California Association of School Counselors Ethics Committee Policies and Procedures
Adopted November 12, 2007
Revised July 2021

Section 1: General

1.1. The Ethical Standards. The California Association of School Counselors (CASC) (hereinafter referred to as the “Association” or “CASC,”) is dedicated to supporting school counselors in the State of California. The Association’s Board of Directors, in furthering its objectives, adopted the American School Counselor Association (ASCA) Ethical Standards for School Counselors (the “Ethical Standards”).

1.2. Policies and Procedures. The purpose of these policies and procedures is to facilitate the work of the CASC Ethics Committee (hereinafter referred to as the “Committee”) by specifying the Committee’s responsibilities, role and function, scope and authority, and establishing policies and procedures for the handling of complaints alleging violations of the Ethical Standards (the “Policies and Procedures”). These Policies and Procedures are to be used as a supplement to the Ethical Standards and the CASC Bylaws and not as a substitute as they are designed to implement best practices for members in accordance with the Ethical Standards and to remedy violations of the Ethical Standards. To the extent this document conflicts with the Ethical Standards, the Ethical Standards shall control.

Section 2: Committee Members

2.1. Ethics Committee Composition. The Ethics Committee is a standing committee of the Association. The Committee shall consist of at least five (5) appointed CASC members comprised of the following: the Chair of the Ethics Committee, who is an active CASC Board Member, one (1) current Board of Director member, two (2) active CASC members, and the CASC parliamentarian. These Committee members shall be appointed by the Association’s Chairperson of the Board of Directors and shall serve for a term of two (2) years. Committee appointments shall be subject to confirmation by a majority of the CASC Board of Directors. The Chair of the Ethics Committee will be selected by the Chairperson of the Board of Directors and serve a single, two (2) year term as the Committee Chair. The Association’s Chairperson shall timely fill any vacancy occurring on the Committee subject to confirmation by a majority of the CASC Board of Directors, and the person appointed to fill such vacancy shall serve the unexpired term of the Committee member who the newly appointed member replaced. Committee members may be reappointed for additional terms.

2.2. Executive Director Role. The CASC Executive Director, or his/her designee, will serve as a liaison between the Ethics Committee and the CASC office.
Section 3: Role, Function and Responsibilities of the Committee and Its Members

3.1 Committee Responsibility. The Ethics Committee is responsible for:

a. Providing education, opinions and advice to the Association and its members as to the Ethical Standards for School Counselors. This role is intended to be advisory in nature.

b. Periodically reviewing these Policies and Procedures and making recommendations to the Executive Board for changes/additions when necessary;

c. Investigating complaints about alleged ethical misconduct by members of the Association. The Committee will conduct a reasonable investigation of the facts and circumstances surrounding the allegations of ethical violations or misconduct (hereinafter a “Complaint”). The determination of the process for the conduct of the investigation shall be determined by the Committee. The Committee shall consider the merits of a Complaint, work expeditiously to safeguard the confidentiality of the Committee’s activities and to follow procedures that safeguard the privacy rights of all individuals involved in the Complaint process. The Committee, in taking any action regarding a Complaint, shall only take the degree of action that is reasonable, necessary to protect the interests of the Association and in members and in accordance with the CASC Bylaws. The Committee shall, at all times, act with objectivity and fairness, and in general shall act only to further the interests and objectives of the Association and its membership.

3.2 Avoiding Bias. Members of the Committee recognize that their role is an extremely important one, involving the rights of people, the reputation of the profession and the careers of individual professionals. Therefore, the Committee members must be alert to any personal, social, organizational, financial and/or political situations or pressures that may lead to bias or misuse of influence.

3.3 Confidentiality. The Committee shall ensure the responsible use of all information obtained in the course of an inquiry or investigation and shall take such steps as reasonably necessary to protect the confidentiality of the investigation of a Complaint. All information obtained by the Committee in connection with or concerning a Complaint shall be deemed confidential and may not be disclosed except when such information must be released to protect the interests of a) the complainant or respondent; b) when requested by other investigative, governmental or adjudicative bodies; c) the Association; or d) members of the public at large. Any report or recommendation by the Committee to the CASC Board of Directors shall only be disclosed to the Respondent, Executive Director, the members of the Board and the members of the Ethics Committee. At the conclusion of any matter involving a Complaint, no personal copies of any documents related to the Complaint will be kept by a member of the Committee, or in the case of an Appeal, by the members of the Board of Directors.

