PREAMBLE

The Association is an educational, scientific, and professional organization whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual and thus to the service of society.

The Association recognizes that the roles and functions of its members include a wide variety of academic disciplines, levels of academic preparation, and agency services. This diversity reflects the breadth of the Association’s interest and influence. It also poses challenging complexities in efforts to set standards for the performance of members, desired requisite preparation or practice, and supporting social, legal, and ethical controls.

The specification of ethical standards enables the Association to clarify to its present and future members and to those served by members the nature of ethical responsibilities held in common by its members.

The existence of such standards serves to stimulate greater concern by members for their own professional functioning and for the conduct of fellow professionals such as counselors, guidance and student personnel workers, and others in the helping professions. As the ethical code of the Association, this document establishes principles that define the ethical behavior of Association members. Additional ethical guidelines developed by the Association’s Divisions for their specialty areas may further define a member’s ethical behavior.

Section A: General

1. The member influences the development of the profession by continuous efforts to improve professional practices, teaching, services, and research. Professional growth is continuous throughout the member’s career and is exemplified by the development of a philosophy that explains why and how a member functions in the helping relationship. Members must gather data on their effectiveness and be guided by the findings. Members recognize the need for continuous education to ensure competent service.

2. The member has a responsibility both to the individual “who is served” and to the institution within which the service is performed to maintain high standards of professional conduct. The member strives to maintain the highest professional standards offered to the individuals to be served. The member also strives to assume the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the member is in agreement with the general policies and principles of the institution. Therefore, the professional activities of the member are also in accord with the objectives of the institution.

3. Ethical behavior among professional associates, both members and nonmembers, must be expected at all times. When information is possessed that raises doubts as to the ethical behavior of professional colleagues, whether Association members or not, the member must take action to attempt to rectify such a condition. Such action shall use the institution’s channels first and then use procedures established by the Association.

4. The member neither claims nor implies professional qualifications exceeding those possessed and is responsible for correcting any misrepresentations of these qualifications by others.

5. In established fees for professional counseling services, members must consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, assistance must be provided in finding comparable services of acceptable cost.

6. When members provide information to the public or to subordinates, peers, or supervisors, they have a responsibility to ensure that the content is general, unidentified client information that is accurate, unbiased, and consists of objective, factual data.

7. Members recognize their boundaries of competence and provide only those services and use only those techniques for which they are qualified by training or experience. Members should only accept those positions for which they are professionally qualified.

8. In the counseling relationship, the counselor is aware of the intimacy of the relationship and maintains for the client a high standard of professional conduct. The member strives to maintain the highest professional standards offered to individuals to be served. The member also strives to assume the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the member is in agreement with the general policies and principles of the institution. Therefore, the professional activities of the member are also in accord with the objectives of the institution.

9. Members do not condone or engage in sexual harassment which is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature.

10. The member avoids bringing personal issues into the counseling relationship, especially if the potential for harm is present. Through awareness of the negative impact of both sexual and sexual stereotyping and discrimination, the counselor guards the individual’s rights and personal dignity of the client in the counseling relationship.

11. Products or services provided by the member by means of classroom instruction, public lectures, demonstrations, written articles, radio or television programs, or other types of media must meet the criteria cited in these standards.

Section B: Counseling Relationships

This section refers to practices and procedures of individual and group counseling relationships.

1. The member’s primary obligation is to respect the integrity and promote the welfare of the client(s), whether the client(s) is (are) assisted individually or in a group relationship. In a group setting, the member is also responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

2. Members make provisions for maintaining confidentiality in the storage and disposal of records and follow an established record retention and disposal policy. The counseling relationship and information resulting therefrom must be kept confidential, consistent with the obligations of the member as a professional person. In a group counseling setting, the counselor must set a norm of confidentiality regarding all group participants’ disclosures.

3. If an individual is already in a counseling relationship with another professional person, the member does not enter into a counseling relationship without first contacting and receiving the approval of that other professional. If the member discovers that the client is in another counseling relationship after the counseling relationship begins, the member must gain the consent of the other professional or terminate the relationship, unless the client elects to terminate the other relationship.

