The American Association for Marriage and Family Therapy (AAMFT) is the professional association for the field of marriage and family therapy and is comprised of marriage and family therapists from the United States, Canada, and abroad.

The purposes of AAMFT are to represent the professional interests of marriage and family therapists; to facilitate research, theory development, and education in the field of marriage and family therapy; and to develop standards for graduate education and training, approved supervision, professional ethics, and the clinical practice of marriage and family therapy.

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The American Association for Marriage and Family Therapy
*Procedures for Handling Ethical Matters*

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The American Association for Marriage and Family Therapy

Procedures for Handling Ethical Matters

The Board of Directors of the American Association for Marriage and Family Therapy, pursuant to Articles 5.02 and 6.02 of the Association's Bylaws (effective January 2012) (hereafter, the Bylaws), promulgates the revised AAMFT Procedures for Handling Ethical Matters (hereafter, the Procedures), effective January 2015.

I. The Role of AAMFT Divisions

1.00 Role of Divisions. It is the policy of AAMFT that the primary role of divisions in regard to ethics is to educate AAMFT members about the AAMFT Code of Ethics (hereafter, the Code of Ethics) and to refer potential cases to the AAMFT Ethics Committee.

1.01 Complaints. If a person makes an initial complaint or discusses a potential complaint with a division officer, staff person, or member, he or she should be referred to the AAMFT Ethics Committee, 112 S. Alfred Street, Alexandria, VA, 22314.

2.00 Confidentiality. All information concerning ethical complaints made against AAMFT members should be treated in a strictly confidential manner by division officers, staff persons, and members. Ensuring that confidentiality is maintained is important in order to protect the rights of the individual members who are the subject of complaints, and to protect AAMFT and its divisions from improper disclosure of information. Under the terms of these Procedures, all information regarding complaints shall be treated in a strictly confidential manner.

2.01 Questions about Disclosure. When division officers, staff, and members have questions about whether information may properly be disclosed, these should be referred to the AAMFT Ethics Committee.

3.00 Advisory Ethical Opinions. The AAMFT Ethics Committee may on occasion choose to give advisory opinions about ethical issues raised by a member of the Association (see Section II, #6.00), however, divisions, division officers, and division ethics chairs and committees do not give advisory opinions.
II. The AAMFT Ethics Committee

1.00 Basis and Scope of Authority of the Ethics Committee.

1.01 Responsibilities of the Ethics Committee. The Bylaws of the Association (Article 6.04) authorize the AAMFT Ethics Committee to:

Review the AAMFT Code of Ethics and interpret it to the membership and to the public, and consider allegations of violations of ethical standards made against members. It shall be the specific responsibility of the Committee to conduct investigations of alleged violations of the AAMFT Code of Ethics, and to resolve such allegations by mutual agreement with the member, or to make a recommendation of disciplinary action to be taken against the member and, in any case heard by the Judicial Committee, to prosecute the charges against the member.

1.02 Jurisdiction over Members. The Code of Ethics is binding on members of AAMFT in all membership categories, AAMFT Approved Supervisors, and applicants for membership and the AAMFT Approved Supervisor designation. The Association continues to have jurisdiction over a member who has resigned or had their membership terminated for non-payment of dues in accordance with Section II, #3.0452 of these Procedures.

2.00 Membership and Meetings of the Committee.

2.01 Membership. The Committee shall consist of no more than six people, all of whom shall be appointed by the President with the approval of the Board of Directors. Although all voting members of the Association, as defined in the Bylaws, are eligible to be appointed to the Committee, the majority of the Committee shall be composed of Clinical Fellows of the Association. As many as two, and no less than one, person(s) not members of the Association shall act as public members of the Committee.

2.011 Term of Members. Each member of the Committee shall serve for a three-year appointment period, except that any person chosen to fill a vacancy shall be appointed for the unexpired term for the member whom the person succeeds.

2.012 Number of Terms. No Committee member who is a member of AAMFT shall serve for more than two consecutive terms.

2.013 Appointment of the Chair. The President shall appoint the Chair from one of the Clinical Fellows who is currently serving on the Ethics Committee.

2.014 Resignation from the Committee. Any member of the Committee who misses two consecutive Committee meetings and/or any member of the Committee who ceases to be a member in good standing of the Association shall be deemed to have resigned from Committee.
membership unless the member can demonstrate good cause to the satisfaction of the Committee.

2.02 Voting. All Committee members, including public members, shall have full voting privileges.

2.03 Action by Majority. All actions by the Committee shall be made by a majority of those Committee members present and voting. A quorum, consisting of at least half the Committee members, is required before the Committee can vote on any action.

2.031 Conflicts of Interest. No Committee member shall vote on any particular case in which the Committee member has a conflict of interest, whether because of personal knowledge of the charged member, or for any other reason.

2.04 Schedule of Meetings. The Ethics Committee ordinarily meets at least once each year. Special meetings, in person or by other means of communication, may be called by the Chair if needed and funds are allocated. With the exception of special meetings, the Ethics Committee will have an in person meeting only if there are at least three cases ready for deliberation by the full Ethics Committee. Special meetings can be called at the Chair’s discretion.

3.00 Procedures for Handling Ethical Complaints.

3.01 Role of the Committee. One role of the Ethics Committee is to investigate complaints of violations of the Code of Ethics and, if violations are found, to take action by mutual agreement with the member involved, or to recommend disciplinary action.

