## Table of Contents

### Part II—The Procedures

1. Scope of Authority of the Ethics Committee ......................................................... 13
2. Membership and Meetings of The Committee ..................................................... 14
3. Initiation of Complaints ....................................................................................... 14
4. Initial Action by Executive Director .................................................................. 15
5. Preliminary Determination by Chair of Ethics Committee with the Advice of Legal Counsel ................................................................. 15
6. Investigation by Ethics Committee ...................................................................... 16
7. Action by the Ethics Committee ......................................................................... 16
8. Procedures for Hearings Before Board of Directors ........................................... 18
9. Resignations and Non-Renewals ....................................................................... 19
10. Records and Disclosure of Information .............................................................. 19
Part II—The Procedures

PREAMBLE

When accepting membership in the Association, each member agrees to abide by the CAMFT Code of Ethics. It is the ethical responsibility of each member to safeguard the standards of ethical practice and to see that violations of the CAMFT Code of Ethics are addressed. Members of the Association cooperate with duly constituted bodies of the California Association of Marriage and Family Therapists, and in particular, with the Ethics Committee, by responding to inquiries promptly, truthfully, and completely.

1 Scope of Authority of the Ethics Committee

A. The Bylaws of the Association (Article IV, Section A) provide for three categories of membership in CAMFT:
   1. clinical member
   2. prelicensed member
   3. associate member

B. The Association has authority only over these members. This authority is derived from Article IV Section C of the Bylaws.

   Except as otherwise provided in these Bylaws, membership in any category shall be upon a majority vote of the Board of Directors. The Board of Directors may refer an application for membership to the Ethics Committee when it has reasonable cause to believe that the applicant may have violated the CAMFT Code of Ethics. The Ethics Committee, after investigating the referral, shall make its recommendation to the Board of Directors. All members shall pay dues in accordance with the dues schedule of the Association and shall abide by the Bylaws and the CAMFT Code of Ethics of the Association.

   The Executive Director shall make reports to licensing board(s) of membership denials, pursuant to Section 805 (c) of the Business and Professions Code.

C. Article VII, Section B.3. of the Bylaws of the Association authorize the various functions of the Ethics Committee.

   The Ethics Committee maintains and reviews the CAMFT Code of Ethics, interprets the CAMFT Code of Ethics to the membership and the public, conducts investigations of alleged ethics violations, makes recommendations to the Board of Directors regarding members alleged to have violated the CAMFT Code of Ethics, makes recommendations to the Board of Directors regarding acceptance or rejection of prospective members who may have violated the CAMFT Code of Ethics, and from time to time proposes revisions, deletions, and additions to the CAMFT Code of Ethics to the Board of Directors for its approval.

D. The Bylaws of the Association, in Article IV, Section E3 provides for the expulsion or suspension of members.

   Expulsion or suspension: any member who violates the CAMFT Code of Ethics may be expelled or suspended from membership in the Association following an investigation and report by the Ethics Committee and
a hearing before the Board of Directors. A two-thirds (2/3) majority vote of those Directors present at the hearing shall be necessary in order to expel or suspend a member. The member accused of the violation shall be given a reasonable opportunity to defend against the charge and shall be entitled to be represented at all stages of the proceedings. Any member to be expelled or suspended shall be entitled to at least fifteen (15) days prior notice of the expulsion or suspension and the reasons therefore, and shall be entitled to be heard, orally or in writing, not less than five (5) days before the effective date of expulsion or suspension by the Board of Directors. Notice may be given by any method reasonably calculated to provide actual notice. Any notice given by mail shall be given by first-class, registered, or certified mail sent to the last address of the member as shown on the Association’s records. The CAMFT Code of Ethics shall spell out further details of the procedures for investigation and hearing of alleged violations not inconsistent with these Bylaw provisions.

