

How to Resolve Situations Involving Questionable Ethics

Terminology:

- **Consumer:** anyone who is not a member of the American Dance Therapy Association (ADTA)
- **Complainant:** the person filing the Awareness, Matter, Concern, or Complaint
- **Respondent:** the person about whom the Matter, Concern, or Complaint is filed
- **Remediation:** involves actions that focus on repair or reconciliation and do not involve suspension or revocation of a credential
- **Disciplinary Actions:** involve the suspension or temporarily revocation of a Dance/Movement Therapy (DMT) credential

The ADTA, the Standards & Ethics Committee, and the Dance/Movement Therapy Certification Board would like its consumers and members to know:

1. Situations involving questionable ethics are unavoidable.
2. When a situation arises involving questionable ethics, the ADTA encourages those involved to explore and attempt to resolve the situation by talking to one another and sharing perspectives, understanding, and lived experiences before contacting the ADTA for support.
3. The ADTA offers support if resolution cannot be achieved through conversation, or when a conversation isn't feasible due to extenuating circumstances.
4. The first thing to do when requesting support is contact the Standards & Ethics Committee. The Standards & Ethics Committee is a branch within the ADTA that upholds ethical standards for practicing dance/movement therapists, and clarifies ethical practices and procedures, as questions arise, for dance/movement therapists and consumers of dance/movement therapy.
5. Anyone can contact the Standards & Ethic Committee to discuss a situation involving questionable ethics concerning a practicing dance/movement therapist who has signed the ADTA Code of Ethical Practice.
6. The Standards & Ethics Committee requests that members and consumers seek support or report situations involving questionable ethics as soon as possible. Timely reporting minimizes the risk of perpetuating harm.
7. The ADTA, the Standards & Ethics Committee, and the Dance/Movement Therapy Certification Board will make every effort to support and help resolve situations in a manner that demonstrates:
 - a. Care for everyone involved,
 - b. Cultural humility,

- c. Non-maleficence,
- d. Anti-oppression,
- e. Anti-discrimination,
- f. Equity,
- g. Social Justice, and
- h. Confidentiality.

Levels of Support:

1. **Ethical Awareness:** an ethical “suggestion” where the person(s) involved are not looking to take any action, except to raise awareness or provide an ethics related idea to the Standards & Ethics Committee. The only immediate action taken by the Committee is documenting the information received. The Committee may decide to present and/or use the suggestion(s) at workshops and/or conferences with the intention to explore the suggestion and further educate the ADTA membership.
2. **Ethical Matter:** a situation where ethics are questioned. The Standards & Ethics Committee is contacted to assess and make recommendations on how to best achieve resolution.
3. **Ethical Concern:** an ethical situation which necessitates the Standards & Ethics Committee to mediate a conversation between the Complainant and the Respondent with a goal of achieving resolution. Remediation may be required. No disciplinary actions are imposed.
4. **Ethical Complaint:** an ethical situation which necessitates the Dance/Movement Therapy Certification Board, collaborating with the Standard & Ethics Committee, to implement an investigation with a goal of achieving resolution. Remediation and disciplinary actions may be required.

Important Information:

1. The Standards & Ethics Committee oversees procedures related to Ethical Awareness, Ethical Matters, and Ethical Concerns.
2. The Dance/Movement Therapy Certification Board oversees procedures related to Ethical Complaints.
3. Ethical Awareness suggestions are emailed to the Standards & Ethics Committee. As much as possible, the identity of the person submitting the suggestion will be kept anonymous, and the communication will be kept confidential.
4. Ethical Matters, Ethical Concerns, and/or Ethical Complaints cannot be filed anonymously. The identity of the Complainant, Respondent, and named witnesses will be shared with the appropriate people, as necessary to the level of support and appropriate confidentiality constraints.

5. Everything is documented, from first contact with the Standards & Ethics Committee to final resolution.
6. Members of the Standards & Ethics Committee or the Dance/Movement Therapy Certification Board will recuse themselves from participating in an Ethical Awareness, Matter, Concern, and/or Complaint if a potential conflict of interest or a lack of impartiality exists.
7. All action regarding an Ethical Matter, Concern, and/or Complaint will be suspended by the Standards & Ethics Committee and the Dance/Movement Therapy Certification Board if either the Complainant or the Respondent take any form of legal action. The outcome of the legal action will inform the Committee and the Board on what further action to take. If legal action is initiated by either the Complainant and/or the Respondent, all documents, materials, and correspondence related to the Ethical Matter, Concern, or Complaint will be immediately shared with the President of the ADTA, the Chair and Compliance Coordinator of the Dance/Movement Therapy Certification Board, and the Chair of the Standards & Ethics Committee.
8. All email correspondence sent by the Standards & Ethics Committee and the Dance/Movement Therapy Certification Board will come from the Committee's and Board's official email addresses. All email correspondence will be sent to email addresses listed in the Membership Directory, unless otherwise specified. Email correspondence will be sent to the email address provided by the Complainant, if the Complainant is not a member of the ADTA.