3.02 Committee Constraints. In carrying out its responsibilities, the Ethics Committee shall act in accordance with the articles of incorporation and Bylaws, with the Code of Ethics, and with these Procedures. AAMFT adjudication proceedings are not formal legal proceedings.

3.03 Subject’s Use of Legal Counsel. The member under investigation may consult with legal counsel at any time, but the member is to be an active participant at all levels of the process.

3.04 Initiation and Withdrawal of Complaints.

3.041 Written Complaints by Members and Non-Members. The Ethics Committee shall receive written complaints from both members of the Association and non-members. The complainant must have personal knowledge of the alleged behavior complained about or be in a position to supply relevant, reliable testimony or other evidence on the subject. Complaints must be in writing. Complaints must be signed and should be accompanied by the complainant's address, telephone number, and email address.
3.0411 Confidentiality. All correspondences with the complainant and member will be marked as confidential.

3.042 Anonymous Complaints. Anonymous complaints shall not be recognized as a basis for action.

3.043 Initiation of a Complaint by the Committee. The Ethics Committee may proceed on its own initiative when it has been presented with sufficient allegations which, if proven factual, would constitute a violation of the Code of Ethics. For example, the Committee could proceed on information received from another professional organization, a state regulatory agency, or from any other sources. If the Committee decides to proceed on its own initiative, it shall prepare a written statement concerning factual allegations of a Code of Ethics violation or violations.

3.044 Withdrawal of Complaints. If the complainant wishes to withdraw the complaint after the member has been charged, the Ethics Committee can choose to proceed on its own initiative. In these situations, the Ethics Committee will, in effect, step into the shoes of the withdrawn complainant, and the case will then proceed.

3.045 Time Factors.

3.0451 Time Limitations. The Ethics Committee may determine, at its discretion, that a complaint cannot be investigated because the events complained about occurred too far in the past.

3.0452 Complaints Against Resigned Members. A complaint will be considered by the Ethics Committee if it is received by the Committee within one year from the date of resignation of membership or termination of membership for non-payment of dues, and if the conduct in question occurred while the person was a member of the Association, an AAMFT Approved Supervisor, or an applicant for membership or the Approved Supervisor designation.

3.0453 Action Prior to Membership. An AAMFT member may be charged with unethical behavior for any actions related to the member’s professional conduct prior to the time the individual became an AAMFT member.

3.0454 Time Requirements for Adjudication. AAMFT shall make its best efforts to adhere strictly to the time requirements specified in these Procedures. However, failure to do so will not prohibit final adjudication unless the person under investigation can show that such failure was willful or unfairly prejudicial.
3.05 Initial Action by Executive Director.

3.051 Determination of AAMFT Membership. Upon receipt of a complaint, the Executive Director or the Executive Director’s designee (hereafter Executive Director) shall determine whether the person about whom the complaint has been made is a member or applicant for membership in the Association.

3.0511 Non-Member. If the person has never been a member, or has resigned or been terminated for non-payment of dues more than one year prior, the Executive Director shall so inform the complainant and explain that the Association has no authority to proceed against the person, and may refer the complainant to another agency or association with proper jurisdiction.

3.0512 Recently Resigned Member. If the person is a recently resigned or terminated member, the Executive Director will investigate the complaint and determine whether the alleged violation occurred during the period of the person’s membership. If it is determined that the Ethics Committee has jurisdiction, the investigation will proceed pursuant to Section II, #3.06 of these Procedures.

3.0513 Applicant for Membership or the Approved Supervisor Designation. If a complaint is received against someone who is an applicant for membership in the Association or an applicant for the Approved Supervisor designation, including complaints in the form of self-disclosures made on an application, the complaint shall be referred to the Chair of the Ethics Committee. The Chair of the Ethics Committee will conduct a review of the complaint, pursuant to Section II, #3.06 of these Procedures.

3.05131 Outcome of the Review. Upon completion of the review, the Chair of the Ethics Committee will take one of two actions:

3.051311 Ethical Matter. If the review results in charges of alleged ethical violations against the applicant the Ethics Committee may find a violation(s) of the Code of Ethics with recommended actions to be taken against the applicant, including whether the application shall proceed or be terminated, pursuant to Section II, #3.08 of these Procedures.

3.051312 No Charges. If no violation of the Code of Ethics is charged, the complaint is dismissed and the application process can proceed through the normal channels.
3.052 AAMFT Member. If the person is a member of the Association, the Executive Director shall forward a copy of the complaint to the Chair of the Ethics Committee.

3.06 Preliminary Review by Chair of Ethics Committee.

3.061 Determination if Sufficient Grounds for Opening a Case. The Chair of the Ethics Committee or the Chair’s designee (hereafter, Chair), with the advice of the Executive Director and in consultation with staff, shall review the complaint and shall determine whether it states allegations which, if proven factual, would constitute a violation of the Code of Ethics. If the Chair determines that the complaint states allegations which, if proven factual, would constitute a violation of the Code of Ethics, the Chair will consider other relevant factors to determine whether there are sufficient grounds for opening a case including, but not limited to, whether the member or applicant is currently under investigation for alleged unethical or illegal conduct, whether the member’s or applicant’s license to practice, where applicable, is presently unrestricted, the nature of any action previously imposed by a regulatory body (e.g. administrative penalty vs. disciplinary action), and whether a regulatory body has previously declined to investigate the complaint or previously determined that the complaint did not provide sufficient basis for imposing discipline. When considering whether a regulatory body has previously declined to investigate the complaint or previously determined that the complaint did not provide sufficient basis for imposing discipline, the Chair shall consider the reason for the regulatory body’s decision. In the event the Chair cannot decide on such action or on any other action required of the Chair under these Procedures, the matter shall be referred to the full Ethics Committee for decision.

