

**WESTCHESTER CENTER FOR THE STUDY
OF PSYCHOANALYSIS AND PSYCHOTHERAPY**

CODE OF CONDUCT

April 2012

I. Introduction

The Board of Trustees has adopted the following Code of Professional Conduct for Faculty and Candidates or students in training in the psychoanalytic or psychotherapy programs at the Westchester Center for the Study of Psychoanalysis and Psychotherapy (WCSPP). This Code governs psychoanalysts and psychotherapists, collectively referred to here as Psychotherapists, including faculty, training analysts, program administrators and students in any of our training programs who are either (1) Faculty, defined as teachers, supervisors, Training Analysts or those who are charged with executive responsibilities in any of WCSPP's psychoanalytic and psychotherapy training and education programs; or (2) Candidates, defined as candidates in training or students in any of WCSPP's ongoing psychoanalytic or psychotherapy training or education programs, or who receive Institute supervision for their clinical work through WCSPP. As a condition of either holding any of these Faculty positions or receiving ongoing training at WCSPP, Faculty and Candidates will be required to sign an agreement to abide by this Code. By signing this agreement, the signatory acknowledges that he or she is aware of and will adhere to the Codes of Professional Conduct of his or her professional organization and to the licensing requirements of the State. In instances where this Code is more stringent than other applicable standards, signatories will adhere to this Code.

II. Competence

1. Faculty members and Candidates will work within the range of their professional competence.
2. Faculty members and Candidates will keep up to date with changes in theories and techniques and make appropriate use of professional consultations.
3. Faculty members and Candidates will avoid making claims in public presentations that exceed the scope of their competence.
4. Faculty members and Candidates will take steps to prevent any impairment in their capacities to analyze, treat, supervise, or teach. As soon as recognized, consultation, treatment, or both will be sought when the effects of personal emotional stress or physical illness interfere with professional responsibilities.
5. Faculty members and Candidates who engage in independent (i.e., private) practice, or who practice in employment settings, will conform to the licensed scope of practice of their profession. Faculty members and Candidates will not engage in the practice of psychotherapy or psychoanalysis if they are neither licensed nor hold a limited permit in a profession whose scope of practice includes such professional activities.

Attempts to circumvent statutes or regulations governing scope of practice will be regarded as violations of this Code of Conduct.

III. Human Relations

A. Nondiscrimination and respect for persons and cultures

1. In their professional activities, Faculty members and Candidates will not engage in unfair discrimination based on age, disability, ethnicity, gender, race, religion, culture, national origin, sexual orientation, gender identity, language, socioeconomic status, or any other basis of discrimination proscribed by law.
2. Faculty members and Candidates will resist organizational policies that unfairly discriminate with regard to age, disability, ethnicity, gender, race, religion, culture, national origin, sexual orientation, gender identity, language, or socioeconomic status.
3. Faculty members and Candidates will not engage in sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct of a sexual nature that occurs in connection with one's role as a professional, and that either (1) the harassing individual knows or is told is unwelcome or offensive or that creates a hostile workplace or educational environment; or (2) that is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or multiple, persistent, or pervasive acts.
4. Faculty members and Candidates will not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as age, disability, ethnicity, gender, race, religion, culture, national origin, sexual orientation, gender identity, language, or socioeconomic status.
5. Faculty members and Candidates will take reasonable steps to avoid harming or humiliating their patients, students, supervisees, research participants, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

B. Multiple Relationships/Avoiding exploitation

Multiple Relationships:

A multiple relationship occurs when a psychotherapist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychotherapist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychotherapist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychotherapist's objectivity,

competence, or effectiveness in performing his or her functions as a psychotherapist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists. Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

If a psychotherapist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychotherapist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Code of Conduct.

When psychotherapists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur.