Procedures Related to Ethical Awareness:

1. The Complainant sends an email to the Standards and Ethics Committee at ethics@adta.org. Include the words "Ethical Awareness" in the subject line. The email informs the Committee of the person's idea and provides as much detailed information as possible to help the Committee understand it.
2. The Standards & Ethics committee will document receipt of the email.
3. No further action is required.

Procedures Related to Ethical Matters:

1. The Complainant sends an email to the Standards & Ethics Committee at ethics@adta.org. Include the words "Situation Involving Questionable Ethics" in the subject line. The email informs the Committee that a possible situation involving questionable ethics has occurred and provides as much detailed information as possible to help the Committee understand what has happened.
At this point, the situation is considered an Ethical Matter.

2. The Standards & Ethics Committee reviews the email and assesses the information to determine if the Matter should be considered an Ethical Concern or an Ethical Complaint. Criteria for making this determination is based on whether or not the Complainant, the Respondent, and/or another individual (such as a consumer) is at potential risk for physical or emotional harm.

Examples of physical and emotional harm include, but are not limited to, micro-aggressions, power differential, sexual harassment/trauma, racial harassment/trauma, fear of physical retaliation, threats of legal action, threats to the Complainant's training, supervision, employment, or opportunity for professional advancement. These examples apply to members and consumers.

3. In collaboration with the Complainant, if the Standards & Ethics Committee determines that the Matter:
 - a. does not appear to have the potential for physical or emotional harm, or
 - b. does not require the imposition of disciplinary actions relating to credentials,

the Committee recommends a mediated conversation between the Complainant and the Respondent to seek resolution. **At this point, the Ethical Matter is considered an Ethical Concern.**

The Standards & Ethics Committee appoints a Sub-Committee to oversee the Ethical Concern. The Sub-Committee is composed of the Standards & Ethics Chair and at least two members of the Standards & Ethics Committee.

The Standards & Ethics Chair contacts the Complainant informing them of the recommendation to hold a confidential mediated conversation. The Standards & Ethics Chair also contacts the Respondent, informing them that an Ethical Concern has been received. All steps leading to a mediated conversation (e.g.: the recommendation, the invitation to participate, and acceptances or declinations) is communicated to the Complainant and Respondent. All details and communications related to this recommendation are kept confidential and documented by the Standards & Ethics Committee. Either the Complainant or the Respondent can decline to participate in a mediated conversation. Declinations must be documented and sent to the Standards & Ethics Committee at ethics@adta.org. **If a declination is made, the Ethical Matter is considered an Ethical Complaint.**

4. In collaboration with the Complainant, if the Standards & Ethics Committee determines that the Matter:
 - a. does appear to have the potential for physical or emotional harm, or

b. may require the imposition of disciplinary actions relating to credentials, the Committee refers the Complainant to the Dance/Movement Therapy Certification Board. The Standards & Ethics Chair contacts the Complainant informing them of the referral. **At this point, the Ethical Matter is considered an Ethical Complaint.**

5. The Standards & Ethics Committee forwards copies of all documentation to the Dance/Movement Therapy Certification Board once an Ethical Matter or an Ethical Concern is determined to be an Ethical Complaint.

Procedures Related to Ethical Concerns:

1. A member of the Standard & Ethics Sub-Committee emails the Complainant and the Respondent to schedule a mutually agreeable date and time to meet for a mediated conversation.
 - a. The Complainant and Respondent have two-weeks to respond.
 - b. If no response is received, the Sub-Committee member makes a second and third attempt to contact, allowing two-weeks to respond after each attempt.
 - c. **The Ethical Concern is considered an Ethical Complaint if either the Complainant or the Respondent does not respond by the third attempt.**
2. The mediated conversation will follow the following format:
 - a. Introductory remarks made by the mediator (The mediator will be a member of the Standards & Ethics Sub-Committee),
 - b. Statement of the problem by the Complainant and Respondent,
 - c. Time to share relevant information,
 - d. Identification of the problem(s),
 - e. Bargaining and generating options, and
 - f. Reaching an agreement (e.g.: resolution).
3. The Ethical Concern is closed when a mutually agreeable resolution is determined.
4. In the event that the mediated conversation does not lead to a mutually agreeable resolution, the Standards & Ethics Committee refers the case to the Dance/Movement Therapy Certification Board. The Standards & Ethics Committee informs both the Complainant and the Respondent of the referral. **At this point, the Ethical Concern is considered an Ethical Complaint.**

Procedures Related to Ethical Complaints:

1. The Dance/Movement Therapy Certification Board contacts the Complainant and the Respondent notifying both, that oversight of the Ethical Complaint is now being guided by the Dance/Movement Therapy Certification Board (DMTCB).
2. The Complainant submits an Ethical Complaint Form and identifies the specific ethical codes related to the complaint, the names of up to three witnesses who can substantiate the details of the complaint, and any other information related to the claim.
 - a. All additional witnesses may submit written statements of support to the Dance/Movement Therapy Certification Board.
 - b. Written statements should be e-mailed to dmtcbaudit@adta.org with “Witness statement in support of (*name of Complainant*)” or “Additional Information in Support of (*name of Complainant*)” in the subject line.
3. The Dance/Movement Therapy Certification Board contacts the Respondent to inform them of the ethical complaint and requests a written response statement, the names of up to three witnesses and additional information important to their case.
 - a. All additional witnesses may submit written statements of support to the Dance/Movement Therapy Certification Board.
 - b. All written statements should be e-mailed to dmtcbaudit@adta.org with “Witness Statement in support of (*name of Respondent*)” or “Additional Information in Support of (*name of Respondent*)” in the subject line.
4. Statements, support documents, and additional materials submitted by the Complainant, Respondent, and all witnesses, are considered confidential and are only to be shared with the following individuals:
 - a. The Complainant,
 - b. The Respondent,
 - c. The members of the investigative panel, and
 - d. The Chair and Compliance Coordinator of the DMTCB and the members of the Standards and Ethics Committee, who have been assigned to the complaint.
 - e. In the event of any legal action that might occur related to this complaint, all documents will also be shared with the President of the ADTA.

5. Once all documentation is received, The Dance/Movement Therapy Certification Board convenes an independent three-member investigative panel composed of three randomly selected Board Certified Dance/Movement Therapists. The panel reviews all documentation, submitted statements, and interviews the Complainant, the Respondent, and all named witnesses.
 - a. Based on their review of the documentation and interviews, the panel evaluates the complaint.
 - b. The panel submits a written report to the Chair and Compliance Coordinator of The Dance/Movement Therapy Certification Board and the members of the Standards & Ethics Sub-Committee assigned to the complaint.
 - c. The panel has a total of 90 days to complete their review and recommendation. In the event of extenuating circumstances (e.g.: difficulty with contacting witnesses) this time frame may be adjusted.
6. If the panel determines that there have been no violations of the Code of Ethics, all charges are dropped, and the case is closed.
7. If the panel concludes that violations have occurred, the Chair and Compliance Coordinator of The Dance/Movement Therapy Certification Board and the Standards & Ethics Sub-committee determine the remediation and/or disciplinary actions to be imposed.
 - a. Remediation **may** include one or more of the following:
 - i. Attending a workshop or course on Ethical Practice or a topic related to the ethical violation.
 - ii. Submitting a 500-word essay discussing the ethical complaint violation and include identification of the ethical challenges related to the violation as well as at least two ways to have more ethically responded to the situation.
 - iii. Attending a workshop on diversity, equity, and inclusion or other topic related to the ethical complaint.
 - iv. Requiring additional supervision if the ethical issue is related to clinical practice.
 - v. Other remediation options that are relevant to the complaint.
 - b. Disciplinary actions **may** include the following:
 - i. Temporary suspension of the R-DMT or BC-DMT credential for a specific length of time. (Including identification of any requirements that need to occur prior to reinstating the credential)

- ii. Permanent revocation of the R-DMT or BC-DMT credential.
8. The Chair of The Dance/Movement Therapy Certification Board emails the Complainant and the Respondent, notifying them of the decision.
 9. The Ethics Complaint is considered closed when any of the following occur:
 - a. A decision related to the ethical complaint is reached and is communicated to all involved parties.
 - b. The decision is appealed by the respondent.
 - c. The ethical complaint is withdrawn by the Complainant.
 - d. The ethical complaint is escalated beyond the purview of the ADTA and the DMTCB (e.g becomes a legal suit.)

Procedures Related to Filing an Appeal:

The process for appealing an ethics complaint decision, remediation, and/or disciplinary actions is included in the written notification of the outcome of the investigation.

To submit an appeal of an Ethical Complaint decision:

1. Within 60 days of receiving the outcome notification, either party may contest the outcome, by appealing the decision, remediation plan and/or disciplinary actions.
 - a. The appeal should include what is being contested or opposed, with an accompanying explanation for the appeal.
 - b. The individual appealing the decision may also propose alternative options for specific remediation or disciplinary actions.
 - c. Note: The Appeal Panel may consider but is not obligated to adopt any alternative options that have been proposed.
2. All information should be sent by email to the Compliance Coordinator at DMTCBAudit@adta.org. Please include "*Appeal- with the name of the individual appealing the decision*" in the subject line.
3. The appeal will be reviewed by a new three-member Appeal Panel.
 - a. The three members are selected from each of the following bodies: the Dance/Movement Therapy Certification Board, the Executive Committee of the ADTA, and the Standards & Ethics Committee.
4. The Appeal Panel will consider all relevant information and write a statement of their decision and the decision's rationale, within 45 days of receiving the appeal

letter. The Chair of the Dance/Movement Therapy Certification Board will then inform all parties of the decision by email.

5. The appeal process is considered closed when any of the following occur:
 - a. The appeal decision is reached and communicated to all involved parties.
 - b. The time-period for submitting the appeal has expired,
 - c. The appeal is withdrawn or terminated by the individual submitting the appeal.
 - d. The appeal is escalated beyond the purview of the ADTA and the DMTCB (e.g becomes a legal suit.)

6. The decision by the Appeal Panel is final. Any further action related to the complaint (e.g. legal action or other similar processes) will take place outside of the ADTA/DMTCB grievance process.