

STANDARDS OF PRACTICE AND CONDUCT

ONTARIO ART THERAPY ASSOCIATION STANDARDS OF PRACTICE AND CONDUCT

I PREAMBLE

The Ontario Art Therapy Association (OATA) is a nonprofit organization which seeks to protect the public by issuing registration and professional credentials to practitioners in the field of art therapy who must meet certain established standards. Members of OATA abide by these standards and by applicable provincial laws and regulations governing the conduct of art therapists and any additional license or certification which the therapist holds.

These Standards of Practice and Conduct are closely based upon standards adopted by the American Art Therapy Association and the Art Therapy Credentials Board and have been adapted to meet the goals and mission of the OATA and are intended to stand as an independent expression of the ethical principles that guide the work of those who hold OATA credentials. The OATA refers you to the Code of Ethics of the OATA (approved by membership May 27, 1999.)

Obtaining and maintaining OATA credentials shall require adherence to OATA's Standards of Professional Practice and Conduct. The Standards of Professional Practice and Conduct is designed to provide art therapists with a set of Ethical Considerations that should guide them in their practice of art therapy, to which every OATA member must adhere. OATA may suspend, revoke, or withhold the credentials of any person who fails to adhere to the Standards of Practice and Conduct.

The OATA does not guarantee the job performance of any person. The OATA does not express an opinion regarding the competence of, nor warrant the job performance of any member of the OATA. Rather, registration constitutes recognition by OATA that, to its best knowledge, an art therapist meets and adheres to certain minimum academic preparation, professional experience, continuing education, and professional standards.

The OATA endorses the following standards of practice and conduct, which must guide all art therapists who seek to obtain or maintain credentials under the authority of OATA.

II STANDARDS

1. RESPONSIBILITY

- 1.0 Art therapists aspire to advance the welfare of all clients, respect the rights of those persons seeking their assistance, and make reasonable efforts to ensure that their services are used appropriately.
- 1.1 At the outset of the client-therapist relationship, art therapists should discuss and explain to clients the rights, roles, expectations, and limitations of the art therapy process.
- 1.2 An art therapist continues a therapeutic relationship only so long as he or she believes that the client is benefitting from the relationship. It is unethical to maintain a professional or therapeutic relationship for the sole purpose of financial remuneration to the art therapist or when it becomes reasonably clear that the relationship or therapy is not in the best interest of the client.
- 1.3 Art therapists do not abandon nor neglect clients receiving services. If an art therapist is unable to continue to provide professional help, he or she should assist the client in making reasonable alternative arrangements for continuation of services.
- 1.4 Art therapists assess, treat, or advise on problems only in those cases in which they are competent as determined by their education, training, and experience.
- 1.5 Art therapists do not knowingly provide professional services to a person receiving treatment or therapy from another professional, except by agreement with such other professional, or after termination of the client's relationship with the other professional.
- 1.6 Art therapists do not engage in therapy practices or procedures that are beyond their scope of practice, experience, training, and education. Art therapists should assist persons in obtaining other therapeutic services if the therapist is unable or unwilling to provide professional help, or where the problem or treatment indicated is beyond the scope of practice of the art therapist
- 1.7 Art therapists shall not engage in dual relationships with clients. Art therapists shall recognize their influential position with respect to clients, and they shall not exploit the trust and dependency of persons. A dual relationship occurs when a therapist and client engage in separate and distinct relationship(s) or when an instructor or supervisor acts as a therapist to a student or supervisee either simultaneously with the therapeutic relationship, or less than two (**2**) years following termination of the therapeutic relationship. Some examples of dual relationships are borrowing money from the client, hiring the client, engaging in a close personal relationship with the client.
- 1.8 Art therapists shall never engage in sexual activity with a client or former client under any circumstances.

1(a) CONFIDENTIALITY.

- 1(a).0 Art therapists shall respect and protect confidential information obtained from clients including, but not limited to, all verbal and/ or artistic expression occurring within a client-therapist relationship.

- 1(a).1 Art therapists shall protect the confidentiality of the client-therapist relationship in all matters.
- 1(a).2 Art therapists shall not disclose confidential information without the client's explicit written consent unless there is reason to believe that the client or others are in immediate, severe danger to health or life. Any such disclosure shall be made consistent with provincial and federal laws that pertain to welfare of the client, family, and the general public.
- 1(a).3 In the event that an art therapist believes it is in the interest of the client to disclose confidential information, he or she shall seek and obtain written authorization from the client or the client's legal guardian, before making any disclosures, unless such disclosure is required by law.
- 1(a).4 Art therapists shall disclose confidential information when mandated by law and/or in an OATA disciplinary action. In these cases client confidences may be disclosed only as reasonably necessary in the course of that action.
- 1(a).5 Art therapists shall maintain client treatment records for a reasonable amount of time consistent with provincial regulations and sound clinical practice. Records shall be stored or disposed of in ways that maintain confidentiality.
- 1(a).6 Where the client is a minor, any and all disclosure or consent shall be made to or obtained from the parent or legal guardian of the minor client, except where otherwise provided by provincial law. Care shall be taken to preserve confidentiality with the minor client according to provincial laws.

1(b) ASSESSMENT METHODS

- 1(b).0 Art therapists develop and use assessment methods to better understand and serve the needs of their clients. They use assessment methods only within the context of a defined professional relationship.
- 1(b).1 Art therapists who use standardized assessment instruments are familiar with reliability, validity, standardization, error of measurement, and proper application of assessment methods used.
- 1(b).2 Art therapists use only those assessment methods in which they have acquired competence through appropriate training and supervised experience.
- 1(b).3 Art therapists who develop assessment instruments based on behavioral science research methods follow standard instrument development procedures. They specify in writing the training, education, and experience levels needed to use the assessment appropriately.
- 1(b).4 Art therapists obtain informed consent from clients regarding the nature and purpose of assessment methods to be used. When clients have difficulty understanding the language or procedural directives used, art therapists arrange for a qualified interpreter.
- 1(b).5 In choosing assessment methods and reporting the results, art therapists consider any factors potentially influencing outcomes, such as culture, race, gender, sexual orientation, age, religion, education, and disability. They take special care so that the results of their assessments are not misused by others.
- 1(b).6 Art therapists ensure that all assessment artwork and related data are kept confidential according to the policies and procedures of the professional setting in which these assessments are administered.

