

Practical Ethics

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ABSTRACT

The work of the ethics committee of a professional association ranges over a series of topics that, in theory, can be seen as straightforward, but that in practice depend on many variables: the expectations of the different agents or parties involved, the scope of what is considered to be the concerned subjects of the ethics committee's activities, the cultural and legal contexts in which it can act, etc. The consequences of the Ethics Committee's actions and/or lack of actions are significant for the organization as well as its members, clients, patients, or trainees. Adhering to the Ethics Guidelines implies a social responsibility that the ethics committee must regulate and enforce among the Association's members. This responsibility includes caring for the public image of the association, and avoiding unethical behavior among both individual and organizational members, such as training Institutes and professional associations. Changes in customs and values in time, and across many different countries and cultures, give the ethical guidelines an important role as a safeguard of the association's spirit, as defined in its articles of association. This means that special care must be given to teaching ethics so that all members and trainees can share the same values, and feel involved and connected to members who come from different countries and cultures.

Keywords: EABP, ethics guidelines, organizational ethics, social responsibility, cultural diversity, ethics and quality, quality, ethics complaints, ethics and law

Submitted: 10.03.2020

Revised: 15.03.2020

Accepted: 31.03.2020

International Body Psychotherapy Journal
The Art and Science of Somatic Praxis

Volume 19, Number 1,
Spring/Summer 2020, pp. 116–121

ISSN 2169–4745 Printing, ISSN 2168–1279 Online

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his article, rather than being a dissertation on ethics in general, is a description of the practical aspects of its application within the framework of the day-to-day work of the Ethics Committee of the European Association for Body Psychotherapy (EABP). The intention is, from a pragmatic point of view, to fill the gap that exists between the services the Ethics Committee (EC) can give, and the expectations or assumptions of the receiving public, typically Association members and officials, clients, patients, and trainees. It is my hope that this article can be a useful guide for all the affected parts.

1. EABP and Its Ethics Committee

EABP is a private association of body psychotherapists who have freely joined and signed an agreement to respect and follow its Ethical Guidelines. To maintain full membership, members must fulfill three basic requirements: meet the membership criteria, respect the Ethical Guidelines, and pay the annual fee. If any of these requirements are not fulfilled, the Association has the right to terminate memberships at its discretion. As a private association, the EABP determines its relationship with its members only by its own internal regulations, as set up in its Articles of Association and Ethics Guidelines as defined by the General Assembly – the regular meeting where all Association's members decide, through discussions fol-

Following the Ethics Guidelines becomes an act of social responsibility, as any breach lowers the quality level of the whole organization.

lowed by voting, on questions of strategy and orientation, organization, finances, ethics, and other matters.

The Ethics Committee of the EABP has the mandate from the General Assembly to ensure that members behave according to the Ethical Guidelines (see EC Guidelines article 2, “*Ethics Committee function and structure*”), and to apply the measures detailed in the Guidelines when members are out of compliance. These measures include, among others, mandatory sanctions or, as a last resort, the recommendation to the EABP Board to exclude members from the Association (see EC Guidelines article 4.4.2., “*Categories of sanctions*”). The goal of these measures is to help re-establish professional ethical function whenever possible, and to maintain high ethical standards of behavior in the EABP. The work of the EC, when it comes to complaints and unethical behavior, is thus limited to regulating the professional behavior of EABP members. This means it cannot in any way compensate anyone who files a complaint, above and beyond fairly addressing the complaint and the member whose behavior provoked it. It specifically cannot give or authorize financial compensation to a complainant.

1.1. Filing a Complaint

The option to file a complaint against a member of an association is a clear sign that the association feels responsible for the quality of the services rendered by its members, and has the intention to protect clients, patients, and trainees from unethical behavior by any of its members. The protocol to file a complaint is quite simple. The complainant must write a description of the events that led to the complaint, and send it, in English, to a current member of the EC. The EC will, within a day or two, acknowledge receipt of the complaint, and later send a more detailed letter to the complainant, explaining the procedure by which the complaint is treated, as well as an explanation about what the EC can and cannot do. All information and communications with the EC are confidential and, should the EC need legal counsel or second opinions, the information is anonymized and decontextualized as a protection for all parties.

It is very important to stress that some complaints fall outside the remit of the EC and cannot be processed further, as some complainants see the EC as a kind of court of justice, and may have a series of expectations that are outside the scope of an ethics procedure. An example of this would be the demand for financial compensation, which must be dealt with by a court in the complainant’s country of residence.

Moreover, the complainees, i.e. the individuals or entities that are being complained about, might have expectations about the functions of an ethics committee. For example, there is the notion that the EC functions as a protector of the members of the Association. It is important for all parties to understand that the role of an ethics committee is to protect the victim of unethical behavior when the in-

criminated party is a member of the Association, and thus also protect the public image of the Association.

