

**NEW YORK PSYCHOANALYTIC SOCIETY & INSTITUTE**  
*CODE OF ETHICS PREAMBLE*  
*Revised 6/2012*

The health-caring professions have long subscribed to a body of principles developed primarily for the benefit of the patient. As a member of such a profession, a psychoanalyst must also recognize responsibility to society, to other health professionals, and to one's self. The Principles of Ethics for Psychoanalysts, adopted by The American Psychoanalytic Association, set forth the standards of conduct which members and students of the New York Psychoanalytic Society & Institute (NYPSI) are expected to follow.

The scientific, therapeutic, and ethical principles of psychoanalysis, as presented to students of the New York Psychoanalytic Society & Institute by teaching and precept, determine the treatment of the patient, including the choice of therapeutic procedure and the practical arrangements. Basic among these principles is the recognition by the analyst that the analyst-patient relationship becomes the vehicle for transference manifestations. The correct application of these principles, particularly as they involve management of the transference and countertransference, are essential to the proper conduct of psychoanalytic therapy and should guide all our members and students.

*PROCEDURES FOR DEALING WITH COMPLAINTS OF UNETHICAL CONDUCT*

- I. All members and candidates of the New York Psychoanalytic Society & Institute shall observe the "Principles of Ethics for Psychoanalysts" of The American Psychoanalytic Association, published in December, 1983, and as the same may be amended. (Such "Principles of Ethics" shall hereafter be referred to as the "Principles of Ethics." In addition, any reference to a "member" hereafter shall also refer to "candidate" where applicable.)
- II. There shall be a Standards Committee, consisting of at least seven members including a Chairperson, none of whom is a member of the Board of Directors, each of whom is to be appointed for a three-year term by the President of the Board of Directors. Should a member be unable to continue to serve for any reason, the President shall appoint another person to fill the unexpired portion of the term, or to replace the original member while unable to serve.
- III. All complaints must be made in writing and signed by the complainant. All complaints must clearly describe the facts or circumstances underlying the charge of unethical conduct, including the name of the member and any other persons involved, and, whenever possible cite to the applicable provision(s) in the "Principles of Ethics" alleged to have been breached. Complaints against members or candidates shall be addressed to the President of NYPSI. Each complainant will be asked to sign the following statement:

"I have read the Code of Ethics Preamble and the Procedures of the New York Psychoanalytic Society & Institute for dealing with complaints of unethical conduct, and The American Psychoanalytic Association's Principles of Ethics for Psychoanalysts and the Provisions for Implementation of the Principles of Ethics for Psychoanalysts. I agree to the use of the procedures described in those documents in the investigation of the charge I have made against Dr. \_\_\_\_\_ and request that appropriate action be taken. I hereby give permission for a copy of my complaint to be given to Dr. \_\_\_\_\_ and to such other persons as you and the Standards Committee may deem necessary."

Once a signed copy of the statement set forth above has been received by the President of NYPSI, the charged member shall then be provided with a copy of the complaint, which shall be transmitted under a covering letter signed by the Chairman of the Standards Committee or the President. This cover letter shall state (1) that a professional review action has been proposed to be taken against the charged member, (2) that the reasons for the proposed action are set forth in the enclosed complaint, (3) that the charged member will be given a hearing (subject to his right to forego such a hearing by written waiver) if the Standards Committee determines after an initial fact finding investigation that there are sufficient grounds for proceeding, and (4) that if it is determined that there are sufficient grounds for proceeding, the charged member will be given copies of these "Procedures," the "Principles of Ethics" and the American Psychoanalytic Association's "Provisions for Implementation of the Principles of Ethics for Psychoanalysts" (the "Provisions").

- IV. Three members of the Standards Committee shall be appointed as "Fact Finders" by the Chairman of the Standards Committee to gather and review available information, and make inquiries necessary to determine whether there are sufficient grounds for proceeding. They may consult legal counsel. If a majority of the Fact Finders determines that there are not sufficient grounds for proceeding, the complaint shall be dismissed, the charged member shall be considered exonerated and not to have been subject to any disciplinary proceedings and the charged member, the complainant, and all other concerned parties shall be promptly notified of the same in writing.
- V. If a majority of the Fact Finders determines that there are sufficient grounds for proceeding, the Standards Committee shall provide to the charged member copies of these "Procedures," the "Principles of Ethics," and The American Psychoanalytic Association's Provisions."

The Fact Finders may continue their investigation of the charges contained in the complaint for a reasonable period of time.