3.0611 Insufficient Grounds. If there are insufficient grounds for opening a case, the Chair shall notify the complainant in writing that a case will not be opened.

3.0612 Sufficient Grounds. If there are sufficient grounds for opening a case, the Chair shall notify the complainant in writing that the member has been charged with violating the Code of Ethics.

3.062 Complainant Refusal of Permission. If the complainant refuses permission for the use or disclosure of the complainant’s name, the Chair of the Ethics Committee shall decide whether the Committee may proceed with an investigation on the Committee's own initiative pursuant to #3.043 of these Procedures. If the Chair determines that the Committee cannot proceed on its own initiative, the case will be closed.
3.07 Preliminary Investigation by Chair of the Ethics Committee.

3.071 Notification of the Member. After the Chair of the Ethics Committee receives permission for the use of the complainant's name, or after a decision to proceed on the Committee's own initiative is made, the Chair of the Ethics Committee shall notify the member of the complaint. The notice to the member:

(a) shall state the portions of the Code of Ethics relevant to the allegations of the complaint;
(b) if the complainant has granted permission for the use of the complainant's name, shall enclose a copy of the complaint, or if the Ethics Committee is proceeding on its own initiative, shall state the Committee's basis for the statement of complaint;
(c) shall enclose a copy of the Code of Ethics and a copy of these Procedures;
(d) shall direct that the member respond to the allegations, in writing, within 30 days from receipt of the notification;
(e) shall inform the member that failure to respond, in writing, within 30 days may result in termination of membership in the Association.

For the purposes of notification, the last address received from the member with the payment of dues will be used, and mailing to that address will be deemed sufficient notice, even if the notice is returned.

3.0711 No Response by the Member. If no response is received from the member within 30 days, the matter shall be submitted to the full Ethics Committee at its next meeting. The Ethics Committee may take the lack of response as an admission of the facts contained in the allegation and may choose to terminate the member from AAMFT. At the Chair’s discretion, an extension of time may be granted to the member to respond to the complaint.

3.0712 Response by the Member. If a response is received from the member within 30 days the Chair of the Ethics Committee shall either (a) seek additional information; or (b) submit the case to the full Ethics Committee at its next meeting.

3.0713 Resignation by the Member. If a charged member resigns from membership in the Association at any stage of the Committee's investigation of the complaint, the Committee will complete its investigation, and may publicize a proven violation in accordance with #3.087 of these Ethics Committee Procedures.

3.072 Submission to the Full Ethics Committee. If the Chair decides to submit the case to the full Ethics Committee, the Chair shall:

(a) forward to each member of the Ethics Committee a copy of the complaint, or the Chair's statement of the complaint, a copy of the charge letter, a copy of the member's response to the charge letter,
if one was received, or if no response was received, a statement to that effect, and any other relevant documents;
(b) present the case to the full Committee at its next meeting;
(c) notify the member and the complainant that the case has been submitted to the full Ethics Committee.

3.08 Action by the Full Ethics Committee. After investigation, the case is submitted to the full Ethics Committee for deliberation.

3.081 Factors Affecting Deliberation.

3.0811 Action during Litigation. Civil or criminal litigation shall not prohibit the consideration of complaints by AAMFT.

3.0812 Findings of Other Professional Associations, Regulatory Bodies, and Courts as the Basis for a Finding of Violation of Standard 3.12. When a member has been disciplined by another professional association or regulatory body, or convicted by a court of a felony, or of a misdemeanor related to the member’s qualifications or functions, it is the policy of the AAMFT Ethics Committee that the Committee will presume that such findings are correct and appropriate, and will move on to its decision about what disciplinary action it will recommend.

3.08121 Cases Held in Abeyance. When a complaint is filed concurrently with a regulatory body and the Association, the Chair shall determine, in accordance with the Procedures, Section II, #3.06, whether a case shall be opened. If a case is opened, the Chair shall determine whether the case shall be held in abeyance until the regulatory body has completed its investigation and adjudication. With limited exceptions, when a case is opened based on a complaint that has been filed concurrently with a regulatory body, the case will be held in abeyance. When a case is held in abeyance, the Committee will proceed pursuant to the Procedures, Section II, #3.0812.

3.081211 Factors Affecting the Decision to Hold a Case in Abeyance. When determining whether to hold a case in abeyance, the Chair shall consider the following factors:

(a) the amount of time the regulatory body will take, or has taken, to conclusively investigate and adjudicate the case;
(b) whether the reputation of the Association would be in jeopardy if the action is delayed; and
(c) whether the ethical standards under which the regulatory body operates are comparable to those of the *Code of Ethics*.

### 3.08122 Other Charges.

The Committee, at its discretion, may decide to charge the member with additional alleged violations of the *Code of Ethics* growing out of the facts related to the charge of violation of Standard 3.12.

### 3.082 Settlement by Mutual Agreement.

After review of the complaint and response of the member, the Ethics Committee may attempt to settle the case by mutual agreement with the member.

