

APNA CODE OF ETHICS

I. AUTHORITY AND JURISDICTION

1. In accordance with the Articles of Association of the Asia Pacific Neurofeedback Association (APNA) membership requires members to consistently maintain standards of professional conduct and pursue practice at the highest level of professional ethics, which include values of competence, fairness, honesty, integrity, objectivity, respect and trustworthiness in dealing with others.
2. The ethical principles of the Association are to be practiced by members of the association whether life, full, student, or associate members as well as individuals employed by the Association, operating under the auspices of the Association, receiving grant/aide funds administrated by the Association, and volunteers and representatives who speak or act as agents for the Association or its publications.
3. Ethical principles may be revised at the annual meeting of the Association by majority vote of the membership voting after a thirty (30) day notice of proposed changes is published and sent to all members in good standing.
4. Members of the Association are encouraged to post the ethical principles in locations accessible to consumers.

II. ETHICAL PRINCIPLES

Members of the Asia Pacific Neurofeedback Association shall:

1. Actively maintain professional competence within standards and ethical guidelines of his or her profession;
2. Accurately state one's professional credentials, skills, knowledge and make only those claims which can be supported by published, scientific evidence when disseminating information relevant to services or otherwise identify services as experimental;
3. Take all reasonable precautions to protect recipients from harm, always demonstrating a concern for the rights, safety, health, welfare, and dignity of recipients of services (who include patients/clients and persons involved in education or research activities);
4. Provide services to those in need with the intent to help improve a condition or alleviate impairments without discrimination on the basis of race, creed, age, gender, sexual orientation, national origin, social or religious affiliation;
5. Promote the right of the recipient of services to actively participate in planning services and to refuse or discontinue participation;
6. Maintain professional, objective, goal-related relationships with recipients of service or others;
7. Except as otherwise required by law protect the confidential nature of information gained in professional relationships;

8. Support intellectual freedom through open discussion of theories and factual findings;
9. Assist recipients of services to maintain appropriate autonomy and self-regulation;
10. Maintain good moral character and abide by the Professional Code of Conduct. (see Section IV)

III. ETHICS COMMITTEE

1. Purpose and Mission

The purpose of the ethics committee is to foster and provide ethical professional standards, which are designed to protect the health and welfare of the consumer of services.

- a) The primary mission of the committee is to be proactive, educational, and constructive regarding professional ethical behaviour.
- b) A secondary mission of the committee is to stop or prevent harmful behaviour of Association members by investigating allegations of unethical or unprofessional behaviour and recommending corrective actions.

In evaluating allegations of misconduct or unethical behaviour, the committee shall be bound by the APNA Code of Ethics, as well as the committee's set of standard procedures and clear evaluation criteria for corrective action.

2. Objectives

- a) To develop and maintain a current set of ethical principles for the membership which shall be reviewed bi-annually for revisions and recommended for adoption by the Board of Directors.
- b) To inform the membership of the Association's ethical expectations through presentations at the annual meeting of the Association and through other activities as deemed appropriate.
- c) To develop and maintain a current Professional Code of Conduct (see Section IV) which sets forth standards for members of the Association.
- d) To develop and maintain a current set of administrative procedures for the committee, which shall be reviewed regularly and revised with approval of the Board of Directors.
- e) To receive, investigate, and evaluate questions and complaints of alleged unethical or unprofessional conduct engaged in by members in accordance with the procedures specified in Section III (5) of the Administration Procedures.
- f) To support research, surveys, training, and education activities related to appropriate ethical conduct.
- g) To prepare an annual report to the Board of Directors on the activities of the committee.

3. Membership and Meetings

- a) The committee for each matter shall consist of three (3) to five (5) Association members in good standing, appointed by the Ethics Board and approved by the Board of Directors for a three-year term of office.
- b) Committee members may be removed by majority action of the Board of Directors for good cause.
- c) Legitimate committee expenses shall be budgeted and, when pre-approved, paid by the Association. Committee members serve without salary.

