



**EMDRAA**  
EMDR Association of Australia

## CODE OF CONDUCT

## TABLE OF CONTENTS

1. INTRODUCTION	2.
2. DEFINITIONS AND INTERPRETATIONS	2.
3. GUIDING PRINCIPLES	3.
4. WHO DOES THIS CODE OF CONDUCT APPLY TO?	3.
5. ACCOUNTABILITIES AND RESPONSIBILITIES	4.
5.1 The Board	4.
5.2 Members	4.
6. CODE OF CONDUCT	4.
6.1 General Principles	4.
6.2 Discharge of Duties	4.
6.3 Personal and Professional behaviour when Carrying out your Duties	4.
6.4 Compliance with Laws	4.
6.5 Confidentiality	5.
6.6 Conflicts of Interest	5.
6.7 Use of EMDRAA resources	5.
6.8 Equal Opportunity	5.
6.9 Competition for Funds and Funding Support	5.
6.10 Environment, Health and Safety	5.
7. UNACCEPTABLE BEHAVIOUR	6.
7.1 General Principles	6.
7.2 Discrimination and Harassment	6.
7.3 Corrupt Conduct	6.
8. STAKEHOLDERS	6.
9. RESPONSIBILITIES TO STAKEHOLDERS	6.
10. BOARD DIRECTORS AND COMMITTEE MEMBERS	7.
10.1 Fiduciary Duties	7.
10.2 Obligations of Directors and Committee Members	7.
10.3 Director's Conflicts of Interest	7.
11. REPORTING MATTERS OF CONCERN	7.
12. A WORD ON ETHICS	8.
13. CONCLUSION	8.
14. APPENDIX A - Section 3.3, Constitution of EMDR Association of Australia Limited	9.
15. APPENDIX B - Section 4, Constitution of EMDR Association of Australia Limited	10.
16. APPENDIX C - Section 5, Constitution of EMDR Association of Australia Limited	11.
17. RESOURCES	13.
18. VERSION CONTROL	13.

## 1. INTRODUCTION

This Code of Conduct (the Code) is a guide to bring the EMDR Association of Australia (EMDRAA)'s mission and values to life. It is a statement of the standard of professional and social behaviours expected of our membership, which includes board and committee members, members, employees, volunteers and stakeholders as we interact with each other and with others in undertaking the work of EMDRAA. The Code also functions to inform service providers and external individuals serving on an EMDRAA body in any capacity, of the culture that underpins our day-to-day work.

The Code should be read in conjunction with the EMDRAA Constitution, Regulations, Organisational Mission and Values and the other policies and procedures as detailed within the Code.

For registered mental health practitioners, the Code sits alongside compliance with the expected standards of professional performance and conduct as set down by statutory registration and standards authorities in the jurisdiction in which a practitioner is practicing their profession.

For EMDRAA employees, board and committee members, the EMDRAA Code of Conduct supplements the information contained in individual Employment Agreements and overall expectations in line with the requirements of the Constitution.

The Code will be reviewed at least every 24 months, by the EMDRAA assigned body, as directed by the Board. Any sanctioned changes will be made available to all stakeholders.

## 2. DEFINITIONS AND INTERPRETATIONS

In this Code of Conduct:

- 2.1 **Code of Conduct** means the set of responsibilities, proper practices and behaviours expected of all individuals associated with EMDRAA.
- 2.2 The **Association** means the EMDR Association of Australia Limited.
- 2.3 **Constitution** means the Constitution of EMDR Association of Australia Limited.
- 2.4 **President** means the President for the time being of EMDRAA.
- 2.5 **Secretary** means the Executive Officer or other administrative staff member nominated by the Board of EMDRAA for the time being.
- 2.6 **Board of Directors** means the board of Directors for the time being of EMDRAA.
- 2.7 **Committee Members** means members of EMDRAA organised Committees.
- 2.8 **Members** refers to individuals whose name is entered in the Register and includes a full member, associate member, independent director, board member, volunteer, employee and such other class of member as set in clause 3.3 in the Constitution.
- 2.9 **Employee** means an individual specifically hired per an employment agreement and paid to undertake work on behalf of EMDRAA.
- 2.10 **EMDRAA Representative** means member of the EMDRAA Board or the Executive.
- 2.11 **Stakeholder** means an individual or group that has an interest in, and could be affected by, any activity or decision of EMDRAA. This includes but is not necessarily limited to members of EMDRAA, volunteers of EMDRAA, employees of EMDRAA, board directors of EMDRAA, supplies of goods and services on behalf of EMDRAA, other related professional bodies of EMDRAA, and relevant government agencies with dealings with EMDRAA
- 2.12 **Fiduciary** means a person who holds a legal and ethical responsibility for managing money or assets for the benefit of EMDRAA and its stakeholders.
- 2.13 **Integrity** for the purposes of this Code of Conduct, "Integrity" means an adherence to moral and ethical principles; soundness of moral character with respect to the truth and honesty in all situations.
- 2.14 **Bullying** means the repeated or intentional use of words or actions against someone, or a group of people, to

cause distress and risk to their wellbeing

2.15 **Discrimination** means the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, sex, disability or religion.

2.16 **Harassment** means behavior towards a person that causes mental or emotional suffering, which includes unwanted contacts without a reasonable purpose, insults, threats, or offensive language.

### 3. GUIDING PRINCIPLES

The Principal Purpose for which EMDRAA is established is to maintain, support and promote EMDR treatment, practice, research and education.

This Code is guided by the values and mission of EMDRAA, as well as broader ethical principles which include:

- Respect for the dignity of all persons and peoples;
- Competent caring for the well-being of persons; and
- Integrity.

EMDRAA is committed to conducting all its operations in a manner which:

- i. protects the health and safety of all Members;
- ii. recognises, values and rewards the individual contribution of each person; and
- iii. is honest, lawful and moral.

All Members are expected to act with the utmost integrity and objectivity, always striving to enhance the awareness, performance and reputation of EMDRAA.

### 4. WHO DOES THIS CODE OF CONDUCT APPLY TO?

The Code applies to everyone involved with EMDRAA.

It is expected that all EMDRAA Members know and follow the Code. A member of EMDRAA is specified in Clause 3.3 (*see Appendix A*) of the Constitution and defined in Section 2.8 of this document.

While the Code is specifically written for EMDRAA Members, we expect that any member of our extended workforce, such as, any individual serving on an EMDRAA body, representing EMDRAA in other forums or assigned to perform work or services for EMDRAA to follow the Code in their work for us.

Failure of a member of our extended workforce or other service provider to follow this Code may result in disciplinary action in accordance with Section 5 of the Constitution (*see Appendix C*) or their employment contract.

## **5. ACCOUNTABILITIES**

### **5.1 The Board is responsible for:**

- i. setting the tone of legal, ethical and moral conduct to ensure that EMDRAA is considered reputable by the industry, both in mental health and commerce, and other outside entities; and
- ii. ensuring that all Members and external parties representing EMDRAA, are aware of the Code.

### **5.2 Members are responsible for:**

- i. undertaking their duties and behaving in a manner that is consistent with the provisions of this Code;
- ii. reporting a belief of inappropriate conduct for further investigation;
- iii. reporting any departure from the Code by themselves or others;
- iv. the effective implementation, promotion and support of the Code in their areas of responsibility; and
- v. ensuring employees and volunteers under their control understand and follow the provisions outlined in the Code.

## **6. CODE OF CONDUCT**

### **6.1 General Principles**

All Members are entitled to expect the highest professional standards when interacting with each other. Compliance with this Code and EMDRAA's other policies will contribute positively to the good corporate governance of the Association as a whole.

### **6.2 Discharge of Duties**

All Members are expected to:

- i. act honestly, in good faith and in the best interests of the Association;
- ii. discharge their duties at the highest level of honesty and integrity, in good faith and having regard to the position and the objectives of the Association;
- iii. be aware of their duty of care and use diligence in fulfilling the functions of their position and exercising the powers attached to their employment, whether paid or voluntary;
- iv. recognize that their primary responsibility is to the Association's stakeholders; and
- v. not engage in conduct likely to bring discredit upon the Association.