4. When the client’s condition indicates that there is clear and imminent danger to the client or others, the member must take reasonable personal action or inform responsible authorities. Consultation with other professionals must be used where possible. The assumption of responsibility for the client(s)’ behavior must be taken only after careful deliberation. The client must be involved in the assumption of responsibility as quickly as possible.

5. Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, electronic data storage, and other documents are to be considered professional information for use in counseling, and they should not be considered a part of the records of the institution or agency in which the counselor is employed unless specified by state statute or regulation. Revelation to others of counseling material must occur only upon the expressed consent of the client.

6. In view of the extensive data storage and processing capabilities of the computer, the member must ensure that data maintained on a computer is: (a) limited to information that is appropriate and necessary for the services being provided; (b) destroyed after it is determined that the information is no longer of any value in providing services; and (c) retained in terms of access to appropriate staff members involved in the provision of services by using the best computer security methods available.

7. Use of data derived from a counseling relationship for purposes of counselor training or research shall be confined to content that can be diagnosed to ensure full protection of the identity of the subject client.

8. The member must inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the counseling relationship is entered. When working with minors or persons who are unable to give consent, the member protects these clients’ best interests.
In view of common misconceptions related to the perceived inherent validity of computer-generated data and narrative reports, the member must ensure that the client is provided with information as part of the counseling relationship that adequately explains the limitations of computer technology.

10. The member must screen prospective group participants, especially when the emphasis is on self-understanding and growth through self-disclosure. The member must maintain an awareness of the group participants' compatibility throughout the life of the group.

11. The member may choose to consult with any other professionally competent person about a client. In choosing a consultant, the member must avoid placing the consultant in a conflict of interest situation that would cloud the consultant's being a proper party to the member's efforts to help the client.

12. If the member determines an inability to be of professional assistance to the client, the member must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the member must suggest appropriate alternatives. The member must be knowledgeable about referral resources so that a satisfactory referral can be offered. In the event the client declines the suggested referral, the member is not obligated to continue the relationship.

13. When the member has other relationships, particularly of an administrative, supervisory, and/or evaluative nature with an individual seeking counseling services, the member must not serve as the counselor but should refer the individual to another professional. Only in instances where such an alternative is unavailable and where the individual's situation warrants counseling intervention should the member enter into and/or maintain a counseling relationship. Dual relationships with clients that might impair the member's objectivity and professional judgment (e.g., as with close friends or relatives), must be avoided and/or the counseling relationship terminated through referral to another competent professional.

14. The member will avoid any type of sexual intimacies with clients. Sexual relationships with clients are unethical.

15. All experimental methods of treatment must be clearly indicated to prospective recipients, and confidentiality precautions are to be adhered to by the member.

16. When computer applications are used as a component of counseling services, the member must ensure that: (a) the client is intellectually, emotionally, and physically capable of using the computer application; (b) the computer application is appropriate for the needs of the client; (c) the client understands the purpose and operation of the computer application; and (d) follow-up of client use of a computer application is provided to both correct possible problems (misconceptions or inappropriate use) and assess subsequent needs.

17. When the member is engaged in short-term group treatment programs (e.g., group therapy sections, and other encounter-type or group encounter programs), the member ensures that there is professional assistance available during and following the group experience.

18. Should the member be engaged in a work setting that calls for any variation from the above standards, the member is obligated to consult with other professionals whenever possible to consider justifiable alternatives.

19. The member must ensure that members of various ethnic, racial, religious, disability, and socioeconomic groups have equal access to computer applications used to support counseling services and that the content of available computer applications does not discriminate against the groups described above.

20. When computer applications are developed by the member for use by the general public as self-help/stand-alone computer software, the member must ensure that: (a) self-help computer applications are designed from the beginning to function in a stand-alone manner, as opposed to modifying software that was originally designed to require support from a counselor; (b) self-help computer applications will include within the program statements regarding intended user outcomes, suggestions for using the software, a description of the conditions under which self-help computer applications might not be appropriate, and a description of when and how counseling services might be beneficial; and (c) the manual for such applications will include the qualifications of the developer, the development process, validation data, and operating procedures.

