

C. G. JUNG INSTITUTE OF CHICAGO

**RULES AND PROCEDURES
FOR THE PROFESSIONAL STANDARDS COMMITTEE**

DECEMBER 2007

PREAMBLE

The C.G. Jung Institute of Chicago has established the Professional Standards Committee which endeavors to resolve complaints of ethical violations alleged to have been committed by members of the Institute to provide consultation to members concerning ethical principles/ to protect-the public with whom members have a professional relationship, and to aid the Institute and its members in achieving the objectives as reflected in its Bylaws. These Rules and Procedures have been established to protect the rights of both complainants and respondents, to provide fair consideration and due process for all parties, and to maintain the standards of the Institute. The PSC shall endeavor to take actions toward members found in violation of the guidelines for Ethical Conduct of the Institute that are just, educative, and constructive rather than punitive in character. At the same time, the primary concern of the PSC shall be to protect the public against harmful conduct by members.

A. COMPOSITION AND FUNCTION OF THE EPPC

1. PSC shall consist of a minimum of three and a maximum of seven members including a Chairperson. The President shall serve in an ex-officio position. The committee members, including the chairperson, are elected at the Annual Meeting and shall serve at the pleasure of the Institute members. Ad hoc member(s) may be appointed by the chairperson, in consultation with the President to serve on a particular case when needed to form an adequate panel. All committee members, including the chairperson, shall be elected for a two (2) year term, and shall serve no more than two (2) consecutive terms.
2. The PSC is authorized by the Institute to investigate allegations of unethical professional conduct that may be harmful to analysands, the public, to colleagues; or that is otherwise contrary to or destructive of the objectives of the Institute. The Committee shall ascertain facts; hear evidence; notify necessary parties that an investigation is proceeding; advise members of their rights of appeal and of legal representation; resolve a complaint informally; report its findings and make recommendations to the President for action in a case; keep records of inquiries; notify the parties concerned of the determination of its action; and if deemed necessary notify state licensure or other recognized and affiliated professional associations of the determination of its case.
3. By appeal of the President, the respondent or the complainant shall have a thirty (30) day period from the date of the mailing of the notification by the PSC that it will investigate a complaint within which to challenge the composition of the PSC. The complainant or the respondent must clearly demonstrate a conflict of interest between any of the members of the Committee with any of the parties in the case under investigation. The President shall act upon such appeal within a reasonable time after receipt of a request, which determination shall be binding upon the parties. Any member of the PSC shall also have the right to appeal to the Chairperson or the

President for relief from the responsibility for considering any complaint. If the need arises, interim members shall be temporarily appointed to the PSC by the President in consultation with the Executive Committee and be confirmed at the next meeting of the Institute.

B. PROFESSIONAL MISCONDUCT PROCEDURE

1. Complaints against a member may be submitted by either a member or non-member of the Institute. All complaints shall be in writing and shall be submitted to the Chairperson of the PSC who, upon receipt, shall send to the complainant a copy of the Guidelines for Ethical Conduct and the current Rules and Procedures of the PSC. The complainant will be asked to describe the claimed ethical violation more fully if the complaint is not specific enough in the opinion of the Chairperson, and will be asked to inform the PSC of previous steps, if any, that have been taken to remedy the situation.

The complainant will be asked to sign a release authorizing the PSC to give a copy of the complaint letter, or to quote or paraphrase provisions thereof, to the respondent. The complainant will be asked for permission for the PSC to forward a summary report of the case to the appropriate state licensing board, or other affiliated professional associations, if in the opinion of the PSC that becomes necessary. If the complainant has been an analysand of the respondent, consent will be requested to allow the respondent to provide the PSC with appropriate records and to answer questions concerning the confidential professional relationship.

2. The PSC shall determine whether it will proceed with the complaint if the complainant will not execute any of the releases provided for in paragraph 1 above.

3. The PSC shall not act on the basis of an anonymous complaint except where information in the public domain is provided and a complaint is filed.