#### 3.0821 Possible Actions in Mutual Agreements.

In making such a settlement, the Committee may recommend to the member that the member agree to the Committee's request that the member cease and desist; accept censure; be given supervision, education, and/or therapy; perform community service; agree to revocation of membership (taking away membership with the possibility of readmission if certain conditions are met or after a specific amount of time has passed), resignation with or without publication, or termination of membership (a permanent bar to readmission); revocation or termination of the Approved Supervisor designation; publication of the terms of the settlement by mutual agreement under the conditions specified in #3.087; or any other action which the Committee deems appropriate.

#### 3.0822 Written Agreement.

The mutual agreement shall be reduced to writing and shall detail the facts upon which it is based and the manner in which it is to be instituted and/or supervised.

#### 3.0823 Supervision of the Agreement.

The mutual agreement shall be instituted and/or supervised by the Ethics Committee and/or any member of the Association so designated in the agreement.

#### 3.0824 Finalization of the Agreement.

The mutual agreement shall become final as soon as it is reduced to writing and signed by the member and the Chair of the Ethics Committee, or at any other time designated in the agreement.

#### 3.08241 Modification of Terms of Implementation.

After the mutual agreement is final, the terms of the sanction shall not be modified. However, the terms of implementation may be modified by the Ethics Committee, at its discretion, if presented with information demonstrating that such modification is necessary for the member to be able to comply with the terms of the mutual agreement.
3.0825 Failure to Meet the Terms of the Agreement. If at any time the member fails to fully comply with the terms of the mutual agreement, the Ethics Committee may take further action, including termination of membership.

3.083 Other Action. If the Ethics Committee does not attempt settling by mutual agreement, or if an offer of a settlement by mutual agreement is not accepted by the member, it will either drop the charges and close the case, or make a formal recommendation to the Judicial Committee that action should be taken. If the Committee recommends formal action it shall:

(a) recommend action to be taken, including an order to cease and desist; censure; supervision; therapy; education; or rehabilitation; performing community service; revocation of membership (taking away membership with the possibility of readmission if certain conditions are met or after a specific amount of time has passed); or termination of membership (a permanent bar to readmission); revocation or termination of the Approved Supervisor designation; or any other action which the Association is authorized to take against a member;
(b) recommend the manner in which the action will be instituted and/or supervised;
(c) notify the member of the findings and recommendations of the Ethics Committee; and
(d) inform the member that he or she has a right to a hearing before the Judicial Committee of the Association, and that if he or she does not request a hearing before the Judicial Committee within 15 days from the receipt of notification, no hearing will be held, and the Ethics Committee's recommendation for action will become final. When the request for a hearing is made, the member shall specify the manner of the hearing in accordance with Section II, #3.084 of these Procedures.

The Ethics Committee may appropriately impose more stringent sanctions upon individuals previously found to have violated the Code of Ethics, or any other relevant professional or state regulatory code of professional conduct.

The notification to the member may be sent using certified mail, registered mail or other appropriate means.

3.084 Manner of Judicial Committee Hearing. The member may request either an in-person hearing before the Judicial Committee, to be conducted in accordance with Section III, #3.05 of these Procedures, or a written review by the Judicial Committee, to be conducted in accordance with Section III, #3.06 of these Procedures.

3.085 No Request for Judicial Committee Hearing by the Member. If the member does not request an in-person hearing or written review within 15 days of receiving the Ethics Committee’s recommendation
for action, the recommendation shall become the final determination of the matter. The Ethics Committee Chair shall thereafter forward a determination of the matter to the Executive Director for execution.

3.086 Reopening a Case. 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.

3.087 Publication of Sanctions.

3.0871 Termination of Membership. Whenever an Ethics Committee recommendation for termination of membership becomes final, the Executive Director shall publicize this fact to the Association membership, including the relevant state or provincial division and committees and councils of the Association. Publication will include a notice in Family Therapy Magazine and will state the member's full name, any earned degree, the member's geographical location, and the violation of the section of the Code of Ethics proven. Notification of a member's termination may be provided to other relevant professional associations and state regulatory bodies.

3.0872 Publication of Other Sanctions. Publication of sanctions other than termination, including notifications of relevant professional associations and regulatory bodies, may be directed by the Ethics Committee, within its sole discretion, in whatever manner and to whatever extent the Committee deems appropriate.

3.0873 Resignation from Membership. In situations in which a charged member resigned from AAMFT membership in the face of an Ethics Committee investigation, and a violation of the Code of Ethics is subsequently proven, any publication of the findings and actions of the Ethics Committee shall include the fact of the member's resignation.

3.088 Allowed to Resign. If a member is allowed to resign, or if the member's membership is revoked or terminated, the member must at once surrender the member's membership certificate to the Executive Director.

4.00 Request for Hearing by the Member.

4.01 Transmittal to the Judicial Committee. If the member requests either an in-person hearing before the Judicial Committee or a written review by the Judicial Committee, then the Ethics Committee shall prepare and transmit to the Judicial Committee the statement of the charges against the member and the action which the Ethics Committee recommends.

4.02 Presentation of the Case to the Judicial Committee. In any in-person hearing before the Judicial Committee or in any written review by the Judicial
Committee, the Ethics Committee, through its chair or the chair’s designee, shall present the case against the member pursuant to the rules established for the Judicial Committee.

5.00 Records and Disclosure of Information.

5.01 Permanent Files. The permanent files of the Ethics Committee shall be maintained in the central office of the Association.