2. PUBLIC BEHAVIOUR.

- 2.0 Art therapists, because of their potential to influence and alter the lives of others, exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

- 2.1 An art therapist may file a complaint with OATA when the art therapist has reason to believe that another art therapist is or has been engaged in previously unreported conduct that violates the law or the Standards of Practice and Conduct contained in this Standards. This does not apply when the belief is based upon information obtained in the course of a therapeutic relationship with a client; however, this does not relieve an art therapist from the duty to file any reports required by law.
- 2.2 An art therapist may notify OATA of any previously unreported disciplinary sanctions imposed upon another art therapist by another professional credentialing agency or organization, when such sanctions come to his or her attention.

2(a) PUBLIC USE AND REPRODUCTION OF CLIENT ART EXPRESSION AND THERAPY SESSIONS

- 2(a).0 Art therapists shall not make or permit any public use or reproduction of a client's art therapy sessions, including verbalization and art expression, without explicit written consent of the client or, where appropriate, the client's parent or legal guardian.
- 2(a).1 Art therapists shall obtain written informed consent from a client, or where applicable, a parent or legal guardian before photographing the client's art expressions, video taping, audio recording, or otherwise duplicating, or permitting third party observation of art therapy sessions.
- 2(a).2 Art therapists shall use clinical materials in teaching, writing, and public presentations only if a written authorization has been previously obtained from the client who produced the material, or, where appropriate, a parent or legal guardian. Once authorization has been granted, the therapist shall ensure that appropriate steps are taken to protect client identity and disguise any part of the art expression or videotape which reveals client identity.
- 2(a).3 Art therapists shall obtain written, informed consent from a client or, when appropriate, the client's parent or legal guardian before displaying the client's art in galleries, mental health facilities, schools, or other public places.
- 2(a).4 Only when authorized by the client in writing can art therapists display client art expression and only in an appropriate and dignified manner.
- 2(a).5 Art therapists may represent themselves as specializing within a limited area of art therapy only if they have the education, training, and experience which meet recognized professional standards to practice in that specialty area.

3. INTEGRITY OF REPRESENTATION.

- 3.0 Art therapists shall respect the rights and works of professional colleagues when participating in activities which advance the goals of art therapy.
- 3.1 Art therapists shall endeavor to prevent distortion, misuse or suppression of art therapy findings by any institution or agency of which they are employees.

4. INDIVIDUAL ACCOUNTABILITY.

- 4.0 Art therapists shall take appropriate professional precautions to ensure that their judgement is not impaired, that no exploitation occurs, and that all conduct is undertaken solely in the client's best interest.
- 4.1 Art therapists shall not use their professional relationships with clients to further their own interests.
- 4.2 Art therapists shall not engage in any relationship with clients, students, interns, trainees, supervisees, employees, or colleagues that is exploitative by its nature or effect.
- 4.3 Art therapists shall not engage in exploitative relationships with clients. Exploitative relationships include, but are not limited to, borrowing money from or

loaning money to a client, hiring a client, engaging in a business venture with a client, engaging in a romantic relationship with a client, or engaging in sexual intimacy with a client.

5. EDUCATION.

- 5.0 Art therapists maintain high standards of professional competence and integrity.
- 5.1 Through educational activities and clinical experiences, art therapists keep informed and updated with regard to developments in their field or which relate to their practice.
- 5.2 Art therapists shall keep informed and updated with regard to developments in their field through educational activities and clinical experiences. They shall also remain informed of developments in other fields in which they are licensed or certified, or which relate to their practice.
- 5.3 Art therapists are encouraged, whenever possible, to assist and be involved in developing laws and regulations pertaining to the field of art therapy which serve the public interest and with changing such laws and regulations that are not in the public interest.

6. AS EDUCATORS.

- 6.0 Art therapists instruct their students using accurate, current, and scholarly information and at all times foster the professional growth of students and supervisees. Art therapists who are researchers seek to respect the dignity and protect the welfare of participants in research.
- 6.1 Art therapists do not distort or misuse their clinical and research findings.
- 6.2 Art therapists as teachers, supervisors, and researchers maintain high standards of scholarship and present accurate information.
- 6.3 Art therapists do not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their education, training, experience, or competence.
- 6.4 Art therapists shall be aware of their influential position with respect to students and supervisees and shall avoid exploiting the trust and dependency of such persons. Art therapists, therefore, shall not engage in a therapeutic relationship with their students or supervisees. Provision of therapy to students or supervisees is unethical.
- 6.5 Art therapists who act as supervisors are responsible for maintaining the quality of their supervision skills and obtaining consultation or supervision for their work as supervisors whenever appropriate.

6(a) RESEARCH

- 6(a).0 Researchers should be aware of and comply with federal and provincial laws and regulations, agency regulations, and professional standards governing the conduct of research.
- 6(a).1 Researchers should make careful examinations of ethical acceptability in planning studies. To the extent that services to research participants may be compromised by participation in research, investigators should seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of research participants.
- 6(a).2 A researcher requesting a participant's involvement in research should inform him or her of all risks and aspects of the research that might reasonably be

expected to influence willingness to participate, and should obtain a written informed consent, reflecting an understanding of the said risks and aspects of the research, signed by the participant, or, where appropriate, by the participant's parent or legal guardian. Researchers should be especially sensitive to the possibility of diminished consent when participants are also receiving clinical services, have impairments which limit understanding and/or communication, or when participants are children.

