



## **British Columbia Art Therapy Association**

### **COMPETENCY, COMPLAINTS, AND DISCIPLINARY PROCEDURES**

#### **1. INITIATING THE COMPLAINT**

- 1.1 A person who wishes to file a formal complaint regarding a member of the B.C.A.T.A. shall request the “Ethics Committee Complaint & Inquiry Form” from the Ethics Chair. (This form may also be downloaded from the B.C.A.T.A. website.)
- 1.2 The mandate of the B.C.A.T.A. Ethics Committee shall be to establish the validity of the submitted complaint and to protect the rights of the client(s) and the individual under review.

#### **2. INITIAL REVIEW OF THE COMPLAINT**

- 2.1 Upon receipt of a written complaint, the Ethics Committee shall review that complaint to ascertain whether or not:
  - a) the art therapist is or has been a member of the B.C.A.T.A.;
  - b) the complaint raises an issue which falls within the jurisdiction of the B.C.A.T.A. and is within the guidelines (see 2.2) for unacceptable behaviour or a professional practice problem (see 2.3);
  - c) the complaint is vexatious or obnoxious;
  - d) the complaint raises a minor issue that does not warrant further review;
  - e) the matter giving rise to the complaint has already been resolved.
- 2.2 Unacceptable behaviour is defined as:
  - a) Misconduct: failure to meet the ethical standards of the B.C.A.T.A.
  - b) Incompetence: a pattern of behavior that demonstrates a lack of knowledge, ability, capacity or fitness to practice in a particular setting.
- 2.3 A professional practice problem for a registered professional or professional member of the B.C.A.T.A. is identified as:
  - a) behavior or attitude which is in conflict with the standards set by the B.C.A.T.A. or the employer;
  - b) action or intent that is detrimental to the client;
  - c) a situation which the individual art therapist is unable to resolve of his or her own accord.

### **3. FURTHER REVIEW OF A COMPLAINT**

- 3.1 If the Ethics Committee concludes that the complaint does not apply to a B.C.A.T.A. member, or is not within the B.C.A.T.A.'s jurisdiction or guidelines, or is vexatious, obnoxious, minor, or has already been resolved, then the Chair shall advise the complainant accordingly.
- 3.2 If the Ethics Committee concludes that the complaint does apply to a B.C.A.T.A. member, or is within the B.C.A.T.A.'s jurisdiction or guidelines, is not vexatious, obnoxious, minor, or has not already been resolved, then the Chair shall:
  - a) inform the respondent of the complaint being placed, requesting the respondent to provide a written response within a prescribed time frame, and
  - b) obtain information from any source and by any reasonable means necessary to ascertain the facts of the complaint.
- 3.3 Where it is not practical to send a copy of the full complaint to the respondent, the Ethics Committee may send a summary.
- 3.4 If the respondent is not a member of the B.C.A.T.A. or of any professional association, the Ethics Committee may decide to investigate the complaint in terms of its impact on the Association.

### **4. INVESTIGATION OF THE COMPLAINT**

- 4.1 After receiving the complaint and the respondent's reply, the Ethics Committee shall determine whether or not there is sufficient evidence that could:
  - a) establish the facts of the complaint and/or
  - b) constitute unethical conduct or incompetency sufficiently serious to warrant a formal disciplinary hearing.
- 4.2 If, after review, the Ethics Committee is of the opinion that the complaint is not justified, the Committee may dismiss the complaint and so inform the complainant and respondent.
- 4.3 If, after review, the Ethics Committee is of the opinion that the evidence does not constitute unethical conduct or incompetency sufficiently serious to warrant a formal disciplinary hearing or which may otherwise lead to the termination of the respondent's membership, the Committee may resolve the complaint through non-punitive means or agreement, and
  - a) shall advise the respondent and complainant accordingly;
  - b) forward a copy of the written response to the complainant or forward a summary of the response to the complainant where circumstances which have been documented warrants such action, and/or
  - c) attempt resolution between the two parties by conducting a procedure of mediation which may include involvement of other agencies, individuals, or organizations where appropriate.