### **6.3 Personal and Professional Behaviour when carrying out your Duties**

All Members should:

- i. behave honestly and with integrity;
- ii. carry out your work to a high standard and in accordance with respective professional bodies, where appropriate;
- iii. always operate within the law;
- iv. follow the policies of the Association;
- v. act in an appropriate business-like manner when representing the Association in public forums, consistent with the objectives of EMDRAA; and
- vi. ensure compliance with the Constitution of EMDRAA.

### **6.4 Compliance with Laws**

It is essential that all Members comply with the rule and spirit of all laws and regulations under which EMDRAA operates and with the principles of this Code. In addition, they must comply with the ethical and technical requirements of any relevant regulatory or statutory body. Violations of such laws may have serious

consequences for the Association and any individuals concerned. Any known violation must immediately be reported to the President of the Board, The Secretary or another board director.

Certain duties may require Members and Employees to provide a current Police Check.

#### **6.5 Confidentiality**

While performing their duties Members may learn information about EMDRAA or one or more of its Stakeholders. This information is confidential and remains the property of EMDRAA and must be treated as such.

Improper advantage through unprofessional sharing of such confidential information, must not take place. Such improper sharing of confidential information can be to the detriment of the Stakeholders of the Association. This excludes sharing of confidential information, where due process is being followed, and information needs to be investigated, discussed and acted upon by the appropriate board or committee members in their normal course of business.

#### **6.6 Conflicts of Interest**

There may be times when a Member's personal interest conflicts with those of the Association or any one of its stakeholders. In these circumstances, appropriate action should be taken to remove or manage such conflicts of interest.

Potential for conflict of interest arises when it is likely that a Board Director or Committee Member, Member, Employee or Volunteer could be influenced, or it could be perceived that such person is influenced, by a personal interest when carrying out their duties. Conflicts of interest that lead to biased decision-making may constitute corrupt conduct.

Members must report any potential or actual conflicts of interest to the appropriate EMDRAA representative. If Members are uncertain whether a conflict of interest exists, they should discuss that matter with their reporting line superiors or appropriate EMDRAA representative, with a view to resolving any conflicts that may exist.

#### **6.7 Use of the EMDRAA's Resources**

The Association's assets are critical to its ability to operate efficiently and successfully. Assets in this context includes all cash holdings, office equipment, computer systems, money, data, trademarks and other intellectual properties of EMDRAA.

These assets are available as required to Members of the Association to conduct the Association's business and any other use must be duly authorised prior to such use.

#### **6.8 Equal Opportunity**

EMDRAA is an equal opportunity employer, both for paid and voluntary positions, and discrimination or harassment of any kind will not be tolerated. See Sections 2.14 and 7.2 for definitions of the types of discrimination that will not be tolerated.

#### **6.9 Competition for Funds and Funding Support**

EMDRAA competes fairly in the markets in which it operates. EMDRAA relies heavily on the continuing support of its Stakeholders and these Stakeholders must not be deliberately misled under any circumstances.

#### **6.10 Environment, Health and Safety**

The environment in which the Association operates, and the health and safety of its Members and Representatives is a key concern for EMDRAA. The impact of environment, health and safety issues are considered when making key decisions. These decisions must not compromise the Association's responsibility to its Members and the environment and must always comply with local laws.

It is the responsibility of all Members of the Association to act in accordance with occupational health and safety legislation, regulations and policies applicable to activities.

## **7. UNACCEPTABLE BEHAVIOUR**

### **7.1 General Principles.**

We believe everyone should be treated with dignity and respect. Bullying, intimidation, harassment or discrimination of any kind is not acceptable in our Association. It is expected that all Members refrain from:

- i. actions which undermine, belittle or humiliate others. This includes verbal and non-verbal threats; excluding or ignoring communications, or engaging in persistent attempts to demoralize;
- ii. claiming to represent EMDRAA without the proper authority to do so;
- iii. bullying or harassment of any kind;
- iv. improper use of social media or other means of communication, contrary to the interests of the Association, its Membership, volunteers, employees or other stakeholders.

