, have been violated; and
 - c. decide which action set forth in Subsections B and C, below, is appropriate, based on the finding of facts and the determination of any violation(s).
2. Ethics Committee's Written Report. Within thirty (30) days of the conclusion of the final hearing, the Ethics Committee shall issue a written report setting forth its finding of facts, determination of any violation(s) of the Ethics Code, decision as to which action is appropriate, and the rationale for its decision.

B. Informal Actions

Informal actions are defined as those which do not significantly affect the respondent's membership in NESJA and do not require NESJA's ratification. Possible informal actions include but are not limited to:

1. Closing With No Action. If the Ethics Committee finds that there is insufficient evidence to support a claim of a violation of the Ethics Code, or that the complaint is without merit, or that the violation is of such a minor nature that no action should be taken, the Committee shall close the case.
2. Written Apology or Amends. If the Ethics Committee finds that the member has either committed a minor ethical violation, or has committed no ethical violation but suffered a minor lapse in judgment, the Ethics Committee may direct the member to make a written apology and/or to make amends to the complainant. The terms of any apology or amends must meet the approval of the Ethics Committee.
3. Censure. A respondent shall be censured when he or she has violated the Ethics Code but the violation is not sufficiently grave to warrant a more serious action. At the discretion of the Ethics Committee, such censure may be confidential or public. In the latter case, NESJA shall be advised that the respondent has been censured (See Subsection Nine, E, below).
4. Probation. Probation shall be ordered when the Ethics Committee finds that the respondent has violated the Ethics Code and should be actively monitored by the Committee for a specified length of time. During probation the membership of the respondent in NESJA shall continue but with certain conditions imposed and monitored by the Ethics Committee. These conditions may include one or more of the following:
 - a. The respondent accepts supervision, rehabilitation, or educational training, or a combination thereof.
 - b. The respondent refrains from or modifies any training responsibilities, if the Ethics Committee so recommends to the Training Board of the Boston Institute.

- c. The respondent submits to the Ethics Committee a letter in which he or she acknowledges his or her violation(s) of the Ethics Code and assures the Ethics Committee that he or she will not violate any provisions of the Ethics Code in the future.

If accepted by the respondent, probation may be imposed either without formal notification to NESJA or with formal notification to NESJA that the respondent has accepted probation with certain conditions imposed (see Subsection Nine, E, below). If the respondent fails to honor the terms of probation, the Ethics Committee may consider further action under this Section Eight.

C. Formal Actions

Formal actions are defined as those which significantly affect the respondent's membership in NESJA. They require notification to and ratification by NESJA before they go into effect. If the Ethics Committee determines that the respondent has committed a major violation of the Ethics Code, the Committee may recommend one of the following formal actions:

1. Stipulated Resignation. Stipulated resignation means a resignation that both the respondent and the Ethics Committee agree to and that requires the respondent to meet particular conditions. The respondent may reapply for membership only after meeting those stipulated conditions, which may include supervision, rehabilitation and additional educational training. Unless the Ethics Committee offers the possibility later, the respondent must request a stipulated resignation before any hearings are held. A stipulated resignation takes effect only after ratification by a majority of members present at a meeting of NESJA.
2. Suspension. Suspension means a cancellation of the respondent's membership in NESJA for a specific time, with the possibility of re-application for membership in NESJA after the time of suspension has ended. The Ethics Committee may decide to recommend suspension only after hearing(s) are held. Re-application for membership will not be considered until the respondent has met all conditions imposed at the time of suspension, including, but not limited to, supervision, rehabilitation and additional educational training. Suspension shall take effect only after ratification by a majority of the members of NESJA present at the meeting. (See Subsection Nine, D).
3. Expulsion. Expulsion means termination of the respondent's membership in NESJA without provision for renewal. Expulsion shall be recommended by the Ethics Committee only after hearings are held. Expulsion takes effect only after ratification by a majority of all members of NESJA. (See Subsection Nine, D).

Section Nine: Appeals, Ratification, Notification

A. Appeals in General

When making a decision and issuing a report pursuant to Paragraph Eight, A, 2, above, the Ethics Committee shall send by registered mail copies of that report to both parties. They shall have thirty (30) days from the mailing of the report to appeal in writing the decision of the Ethics Committee. Any appeal shall be sent by registered

mail both to the other party and to the Chairperson of the Ethics Committee. The other party shall have thirty (30) days from the mailing of the appeal in which to respond in writing, sending its response by registered mail both to the appealing party and to the Chairperson of the Ethics Committee. In the appeal and response, the parties may not introduce new evidence but may present written arguments. In order to prepare for such appeal, the parties are entitled to obtain, at their expense, a copy of any audio recording made of the hearing by the Ethics Committee.