- VI. After a majority of the Fact Finders determines that they have sufficient information, the matter will be referred to a Hearing Committee, consisting of the remaining members of the Standards Committee who have not served as Fact Finders. Knowledge of the matter in controversy will not preclude a member of the Standards Committee from serving on the Hearing Committee.

A hearing shall be held at such reasonable time and place as may be designated by the Hearing Committee, *provided* that the charged member shall receive not less than 30 days' written notice of the hearing. The charged member may waive the hearing in writing addressed to either the Chairman of the Standards Committee or the President of NYPSI. The right to a hearing may be forfeited if the charged member fails, without cause deemed sufficient by the Hearing Committee, to appear.

Within a reasonable period of time in advance of the hearing, the charged member shall be given a list of the witnesses and shall be advised of the nature of the evidence that the Hearing Committee may take into consideration in deciding the case. If the Fact Finders have received letters or affidavits or if they have interviewed individuals who have supplied information that may be damaging to the charged member, this information will be disclosed to the charged member within a reasonable period of time in advance of the hearing.

Attendance at the hearing may be limited to Hearing Committee members; the charged member; the complainant; counsel for NYPSI; counsel for the charged member and for the complainant, each of whom may speak on behalf of his client; and witnesses, if any. Those present shall have the rights set forth below in VII.

VII. In all hearings:

1. The charged member and the complainant may, at their option, be represented by legal counsel of their choice.
2. A record will be kept of the hearing by one of the following methods: a shorthand or stenographic reporter, a tape recorder, or summarized minutes of the hearing. The cost of the shorthand or stenographic reporter shall be borne by NYPSI. Copies of the record may be obtained by either the charged member or the complainant or both upon payment of any reasonable charges associated with its duplication.
3. The charged member and the complainant shall have the following rights:
  - a. to call and examine witnesses.
  - b. to introduce exhibits and documentary evidence.
  - c. to cross-examine any witness on any matter relevant to the issues and to rebut any evidence, *provided that* in lieu of cross-examination by the charged member or his attorney or the complainant or his attorney, as the case may be, the Hearing Committee may in its discretion require the charged member and his attorney or the complainant and his attorney, as the case may be, to suggest questions to the Committee which would be asked of the complainant or the charged member by members of the

Committee. Alternatively, the Hearing Committee may require the charged member and his attorney or the complainant and his attorney, as the case may be, to submit written questions to the complainant or the charged member, as applicable, which could in turn be answered in writing, orally in the presence of the charged member or the complainant, as applicable, or orally outside the presence of the charged member or the complainant, as applicable. Answers to all questions asked outside the presence of the charged member or the complainant will be taped and the charged member or the complainant, as applicable, will be given a copy of the tape.

4. The Hearing Committee shall not be bound by rules of law relating to examination of witnesses or presentation of evidence usually employed in legal proceedings. The Hearing Committee may accept any evidence it deems appropriate and pertinent.
5. Each of the complainant and the charged member, in person or by attorney, is entitled to submit an oral or written statement at the close of the hearing.
6. The Hearing Committee may adjourn the hearing and reconvene same at the convenience of the participants without special notice. Upon the conclusion of the presentation of the evidence and the statements of the complainant and the charged member, the hearing shall be closed. The Hearing Committee shall, thereupon, outside the presence of any other person, conduct its deliberations and render a decision and an accompanying report. The decision of the Hearing Committee shall be based on the evidence produced at the hearing.

VIII. At the completion of the hearing, the Hearing Committee shall decide on one of the following:

1. Exoneration (the charged member is cleared from blame where the evidence shows no unethical conduct by such member).
2. Dismissal of complaint (for example, where a determination on the merits cannot be made because of insufficient reliable evidence or other procedural defects), without prejudice to the right of the Standards Committee at a later date to recommend the commencement of new proceedings with respect to the same charges.

The Hearing Committee shall report its decision for exoneration or dismissal of the complaint to the other members of the Standards Committee, including the Fact Finders, and the President of NYPSI.

3. Written censure.

4. Suspension from NYPSI, but for not more than three years. A suspended member will be required to pay dues and will lose his or her rights to hold office, vote, nominate candidates, propose referenda or amendments to the Constitution or By-laws, or serve on any committee or component of the Society/Institute, including serving as teacher, supervisor, or training analyst. In the case of a faculty member, reinstatement to the faculty of NYPSI shall occur solely at the discretion of the Education Committee and the Board of Directors. In the case of a student, a new application for admission to the training program is required.
5. Separation from NYPSI rolls for a period of not less than five years. After five years, readmission to membership may be considered. In the case of a faculty member, reappointment to the faculty of NYPSI shall occur solely at the discretion of the Education Committee and the Board of Directors. In the case of a student, a new application for admission to the training program is required.