4. All complaints shall be initially evaluated by the President of the Institute and the Chairperson of the PSC. If either decides that there are sufficient grounds to indicate that the conduct complained of may violate the Guidelines for Ethical Conduct, the respondent shall be so informed and advised in detail of the complaint, and at the discretion of the Chairperson, given a copy of complainant's complaint, and shall be asked to reply. The respondent shall be informed that a copy of the reply, or a paraphrase thereof, shall be made available to the complainant pursuant to paragraph 8 (a) below. Should the case warrant, a copy of the respondent's reply shall go to the Chairperson of the Training Committee pursuant to paragraph 5 herein. When both the President and the Chairperson of the PSC agree that the complaint, if proven, would not constitute an ethical violation or that the complaint is patently frivolous, the case will be closed and the complainant advised of their decision. If the complainant, within sixty (60) days of being notified that the case will be closed, alleges additional facts which cause the determination, the case may be reopened.

5. If the respondent is engaged in any aspect of the training of analysts or is on the Board of the Institute, the President shall give the Chairperson of the Training Committee a copy of the complainant's complaint and the respondent's reply if it is determined pursuant to paragraph 4 above that the conduct complained of may violate

the Guidelines for Ethical Conduct. The Chairperson of the Training Committee shall be informed of the complaint after the respondent replies, but before the PSC meets to investigate the complaint. Thereafter, the Chairperson shall be given a copy of all papers and documents pertaining to the proceeding submitted to the PSC. The Chairperson shall be given notice of any meeting of a subcommittee of the PSC and a person designated by the Board of the Institute may attend such meeting and any other meeting held to ascertain the facts in the proceeding. The Chairperson shall be promptly notified of any determination of the complaint, providing information about the nature of the violation, the recommendations and decisions of the PSC, and any consequent actions taken as a result of those recommendations.

6. If the complainant has not signed any or all of the releases provided for in paragraph 1 above, and the PSC nevertheless decides to continue its investigation, the PSC shall make every effort to keep the identity of the complainant secret. If, in its opinion, it cannot withhold the identity of the complainant, then it shall forthwith discontinue its proceeding of the complaint and shall close the case.

7. The complainant and the respondent shall have thirty (30) days from the date of the mailing of a communication from the PSC to respond as requested. Failure to comply on the part of the complainant may result in the termination of the investigation and the closure of the case. Failure to comply on the part of the respondent shall be viewed as evidence of lack of cooperation and shall constitute a violation of the Guidelines for Ethical Conduct unless good cause is shown. The PSC shall deal with such a violation in accordance with these Rules and Procedures.

8. Procedures to be followed after the receipt of respondent's response.

(a) The Chairperson of the PSC may request additional information from the complainant and the respondent; from persons or witnesses who have information pertaining to the complaint; from the Institute members; from state licensing boards; from other professional organizations; and from legal counsel deemed necessary by the PSC to carry out its functions. The complainant may or may not be informed or advised in detail of the respondent reply to the complaint, and, at the discretion of the Chairperson, given a copy of respondent's response, and be asked for further information or clarification. The complainant and respondent may or may not be given copies of any further replies between the two parties, and, at the discretion of the Chairperson, be asked for additional information.

(b) For any given complaint, three members of the Committee shall be chosen by the PSC for the purpose of investigation and hearing the respective parties and their witnesses. The full Committee shall participate in the final recommendations as more particularly described in section B herein.

(c) By majority vote, the full PSC shall decide whether or not to proceed with the investigation and adjudication of a complaint when it has completed its collection of the necessary facts and information. It shall notify the complainant of the respondent in writing of its determination