Section C: Measurement & Evaluation

The primary purpose of educational and psychological testing is to provide descriptive measures that are objective and interpretable in either comparative or absolute terms. The member must recognize the need to interpret the statements that follow as applying to the whole range of appraisal techniques including test and non-test data. Test results constitute only one of a variety of pertinent sources of information for personnel, guidance, and counseling decisions.

1. The member must provide specific orientation or information to be examined(s) prior to following the test administration so that the results of testing may be placed in proper perspective with other relevant factors. In so doing, the member must recognize the effects of socioeconomic, ethnic, and cultural factors on test scores. It is the member's professional responsibility to use additional unvalidated information carefully in modifying interpretations of the test results.

2. In selecting tests for use in a given situation or with a particular client, the member must consider carefully the specific validity, reliability, and appropriateness of the test(s). General validity, reliability, and related issues may be questioned legally as well as ethically when tests are used for vocational and educational selection, placement, or counseling.

3. When making any statements to the public about tests and testing, the member must give accurate information and avoid false claims or misinterpretations. Special offers are often required to avoid unwarranted expectations of true or grade equivalent scores.

4. Different tests demand different levels of competence for administration scoring and interpretation. Members must recognize the limits of their competence and perform only those functions for which they are prepared. In particular, members using computer-based test interpretations must be trained in the construct being measured and the specific instrument being used prior to using this type of computer application.

5. In situations where a computer is used for test administration and scoring, the member is responsible for ensuring that administration and scoring programs function properly to provide clients with accurate test results.

6. Tests must be administered under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, these conditions must be noted and the results designated as invalid or of questionable validity. Unsupervised or inadequately supervised test-taking, such as the use of tests through the mail, is considered unethical. On the other hand, the use of instruments that are so designed or standardized to be self-administered and self-scored, such as interest inventories, is to be encouraged.

7. The meaningfulness of test results used in personnel, guidance, and counseling functions generally depends on the examiner's familiarity with the specific items on the test. Any prior coaching or dissemination of the test materials will invalidate test results. Therefore, test security is one of the professional obligations of the member. Conditions that produce invalid test results must be made known to the examinee.

8. The purpose of testing and the explicit use of the results must be made known to the examinee prior to testing. The counselor must ensure that instrument limitations are not exceeded and that periodic review and/or retesting are made to prevent client stereotyping.

9. The examinee's welfare and explicit prior understanding must be the criteria for determining the results of the test results. The member must see that specific interpretations accompany any release of individual or group test data. The interpretation of test data must be related to the examinee's particular concerns.

10. Members responsible for making decisions based on test results have an understanding of educational and psychological measurement, validation criteria, and test research.

11. The member must be cautious when interpreting the results of research instruments possessing insufficient technical data. The specific purposes for the use of such instruments must be stated explicitly to examinees.

12. The member must proceed with caution when attempting to evaluate and interpret the performance of minority group members or other persons who are not represented in the norm group on which the instrument was standardized.

13. When computer-based test interpretations are developed by the member to support the assessment process, the member must ensure that the validity of such interpretations is established prior to the commercial distribution of such a computer application.

14. The member recognizes that test results may become obsolete. The member will avoid and prevent the misuse of obsolete test results.

15. The member must guard against the appropriation, reproduction, or modification of published tests or parts thereof without acknowledgement and permission from the previous publisher.

16. Regarding the preparation, publication, and distribution of tests, reference should be made to:


Section D: Research and Publication

1. Guidelines on research with human subjects should be adhered to, such as:


   b. Code of Federal Regulation, Title 45.

   c. Ethical Principles of Psychologists, American Psychological Association, Principle #9: Research with Human Participants.

   d. Family Educational Rights and Privacy Act (the Buckley Amendment).

   e. Current federal regulations and various state rights privacy acts.

2. In planning any research activity dealing with human subjects, the member must be aware of and responsive to all pertinent ethical principles and ensure that the research problem...
Section E: Consulting

Consultation refers to a voluntary relationship between a professional helper and help-seeking individual, group, or social unit in which the consultant is providing help to the client(s) in defining and solving a work-related problem or potential problem with a client or client system.