Corrective measures may be required along with measures 3., 4., or 5. (censure, suspension, or separation). Such measures may include personal consultation, supervision, psychotherapy, psychoanalysis, or other appropriate treatment.

6. Permanent expulsion from the New York Psychoanalytic Society & Institute

IX. The decision of a majority of the Hearing Committee shall be deemed to be the decision of the Standards Committee as a whole and, after consultation with the appropriate President, the Standards Committee shall present its findings and recommendations to the appropriate Board in connection with measures 3., 4., 5., or 6. The Board will decide by majority vote to:

1. Approve the recommendation of the Standards Committee, or
2. Modify the recommendation of the Standards Committee, selecting a different disciplinary action described in Section VIII, above, or
3. Return the matter to the Standards Committee for further investigation and consideration. Upon completion of its additional consideration, the Standards Committee will report its new recommendation to the appropriate Board for approval or modification, as above.

X. A notice of the decision of the Board, including a statement of the basis for the decision, shall promptly be mailed to the charged member and to the complainant. If either party disagrees with the decision, he or she may, within 60 days of such decision, send a formal request for a review by The American Psychoanalytic Association. Such requests must be in writing, addressed to the President of The American Psychoanalytic Association. (See Sections III (B) and IV (A) of the "Provisions".)

If The American Psychoanalytic Association, in accordance with the "Provisions", undertakes a review of the decision of the Board, the decision of The American Psychoanalytic Association shall be binding upon all parties and will supersede any different earlier decisions by the Standards Committee or the Board relating to the matter.

In the event that the charged member is not a member of The American Psychoanalytic Association, and a review is requested, it may not be possible for The American Psychoanalytic Association to conduct the review. In such cases, providing that the request for a review has been made within 60 days of the decision, the appropriate President shall appoint an Ad Hoc Appeal Committee consisting of five members, none of whom is either a member of the Standards Committee or the Boards. The Appeal Committee will review all records and will gather other information as it deems necessary. It may, but shall not be required to, request additional written statements from the concerned parties or their legal counsel. It may, in its discretion, hold such further hearings as it deems necessary and may consult legal counsel. The decision of the Appeals Committee shall be binding upon all parties, and shall supersede any differing earlier decisions by the Standards Committee or the Board relating to the matter.

XI.

1. In all proceedings involving an alleged breach of the Principles of Ethics, adequate records must be kept.
2. Records of the Standards Committee and the appropriate Board pertaining to a charge of unethical conduct shall be made available:
  - a. To the Committee on Ethics of The American Psychoanalytic Association, when the Board decides on disciplinary action.
  - b. To the Committee on Ethics of The American Psychoanalytic Association, when that body conducts a review of the matter.
  - c. To other appropriate ethical bodies, upon their request, at the discretion of the Board.
  - d. To the appropriate body of NYPSI considering an application or a request for reinstatement by a member or candidate who has been subject to disciplinary action under these "Procedures".
  - e. To governmental bodies, in appropriate fashion, in the discretion of the Board of Directors, when required by law; and, at the discretion of the Board, to other ethical bodies, the faculty and candidates of the New York Psychoanalytic Society & Institute and others, as well as in publications of the Society/Institute.

- XII. NYPSI shall be under no obligation to accept a resignation offered by a member when there is a charge of unethical conduct against him or her. An offer of resignation, whether accepted or not, shall not require the termination of an investigation of a charge of unethical conduct, or prevent the rendering of a decision on such a charge.
- XIII. As a condition of membership and candidacy in NYPSI, each individual agrees to cooperate with the work of the Standards Committee, on request, and agrees to release from liability NYPSI, its officers, agents, and members of the Standards Committee from any and all claims
1. arising out of investigation of ethical matters and in respect to said member or the imposing of sanctions as a result of said proceedings, or
  2. with respect to any third party action or proceeding brought against such member based upon, relying on, arising from, or with reference to the ethical standards of NYPSI, or any ethical proceeding conducted by NYPSI involving such member, *provided that* the members of the Standards Committee acted without malice and in the reasonable belief after reasonable investigation that their acts and/or recommendations were warranted, based upon the facts disclosed.