PSYPACT Commissioner Code of Ethics

and

Procedures for Review of Commissioner Conduct

This PSYPACT Commission Code of Ethics and accompanying Procedures for Review of Commissioners Conduct were adopted by the PSYPACT Commission on ______________, __________, 202__.

Preamble

The PSYPACT Commission, a joint public agency, is body politic and an instrumentality of the Compact States. The business and affairs of the PSYPACT Commission are managed under the direction of the PSYPACT Commissioners and its Executive Board. The Commissioner Code of Ethics (the “Code”) serves as a code of conduct for members of the Commission in their capacity as Commissioners. Violations of the Code may result in sanctions imposed under the Procedures for Review of Commissioners Conduct (the “Procedures”). The principles and requirements that comprise the Code and the Procedures are based upon, and are designed to ensure full compliance by the PSYPACT Commissioners and its officers, and employees with, the fiduciary duties imposed upon such individuals by law, bylaws, rules and policies. At the same time, the Code and Procedures are not designed to supplant courts of law in the resolution of disputes. Moreover, the checks and balances built into the Code and Procedures are designed to strike the proper balance between ensuring full compliance with the legal obligations described above and ensuring the integrity and efficacy of the Code on the one hand, and protecting members of the Commission, through the use of reasonable due process procedures, against patently false, malicious or groundless accusations that could result in significant business or personal harm if not properly handled. Members of the Commission affirm their endorsement of the Code and acknowledge their commitment to uphold its principles and obligations by accepting and retaining a position on the Commission.

Commissioners Code of Ethics

Members of the Commission (including ex officio members of the Commission) shall at all times abide by and conform to the following code of conduct in their capacity as Commissioner:

1. Each Commissioner will abide in all respects by the PSYPACT Commissioners’ Code of Ethics and all other rules and regulations of the Commission (including but not limited to the Bylaws and Rules).

2. The Commissioner will conduct the business affairs of the Commission in good faith and with honesty, integrity, due diligence, and reasonable competence.

3. Except as the Commission may otherwise require or as otherwise required by law, no Commissioner shall share, copy, reproduce, transmit, divulge or otherwise disclose any confidential information related to the affairs of the Commission and each member of the Commission will uphold the strict confidentiality of Closed session meetings.
4. Commissioners will exercise proper authority and good judgment in their dealings with Commission staff.

5. No Commissioner will use any information provided by the Commission or acquired as a consequence of the Commissioner’s service to the Commission in any manner other than in furtherance of their Commission duties. Further, no Commissioner will misuse Commission property or resources and will at all times keep the Commission’s property secure and not allow any person not authorized by the Commissioners to have or use such property.

6. Each Commissioner will use their best efforts to perform their assigned duties in a professional and timely manner pursuant to the Commission’s direction and oversight.

7. Upon termination of service, a Commissioner will promptly return to the Commission all documents, electronic and hard files, reference materials, and other property entrusted to the Commissioner for the purpose of fulfilling their job responsibilities. Such return will not abrogate the Commissioner from their continuing obligations of confidentiality with respect to information acquired as a consequence of their tenure on the Commission.

8. The Commission dedicates itself to leading by example in serving the needs of the Commission and its members, and in representing the interests and ideals of the profession of psychology at large.

9. No Commissioner shall persuade or attempt to persuade any employee of the Commission to leave the employ of the Commission or to become employed by any person or entity other than the Commission. Furthermore, no member of the Commission shall persuade or attempt to persuade any member, exhibitor, advertiser, sponsor, subscriber, supplier, contractor, or any other person or entity with an actual or potential relationship to or with the Commission to terminate, curtail or not enter into its relationship to or with the Commissioner, or to in any way reduce the monetary or other benefits to the Commission of such relationship.

10. The Commissioners must act at all times in the best interests of the Commission and not for personal or third-party gain or financial enrichment. When encountering potential conflicts of interest, Commissioner will identify the conflict and, as required, remove themselves from all discussion and voting on the matter. Specifically, Commissioners shall:

- avoid placing (and avoid the appearance of placing) one's own self-interest or any third-party interest above that of the Commission; while the receipt of incidental personal or third-party benefit may necessarily flow from certain Commission activities, such benefit must be merely incidental to the primary benefit to the Commission and its purpose.
- not abuse their Commission position by improperly using their Commission position or the Commission's staff, services, equipment, resources, or property for their personal or third-party gain or pleasure, and shall not represent to third parties that their authority as a Commissioner extends any further than that which it actually extends;
- not engage in any outside business, professional or other activities that would directly or indirectly materially adversely affect the Commission;
- not engage in or facilitate any discriminatory or harassing behavior directed toward Commission staff, members, officers, directors, meeting attendees, exhibitors, advertisers,
sponsors, suppliers, contractors, or others in the context of activities relating to the Commission;