- 6(a).3 Researchers respect participants' freedom to decline participation in or to withdraw from a research study at any time. This principle requires special thought and consideration when investigators or other members of the research team are in positions of authority or influence over participants. Art therapists, therefore, should avoid relationships with research participants outside of the scope of the research.
- 6(a).4 Information obtained about a research participant during the course of an investigation should be treated as confidential unless there is an authorization previously obtained in writing. When there is a risk that others, including family members, may obtain access to such information, this risk, together with the plan for protecting confidentiality, should be explained as part of the above stated procedure for obtaining a written informed consent.

7. AS PRACTITIONERS.

- 7.0 Art therapists should engage in appropriate informational activities to enable lay persons to choose professional services on an informed basis.
- 7.1 Art therapists respect the rights of clients to make decisions and assist them in understanding the consequences of these decisions. Art therapists advise their clients that decisions on whether or not to follow treatment recommendations are the responsibility of the client. It is the professional responsibility of the art therapist to avoid ambiguity in the therapeutic relationship and to ensure clarity of roles at all times.
- 7.2 Art therapists are encouraged, whenever possible, to recognize a responsibility to participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little financial return.
- 7.3 Art therapists seek to ensure that financial arrangements with clients, third party payers, and supervisees are understandable and conform to accepted professional practices.
- 7.4 Art therapists should not offer nor accept payment for referrals.
- 7.5 Art therapists do not exploit their clients financially.
- 7.6 Art therapists represent facts truthfully to clients, third party payers, and supervisees regarding services rendered and the charges therefor.
- 7.7 Art therapists shall disclose their fees at the commencement of services and give reasonable notice of any changes in fees.
- 7.8 Art therapists shall be aware of their influential position with respect to students and supervisees, and they shall avoid exploiting the trust and dependency of such persons. Art therapists, therefore, shall not provide therapy to students or supervisees contemporaneously with the student/supervisee relationship.
- 7.9 Art therapists shall not engage in exploitative relationships with their students or supervisees. An exploitative relationship is a relationship between an art therapist and a student or supervisee which, in fact or by its inherent nature, contains the potential for abuse by the art therapist of the trust and dependency of the student or supervisee and the inherently influential position of the art therapist over the student or supervisee. Exploitative relationships between art therapists and students or supervisees include, but are not limited to, borrowing money from or loaning money to the student or supervisee, engaging in a romantic relationship with a current student or supervisee, or engaging in sexual intimacy with a current student or supervisee.

7(a) INDEPENDENT PRACTITIONER

- 7(a).0 The Independent Practitioner of Art Therapy is an art therapist who is practicing art therapy independently and who is responsible for the delivery of services to clients where the client and/or third party payer pays the clinician directly or through insurance for art therapy services rendered.
- 7(a).1 Art therapists do not provide services other than art therapy unless certified or licensed to provide such other services.
- 7(a).2 When appropriate, independent practitioners of art therapy obtain qualified medical or psychological consultation for cases in which such evaluation and/or administration of medication is required. Art therapists do not provide services other than art therapy unless certified or licensed to provide such other services.
- 7(a).3 Independent practitioners of art therapy conform to relevant federal, provincial, and local statutes and ordinances which pertain to the provision of independent mental health practice. It is the sole responsibility of the independent practitioner to conform to these laws.
- 7(a).4 Independent practitioners of art therapy confine their practice within the limits of their training. Art therapists neither claim nor imply professional qualifications exceeding those actually earned and received by them. The art therapist is responsible for avoiding and/or correcting any misrepresentation of these qualifications. Art therapists adhere to provincial laws regarding independent practice and licensure, as applicable.
- 7(a).5 Independent practitioners of art therapy seek to provide a safe, functional environment in which to offer art therapy services. This includes, but is not limited to: proper ventilation, adequate lighting, access to water supply, knowledge of hazards or toxicity of art materials and the effort needed to safeguard the health of clients, storage space for art projects and secured areas for any hazardous materials, monitored use of sharps, allowance for privacy and confidentiality, and compliance with any other health and safety requirements according to provincial and federal agencies which regulate comparable businesses.
- 7(a).6 Independent practitioners of art therapy do not offer or accept payment for referrals.
- 7(a).7 Independent practitioners of art therapy do not exploit clients financially.
- 7(a).8 Independent practitioners of art therapy disclose their fees at the commencement of services and give reasonable notice of any changes in fees.
- 7(a).9 Independent practitioners of art therapy represent facts truthfully to clients, third party payers, and supervisees regarding services rendered and the charges therefor.
- 7(a).10 Independent practitioners of art therapy, upon acceptance of a client, shall specify to clients their fee structure, payment schedule, session scheduling arrangements, and information pertaining to the limits of confidentiality and the duty to report.
- 7(a).11 An independent practitioner of art therapy should sign and issue a written professional disclosure statement to a client upon the establishment of a professional relationship. Such statement should include, but need not be limited to, the following information: education, training, experience, professional affiliations, credentials, session scheduling arrangements, information pertaining to the limits of confidentiality and the duty to report, and the name and address of OATA. It is suggested that a copy of the statement be retained in the client's file.
- 7(a).12 Independent practitioners of art therapy design treatment plans:
- That delineate the type, frequency, and duration of art therapy involvement
 - That contain goals that reflect the client's current needs and strengths, formulated, when possible, with the client's understanding and permission
 - That provide for timely review, modification, and revision.

7(a).13 Independent practitioners of art therapy should document activity with clients so that the most recent art therapy progress notes reflect, at a minimum, the following:

- The client's current level of functioning
- The current goals of any treatment plan
- Verbal content of art therapy sessions relevant to client behavior and goals
- Artistic expression relevant to client behavior and goals
- Changes (or lack of change) in affect, thought process, and behavior, e.g., suicidal or homicidal intent or ideation

7(a).14 Upon termination of the therapeutic relationship, independent practitioners of art therapy should write a discharge/transfer summary that includes the client's response to treatment and future treatment recommendations.

7(a).15 Independent practitioners of art therapy terminate art therapy when the client has attained stated goals and objectives or fails to benefit from art therapy services.

7(a).16 Independent practitioners of art therapy communicate the termination of art therapy services to the client.

