

## **Professional Standards Committee Procedures<sup>1</sup>** **of the** **Insight Center**

**Grievance Contact:**

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The Professional Standards Committee (PSC) is available to anyone, inside or outside of the Center community, who is concerned about possible unethical or otherwise harmful conduct on the part of any instructor or therapist associated with the Insight Center. In addition, instructors or therapists associated with the Insight Center are encouraged to discuss with the PSC any questions they may have about their own professional conduct.

Concerns and questions will be handled by the PSC in one or more of the following three different ways:

1. By informal consultation with the PSC;
2. By referral for counseling to provide additional consultation and/or mediation; or,
3. By filing a formal complaint.

There are two categories of concerns: professional standards related to course content and instruction; and, ethical conduct of instructors and therapists. Matters related to professional standards of course content and instruction are generally handled by the PSC and may be adjudicated upon consideration of two or more members of the Committee. For such adjudication to be final, written confirmation of the complaint and its satisfactory resolution must be received from the complainant. Such correspondence shall be maintained in an active file for a period of two years and be subsequently retained in permanent archive. Such correspondence may be in digital form and the electronic signature constitute adequate authentication. Exceptions to this procedure must be made when the complaint is made against a PSC committee member, in which case it will be managed using the same procedures as if it were a matter of ethical conduct.

In matters of ethical conduct the PSC will appoint Impasse and Grievance Counselor(s) (IGC) to deal with situations where impasse or grievance counseling beyond the PSC's brief informal consultation might be useful, and as part of its peer review committee role it will appoint Ethics Complaint Boards (ECB) to investigate and adjudicate complaints alleging violation of the *Ethical Standards*. The following *Procedures* relate to the functions of the PSC, and to those two types of delegated functions.

In its functioning, the PSC will strive to maintain the highest level of confidentiality that the circumstances allow. It may act in certain instances on the basis of the facts without the entire committee knowing the identities of the individuals involved.

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<sup>1</sup> Adapted with permission from the C.G. Jung Institute of San Francisco.

## I. FUNCTIONS OF THE PROFESSIONAL STANDARDS COMMITTEE (PSC)

- A. Promote ongoing education of instructors and therapists associated with the Insight Center in the areas of ethical attitudes and behavior, ethical standards, and issues in professional practice.
- B. When an individual brings a concern or complaint to the PSC, provide appropriate brief educative consultation, and/or direct the matter to a mediation-consultation path or to a formal ethical complaint path.
- C. Select individuals who will serve as time-limited Impasse and Grievance Counselors, or who will form ad hoc Ethics Complaint Boards, as needed. Retain administrative authority and responsibility for the proper procedural functioning of such counselors and boards, in consultation with the Managing Director of the Center as appropriate.
- D. Provide training in skills needed to serve as Impasse and Grievance Counselors and on Ethics Complaint Boards.
- E. Update and revise the *Professional Guidelines* as an ongoing educational document, and periodically discuss those changes with the Center's Advisory Board. Propose changes for the *Ethical Standards* and for these *Procedures* as appropriate, and submit such proposals to the membership for approval.

## II. CONSULTATION WITH THE PROFESSIONAL STANDARDS COMMITTEE

- A. ***Initial Consultation:*** Consultation may be sought from any member of the PSC individually, or from the entire Committee. This could include individual consultation to instructors or therapists who are associated with the Insight Center and who have concerns about their own professional conduct. There is no commitment on the part of the person seeking consultation to follow up or to bring a formal charge. No written communication is required in order to schedule a consultation.

Anyone other than instructors and therapists associated with the Insight Center seeking informal consultation with the PSC will be provided a copy of the *Ethical Standards* and of the *Professional Standards Committee Procedures*. When appropriate, the person seeking consultation will be referred to official consumer-information material, such as the State of California booklet *Professional Therapy Never Includes Sex*.