4. Duties

- a) Members of the committee are expected to participate in and/or initiate ethical educational activities as scheduled by the committee. They shall participate in informal complaint resolution and formal hearings.
- b) They shall operate in accord with adopted procedures.
- c) Members of the committee are bound by principles of confidentiality whenever a claim of unprofessional or unethical behaviour is presented and shall only discuss investigatory matters internally within the committee and the committee counsel.
- d) Reports may be discussed with the Board of Directors after the committee report is concluded and presented to the President.

5. Administrative Procedures

- a) The committee shall be the sole recipient of complaints alleging unethical or unprofessional behaviour by members of the Association.
 - i. The committee shall first attempt to undertake Step One (1) to ascertain the facts of the matter before attempting if deemed appropriate in Step Two (2) to resolve complaints and allegations privately and informally.
 - ii. When such informal action fails or is inappropriate, the committee shall follow the formal procedures outlined in these administrative procedures.
 - iii. The Committee may modify the procedures only when necessary and when fully documented in the final report. Communications between the APNA Board of Directors and the Ethics committee members shall be through the Ethics committee chair. Before formal hearings are instituted, the Association's attorney shall serve as a consultant to the committee.
- b) The committee may refer complaints against members to the local, state, or national professional associations (if one exists) or to the licensing/credentialing board of the member's profession.

- c) Although the committee has no jurisdiction over individuals who are not members, the committee shall inform and cooperate with any association or agency having jurisdiction by furnishing factual information and consultation.
- d) The committee shall record a vote on whether the results of Fact Finding in Step One (1) and the process of Fact Finding Efforts are sufficient to merit informal resolution attempts or warrant the status of a formal complaint.

6. Types of Ethical Complaints Procedures

a) Allegations

- i. Allegations of unethical or unprofessional behaviour shall be accepted only in writing from any source with first-hand knowledge. Complaints initially made without written substantiation or those presented anonymously shall not be cause for formal action by the committee.
- ii. Complaints found to be capricious or malicious may be used by the committee as a basis to file a disciplinary action against the complainant.
- iii. Counter complaints filed by respondent in response to an allegation shall not be heard by the committee until the initial matter is resolved and closed.

b) Investigations

- i. Upon receipt of an alleged violation of Ethical Principles (Section II) or the Code of Conduct (Section IV), at least one member of the committee shall be appointed by the chair to be the investigator to complete a preliminary finding of facts from all parties known to be involved in Step One (1).
- ii. After a formal review of the findings of the facts the committee shall vote on the substance and process of the findings to pursue an informal resolution if agreed by the parties or pursue a formal complaint. Other findings of fact could lead the investigator to recommend case closure without prejudice or, absent respondent's concurrence; a recommendation for formal hearing may be presented to the committee.
- iii. The committee shall accept or modify the investigator's recommendations by majority vote within five (5) working days of receipt of report.
- iv. During Fact Finding Step One (1), only the nature of the allegation is questioned. The factual occurrence of the allegation is to be determined. The identity of the complainant is held confidential within the committee in the Fact Finding process.

c) Complaint Clarification

- i. Upon receipt of an allegation by the Chair or the committee, the investigator shall have sent to the complainant copies of the APNA Code of Ethics and shall request the following information:

- a. Complete name, address and telephone number of both the complainant and the respondent, as well as the respondent's profession.
 - b. Complete description of the alleged unprofessional or unethical behaviour.
 - c. Names and addresses of any witnesses.
 - d. Previous steps taken, if any, to remedy the situation, and
 - e. A signed release of information which allows the committee to notify the respondent, contact other appropriate persons and agencies, collect additional information, and adhere to legal due process.
- ii. The complainant may be asked to provide any necessary additional information needed by the committee and if necessary to present testimony at a hearing. If no response to this request is received from the complainant within fifteen (15) days, the case shall be closed unless just cause for the delay is shown. The committee may decide that there are sufficient grounds for initiating an investigation of its own.
 - iii. The respondent shall be advised informally and via certified mail of the complaint made and by whom. The respondent shall be given twenty (20) days to provide a written response to the complaint via certified mail to the committee investigator. The date of the certified mailing shall be postmarked on or before the twentieth day the respondent signed for the initial certified notice of complaint receipt from the committee.
 - iv. The respondent shall then be given a choice to accept informal dispute resolution by the investigator or to participate in a formal hearing.
 - v. In the event that a respondent refuse to respond to the committee's notification of a complaint in a timely fashion, such refusal to cooperate shall be considered as a basis for a finding of unprofessional conduct and a violation of the Code of Conduct.
- d) Fact Finding
- i. The committee investigator shall interview all involved individuals and obtain information necessary to identify the similar and the different points of view of those involved regarding the factual basis of the allegation.
 - ii. The complainant shall be deemed to be only a witness providing evidence.
 - iii. The investigator may act as a facilitator with the involved individuals to develop an acceptable statement of the facts and issues.
 - iv. The respondent is not formally charged at the Step One (1) Fact Finding level.