Avoiding Exploitation

1. Faculty members and Candidates will not exploit patients. They will refrain from extra-therapeutic relationships with patients if the extra-therapeutic relationship could reasonably be expected to impair professional judgment or risk exploitation of the patient.
2. Faculty members and Candidates will avoid conflicts of interest by refraining from taking on a professional role when personal, professional, legal, financial, or other interests or relationships could reasonably be expected to: (1) impair their judgment or competence in performing their professional responsibilities; or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.
3. Faculty members and Candidates will not engage in relationships involving any kind of sexual activity with a current or former patient, or a parent or guardian of a current or former patient, or any member of the patient's immediate family whether initiated by the patient, the parent or guardian or family member or by the Psychotherapist.
4. A Faculty member or Candidate will not marry, or join in a civil union or domestic partnership with a current or former patient or the parent or guardian of a current or former patient.
5. Faculty members and Candidates will set and collect fees in accordance with accepted practices in the community and take into account the patient's ability to pay. When a treatment will not continue because the patient cannot pay the Psychotherapists' fees, the Psychotherapist will assist the patient in finding needed services.
6. Faculty members and Candidates will not pay or be paid for referral of patients.
7. A Faculty member or Candidate will not engage in financial dealings with a patient, or in the case of a minor patient, the parent or guardian, beyond reimbursement for treatment. A Faculty member or Candidates will not use information shared by a patient or the parent or guardian of a minor patient for his or her financial gain.
8. Faculty members and Candidates will not solicit financial contributions from a current

or former patient or the parent or guardian of a current or former patient for any purpose; nor will they give the names of current or former patients or their parents or guardians for purposes of financial solicitation by others.

9. If a patient or parent or guardian of a minor patient brings up the idea of a financial gift to a psychoanalytic organization or cause during treatment, the Faculty member will handle it psychoanalytically and, if necessary, will inform the patient that his or her confidentiality might be breached by the treating Faculty member's obligation to recuse himself or herself from involvement in decisions governing use of the gift. If a gift is given nevertheless, the Psychotherapist will refrain from any decision regarding its use by the recipient organization or cause and shall act to the extent possible to protect the patient's confidentiality.
10. Faculty members and Candidates will not accept any financial benefit or control the disposition of an unsolicited financial gift, including the establishment of a trust or foundation or other entity by a current or former patient or the parent or guardian of a current or former minor patient for the benefit of the Psychotherapist, or for the benefit of his or her professional or scientific work, or for the benefit of his or her family.
11. A Faculty member or Candidate may accept a bequest from the estate of a former patient, provided that it is promptly donated to an organization or cause from which the Psychotherapist or his or her family do not personally benefit and over which the Psychotherapist has no direct control.
12. Faculty members and Candidates will not coerce, manipulate or prompt testimonials from current or former patients or from the parents or guardians of current or former minor patients.
13. Faculty members will not use their professional status to solicit gifts or funds, sexual favors, special relationships, or other tangible benefits from patients, the parents or guardians of minor patients, members of the patient's immediate family, students, supervisees, or Candidates.

Sexual Relationships with Students and Supervisees

Faculty members will not engage in sexual relationships with supervisees or candidates in their program over whom they are likely to have evaluative authority.

IV. Mutuality and informed consent

1. When Faculty members and Candidates conduct research or provide treatment or assessment, they will obtain informed consent from the individual or individuals using language that is reasonably understandable to that person or persons or the parent or guardian of a minor patient.
2. When obtaining informed consent for treatment, Faculty members and Candidates will discuss with the patient as early as is feasible during the initial consultation process all aspects of the treatment agreement which are applicable, including the nature and anticipated course of therapy, fees, and the limits of confidentiality. The

psychotherapist will discuss his or her policy of charging for missed sessions in advance of such a charge. The application of the psychotherapist's fee policy to third party payment for services will be discussed and agreed upon by the patient. In the case of a patient who is a minor, these matters will be discussed early on with the parent or guardian as well as with the patient as age and capability dictate.