8. PERSONAL ISSUES.

8.0 Art therapists seek appropriate professional consultation or assistance for their personal problems or conflicts that may impair or affect work performance or clinical judgment.

8.1 Art therapists shall take appropriate professional precautions to ensure that their judgment is not impaired, that no exploitation occurs, and that all conduct is undertaken solely in the client's best interest.

9. COMPETENCE.

9.0 Art therapists accurately represent their competence, education, training, and experience relevant to their professional practice.

9.1 Art therapists shall assess, treat, or advise on problems only in those cases in which they are competent as determined by their education, training, and experience.

9.2 Art therapists shall not distort or misuse their clinical and research findings.

9.3 Art therapists shall be in violation of the Standards and subject to termination of membership if they:

- are convicted of a crime substantially related to or impacting upon their professional qualifications or functions
- are expelled from or disciplined by other professional organizations
- have their license(s) or certificate(s) suspended or revoked or are otherwise disciplined by regulatory bodies
- continue to practice when impaired due to medical or mental causes or to abuse alcohol or other substances that would prohibit good judgement; or
- fails to cooperate with the OATA or the Ethics Committee, or anybody found or convened by them at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint

10. ACCURATE REPRESENTATION.

10.0 Art therapists respect the rights and works of professional colleagues when participating in activities which advance the goals of art therapy.

- 10.1 Art therapists shall engage in appropriate activities to enable lay persons to choose professional services on an informed basis.
- 10.2 Art therapists adhere to the standards of the profession when acting as members or employees of organizations.
- 10.3 Art therapists attribute publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- 10.4 Art therapists who author books or other materials which are published or distributed, appropriately cite persons to whom credit for original ideas is due.
- 10.5 Art therapists who author books or other materials published or distributed by an organization take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.
- 10.6 Art therapists cooperate with any ethics investigation by any professional organization or government agency, and truthfully represent and disclose facts to such organizations or agencies when requested or when necessary to preserve the integrity of the art therapy profession.
- 10.7 Art therapists assure that all advertisements and publications, whether in directories, announcement cards, newspapers, or electronic media, are formulated to accurately convey, in a dignified and professional manner, information that is necessary for the public to make an informed, knowledgeable decision.
- 10.8 Art therapists should not use a name which is likely to mislead the public concerning the identity, responsibility, source, and status of those under whom they are practicing, and should not hold themselves out as being partners or associates of a firm if they are not.
- 10.9 Art therapists should not use any professional identification (such as but not limited to a business card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading or deceptive if it: fails to state any material fact necessary to keep the statement from being misleading; is intended to, or likely to, create an unjustified expectation; or contains a material misrepresentation of fact.
- 10.10 An art therapist corrects, whenever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.
- 10.11 Art therapists make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading, or deceptive.
- 10.12 Art therapists endeavor to prevent distortion, misuse, or suppression of art therapy findings by any institution or agency of which they are employees.
- 10.13 Art therapists may represent themselves as specializing within a limited area of art therapy only if they have the education, training, and experience which meet recognized professional standards to practice in that specialty area.
- 10.14 Art therapists shall accurately represent their competence, education, training and experience relevant to their professional practice.
- 10.15 Registered, professional, graduate, and other members in good standing may identify such membership in OATA in public information or advertising materials, but they must clearly and accurately represent the membership category to which they belong.
- 10.16 Art therapists must not use the OATR following their names unless they are notified in writing that they have successfully completed all applicable registration procedures. Art therapists may not use the initials OATA following their name like an academic degree.

11. RESPECT.

11.0 Art therapists shall treat clients in an environment that protects privacy and confidentiality, affords safety and avoids interruption, e.g., making or receiving telephone calls.

11(a) MULTICULTURAL COMPETENCE

11(a).0 Cultural competence is a set of congruent behaviors, attitudes, and policies that enable art therapists to work effectively in cross-cultural situations. Art therapists acknowledge and incorporate into their professional work the importance of culture, variations within cultures, the assessment of cross-cultural relations, cultural differences in visual symbols and imagery, vigilance towards the dynamics that result from cultural differences, the expansion of cultural knowledge, and the adaptation of services to meet culturally-unique needs.

11(a).1 Art therapists do not discriminate against or refuse professional services to anyone on the basis of race, gender, religion, national origin, age, sexual orientation, or disability.

11(a).2 Art therapists are sensitive to differences that exist between cultures. They must be earnest in their attempts to learn about the belief systems of people in any given cultural group in order to provide culturally relevant interventions and treatment.

11(a).3 Art therapists are aware of their own values and beliefs and how they may affect cross-cultural therapy interventions.

11(a).4 Art therapists obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, gender, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

11(a).5 Art therapists acquire knowledge and information about the specific group(s) with which they are working, the strengths inherent in that group, and understand that individuals respond differently to group norms.

11(a).6 While working with people from cultures different from their own, when necessary, art therapists will seek supervision, assistance from members of that culture, or make an appropriate referral.

11(a).7 Art therapists working with multi cultural populations are able and willing to exercise institutional, group, and individual intervention skills on behalf of people who are from a different culture.

III. ELIGIBILITY FOR CREDENTIALS

As a condition of eligibility for and continued maintenance or renewal of any OATA credential, each applicant or member agrees to the following:

A Compliance with OATA Standards of Practice and Conduct, Policies and Procedures.

No person is eligible to apply for or maintain credentials unless in compliance with all OATA eligibility criteria as stated in the OATA applications, as well as all other OATA rules and standards of practice and conduct, policies and procedures, including, but not limited to, those stated herein, and including timely payment of fees and any other requirements for renewal of credentials. Each applicant or member bears the burden for showing and maintaining compliance at all times. OATA may deny, revoke, decline to renew, or otherwise act upon credentials when an applicant or member is not in compliance with all OATA standards of practice and conduct, policies and procedures.