The purpose of consultative contact (ordinarily limited to one or two hours) with the PSC is to provide individuals with a place to begin discussing, without threat of disclosure or pressure toward action, concerns about their own or others' conduct, about which they might be unclear or distressed, or about which they might object. The Committee member(s) consulted will help the individual frame the issues of concern, and provide information as appropriate about other avenues open to the individual, such as seeking counseling involving additional consultation or mediation, filing a formal complaint with the Committee, informing other agencies which hear complaints about professional behavior (including state agencies), and seeking legal counsel. Although, at this stage, the Committee is not able to offer a judgment about the conduct being described (unless the individual is describing his

or her own behavior), the member(s) consulted may nevertheless provide perspective and information about whether the behavior, if verified, might be unethical.

- B. ***Continuing Availability of PSC:*** If the PSC appoints an Impasse and Grievance Counselor or an Ethics Complaint Board, the PSC may remain available to the individuals involved for consultation regarding any questions or concerns that may arise in the process.

### III. FURTHER CONSULTATION AND MEDIATION: REFERRAL TO AN INDIVIDUAL IMPASSE AND GRIEVANCE COUNSELOR OR TO IMPASSE AND GRIEVANCE CO-COUNSELORS (IGC)

- A. ***Referral for Further Consultation or Mediation:*** An individual may request referral by the PSC for counseling involving further consultation or mediation of the matter that concerns him or her, or counseling involving further consultation or mediation may be recommended by the PSC. The individual would need to indicate the nature of the matter, and the PSC may ask that this be in writing.

If the concern is by a student or patient (current or former) about an instructor or therapist associated with the Center, the person bringing the matter to the PSC ordinarily would need to indicate whom it concerns, permit the PSC to contact the instructor or therapist in question, and give written permission, in the form of a release of information, for that person to communicate with the Committee. The PSC can make an exception to naming and contacting the instructor or therapist in question if an *individual* Impasse and Grievance Counselor is to be appointed, and if that consultation with the individual Counselor will not involve contact with the instructor or therapist.

The PSC would then appoint an Impasse and Grievance Counselor who would function in their professional capacity as a therapist, to provide time-limited counseling regarding the matter.

- B. ***Appointing Impasse and Grievance Counselor(s):*** Regardless of how many PSC members are in direct communication with the individual(s) involved, the appointment of an IGC is to be done by the PSC functioning as a committee, with the amount of information communicated among its members managed so as to perform this appointment task properly without unnecessary exposure of sensitive material.
- C. ***Impasse and Grievance Counselor(s) Procedures:*** The Impasse and Grievance Counselor(s) will work with the individual(s) involved in a time-limited way to seek resolution of the matter through mediation and/or consultation and not through adjudication. When the issue is between two individuals, the IGC will work with the individuals involved individually or conjointly. After the time-limited intervention, the IGC may make a referral to a fee-for-service consultant or impasse mediator. Such a fee-for-service consultant or mediator could not have served as an IGC or on a PSC involved in the matter under consideration.

It is hoped that instructors and therapists associated with the Insight Center will ordinarily engage in consultation or mediation when recommended by the PSC, or accept referral for further consultation or mediation in a fee-for-service setting when

recommended during time-limited contact with an IGC. In cases where an instructor or therapist might be resistant to such a recommendation, he/she may be advised that his/her degree of participation in a recommended consultation or mediation could be taken into account should the matter later be considered in an adjudication venue. However, it is understood that in some instances of possible *conjoint* mediation there may be legitimate clinical or legal reasons for a therapist or instructor to refrain from such contact with a patient or former patient. In such cases, separate consultation might be recommended for one or both parties.

An IGC does not adjudicate complaints, but may refer the complainant back to the PSC for possible appointment of an Ethics Complaint Board if the complainant chooses to pursue that direction. IGCs do not impose any mandatory actions on any individual with whom they are working. Participation in their proceedings is voluntary for all parties concerned.