3.4 Committee Meetings. The Committee shall meet at such times and places as determined by the Committee Chairperson and may meet in person, by telephone, via email or by video conference as necessary.

3.5 Quorum; Conflicts of Interest. Of the five (5) voting members of the Committee, a quorum of
three (3) members is necessary to conduct any Committee business. In the event any member of the Committee has a conflict of interest or is a witness, then he or she shall not participate in any decisions regarding any matter for which an actual conflict of interest is present. Conflicts of interest are not waivable. In the event any Committee members recuse themselves from a complaint and insufficient voting members are available to conduct business, the Chairperson of the Board of Directors shall appoint additional Ethics Committee members for the case in question to decide the complaint.

Section 4: Role of the Ethics Committee Chair

4.1. Role of Chairperson. The Ethics Committee Chairperson (with assistance of the Executive Director or the Association’s Chairperson and/or the Association’s attorney when necessary) is responsible for:

   a. Presiding over meetings of the Committee;

   b. Periodically reviewing and/or suggesting modifications to these policies and procedures and making recommendations to the Board of Directors;

   c. Receiving and processing requests for interpretations of the Ethical Standards by members of the Association;

   d. Receiving and investigating Complaints of alleged ethical misconduct and/or violations of the Ethical Standards.

4.2. Duties of Chairperson upon Receipt of A Complaint. Upon receipt of a Complaint, the Chairperson shall:

   a. Notify the individual(s) who petitioned the Ethics Committee for review of a Complaint (hereinafter referred to as the “Complainant”) and the member(s) accused of ethical misconduct or violations of the Ethical Standards (hereinafter referred to as the “Respondent”) of receipt of the Complaint by certified mail, return receipt requested or by acknowledgment of receipt of Complaint by email;

   b. Inform the Complainant(s) that copies of the Complaint, supporting statements and any documents submitted with the Complaint will be provided to the Respondent when the Complaint is accepted by the Committee for investigation, review and disposition by the Committee;

   c. Notify the members of the Committee of the receipt of a Complaint and scheduling a meeting of the Committee to review the Complaint; and

   d. Preparing and sending, by certified mail, or by acknowledgment of receipt by email communications to the Complainant and Respondent; and
e. Arranging for legal advice in order to protect the interests of the Association and otherwise in assisting the Committee in the handling and conduct of the investigation into Complaints with the assistance and financial approval of the CASC Executive Director.

4.3. Chairperson Conflicts of Interest. In the event that the Committee Chairperson has a conflict of interest in a particular Complaint, the Chair of the Association shall appoint a new Chairperson for the handling of that Complaint selecting from existing members of the Committee. In the event the Chair of the Association has a conflict of interest, the Vice Chair of the Association shall make such selection.

Section 5: Scope and Authority of the Committee

5.1. Authority of Committee. The Committee shall investigate and recommend a course of action to address Complaints regarding alleged member conduct that violates professional ethical standards including, but not limited to, alleged violations or misconduct in relation to the Ethical Standards. This authority is to be interpreted broadly to cover all member conduct that intersects with the Ethical Standards.

5.2. Committee to Determine if Conduct of Member Violates Ethical Standards. The Committee shall address all issues of ethical misconduct involving a member of the Association. What constitutes ethical misconduct shall be determined by the Committee in accordance with the provisions of the ASCA Ethical Standards.

5.3. Not Limited to Ethical Standards in Reviewing Actions of Member. The Committee shall, in addressing issues raised by a Complaint and in recommending actions to be taken to the Board of Directors, utilize any applicable governmental laws, the Bylaws of the Association, the Ethical Standards for School Counselors, and these Policies and Procedures to formulate its actions and make decisions and recommendations.

