

August COR meeting Report to IPA Membership

APA Council takes actions to “reset our moral compass”

By Linda F Brown, PhD, HSPP
Representative to APA Council for IPA

When the 173-member Council of Representatives met Aug 5 and 7 in Toronto, there was little that seemed to be business-as-usual. The council was highly focused on determining how APA would respond to the independent review report (IR) of David Hoffman, which had been released in early July. Hoffman, of the law firm Sidley Austin, had been commissioned by the board of directors to do the investigation in response to allegations that the APA had colluded with the Bush Administration related to the use of abusive interrogation techniques during the War on Terror. President-elect Dr. Susan McDaniel officiated over all council proceedings related to the IR, as current president Dr. Barry Anton recused himself because he had been mentioned in the report. Dr. Nadine Kaslow, immediate past president, assisted Dr. McDaniel in leading the proceedings because the two made up the special committee overseeing the IR. Also absent from most of council proceedings were APA CEO Norman Anderson and general counsel Nathalie Gilfoyle, as they had also voluntarily recused themselves. Chief financial officer Archie Turner took the role of acting CEO in matters related to the IR.

From the podium, Dr. McDaniel set the tone for the meeting by stating, “We start this process of making the world a better place here in this room.” She referred repeatedly to the need to “reset our moral compass and be certain we’re headed in the right direction.” By setting aside most of the non-IR-related business outlined in the 978-page agenda book to make time to focus on IR-related actions, the council passed three key “moral compass” motions—one addressing psychologists working at sites where military interrogations take place, one authorizing a major review of APA’s ethics processes, and the third initiating an overhaul of the conflict of interest (COI) procedures.

Psychologists prohibited from working at certain national security sites or participating in any national security interrogation

A motion to address psychologist participation in military interrogations passed Friday morning by an overwhelming majority (156 in favor including this writer, 1 opposed, 7 abstentions, and 1 recusal). It was a modification of a multifaceted motion that had initially been submitted by Drs. Scott Churchill, Jean Maria Arrigo, and Frank Farley in February 2014. In essence the bill: 1.) prohibits psychologists from participating in any national security interrogation involving military and intelligence authorities, 2.) prohibits psychologists from working at Guantanamo Bay or other “black sites” where detainees might be interrogated under foreign jurisdiction, unless the psychologist is working for a detainee or providing treatment to military personnel; 3.) redefines the term “cruel, inhuman or degrading treatment or punishment” in accordance with the UN Convention Against Torture (rather than with the Bush administration's U.S. Reservations to this treaty) to ensure that it provides protections to everyone, including foreign detainees held outside of the U.S.; 4.) continues to offer APA as a supportive resource for the ethical

practice of psychologists (including military and national security) in organizational settings, and 5.) calls for letters from APA to notify federal officials of APA's expanded human rights policy and to request that psychologists at prohibited detention settings be offered deployment elsewhere.

The number of observers to council proceedings on Friday morning exceeded the usual number by several dozen. The group included human rights activists and early career professionals who advocated passage of the motion, as well as media representatives. At the request of a council representative, the vote was taken by verbal roll call—highly usual for this body that typically uses electronic clickers. Once the vote was complete, the passage of the bill was celebrated by a standing ovation by a majority of the council and observers. By the following day, news stories about this action appeared in The New York Times and several other media.

Other key IR-related actions

The council also modified and approved (by vote of 144 yes including this writer, 10 no, 8 abstain, 2 recused) a motion submitted by the board of directors to substantively review APA ethics process. The text of the motion follows:

Council approves the establishment of a blue ribbon panel to evaluate and recommend changes to APA Ethics processes (including, but not limited to, the establishment of a Chief Ethics Officer, relation between ethics education and the ethics adjudication function, review of the efficacy and utility of the investigative and adjudication processes, and attention to the potential conflicts between human rights and other considerations), based on an assessment of current practices and procedures as well as benchmarking against ethics processes of other professional organizations. The panel will be appointed collaboratively by the Board and Council Leadership Team and will include psychologist members and non-members of APA and relevant experts from other fields. A matrix of expertise needed will be composed of and will include diversity of perspective, specialty, practice setting, and human diversity. As part of this process the panel will be charged with ensuring that the process explicitly invites, explores, and does active research to generate and ensure feedback and voice from general members through direct forums. The panel will report back to Council in August 2016

The third IR-related action was a move to add structure to APA's COI procedures by requiring that anyone serving on the council, boards, committees, and task forces or representing the APA to an outside entity sign a form annually that discloses any potential conflict and offers a process for self-recusal for issues in which a conflict may arise. A motion passed to develop a statement of principles to this effect to be acted upon in the February 2016 meeting. The motion passed by a vote of 157 in favor including this writer, 5 against, 2 abstained.

IR background and costs

Prior to taking action, the council proceedings opened on Wednesday with a

presentation, followed by Q&A, from the lead author of the IR, David Hoffman and another member of the investigative team, Danielle Carter. At the request of Hoffman, this was done in executive session. Also covered in executive session was a discussion of personnel issues (which per bylaw can only be discussed in executive session) and a presentation on the costs of the investigation. In the interest of transparency, the council passed a motion (161 to 1) in favor of making the costs of the investigation public. Fees billed by the Sidley firm combined with firms handling public relations and outside counsel as of July 15 were \$4.3 million. Turner added that an update about not-yet-billed costs will be provided as of September 30, and a final report will be provided once all of the costs have been billed. He stated these costs will be paid from the net assets of the Association which were \$61.5 million at December 31, 2015 per the audited financial statements.

Other actions of council

Although dozens of motions were put on hold to allow time to address the IR, a few high priority motions were passed including: the Resolution On Independence of Psychologists, a motion providing an enhanced template for bylaw amendment ballots, and a motion about the ASPPB interjurisdictional compact (PSYPACT). Watch for more details about these actions in the APA Monitor. Notably, motions related to the Good Governance Project, a topic that has dominated several recent council meetings, were put on hold to allow time to address the IR.

Leaders and council representatives acknowledged repeatedly that significant further actions remain to be taken to address the findings of the IR, and a proposal is under consideration to extend the length of the next planned meeting, which is in February 2016.