2 Membership and Meetings of The Committee

A. Article VII, Section B3 of the Bylaws defines the composition and terms of office of the Ethics Committee.

The Ethics Committee shall consist of not less than five (5) nor more than seven (7) members, all of whom shall be clinical members of the Association for at least two (2) years prior to appointment. The Committee shall not contain any directors as members. The term of office shall be two (2) years with a maximum of four terms.

B. Article VII, Section E of the Bylaws, defines when the Ethics Committee may meet and the required notice for such meetings.

1. Meetings: Committees shall meet at such times as determined either by resolution of the Board of Directors, by resolution of the Committee with the approval of the President, or by a Committee Chair with the prior approval of the President. Meetings of Committees shall be held at the principal office of the Association or at any other place that is designated from time to time by the Board, the Committee, or the Committee Chair.

2. Notice: Meetings of the committees shall be held upon not less than ten (10) days written notice. Notice of a meeting need not be given to any committee member who signed a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such committee member.

3. Quorum: A majority of the committee members of each committee shall constitute a quorum of the committee for the transaction of business.

4. Minutes: Minutes shall be kept of each meeting of any committee and shall be filed with the corporate records. The Board of Directors may adopt rules for the governance of any committee consistent with the provisions of these Bylaws.

3 Initiation of Complaints

A. The Ethics Committee shall recognize and accept written complaints received from members of the Association or non-members, or the Ethics Committee may proceed on its own initiative, as specified in Section III. F.

B. All complaints must be in writing.
C. Complaints must be signed by the complainant and accompanied by the complainant’s address and other contact information.

D. A member who knows of a violation of the CAMFT Code of Ethics is encouraged, if appropriate, to attempt to resolve the issue by bringing it to the attention of the particular therapist(s), bringing this fact to the attention of the Ethics Committee in the form of a complaint, and/or, to taking other appropriate action.

E. Anonymous complaints shall not be recognized or accepted.

F. Notwithstanding the provisions specified, the Ethics Committee may proceed on its own initiative when it has been presented with sufficient information, which, if proven, would constitute a violation of the CAMFT Code of Ethics. For example, the Committee could proceed on information received from another professional organization, a state licensing board, or a peer review committee.

G. The Ethics Committee may, in its discretion, determine that a complaint should not be acted upon because the events complained about occurred too far in the past.

H. The Ethics Committee shall proceed with an investigation if directed to do so by the CAMFT Board of Directors.

4 Initial Action by Executive Director

Upon receipt of a complaint, the Executive Director, or his/her designee (hereafter “Executive Director”), shall determine whether the person who is the subject of the complaint is a member or applicant for membership in the Association.

A. If the person is not a member or an applicant for membership in the Association, the Executive Director shall so inform the complainant in writing and shall explain that the Association has no authority to proceed against the person.

B. If the person is a member of the Association or an applicant for membership in the Association, the Executive Director shall forward a copy of the complaint to the Chair of the Ethics Committee. A letter shall be sent by the Executive Director to the complainant acknowledging receipt of the complaint and informing the complainant that the person complained against is a member. A copy of the CAMFT Code of Ethics shall be included with the letter.

5 Preliminary Determination by Chair of Ethics Committee with the Advice of Legal Counsel

A. The Chair of the Ethics Committee, or his/her designee (hereafter Chair), with the advice of Legal Counsel for the Association, shall review the complaint and determine whether it states allegations which, if proven, would constitute one or more violations of the CAMFT Code of Ethics. In the event the Chair determines that the complaint shall be closed without further action, the complainant shall be notified of such decision and the reason for such decision. When the Chair determines the complaint should not be closed, the complaint shall be referred to the full Ethics Committee. To aid in making such determinations, the Chair, with the advice of Legal Counsel for the Association, may request, in writing, clarification from the complainant.
B. When a complaint has been referred to the Ethics Committee, the Chair shall request the complainant’s permission to disclose his/her name and/or to use any evidence provided by the complainant, for the purpose of the investigation. The Chair or his or her designee shall request that the complainant agree, in writing, to waive his/her rights of confidentiality and/or psychotherapist/patient privilege in order to permit the Ethics Committee to obtain information related to the investigation from the member and/or others.