- v. The investigator and the respondent shall attempt to reach resolution of the complaint.

7. Question Clarification:

- a) When the Committee is referred a question regarding ethics or conduct, the only advisory opinions or answers from the Committee members must be consistent with the adopted principles of the Association and must be approved by the Board of Directors and Counsel before being provided.

8. Dispute Resolution

- a) In the event a respondent does not agree to informal dispute resolution or does not agree with a proposed settlement, the investigator shall recommend to the committee that they hold a formal hearing on the matter and shall provide written notice at that time to the respondent of his rights in the proposed formal hearing.

9. Disciplinary Options

- a) An investigator or hearing officer may recommend to the committee one or more possible disciplinary actions, with the goal of adjusting the penalty to the severity of the offense. Disciplinary actions include but are not limited to the following:
 - i. A finding of No Merit and a recommendation of case closure without prejudice to the respondent, which shall cause all records of the complaint and subsequent action to be expunged.
 - ii. A finding of a Formal Reprimand shall consist of two levels: Private Reprimand shall be given by the committee (usually, but not necessarily, with the respondent in attendance before the committee); and Public Reprimand, which shall be given by the committee (usually, but not necessarily, with the respondent in attendance before the general membership of the Association).
 - a. Private Reprimands shall be retained in the member's file for two (2) years. A Private Reprimand is a formal, written censure and is the mildest form of sanction. Such a reprimand may be used when Ethical Principles have been violated and there has been no damage or injury to any person or to the Association. A Private Reprimand is not made public and may include suggestions for remediation.
 - b. Public Reprimand shall be used when ethical principles or the Code of Conduct have been violated and there has been, or potentially could have been, some injury or damage to another person or the Association, but the injury or damage is not sufficient to warrant suspension. Public Reprimand shall be given by the committee in writing (usually, but not necessarily, with the respondent in attendance) before the general membership of the Association. Such reprimand, which remains in effect until lifted by the committee, shall include educational or rehabilitative activities that are required to be completed by the respondent before the reprimand can be lifted. A record of the Public Reprimand shall be retained in the member's file for five (5) years. Public reprimands are published in the Association's newsletter.

- iii. Suspension of membership in the Association may be used when the ethical principles or Code of Conduct have been violated and injury or damage has occurred to another person or to the Association, which is severe enough to warrant more than a reprimand, but when permanent revocation of membership is not warranted and when the respondent agrees to complete a required, specified sequence of rehabilitative activities set forth by the committee. The suspended member may apply for reinstatement after satisfactorily completing the required rehabilitative activities. A record of the Suspension and Reinstatement shall be retained in the member's file permanently and notice of each shall be published in the Association's newsletter.
- iv. Permanent Revocation of membership may be used when the violation of the ethical principles or Code of Conduct has resulted in severe injury or damage to another person or to the Association, when the behaviour is extremely unethical or when the respondent has refused to cooperate with the disciplinary process. A record of the Revocation shall be retained in the member's file permanently.