• not solicit or accept gifts, gratuities, free trips, honoraria, personal property, or any other item of value from any person or entity as a direct or indirect inducement to provide special treatment to such donor with respect to matters pertaining to the Commission without fully disclosing such items to the Commission; and

• provide goods or services to the Commission as a paid vendor to the Commission only after full disclosure to, and advance approval by, the Commission, and pursuant to any related procedures adopted by the Commission.

**Procedures for Review of Commissioner Conduct**

I. Introduction

   A. The Code serves as a code of conduct for the Commissioners in their capacity as Commissioners. Commissioners affirm their endorsement of the Code and acknowledge their commitment to uphold its principles by accepting and retaining a position on the Commission. Violations of the Code may result in sanctions imposed under these Procedures.

   B. The grounds for disciplinary action are one or more material, demonstrable violations of any provision of the Code. Multiple alleged violations of the Code may be consolidated, at the discretion of the Chair (as such term is defined below), into a single complaint (as such term is defined below).

   C. These Procedures shall apply to all complaints, allegations, inquiries, or submissions involving a potential violation of the Code (hereinafter collectively referred to as “complaints”) received by the PSYPACT Commission about a Commissioner, whether initiated by another Commissioner, an officer, employee, member, or agent of the PSYPACT Commission, or other third party.

   D. Actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state or local government agencies may be made about a Commissioner’s conduct in appropriate situations. Persons bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken. Complaints essentially of a commercial nature (such as claims alleging defamation by or unfair business practices of a competitor), or primarily requesting judicial-type relief, may not be considered under these Procedures unless they also involve potential violations of the Code.

II. Development and Administration of Procedures

   A. The Commission is responsible for the development and administration of these Procedures. However, the PSYPACT Executive Board is delegated to administer these Procedures on behalf of the Commission.
B. The Chair of the Executive Board is specifically responsible for ensuring that these Procedures are implemented and followed consistently and objectively.

C. All Executive Board members, PSYPACT Commission staff, and other individuals engaged in investigations or decisions on behalf of the PSYPACT Commission with respect to any complaint under these Procedures are indemnified and shall be held harmless and defended by the PSYPACT Commission against any liability arising from such activities to the extent permitted by law, provided such individuals act in good faith and with reasonable care, without gross negligence or willful misconduct, and do not breach any fiduciary duty owed to PSYPACT Commission. No individual who (directly or through their family or business) has any personal or private business involvement in or connection to the alleged misconduct or any other conflict of interest shall be permitted to participate in the matter to be reviewed. Any such involvement or connection shall be immediately disclosed by the affected individual to the Executive Board and to the Commission.

III. Complaints

A. Complaints may be made and transmitted by any person to the PSYPACT Executive Director. While complaints generally should be in writing and the complaining individual generally should be identified, if credible evidence of a violation of the Code is presented, the PSYPACT Executive Director shall reduce the evidence to writing (including identifying the complaining individual) and promptly forward it to the Chair. Moreover, all credible evidence of Code violations received by the PSYPACT Executive Director, or of which the PSYPACT Executive Director becomes aware, shall be subject to mandatory written referral by the PSYPACT Executive Director to the Chair, such referrals which shall be subject to these Procedures. In addition, in all instances, the PSYPACT Executive Director may self-initiate a written complaint if circumstances warrant. If the complaint is against the Chair, the PSYPACT Executive Director will forward the complaint to the Vice-Chair.

B. Direct or indirect retaliation of any kind by PSYPACT Commission or its officers, directors, employees, members, or agents against any individual that makes, initiates or is involved in the making of a complaint is strictly prohibited. This prohibition on retaliation shall be enforced strictly by the Commission. Similarly, complaints made with knowledge of their falsity, in whole or in part, are strictly prohibited. This prohibition on the making of knowingly-false complaints shall be enforced strictly by the Commission.