5.02 Confidentiality of Files. All information obtained by the Ethics Committee and all proceedings of the Ethics Committee shall be confidential except as follows:

5.021 Publication of Sanctions. Whenever the Ethics Committee orders publication of sanctions pursuant to #3.087 of these Procedures, such publication shall be an exception to the rule of confidentiality stated in #5.02 of these Procedures.

5.022 Disclosure to the Complainant. The Ethics Committee shall disclose to the complainant the disposition of a particular case.

5.023 Regulatory Agencies and Professional Organizations. The Ethics Committee may inform regulatory agencies, other governmental agencies, other professional organizations, or any other institution or organization that has disciplinary control over the member, of any disciplinary action taken against a member for violating the Code of Ethics.

5.0231 Inquiries from Regulatory Agencies and Professional Organizations. It is the policy of the AAMFT Ethics Committee to cooperate with regulatory agencies, other governmental agencies, other professional organizations, or any other institution or organization which has disciplinary control over the member or former member, when they inquire about any disciplinary action taken against a member or former member for violating the Code of Ethics. If the member or former member has never been found in violation of the Code of Ethics, the regulatory agency, other governmental agency, or professional organization will be so informed. In cases where the member or former member has been found to have violated the Code of Ethics, and when such an inquiry is received, the following Procedures will be followed:

5.02311 Notification of the Member. The member or former member will be notified in writing that such a request has been received and that AAMFT intends to comply by a specific date.

5.02312 Content of Response to the Inquiry. The inquiry will be answered with a report from the Ethics Committee Chair. The report will include the following: (a) the standard(s) of the Code of Ethics that were violated; (b)
a brief statement regarding the nature of the offense; (c) the disciplinary action taken, if any; and (d) the date of the event and/or finding. A copy of the report will be sent to the member or former member.

5.024 Disclosures to AAMFT Staff and Governance Units.

5.0241 Reports to the Board Awards Committee and the Elections Council. If a person is currently the subject of a complaint filed with the Ethics Committee or has been found in violation of the Code of Ethics, the Ethics Committee will make a report to the Executive Director, who will then notify the Board Awards Committee when the member is a nominee for an honor, or to the Elections Council when the member is a nominee for office, provided that the person has signed an appropriate waiver at the request of the Board Awards Committee or the Elections Council. The report of the Ethics Committee will state the section of the Code of Ethics violated or alleged to have been violated, a brief statement regarding the nature of the offense, the disciplinary action taken, and the date of the event and/or the finding.

5.0242 Reports to the Executive Director. If a person has been found in violation of the Code of Ethics, the Ethics Committee will make a report to the Executive Director. The Executive Director shall enact the action directed in the sanction and make an appropriate notation in the person’s membership file.

5.025 Disclosures Required by Law. AAMFT may disclose such information when compelled by a validly issued subpoena, or when otherwise required by law.

5.03 Disposition of Files. Case files will be maintained for a minimum of 10 years in a manner that insures confidentiality. Case files may be destroyed at the discretion of the Association. When such destruction occurs, the Association will comply with state and federal laws.

6.00 Advisory Opinions. The Ethics Committee, at its discretion, may choose to give an advisory opinion about an ethical issue raised by a member of the Association, but it is not required to do so. An advisory opinion will be given only when actual and not hypothetical question(s) have been asked. Such opinions will be rendered only in writing and in response to a written request.

III. The AAMFT Judicial Committee

1.00 Basis and Scope of Authority of the Judicial Committee.

The Bylaws (Article 6.05, effective January 2012) provide for the function of the Judicial Committee as follows:
The function of the Judicial Committee shall be to hear impeachment charges against a member of the Board, an Officer of the Association, or members of councils or commissions; hear charges of violations of the AAMFT Code of Ethics which are submitted for review pursuant to the Ethics Committee procedures; review decisions which deny applications for membership or other designations; and hear other grievances brought by or against the Association pursuant to rules and regulations adopted by the Board.

2.00 Membership of the Judicial Committee.

2.01 Membership and Term of Office. The Judicial Committee shall consist of at least four voting members of the Association, all of whom shall be appointed by the President with the approval of the Board. Although all voting members of the Association, as defined in the Bylaws, are eligible to be appointed to the Judicial Committee, the majority of the Committee shall be composed of Clinical Fellows of the Association. Each member of the Judicial Committee shall serve for a three-year term, except that any person chosen to fill a vacancy shall be appointed for the unexpired term for the member whom the person succeeds. No member shall serve more than two consecutive terms.

2.02 Appointment of the Chair. The President shall appoint one member of the Judicial Committee, who is a Clinical Fellow, as Chairperson.

3.00 Procedures for Handling Complaints.

3.01 Role of the Judicial Committee. One role of the Committee is to hear charges of violations of the Code of Ethics which are submitted for review pursuant to the Ethics Committee Procedures.

3.02 Judicial Committee Constraints. Section 6.02 of the Bylaws states that the Judicial Committee shall operate pursuant to procedures which may be adopted by the Board from time to time. AAMFT adjudication proceedings are not formal legal proceedings.

3.03 Receipt of Charges from the Ethics Committee. If the Ethics Committee makes a formal recommendation that action be taken against a member and if, thereafter, the member requests an in-person hearing before the Judicial Committee or a written review by the Judicial Committee, the Ethics Committee shall transmit to the Chair of the Judicial Committee a statement of the charges against the member and the action recommended.