3. Faculty members and Candidates will not coerce, manipulate or deceive patients, the parents or guardians of minor patients, students, or supervisees into unnecessary treatment for the primary purpose of obtaining personal gain. Encouraging patients to engage in intensive treatment, drug treatment, residential treatment or any other similar accepted practice for the welfare of the patient does not constitute coercion, manipulation or deception.
4. In making referrals, Faculty members and Candidates will keep the best interests of the patient foremost in mind.
5. A reduced fee does not limit any of the professional responsibilities of the treating Faculty member or Candidate.
6. Faculty members and Candidates will not unilaterally discontinue treating a patient without adequate notification and discussion with the patient and, if a minor, with the parent or guardian. The Psychotherapist will offer a referral for further treatment. Consultation will be considered.
7. While a Faculty member or Candidate may choose whether or not to treat a patient, he or she nevertheless will attempt to render service to the best of his or her ability and judgment during emergencies.

V. Confidentiality

1. A Faculty member or Candidate will know the limits of confidentiality in his or her own state. When conducting treatment he or she will inform the patient of these limits, especially regarding child abuse and neglect, prospective harm to others and prospective suicides or homicides. The Psychotherapist will treat as confidential all information obtained from a patient in the course of treatment, including the name of the patient, information about the patient's life, the nature of the treatment, and the fact of treatment. Information obtained in treatment may be divulged by the Psychotherapist voluntarily to others only (a) following the expressed consent of the patient after the Psychotherapist has advised the patient of possible damaging or destructive consequences of disclosure; or (b) in the good faith judgment of the Psychotherapist when permitted or required by law, such as to prevent a serious and imminent danger to the patient or others or in cases of child abuse and neglect. The Psychotherapist will restrict such disclosures to necessary, relevant information. In any case that does not involve child abuse or neglect or in which the Psychotherapist does not believe disclosure is necessary to prevent serious and imminent danger to the patient or others, but where involuntary disclosure is sought from the Psychotherapist, the Psychotherapist may resist disclosing confidential information to the full extent permitted by law and may, but is not required to, refuse legal, civil or administrative demands for such confidential information and accept, instead, the

- legal consequences of such a refusal. In no circumstances is the Psychotherapist required to place himself or herself in legal or financial jeopardy to avoid disclosure.
2. At the outset of treatment, Faculty members and Candidates will inform patients who plan to finance their treatment through insurance companies or other third parties, that to the extent these third parties are insurance companies, they are obliged to keep patient information supplied to them confidential but may use or redisclose such information for certain purposes. Any redisclosure of patient information by these insurance companies will not be under the Psychotherapist's control. Disclosure of patient information to third parties other than insurance companies to finance treatment may not be subject to the same confidentiality protections, and therefore, it is possible that such information would not be kept confidential by such third parties. Psychotherapists will inform patients of the nature of the information supplied to insurance companies.
 3. When a Faculty member or Candidate conducts an evaluation for a third party (e.g., the government, a court, an employer, etc.), the individual to be interviewed will be told at the outset that the evaluator is acting in such a capacity and that the information obtained and any evaluation of it will be available to the third party. Faculty members and Candidates will inform an interviewee that questions need not be answered and that the interviewee may withhold information.
 4. When a Faculty member or Candidate intends to use case material in teaching, publishing, or in any other professional context, he or she will disguise the identity of the patient, living or deceased. A Psychotherapist will exercise professional judgment placing the interests of the patient first when deciding on the sufficiency of the disguise. A Psychotherapist will obtain written consent from patients prior to publishing identifiable material regarding patients in papers, periodicals, and books, as well as in audio or audiovisual media and digital media. A psychotherapist will not gossip about patients or use case material as a token of social exchange.
 5. Faculty members and Candidates, functioning as supervisors, peer consultants or participants in clinical and educational exchanges, will maintain the confidentiality of patient information conveyed for purposes of consultative or case presentations or scientific discussions, and a Psychotherapist providing information to such supervisors, etc., who are not Faculty will take due care to determine that the recipient understands his or her confidentiality obligation.
 6. Faculty members will treat confidentially any information or knowledge about the treatment of any Candidate or Faculty member obtained by virtue of participation in any committee meeting of WCSPP. Faculty members will respect the privacy of Candidates and students and not require the disclosure of personal information regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for candidates and students whose personal problems could reasonably be judged to be preventing them from performing their training or professionally related activities in

a competent manner or posing a threat to themselves or others.