#### IV. FORMAL COMPLAINTS: REFERRAL TO AN ETHICS COMPLAINT BOARD (ECB)

- A. ***Filing a Complaint:*** Any individual who informs the PSC of a wish to file a formal complaint concerning the ethical behavior of an instructor or therapist associated with the Insight Center, and any person against whom a formal complaint is made, shall be provided with a copy of the *Ethical Standards*, the *Professional Standards Committee Procedures*, and, when appropriate, official consumer-information material, such as the State of California booklet *Professional Therapy Never Includes Sex*.
- B. ***Accepting a Complaint:*** In order to have the PSC accept a formal complaint, an individual must communicate in writing to the chairperson of the Committee (1) that a formal complaint is being filed, (2) whose behavior it concerns, and (3) a description of the alleged behavior that is sufficient to allow the Committee to make a determination as to the appropriate forum to hear the complaint. If more information is needed in order to make this decision, the Committee may ask for further information from the complainant, either in writing or in a meeting with the Committee or one of its members. Receipt of a formal complaint shall be acknowledged in writing within two weeks, and the approximate timing of the next step in processing the complaint shall be communicated at that time.

On submitting a complaint, the complainant shall sign the appropriate copies of the Release of Information forms (see “Examples of Release of Information Forms” at the end of these *Procedures*).

- C. ***Notification to the Person Complained Against:*** Upon the acceptance by the PSC of a formal complaint, the person complained against ordinarily will be immediately told in writing the name of the person who has filed the complaint, and will be given a brief summary of the charges. The PSC, however, has the discretion to delay temporarily informing the person complained against if it feels that the complainant's interest is best served by such a delay, or if the PSC requires further information from the complainant before such notification is made.

- D. ***Selection of the Forum:*** Complaints will be addressed in one of two ways. Either the PSC will refer the matter to an IGC for mediation, or, if the complainant wishes to do so and the PSC determines that it is warranted, the PSC will refer the matter to an Ethics Complaint Board for adjudication, with the ECB functioning in its role as a peer review committee. The complainant may request which specific forum would hear the complaint, but the PSC will appoint an ECB to hear and adjudicate the matter only if the PSC determines that there is a reasonable likelihood that the allegation, if proven, would be a violation of the *Ethical Standards*.<sup>2</sup> If the complaint consists of professional issues not specifically defined as ethical violations in the *Ethical Standards* the PSC will ordinarily appoint an IGC to seek resolution of the matter. The individual bringing the complaint also has the option of specifically requesting assignment to an IGC. The option of shifting to an IGC remains for the complainant should assignment be made to an ECB, and may be invoked at any point in the proceedings up to the final determination in the case being made by the ECB.

If either party to the complaint is dissatisfied with the determination of the PSC with regard to the selection of the forum (i.e., whether it is to be an IGC or an ECB) they may appeal that decision. In such a case, the PSC will appoint an ECB, the first task of which shall be to determine the appropriate forum. If the ECB finds a reasonable likelihood that, if proven, the complaint would represent a violation of the *Ethical Standards*, they will proceed to hear and adjudicate the case. If not, they will refer the case back to the PSC for referral to (an) Impasse and Grievance Counselor(s). The decision of the ECB with regard to the appropriate forum is final and no further appeal of this determination will be allowed.

- E. ***Appointing Ethics Complaint Boards:*** Regardless of how many PSC members are in direct communication with the individual(s) involved, the appointment of an ECB is to be done by the PSC functioning as a committee, with the amount of information communicated among its members managed so as to perform this appointment task properly without unnecessary exposure of sensitive material. These Boards will consist of three members drawn from a panel of all members of the Center who have been certified at least five years and who are willing to serve. However, in special circumstances, in consultation with the Center Managing Director, the PSC can appoint individuals from outside this panel of eligible Center members to serve on an ECB. In the selection process, the PSC avoids choosing members with obvious conflicts of interest, and it responds to and rules on concerns or objections by either party regarding possible conflicts of interest or bias. No member may serve on both an IGC and an ECB regarding the same situation.
- F. ***Ethics Complaint Board Procedures:*** An ECB adjudicates complaints alleging violation of the *Ethical Standards* of the Insight Center. The Board will conduct an investigation as follows:
1. The complainant will be asked to appear for a personal interview with the Board. In this meeting, the complainant will be given an opportunity to provide details about the behavior in question, and Board members will be able

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<sup>2</sup> The *Ethical Standards* of the Insight Center were adapted from the *Ethical Standards* developed by the C.G. Jung Institute of San Francisco.

to ask questions to help clarify what occurred and the impact it has had on the complainant.