5.4. Complaints Against Members. Complaints received by the Committee shall be reviewed by the Committee and governed by the Ethical Standards in force at the time of the alleged misconduct. Investigation and adjudication of Complaints by the Committee shall be conducted in accordance with the then current version of these Policies and Procedures in force at the time the Committee receives the Complaint. The Committee may consider a Complaint against an individual if he/she is:

   a. a current member of the Association; and/or

   b. an Association member when the alleged misconduct/violation(s) occurred; and/or

   c. failed to act when the member had a duty to act as proscribed by the Ethical Standards; and/or
d. failed to act to report a violation of the Ethical Standards by a member.

Section 6: Complaints and Inquiries

6.1. Complainants. The Committee shall recognize and respond to all complaints and inquiries that CASC members have violated one or more sections of the Ethical Standards from a) any individual, or group of individuals, who have reason to believe that a CASC member(s) has violated the ASCA Ethical Standards; b) CASC members, or members of other helping professions, who have reason to believe that a CASC member(s) has violated the Ethical Standards.

6.2. Informal Resolution. When appropriate, individuals should attempt to resolve Complaints directly with charged members before filing an ethical Complaint.

6.3. No Anonymous Complaints; Confidential Reporting. The Complainant does not need to be a member of CASC. The Committee shall not act upon anonymous letters and/or phone calls. Complaints will not be formally recognized and processed, and/or unless the Complainant is involved in a hierarchical relationship at which time Complainant can request Confidential Reporting. In such case, the Committee may consider the Complaint and the identity of the Complainant shall remain confidential. In such case, the Complaint and all documents and writings shall refer to the Complainant as John or Jane Doe.

6.4. Timelines. Any timelines set forth in these policies and procedures are intended to serve only as guidelines for the Committee members and may be modified or waived in the discretion of the Committee.

6.5. Time Limitations on Complaints. The Committee may only consider Complaints received by the Committee within three (3) years of the facts and circumstances giving rise to the ethical violation or misconduct or longer if such facts and circumstances could not reasonably be discovered.

Section 7: Filing A Complaint

7.1. Filing a Complaint. A Complaint or inquiry may be informally handled, referred elsewhere when appropriate, or the Committee Chairperson may request that the Complaint be formally submitted to the Committee through completion of a written complaint form. Those wishing to file a Complaint need not contact the Chairperson prior to filing a Complaint as long as they comply with the following requirements:

   a. Complaints must be legibly printed or typed to be accepted.

   b. A Complaint shall consist of i) a completed ethical complaint form; ii) a signed release authorizing that the Complainant’s name be revealed to the Respondent (except as provided for in section four (4) below); iii) relevant materials associated with the Complaint; iv) names and complete contact information including email and telephone number for any individuals or witnesses the Complainant wishes the Committee to interview in connection with the Complaint.

   c. Complaints shall be submitted by mail or can be dropped off in person at CASC.
Headquarters. Email shall not be utilized to submit a Complaint.

7.2. Confidential Reporting. In those situations, in which the Complainant has a subordinate relationship to the Respondent, the Complainant may request anonymity. The Ethics Committee, in its sole and absolute discretion, shall determine the appropriateness of such confidential reporting.

7.3. Filing Instructions. All written communications related to a Complaint must be addressed to the Ethics Committee Chairperson at CASC Headquarters, 1095 Bonita Avenue, La Verne, CA 91750 and must be marked “CONFIDENTIAL” in order to protect the confidentiality of both the Complainant and the Respondent. The address where information is to be sent to the Complainant by the Ethics Committee shall also be indicated in all written communications.

Section 8: Receipt of Complaint by Ethics Committee

8.1. Chairperson Responsibilities Upon Receipt of a Complaint. Upon receipt of a Complaint comporting with the requirements of Section 7.1 above, the Ethics Committee Chairperson shall do the following:

a. Acknowledge to Complainant receipt of the Complaint by email at the address provided by the Complainant.

b. Confirm that the person(s) named in the Complaint is, or was, a member of CASC at the time of the incident giving rise to the Complaint and that the facts and circumstances alleged in the Complaint (the “Incident”) occurred within three (3) years of the date of receipt of the Complaint, or if longer than three (3) years could not have been discovered with the exercise of reasonable diligence by the Complainant. If the person is not, or was not, a CASC member at the time of the Incident, the Complainant shall be so advised and, when appropriate, referred to other agencies and/or associations that may have authority in the matter.

