

## **COA COMMISSIONER CODE OF CONDUCT**

The Commission on Accreditation of the American Psychological Association (CoA) carries out its mission through the work of its Commissioners. The CoA Commissioners owe a fiduciary duty to CoA which includes both the duty of diligence and the duty of loyalty. This duty supersedes any obligation to any other organization with which the Commissioner is connected, including the organization(s) that nominated the Commissioner to serve on CoA. All members of the Commission are obligated to exercise the utmost good faith in discharging their duties as Commissioners.

Commissioners adhere to the following requirements.

1. Commissioners review, are familiar with and follow the CoA Policies governing their service on CoA as set forth in Implementing Regulation (IR) E2-1: CoA Meeting Procedures (Attached hereto).
2. Commissioners attend all CoA meetings and perform the work assigned to them in a timely manner, including program review responsibilities, policy development and administrative duties. Should any Commissioner be unable to perform such functions in a timely manner, he or she will promptly advise the Commission Chair and the Director of the Office of Program Consultation and Accreditation (OPCA Director) to minimize to the extent possible the burden of reassigning the member's work to other Commissioners (see IR E2-1).
3. Commissioners preserve and protect the confidentiality of all information entrusted to them by the Commission and its applicant and accredited programs. All discussions that occur at any time among CoA members regarding applicant or accredited programs, all discussions conducted in the Commission's executive session meetings (including conference calls) and all communications with legal counsel are deemed confidential. Commissioners may not disclose any confidential or sensitive information they receive to anyone beyond CoA without the written permission of CoA (see IR E2-1). The duty to maintain confidential information as confidential applies during a Commissioner's tenure as a member of the Commission and extends permanently after service on the Commission is concluded (see APA Legal Risk Management book – Chapter 10 on Accreditation and Approval).
4. Commissioners owe CoA a duty of loyalty which means that they must avoid actual or apparent conflicts of interest (see IR E3-1; Conflict of Interest for Commission Members: Chapter 10; Gilfoyle memo). Commissioners are diligent in considering how their personal relationships and financial interests may affect or be perceived as affecting their work on the Commission and they follow the governing policy in letter and spirit.
5. Commissioners refrain from accepting any gifts, including money, tangible property, favors or services that might be reasonably perceived to influence him/her in the discharge of his or her duties to the Commission. Ambiguities on the part of Commissioners as to whether they should accept a gift, service gratuity, etc., should be resolved by declining the offer or conferring with

the OPCA Director or Commission Chair.

6. Commissioners shall ensure that all Commission policies and commission decisions are made in compliance with relevant regulatory and legal requirements.

7. When Commissioners are acting in their individual capacities, Commissioners refrain from any actions or public statements that could be reasonably perceived to be made on the Commission's behalf.

8. Commissioners and former Commissioners individually will not respond to media inquiries about CoA matters, but will refer such inquiries to the OPCA Director or Commission Chair as authorized spokespersons.

9. Any Commissioner who knows or has reason to believe that another Commissioner may have violated this Code or CoA policies as incorporated herein, is responsible for assuring that the Commission Chair and OPCA Director are made aware of the potential violation in a timely manner. A Commissioner who becomes aware of a potential violation may choose to discuss the matter directly with the Commissioner who appears to have violated these provisions, in order to clarify the facts or allow the Commissioner to report the matter directly, but must assure that the Commission Chair and the OPCA Director are aware of any situation that reasonably appears to constitute a violation.

**Commissioner Acknowledgment**

I \_\_\_\_\_, have read, understand and acknowledge the principles contained in the Commissioner Code of Conduct and the relevant CoA Policies governing service as a Commissioner on CoA which are attached. I agree to comply with these principles and Policies.

I also understand that breaches of this Code may result in removal as a Commissioner.