2. The Board will then schedule a separate meeting with the person complained against, at which time he/she will have the opportunity to respond to the complaint.
  3. The Board may also request written records or responses from the person complained against, either before or after a personal meeting.
  4. The complainant and person complained against are free at any time to communicate in writing to, or to request an additional meeting with, the Board.
  5. Both the complainant and the person complained against have the right to request to have another individual accompany them to meetings with the ECB, provided that the person is willing to hold the proceedings confidential and will attest to that in writing (see “Confidentiality Agreements” at the end of these *Procedures*). Attorneys are not permitted to attend and may not represent either party at meetings with the ECB, the PSC, or an Appeals Committee should one be appointed.
  6. After the initial meetings, the ECB may request further information, in writing or by personal interview, from the complainant, the person complained against, or other parties it deems appropriate.
  7. If during the course of their investigation and deliberations the ECB finds willingness on the part of both parties for a mediated resolution, the ECB may refer the matter back to the PSC with the recommendation that an IGC be appointed.
- G. **Board Findings:** The Board will make one of the following findings:
1. Dismissal of the charges of a violation of the *Ethical Standards*.
  2. Dismissal of charges of a violation of the *Ethical Standards* with a recommendation to the PSC to refer the matter to an IGC.
  3. Finding of a violation of the *Ethical Standards*.
- H. **Board Action:** If there is a finding of a violation of the *Ethical Standards*, the Board may take, or ask of the person complained against, any of the courses of action described below, alone or in combination. Some of these actions may be *recommendations* to be considered by the person complained against; some of them may be *directives* to him/her imposed by the ECB; and others are *actions* or *sanctions* taken by the ECB. When upon completion of the ECB’s investigation there is a finding of a violation of the *Ethical Standards*, the ECB will report back to the PSC its findings and its decision about action(s). The PSC, in consultation with the Center’s attorney, will make an independent assessment to determine if a mandatory report is required under Section 805 of the California Business and Professions Code (“Section 805 report”), and the person complained against will be notified in accordance with Section 809.1 of the Business and Professions Code if it is determined that such a report would be required. The PSC will hold the responsibility to ensure that any directives and sanctions of the ECB are carried out. Non-compliance on the part of the person complained against with any directives or

sanctions of the ECB could result in further directives or sanctions being imposed, for which purpose the PSC would reconvene the ECB to make that determination.

1. *Mediation and/or Resolution.* The ECB may recommend a private apology to the complainant, or mediated apology or mediated resolution of the matter between the person complained against and the complainant facilitated by another party. If the two parties are willing, the ECB may refer the matter back to the PSC with the recommendation that an IGC be appointed.
2. *Evaluation and/or Rehabilitation.* The ECB may recommend or direct that the person complained against obtain an independent medical and/or psychological evaluation, possibly with the proviso that the practitioner be approved by the ECB, and/or that the report from the practitioner be released to the ECB or to the therapist or consultant of the person complained against. The ECB may recommend or direct that the person complained against obtain individual analysis or psychotherapy, or individual consultation, the latter perhaps with a specific consultant recommended by the ECB.
3. *Verbal Statements.* The ECB may decide that the person complained against will be reprimanded or censured, either privately by the ECB, or by the ECB or another Center authority at a group gathering such as a membership meeting. The ECB may recommend or direct that the person complained against apologize to an Center group, such as the membership.
4. *Restriction.* The ECB may impose the sanction of suspending the person complained against from certain positions of responsibility within the Center community, or place him/her on probation. The restrictions and the conditions of completing the period of restriction, including any specific time requirements, must be clearly stated.
5. *Exclusion.* The ECB may recommend to the PSC that the membership suspend or expel from the Center a person complained against who is an instructor, or recommend to the PSC that similar action toward a person complained against who is not an instructor be taken by the appropriate governing body, such as a training or clinic committee. In the event of suspension, the conditions for completing the period of suspension, including any specific time requirements, must be clearly stated in the recommendation. Such a recommendation for suspension or expulsion will be communicated to the PSC, which will bring it to the appropriate body.
6. *Reporting to Others.* The ECB will recommend to the PSC that the PSC report any information that the ECB believes should be reported, as described in Section J, "Release of Information by PSC Concerning Findings," below. In addition, the PSC will report to the appropriate governmental and professional bodies when an ECB action is one that requires such reporting.<sup>3</sup>