10. Final Resolution Report-The Committee's Acceptance of Preliminary Findings and Joint Resolution:

- a) The investigator shall submit a report of the findings of fact agreed upon by the complainant and respondent and recommend the disposition of the complaint agreed upon by the respondent.
- b) When complaints are resolvable at the investigator level the committee may, by majority vote, accept or modify the recommended disposition on behalf of the Association. In cases in which there remains minor dispute between the claimant and the respondent, the investigator shall submit a report on the complaint, the results of the investigation including findings of fact and findings of dispute and shall recommend the resolution agreed upon by the respondent to the committee for its majority vote of acceptance or revision.
- c) The final committee action shall be forwarded to the Board of Directors of the Association and to the respondent by certified mail.
- d) Respondent shall also receive notice of the right to appeal. Appeal requests must be filed with the committee by certified mail within thirty (30) days of respondent's receipt of the notice of the right of appeal.
- e) If at any time, the allegations and findings of misconduct fall within the jurisdiction of other professional associations, regulatory or law enforcement agencies, the Association shall forward information to the appropriate bodies after the period of appeal is ended.

11. When Dispute Resolution Fails

- a) If dispute resolution fails and the committee determines by a majority vote that there is a preponderance of evidence to justify consideration of disciplinary action, the respondent shall be notified of a proposed formal hearing in writing by certified mail.

- b) If the respondent waives or forfeits a formal hearing in writing within twenty (20) days of receiving notice of the right to request a formal hearing, the committee shall make its decision on the evidence received and shall, after a majority vote, so notify the respondent and the complainant by certified mail and submit the committee report to the Board of Directors.
- c) If the respondent does not waive or forfeit a formal hearing within twenty (20) days of receiving notice of the proposed formal hearing, a hearing at the home office of the Association shall be conducted within sixty (60) days as scheduled by the committee. The hearing may be conducted by telephone conference provided both complainant and respondent agree. The respondent shall have the opportunity to be represented by counsel at his or her expense, present witnesses and evidence and has the right to cross-examine witnesses.

12. Formal Hearings

- a) At a formal hearing, the committee chair shall designate a hearing officer to conduct the hearing, and the committee investigator shall present the evidence against the respondent.
- b) Three jurors, who shall be members of the Association in good standing, without conflicts of interest, shall be appointed as volunteers by the President of the Association to hear the evidence and reach a decision in the matter. None of those appointed as jurors shall have prior knowledge of or connection with the matter at hand nor shall they be personally or professionally associated with the respondent or complainant.
- c) Prior to the hearing, the hearing officer shall be provided with copies of all the evidence and the names of all witnesses that will be offered in support or defence of the complaint.
- d) At the hearing, the hearing officer may employ a stenographer/reporter and legal counsel at the expense of the Association. Audiotapes may be employed if all parties agree ten (10) days prior to the hearing. At the hearing, the evidence in support of the complaint shall be presented by the assigned investigator.
- e) The hearing officer, ethics committee investigator and the jurors shall not discuss the case with anyone outside of a formal hearing and shall not discuss it with others not involved in the hearing. Confidentiality of the testimony, evidence, decision process and written records will be maintained.
- f) The hearing officer shall conduct the hearing with consideration of due process in an informal manner. The hearing officer shall within twenty (20) days of the close of testimony prepare in writing findings of fact and conclusions regarding each allegation of violation of the ethical principles or Code of Conduct. This report shall be sent to respondent and investigator for comment to be received back within twenty (20) days.
- g) The hearing officer shall prepare a final report for the jurors within twenty (20) days with his recommendation for case disposition.

- h) The Jurors within twenty (20) days shall either adopt or modify the recommended disposition based upon the hearings officer's finding of fact. A conference call, mail, or face-to face meeting may be conducted to deliberate on the disciplinary options. Final decisions of the jurors shall be forwarded to the Ethics Committee chair that shall prepare and send to the respondent and the board a letter of disposition, which includes the allegations, findings of fact and the juror's disposition. All mailings to respondent shall be by certified mail.

13. Appeals

- a) Respondent may appeal a decision of the Ethics Committee by filing a written request for reconsideration with the Board of Directors within thirty (30) days of receipt of disposition.
- b) The Board upon review of evidence may sustain modify or remand the prior disciplinary action. If the Board concludes that sufficient new evidence exists or procedural errors occurred; the case shall be remanded for a new hearing before new jurists and hearing officer.
- c) If appeal requests are filed in an untimely manner or found to be without merit, the Board of Directors may sustain the prior decision and so notify the respondent by certified mail.
- d) Disciplinary actions are suspended during the appeal process.