### **7.2 Discrimination and Harassment.**

Members must not harass, discriminate, or support others who harass and discriminate against colleagues or members of the public on the basis of age, breastfeeding, disability, employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race (including color, nationality, ethnicity and ethnic origin), religious belief or activity, sex, or sexual orientation.

Such harassment or discrimination may constitute an offence under legislation. Members should understand and apply any relevant principles of Equal Employment Opportunities.

### **7.3 Corrupt Conduct.**

Corrupt conduct involves the dishonest or partial use of power or position which results in one person/group being advantaged over another. Corruption can take many forms including, but is not limited to:

- a. official misconduct including:
  - i. failure to comply with the Constitution of EMDRAA;
  - ii. refusal to support the purposes of EMDRAA;
  - iii. engaging in conduct prejudicial to EMDRAA;
  - iv. unauthorised use of confidential information;
  - v. bribery and blackmail;
  - vi. fraud; and
  - vii. theft.

Corrupt conduct will not be tolerated by EMDRAA. Any report of corrupt conduct will be duly investigated and dealt with under the stipulations of Section 5 (*See Appendix C*) of the EMDRAA constitution. Where corrupt conduct may place EMDRAA at risk, EMDRAA reserves the right to refer such matters to the appropriate legal and regulatory authorities.

## **8. STAKEHOLDERS**

The Board recognises that the primary stakeholders in EMDRAA are its Members. Other legitimate stakeholders include government suppliers and the broader community (including those receiving or about to receive EMDR treatment).

## **9. RESPONSIBILITIES TO STAKEHOLDERS**

EMDRAA strives for full, fair, and accurate disclosure of scientific, financial and other information on a timely basis.

## **10. BOARD DIRECTORS AND COMMITTEE MEMBERS**

The following applies specifically to Directors and Members of EMDRAA organised committees and aims to ensure that Directors and Committee Members have a clear understanding of the Association's expectations of their conduct.

### **10.1 Fiduciary Duties**

All Directors have a fiduciary relationship with other and on behalf of EMRAA's Stakeholders, in particular the Members of EMDRAA. A Director occupies a unique position of trust, which makes it unlawful for Directors to improperly use their position to gain advantage for themselves.

Each Director is expected to exercise skills commensurate with their level of knowledge and experience to increase the value of EMDRAA for the benefit of Stakeholders as a whole.

### **10.2 Obligations of Directors and Committee Members**

Each Director and Committee Member must endeavor to ensure that EMDRAA is properly managed to protect and enhance the interests of all Stakeholders. To meet this obligation each Director and Committee member should:

- i. at all times exercise due care in their duties;
- ii. be diligent, attend board or committee meetings, complete pre-reading requirements and make themselves knowledgeable about the business of EMDRAA or the business of any relevant sub-committee, and the physical and social environment in which it operates;
- iii. ensure that Stakeholders are adequately informed;
- iv. avoid or fully disclose conflicts of interest; and
- v. be impartial in their judgements and actions.

### **10.3 Director's and Committee Members Conflicts of interest**

A Director must always act in the best interests of EMDRAA. Where the interests of Associates, the personal interest of a Director or a Director's family may conflict with those of the Association, then the Director must immediately disclose such conflict and either:

- i. eliminate the conflict;
- ii. abstain from participation in any discussion or decision-making process in relation to the subject matter of the conflict; or
- iii. in exceptional circumstances they may need to consider resignation as a Director of the Association.

Executive Directors must always be alert to the potential for a conflict of interest between their roles as executives and their fiduciary duty as Directors.

Further information on Director's specific responsibilities when managing a conflict of interest in accordance with The Corporations Act 2001 (Cth) is outlined in Section 8.15 of the EMDRAA constitution.