1. Appeal of Informal Action. If the Ethics Committee has decided upon an informal action, either party may appeal for reconsideration by the Ethics Committee.
2. Appeal of Formal Action. If the Ethics Committee has decided upon a formal action of suspension or expulsion, either party may file an appeal with NESJA. Such appeal shall be forwarded by the Chairperson of the Ethics Committee to the Executive Committee.
3. Informal Action Not Appealed. If the Ethics Committee has decided upon an informal action and neither party appeals that decision, or if the parties have agreed to the formal action of a stipulated resignation, the decision shall be considered accepted by both parties and the Ethics Committee shall notify NESJA as provided under Subsection E, below.
4. Formal Action Not Appealed. If the Ethics Committee has decided upon a formal action for suspension or expulsion and neither party appeals that decision, the Ethics Committee shall submit its decision to NESJA for ratification.

B. Reconsideration by the Ethics Committee

Within sixty (60) days of receiving an appeal for reconsideration of a decision to take informal action, the Ethics Committee shall review the written record, any taped recordings, and any written arguments submitted by the parties. It shall then make a decision and issue a written report setting forth its decision and the reasons therefor. Copies of the report shall be sent by registered mail to both parties. The Committee shall notify NESJA and, if required under Subsection E, below, the Boston Institute.

C. Appeal to NESJA

1. Appeals Committee. Upon receipt of an appeal the Executive Committee shall appoint an Appeals Committee of three (3) members to hear the appeal, at least two of whom shall be senior members (more than five (5) years a member of NESJA). No member shall be appointed to, or serve upon, the Appeals Committee if he or she has a conflict of interest. If either party can show that one of the Appeals Committee members has a conflict of interest, then the Executive Committee shall replace that individual. The Appeals Committee shall choose one of its members to chair the Appeals Committee.
2. Appeals Committee Process. Within sixty (60) days of being appointed, the full Appeals Committee shall review the written record, any taped recordings, and any arguments made by the parties. The Appeals Committee may overturn the decision of the Ethics Committee if either: a) it has committed a significant procedural mistake; or

b) special or mitigating circumstances exist that would render the decision of the Ethics Committee unjust or unfair to one of the parties. Otherwise, the decision of the Ethics Committee shall be upheld. The Appeals Committee shall make a decision and issue a written report setting forth its decision and the reasons therefor. Copies of the Appeals Committee's report shall be sent by registered mail to both parties and submitted to the next meeting of NESJA members for ratification.

3. Voting. All decisions by the Appeals Committee require an affirmative vote from at least two members of the Appeals Committee. Whenever possible, however, a unanimous vote shall be sought.

D. Ratification

1. Ratification by NESJA members. Within thirty (30) days of mailing its final report to both parties, the Appeals Committee shall submit its report to NESJA for ratification. The report shall be delivered to the President of NESJA, who shall place its ratification on the agenda for the next meeting of NESJA. At such meeting: (1) ratification of a formal action for suspension shall require the affirmative vote of a majority of the members present at the meeting; while (2) ratification of a formal action for expulsion shall require the affirmative vote of a majority of all NESJA members.

2. Reconsideration by Appeals Committee if NESJA Declines to Ratify the Appeals Committee's Initial Report. If the required majority for ratification is not achieved, the report shall be referred back to the Appeals Committee for further deliberation and for consideration of alternative actions. Such alternative actions include informal and formal actions set forth in Subsections Eight, B and C. The Appeals Committee shall make a decision with respect to possible alternative actions within sixty (60) days of the referral. If the Appeals Committee decides on an informal action or a formal action of stipulated resignation, its decision shall be final, and a copy of its report shall be mailed to both parties. If the Appeals Committee decides on a formal action for suspension or expulsion, its decision shall be submitted to NESJA for ratification in accordance with Paragraph 1, above.

E. Notification of NESJA and the Boston Institute

1. NESJA-ratified Actions. No further notification shall be required for actions that have been ratified by NESJA in accordance with Subsection D, above.

2. All Other Actions. For all actions which do not require NESJA's ratification, the Ethics Committee or the Appeals Committee, as the case may be, shall submit its final report to the President of NESJA with specific instructions concerning which parts of the report, if any, should be publicized to the membership of NESJA or to anyone else. If an action involves a violation of the Ethics Code in connection with training activities at the Boston Institute, the final report shall also be submitted to the President of the Boston Institute with specific instructions concerning which parts of the report, if any, should be publicized to the Training Board or membership of the Boston Institute, or to anyone else.

