

PROCEDURE FOR HANDLING COMPLAINTS IN CPE

(2010 ACPE Standards 200 and 304.3, 304.7; 2010 Accreditation Manual Appendix 10; 2010 Processing Complaints of Ethics Code Violations in ACPE)

PURPOSE: To provide a mechanism and process for the handling of complaints or appeals by ACPE Clinical Pastoral Education (CPE) students and/or supervisors.

This CPE Center seeks to provide fair and objective procedures for processing complaints and grievances (and any subsequent appeals) filed by any student enrolled in its ACPE-Clinical Pastoral Education programs, and to inform the students of these policies and procedures during orientation. No student will be penalized for presenting a complaint. Confidentiality shall be respected and addressed in accordance to the process selected.

Students can find the *2010 ACPE Standards Manual, Accreditation Manual, Certification Manual, and the 2010 Processing Complaints of Ethics Code Violations in ACPE* at www.acpe.edu.

Information about ethical and educational complaints can also be found in electronic form at <http://www.acpe.edu/HomeFilingComplaint.html>.

ACPE Definition of Terms:

- A “**grievance**” is defined as “**an alleged violation of an ethical and/or educational standard believed to afford reason for a complaint.**”
- A “**complaint**” is defined as “**a grievance, presented in writing and signed, involving an alleged violation of the ethical criteria established by *ACPE Standards 2010 Code of Professional Ethics (100s)*, or the educational criteria established by *ACPE Accreditation (Educational Standards (300s) or Accreditation Commission processes enumerated in the *Accreditation Manual 2010*. A complaint must identify the specific standard or process alleged to have been violated.***” Complaints may be registered by those who consider themselves harmed by an alleged violation or by any person(s) who has substantive evidence of a violation of the educational standards and/or the ACPE ethics code, and must name an individual or entity (i.e. center) over which ACPE has jurisdiction.
- The “**complainant**” is the person or persons filing a complaint.
- The “**respondent**” is the person, center, entity against which a complaint is alleged. A respondent who is a member of both the Association for Clinical Pastoral Education (ACPE) and the Association of Professional Chaplains (APC) retains separate accountability to each association’s Code of Ethics, Standards and statutes of limitations.

- A “**student**” is defined as “**a person admitted to and participating in a program of CPE.**” Residents who receive a salary (stipend) and are designated as employees may choose to utilize the grievance procedure for employees through the Human Resource Office.
- A “**supervisor**” is defined as “**a clinical pastoral educator who satisfies ACPE requirements for certification, either an ACPE Supervisor or an Associate Supervisor.**”

COMPLAINTS ARISING FROM EMPLOYMENT: TWEAK ACCORDINGLY

Grievances or complaints arising from employment issues as a CPE resident or supervisory education resident are to be addressed through Human Resources.

COMPLAINTS ARISING FROM PARTICIPATION IN A CPE PROGRAM:

Parties in conflict are always encouraged to attempt to resolve conflicts, grievances, or complaints as locally as possible if possible, and to find resolution that are expeditious, just and mutually satisfying to the parties involved.

Students have three options:

1. Informal Process at the Local Level
2. Formal Process at the Local Level
3. Formal Process with the Association for Clinical Pastoral Education

The presumption in the complaint process is that every effort will be made to resolve the problem at the local level. Therefore the local process should not be bypassed except in those circumstances where the complainant fears that they could not get a fair hearing by virtue of concerns about reprisal, threats or intimidation, and when the supervisor has been fired, resigned or otherwise moved on. In such cases, a student can by bypass the local process and contact the ACPE National Office with his/her concerns (404.320-1472) <http://www.acpe.edu/WhoWeAreContacts.html>



PROCEDURES:

1. INFORMAL PROCEEDINGS AT THE LOCAL LEVEL: INSERT YOURS

Formal procedures for complaints should be used if informal discussion and pastoral communications do not resolve differences, and whenever the complainant desires to register a formal complaint.

2. FORMAL PROCEEDINGS AT THE LOCAL LEVEL: INSERT YOURS

If a grievance concerning the ethical and/or professional conduct of
a student member of ACPE and/or
a CPE supervisor and/or
a CPE center

or concerning a violation of an educational standard is not resolved informally, the complainant may register a formal complaint in writing and signed to the Director of CPE. The process will involve the following:

Time limits:

Time limits for a complaint not alleging sexual exploitation or harassment are six (6) months of the occasion causing the complaint or within six (6) months of the conclusion of the educational experience at the center in which the unit was conducted. There shall be a time limitation of ten (10) years when the complaint alleges sexual exploitation or harassment. Any complaint may be made within a longer period if the delay is explained by an occasion of fraud, intimidation, or other wrongful conduct that prevents the earlier surfacing of the complaint.

If the complaint is not resolved at the local level, or if issues remain over which ACPE has jurisdiction, the complainant may file a complaint with ACPE.

3. FORMAL COMPLAINT PROCESS AT THE ACPE LEVEL:

If the complaint is not resolved at the local (center) level or if there are remaining issues over which ACPE has jurisdiction, the ACPE complaint procedure will be followed. ACPE distinguishes two types of complaints with two corresponding formal pathways for filing a complaint (occasionally the two types of complaints might overlap).