C. If the complainant refuses permission for the use of his/her name in the investigation or refuses permission for the disclosure of his/her name or any of the written or other matter or evidence provided by the complainant, or if the complainant refuses to sign a waiver of confidentiality and/or psychotherapist/patient privilege, then the Chair of the Ethics Committee, with the advice of Legal Counsel, may close the matter and notify the complainant in writing or refer the matter to the full Ethics Committee for its action.

D. All correspondence to the complainant and to the member shall be marked “Confidential” or “Personal and Confidential.”

E. All actions of the Chair shall be reported to the full Ethics Committee at the next regularly scheduled meeting.

6 Investigation by Ethics Committee

A. The Ethics Committee shall review complaints and supporting documentation/evidence to determine whether or not to investigate complaints. When the complaint warrants investigation, copies of the complaint and supporting documentation/evidence shall be sent to all members of the Ethics Committee. Investigations may be carried out by the Chair of the Committee in consultation with Legal Counsel, by the Chair’s designee(s), or by the Committee. The Chair, in consultation with Legal Counsel, may act on behalf of the Committee between meetings of the Committee, to pursue investigations, and shall report such actions to the full Committee.

B. The Chair of the Ethics Committee, in consultation with Legal Counsel, shall prepare and send a letter to the member, specifying those sections of the CAMFT Code of Ethics that may have been violated by the member. The letter shall inform the member of the ethical duty to cooperate with the Ethics Committee in its effort to investigate the circumstances that led to the allegations, and to provide on his/her behalf, a written statement in response to the allegations made in the complaint. The member shall be sent a copy of the CAMFT Code of Ethics.

C. Investigations may be pursued by corresponding with the member and other persons involved in the dispute, or by interviewing such persons, personally or by telephone, or by any other lawful means.

D. During the investigation stage of the proceedings, the member shall have the right to consult with his/her attorney and shall have the right to have his/her attorney present at any investigatory meeting with the member.

7 Action by the Ethics Committee

A. After reviewing the complaint, the response of the member, and any other pertinent information, the Ethics Committee may close the case without a finding of a violation of the CAMFT Code of Ethics, hold the case in abeyance pending other action, continue the investigation, attempt to settle the case by mutual agreement, send a letter with cautions or recommendations, or recommend to the Board of Directors that the individual’s membership be terminated, suspended, placed on probation, or that other action be taken. The Ethics Committee may appropriately impose more stringent requirements upon members previously found to have
violated the CAMFT Code of Ethics, or any other relevant professional or state code of professional conduct. If additional evidence of unethical conduct is brought to the attention of the Committee after a matter has been closed, the case may be reopened and acted upon under these procedures.

B. If the Ethics Committee decides to attempt to settle the case by mutual agreement:

1. The Committee may recommend to the member that he/she agree to the terms of a Settlement by Mutual Agreement. The terms and conditions of the Settlement by Mutual Agreement may include requiring the member to: cease and desist from specified actions, accept censure, be placed on probation and/or rehabilitation, be under supervision or monitored practice, complete education or therapy or both, agree to suspension or termination of membership in the Association, or any other terms and conditions that the Committee deems appropriate.

2. The Settlement by Mutual Agreement shall be in writing and shall detail the specific sections of the CAMFT Code of Ethics that have been violated and the manner in which the agreement is to be implemented.

3. The Committee shall supervise and oversee compliance with the Settlement by Mutual Agreement. The Committee has the final authority over the Settlement by Mutual Agreement and the meaning of the terms of the Settlement by Mutual Agreement. The Committee may alter such terms and conditions when requested by the member or as deemed necessary by the Committee with the written agreement of the member.

4. The Agreement shall become effective and is binding as soon as it is signed by the member and the Chair of the Ethics Committee or at any other time designated in the Agreement. The Agreement shall be maintained in the Association’s records.