8.2. Ethics Committee Initial Review of Complaint. If the Respondent is or was a member of CASC during the occurrence of the alleged Incident, the Ethics Committee shall accept the Complaint for review and determination. If, after a review of the Complaint, the Committee determines that the alleged misconduct, even if true, would not constitute an actual violation of the Ethical Standards or the Complaint could not be properly decided by the Committee, the Chairperson shall notify the Complainant that no further proceedings related to the Complaint will be held by the Committee, that the Complaint is dismissed. The Committee Chairperson shall provide a short succinct statement to the Complainant as to the reason for the dismissal. The decision of the Committee is final.

8.3. Supplemental Information. If the Committee determines that there is insufficient information contained in the Complaint to make a fair determination of whether the behavior alleged in the Complaint would be cause for action by the Committee, the Chairperson may request, in writing, further information or clarification from the Complainant or others. The Complainant or others from whom information is requested must comply with information requests within the period identified in the information request. If the requested information is not timely provided, the Complaint may be dismissed by the Committee for the failure to timely respond.

8.4. Committee to Exercise Reasonable Judgment. The Committee is empowered to use its reasonable judgment and discretion in the handling and disposition of Complaints particularly when a member appears to have engaged in ethical misconduct that has the potential to injure the Association and/or its
Section 9: Ethics Committee Investigations

9.1. Notification to Respondent; Duties of Chairperson. If the Committee accepts the Complaint for determination in accordance with these Policies and Procedures, the Committee Chairperson shall inform the Respondent, by telephone (or by written acknowledgment of receipt by email or regular mail by Respondent of the Complaint) that a Complaint has been filed against him/her alleging violation(s) of the Ethical Standards. The Committee Chairperson shall cause a complete copy of the Complaint with all attachments and a copy of these policies and procedures to be delivered to the Respondent by mail or by delivery to the Respondent at CASC Headquarters. The Chairperson shall also provide to Respondent:

   a. a copy of the Ethical Standards;

   b. a letter containing the date by which any Response to the Complaint must be filed if the Respondent desires to challenge the allegations raised in the Complaint (such date shall not be less than fifteen (15) days from the date the letter is sent); and

   c. a request for hearing form.

9.2. Response to Complaint. The Committee will accept a written response to the Complaint and any supporting information pertinent to the Complaint (“Response”) which Response must be received by the Committee on or before the date set forth in the letter from the Committee to Respondent regarding the receipt of a Complaint by the Committee. All correspondence with the Committee, including any Response or request for hearing must be sent to the Ethics Committee at: 1095 Bonita Avenue, La Verne, CA 91750. Email will not be accepted or considered by the Committee. If the Respondent does not timely file a Response the Committee may continue its investigation and disposition of the Complaint, noting the Respondent’s failure to respond.

9.3. Request for Hearing. At the time of submitting a Response, Respondent may submit a completed request for hearing form providing any and all written documentation, including a list of witnesses to be called at the time of the hearing. If a person is not disclosed on this list, they may not be called at time of hearing.

9.4. Committee Discretion in Complaint Adjudication Process. The Committee has the discretion to schedule or not schedule a hearing in its sole and absolute discretion at any time or in any manner as the circumstances surrounding the Complaint dictate and regardless as to
whether a hearing was requested. The Committee may interview such persons and review such
documents as it deems reasonably necessary in order to make a disposition of a Complaint. The
Ethics Committee is charged at all times with acting in the best interest of the Association and
with providing a fair opportunity for a Respondent to present a defense to a Complaint. If the
Committee intends to schedule a hearing it will notify both parties of the date at least 10 days in
advance of such hearing. The Respondent may request a one-time delay or postponement of a
scheduled hearing for good cause if done so in writing.

9.5. Withdrawal of Complaints; Effect of Withdrawal. A Complainant may withdraw a
Complaint at any time. The Ethics Committee at all times retains jurisdiction to decide the
issue(s) raised by the Complaint particularly if the issues are of sufficient importance as to
warrant continuing the disposition of the matter and in the interest of the public welfare or of the
Association.