1. The member acting as consultant must have a high degree of self-awareness of his/her own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and organizational change and that the focus of the relationship be on the issues to be resolved and not on the person(s) presenting the problem.

2. There must be understanding and agreement between member and client for the problem definition, change of goals, and prediction of consequences of interventions selected.

3. The member must be reasonably certain that whether or not the organization represented has the necessary competencies and resources for giving the kind of help that is needed now or may be needed later and that appropriate referral resources are available to the consultant.

4. The consultation relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The member must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant.

5. When announcing consultant availability for services, the member consistently adheres to the Association’s Ethical Standards.

6. The member must refuse a private fee or other remuneration for consultation with persons who are entitled to these services through the member’s employing institution or agency. The policies of a particular agency may make explicit provisions for private practice with agency clients by members of its staff. In such instances, the clients must be apprised of other options open to them should they seek private counseling services.

Section F: Private Practice

1. The member should assist the profession by facilitating the availability of counseling services in private as well as public settings.

2. In advertising services as a private practitioner, the member must advertise the services in a manner that accurately informs the public of professional services, expertise, and techniques of counseling available. A member who assumes an executive leadership role in the organization shall not permit his/her name to be used in professional literature during periods when he/she is not actively engaged in the private practice of counseling.

3. The member may list the following: highest relevant degree, type and level of certification and/or license, address, telephone number, office hours, type and description of services and other relevant information. Such information must not contain false, inaccurate, misleading, partial, out-of-context, or deceptive material or statements.

4. Members do not present their affiliation with any organization in such a way that would imply inaccurate sponsorship or certification by that organization.

5. Members may join in partnerships or corporations with other members and/or other professionals provided that each member of the partnership or corporation makes clear the separate specialties by name in compliance with the regulations of the locality.

6. A member has an obligation to withdraw from a counseling relationship if it is believed that employment will result in violation of the Biblical Standards. If the mental or physical condition of the member renders it difficult to carry out an effective professional relationship or if the member is disabled by the client because the counseling relationship is no longer productive for the client, then the member is obligated to terminate the counseling relationship.

7. A member must adhere to the regulations for private practice of the locality where the services are offered.

8. It is unethical to use one’s institutional affiliation to recruit clients for one’s private practice.

Section G: Personnel Administration

It is recognized that most members are employed in public or quasi-public institutions. The functioning of a member within an institution must contribute to the goals of the institution and vice versa if either is to accomplish their respective goals or objectives. It thereupon essential that the member and the institution fonction in ways to: (a) make the institutional goals specific and public; (b) make the member’s contribution to institutional goals specific; and (c) foster mutual accountability for goal achievement.

To accomplish these objectives, it is recognized that the member and the employer must share responsibilities in the formulation and implementation of personnel policies.

1. Members must define and describe the parameters and levels of their professional competency.

2. Members must establish interpersonal relations and working agreements with supervisors and subordinates regarding counseling or clinical relationships, confidentiality, distinctions between public and private material, maintenance and dissemination of recorded information, workload, and accountability. Working agreements in each instance must be specified and made known to those concerned.

3. Members must alert their employers to conditions that may be potentially disruptive or dangerous.

4. Members must inform employers of conditions that may limit their effectiveness.

5. Members must submit regularly to professional review and evaluation.

6. Members must be responsible for inservice development of self and/or staff.

7. Members must inform their staff of goals and plans.

8. Members must provide personnel practices that guarantee and enhance the rights and welfare of each recipient of their service.

9. Members must select competent persons and assign responsibilities compatible with their skills and experiences.

10. The member, at the onset of a counseling relationship, will inform the client of the member’s intended use of supervisors regarding the disclosure of information concerning this case. The member will clearly inform the client of the limits of confidentiality in the relationship.

11. Members, as either employers or employees, do not engage in or condone practices that are inhumane, illegal, or unjustifiable (such as considerations based on sex, handicap, age, race) in hiring, promotion, or training.

Section H: Preparation Standards

Members who are responsible for training others must be guided by the preparation standards of the Association and relevant Division(s). The member who functions in the capacity of trainer assumes unique ethical re-
Responsibilities that frequently go beyond that of the member who does not function in a training capacity. These ethical responsibilities are outlined as follows:

1. Members must orient students to program expectations, basic skills development, and employment prospects prior to admission to the program.