Please Sign Here: \_\_\_\_\_

Print Name Here: \_\_\_\_\_

Date: \_\_\_\_\_

### **E.2-1. Commission on Accreditation Meeting Procedures**

(Commission on Accreditation, originally adopted May 1987; revised July 2000, July 2002, March 2003, November 2003, January 2006, April 2006, October 2006, October 2011)

1. CLOSED SESSION. Due to the confidential nature of program review, the CoA will conduct this portion of its business in closed session. Closed sessions include only CoA members, relevant program review consultants, if any, APA Office of Program Consultation and Accreditation staff, legal counsel (when necessary), and the officially designated liaisons to the CoA from the BEA and the APA Board of Directors. When appropriate, CoA might invite certain people to attend, such as observers from agencies that recognize accrediting bodies (i.e., U.S. Department of Education, Council of Higher Education Accreditation). The CoA is authorized to conduct specific business in executive session if necessary. Executive session includes only CoA members and the liaisons appointed by the BEA and the Board of Directors. In such instances the CoA chair will confer with senior staff liaisons on the matter of whom else shall attend.

2. OPEN SESSION. The CoA is authorized to conduct business in a specifically designated open session on certain occasions when information from other sources within or outside of APA would be of benefit to CoA members or on those occasions in which the CoA wishes to provide information to other individuals or groups. Open sessions include any individual who requests admittance, invited guests, and any APA members as well as APA staff. In general most CoA deliberations other than program accreditation reviews are conducted in open session, unless CoA determines that a closed session is necessary

3. MEETING TIMES. Meeting times will be arranged by the full CoA with decisions determined by majority vote. Changes in meeting times or arrangements for additional meetings will be arranged by Executive Committee in consultation with APA Office of Program Consultation and Accreditation staff. Issues relevant to these arrangements will be budget, CoA member availability, and factors related to availability of meeting facilities.

4. ATTENDANCE. Members are expected to attend all scheduled meetings of the CoA in their entirety. A member who is absent for one entire meeting will be contacted by the Chair of the CoA to determine whether the absent CoA member can attend future meetings regularly. Failure to attend a second meeting during the members' term of service will constitute resignation from the CoA. Any Commission member missing more than a half a day of a meeting will be deemed to have missed the entire meeting. Extenuating circumstances will be considered by the CoA.

5. QUORUM. In accordance with the *Accreditation Operating Procedures*, two-thirds of the members shall constitute a quorum for the purpose of making a decision on a program. When a CoA member has withdrawn from a portion of the meeting (e.g., as in a real or perceived conflict of interest situation), that position will not be counted in determining a quorum. The vote of the majority of the CoA members at a meeting at which a quorum is present shall be required to make a program decision.

6. LIAISON. The role of the BEA and the Board of Directors liaisons is to (a) share with the CoA perspectives on educational and training issues, generally; (b) observe the operations of the CoA in the context of its procedures; (c) function only as observers, without voice, during sessions in which accreditation reviews and decisions are being made about specific programs and (d) share with the BEA and Board of Directors, respectively, general policy issues of concern to the CoA.

7. AGENDA. Agenda items cover areas of CoA responsibility as outlined in “Policies for Accreditation Governance” (section 2). No formal action will be taken on any matter of business that is not an official part of the CoA agenda at a particular meeting. Agenda items of the highest priority will be those pertaining to program accreditation decisions and such other matters as may affect the status of accredited programs.

8. AGENDA ITEMS PRESENTERS. In consultation with the CoA Chair, APA Office of Program Consultation and Accreditation staff assign primary responsibility for study and presentation of particular agenda items to individual CoA member(s) by means of written notification in the regular agenda mailing, with the exception of program review. These items will be assigned by the Associate Chair for Program Review. All assignments are subject to change, should a CoA member be in conflict of interest with the program being considered.

