

# ***THE MASSACHUSETTS INSTITUTE FOR PSYCHOANALYSIS***

## **ETHICAL STANDARDS AND CODE OF PROFESSIONAL CONDUCT**

### **Preamble**

The Massachusetts Institute for Psychoanalysis (MIP) is a professional and educational institute whose purpose is to offer training in psychoanalysis and psychoanalytic thought to students in a variety of programs. MIP has adopted the following statement of values and code of conduct for its members.

### **PROFESSIONAL STANDARDS**

Members have a duty to maintain a high standard of professional conduct in all of their clinical work and teaching responsibilities. Members must at all times act in a way that is in the best interests of their patients, supervisees, colleagues, and students. Members shall take all reasonable steps to ensure that those working under their direct supervision adhere to this code in all respects.

MIP expects all its members to uphold the ethical standards of the professional organization through which they are licensed. This includes, but is not limited to, the American Psychological Association, the American Psychiatric Association, and the National Association of Social Workers.

### **COMPETENCE**

Members are expected to practice within the limits of their own training, education, and experience and to seek professional consultation or supervision in any situation that may exceed this limit.

Members will take steps to prevent and address any impairment in their capacities to analyze, treat, supervise, or teach. Members must limit their work or refrain from practice when their physical or psychological health is seriously impaired. If this matter is in doubt, members are expected to seek appropriate consultation.

### **NON-DISCRIMINATION POLICY**

The Massachusetts Institute for Psychoanalysis does not tolerate any discrimination based on age, culture disability, ethnicity, gender, gender identity, language, national origin, race, religion, sexual orientation, socioeconomic status, or on any other basis of

discrimination proscribed by law.

MIP members are expected to uphold these same values in all aspects of their personal and professional conduct. Members shall not engage in behavior that is harassing, demeaning, or otherwise discriminatory.

### **INFORMED CONSENT**

Members should, at the beginning of treatment, make clear to the patient or whomever holds legal responsibility for a person in treatment, the principles and practicalities of the treatment offered and assure that as far as possible these principles and practicalities will be maintained at all times. Candidates must obtain written informed consent for treatment from all of their control cases and file this document with MIP's administrative office prior to beginning treatment.

Members will not unilaterally discontinue treating a patient without adequate notification and discussion with the patient and, if a minor, with the parent or guardian. He or she will make every reasonable effort to offer a referral for further treatment. A reduced fee does not limit any of the professional responsibilities of the treating MIP member.

### **CONFIDENTIALITY**

Members must know the laws and practices concerning confidentiality in their own state.

Members must take all reasonable steps to preserve the confidentiality of information acquired through their practice and protect the privacy of individuals and organizations with this information.

MIP members will treat as confidential all information obtained from a patient in the course of treatment. Information obtained in treatment may be divulged to others by the therapist or analyst when:

1. The material is presented in supervision, MIP classes, or other MIP training events in which privacy and confidentiality are assured and affirmed and at which the patient's identification is protected as is necessary;
2. The patient or other legally authorized person has given appropriate consent to do so;
3. Such disclosure is permitted or mandated by law, such as reporting of child abuse, protecting the patient or a 3<sup>rd</sup> party from imminent serious harm, obtaining professional consultation, or obtaining payment for services.

If publishing or presenting clinical material, members will make every effort to ensure patient anonymity. No direct or indirect identifying information about a patient may be revealed.

Members will maintain the confidentiality of any information or knowledge about the treatment of any candidate or member obtained by virtue of participation in any committee meeting, clinical consultation, or educational forum at MIP.

## **PROFESSIONAL BOUNDARIES**

All MIP members must maintain appropriate and professional boundaries with patients, supervisees, and students at all times. Members shall not use their professional status to obtain gifts or funds, sexual favors, or other tangible benefits from patients, the parents or guardians of minor patients, members of the patient's immediate family, students, supervisees, or candidates.

It is always unethical for any MIP member to engage in any sexual activity with: a current or former patient, the parent or guardian of a current or former patient, or any member of the patient's immediate family. It is also unethical for any MIP member to engage in sexual activity with students, supervisees, or candidates at MIP over whom he or she is likely to have evaluative authority.

## **INTERNAL PROCEDURES FOR MAINTAINING ETHICAL STANDARDS**

MIP recognizes its duty to provide a process for its members and for concerned third parties by which they can bring possible ethical concerns, dilemmas, and breaches to MIP's attention. These procedures are designed to ensure that all MIP members, MIP as an organization, and members of the public are protected from effects of ethical malfeasance.