After having received a complaint, the EC begins the inquiry phase of the procedure. During this phase, the EC gathers information about events that led to the complaints, and is tasked to clarify what actually happened. Sometimes body psychotherapists commit unethical acts, and sometimes clients, patients, or trainees can falsely accuse their therapist or trainer for different reasons. Here, the attitude of both parties is an important aspect. It is expected that a body psychotherapist who is a full member of EABP has undergone a personal therapy process and training that will enable her/him to understand and feel empathy for a person who files a complaint against him/her. If this is the case, the complainee will respond with an attitude of cooperation with the EC, and a willingness to find out what the problem is. If she/he is responsible for an unethical action, the normal reaction is, as a responsible body psychotherapist, to recognize the fact, feel sorry for it, and try to repair the relationship as much as possible and make amends to the complainant. If the therapist does not feel he/she has acted unethically, she/he will still react as a professional body psychotherapist, empathize with the complainant, and try to understand what led to the complaint. If the complainee reacts defensively, aggressively, refuses to cooperate, or tries to cover things up with procedural tricks, etc., this is in itself a breach of the Ethics Guidelines and, of course, does not help signal his/her innocence.

1.2. On the attitude of the Ethics Committee towards the Complainant

One aspect that has become clearer and clearer in our society during the past few years is the high degree of vulnerability of victims of sexual, psychological, or narcissistic power abuse by figures of authority. Through the press, and as psychotherapists, we are seeing more and more cases where the perpetrator has been a parent, priest, teacher or, at times, even a psychotherapist. The individual who has been subjected to this kind of abuse feels very vulnerable, lonely, afraid, and often subjected to strong feelings of self-criticism, guilt, and shame. In later years, the social and emotional climate, primarily in western Europe, has become more sensitive to this issue, and the number of complaints has grown – not because there has been more abuse, but because more people who have been subjected to abuse are daring to confront it. In order for victims to overcome their feelings of loneliness and inadequacy, they have to be able to feel confident, accompanied, and safe enough to be able to file complaints. In an association such as EABP, the members are often on the “powerful” side of asymmetrical relationships, whether they are in the role of psychotherapist, teacher, or trainer – or, at times, within the organization: an officer with a “superior” hierarchical position.

Filing a complaint under these circumstances may be very difficult for a person who feels lonely and vulnerable, and he/she may feel the need to be accompanied and taken care of by EC members. Unfortunately, the EC can be sympathetic, but cannot take sides in the conflict. It's very important for EC members to remain neutral, and avoid getting emotionally involved with either side of the conflict, since that would entail being biased, and thus make it impossible to do the work correctly. The general rule, to which there can never be any exceptions, is that any EC member who is in any way emotionally involved, or has a conflict of interest, with any of the parties in an ethics case, must recuse him/herself from that case.

As experienced body psychotherapists, EC members are used to listening carefully to complainants, and try to perceive the content as well as the authenticity of the complaint. The EC can take action relative to the failure of the complainee, but cannot resolve the disappointment and, at times, deep pain and hurt of the complainant. This support needs to be addressed by a psychotherapist or professional helper.

2. EABP Ethics and Legal Systems

EABP is a private association registered in the Netherlands, and is therefore subject to Dutch laws and, Holland being a member state of the European Union, also to EU laws and regulations. This means that as an organization, EABP has to follow the Dutch and EU regulations in all legal matters – for example, the newly created European General Data Processing Regulation (GDPR).

As an international Association, however, the Ethics Guidelines must be applied according to the ethical principles of the association, and not, necessarily, according to local legal legislation. Actually, there are clear differences in treatment with regard to violations of law and order on the one hand, and ethical guidelines on the other (Sollmann 2019). The Ethics Guidelines have been written and are constantly revised and upgraded by the Ethics Committee, and all changes are subject to the approval of the GA. This means that they represent the ethical and moral code of the EABP, and the guidelines that all EABP members must follow. On the other hand, legislation in the different countries where there are EABP members is based on politics and ideology, more than ethical or moral considerations. This means that what is legal in one country might be illegal in another. The response by the Ethics Committee must thus be solely based on the internal ethical regulations of the Association, without taking the legal situation into account. Due to the EC's limited resources when it comes to investigating a member's breach of ethics, decisions of courts of law can be taken into account as proof of the member's culpability when the Ethics Guidelines and the local legislation coincide. This would be the case, for instance, where the member has been charged

for abuse of some kind against a client, patient, or trainee.

In other cases, for instance in a country where gender, ethnicity, religious belief, political activity, or LTBTGI status may be a legal impediment to practice body psychotherapy or any other type of activity that does not violate EABP Ethics Guidelines, the EC would not open an Ethics case on that topic, nor yield to any pressure by any institution from the said country to sanction, expel, or exclude the member.