9. After all the facts have been presented to the PSC, it shall decide by majority vote among the following dispositions:
 - (a) Close the case. If the PSC finds that there is insufficient evidence to sustain the charge of an ethical violation or that the complaint is without merit, or that the violation is of such a minor nature that no action should be taken, it shall close the case.
 - (b) Direct the respondent to cease and desist engaging in specified conduct.
 - (c) Censure the respondent. The censure shall be confidential. The censure may be confidential or the membership of the CSJA may be advised that the respondent has been censured, at the discretion of the EPPC. Censure is determined when there has been an ethical violation but the damage done to another person is not sufficient to warrant more serious action.
 - (d) Place the respondent on probation and/or impose conditions of continuing membership. Probation is defined as the continued membership in the Institute while the PSC undertakes actively and systematically to monitor, for a specific length of time, the degree to which the respondent complies with the PSC's requirement. The respondent may be required to accept psychotherapy as directed by the PSC, and the PSC may recommend to the Chairperson of the Training Committee that the respondent give up or modify training responsibilities. Additionally, the PSC may stipulate that the respondent be required to submit to it a formal letter of affirmation acknowledging the facts of, and responsibility for, the violation and assuring the PSC that the respondent accepts the Guidelines for Ethical Conduct as adopted and will not violate them in the future.
 - (e) Offer a stipulated resignation. If the PSC finds a serious violation of the Guidelines for Ethical Conduct, in lieu of a formal charge, the PSC may recommend that the respondent be permitted to resign and, upon recommendation of the PSC, reapply for membership later under stipulated conditions, including but not limited to specific supervision, psychotherapy, rehabilitation, and/or additional educational training. A stipulated resignation may be offered only upon recommendations of a majority of members of the PSC. and formal actions at a regularly scheduled meeting of the CSJA where the action proposed has been placed on the formal agenda and notice given to the members, as required for a decision in accordance with the Bylaws, Article IV, Section
 - (f) Suspend or expel the respondent. Suspension or expulsion shall be only upon recommendation of a majority of members of the PSC. and formal actions at a regular scheduled meeting of the Institute where the action proposed has been placed on the formal agenda and notice thereof given to the members, as provided for in the Bylaws of the Institute, Article IV, section 4. A majority vote of the membership is required for a decision. The PSC shall discuss the question of the protection of the public whenever there is a suspension or expulsion and make recommendations to the membership of the Institute.
 - (g) A combination of the above, or some alternative action or actions as may be determined by the PSC to suit the case.

10. When the PSC has decided how to resolve a case, it shall inform the complainant and the respondent of its decision and shall furnish such information to them as it deems appropriate. If there is a violation it shall specify the principle or principles violated. The PSC shall also notify the President of the Institute of its findings decisions and recommendations.

11. If, within sixty (60) days from the date of the mailing by the PSC of the notification of an informal determination or a stipulated resignation, the respondent accepts the determination of the Committee, the Chairperson shall notify the complainant that the matter has been resolved through a disposition within the Committee for an informal determination or stipulated resignation, stating the set of conditions (if any) specified by the PSC, and including the principles(s) violated and the rationale for its actions.

In the case of a formal action of suspension or expulsion by the Society, the PSC shall inform the complainant and the respondent of the final action of CSJA including which principles were judged to have been violated, and the rationale for Society's the EPPC's action decision. Additionally, in all cases, such parties as have been complaint shall receive notification of the final disposition the case. When the PSC deems it necessary for the protection of the Institute or the public, or when it deems it necessary to maintain the standards of the membership of Institute notification of the disposition within the PSC may be made to on more of those bodies enumerated in Section C, paragraph 4 below.

12. In the event the PSC recommends suspension, an offered stipulation of resignation, or expulsion from the Institute and notice thereof is given to the respondent as herein provided, the respondent shall have a sixty (60) day period from the date of mailing of the notice of action within which to appeal to the Appeals Committee president of the CSJA to reconsider such recommendation. before it is presented to the general membership of the Association. If the respondent does not file an appeal within the specified time period, the right to an appeal shall be considered waived. The process of appeal conducted before the general membership of the Society is described in Section B, Part II, paragraphs (f) through (I) of the Guidelines for Ethical ~Conduct.

A separate Appeals Committee, the composition of which must be agreed upon by both parties, will determine the final disciplinary action which should be treated as confidential.

A respondent's refusal to accept the final decision of the PSC or the membership, as the case may be, will constitute a violation of the Guidelines for Ethical Conduct and will result in Expulsion.