9.6. Other Proceedings. Complainants and Respondents are required to notify the Committee if
they learn of any type of legal proceeding (civil or criminal) related to the allegations raised in
the Complaint. In the event any type of legal proceeding is filed regarding the allegations in the
Complaint, all Ethic Committee activities and investigation related to the Complaint are stayed
until the related legal proceeding is concluded. The Committee will notify the parties of its
intention as to either to stay its proceedings or proceed with the Complaint if the pending
proceeding does not involve the same facts and circumstances as alleged in the Complaint.

Section 10: Complaint Adjudication and Disposition.

10.1. Committee Review of Complaint and Response. After the deadline for a Response, the
Committee shall meet and review all documents received by the Committee related to the matter
including a copy of the Complaint, any Response, and any other documents and materials
submitted by the Complainant or Respondent as well as any other relevant materials to the
committee by a witness or other interested party. The Committee is not a court of law and the
Committee, and all times shall be only held to a standard of good faith and reasonableness in
making a decision as to the merits of a Complaint against the Respondent. The Committee may
review such information and interview such persons as it reasonably believes are necessary to
make a determination on the ethical issues raised by the Complaint.

10.2. Hearings and Witness Interviews. In the sole and absolute discretion of the Committee, the
Committee may schedule such hearings or interview such persons as it reasonably determines
are necessary to inform the Committee to make a decision as to the issues raised by the
Complaint. All hearings or interviews shall include the opportunity for the Respondent to attend.
The Committee will make a reasonable effort to schedule any hearing or interview so the
Respondent can participate, but the Committee may proceed without the Respondent present.

10.3. Conduct of Proceedings. The Committee Chairperson shall preside at any hearing or
witness interview and shall determine, in all respects, how the manner and order of each
proceeding of the Committee shall take place and whether it shall be held in person or remotely
and determine the number and identity of persons to be heard. All hearings or interviews may be recorded. The Committee Chairperson shall also have the ability to exclude and person from any proceeding of the Committee. The Committee Chair shall allow questions to be asked of any person present to present information to the Committee related to the Complaint including questions by the Respondent or members of the Committee. The Committee Chair will determine what questions and information are relevant to the issues raised by the Complaint. The Committee Chairperson shall have the authority to terminate any proceeding of the Committee at any time. All expenses associated with witnesses shall be borne by their respective parties. There shall not be any attorneys or representatives permitted at any time to represent or assist a Respondent.

10.4. **Determination of Ethical Issues Raised By Complaint.** Once the Committee determines that it has obtained and reviewed sufficient information that it reasonably believes in good faith upon which to reach a disposition of the issues raised by the Complaint, the Committee shall vote on whether to affirm or deny liability of the Respondent as to each ethical issue raised by the Complaint in accordance with the Ethical Standards. If Respondent is found to have, more likely than not, violated one or more of the Ethical Standards, the Committee shall also decide the consequences to be imposed upon the Respondent, if any. Any such consequences must be imposed by a majority vote of the Committee. The decision of the Committee is final. No report is required, but the Committee shall prepare a written statement of its decision, the Ethical Standards found by the Committee to have been violated by the Respondent, and any consequences imposed upon the Respondent by the Committee for the ethical violations (the Decision”)

10.5. **Dismissal of Complaint For No Violation of Ethical Standards.** If the Committee determines that a violation of the Ethical Standards by the Respondent has not occurred, the Complaint will be dismissed. In such case, the Committee may still make recommendations related to best practices or provide other advice to the Respondent so as to advance the professional ethical practice of school counseling.