B Complete Application

1. OATA may make administrative requests for additional information to supplement or complete any application for credentials or for renewal of existing credentials. An applicant shall truthfully complete and sign an application in the form provided by OATA, shall provide the required fees, and shall provide additional information as requested. The applicant shall notify OATA within 60 days of occurrence of any change in name, address, telephone number, and any other facts bearing on eligibility for credentials, including but not limited to: filing of any civil or criminal charge, indictment or litigation involving the applicant or disciplinary action by a licensing board or professional organization. An applicant or member shall not make and shall correct immediately any statement concerning his or her status which is or becomes inaccurate, untrue, or misleading.
2. All references to “days” in OATA standards of practice and conduct, policies and procedures shall mean calendar days. Communications required by OATA shall be transmitted by registered mail, return receipt requested, or other verifiable method of delivery.

C Property of OATA

The application forms and membership cards of OATA, the name Ontario Art Therapy Association Board, the mark OATR, the term Ontario Registered Art Therapist and all abbreviations relating thereto, are all the exclusive property of OATA and may not be used in any way without the express prior written consent of OATA. In case of suspension, limitation, relinquishment or revocation of OATA credentials, or as otherwise requested by OATA, a person previously holding the credential shall immediately relinquish, refrain from using, and correct at his or her expense any outdated or otherwise inaccurate business cards, stationery, advertisements, or other use of any certificate, logo, emblem, and the OATA name and related abbreviations.

D Pending Litigation

An applicant or member shall notify OATA of the filing in any court of any information, complaint, or indictment charging him or her with a felony or with a crime related to the practice of art therapy or the public health and safety, or the filing of any charge or action before a provincial or federal regulatory agency or judicial body directly relating to the practice of art therapy or related professions, or to a matter described in Section II. Such notification shall be within 60 days of the filing of such charge or action, and shall provide documentation of the resolution of such charge within 60 days of resolution.

E Criminal Convictions

Any person convicted of either (i) a felony, or (ii) any crime substantially related to or impacting upon art therapy, the therapist’s professional qualifications or public health and safety shall be ineligible for credentials for a period of five years from and after completion of a sentence by final release from confinement (if any), or satisfaction of fine imposed, whichever is later. Convictions of this nature include but are not limited to those involving rape, sexual abuse of a client or child, actual or threatened use of a weapon or violence, and prohibited sale, distribution or possession of a controlled substance.

IV. GROUNDS FOR DISCIPLINE

OATA may revoke or otherwise take action with regard to credentials or an application for credentials under the following circumstances:

- A. Failure to observe and comply with the Standards of Practice and Conduct stated above in Section II;
- B. Failure to meet and maintain eligibility for OATA credentials;
- C. Failure to pay fees required by OATA;

- D. Unauthorized possession of, use of, or access to OATA application forms membership cards, and logos, the name Ontario Art Therapy Association Board, the term OATA, and abbreviations relating thereto, the terms Ontario Registered Art Therapist, the abbreviations OATR and any variations thereof, and any other OATA documents and materials;
- E. Obtaining, maintaining, or attempting to obtain or maintain credentials by a false or misleading statement, failure to make a required statement, fraud, or deceit in an application, re application, or any other communication to OATA;
- F. Misrepresentation of status of OATA credentials;
- G. Failure to provide any written information required by OATA;
- H. Failure to cooperate with OATA or anybody established or convened by OATA at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint;
- I. Habitual use of alcohol or any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
- J. Gross or repeated negligence in the practice of art therapy or other professional work;
- K. Limitation or sanction (including but not limited to discipline, revocation or suspension by a regulatory board or professional organization) in a field relevant to the practice of art therapy;
- L. The conviction of, or plea of guilty or plea of nolo contendere to, (i) any felony or (ii) any crime related to the practice of art therapy, the therapist's professional qualifications, or public health and safety. Convictions of this nature include but are not limited to those involving rape, sexual abuse of a client or child, actual or threatened use of a weapon or violence, and the prohibited sale, distribution or use of a controlled substance;
- M. Failure to timely update information, including any violation of this Section, to OATA;
- N. Failure to maintain confidentiality as required in the Standards of practice and conduct of Conduct, by any OATA policy or procedure, or as otherwise required by law; or
- O. Other violation of an OATA standard, policy or procedure stated herein or as stated in the OATA brochures or other material provided to applicants or members.

V. PROCEDURES REGARDING THE ETHICAL STANDARDS OF PRACTICE AND CONDUCT

By accepting membership in the Ontario Art Therapy Association (OATA), each member is bound to abide by the OATA Ethical Standards of Practice and Conduct for Art Therapists. It is the ethical responsibility of each member to safeguard the standards of ethical practice and to see that violations of the Ethical Standards of Practice and Conduct are addressed. Members of the Association are required to cooperate with duly constituted bodies of the OATA and, in particular, with the Ethics Committee by responding to inquiries promptly and completely.

A. The bylaws of the OATA (Article 6.1) provide for nine categories of membership:

1. Registered members—voting

Professional member–voting
Life member–voting
Retired member–voting
Graduate member–non-voting
Student member–non-voting
Honourary member–non-voting
Inactive member–non-voting

2. The Association and its Ethics Committee have authority over all Association Members. All members are required to pay dues in accordance with the dues schedule of the Association and shall abide by the Bylaws and the Ethical Standards of Practice and Conduct of the Association.
3. The Bylaws, Article 14, authorizes the Committee to be a standing committee of the Association. The Committee shall have the responsibility to recommend, implement and enforce the Ethical Standards of Practice and Conduct as adopted by the Board of Directors of the Association and as may be amended from time to time.
4. The Bylaws, Article 14, also provide that as part of its enforcement responsibilities, the Committee shall adopt procedures, subject to the approval of the Board of Directors, for the conduct of investigations, hearings, disciplinary proceedings, and other enforcement action to ensure compliance with the Ethical Standards of Practice and Conduct. The Committee shall have the authority to impose sanctions upon OATA Members upon a finding that a Member has violated the Ethical Standards of Practice and Conduct. Such sanctions shall be at the discretion of the Committee and may include, but not be limited to, revocation or suspension of the registration of the member, impose restrictions on the registration of the member for such period and subject to such conditions as the Committee designates, public or private censure or reprimand.