## **11. REPORTING MATTERS OF CONCERN**

When a member believes that there may have been a breach by another member or person(s) covered by this Code of Conduct, where appropriate the member should first attempt to resolve the issue by bringing it to the attention of the individual/s.

If this does not result in the issue being resolved, the EMDRA member should consider taking further action, appropriate to the situation. Such action may include referral to the member relations committee for further investigation and resolution, through informal mediation. Should such further investigations and attempts at resolution still not be successful, the member relations committee can then refer the matter to any Board member for assistance and further investigation.

For such matters and other matters coming directly to the notice of the EMDRAA Board, the Board will determine if further investigation is warranted. If warranted, the Board will request the appropriate sub-committee to

investigate and report back to the Board with their findings, according to the procedures as detailed in EMDRAA's constitution.

Depending upon the outcome of such an investigation, it may result in the matter being resolved, or a remedy as stipulated under Section 4 (*See Appendix B*) and Section 5 (*See Appendix C*) respectively being invoked, as per the processes stipulated by the EMDRAA constitution.

It is the responsibility of the Board to advise any individual who has been the subject of an investigation, of the investigation and of the outcome, as described in the constitution.

## 12. A WORD ON ETHICS

Members of EMDRAA agree to the following:

- i. Observe the professional and ethical standards of their respective clinical professions. If members are not registered or accountable to a particular discipline's code of ethics, or if their code of ethics does not provide reference to the principles outlined herein, then members shall refer to the Australian Psychological Society (APS) Code of Ethics (Current version) for additional guidance.
- ii. to maintain a position of good standing in their professional organisations and with their professional board.
- iii. to follow ethical standards related to advertising EMDR services (including therapy, research, or training). Again, if members are not aligned to a professional body with a clear ethical code for advertising, members need to refer to the APS Code of Ethics for advertising guidelines.

Members and non-members serving EMDRAA in volunteer or paid positions, will follow all policies and guidelines related to that position.

## 13. CONCLUSION

We expect all individuals associated with EMDRAA to be guided by both the letter and the spirit of this Code. We rely on one another's good judgment to uphold a high standard of integrity for ourselves and our Association.

## **14. APPENDIX A – Section 3.3, Constitution of EMDR Association of Australia Limited.**

### **3.3 Classes of Members**

(a) EMDRAA has the following classes of Member:

- (i) Full Member;
- (ii) Associate Member;
- (iii) Independent Director; and
- (iv) Any such additional class of Member as determined by the Board, providing that such a class does not have a right to vote in meetings of Members.

(b) A Full Member is a person:

- (i) who has such qualifications which are determined by the Board from time to time and are published on the EMDRAA website;
- (ii) who has completed a Board approved program of basic training in EMDR; and
- (iii) is of good fame and character.

(c) A Full Member has all rights of membership including to the rights to vote.

(d) An Associate Member is a person:

- (i) who does not satisfy the criteria for Full Membership;
- (ii) who would be eligible to be trained in EMDR, the criteria of which are determined from time to time by the Board and are published on the EMDRAA website; and
- (iii) is of good fame and character, and who has an interest in EMDR.

(e) An Associate Member has such rights as is determined by the Board but does not have the right to vote.

(f) An Independent Director may be elected at a general meeting of members as described at clause 8.1 or may be appointed by way of a casual appointment as described at clause 8.2.

(g) For the avoidance of doubt, an Independent Director:

- (i) is entitled to vote at Director meetings; and
- (ii) ceases to be a Member upon cessation of their term as a Director, or otherwise by operation of clause 3.8.

