ACA Policies and Procedures for Processing Complaints of Ethical Violations

(Revising) ACA Governing Council Approved September 9, 2022

Purpose, Jurisdiction, Eligibility to File Complaints.

Section A: General.

1. The American Counseling Association, hereafter referred to as the "Association" or "ACA," is dedicated to promoting the professional development of counselors, advocating for the profession, and ensuring ethical, culturally-inclusive practices that prot030 Tw 3d.3P [A)6 (C)-12.3 (A)-10.7 (P)-6.3 (ol)-1.7 (i)-8.3 (ci)8.4 (e)-12.1 (s)-11.9
   Liaison, Filing and Acceptance of the Complaint and any Hearing and Deliberations.

Section B: Jurisdiction.

1. To be accepted, an ethics complaint must pertain to a “Charged Member,” meaning an individual w
   a. Is a

Timelines and Communications.

Section G: Timelines.

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5. Charged Members are reminded that by the ACA policy is

three (3) years or until the complaint process is final, whichever is longer. The record of the deliberations shall consist of a summary of testimony received, the decision(s) of the Committee, and, at the discretion of the Committee, any rationale for the Committee decision(s). Staff may make a recording of the

21. At any time during the presentation of evidence, the Committee members and ACA legal counsel may ask pertinent questions.

P. Evidence.

1. The Hearing Committee is not a court of law and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the Committee if it is relevant to the case. That is, if the

counsel rendered by the committee should in no way be construed as a finding of unethical conduct or sanction.

11. If the Ethics Committee decided that there were violations and/or sanctions, the decision is confidential, subject to appeal and not final. The Parties are prohibited from publishing or disclosing any non-final decision. Premature disclosure can result in the dismissal or adjustment of the violations or sanctions.
12. The Charged Member has 30 business day after receiving the decision to file a notice of appeal.

Section S: Sanctions; Penalties for Failure to Fulfill Sanctions.

1. In imposing Sanctions, the Committee shall do so with objectivity and fairness in the case, and ~~in~~ act to further the interests and objectives of the Association, its membership, its mission, and the protection of clients.
2. The Committee may impose any sanction it deems reasonable for the case at hand. Examples of sanctions individually or in concert include:
   a. Remedial requirements, imposed to be completed within a specified period of time, such as successful completion of a specific education or training, supervision, and evaluation or treatment, and research, thought, or reflective papers related to the ethical violations.
   b. Reprimand.
   c. Probation for a specified period of time subject to Committee review of compliance.
   d. Suspension from ACA membership for a specified period of time subject to Committee review of compliance with terms set forth by the Committee.
   e. Permanent expulsion from ACA membership. This expulsion sanction requires a unanimous vote by the Ethics Committee members voting on the matter as set forth in Section R(4) and if appealed a unanimous vote of expulsion by the Appeals Committee members voting on the matter..
   f. If the respondent .3 (s)4.4 (C)7p0 Td[(I)4Tf0 Tc 17 (t)-8 (t)-8 (h(p)-0.7 (u16.3 (p0)5.7 7)15 (h)-6.7 u16.3 (p) (p)-6

2. If an appeal is not requested within thirty (30) business days, the Committee's decision shall stand as the final decision.
3. Decisions of the ACA Ethics Committee may be appealed by a Charged ~~the~~ Member with a statement, supplemental information and/or evidence that supports the Charged Member's contention that:
    a. The Committee violated its policies and procedures for processing complaints of ethical violations;
    b. The decision of the Committee was arbitrary and capricious and was not supported by the materials provided by the complainant and charged member (The "arbitrary and capricious" review is narrow. The Appeals Committee is not to substitute its judgment for that of the Ethics Committee. It does not disturb the Ethics Committee decision(s) unless it finds that the decisions were made without any reasonable basis); and/or,
    c. The Sanctions imposed are inconsistent with or disproportionate to the violations.
    d. If the appeal is based upon an alleged procedural error by the Committee, it must cite the error and the reasons for believing that the alleged error influenced the decision.
4. Filing an appeal automatically stays the execution of a decision by the Committee until the appeal is decided upon.
5. Appeals are heard by the ACA Ethics Appeal panel, generally consisting of six (6) appointed members. Typically, two (2) members are appointed annually for three (3) year terms by the President-Elect, subject to confirmation by the ACA Governing Council or Executive Committee. In making Committee nominations,

licensure, certification or registry boards, voluntary national certification boards, and appropriate professional associations, ACA divisions, state branches, and other ACA-related entities.

2. The notice will generally include the sections of the ACA Code of Ethics that were found to have been violated and the sanctions imposed.
3. The decision and notice will be published in the ACA newsletter i.e. Counseling Today.
4. The Hearing recording (if any) and records of the Committee regarding complaints are confidential except as provided herein.
5. Original copies of complaint records will be maintained by ACA in secure and confidential files in any format, in either paper copy or electronically.

6. Members of the Committee will keep copies of complaint records confidential and will destroy copies of records after the Ethics Committee decisions are made.

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[i] The original Section U of the 2005 Procedures was apparently removed 2020. That provision described what to do if a court case is pending on the same issue(s) as an ACA Ethics complaint (see 2005 text below).

ENDNOTES

Section U: Legal Actions Related to Complaints (2005)

U.1. Complainants and charged members are required to notify the Committee if they learn of any type of legal action (civil or criminal) being filed related to the complaint.

U.2. In the event any type of legal action is filed regarding an accepted complaint, all actions related to the complaint will be stayed until the legal action has been concluded.

The Committee will consult with legal counsel concerning whether the processing of the complaint will be stayed if the legal action does not involve the same complainant and the same facts within the complaint.

U.3. If actions on a complaint are stayed, the complainant and charged member will be notified.

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