B Appointment of the Ethics Committee

1. The OATA Board of Directors, according to Article 14, appoints a minimum of 5 registered members to the Ethics Committee, one of whom shall be appointed as Chairperson (not a member of the Board) and two of whom shall be members of the Board. A majority of members constitute a quorum. All ethics decisions require the vote of a majority of the members of the Ethics Committee present at the meeting. The Board may direct the Ethics Committee to hold a hearing and determine any specified allegation of professional misconduct, incompetence or incapacity on the part of a member, and consider alleged violations of the Standards of Practice and Conduct contained in this Standards of practice and Conduct or any other OATA standard, policy or procedure.
2. The initial appointments to each committee shall be for terms of years as determined by the OATA Board of Directors to transpire in staggered expiration dates. Thereafter, a committee member's term of office on the committee shall run for three years and may be renewed.
3. A committee member may not serve on any matter in which he or she has an actual or apparent conflict of interest or his or her impartiality might reasonably be questioned. When a party to a matter before the Committee requests that a member of the committee, other than the chair, recuse himself or herself, a final decision on the issue of recusal shall be made by the committee chair, subject to review as hereinafter provided. In the event a request is made that the chair recuse himself or herself, the decision shall be made by the President, subject to review as hereinafter provided.
4. According to article 14, when a committee member is unavailable to serve by resignation, disqualification, or other circumstance, the President of OATA shall designate another registrant.

C Duties and Powers of the Ethics Committee

1. According to Article 14, receive and consider such complaints regarding the conduct of any member of the Association made by the general public or any

member of the Association, in writing, to the President of the Association.

2. When so directed by the Board, hear and determine allegations of professional misconduct, incompetence or incapacity against any member.
3. In the case of hearings into allegations of professional misconduct, incompetence or incapacity against any member, the Ethics Committee shall,
 - i) consider the allegations, hear the evidence and ascertain the facts of the case.
 - ii) determine whether upon the evidence and the facts so ascertained the allegations have been proved.
 - iii) determine whether in respect of the allegations so proved the member is guilty of professional misconduct, incompetence or is found to be an incapacitated member.
 - iv) determine the penalty or sanctions to be imposed in cases in which it finds the member guilty of professional misconduct, incompetence, or to be an incapacitated member.

PROCEDURES FOR HANDLING COMPLAINTS OF VIOLATIONS OF THE ETHICAL STANDARDS OF PRACTICE AND CONDUCT FOR ART THERAPISTS

VI. DISCIPLINARY PROCEDURES

A. Submission of Allegations

1. Any person concerned with possible violation of OATA Standards of Practice and Conduct, or other OATA standard, policy or procedure, may initiate a complaint by identifying the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the President of the Association. The statement should identify by name, address, and telephone number the person making the information known to OATA, and others who may have knowledge of the facts and circumstances concerning the alleged conduct. OATA may provide for the submission of complaints on forms to be supplied by the President of the Association. After a complaint is received, the President of the Association shall refer the matter to the Ethics Chair for further action. The Ethics Chair may initiate complaints, which shall be handled in the manner provided hereinafter for the review and determination of all complaints.
2. All complaints must be in writing
3. All complaints must be signed by the Complainant and in addition, the Committee will only act on the basis of a complaint that specifically names the person alleged to have been affected by the accused Member's or membership Applicant's conduct, and only if the affected person agrees to be identified to the Accused.
4. Any Member who knows of a violation of the Ethical Standards of Practice and Conduct should bring this to the attention of the Committee in the form of a written complaint.
5. Anonymous or oral complaints will not be recognized as a basis for action or investigation.
6. Copies of the complaint and any supporting documentation/evidence shall be sent to all members of the Committee. Any written response from the Accused shall also be sent to all members of the Committee.
7. It is considered a conflict of interest if a member of the Committee is personally involved with the Complainant or the Accused, and such member shall be excused from the investigation and/or proceedings or decisions on the case.
8. The Committee may proceed on its own initiative when it has been presented with sufficient facts which, if proven, would constitute a violation of the

Ethical Standards of Practice and Conduct. For example, the Committee may proceed based on information received from another professional organization or provincial licensing board or committee. If the Committee decides to proceed on its own initiative, it shall prepare a written statement concerning allegations of a violation or violations of the Ethical Standards of Practice and Conduct.

9. The Committee may determine, at its sole discretion, that a complaint cannot be acted upon since the delay in reporting the allegation to the Committee has impaired the Committee's ability to render a fair determination.

B. Initial Action by The Ethics Committee

1. Upon receipt of a complaint, the Ethics Committee shall determine whether the person about whom the complaint has been made is a Member or Applicant for membership in the Association.
2. If the person is not a Member or Applicant, the Committee shall so inform the Complainant in writing and shall explain that the Association has no authority to proceed against the person.
3. If the person is an Applicant for membership, the Chair of the Membership Committee shall be informed of the complaint. If the person is applying for registration, the Chair of the Registration Committee and the Complainant shall be so notified.
4. If the person is a Member of the Association, the Chair shall send a letter to the Complainant acknowledging receipt of the complaint and informing the Complainant that the person complained against is a Member. A copy of the Ethical Standards of Practice and Conduct will be included in the letter.