3.04 Initial Action by the Chair of the Judicial Committee. Upon receipt of the statement of charges and recommended action from the Ethics Committee, the Chair of the Judicial Committee or the Chair’s designee (hereafter, Chair) shall:

3.041 Inform the Member. The Chair will inform the charged member by certified mail, registered mail or other appropriate means marked "confidential" that the member’s request for an in-person hearing or written
review has been received. The Chair will also enclose a copy of the charges and recommended action; and

3.042 Appoint a Panel. The Chair will appoint three members of the Judicial Committee to serve as a Panel, and will designate one member of the Panel as Chair. A member of the Judicial Committee shall not serve on a Panel in any case if, in the opinion of the Chair, the member has a clear conflict of interest or personal bias.

3.05 In-Person Hearing Procedures.

3.051 Location. In-person hearings will normally be held in Alexandria, Virginia. The Chair of the Judicial Committee can schedule meetings outside of Alexandria, Virginia only when the total meeting costs (members and staff travel, hotel, meals, etc.), would not exceed the total costs if the hearing were held in Alexandria. To plan a hearing outside of Alexandria, the Chair of the Judicial Committee must develop the comparable cost data and submit it to the Executive Director prior to scheduling or announcing such a meeting. If an out of town hearing would exceed the cost of an Alexandria-based hearing, the Committee may make a special request to the Executive Director for an exception to this policy. This request must include the comparable cost data and reasons why an exception should be considered.

3.052 Hearing Schedule. The Hearing shall be scheduled within 90 days after the case was submitted to the Judicial Committee, on a date chosen by the Chair of the Panel. An extension of this 90 day deadline may be granted by the Chair of the Panel, at the Panel Chair’s sole discretion, when a request for such an extension has been made by the Chair of the Ethics Committee or by the member.

3.053 Notification of the Participants. The Chair of the Panel shall notify the Chair of the Ethics Committee, legal counsel for the Association, and the member of the date and location of the hearing. The member shall be notified by certified mail, registered mail or other appropriate means marked "confidential".

3.054 Pre-Hearing Disclosure by the Member. At least 30 days before the hearing, the member must submit to the Chair of the Panel and the Chair of the Ethics Committee the following documentation:

3.0541 A Statement of the Grounds for the Request for the Hearing. The member must submit in writing which of the following grounds are the basis for the request for a review, and the member’s arguments for these contentions, that is:

3.05411 Findings. The request is based on the contention that the findings of the Committee were not consonant with the facts, or that the member disputes the facts, and if so,
which facts, and the member’s argument for this contention.

3.05412 Procedures. The request is based on the contention that the Ethics Committee did not follow the procedures for handling complaints, and the member's argument for these contentions.

3.05413 Actions. The request is based on the contention that the recommended actions of the Ethics Committee are inappropriate or too harsh, and the member's argument for this contention.

3.05414 Other Grounds. The request is based on other contentions, and the member's argument for these contentions.

3.0542 List of the Witnesses and Summary of the Testimony. The member must submit in writing a list of any witnesses the member intends to present, and a summary of the testimony any witnesses would present, so substantial portions of such testimony can be stipulated and not repeated during the actual hearing.

3.0543 Statements by the Member and/or the Member's Attorney, and Additional Materials. The member and/or the member’s attorney may submit any additional written statements they may wish to make, as well as any additional materials they believe are relevant to the case.

3.055 Pre-Hearing Disclosure by the Ethics Committee. At least 30 days before the hearing, the Ethics Committee shall furnish the charged member and Panel with copies of all relevant documents and the names of witnesses who will appear in support of the charges, if any. The Chair of the Ethics Committee will also submit a summary of the testimony the witnesses would present, so substantial portions of such testimony can be stipulated and not repeated during the actual hearing.

3.056 Conduct of the Hearing.

3.0561 Chair of the Hearing. The Chair of the Panel shall preside over the hearing and assure that these Procedures are followed. The Chair will have access to legal counsel for advice on procedural matters.

3.0562 Role of the Ethics Committee Chair or designee. The Ethics Committee Chair or designee shall present the charges against the member and shall have the right to:

(a) be assisted by staff and have access to legal
counsel for advice on procedural matters;
(b) present witnesses and evidence to support the charge;
(c) cross-examine witnesses who appear for the charged member;
(d) offer rebuttal evidence;
(e) make brief opening and closing statements.

3.0563 Rights of the Member. The charged member shall have the right to:

(a) be assisted by counsel;
(b) present witnesses or evidence;
(c) cross-examine witnesses against the member;
(d) appear on the member’s own behalf;
(e) make brief opening and closing statements.

3.0564 Costs. The costs incurred by the charged member, the member’s attorney, and any witnesses the member requests to present are the responsibility of the member.

3.0565 Evidence. All evidence which is relevant and reliable, as determined by the Chair of the Panel, shall be admissible. The formal rules of evidence shall not apply.

3.0566 Recording of the Hearing. A recording of the hearing shall be made. Transcripts, if requested, may be made at the charged member’s expense.

3.0567 Burden of Proof. The Ethics Committee Chair or designee shall have the burden of proving the charges by a preponderance of the evidence.

3.06 Written Review Procedures.

3.061 Review Date. A review date shall be scheduled within 90 days after the case was submitted to the Judicial Committee, on a date chosen by the Chair of the Panel. An extension of this 90 day deadline may be granted by the Chair of the Panel, at the Panel Chair’s sole discretion, when a request for such an extension has been made by the Chair of the Ethics Committee or by the member.