**In addressing ethical complaints, we, as MIP members, realize that we hold great responsibility for the lives of others. We recognize how much personal hardship and professional dignity may be at stake. This entails, not simply the usual oath of confidentiality, but our respect for, and commitment to, legal consultation and referral to the proper, formal professional boards for all matters requiring an adjudication of contested accusations. Our procedures have been specifically crafted to help us to act with the highest degree of care and respect for all parties involved. In this spirit, we strive to address ethical complaints in a way that provides privacy and opportunity for resolution. To this end, MIP hereby adopts the following processes concerning ethical questions, concerns, and complaints:**

**1. The Ethics Committee:** The Ethics Committee shall be chosen by the President and will be made up of 5 members: 2-3 past presidents and 2-3 MIP members, not to exceed 5

members. One of the past presidents shall serve as the Chair of the committee, but not the immediate past-president. Term limits will be 2 years and 3 years respectively, with the option of renewing one's term. The Ethics Committee's role will be to process formal written ethical complaints, consult on informal complaints, and initiate and maintain on-going awareness of ethical standards and practices within the institute.

**2. Ombudspersons :** The ombudspersons will be available to MIP members to triage and informally consult on, and resolve whenever possible, ethical concerns and complaints that do not require a formal complaint procedure. The term limits will be at the pleasure of the president.

**3. Confidentiality:** Any MIP member who takes part in a peer review body, including the Ombudspersons, the members of the Ethics Committee, the President, and the Executive Committee of the Board of Directors, once informed of the nature of the ethical consultation and/or complaint, shall be obligated, by law, to maintain strict confidentiality. Breach of confidentiality, in and of itself, shall be considered an ethical violation.

**4. Bringing a concern or complaint:**

a. Informal complaint: Any MIP member who has a professional ethical concern or complaint may contact an Ombudsperson for a private and confidential consultation. The Ombudsperson will review the issue with the complainant and work with the complainant in order to come to a resolution. The ombudsperson may, with the complainant's permission, consult MIP's legal counsel, the Ethics Committee, and the president when issues present a clear and present danger.

b. Formal written complaint : The complainant may submit a formal written complaint to the Ethics Committee which would include both the complainant's name, the name of the complained about person, and a full description of the nature of the complaint. The complainant shall be informed that doing so shall involve a review by MIP's legal counsel for the purpose of determining whether any action needs to be taken to preserve and protect the safety of the person bringing the complaint, MIP members, and/or the integrity of MIP as an organization. The complaint shall also be brought to the attention of the President. A copy of the written complaint shall also be shared with the complained about person.

The President has the discretion and the authority to bring the formal complaint to an Executive Committee of the Board of Directors for review and determination as to what actions, if any, are to be taken. The Executive Committee will be made up of elected officials of the Institute. Decisions of the Executive Committee shall be final.

**5. Limitations:** The Ombudspersons, the Ethics Committee, the President, and the Executive Committee of the Board of Directors do not conduct investigative hearings or adjudications of malfeasance. The relevant licensing board would undertake this process. The person bringing the complaint will be so directed to the relevant licensing board as is appropriate.

**6. Third parties:** Non-MIP members may contact the Ethics Committee directly for a consultation. If resolution cannot be reached, the process will proceed as stated above.

**7. Recusal:**

a. If there is ample concern that the well-being of the person bringing the formal complaint, MIP members, or the integrity of the organization is at risk, the President may request that the complained about party voluntarily recuse himself from interaction with the complainant and/or from academic, supervisory, or administrative positions until said matter has been resolved. This process shall not be deemed as disciplinary.

b. If the complained about person refuses recusal, the President may bring the issue to the Executive Committee of the Board for review. The Executive Committee may, prior to any vote on the matter, request or accept a meeting with the complained about party. Said meeting shall only be attended by the members of the Executive Committee and the complained about person. The Executive Committee may, at a meeting attended by a quorum of its members and by a majority vote, require that the complained about person recuse himself, as above stated, or it may reverse the decision of the President requesting said recusal. Decisions of the Executive Committee shall be final.

c. MIP is a small community and members have multiple relationships, therefore, if a MIP member involved with the above procedure has a conflict with either the complainant or the complained about party, said member shall recuse him or herself from participating in any such review or decision process. Any such member who believes there may be the appearance of a conflict, may bring the same to the attention of the President and request their continued participation notwithstanding and stating their intent to remain objective during said process. Any members of the Executive Committee shall reserve the right to recuse themselves from the review and decision process.

**8. Responsibility to Self-Report:** Members have a specific responsibility to report any disciplinary action or planned disciplinary action against them by any relevant professional organization or licensing board. All members must report the initiation of such proceedings to the MIP Ethics Committee within two weeks of learning that said proceedings have been initiated, and inform the president of changes in disciplinary action should they occur.

**9. Termination of Membership:** Any MIP member whose license is revoked by their professional licensing board shall immediately report such to the President who will bring the matter before the Executive Committee of the Board of Directors for review and a vote regarding termination of membership.

**10. On-going commitment to addressing ethical concerns:**

a. Once yearly, both the Ombudspersons and the Ethics Committee shall provide a

general report to the Board concerning the general utilization of their services to the institute. Such reports will uphold the confidentiality of all parties involved.

b. In the spirit of welcoming the addressing of ethical concerns, once yearly, the membership of MIP shall be reminded by the Ethics Committee of the availability of the Ombudspersons and the Internal Procedures for Maintaining Ethical Standards.

*May 17, 2017*