10.6. **Violations of the Ethical Standards.** The Ethics Committee may impose upon the Respondent, found by a majority of the Committee to have violated one or more of the Ethical Standards raised by the Complaint, any, some or all of the following:

   a. **Corrective Measures.** Recommend corrective measures to Respondent to modify or stop certain activities or practices;

   b. **Privately Censure of the Respondent.** Private censure shall take the form of depriving the Respondent from participating in CASC leadership activities for a specified period of time, representing CASC at public forums, authoring CASC publications, and/or attending CASC sponsored meetings, professional development or conferences. A private censure recommendation shall only be imposed for a period of one year from the date of the Decision of the Complaint.
c. Public Censure of the Respondent. This includes suspension from CASC membership for a specified period of time (not to exceed two years) and Respondent demonstrating to the Committee compliance with any requested corrective measure(s).

d. Revocation of Respondents Membership. The permanent revocation of Respondent’s membership in the Association;

10.7. Final Disposition of the Complaint. The Committee Chairperson, after the Decision of the Committee has been rendered by the Committee, shall inform the Respondent by email or other written communication of the Committee’s Decision. The Respondent shall also be notified of his/her right to appeal only the consequences imposed by the Committee as set forth in the Decision to the CASC Board of Directors.

Section 11: Appeals

11.1. Appeals for Just Cause. In accordance with CASC’s Bylaws, decisions of the CASC Ethics Committee may be appealed by the Respondent, for just cause to the CASC Board of Directors (“Appeal”). Said Appeal must be in writing, directed to the Chair of the Association, and must be received at the CASC address listed in these Policies and Procedures within thirty (30) calendar days of the issuance of the Decision. Any Appeal must be directed only to the consequences imposed upon the Respondent as set forth in the Decision and the just cause reason for the appeal must be clearly stated by Respondent.

11.2. Board Review of Decision. Upon receipt of a timely filed Appeal from a Decision of the Committee, the Chair of the Association shall schedule a review of the Decision with the Board of Directors at the next regularly scheduled Board meeting.

11.3. Appeal File. The Ethics Committee Chairperson shall provide all documents relevant to the Complaint including the Appeal and the Decision to the Executive Director to copy and distribute to all Board Members in advance of the review by the Board.

11.4 Appeal Proceedings. The Chair of the Board shall preside over the appeal and deliberations of the Board. In order for the Appeal to proceed for full review by the Board, the Board shall initially determine by a 2/3 majority that the just cause requirement has been met in the initial filing by the Appellant. The Chairperson of the Ethics Committee shall be present at the Board meeting and answer any questions the Board members may have related to the underlying Complaint proceeding and the Decision. There shall be no witnesses. The Board secretary or their designee shall prepare minutes of the proceeding and a record of any votes taken during the appeal review.

11.6. Appeal Disposition. The Chair of the Board shall notify the Respondent of the Board’s decision regarding the Appeal following the conclusion of the review. The Board’s Appeal Decision shall be sent to Respondent by certified mail, return-receipt requested.
11.7 **Board Decision Final.** Any and all decisions of the Board of Directors related to an Appeal are final, binding and not subject to further hearing or review.

11.8 **Notification of Decision Following Appeal.** After the deadline for filing an appeal, or after a decision by the CASC Board of Directors on an Appeal, where a Respondent has had a suspension or revocation of membership imposed upon the Respondent’s membership in the Association, the CASC Board of Directors and/or the American School Counselor Association’s Board of Directors shall be notified of the terms of any suspension or revocation of membership.

11.9. **Notification of Other Entities or Employer.** In cases where the welfare of the public or children is at stake, and/or when the Ethics Committee deems it reasonably necessary to maintain the principles of the Association and the counseling profession, the Committee and/or the Association may notify the American School Counselor Association, applicable State certification boards, other interested parties including the respondent’s employer, of the final Decision regarding a Complaint against a member.

**Section 12: Records**

12.1. The records of the Committee concerning Complaints against members or former members are confidential except as otherwise provided herein.

12.2. The Committee and the Association shall prepare a file containing all relevant materials associated with the completed adjudication of a Complaint (the Complaint File”). The Complaint File will be stored and maintained (either on paper or electronically) by the CASC office for a period of three (3) years after the final Decision is issued in the matter or longer in the sole discretion of the Association. The Complaint File may include, records associated with the Complaint, all written communications between members/designees of the Ethics Committee and Complainants or Respondents, summaries of meetings or phone/video conferences held to discuss the Complaint, the Ethics Committee Decisions.