A Statement by the Ethics Committee Related to Removing the Felony Phrase from the APA Membership Application
February 18, 2022

The Ethics Committee balanced a number of ethical principles, standards, and concerns in its consideration of the possible removal of the phrase "convicted of a felony" required by Association Rule 10-4.1 to be included on the APA membership applications for graduate student, associate and full members. These principles include Principle A (Beneficence and Nonmaleficence), Principle B (Fidelity and Responsibility related to the protection of the public), Principle D (Justice), Principle E (Respect for People's Rights and Dignity), and Standards 3.01 (Unfair Discrimination) and 3.04 (Avoiding Harm) of APA's *Ethical Principles of Psychologists and Code of Conduct*..

After consideration of these principles, the Ethics Committee recommends its support for the elimination of the phrase "convicted of a felony" from the ethics reporting question on the applications. This support is based on APA's commitment to diversity and inclusion and the significance of the social justice concerns created by the phrase, including racial inequities in the U.S. criminal justice system. This recommendation is in line with ethical standards of practice, including Principle A, Principle D, Principle E, and Standards 3.01 and 3.04 of APA's *Ethical Principles of Psychologists and Code of Conduct*.

During the course of discussion, the Committee noted a number of ethical concerns related to the various principles and standards outlined above. The Committee's responsibility to focus on the ethics of the discipline of psychology and protection of the public, leads us to voice our concerns regarding the potential unintended consequences of the removal of the felony question, despite the ethics committee's support of the elimination of the question. In particular, Principle B (Fidelity and Responsibility) and Principle E (Respect for People's Rights and Dignity) require such a focus. First, the Committee worries about the potential unintended consequences to victims and survivors if APA no longer requires review of the limited number of applicants who have engaged in violent and exploitative behavior. As examples, the following behaviors have been reviewed by the Ethics Committee in the past: sexual abuse of children; other sexual misconduct involving minors and adults; and murder. Second, based on APA's values regarding rehabilitation, the Ethics Committee is concerned about allowing applicants to join APA without the Ethics Committee's case-by-case review and consideration of the applicant's rehabilitation status. Third, the Committee is concerned about the public's perception of the Association and the discipline of psychology if the Association admits for membership, without any review, individuals who have engaged in the most serious behaviors against others, including the most vulnerable in society. The Committee believes that it is important to raise these concerns, despite not having a clear solution, given the importance of the ethical values involved and its role in the Association.

Decision-Making Process

We end with a brief overview of the process by which the Ethics Committee reached its recommendation. For many years, the Committee has focused on issues related to diversity and fairness in its review of membership applications. While the Committee was not able to confirm using APA's data, that there was a chilling effect of the felony question, as would be expected from the literature, in 2020, the Ethics Committee began a 3-year pilot. The pilot was established after review of membership and ethics data, consideration of the practice of other associations, and consultation with APA Boards and Committees. The Ethics Committee suspended its review of undergraduate student affiliates, the group that reported the majority of felony convictions pre-pilot, and the Membership Board removed the felony question for undergraduate applicants. The Committee also considered the possible negative impact of the felony question on graduate student, associate, and full members completing applications. A link to a FAQ helps applicants understand that a past conviction is not an automatic bar to admittance to membership and additional encouraging language was added to the applications this year. Utilizing this contextual history, the Ethics Committee arrived at its decision following a number of meetings, and after significant and thoughtful discussions, including hearing the various views of its members~~,~~ and thoughts concerning the pilot study, and balancing ethical concerns of justice and equity and the potential impact of removing the felony question.

As stated above, the Ethics Committee felt its duty to voice concerns regarding the potential unintended consequences of removal of the felony question, but supports the elimination of the phrase "convicted of a felony" from the ethics reporting question on the membership applications.