3.062 Notification of Participants. The Chair of the Panel shall notify the Chair of the Ethics Committee, legal counsel for the Association, and the member of the review date. The member shall be notified by certified mail, registered mail or other appropriate means marked “confidential”.

3.063 Written Submission from Member. At least 45 days before the review date, the member must submit to the Chair of the Panel and the
Chair of the Ethics Committee the following documentation:

3.0631 A Statement of the Grounds for the Request for the Review. The member must submit in writing which of the following grounds are the basis for the member’s request for a review, and the member’s arguments for these contentions, that is:

3.06311 Findings. The request is based on the contention that the findings of the Committee were not consonant with the facts, or that the member disputes the facts, and if so, which facts, and the member's argument for this contention.

3.06312 Procedures. The request is based on the contention that the Ethics Committee did not follow the Procedures for handling complaints, and the member's argument for these contentions.

3.06313 Actions. The request is based on the contention that the recommended actions of the Ethics Committee are inappropriate or too harsh, and the member's argument for this contention.

3.06314 Other Grounds. The request is based on other contentions, and the member's argument for these contentions.

3.0632 Witness Statements. Statements from witnesses may be included with the member’s written submission.

3.0633 Additional Materials. The member and/or the member’s attorney may submit any additional written statements they may wish to make, as well as any additional materials they believe are relevant to the case.

3.064 Written Submission from the Ethics Committee. At least 45 days before the review date, the Ethics Committee shall furnish the charged member and the Chair of the Panel with copies of all relevant documents, any witness statements and the Ethics Committee’s statement of the case.

3.065 Rebuttal Statements. Both the Ethics Committee and the member may submit a rebuttal statement to the other party’s written submissions. Any such rebuttal statement shall be submitted to the Chair of the Panel at least 30 days before the review date and shall be limited to five pages (12-point font with 1-inch margins).

3.066 Conduct of the Review.

3.0661 Chair of the Review. The Chair of the Panel shall preside over the review and assure that these Procedures are followed. The Chair will have access to legal counsel for advice on procedural matters.
3.0662 Manner of the Review. On the review date, the Panel shall convene via conference call or, if an in-person hearing was requested in another case and was scheduled for the same day as the review date, in-person to review the written submissions. Only the Panel and necessary AAMFT Staff shall be present at the review of the written submissions.

3.067 Evidence. All evidence which is relevant and reliable, as determined by the Chair of the Panel, shall be considered. The formal rules of evidence shall not apply.

3.068 Burden of Proof. The Ethics Committee Chair or designee shall have the burden of proving the charges by a preponderance of the evidence.

3.07 Decision of the Panel.

3.071 Deadline. The Panel shall issue its decision within 30 days after the in-person hearing or review date.

3.072 Action by Majority. All actions by the Panel shall be made by a majority of those members present and voting.

3.073 No Violation Found. If no violation of the Code of Ethics is found, the Panel shall order that the member be cleared of all charges which were reviewed by the Panel.

3.074 Violation Found. If a violation(s) is found, the decision shall state:

(a) the findings of fact;
(b) whether the Panel has affirmed or rejected the Ethics Committee’s finding with regard to each violation;
(c) the ordered action.

3.075 Ordered Action. If a violation or violations of the Code of Ethics are found, the Panel shall order action be taken. The Panel may order that the Ethics Committee’s recommended actions be implemented, or the Panel may impose its own actions, whether more lenient or severe. In imposing its own actions, the Panel may go beyond what the Ethics Committee recommends. For example, when the Ethics Committee recommends supervision, the Panel could order termination. Actions which may be ordered include an order to cease and desist; censure; supervision, education, and/or therapy; perform community service; resignation with or without publication, revocation of membership (taking away membership with the possibility of readmission if certain conditions are met or after a specific amount of time has passed) or termination of membership (a permanent bar to readmission); revocation or termination of the Approved Supervisor designation; or any other action which the Panel deems
appropriate. The Panel shall also recommend the manner in which the action is to be instituted and/or supervised. If a member is allowed to resign, or the member's membership is revoked or terminated, the member must at once surrender the member's membership certificate to the Executive Director.

3.076 **Transmittal to the Judicial Committee Chair.** The decision shall be transmitted by the Panel Chair to the Chair of the Judicial Committee.

3.077 **Informing the Participants.** The Chair of the Judicial Committee shall inform, in writing, the following persons of the decision: the member and the Chair of the Ethics Committee. The member shall be notified by certified mail, registered mail or other appropriate means, marked "confidential".

3.08 **Appeal to Board of Directors.**

3.081 **Member's Deadline.** The member shall have 15 days from receipt of the Panel's decision to appeal to the Board of Directors.

3.082 **Grounds.** The only ground for appeal is that there were violations of these procedural rules of the Judicial Committee which substantially impaired the member's ability to defend against the charges.

3.083 **Judicial Committee Transmittal to the Board.** If an appeal is made to the Board of Directors, the Judicial Committee shall provide information to the Board in accordance with Section IV, #1.03 of these Procedures.

3.084 **Member's Written Statement.** In order to effectuate an appeal, the member shall provide a written statement in accordance with Section IV, #1.02 of these Procedures.

3.09 **No Appeal to Board of Directors.** If no appeal is made within 15 days after the member has been notified of the decision of the Panel, the decision of the Panel shall become final.