C. Upon receipt and preliminary review of each complaint, the Chair may conclude, in the Chair's sole discretion, that the complaint: (1) contains facially unreliable or insufficient information, or (2) is patently frivolous or trivial. In such cases, the Chair may determine that the complaint does not constitute a potentially actionable complaint that would justify bringing it before the Executive Board for determination of whether there has been a material violation of the Code. If so, such complaint shall be dismissed without prejudice by the Chair, and notice to its submitter of such action shall be provided by the Chair in writing. All such preliminary dispositions of complaints by the Chair shall be immediately reported in writing to all members
of the Executive Board, with a copy to the PSYPACT Commissioner and PSYPACT Commission’s general counsel. Any such complaint may be reinitiated at any subsequent time pursuant to these Procedures.

D. If a complaint is deemed by the Chair on a preliminary basis to be a potentially actionable complaint, the Chair shall see that written notice is provided to the Commissioner whose conduct has been called into question, advising the Commissioner that an investigation is being initiated. The Chair also shall provide written notice to the individual who submitted the complaint that the complaint is being reviewed by the Executive Board.

IV. Review of Complaint

A. For each complaint involving an alleged violation of the Code that the Chair believes is a potentially actionable complaint, the Chair shall authorize an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand or corroborate the information provided by its submitter, and in order to assist the Executive Board in making a determination as to whether charges (and, if so, what charges) against the Commissioner should be brought. The Executive Board may be assisted in the conduct of its investigation by PSYPACT Commission staff, legal counsel, and/or outside experts, provided that no such staff person, legal counsel, or outside expert has any actual or apparent conflict of interest with respect to the matter and provided such individuals agree to maintain the complete confidentiality of the investigation. Both the individual submitting the complaint and the Commissioner who is the subject of the charge also may be contacted by the Executive Board or its agents for additional information with respect to the complaint. In addition, the Executive Board or its agents may contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

B. The Executive Board shall then determine whether the complaint warrants the bringing of charges under these Procedures against the Commissioner who is the subject of the complaint. If the Executive Board concludes that charges should be brought, it shall prepare written charges and a written report explaining the alleged aggrieved conduct and why such conduct constitutes grounds for disciplinary action under the Procedures. If the Executive Board concludes that no charges should be brought, it shall dismiss the charges without prejudice and so notify the Commissioner in writing. All such dispositions of complaints shall be immediately reported in writing to all Executive Board, with a copy to the PSYPACT Commissioners and to PSYPACT Commission’s general counsel. Any such complaint may be re-initiated at any subsequent time pursuant to these Procedures. Whether or not charges are brought, for all complaints, the Executive Board should determine whether the matter should be referred to another entity engaged in the administration of law, and if so, should promptly do so.

C. If the Executive Board recommends that charges be brought, the Chair shall notify the Commissioner to be charged and send the Commissioner a copy of the charges and the Executive Board’s report. The Chair shall advise the Commissioner that an investigation will be conducted and that a hearing will be held, providing the Commissioner with the proposed date and time for such hearing. The Commissioner shall be advised that they may request the opportunity to submit information or arguments contesting the charge in person or in writing, by submitting such request to the Executive Board within thirty days from receipt of the notice.
(or such other period established by the Executive Board, if any). The Commissioner also shall be advised that they may have the right to review evidence to be presented at the hearing and that they may be represented by legal counsel. The Commissioner shall be sent a copy of these Procedures.

D. All investigations and deliberations of the Executive Board are to be conducted in strict confidence to the extent possible, except that the Executive Board shall be permitted to disclose any relevant information when compelled by law or to parties essential to the review and investigation of the alleged misconduct. All investigations and deliberations of the Executive Board shall be conducted objectively, without prejudgment of any kind. An investigation may be directed toward any aspect of a complaint that is relevant or potentially relevant.

E. The Executive Board hearing may be held in person, or by telephone, electronic or video conference if the Commissioner does not request the opportunity to appear in person. The Chair shall preside and make evidentiary and other procedural rulings with the advice of PSYPACT Commission’s general counsel. If a hearing is held with the charged Commissioner present, the Chair shall, in his or her discretion, determine the rules of evidence and for oral presentations by the parties, as advised and approved by PSYPACT Commissioner’s general counsel. Written statements may be accepted as evidence. If witnesses appear, they shall be subject to cross-examination. The Commissioner may be accompanied and represented by legal counsel at all times, at the Commissioner’s sole discretion and expense.