It is very important to take into account that the ethics process is not a legal one. The relationship between the Ethics Committee and the members is a peer relationship among colleagues who share the same goals as expressed in the EABP Articles of Association and Ethics Guidelines. One of the assignments of the EC is to protect the clients of members of our Association against any abusive behavior by its members. When a client, patient, or trainee files a complaint against an EABP member, the EC begins the procedure described in the Ethical Guidelines paragraph 4 – i.e., the EC assesses whether the accused member has behaved unethically, according to the Ethical Guidelines and, if it finds that is the case, what measures of mediation or repair can be taken and, ultimately, what kind of sanctions should be applied in order to restore the Association's trust in the member.

The EC can apply sanctions that the complainee has the obligation to abide, but it cannot exclude a member or terminate a membership. It can only recommend such actions to the EABP Board. The affected member has the right to appeal to the General Assembly, which can corroborate the decision or go against it. This means that the ultimate responsibility for such decisions lies only with the GA.

3. The Need for Teaching Ethics in the European National Associations and Training Institutes

Body psychotherapists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights.

Excerpt of the Preamble of the EABP EC Guidelines

EABP, as a professional association, spans a multitude of different cultures, values, and ways of interpreting reality. The Ethics Guidelines can therefore also be interpreted in many different ways according to local beliefs, values, and customs. Customs also change with time; values and attitudes can vary with fashion, conventions, or cultural changes, and also these change from one country to another.

Many EABP members and trainees in different countries,

however, share a strong sense of belonging to a common project, and a will to share the same values. One could say that moral and ethical values are a common ground between body psychotherapists who work with different modalities, speak different languages, and belong to different cultures.

In order to strengthen that common ground, body psychotherapists and trainees belonging to different national associations and different training institutes must have the opportunity to openly discuss, question, and eventually internalize the essence of our Ethics Guidelines so that they can “seek to embody the spirit of the Association’s ethical guidelines in all internal and external dealings.”

This should be done through classes or workshops in which people from different places and cultures can meet and discuss different ways of interpreting the EC Guidelines, propose changes, and thus get involved in the constant adaptation and co-creation of our ethical code. Therefore, it is very positive that, from now on, the EABP Training Standards will include classes in ethics, inviting all accredited training institutes who still haven’t done it to include this in their curricula.

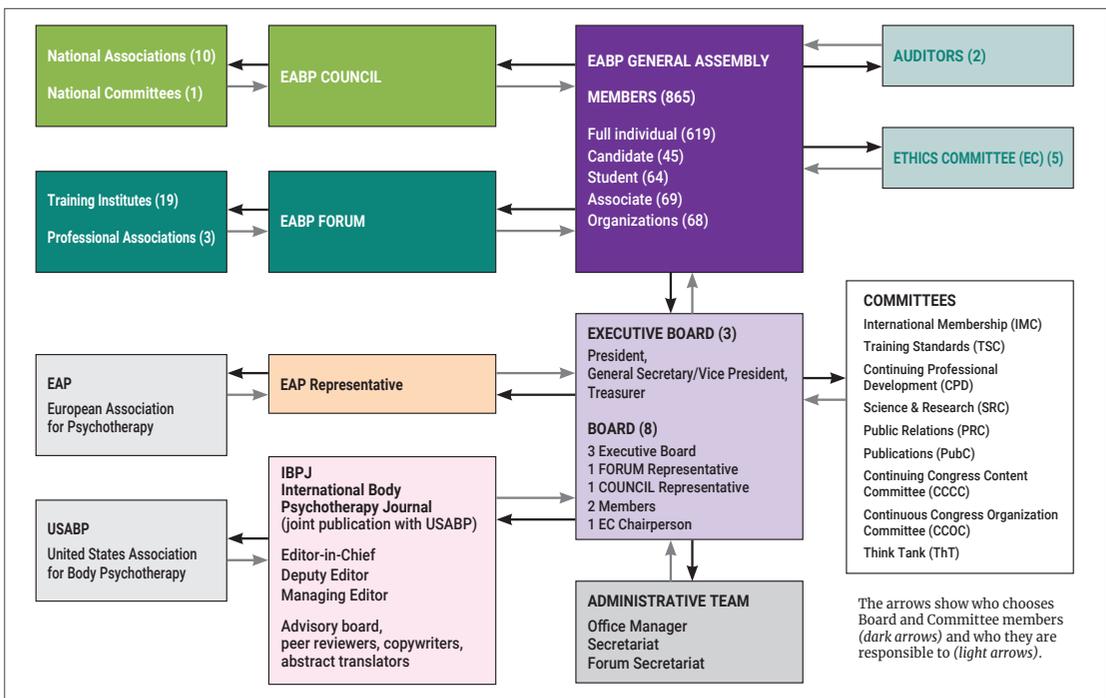
4. Organizational Ethics

EABP has Ethics Guidelines that address the ethics of its individual members, and are based on the profession of body psychotherapists, in a therapist/client relationships, as the agents covered by these guidelines. However, as can be seen on the chart published on the EABP website, EABP