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<sup>3</sup> Note that California Business and Professions Code section 805 requires that "any peer review body ... shall file an 805 report with the relevant agency whenever ... [r]estrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason."

- I. ***Cooperation with the PSC and ECB:*** All members and affiliates of the Insight Center are expected to cooperate with the PSC and ECB in investigating disputes. A lack of cooperation in working with them to resolve the questions in dispute could, in itself, be grounds for an ECB finding of unethical conduct, depending on the circumstances, as stated in the *Ethical Standards*.
- J. ***Release of Information by PSC Concerning Findings:*** All information regarding the investigation and findings of the PSC and ECB is considered confidential and will be released by the PSC only to those persons with a legitimate need to know. Consistent with the requirements of confidentiality, the PSC, informed by the recommendation of the ECB, will determine the degree of detail needed to be released when releasing information to those with a need to know. The following are some options available concerning the release of information:
  1. No information to be released.  
(This ordinarily will be the rule if the charge is dismissed, unless the person complained against wishes the information of the charge and its dismissal to be released, providing the privacy of the complainant is protected. If there is a finding other than dismissal of the charge, “no information to be released” ordinarily will be the rule, with exceptions as noted below, such as certain PSC or ECB actions, or situations where other parties have a legitimate need to know.)
  2. Release to a committee or committees of the Center who need to take action.  
(This could be appropriate if a finding were made against a candidate or clinic intern or against an instructor serving on a training committee.)
  3. Release to the membership, either as an integral part of the ECB action, or when the membership has a legitimate need to know.  
(This could be done if the ECB decides to reprimand or censure an instructor at a members meeting, and would be required in order to obtain the membership's vote if the ECB recommendation via the PSC is for suspension or expulsion from the Insight Center.)
  4. Release to others not mentioned above.  
(This would be appropriate if other parties have a legitimate need to know, or if the person complained against so requests and the privacy of the complainant is protected. Under some circumstances the PSC may, with the consent of the individual(s) involved, release a factual statement in order to clarify potentially injurious misinformation.)
  5. Release to State Licensing Boards or other legal and/or professional peer review bodies with a legitimate need to know.
  6. If a member is put on probation, suspended, or expelled from the Center, such information may be released to those making inquiries as to the therapist's status in the Center. Such a provision may be permanent or time-limited.
  7. If an instructor or therapist associated with the Insight Center chooses to resign his/her association with the Center in order to avoid the processing of an active ethics complaint, that resignation and the fact that it occurred during the processing of such a complaint may be released to those making inquiries as to



the therapist's status in the Center. Such a provision for release of this information may be permanent or time-limited.

- K. ***Notification of Findings:*** Both the complainant and person complained against shall be notified in writing by the ECB as to the findings and final action on a complaint. Both parties will be given notice of the rights they have to appeal the Board's recommendation or action, and informed that any such appeal must be made within sixty (60) days of their receipt of the notification of the ECB's decision. As noted in Section IV(D), a decision by an ECB determining the appropriate forum in which to hear a case may not be further appealed.