C. Preliminary Determination by The Ethics Committee

1. The Committee shall review the allegations and supporting information and make a determination of the merits of the allegations, after such further inquiry as they consider appropriate, and after consultation with counsel as needed.
2. If the Committee determines that the allegations are frivolous or fail to state a violation of the Standards of Practice and Conduct, they shall take no further action and shall notify the Board and the Complainant and give the reason for such a decision. To aid in making such a determination, the Committee may request a written response to the letter of complaint from the Accused, consult with other preliminary investigators as may be appropriate, and/or request additional information from the Complainant.
3. If the Committee determines that the allegations and facts are inadequate to sustain a finding of a violation of the Standards of Practice and Conduct or other OATA policy or procedure no further action will be taken. The Board and Complainant, if any, shall be notified.
4. If the Committee determines that probable cause may exist the Committee continues with disciplinary review.
5. If the Committee requests a written response from the Accused to aid in making the determination referred to in paragraph 2 above, or determines that the complaint warrants further action, the Committee shall request the Complainant's permission for disclosure of his/her name and all written or other matter of evidence provided by the Complainant. The Committee shall request that the Complainant agree in writing to waive confidentiality and/or therapist/client privilege available to him/her so that the Committee may obtain information from the Accused and others. A **Waiver of Confidentiality Form** setting forth these issues shall be mailed to the Complainant for signature before proceeding further.
6. If the Complainant refuses permission for the disclosure of his/her name on any of the written matter or evidence provided by the Complainant, or if the Complainant refuses to sign a waiver of confidentiality and/or therapist/client privilege, the Committee may do any of the following:

- i) close the matter and notify the Complainant;
 - ii) decide whether the Committee may proceed with the complaint as an investigation on the Committee's own initiative pursuant to Section A 6.
 - iii) The committee may choose to use advice of legal counsel.
7. All correspondence to the Complainant or to the Accused shall be marked, "Confidential" or "Personal and Confidential."

D. Investigation by Ethics Committee

1. If the Committee finds by majority vote that probable cause exists to believe that a violation of the Standards of Practice and Conduct has occurred, the Committee shall send a copy of the Procedures Regarding the Ethical Standards of Practice and Conduct for art therapists to the applicant or member who is the subject of the complaint (hereinafter called "Respondent") by registered mail, and a letter specifying those sections of the Ethical Standards of Practice and Conduct which may have been violated by the Respondent and a statement:
 - a. Requesting that the Respondent cooperate with the Committee in their effort to obtain a full understanding of the circumstances which led to the allegation(s),
 - b. Of the facts constituting the alleged violation of the standards,
 - c. That the Respondent may proceed to request: (i) review by written submissions by the Ethics Committee,
 - d. That the Respondent shall have thirty (30) days after receipt of the statement to notify the Ethics Committee that he or she disputes the allegations, and/or has comments on available sanctions,
 - e. That the truth of allegations or failure to respond may result in sanctions including revocation,
 - f. That if the Respondent does not dispute the allegations, the Respondent consents that the Committee may render a decision and apply available sanctions. Available sanctions are set out in VII below.
2. If the Respondent admits that the allegations or any portion thereof are true, fails to respond to the allegations, or otherwise does not further dispute the allegations, then the Ethics Committee shall render a decision and apply sanctions as it deems appropriate. The Complainant, if any, shall be notified of the Committee's final decision.
3. If the Respondent fails to maintain membership in the OATA at any stage of the investigation of the complaint, the Committee, at its discretion, may continue the investigation and proceedings if the Respondent was a Member at the time of the alleged conduct. If inability to pay dues is cited as a reason for voluntary resignation by a Respondent under ethics investigation, the Committee may suspend dues obligations until the investigation is completed.

E. Review of Evidence and Response by Ethics Committee

1. The Respondent may request review by written submissions to the Committee.
2. If the Respondent requests a review or hearing, the following procedures shall apply:
 - a. The Ethics Committee shall then schedule a written review allowing for an adequate period of time for preparation, and shall send by registered mail a notice to the Respondent. The notice shall include a statement of the Standards of Practice and Conduct allegedly violated, the procedures to be followed, and the date for submission of materials for written review.

- b. All evidence which is considered relevant and reliable, as determined by the Ethics Committee, shall be admissible. The weight of all evidence and credibility of testimony shall be judged solely by the Ethics Committee.
 - c. Disputed questions regarding procedures or the admission of evidence shall be determined by the Chair, subject to the majority vote of the full Ethics Committee. All decisions shall be made on the record.
 - d. The Ethics committee has the right to (i) confer with or have counsel for the OATA, (ii) receive testimony of witnesses and evidence to support or represent the charge, (iii) examine witnesses' statements for either party, (iv) contact third parties who may have knowledge of pertinent facts.
 - e. Proof shall be by preponderance of the evidence.
 - f. Whenever mental or physical disability is alleged, the Respondent may be required to undergo a physical or mental examination at his or her own expense. The report of such an examination shall become part of the evidence considered.
 - g. The Ethics Committee shall issue its decision within thirty (30) days after the proceedings.
 - h. The Ethics Committee shall issue a written decision following the proceedings. The decision shall contain findings of fact, a finding as to the truth of the allegations, conclusions of law and any sanctions applied. It shall be mailed promptly by registered mail to the Respondent and to the Complainant.
 - i. If the Ethics Committee finds that the allegations have not been proven by a preponderance of the evidence, no further action shall be taken, and the Respondent, and the Complainant, if any, and the OATA Board shall be so notified.
3. At any time after reviewing the complaint, the response of the Respondent and the report of the investigation, the Committee may, where appropriate, attempt to resolve the case by mutual agreement with the Respondent. While resolution by mutual agreement is favored, the Committee is not required to attempt such a settlement nor to obtain the consent of the Complainant to any settlement.
 4. Any agreement disposing of a complaint shall be in writing detailing the facts upon which it is based, the terms of the settlement, and the manner in which it is to be implemented and/or supervised.
 5. The agreement shall be implemented and/or supervised by the Committee and/or any member of the OATA so designated in the agreement.
 6. The agreement shall become final when signed by the Respondent and the Chair or her/his designee. The Board of Directors shall be notified of the agreement without disclosing the name of the Respondent except as outlined in these procedures under VIII Release of Information. The agreement shall be placed in a sealed envelope and signed across the seal by the Chair. The envelope shall be filed in the OATA's Ethics files, indexed by the name of the Respondent. Only the current Ethics Chair may unseal the envelope when or if new allegations are made against the Member.
 7. If the Respondent requests an appeal before the Board of Directors, the Committee shall prepare and transmit to the Board of Directors, through the President of the Association, the statement of charges against the Respondent and the action which the Committee recommends.
 8. In any appeal before the Board of Directors, the Committee, through its Chair or his/her designee, shall present the case against the Respondent.
 9. If additional evidence of unethical conduct is brought to the attention of the Committee after a matter has been closed, the case may be reopened and acted upon under these procedures.