9. AVOIDANCE OF CONFLICT OF INTEREST.

a. CoA members. Should a member of the CoA be in a real or perceived possible conflict of interest with respect to any program scheduled for review by the CoA at any particular meeting, that member will be excused during discussion and decision on that program. Further, the CoA may determine that a member is in possible conflict of interest and ask that member to abstain or be recused from discussion and decision on a particular program. CoA members shall adhere to their published conflict of interest policy [see Section E3-1 of this regulations document].

b. BEA/Board of Directors liaisons. Should one of the CoA’s BEA/Board of Directors liaisons be in a real or perceived possible conflict of interest with respect to any program scheduled for review by the CoA at any particular meeting, that liaison will be excused during discussion and decision on that program. Further, the CoA may determine that a liaison is in possible conflict of interest and ask that liaison to be recused from discussion and decision on a particular program. CoA liaisons shall adhere to their published conflict of interest policy [see Section E3-4 of this regulations document].

c. Program Review Consultants. Should a program review consultant be in a real or perceived possible conflict of interest with respect to any program scheduled for review by the CoA at any particular meeting, that individual will be excused during any discussion and decision on that program. Further, the CoA may determine that a consultant is in possible conflict of interest and ask that consultant to abstain or be recused from any discussion and decision on a particular program. Program review consultants shall adhere to their published conflict of interest policy [see Section E3-5 of this regulations document].

10. CoA ACTIONS. CoA actions on any agenda item are not considered final until the adjournment of a regularly scheduled meeting. CoA decisions regarding program review are made in accordance with the *Guidelines and Principles for Accreditation of Programs in Professional Psychology* and the *Accreditation Operating Procedures*.

11. CONFIDENTIALITY. CoA members, Program Review Consultants and the BEA and Board of Directors liaisons will maintain the confidentiality of the program review materials presented at each meeting, the discussions of programs and related materials by CoA members, and the decisions reached regarding any program in the accreditation process with the following exceptions: (a) a list of all accredited doctoral programs, internship training programs, and postdoctoral residency programs shall be published in the *American Psychologist* and CoA decisions will be available on the APA website; (b) disclosure shall be made in those instances when the APA is legally required to disclose such information; (c) at the request of the chief executive officer of the institution where a doctoral program is housed or the administrative head of an internship or postdoctoral residency program, or with his or her

consent, information on a specific program may be made available upon request to other accrediting agencies by which the institution has been accredited or whose accreditation it is seeking; (d) as necessary to represent CoA in the accreditation appeal process or related legal proceedings or (e) as otherwise provided in the CoA Implementing Regulations. The confidentiality requirements of this provision are permanent and continue after service with CoA has ended.

12. DUE DILIGENCE. CoA members must exercise reasonable care in the performance of their duties and must maintain the confidentiality of information relating to the accreditation process and deliberations. If a member fails to do so, and this cannot appropriately be addressed through training, additional actions may be taken by the CoA Chair with the advice and consent of the Executive Committee.

13. CoA MEMBER SITE VISIT.

a. Regular site visits. CoA members shall be removed from the regular pool of site visitors during their tenure on the CoA. In special circumstances (e.g., for unusual or extremely difficult accreditation decisions or for CoA members' training purposes), this rule may be temporarily suspended and a CoA member may serve as a site visitor in a specific instance. Such members may not be an official member of the site team and shall not participate or vote on the CoA's review and action on the program. Program review consultants shall also be removed from the regular pool of site visitors while consulting with the CoA.

b. Special site visits. The CoA may conduct special site visits either in the investigation of formal complaints or of specific G&P-related concerns that require further review. The CoA may appoint one or more of its members to conduct these site visits. These site visitors will produce a detailed written report including any issues that arose during the visit. They also may make themselves available to answer any questions that the primary/secondary reviewers and the review panel may have in formulating a recommendation for the full CoA. Members on special site visits are not required to be recused from participating on the CoA's decision regarding the program in question.

14. CONSULTATION SERVICES. During the term of his/her appointment to the CoA, and for a period of one year thereafter, no CoA member shall offer consultation services to programs (reimbursed or non-reimbursed) for the purpose of assisting them to seek or maintain their accreditation status. The liaisons to the CoA appointed by the BEA and Board of Directors, as well as any program review consultants, shall follow the same procedure. When consulting with a program after the one-year period, the Permanent confidentiality provisions of Section 11 remain in effect. By serving on CoA, members are precluded from testifying in an adversarial proceeding against CoA or APA on behalf of any program that was reviewed during the period the member served on CoA until the program begins its next review cycle. Program review consultants are similarly precluded from testifying.