is also a complex organization founded on a series of goals (stated under the rubric “About us” on the website), moral principles upheld by the Ethics Guidelines, and functional principles such as direct democracy – i.e., the final authority is the General Assembly of its members, and that all other entities, including the Board of Directors and Ethics Committee, have to yield to its decisions. These rules are compiled in the EABP Articles of Association. The Association was also founded on a culture and a vision that all members, officers, and staff must help maintain.

Since the years of its foundation, EABP has undergone a series of changes that affect both its goals and structure. During this time, the Association has introduced new elements that do not formally comply with its ethical guidelines because they are not necessarily covered by the concept of body psychotherapists, or therapist/client relationships. Part of its administration has been professionalized and it has begun to accept other professional organizations as members, and has also created the designation of Accredited Training Institutes, i.e. organizations, as stated above, whose level of quality of services is guaranteed by EABP. This means that, apart from the professional ethical code, there must be an organizational ethics code that “is concerned with standards and principles for human behavior within an organizational structure” and “promote those behaviors that ensure an ambiance of fairness, trust, honesty and respect” (Letendre, 2015).

From the point of view of EABP’s organizational ethics, there are several important issues that need to be kept in mind. The main one is maintaining the essence of EABP



in spite of external cultural and economical changes, and maintaining balance between informal, flexible, but less efficient functioning, and formal, more efficient, but also more rigid bureaucratic functioning of the association. As an organization grows and evolves, there is always the automatic development, due to the constant creation of new rules to cover its needs, towards greater rigidity and bureaucracy. Over time, and if not controlled, this process can choke the organization, hinder its proper functioning, and make it lose its bearing.

Here, one of the roles of the Ethics Committee is to help the Board and committees maintain balance between those two extremes, and be aware of the consequences for the spirit of the Association to lean too much in either direction. (See the EABP Ethical Guidelines article 2.1.1.)

When it comes to the external organizational ethics, the issues are around professional associations and training institutes that are EABP members, which, consequently, must abide by EABP ethical principles. The growing demand from society for higher quality guarantees has made it important to clearly differentiate between organizational members whose trainings are EABP accredited and those that are not. As strong organizational ethical standards are an intrinsic part of the accreditation criteria for training institutes, a higher degree of control is a way to be fair towards those training institutes that have made the effort, both structural and financial, to obtain accreditation. The function of the EC is thus here to make sure that no organizational member that has not fulfilled the accreditation criteria can present itself as an Accredited Training Institute.

5. Ethics as a Guarantee of Quality

From the moment the EABP began to implement clear training standards as membership criteria, the Association became a social and financial agent giving its members, as it were, a professional stamp of quality that the Association backs as a brand of professionalism, serious-

ness, and excellence. This means that an EABP member must acknowledge the EABP Ethics Guidelines, and sign a document stating his/her adherence to them. Following the Ethics Guidelines becomes an act of social responsibility, as any breach actually lowers the quality level of the whole organization in the eyes of the public.

The role of social and financial agents derives from guaranteeing the quality of services rendered by its members, raising their value of trust in the eyes of the public, and thus also securing a better competitive position. The presence of an ethics committee is an essential part of the Association's capacity to back up the guarantee of quality, and also, of course, security for those who receive the services rendered.

Through the process of self-assessment and mutual recognition in the FORUM of body psychotherapy organizations, the EABP grants accreditation to training institutes that fulfill EABP Training Standards, and through their structure and way of functioning, can show that they function within the framework of the Association's Ethical Guidelines. Every five years, as a guarantee that the training institutes maintain their level of quality and adherence to the ethical spirit of EABP, they must go through a reaccreditation process in order to keep their status.

Whereas the accreditation process of a training institute has always been very thorough and often implied structural changes to meet the EABP criteria, the reaccreditation process has been a relatively easygoing self-assessment. In view of the growing need for quality assurance, however, the reaccreditation process must involve the Ethics Committee to some degree. Here, the ethical problem is how to control the behavior of training institutes and enforce sanctions, while at the same time maintaining the principle of confidentiality and also fairness towards all the people involved. Revoking or not renewing an accreditation may have important financial consequences for a training institute, but not doing so will certainly have important negative consequences for the whole Association that risks losing its credibility and becoming regarded as untrustworthy.



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