2. Members in charge of learning experiences must establish programs that integrate academic study and supervised practice.

3. Members must establish a program directed toward developing students' skills, knowledge, and understanding stated whenever possible in competency or performance terms.

4. Members must identify the levels of competencies of their students in compliance with relevant Division standards. These competencies must accommodate the paraprofessional as well as the professional.

5. Members, through continual student evaluation and appraisal, must be aware of the personal limitations of the learner that might impede future performance. The instructor must not only assist the learner in overcoming remedial assistance but also screen from the program those individuals who are unable to provide competent services.

6. Members must provide a program that includes training in research commensurate with levels of role functioning. Paraprofessional and technician-level personnel must be trained as consumers of research. In addition, personnel must learn how to evaluate their own and their program's effectiveness. Graduate training, especially at the doctoral level, would include preparation for original research by the member.

7. Members must make students aware of the ethical responsibilities and standards of the profession.

8. Preparatory programs must encourage students to value the ideals of service to individuals and to society. In this regard, direct financial remuneration or lack thereof must not be allowed to overshadow professional and humanitarian needs.

9. Members responsible for educational programs must be skilled as teachers and practitioners.

10. Members must present thoroughly variegated theoretical positions so that students may make comparisons and have the opportunity to select a position.

11. Members must develop clear policies within their educational institutions regarding field placement and the roles of the student and the instructor in such placement.

12. Members must ensure that forms of learning focusing on self-understanding or growth are voluntary, or if required as part of the educational program, are made known to prospective students prior to entering the program. When the educational program offers a growth experience with an emphasis on self-disclosure or other relatively intimate or personal involvement, the member must have no administrative, supervisory, or evaluating authority regarding the participant.

13. The member will at all times provide students with clear and equally acceptable alternatives for self-understanding or growth experiences. The member will assure students that they have a right to accept these alternatives without prejudice or penalty.

14. Members must conduct an educational program in keeping with the current relevant guidelines of the Association.

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Policies and Procedures for Responding to Members' Requests for Interpretations of the Ethical Standards

EFFECTIVE JULY 1, 1994

Section A: Appropriate Requests

1. ACA members may request that the Committee issue formal interpretations of the ACA ethical standards for the purpose of guiding the member's own professional behavior.

2. Requests for interpretations will not be considered in the following situations:

   a. The individual requesting the interpretation is not an ACA member, or

   b. The request is intended to determine whether the behavior of another mental health professional is unethical. In the event an ACA member believes the behavior of another mental health professional is unethical, the ACA member should receive the issue directly with the professional, if possible, and should file an ethical complaint if appropriate.

Section B: Procedures

1. Members must send written requests for interpretations to the Committee at ACA Headquarters.

2. Questions should be submitted in the following format: "Does (counselor behavior) violate Sections ____ or any other sections of the ACA Ethical Standards?" Questions should avoid vague details, be general in nature to the extent possible, and be brief.

3. The Committee staff liaison will review the question, if necessary, and submit it to the Committee Co-Chair for approval.

4. The question will be sent to Committee members who will be asked to respond individually.

5. The Committee Co-Chair will develop a consensus interpretation on behalf of the Committee.

6. The consensus interpretation will be sent to members of the Committee for final approval.

7. The formal interpretation will be sent to the member who submitted the inquiry.

8. The question and the formal interpretation will be published in the ACA newsletter, but the identity of the member requesting the interpretation will not be disclosed.
Policies and Procedures for Processing Complaints of Ethical Violations

Revised by Governing Council April 1994
EFFECTIVE JULY 1, 1994

Section A: General

1. The American Counseling Association, hereafter referred to as the “Association” or “ACA,” is dedicated to enhancing human development throughout the life span and promoting the counseling profession.

2. The Association, in furthering its objectives, administers the ethical standards that have been developed and approved by the ACA Governing Council.

3. The purpose of this document is to facilitate the work of the ACA Ethics Committee (“Committee”) by specifying the procedures for processing cases of alleged violations of the ACA ethical standards, codifying options for sanctioning members, and setting appeals procedures. The intent of the Association is to ensure that the professional conduct of its members promote sound ethical practices. ACA does not, however, warrant the performance of any individual.