3.10 **Transmittal of Final Decision.** As soon as the decision becomes final, the Chair of the Judicial Committee shall transmit the decision to the Executive Director, the Chair of the Ethics Committee, and legal counsel of the Association.

3.11 **Publication of Sanctions.**

3.111 **Publication of Termination.** Whenever the Judicial Committee upholds an Ethics Committee recommendation for termination of membership, and whenever a Judicial Committee order for termination of membership becomes final, then the provisions concerning publication found in Section II, #3.0871 of these Procedures apply.
3.112 **Publication of Other Sanctions.** Publication of sanctions other than termination, including notifications of relevant professional associations and regulatory bodies, may be directed by the Judicial Committee, within its sole discretion, in whatever manner and to whatever extent the Judicial Committee deems appropriate.

3.113 **Resignation from Membership.** In situations in which a charged member resigned from AAMFT membership in the face of an Ethics Committee investigation, and a violation of the *Code of Ethics* is subsequently proven, any publication of a finding and actions of the Judicial Committee shall include the fact of the member’s resignation.

4.00 **Records and Disclosure of Information.**

4.01 **Records.** All records of the Judicial Committee proceedings, including the decisions, recordings of hearings, and supporting documents, shall be maintained in the central office of the Association.

4.02 **Confidentiality of Files.** All records of the Judicial Committee proceedings shall be confidential except as follows:

4.021 **Publication of Sanctions.** The Judicial Committee may order publication of sanctions pursuant to #3.11 of the *Judicial Committee Procedures*.

4.022 **Disclosure to the Complainant.** The Chair of the Ethics Committee shall disclose to the complainant the disposition of a particular case.

4.023 **Regulatory Agencies and Professional Organizations.** The Judicial Committee may inform regulatory agencies, other governmental agencies, professional organizations, or any other institution or organization that has disciplinary control over the member, of any disciplinary action taken against a member for violating the *Code of Ethics*.

4.024 **Disclosures Required by Law.** AAMFT may disclose such information when compelled by a validly issued subpoena, or when otherwise required by law.

4.025 **Disclosure to AAMFT Governance Units.** The Judicial Committee will make a report to the Executive Director concerning any disciplinary action taken against a member for violating the *AAMFT Code of Ethics*, pursuant to these *Procedures*, Section II, #5.024.

4.03 **Disposition of Files.** Case files will be maintained for a minimum of 10 years in a manner that insures confidentiality. Case files may be destroyed at the discretion of the Association. When such destruction occurs, the Association will
comply with state and federal laws.

IV. The AAMFT Board of Directors

1.00 Appeals to the Board of Directors.

1.01 Grounds. The only basis for appeal to the AAMFT Board of Directors by a member regarding the decision of the Judicial Committee is that there was a violation of the procedural rules of the Judicial Committee, and that this violation substantially impaired the member's ability to defend against the charges. The Board shall not reconsider the underlying facts of the case and will only consider if there was a violation of the Judicial Committee's procedures, which did substantially impair the member's ability to defend against the charges.

1.02 Written Statement of the Member. In order to effectuate an appeal, the member shall state, in writing, to the Board of Directors the specific violation of the Judicial Committee's procedural rules and how this violation substantially impaired the member's ability to defend against the charges. The President of AAMFT shall review the statement to ensure that the appeal is based on the contention that the Judicial Committee violated its procedural rules. If not, the President shall deny the appeal. This letter must be sent to the AAMFT President at AAMFT headquarters within 15 days from the member's receipt of the Panel's decision.

1.03 Statement of the Judicial Committee. The Judicial Committee shall prepare a statement in response to the member's statement, to include a review of the relevant procedural rules and any substantive materials relating to the procedural review of the Judicial Committee's actions. The President, in consultation with Board Officers, will ensure that sufficient materials are submitted to the Board.

1.04 Scheduling the Appeal. The Board of Directors shall consider the appeal solely on the basis of the member's written statement and the response of the Judicial Committee or the Association's legal counsel (which may or may not be in writing), and there shall be no right to a personal appearance before the Board by the member or the member's personal representative. The Board of Directors shall consider the appeal at its next meeting after receiving the notice of the appeal.

1.05 Vote on the Appeal. A majority vote by the Board of Directors, present and voting, shall determine the appeal.

1.06 Board Decision. The Board of Directors shall issue a written decision on the appeal and shall inform the member and the Judicial Committee of the decision in writing within 30 days of the meeting. The Board must either affirm the Judicial Committee's decision or order a new hearing before a panel of the Judicial Committee. The only basis for ordering a new hearing is the Board's decision that there was a violation of the Judicial Committee's procedures, which did substantially impair the member's ability to defend against the charges.
V. Enforcement of Ordered Actions

1.00 Transmittal to the Ethics Committee. Once a decision has become final, the case shall be returned to the AAMFT Ethics Committee, which shall be responsible for enforcing any ordered actions.

2.00 Modification of Terms of Implementation. After a decision is final, the terms of the sanction shall not be modified. However, the terms of implementation may be modified by the Ethics Committee, at its discretion, if presented with information demonstrating that such modification is necessary for the member to be able to comply with the terms of the ordered actions.

3.00 Failure to Meet the Terms of the Ordered Actions. If at any time the member fails to fully comply with the terms of the ordered actions, the Ethics Committee shall charge the member with a violation of Standard 3.12(g), which could result in the termination of membership.