- 4.4 If, after review, the Ethics Committee resolves that:
- a) it was not possible to resolve the complaint through an agreement or other non-punitive means; or,
  - b) the facts of the complaint are likely to constitute unethical conduct or incompetency that is sufficiently serious to warrant a formal disciplinary hearing or may otherwise lead to the termination of the respondent's membership, the Committee shall refer the complaint and all attendant information to the Executive who shall then strike an ad hoc Disciplinary Committee

## **5. DISCIPLINARY PROCEDURES**

- 5.1 As soon as practical and upon proof of service, the Disciplinary Committee shall notify the respondent of the date and time for a formal disciplinary hearing and shall proceed with the hearing on the day specified.
- 5.2 If after holding the hearing, the Disciplinary Committee is of the opinion that the complaint is not justified, the Committee shall advise the respondent and the complainant accordingly.
- 5.3 If after holding the hearing, the Disciplinary Committee is of the opinion that the complaint is justified, the Committee shall recommend or affirm any of the following penalties and/or corrective action.
- 5.4 In the event that the complaint is of a serious nature such as to require legal process, a temporary suspension shall be applied until the member is cleared of culpability.
- 5.5 Corrective action may constitute:
- a) a remedial program of compulsory education and/or compulsory supervision by an agreed upon BCATR for a period not to exceed six months and/or appropriate treatment;
  - b) a formal reprimand to be issued against the offending member;
  - c) revocation of B.C.A.T.A. membership to be imposed upon the member.
- 5.6 Upon satisfactory completion of a corrective action, the Disciplinary Committee shall provide written documentation to all parties pertinent to the situation stating the outcome of the procedures and that no further action is required.

## **6. CONSENT TO A REMEDIAL PROGRAM**

- 6.1 At any time prior to either the Ethics Committee or the Disciplinary Committee resolving the complaint, a respondent may apply in writing to the Chair to participate in a remedial program on their own undertaking.
- 6.2 If the Committee accepts the request, it shall adjourn the investigative process and shall advise the respondent and complainant accordingly.

- 6.3 Upon satisfactory completion of the accepted remedial program, the complaint shall be considered fully addressed and either the Ethics Committee or the Disciplinary Committee resolving the complaint shall notify the respondent and the complainant.
- 6.4 If the respondent does not satisfactorily complete the accepted remedial program, the Committee may reinstitute the complaint or disciplinary process and shall so advise the respondent and the complainant.

#### **7. APPEAL TO THE EXECUTIVE COMMITTEE**

- 7.1 Within thirty days of receipt of the decision, the respondent or complainant who is dissatisfied with the outcome may initiate an appeal to the Executive.
- 7.2 The appeal must be in writing, state the grounds for the appeal and be delivered to the President.

Amended AGM June 23, 2007



**British Columbia Art Therapy Association**

**ETHICS COMMITTEE COMPLAINT & INQUIRY FORM**

*Please print clearly*

DATE: \_\_\_\_\_

NAME OF COMPLAINANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
(Postal code)

TELEPHONE: \_\_\_\_\_  
(Day) (Evening)

FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Individual/organization against whom complaint is laid:

Relationship of complainant to individual/organization:

Other parties connected to this case and how connected:

Nature of complaint (Include relevant details and dates where possible):

Any steps taken to resolve the complaint informally (*if applicable*):

I understand that a copy of this form and any information attached to this form may be made available to the individual/organization against whom I am registering this complaint.

\_\_\_\_\_ (Signature of Complainant)

**PLEASE ATTACH ALL RELEVANT DOCUMENTATION**

*Attach additional sheets if necessary.*

Send this form to:

B.C. Art Therapy Assn. ATTENTION: Ethics Chair  
101 - 1001 West Broadway, Dept. 123, Vancouver, B.C. V6H 4E4  
Telephone: (604) 878-6393; E-Mail: [info@arttherapy.bc.ca](mailto:info@arttherapy.bc.ca)  
Website: [www.arttherapy.bc.ca](http://www.arttherapy.bc.ca)