Section B: Ethics Committee Members

1. The Ethics Committee is a standing committee of the Association. The Committee consists of six (6) appointed members, including one (1) Co-Chair whose term overlaps. Two members are appointed annually for three (3) year terms by the President-Elect; appointments are subject to confirmation by the ACA Governing Council. Any vacancy occurring on the Committee will be filled by the President in the same manner, and the person appointed shall serve the unexpired term of the member whose place he or she fills. Committee members may be reappointed to not more than one (1) additional consecutive term.

2. One (1) of the Committee co-chairs is appointed annually by the President-Elect from among the Committee members who have served two (2) years of service remaining and serves as co-chair for two (2) years, subject to confirmation by the ACA Governing Council.

Section C: Role and Function

1. The Ethics Committee is responsible for:
   a. Educating the membership as to the Association’s ethical standards;
   b. Periodically reviewing and recommending changes in the ethical standards of the Association as well as the Policies and Procedures for Processing Complaints of Ethical Violations;
   c. Receiving and processing complaints of alleged violations of the ethical standards of the Association; and,
   d. Receiving and processing questions.

2. The Committee shall meet in person or by telephone conference a minimum of three (3) times per year for processing complaints.

3. In processing complaints about alleged ethical misconduct, the Committee will compile an objective, factual account of the dispute in question and make the best possible recommendation for the resolution of the case. The Committee, in taking any action, shall do so only when a complaint has been filed by the President in the same manner, and the person appointed shall serve the unexpired term of the member whose place he or she fills. Committee members may be reappointed to not more than one (1) additional consecutive term.

4. Out of the six (6) voting members of the Committee, a vote of four (4) is necessary to conduct business. In the event a Co-Chair or any other member of the Committee has a personal interest in the case, he or she shall withdraw from reviewing the case.

5. In the event Committee members recuse themselves from a complaint and insufficient voting members are available to conduct business, the President shall appoint former ACA Committee members to decide the complaint.

Section D: Responsibilities of the Committee Members

1. The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee’s activities, and to follow procedures established to protect the rights of all individuals involved.

Section E: Responsibilities of the Co-Chairs Administering the Complaint

1. In the event that one of the Co-Chairs has a conflict of interest in a particular case, the other Co-Chair shall administer the complaint. The Co-Chair administering the complaint shall not have a vote in the decision.

2. In addition to the above guidelines for members of the Committee, the Co-Chairs, in conjunction with the Headquarters staff liaison, have the responsibilities of:
   a. Receiving, via ACA Headquarters, complaints that have been certified for membership status of the accused;
   b. Determining whether the alleged behavior(s), if true, would violate ACA’s ethical standards and whether the Committee should review the complaint under these rules;
   c. Notifying the complainant and the accused member of receipt of the case by certified mail return receipt requested;
   d. Notifying the members of the Committee of the case;
   e. Requesting additional information from complainants, accused members and others;
   f. Presiding over the meetings of the Committee;
   g. Preparing and sending, by certified mail, communications to the complainant and accused member on the recommendations and decisions of the Committee; and
   h. Arranging for legal advice with assistance and financial approval of the ACA Executive Director.

Section F: Jurisdiction

1. The Committee will consider whether individuals have violated the ACA ethical standards if those individuals:
   a. Are current members of the American Counseling Association; or
   b. Were ACA members when the alleged violation occurred.

2. Ethics committees of divisions, branches, corporate affiliates, or other ACA entities must refer all ethical complaints involving ACA members to the Committee.

Section G: Eligibility to File Complaints

1. The Committee will receive complaints that ACA members have violated one or more sections of the ACA ethical standards from the following individuals:
   a. Members of the general public who have reason to believe that ACA members have violated the ACA ethical standards.
   b. ACA members, or members of other helping professions, who have reason to believe that other ACA members have violated the ACA ethical standards.
   c. The Co-Chair of the Committee on behalf of the ACA membership when the Co-Chair believes to have received information that ACA members have violated the ACA ethical standards.

