February 16, 2016

An Open Letter to the APA Board of Directors from Former Chairs of the APA Ethics Committee:

The report on the Independent Review conducted by Attorney Hoffman and his colleagues ("Hoffman Report") was released in July 2015. A group of former Chairs of the Ethics Committee had written the Board on July 1, 2015 before the Report was released requesting an opportunity to review the report prior to its public release. This request was intended to assure the accuracy of any characterizations of the operations and processes of the Ethics Committee itself or APA organizational processes regarding ethics issues more broadly, or in any other constructive fashion identified by the BOD of APA. We deeply respect the goals of our association and had hoped to offer constructive feedback. We never intended to advance any preconceived agenda or interfere with the independent review. Now that the Hoffman report has been made available for review, perhaps our feedback to APA would contribute to an informed and transparent process about how best to implement changes that reflect the best interests of our association and society. While the Board acknowledged receipt of the letter, we never received any substantive response and again request an opportunity to contribute.

This has been an extraordinarily difficult time for the Association. The APA has been deeply challenged at every level by the circumstances giving rise to retaining an independent investigator, the Report's release when it was prematurely "leaked" before persons named in the report had an opportunity to review and respond, and the still ongoing impact upon persons, the Association and our profession following its release. We collectively write as past Chairs of the Ethics Committee to support the Board's stated goal of a transparent search for the truth, identification of any core organizational problems giving rise to initiating the Report and responding to it, and opportunities for action to effectively address any identified problems.

This follow-up letter is even more relevant than the previous one when considering the cumulative effect of a number of allegations, reports and responses to the Report. This letter does not assume their accuracy but we

believe that taken together they warrant a transparent and thoughtful review of the Report itself and consideration of what such a review may mean for decisions by Association leadership as APA moves forward. These include:

- Substantive concerns raised about the processes and procedures relied upon by Attorney Hoffman and his colleagues during the course of the investigation;
- The process by which the Report was completed and prematurely "leaked," including what steps the Association has taken to identify who improperly released the report;
- The process by which a decision was seemingly made following the premature release of the Report to set aside the previously articulated process by which persons named in the report would be individually contacted and provided an opportunity to submit comments or suggested revisions by an established deadline;
- Reports that a number of individuals interviewed during the course of the investigation—both psychologists and non-psychologists—have indicated that the information they provided was mischaracterized or that relevant information they provided was not included in the final Report;
- Reports that some individuals whose information and actions would have been relevant to the investigation were not interviewed (including some Chairs of the Ethics Committee whose terms were during the relevant time period);
- Concerns that the Report's characterization of Ethics Committee actions involving military psychologists who had complaints filed against them reflected a significant misunderstanding or mischaracterization of Committee procedures in finding that the Committee or its members had acted improperly in those cases;
- Allegations that persons who had been influential in prompting the Association to retain an independent investigator were essentially given preferential access to Attorney Hoffman in a manner which could be viewed as introducing a risk of investigatory bias and later invited to meet with the Board prior to the Report's release to discuss recommended courses of action;

- The implications of documents generated by individuals and groups subsequent to the release of the Report which, if substantially accurate, would sharply undercut the asserted factual basis for the conclusions of the Report and Mr. Hoffman's core "theory of the case" when he alleges active and improper "collusion" between some Association staff and members with some members of the military.

Other allegations or reports could be included but we believe that those cited above are sufficient grounds for asking the BOD to consider our feedback. Without assuming the accuracy of any one of them or predetermining their impact on decisions to be made going forward, some of them are of sufficient gravity that a good-faith and transparent effort should be made to examine the Report's methods and conclusions, and considering courses of action already taken or planned on the basis of the Report in light of what is learned in revisiting it.

Additionally, because there has been so much intense discussion of the issues related to the report findings we respectfully suggest that the Board provide a clear explanation about the following: the process by which decisions were made in appointing members to the special Ethics Commission; who was invited to review and comment upon nominees; and why the appointment process has been so prolonged. Given the significance of the questions and the potential impact upon APA and the field of psychology, it would be prudent to be as transparently thoughtful as possible.

We appreciate that these have been challenging months for the Board and the Association and that the months ahead likely hold more challenges related to the circumstances giving rise to the Report and to the Report itself. We anticipate and hope that the Board will offer a substantive response to this letter which demonstrates a willingness to consider a process by which the Report is revisited in a thoughtful, meaningful and transparent manner. We are prepared to communicate with the Board about what such a process might entail and particularly in reviewing the Ethics Office and the Ethics Committee

Respectfully submitted,

Robert T. Kinscherff, Ph.D., J.D., Chair 2000, 2001

Steven Sparta, Ph.D., ABPP, Chair 2002

Michael D. Roberts, Ph.D., Chair 2003

Katherine Di Francisca, Ph.D., Chair, 2005

Robin M. Deutsch, Ph.D., ABPP, Chair 2007

W. Brad Johnson, Ph.D., Chair 2008

Jeffrey Barnett, Ph.D., Chair 2009

Nancy McGarrah, Ph.D., Chair 2010

Nadya A. Fouad, Ph.D., Chair, 2012

James N. Bow, Ph.D., ABPP, Chair, 2013