## V. APPEALS

- A. ***Two Forms of Appeal:***  
Appeals of ECB findings will be available to the parties in two different and distinct forms depending on whether a Section 805 report is required. In the instance of a Section 805 report *not* being required, *either* party may request that an Appeals Committee review the findings in accordance with Section V(B) below. In the instance of a Section 805 report *being* required, *neither* party may request an Appeals Committee review, but the person complained against may request that a Section 805 Hearing Panel ("Hearing Panel") be appointed in accordance with Section V(C) below. Appeals Committees and Hearing Panels function as peer review committees.
- B. ***Appeals Committee:*** In the event of an appeal of an ECB action that does *not* involve a Section 805 report, the following procedures shall be followed:
1. The appeal shall be made in writing by either party to the Managing Director of the Center within sixty (60) days of receipt of the notification of the ECB's decision, as stated above.
  2. The appeal shall state the grounds for the appeal which are limited to procedural errors, new evidence which brings into question the substantive validity of the Board's action, evidence of bias on the part of any Board member, and/or that the evidence does not support the findings.
  3. The Appeals Committee shall first determine if there are grounds for considering the appeal according to Section V(B)2, above. If there are, they will review the findings and recommended action of the ECB and determine if the decision of the Board should be upheld.
  4. Grounds for overturning the decision of the ECB must include procedural errors, new evidence which brings into question the substantive validity of the Board's action, evidence of bias on the part of any ECB member, and/or that the evidence does not support the findings.
  5. The Appeals Committee shall establish its own procedures for reviewing the findings of an ECB. These may or may not include meeting with the parties or other witnesses. Attorneys are not permitted to attend and may not represent either party at meetings of the Appeals Committee. A determination could be

made on the sole basis of the records of the ECB and any other written submissions of the parties.

6. In the event that the Appeals Committee determines that the ECB's decision was flawed, it may submit the case back to the Board for further review, or if it determines that the ECB could not fairly re-hear the case it may make a final determination at the Appeals Committee level.
  7. The decision of the Appeals Committee will be final.
- C. **Hearing Panel:** In the event of an appeal of an ECB action that *does* involve a Section 805 report, the following procedures shall be followed:
1. The appeal shall be made in writing by the person complained against to the President of the Center within sixty (60) days of receipt of the notification of the ECB's decision, as stated above.
  2. The Managing Director of the Center shall appoint an ad hoc Hearing Panel of three members. It is essential that the complainant and the person complained against be identified by name only when absolutely necessary. If either is named his/her identity must be held in strict confidence.
  3. The Managing Director shall consider any objections to the membership of the Hearing Panel by the person complained against or the ECB and make reasonable efforts to appoint substitute members, when appropriate.
  4. The Hearing Panel shall rehear the case in accordance with California Business and Professions Code Section 809.2 – 809.4. With prior notification to the Hearing Panel, the person complained against may be represented by an attorney, at his/her expense.
  5. The decision of the Hearing Panel will be final.

## VI. PROFESSIONAL STANDARDS COMMITTEE ADMINISTRATION

- A. **Committee Membership:** Any PSC member who has any degree of conflict of interest with any person who is coming before the Committee, whether that conflict be actual or in appearance only, shall discuss that issue with the Managing Director, or with the Committee as a whole, and if so advised by the chairperson shall step down from participation in the deliberations of that case. The chairperson shall consider any objections to the membership of the Committee by any of the parties involved and decide whether to ask the indicated member(s) to step down. The responsibility of the chairperson in these matters is to ensure that the fairness and effectiveness of the Committee not be compromised. If the Committee member in question is the Committee's chairperson, then another Committee member shall be designated to fulfill the chairperson's role as described in this paragraph in determining Committee membership.

In the event that the PSC is unable to form an adequate panel to review a case, e.g., if one or more members have stepped down because of possible conflicts of interest, the Committee chairperson, in consultation with the Managing Director, may appoint one or more ad hoc members to serve on the Committee for that case. Such ad hoc

members will be bound by all the procedures and regulations, including those of confidentiality.

- B. **Records:** The chairperson of the PSC shall keep a file for each ongoing complaint. The file shall include the records of the Committee itself and of any Ethics Complaint Boards it may appoint, as well as of any appeals proceedings. Following disposition of the case, that chairperson shall have the closed file kept for a period of time specified for that case by the Committee or by the chairperson; that period of time shall be no less than seven years, to comply with legal record-keeping guidelines. The chairperson shall ensure the proper security and confidentiality of the files. All digital communications shall be maintained with the strictest confidence and shall be stored and archived in accordance with the manner of all confidential Center materials.