C. GENERAL OPERATING RULES

1. Time restrictions. The PSC shall not act on any complaint if the claimed unethical conduct occurred more than one (1) year prior to the date of the complaint, or more than three (3) years prior to the date of the complaint if the complainant alleges

unethical conduct during the course of an analysis. The three (3) year period shall be deemed to have started immediately after the termination of the analysis or when there is no longer any contact between the complainant and respondent, whichever date is later. A complainant shall have the right to show good cause as to why such a time restriction of a complaint filed shall be extended; and the respondent shall have the opportunity to answer the complainant's request before the PSC makes its determination. Any extensions beyond the limit specified here must be approved by a majority of the members of the PSC.

2. Legal counsel. Complainants and respondents shall have the right to consult with and be represented by legal counsel, although they are required to respond to the PSC, in writing, personally as well as through counsel, and within the specified time limits.

3. Records. All complaints, responses to complaints, and communications between the parties and the PSC shall be in writing. Copies shall be retained for a period of at least five (5) years, except in cases for non-violations which shall be destroyed one (1) year after the PSC has closed the case. However, the PSC's records shall be maintained in a manner designed to prevent identification of the complainant or respondent for any reason other than the business of the PSC. Files concerning members who have been expelled, suspended, or permitted to resign shall be maintained indefinitely. Records of members readmitted under a stipulated resignation shall maintained for five (5) years after readmission.

4. Confidentiality. The investigation and adjudication of the PSC shall be kept confidential except when a validly issued subpoena or order legally compels disclosure of information or as otherwise herein provided. The President of the Institute shall be advised of all proceedings of the PSC, and may be given copies of all communications, and a report shall be made following adjudication of the case. Additionally, pursuant to Section B, paragraph 5 above, when appropriate, the Chairperson of the Training Committee shall be advised of the proceedings of the PSC. In cases which result in a member's probation, resignation, suspension or expulsion, the PSC may communicate, after advice from legal counsel, such action to members, affiliated associations, state licensing and certification boards, legal counsel of the Society, and such other individuals or organizations as the PSC shall deem necessary to protect the public. In cases in which the PSC determines by a majority vote of the members present at a regularly scheduled meeting that there may be a serious threat to the public welfare, the PSC, with the approval of the President of the Institute may also disclose the information that a member is under investigation to any of the above organizations or individuals. However, no such communication shall be made without the advice of counsel to insure that the PSC, the Institute, its officers and members are complying with law of defamation and other applicable laws.'

5. Counter-complaints. The PSC shall not accept counter-complaints from the respondent during the course of its investigation of a complaint. Such counter-complaints will only be considered after the initial complaint has been resolved.

6. Cases of legal misconduct. The PSC may institute its own investigation, and adjudication of the conduct of a member if a member is found guilty of any criminal

offense or if a member has been indicted or charged with commission of a criminal offense, even if the member is ultimately acquitted.

7. Trainees. Responsibility for complaints against candidates-in-training in the Institute shall rest with the Training Committee for further exploration of, and possible action on, such a complaint when said candidate becomes eligible for membership in the Institute, provided that any such action by the PSC abide by the time restrictions pursuant to Section C, paragraph 1 above, and be commenced not more than one year after the complaint has been registered with the Training Committee. Failure on the part of a candidate-in-training to comply with such procedures may be grounds for the refusal of admission at the time the candidate-in-training applies for admission for membership to the Institute.

8. Majority Rule. All decisions of the PSC, with the exceptions herein stated, and attendance by persons other than those elected to the Committee, shall be by majority vote of those members present.

D. PROVISION FOR AMENDMENT

The Guidelines for Ethical Conduct of the Institute and the Rules and Procedures for the PSC may be amended by a majority vote of those present at any regularly constituted membership meeting of the Institute provided that such an amendment shall have been submitted to the members in writing at least ten (10) days prior to the meeting and in accordance with the Bylaws of the Institute, Article IV, Section 4.