V. Determination of Violation

A. Upon completion of its investigation and the hearing, the Executive Board shall determine by majority vote, upon a preponderance of the evidence, whether or not there has been a violation of the Code, and whether the Commission should impose sanctions. When the Executive Board finds that there has been a violation, it also shall recommend imposition of an appropriate sanction. If the Executive Board so recommends, a written determination with a proposed sanction shall be prepared under the supervision of the Chair, and shall be presented by a representative of the Executive Board to the Commission, along with the record of the Executive Board’s investigation and deliberation. Written notice of the Executive Board’s determination, the proposed sanction, and the fact that the matter will be reviewed by the Commission shall thereafter be provided to the charged Commissioner. If the Executive Board determines that a violation has not occurred, the complaint shall be dismissed with prejudice, with written notice thereof provided to the affected Commissioner, as well as to the individual who submitted the complaint. A summary report also shall be made in writing to the Commission.

B. If a violation is found and sanctions are recommended by the Executive Board, the Commission shall review the recommendations of the Executive Board based upon the record presented. The Commissioner charged may submit a written statement to the Commission prior to the Commission making its decision, but may not otherwise appear before or participate in the Commission’s deliberations. The Commission may accept, reject or modify the Executive Board’s determinations either with respect to the determination of a violation or the recommended sanction to be imposed. If the Commission agrees by the affirmative vote of
not less than a majority of a quorum that a violation has occurred, then the determination and imposition of a sanction, as determined by the Commission based on the affirmative vote of not less than a majority of a quorum, shall be promulgated by written notice to the affected Commissioner, as well as to the individual who submitted the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of such information is not made public by the Commission. If the Commission determines that a violation has not occurred, then the complaint shall be dismissed with prejudice, with written notice thereof provided to the affected Commissioner, as well as to the individual who submitted the complaint.

C. The Commission may consider a recommendation from the Executive Board that the Commissioner in violation of the Code should be offered the opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Executive Board to make such a recommendation and of the Commission to accept it are within their respective discretionary powers. If such an offer is extended, the affected Commissioner must promptly submit the required written assurance to the Commission, and the assurance must be submitted in terms that are acceptable to the Commission, including but not limited to any probationary period, if required by the Commission. If the Commission accepts the assurance, then written notice thereof shall be provided to the affected Commissioner, as well as to the individual who submitted the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of such information is not made public by the Commission. Complaints disposed of in this manner shall be deemed to have been disposed of without prejudice.

D. All examinations of the record by, and deliberations of, the Commission are to be conducted in strict confidence to the extent possible, except that the Commission shall be permitted to disclose any relevant information when compelled by law. All examinations of the record and deliberations of the Commission shall be conducted objectively, without prejudgment of any kind.

VI. Sanctions

One or more of the following sanctions may be imposed by the Commission upon a Commissioner whom the Commission has determined to have violated the Code. The sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the affected Commissioner and deterrence of the same or similar conduct by others. The sanctions are:

1. Written reprimand to, or censure of, the Commissioner (combined with any probationary period, if desired);

2. Suspension of the Commissioner from their position on the Commission for a designated period of time (combined with any probationary period, if desired);

3. Permanent expulsion of the Commissioner from their position on the Commission;
4. Suspension of the Commissioner from their position on one or more PSYPACT Commission committees or similar bodies for a designated period of time (combined with any probationary period, if desired);

5. Permanent expulsion of the Commissioner from their position on one or more PSYPACT Commission committees or similar bodies;

6. Suspension of the Commissioner from their position on PSYPACT Commission (combined with any probationary period, if desired);

7. Permanent expulsion of the Commissioner from their position on the PSYPACT Commission.

Once one or more of the above sanctions is imposed, the State Psychology Regulatory Authority being represented by the disciplined Commissioner will be notified of the outcome and the complaint shall be deemed to have been disposed of with prejudice. If the Commissioner’s position is terminated, the PSYPACT Commission shall solicit a new Commissioner be appointed by the State Psychology Regulatory Authority. For each of these sanctions, a written summary of the determination and the sanction, along with the Commissioner’s name, may be published, in the sole discretion of the Commission, in a printed or electronic medium that is distributed to all PSYPACT Commissioners.

VII. Resignation

If a Commissioner who is the subject of a complaint voluntarily resigns (in writing) their position on the Commission at any time during the pendency of a complaint under these Procedures, the complaint shall be dismissed without prejudice and without any further action by the Executive Board or the Commission. The Commissioner may not be reappointed by their State Psychology Regulatory Authority for a period of five years from the effective date of their resignation. However, the Commission may communicate the fact and date of Commissioner’s resignation, and the fact and general nature of the complaint that was pending at the time of resignation, to or at the request of one or more government entities engaged in the administration of law. Similarly, in the event of such resignation, the individual who submitted the complaint shall be notified in writing of the fact and date of the resignation and that the Commission has dismissed the complaint (without prejudice) as a consequence.