IV. CODE OF CONDUCT

- 1. Clear ground for investigation and discipline will include actions, omissions, or impairments that raise substantial questions about a member's ability to perform properly in a professional capacity. Examples of such grounds will include, but not necessarily be limited to, the violations of the Code of Conduct. Members of the Association are expected to:
 - a) Abide by the Ethical Principles of the Association and their profession.
 - b) Practice within the scope of demonstrable competence, or be supervised by a Practitioner.
 - c) Demonstrate relevant continuing education activities to maintain competence.
 - d) Accurately advertise and present services.
 - e) Provide access to all client records and office policy.
 - f) Provide informed consent agreement based upon full disclosure of potential risks, benefits and options.
 - g) Offer QEEG and NFB services only to prospective recipients for whom it is judged to be appropriate based upon signs or symptoms of cognitive, emotional or physical conditions or behaviors.

- h) Require supervisees and trainees to adhere to the Ethical Principles and Code of Conduct.
- i) Maintain professional dignity, respect and integrity when discussing the opinions and findings of others.
- j) Impart ethical standards of professional conduct through both instruction and example.
- k) As an author:
 - i. Guarantee the originality of any scholarly papers or presentation.
 - ii. Credit to others for their works and assume responsibility for accuracy and fairness of presented information
 - iii. Using data of others with specific written permission, and disclose any proprietary interests related to professional papers or presentations. iv. As a reviewer of funding proposals or manuscripts submitted for publication, consider related information to be confidential and not to be used in any other manner without specific written permission, and excuse one's self from the review process if there is a perceived conflict of interest, including business relationships or ongoing legal disputes.

V. ALLEGATIONS THAT MERIT DISCIPLINARY PROCEEDINGS

Allegations, which will result in investigation and disciplinary proceedings, include but are not limited to:

1. Misrepresentation of qualifications, training, experience, educational degrees, or competence.
2. Misrepresenting the efficacy or appropriateness of treatment, training, instrumentation, or software.
3. Inaccurate or false advertising of professional services.
4. Any false or misleading statement or omission of a material nature.
5. Failure to fully describe and obtain consent for experimental or clinical procedures.
6. Violating the confidentiality of clients, patients, students, or research participants.
7. Practicing without supervision when not qualified to practice independently or without consultation in new situations.
8. Inadequate professional supervision of students, supervisees, or trainees.
9. Failure to inform all parties involved in a possible conflict of interest.
10. Violations of privacy, health or community standards of decency when touching or attaching electrodes or sensors.
11. Assaulting or threatening to strike a client, patient, student, research participants, colleague, or others with whom there exists a professional relationship.

12. Sexual harassment or exploitation of a client, patient, student, supervisee, trainee, or research participant.
13. Substance abuse related impairment.
14. Failure to cooperate in investigations and hearings.
15. Being found in violation of ethical or professional behaviour.
16. Findings of governmental agencies, courts or other professional organizations or proceedings of civil courts resulting in an action against the respondent may be entered as evidence of the behavior found and used as grounds for discipline.
17. Conviction of a felony by a court of competent jurisdiction or revocation of a license or credential by a governmental licensing or credentialing authority may be considered as conclusive proof of the behavior upon which such action was based and used as grounds for discipline.

VI. PROCEDURAL REVISIONS

1. The committee may modify the administrative procedures for fact finding, investigations, reporting, decisions, hearings and disciplinary actions only at public meetings and shall advise the membership of such changes at the annual Association meeting if the changes are ratified by the Board of Directors.
2. Draft changes to administrative procedures of the Ethics Committee may be drafted and discussed between members and adopted by majority vote of the committee and approved by a majority vote of the Board of Directors.

VII. DATE OF ADOPTION / REVISION

This edition of the APNA Code of Ethics were adopted by the Board of Directors on December 1, 2015 and shall be published annually by the Association. Each subsequent change must be dated, clearly documented, attached to this document, and published for the membership.