## **4 Internal Disputes**

### **4.1 Internal Dispute procedure**

- (a) The dispute resolution procedure in this clause 4.1 applies to disputes between a Member or a Director and:
- (i) one or more Members;
  - (ii) one or more Directors; or
  - (iii) EMDRAA.
- (b) A Member or Director must not start a dispute resolution procedure in relation to a matter which is the subject of a Member disciplinary procedure under clause 5 until that disciplinary procedure is completed.
- (c) Those involved in the dispute must try to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- (d) If those involved in the dispute do not resolve it under clause 4.1(c), they must within 10 days:
- (i) notify the Board of the dispute;
  - (ii) agree to or request the appointment of a mediator; and
  - (iii) attempt in good faith to settle the dispute by mediation.
- (e) The mediator must:
- (i) be chosen by agreement of the parties involved in the dispute; or
  - (ii) where those involved in the dispute do not agree:  
for disputes between Members, a person chosen by the Board; or if the dispute is between a Member and the Board or EMDRAA, a person chosen by the president of the law institute or society in the state or territory in which EMDRAA has its registered office.
- (f) A mediator chosen by the Board under clause 4.1(e)(ii):
- (i) may be a Member or former member of EMDRAA;
  - (ii) must not have a personal interest in the dispute; and
  - (iii) must not be biased towards or against anyone involved in the dispute.
- (g) When conducting the mediation, the mediator must:
- (i) give each party every opportunity to be heard;
  - (ii) allow due consideration by all parties of any written statement submitted by any party; and
  - (iii) ensure that procedural fairness is accorded to the parties throughout the mediation process.
- (h) The mediator must not determine the dispute.

## **16. APPENDIX C – Section 5, Constitution of EMDR Association of Australia Limited.**

### **5 Member discipline**

#### **5.1 Board may take disciplinary action**

(a) The Board may take disciplinary action against a Member in accordance with clause 5 if it is determined that the Member:

- (i) has failed to comply with this constitution;
- (ii) refuses to support the purposes of EMDRAA; or
- (iii) has engaged in conduct prejudicial to EMDRAA.

#### **5.2 Disciplinary subcommittee**

(a) If the Board is satisfied that there is a reasonable basis to consider disciplinary action against a Member, the Board must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the Member.

(b) The Members of the disciplinary subcommittee:

- (i) may be Directors, Members, or anyone else;
- (ii) must include one person who is not an EMDRAA member; and
- (iii) must not be biased against, or in favour of, the Member concerned.

#### **5.3 Notice to member**

(a) Before disciplinary action is taken against a Member, the Secretary must give written notice to the Member:

- (i) stating that EMDRAA proposes to consider taking disciplinary action against the Member;
  - (ii) stating the grounds for the proposed disciplinary action;
  - (iii) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting);
  - (iv) advising the member that he or she may do one or both of the following:
    - (A) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (B) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (v) setting out the Member's appeal rights under clause 5.5.
- (b) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

#### **5.4 Recommendation of subcommittee**

- (a) At the disciplinary meeting, the disciplinary subcommittee must:
  - (i) give the Member a reasonable opportunity to be heard; and
  - (ii) consider any written statement submitted by the Member.
- (b) After complying with clause 5.4(a), the disciplinary subcommittee must recommend to the Board that EMDRAA:
  - (i) take no further action against the Member; or
  - (ii) subject to clause 5.4(c):
    - (A) reprimand the Member;
    - (B) require the Member to undertake a course in further professional development;
    - (C) suspend the Membership rights of the Member for a specified period; or
    - (D) expel the Member from EMDRAA.
- (c) The Board must determine whether EMDRAA should accept the disciplinary subcommittee's recommendation and the Board must notify the Member of its decision.
- (d) The suspension of Membership rights or expulsion of a Member from EMDRAA under this clause takes effect immediately after the Board's decision is passed.

## 16. RESOURCES

- Constitution of EMDR Association of Australia Limited
- EMDR Association of Australia Mission and Values (April 2022)
- Australian Psychological Society (APS) Code of Ethics: <https://psychology.org.au/about-us/what-we-do/ethics-and-practice-standards/aps-code-of-ethics>

## 17. VERSION CONTROL

Date of next review: March 2023	Date	Summary	Reason	Approved by
	3 March 22	Draft Code of Conduct Policy developed.	Policy implementation proposal for consideration by EMDRAA Board.	
	30 March 22	Policy Updated	Refinements requested of the EMDRAA Board added.	