VI. Record Keeping

1. Psychotherapists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law.
2. Psychotherapists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium.

VII. Truthfulness

1. A Candidate will inform training patients and prospective training patients that he or she is in training and under supervision as a requirement of training. Where the patient is a minor, the parent or guardian will also be informed.
2. Faculty members and Candidates will speak candidly with prospective patients or the parent or guardian if the patient is a minor about the benefits and burdens of treatment.
3. Faculty members and Candidates will avoid misleading patients or parents or guardians of minor patients or the public with statements that are knowingly false, deceptive or misleading.

VIII. Education and training

1. Faculty members responsible for administration and training will take steps to ensure that WCSPP programs are designed to provide the appropriate knowledge and experience to meet the goals for which claims are made by the program.
2. Faculty members responsible for administration and training will take steps to ensure that there is a current and accurate description of the program content, including required personal treatment, training goals and objectives, stipends, and requirements for satisfactory completion of the program that is readily available to all interested parties.
3. Faculty members will take reasonable steps to ensure that the course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experience. This does not preclude Faculty modifying course content or requirements when considered pedagogically necessary or desirable as long as students are made aware of these changes in a manner that will allow them to fulfill course requirements.
4. In teaching and supervisory relationships, Faculty members will follow a timely and

specific process for providing feedback to students and supervisees. Information regarding this process is provided at the beginning of supervision. Faculty will evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

IX. Scientific responsibility

1. Faculty members and Candidates will not make public presentations or submit for publication in scientific journals falsified material that does not refer to actual observations drawn from the clinical situation. All clinical material will be disguised sufficiently to protect identification of the patient.
2. Faculty members and Candidates will exercise caution in disguising patient material to avoid misleading colleagues as to the source and significance of their scientific conclusions.

X. Safeguarding the Public and the Profession

1. A Faculty member or Candidate who undergoes a serious illness and extended convalescence, or whose analyzing capacities are impaired, will consult with a colleague, a medical specialist, or both to determine whether the condition affects his or her ability to continue to work as a psychotherapist or supervisor.
2. A request by a patient, a parent or guardian of a minor patient, or a colleague that a Faculty member or Candidate seek consultation will receive respectful and reflective consideration.
3. If a Faculty member is officially notified by a representative of WCSPP or WCSPP faculty that a possible impairment of his or her clinical judgment or analyzing ability exists, the Faculty member will consult with no less than two colleagues, one of whom may be a non-analyst medical specialist, each acceptable to the notifying body. If impairment is found, remedial measures will be followed by the Faculty member in order to protect patients from harm and to prevent degradation of the standards of care in the profession. WCSPP will make reasonable efforts to maintain the confidentiality of the Faculty member.
4. A Faculty member or Candidate may consult with the patient of a colleague without giving notice to the colleague if the patient has requested the consultation.
5. A Faculty member or Candidate may, by bringing his or her concerns to WCSPP's Trustees or Director, intervene on behalf of a colleague's patient if he or she has evidence from a direct or indirect consultation with the colleague's patient or from supervision of the colleague that the colleague may be behaving in ways that violate this code or may harm the patient or that the colleague may be so impaired as to threaten the patient's welfare.
6. Faculty members will act to promote the competence of Faculty and Candidates and will report violations of this Code to WCSPP's Trustees or Director.

XI. Integrity

1. Faculty members and Candidates will be familiar with this Code of Conduct and other applicable professional ethics codes, and their application to psychoanalysis, psychotherapy and all aspects of their professional activity.
2. Faculty members and Candidates will strive to be aware of their own beliefs, values, needs and limitations and to monitor how these personal interests may affect their professional conduct.
3. Faculty members and Candidates will cooperate with ethics investigations and proceedings conducted in accordance with this Code of Conduct.

XII. Implementation and Amendments

1. This Code of Conduct may be amended from time to time. WCSPP will notify Faculty members and Candidates of any amendments at the time they are made, and all such amendments shall bind prior signatories from the date of such notice.