5. The Committee, in its sole discretion, may make a finding that the member has not complied with the terms or conditions of the Settlement by Mutual Agreement. In the event of the member’s non-compliance with the Settlement by Mutual Agreement, the Committee may proceed in accordance with the provisions of the Settlement by Mutual Agreement that relate to non-compliance, or in accordance with Section D, or in any other manner not inconsistent with Section D.

6. If no Settlement by Mutual Agreement occurs, because a settlement is offered but ultimately rejected by the member, the Ethics Committee may recommend that action be taken against the member by the Board of Directors as a result of one or more violations of the CAMFT Code of Ethics.

C. When the Ethics Committee recommends that action be taken by the Board of Directors, the Ethics Committee shall give the member written notice as specified below. Notice shall be given by personal delivery or certified mail sent to the last address of the member as shown on the Association’s records. The written notice shall include, at a minimum, all of the following information: 1) the findings of the Ethics Committee, 2) the final proposed action of the Ethics Committee, 3) whether such action, if adopted by the Board of Directors, would require a report pursuant to Section 805 of the Business and Professions Code, 4) that the member has a right to request a hearing on the final proposed action, and 5) that the time limit within which a hearing must be requested is thirty days (30) from receipt of notification of the final proposed action.

D. If a hearing is not requested within forty (40) days from mailing of notification of the final proposed action, then the Committee’s final proposed action shall be adopted, and the Ethics Committee Chair shall thereafter forward the final determination to the Executive Director for such further action as may be appropriate.

E. If a hearing is requested on a timely basis, the Ethics Committee shall give the member written notice. Notice shall be given by personal delivery or certified mail sent to the last address of the member as shown on the
Association’s records. The written notice shall include, at a minimum, all of the following information: 1) the reasons for the final proposed action recommended, including the acts or omissions with which the member is charged, and 2) the place, time, and date of the hearing. The hearing shall be commenced within sixty (60) days after receipt of the request for a hearing.

8 Procedures for Hearings Before Board of Directors

A. The hearing shall be conducted in accordance with the provisions of these Procedures. Should these Procedures be inconsistent with the Peer Review Fair Hearing Procedures commencing with Section 809 of the Business and Professions Code, the provisions of the Business and Professions Code shall prevail.

B. The hearing shall be held before the Board of Directors.

C. The Board of Directors may designate a hearing officer to preside at such hearing, who shall gain no direct financial benefit from the outcome, shall not act as a prosecuting officer or advocate, and shall not be entitled to vote.

D. The member shall have the option of being represented by counsel, and if counsel is desired, notice shall be given by the member at the time the hearing is requested. The costs of such attorney shall be at the member’s expense.

E. All costs of attendance for the charged member at the hearing shall be borne by the charged member.

F. The charged member shall have the right to a reasonable opportunity to voir dire the Board of Directors and any hearing officer, if selected, and the right to challenge the impartiality of any Board Member or hearing officer.

G. The Ethics Committee, through its Chair or his/her designee, shall present the case against the member.

H. Continuances shall be granted upon agreement of the parties on a showing of good cause by the hearing officer of if there is no hearing officer, the President or his/her designee (hereafter President).

I. The charged member and the Ethics Committee shall have the right to inspect and copy documentary information relevant to the charges in each other’s possession or under their control. Both parties shall provide access to this information at least thirty (30) days before the hearing.

J. The parties shall exchange lists of witnesses expected to testify and copies of all documents expected to be introduced at the hearing at least thirty (30) days before the hearing.

K. The charged member and the Ethics Committee have the following rights:

1. To be provided with all of the information made available to the Board of Directors.

2. To have a record made of the proceedings.

3. To make opening and closing statements.

4. To call, examine and cross-examine witnesses. Members of the Association have a duty to testify as to relevant information, if requested to do so by the Ethics Committee pursuant to Section 7.7 of the CAMFT Code of Ethics.
5. To present and rebut evidence determined by the President.