15. AVOIDANCE OF ANTITRUST LIABILITY. Each CoA member shall be familiar with and adhere to "Guidelines for Board/Commission Members on Avoiding Antitrust Liability." Program review consultants, although not members of the CoA, shall also be familiar with and adhere to such Guidelines.

16. ANNUAL REPORT. The CoA, with assistance of Office of Program Consultation and Accreditation staff, shall prepare a non-confidential annual report of its activities for the BEA, the APA governance, and the general public.

### **E.3-1. Conflict of Interest Policy for Commission on Accreditation Members**

(Commission on Accreditation, April 1993; revised December 1998; revised January 2001)

Members of the Commission on Accreditation participate in a range of decisions regarding applicant and accredited programs. It is essential that these decisions appear to third parties and in fact are fair, based on accurate data, and are guided by the Commission members' best judgment. These qualities—fairness, expertise, and accuracy—can be eroded if Commission members vote on program decisions in which they have an actual or potential conflict of interest. For purposes of this policy, “potential conflict of interest” means circumstances that could be perceived by a reasonable third party as creating an apparent conflict of interest.

Because members of the Commission on Accreditation are chosen based on active involvement in the profession of psychology, it is likely that program decisions occasionally will be made by the Commission for which the member holds a dual interest. Since the Commission may not know fully the previous experience of its members, it is incumbent that Commission member exercise good faith and avoid participating in program decisions where an actual or perceived conflict of interest exists. Examples of relationships that pose conflict of interest concerns include: (1) the member has had or has a working relationship with the institution; (2) a former advisee directs the doctoral program; (3) a Commission member's doctoral student is in an internship program under review; or (4) the member has had a consulting relationship with the training program.

In addition, there are broader issues of conflict of interest which apply to consideration of policy and procedure. Commission members may experience a conflict of interest when they serve on more than one board or committee within the APA or within more than one organization. The Commission on Accreditation and its constituencies assume that Commission members will discharge their duties in good faith recognizing their fiduciary duty to the Commission on Accreditation and with the care that an ordinarily prudent person in like position under similar circumstances would exercise. Therefore, Commission members serving on other committees or boards in the APA or in other associations with overlapping interests in accreditation must be attentive to instances of possible conflict of interest due to dual service.

The decision regarding whether a member should be recused from participating in a given decision belongs to the Commission. Any Commission member who is aware of circumstances that he or she believes could pose a conflict of interest either for themselves or for another Commission member should inform the chair of the Commission of the underlying facts and his or her assessment of the appropriate resolution of the potential or actual conflict. If the Commission member who has the potential or actual conflict advises the Chair that he or she wishes to be recused from the decision making process, the Chair will honor the member's decision and the recusal will be noted in the minutes. If the Commission member is uncertain about the appropriate resolution or believes he or she can make an unbiased decision despite the appearance of conflict of interest, the Chair shall refer the matter to the full Commission on Accreditation for resolution. If it is determined that there is an actual or potential conflict of interest regarding a Commission decision, the member will be recused during discussion and

decision making. The minutes of the meeting will reflect any decision regarding a possible conflict of interest. When there is any doubt in the member's mind as to whether a conflict exists or may appear to exist, the member should refer the issue to the Commission or Commission Chair. In addition to recusal, a Commission member may abstain from voting on a matter at any time.

There may be other times when nonparticipation in program decisions is called for, even when conflict of interest is not involved. For example, Commission members may receive *ex parte* communications by a program or by others on the program's behalf presenting material that is beyond the record. Voting on the program after receiving these communications would be inappropriate.

In summary, Commission members should conduct themselves in a manner that avoids any appearance of partiality or bias and should deal with ambiguous situations in a manner that avoids the potential conflict. It is essential that the process at every level be conducted honestly, objectively, and fairly and that the perception of external parties is congruent with this high standard.