F. Notification of IAAP

In the event a member is suspended or expelled, or agrees to a stipulated resignation, from NESJA, the President of NESJA shall so inform IAAP, and any other IAAP Group of which respondent is a member, in writing within two (2) weeks) from the effective date of the member's suspension, expulsion, or stipulated resignation. If there is an inquiry from IAAP about the reason(s) for NESJA's decision, the President of NESJA is authorized to inform IAAP of said reason(s).

Section Ten: Records

A. Basics of Records and Record-keeping

1. Definition of Records. The term "records" pertains to all information collected during a proceeding under these Rules of Procedure, including written documents, computer files, and audio recordings.

2. Safe and Confidential Maintenance of Records. All records must be maintained safely and confidentially, and in a manner that ensures the records are used solely for the purpose of deliberations and any subsequent appeal under these Rules of Procedure.

3. Repository of Records. The Ethics Committee is the ultimate repository of all records.

4. Chairperson as Primary Keeper of Records. The Chairperson of the Ethics Committee shall have primary responsibility for keeping records safe and confidential.

5. Keeping and Returning All Records. Each Mediator, member of the Screening Committee, member of the Ethics Committee, and member of any Appeals Committee has an obligation to keep his or her copy of any records safe and confidential. At the conclusion of any proceeding, any and all records held by a Mediator or by a member of the Screening Committee or of an Appeals Committee shall be turned over to the Chairperson of the Ethics Committee for safekeeping. Also, all computer files relating to such proceeding shall be deleted by such individuals, so that the only remaining computer files are retained by the Chairperson of the Ethics Committee.

B. Transfer of Records upon Termination or Resignation of a Committee Member

1. Members of the Ethics Committee. Upon ending their assigned term, resignation or removal from the Ethics Committee, members must hand over to the Chairperson of the Ethics Committee all records in their possession, and must delete all computer files relating to any complaints.

2. Mediators and Members of Screening or Appeals Committees. In general, a person who serves as a Mediator, or as a member of the Screening Committee or an Appeals Committee, must turn over any records to the Chairperson of the Ethics Committee for safekeeping once the person resigns or his or her service ends. In addition, with respect to an individual complaint, each such person must turn over all records

regarding that complaint to the Chairperson of the Ethics Committee as soon as a final decision has been rendered in the matter.

C. Duration of Ethics Committee Records

Records held by the Ethics Committee for each proceeding shall be retained for a period of at least seven years after the proceeding is terminated, except in the following circumstances:

1. Records of Expelled or Resigned Members. Records concerning members who have been expelled or permitted to resign shall be maintained indefinitely or until they serve no further purpose and, on advice of an attorney, all possible legal actions can be ruled out.
2. Records of Suspended Members. Records concerning members who have been suspended shall be retained indefinitely unless the suspended member is readmitted, in which case the records shall be retained for seven years after readmission.

D. Access to Records of Terminated/Past Cases

In general, no one (including members of the Ethics Committee) has the right to read or review the records of a terminated proceeding except in the following circumstances:

1. Record Requested by a Party. If either of the parties to a terminated proceeding requests a copy of the records of his or her proceeding, the Ethics Committee may vote to make a copy available, at the cost of the requesting party.
2. Record Review Requested by Screening Committee or Needed by Ethics Committee. If the Screening Committee has received a complaint about a member, it may ask the Ethics Committee if it has any records of a previous complaint about that member. The Ethics Committee shall then review its records and report whether there has been a previous complaint. If so, the Ethics Committee shall give the Screening Committee a brief summary of the earlier complaint and of the action taken with respect to it. Similarly, the Ethics Committee, when considering a complaint against a member, may review its records to see if there has been a previous complaint against that member and, if so, what action was taken then. In such a case, if either the Screening Committee or the Ethics Committee finds merit in the current complaint, that Committee may consider the action taken in the earlier proceeding when deciding what action to take upon the current complaint.

E. Transfer and Disposal of Records

1. Once a year, the Ethics Committee shall identify those records whose period of retention has expired. Any such records shall then be securely destroyed.
2. The Chairperson, upon ending his or her Ethics Committee assignment, shall arrange for an orderly transfer of records in his or her possession to the new Chairperson, whose responsibility it is to continue the proper safekeeping of them.