6. To submit a written statement at the close of the hearing.

L. All evidence, which is relevant and reliable, as determined by the President shall be admissible. The formal rules of evidence shall not apply.

M. The Ethics Committee shall have the burden of proving the charges by a preponderance of the evidence.

N. The decision of the Board shall be by majority vote of the Board of Directors present. Pursuant to the Bylaws, if the decision is to expel or suspend, a two-thirds majority vote of the Board of Directors present is required.

O. Upon completion of a hearing concerning a final proposed action, the member and the Ethics Committee shall receive a written decision of the Board of Directors within a reasonable time. Said decision shall include findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached. The written decision shall be delivered by personal delivery or certified mail sent to the last address of the member as shown on the Association’s records.

P. If no violation of the CAMFT Code of Ethics is found, the Board of Directors shall order that the member be cleared of all charges.

Q. If a violation or violations of the CAMFT Code of Ethics is/are found, the Board shall either adopt the final proposed action recommended by the Ethics Committee or take any other action that the board deems appropriate, including, but not limited to, requiring him/her to cease and desist from specific actions; accept censure; probation and/or rehabilitation; supervision or monitored practice; education, therapy, or both; and/or suspension or termination of membership.

R. There shall be no appeals from decisions of the Board of Directors, but the Board, in its discretion, may reconsider its decision upon the written request of the member.

S. Any terms or conditions ordered by the Board shall be monitored by the Ethics Committee. Any request by the member for modification of terms or conditions shall be directed to the Ethics Committee, which shall consider and act upon the requested modifications in a reasonable time.

9 Resignations and Non-Renewals

If a member resigns from membership in the Association during the investigation of the complaint or at any other time during the consideration of the complaint, the Ethics Committee, at its discretion, may continue its investigation. The Executive Director shall make reports to licensing board(s) of resignations and withdrawal or abandonment of applications, pursuant to Section 805 (c) of the Business and Professions Code.

10 Records and Disclosure of Information

A. The permanent files of the Ethics Committee shall be maintained in the principal office of the Association.

B. All information obtained by the Ethics Committee, including any investigating subcommittee or designee, and all proceedings of the Ethics Committee, shall be confidential except as follows:
1. Information may be disclosed by those investigating the complaint, or the investigating subcommittee or designee, as is necessary in order to pursue a thorough investigation.

2. The complainant may be informed of the status and progress of the complaint and shall be notified of the conclusion of the case.

3. The Ethics Committee may, in its discretion, authorize the Executive Director to publicize summaries of Settlements by Mutual Agreement without disclosing the name of the complainant or the charged member.

4. When an accused member resigns his/her CAMFT membership during the course of an Ethics Committee investigation, and where the Committee determines that there has been a violation of the CAMFT Code of Ethics, the Association may publish the fact and circumstances of the member’s resignation.

5. Whenever the Board of Directors finds, after a hearing, that a member has not violated the CAMFT Code of Ethics, that fact shall be disclosed to the membership of the Association by publication in The Therapist only upon the written request of the cleared member.

6. If, after a hearing, the Board of Directors finds that a member has violated the CAMFT Code of Ethics, the Board of Directors may do any of the following:
   a. Disclose the ethics violation and disciplinary action to the membership of the Association.
   b. Inform state regulatory agencies and other professional organizations, including chapters of CAMFT.

7. The Board of Directors shall order the publication of a member’s expulsion or suspension if, after a hearing by the Board of Directors, the member has been found to have violated the CAMFT Code of Ethics.

8. If there is to be publication of the Board of Directors’ findings and actions, it will be in The Therapist and shall include the member’s full name, any earned degree, his/her geographical location, and the section or section(s) of the CAMFT Code of Ethics that was/were violated.

*PART II, The Procedures, was revised, effective March 2011. The previous revision was effective May 1, 2002.*

*CAMFT Code of Ethics PART I (THE STANDARDS) AND PART II (THE PROCEDURES) is a publication of the California Association of Marriage and Family Therapists, headquartered in San Diego, California.*