2. If possible, individuals should attempt to resolve complaints directly with accused members before filing ethical complaints.

Section H: Time Lines

1. The time lines set forth in these standards are guidelines only and have been established to provide a reasonable time framework for processing complaints.

2. Complaints or accused members may request extensions of deadlines when appropriate. Extensions of deadlines will be granted by the Committee only when justified by unusual circumstances.

Section I: Nature of Communication

1. Only written communications regarding ethical complaints against members will be acceptable. If telephone inquiries from individuals are received regarding the filing of complaints, responding to complaints, or providing information regarding complaints, the
Section J: Filing Complaints

1. Only written complaints, signed by complainants, will be considered.

2. Individuals eligible to file complaints will send a letter outlining the nature of the complaint to the Committee at the ACA Headquarters.

3. The ACA staff liaison to the Committee will communicate in writing with complainants. Receipt of complaints and confirmation of membership status of accused members as defined in Section F.1, above, will be acknowledged to the complainant. Proposed formal complaints will be sent to complainants after receipt of complaints have been acknowledged.

4. If the complaint does not involve a member as defined in Section F.1., above, the staff liaison shall inform the complainant.

5. The Committee Co-Chair administering a complaint will determine whether the complaint, if true, would violate one or more sections of the ethical standards or if the complaint could be properly decided if accepted. If not, the complaint will not be accepted and the complainant shall be notified.

6. If the Committee Co-Chair administering the complaint determines that there is insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the Committee, the ACA staff liaison to the Committee may request further information from the complainant or others.

7. When complaints are accepted, complainants will be informed that copies of the formal complaint plus evidence and documents submitted in support of the complaint will be provided to the accused member and that the complainant must authorize release of such information to the accused members before the complaint process may proceed.

8. The ACA staff liaison, after receiving approval of the Committee Co-Chair administering a complaint, will formulate a formal complaint which will be presented to the complainants for their signature.

9. All requests for additional information from others will be accompanied by a verification affidavit from which the information provider will be asked to complete and return.

10. The Committee may, in its discretion, delay or postpone its review of the case with good cause, including if the Committee wishes to obtain additional information. The accused member may request that the Committee delay or postpone its review of the case for good cause if done so in writing.

Section L: Disposition of Complaints

1. After receiving the responses of accused members, Committee members will be provided copies of: (a) the complaint, (b) supporting evidence and documents sent to accused members, (c) the response, and (d) supporting evidence and documents provided by accused members and others.

2. Decisions will be rendered based on the evidence and documents provided by the complainant and accused member or others.

3. The Committee Co-Chair administering a complaint will not participate in deliberations or decisions regarding that particular complaint.

4. At the next meeting of the Committee held no sooner than fifteen (15) working days after members received copies of documents related to a complaint, the Committee will discuss the complaint, response, and supporting documentation, if any, and determine the outcome of the complaint.

5. The Committee will determine whether each ethical standard the member has been accused of having violated was violated based on the information provided.

6. After deliberations, the Committee may decide to dismiss the complaint or to dismiss charges within the complaint.

7. In the event it is determined that any of the ACA ethical standards have been violated, the Committee will impose for the entire complaint or a combination of the possible sanctions allowed.

Section M: Withdrawal of Complaints

1. If the complainant and accused member both agree to discontinue the complaint process, the Committee may, at its discretion, complete the adjudication process if available evidence indicates that this is warranted. The Co-Chair of the Committee, on behalf of the ACA membership, shall act as complainant.

Section N: Possible Sanctions

1. Reprimand. Remedial requirements may be stipulated by the Committee.

2. Probation for a specified period of time subject to Committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

3. Suspension from ACA membership for a specified period of time subject to Committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

4. Permanent expulsion from ACA membership. This sanction requires an unanimous vote of those voting.

5. The penalty for failing to fulfill in a satisfactory manner a remedial requirement imposed by the Committee as a result of a probation sanction will be automatic suspension until the requirement is met, unless the Committee determines that the remedial requirement should be modified based on good cause shown prior to the end of the probationary period.