F. Appeal Procedure

1. If the decision rendered by the Ethics Committee is not favorable to the Respondent, he or she may appeal the decision to the OATA Board of Directors by submitting to the President of the Association a written appeal statement within thirty (30) days following receipt of the decision of the Ethics Committee. The Ethics Committee shall, in its sole discretion, consider requests for extensions based on the nature of the case and the public interest. The written appeal statement shall be accompanied by the appeal fee required by OATA as stated in the written decision. The Ethics Committee may file a written response with the President who shall immediately forward any appeal documents to the OATA Board of Directors.
2. The OATA Board of Directors by majority vote shall render a decision on the record without further proceedings, although written briefs may be submitted on a schedule determined by the Board of Directors.
3. The decision of the OATA Board of Directors shall be rendered in writing following receipt and review of briefs. The decision shall contain findings of fact, a finding as to the truth of the allegations, conclusions of law and any sanctions applied and shall be final. The decision shall be communicated to the Respondent by registered mail. The Complainant, if any, shall be notified of the final decision by the Board of Directors.

VII. SANCTIONS

Sanctions for violation of the Standards of Practice and Conduct, or any other OATA standard, policy or procedure to which reference is made herein, may include one or more of the following:

- a. Cease and desist;
- b. Accept censure;
- c. Receive supervision, education and/or therapy;
- d. Reprimand;
- e. Publication of the complaint and its disposition;
- f. Other corrective action which the Committee deems appropriate.

VIII. RELEASE OF INFORMATION

1. All information obtained by the Ethics Committee, including any investigative subcommittee, and all proceedings of the Committee, shall be confidential except as follows:
 - a. Information may be disclosed by those investigating the complaint to the extent reasonably necessary to pursue a thorough investigation.
 - b. The Committee may, at its discretion and with the approval of the Board of Directors publicize settlements by mutual agreement without disclosing the name of the Complainant or Respondent.
 - c. In situations in which an accused Member resigns from OATA after notification by the Committee that it has received a complaint, and a violation of the Ethical Standards of Practice and Conduct is subsequently proven, any publication may include the fact of the accused Member's resignation.
2. Whenever there is a finding that a Member has violated the Ethical Standards of Practice and Conduct and disciplinary action is ordered, the Committee or

its designee is authorized to disclose the ethics violation and the disciplinary action to the Board of Directors and the membership of the Association. Publication shall be made of all actions affecting membership status. Publication may also be made of other sanctions at the discretion of the Committee. Publication of the Committee findings and actions will be made in the OATA Tapestry Newsletter, and will include the Member's full name, any earned degree, geographical location and the violation of the section of the Ethical Standards of Practice and Conduct proven.

3. Whenever the Committee finds that a Member is not guilty of the Ethical Standards of Practice and Conduct violations charged, that fact shall be disclosed to the membership of the Association only upon the written request of the Respondent.
4. The Board of Directors may inform provincial regulatory agencies, credentialing boards, and other professional organizations of any disciplinary action taken against a Member for violating the Ethical Standards.

IX. WAIVER

An applicant or member releases, discharges, exonerates, indemnifies, and holds harmless OATA, its officers, directors, employees, committee members, panel members, and agents, and any other persons from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, for actions of OATA arising out of applicant's application for or participation in the OATA registration program and use of OATA trademarks or other references to the OATA registration program, including but not limited to the furnishing or inspection of documents, records, and other information and any investigation and review of applications by OATA.

X. RECONSIDERATION OF ELIGIBILITY AND REINSTATEMENT OF CREDENTIALS

- A. If eligibility or credentials are denied, revoked, or suspended for a violation of the Standards of Practice and Conduct, eligibility for credentials may be reconsidered by the Board of Directors, upon application, on the following basis:
 1. In the event of a felony conviction, no earlier than five years from and after the exhaustion of appeals, completion of sentence by final release from confinement (if any), or satisfaction of fine imposed, whichever is later;
 2. In any other event, at any time following imposition of sanctions, at the discretion of the Board of Directors.
- B. In addition to other facts required by OATA, such an applicant must fully set forth the circumstances of the decision denying, revoking, or suspending eligibility or credentials as well as all relevant facts and circumstances since the decision. The applicant bears the burden of demonstrating by clear and convincing evidence that he or she has been rehabilitated and does not pose a danger to others.

XI. DEADLINES

OATA expects its registrants to meet all deadlines imposed by OATA, especially in regard to submission of fees, renewal or recertification applications, evidence of continuing education. On rare occasions, circumstances beyond the control of the applicant or registrant or other extraordinary conditions may render it difficult, if possible, to meet OATA deadlines. Should an applicant or member wish to appeal a missed deadline, he or she should transmit a written explanation and make a request for a reasonable extension of the missed deadline, with full relevant supporting documentation, to the attention of the OATA Board of Directors. The Board of Directors shall determine at the next meeting of the Board, in its sole discretion and on a case-by-case basis, what, if any, recourse should be afforded based on the circumstances described and the overall impact on the profession of art therapy. No other procedures shall be afforded for failure to meet OATA deadlines.

XII. BIAS, PREJUDICE, IMPARTIALITY

At all times during OATA's handling of any matter, OATA shall extend impartial review. If at any time during OATA's review of a matter an applicant, registrant, or any other person identifies a situation where the judgment of a reviewer may be biased or prejudiced or impartiality may be compromised (including employment with a competing organization), such person shall immediately report such matter to the President of OATA.

Approved May 2003

All communications concerning ethical grievances shall be conducted in writing and sent to the:

**c/o The President of the Association
Ontario Art Therapy Association,
611 Wonderland Road North
Suite 103
London, Ontario
N6H 5N7**

This correspondence must be labeled "Confidential--Do Not Open" on both sides of the envelope. All such communications will be forwarded unopened to the President of the Association

ONTARIO ART THERAPY ASSOCIATION