3. Should the Chairperson find it necessary for NESJA to supply proper storage of the Ethics Committee records, he or she shall arrange with the President of NESJA for the location and the necessary funds.

F. Pre-existing Records

Within three (3) months of the adoption of this Ethics Code and the election of the Ethics Committee, every member of NESJA shall turn over to the Chairperson of the Ethics Committee all records in his or her possession pertaining to any violations or alleged violations of the principles of ethical practice which have involved other members before the adoption of this Ethics Code. Upon his or her appointment the Chairperson shall promptly write to all members soliciting all such records, and asking that each member delete any computer files involving past complaints brought against other members. These records shall be maintained and disposed of by the Ethics Committee in accordance with the rules set forth in this Section Ten.

Section Eleven: General Rules

A. Support and Counsel

1. Parties Supported and Accompanied by a Friend, Colleague or Legal Counsel. Either party may be supported and accompanied by a friend, colleague or legal counsel at every stage of the process, except that only a friend or colleague may accompany a party at a mediation session. Indeed, such support is encouraged. In the interest of fairness, a party who intends to be accompanied by another person shall give notice, to the other party and to the Mediator or Chairperson of the Committee considering the complaint or appeal, at least ten (10) days before any conference, meeting, or proceeding is to be held. Support by another person does not waive the requirement that each party must respond in person and in writing within time limits set forth in these Rules of Procedure

2. Support and Counsel for the Ethics Committee. The Ethics Committee, the Screening Committee and any Mediator are authorized to seek advice from legal counsel or from professionals trained in ethics or any other area of relevance. The Chairperson of the Ethics Committee, the Screening Committee or the Mediator, as the case may be, shall inform the Executive Committee when such advice is being sought in order to secure payment for such advice.

B. Confidentiality

Ethics proceedings under these Rules of Procedure and records thereof shall be kept confidential except in the following situations:

1. Subpoena or judicial order. Records must be turned over in response to a validly issued subpoena or judicial order that legally compels disclosure of information, after legal counsel for NESJA has confirmed that turning over the records is legally required.

2. Informing Certain Organizations and Agencies if a Member Resigns or is Suspended or Expelled. When a complaint results in a member's stipulated resignation, suspension or expulsion, the Ethics Committee may be required to communicate such action to affiliated

associations, such as the American Board for Accreditation in Psychoanalysis (ABAP), as well as to governmental licensing and certification agencies.

3. Informing IAAP or NAAP. When a complaint was originally referred by IAAP or NAAP, the Ethics Committee may be required to transmit all records in the matter to IAAP or NAAP.

4. Threat to Public Welfare. When the Ethics Committee determines that a serious threat to the public welfare exists, the Committee shall disclose to each relevant professional organization and governmental agency the action the Ethics Committee has taken on a complaint. No such disclosure shall be made without the approval of the Executive Committee and the advice of counsel.

C. Counter-complaints

The Ethics Committee shall not accept counter-complaints from the respondent during the course of its proceedings with respect to the initial complaint. Counter-complaints will only be considered after the initial complaint has been resolved.

D. Legal Consequences

Whether or not a member has violated the Ethics Code shall not by itself determine whether or not he or she is legally liable in a court action or whether other legal consequences have been incurred. Any such liability or consequences shall be determined according to law and through legal proceedings, not pursuant to this Ethics Code.

E. Discretion to Fashion Temporary Steps to Fulfill the Purposes of these Rules

If in the administration of these Rules of Procedure it is discovered that they do not provide for a necessary or desirable step in processing a complaint, the Executive Committee and the Ethics Committee may jointly devise a step which in their judgment is reasonably designed to further the purposes of these Rules of Procedure. Such step may be implemented and utilized as part of these Rules of Procedure until a formal amendment can be adopted by NESJA.

F. Headings for Purposes of Orientation Only

All headings are for orientation only and shall have no operative power.

G. Applicability

Both Parts II and III of the Ethics Code shall apply to all complaints about an event or events which are alleged to have occurred after the date of its adoption. Any complaints made about an event or events which are alleged to have occurred prior to the date of its adoption shall be processed under Part III of this Ethics Code, but Part II shall not apply unless both parties agree in writing to its application. Instead, the substance of any ethical violation alleged to have occurred prior to the date of the adoption of this Ethics Code shall be governed by the *Guidelines* portion of the *Ethical Procedures and Guidelines* (Article XIV of NESJA's Bylaws), which were in effect prior to the adoption of this Ethics Code.