6. The penalty for failing to fulfill in a satisfactory manner a remedial requirement imposed by the Committee as a result of a suspension sanction will be automatic permanent expulsion unless the Committee determines that the remedial requirement should be modified based on good cause shown prior to the end of the suspension period.

7. Other corrective action.
Section P: Hearings

1. At the discretion of the Committee, a hearing may be conducted when the results of the Committee’s preliminary determination indicate that additional information is needed.

2. When accused members, within sixty (60) working days of notification of the complaint, request a formal face-to-face or telephone conference hearing before the Committee, a hearing shall be conducted. (See Section K.6.)

3. The accused shall bear all their expenses associated with attendance at hearings requested by the accused.

4. The Committee Co-Chair shall schedule a formal hearing on the case at the next scheduled Committee meeting and notify both the complainant and the accused member of their right to attend the hearing in person or by telephone conference call.

5. The hearing will be held before a panel made up of the Committee and if the accused member chooses, a representative of the accused member’s primary Division. This representative will be identified by the Division President and will have voting privileges.

Section Q: Hearing Procedures

1. Purpose.

a. A hearing will be conducted to determine whether a breach of the ethical standards has occurred and, if so, to determine appropriate disciplinary action.

b. The Committee will be guided in its deliberations by principles of basic fairness and professionalism, and will keep its deliberations as confidential as possible, except as provided herein.

2. Notice.

a. The accused members shall be advised in writing by the Co-Chair administering the complaint of the time and place of the hearing and the charges involved at least forty-five (45) working days before the hearing. Notice shall include a formal statement of the complaint lodged against the accused member and supporting evidence.

b. The accused member is under no duty to respond to this notice, but the Committee will not be obligated to delay or postpone its hearing.

Section R: Appeals

1. Decisions of the ACA Ethics Committee that members have violated the ACA ethical standards may be appealed by the member found to have been in violation based on one or both of the following grounds:

a. The Committee violated its policies and procedures for processing complaints of ethical violations; and/or

b. The decision of the Committee was arbitrary and capricious and was not supported by the materials provided by the complainant and accused member.

2. After members have received notification that they have been found in violation of one or more ACA ethical standards, they will be given thirty (30) working days to notify the Committee in writing by certified mail that they are appealing the decision.
3. An appeal may consist only of a letter stating one or both of the grounds of appeal listed in subsection 1 above and the reasons for the appeal.

4. Appealing members will be asked to identify the primary ACA division to which he or she belongs. The ACA President will appoint three (3) person appeals panel consisting of two (2) former ACA Ethics Committee Chairs and the President of the identified division. The ACA attorney shall serve as legal advisor and have the privilege of the floor.

5. The three (3) member appeals panel will be given copies of the materials available to the Committee when it made its decision, a copy of the hearing transcript if a hearing was held, plus a copy of the letter filed by the appealing member.

6. The appeals panel generally will render its decision regarding an appeal which must receive a majority vote within sixty (60) working days of their receipt of the above materials.

7. The decision of the appeals panel may include one of the following:
   a. The decision of the Committee is upheld.
   b. The decision of the Committee is reversed and remanded with guidance to the Committee for a new decision. The reason for this decision will be given to the Committee in detail in writing.
   c. When a Committee decision is reversed and remanded, the complainant and accused member will be informed in writing and additional information may be requested first from the complainant and then from the accused member. The Committee will then render another decision without a hearing.
   d. Decisions of the appeals panel to uphold the Committee decision are final.

Section S: Substantial New Evidence

1. In the event substantial new evidence is presented in a case in which an appeal was not filed, or in a case which a final decision has been rendered, the case may be reopened by the Committee.

2. The Committee will consider substantial new evidence and if it is found to be substantiated and capable of exonerating a member who was expelled, the Committee will re-open the case and go through the entire complaint process again.

Section T: Records

1. The records of the Committee regarding complaints are confidential except as provided herein.

2. Original copies of complaint records will be maintained in locked files at ACA Headquarters or at an off-site location chosen by ACA.

3. Members of the Committee will keep copies of complaint records confidential and will destroy copies of records after a case has been closed or when they are no longer a member of the Committee.

4. When actions on a complaint are continued after a legal action has been concluded, the complainant and accused member will be notified.

For Further Information Write:
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