- A. **Ethical Complaints**: that is, allegations of violations of *2010 ACPE Standards* 100. Procedure described in the “*2010 Processing Complaints of Ethics Code Violations in ACPE*” manual.
- B. **Educational and Accreditation Complaints**: that is, allegations of violations of *2010 ACPE Standards* Section 300 by CPE supervisors, CPE programs and centers, or mis-application of standards by the Accreditation Commission. Procedure described in the *2010 Accreditation Manual*, Appendix 10 (“*Policy for Complaints Alleging Violations of ACPE Education Standards in Educational Programs*” and “*Policy for Complaints Against the ACPE Accreditation Commission*”).

ETHICAL COMPLAINTS:

These complaints assess whether violations of ACPE ethics standards have occurred. The procedure for these complaints is described in the *2010 Processing Complaints of Ethics Code Violations in ACPE* that can be found at www.acpe.edu under the Manual and Standards tab.

Ethical complaints should be submitted to the **ACPE Executive Director** using the “*Ethical Complaint Form*” which can be obtained by the Executive Director or at www.acpe.edu (click on “Home,” then on “*Information on Filing a Complaint against a Member of ACPE*,” then on “*Ethical Complaint Form*”).

The **Association for Clinical Pastoral Education (ACPE)** and the **Association for Professional Chaplains (APC)** share a **joint process** for addressing allegations of ethical misconduct and thus officers and representatives from both associations (for example the ACPE Executive Director and the APC Professional Ethics Chair or vice-versa) may be involved in the process. (See Flow Chart of Joint Process).

The complaint must name an individual (individuals) or entity (entities) over which ACPE has **jurisdiction**. The **statute of limitation** for filing an ethical complaint (*2010 Processing Complaints of Ethics Code Violations in ACPE*, Part Two/Section III) is as follows:

- **The time limit is ten years* for a complaint alleging sexual exploitation and six months* for a complaint not involving sexual exploitation.**

**In extraordinary circumstances, time limits can be waived by the Chair of the Professional Ethics Commission in consultation with ACPE Executive Director.*

Once a complaint moves forward at the national level, there are several possibilities:

- ✓ **The complaint may be sent back to the local process.**
- ✓ **The complaint might be held until another forum (ex. legal or ecclesiastical) adjudicates.**
- ✓ **The complaint is deemed to have no cause to proceed (for ex. if the matter is not serious)**
- ✓ **The case is clear and serious enough that an investigation is beside the point: moves directly to sanctions**

- ✓ **The complaint is referred to Accreditation or Certification Commissions**
- ✓ **The complaint is given additional Standards that are possibly implicated**
- ✓ **Mediation is recommended**
- ✓ **Investigative Process and Final Review (Hearing) Panel:** conducted by a trained person. This phase is outlined in the *2010 Processing Complaints of Ethics Code Violations in ACPE*, Part Two/Section XI. This is an information-finding process. At the close of the investigation, the investigator will provide the Ethics Panel Chair (Professional Ethics Commission Chair of either ACPE or APC) with a dossier of the case. If sanctions are required, they will be imposed by the Professional Ethics Commission upon completion of the work by a Final Case Review (Hearing) panel.

EDUCATIONAL AND ACCREDITATION COMPLAINTS:

As required by the U.S. Department of Education, ACPE has policies for addressing complaints against the Accreditation Commission, and complaints against education programs. The Accreditation Commission of ACPE takes seriously any complaint alleging violations of education standards (Section 300 of *2010 ACPE Standards*) within accredited programs. All such complaints should be filed in writing, with the **Chairperson of the ACPE Accreditation Commission** using the “*Accreditation Complaint Form*” which can be obtained by contacting the Accreditation Chairperson, or at www.acpe.edu (click on “Home,” then on “Information on Filing a Complaint against a Member of ACPE,” then on “*Accreditation Complaint Form*.”)

- **Violations of Educational Standards:** The alleged violation must fall within **twelve months*** of the date of filing in the case of complaints regarding educational standards,
- **Violations by Accreditation Commission:** And **three months*** of the date of filing in the case of complaints against the Accreditation Commission.

**Time limits may be extended at the discretion of the Chairperson and staff of the Accreditation Commission.*

The Accreditation Commission Chairperson (and/or staff) will determine whether or not the Commission has **jurisdiction** over the persons or programs named in the allegations. If jurisdiction is established, options are:

- ✓ **Dismissal** of the complaint without prejudice and/or recommendation to seek resolution.
- ✓ **Mediation** can be offered if appropriate.
- ✓ **Investigative Process** and review

If violations of standards have occurred, follow up by the Accreditation Commission will take place as appropriate.

COMPLAINT CONTACTS

ACPE Executive Director:

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**ADD LOCAL CONTACTS, HUMAN RESOURCES, PAG, DIVERSITY/AFFIRMATIVE
ACTION OFFICE, ETC.**