



Based on Article 48 of the statute of Sloventa, Slovenian Society for Transactional Analysis (hereinafter referred to as "the Sloventa Society"), on 24 March 2016 the assembly adopted the following

RULES OF OPERATION OF THE HONORARY TRIBUNAL OF THE SLOVENTA SOCIETY

I. GENERAL PROVISIONS

Article 1

The Rules of Operation of the Honorary Tribunal of the Sloventa Society (hereinafter referred to as "the Rules") determine the competences of the Honorary Tribunal, their manner of operations, the procedure before the Honorary Tribunal, the main hearing, the manner of adopting decisions and the implementation of decisions from the Honorary Tribunal.

Article 2

The Honorary Tribunal is a body of the Sloventa Society which assists the Executive Committee of the Sloventa Society in providing ethical support and decides regarding violations of the code of ethics, the statute and other acts of the Sloventa Society – including any violations connected with the acts that contradict the ethical principles defined by the Sloventa Society and the EATA code of ethics – which apply to all members training in the field of psychotherapy, counselling, organisation and education (hereinafter jointly referred to as "TA Practitioners"), as well as members operating in any other manner within the framework of activities carried out by the Sloventa Society, as stipulated in Article 8 of the statute.

Article 3

In their work, decisions and procedures, the Honorary Tribunal shall take into consideration not only these Rules, but also the code of ethics, the statute, the code of conduct of the profession and other acts of the Sloventa Society, as well as the acts of the Slovenian Umbrella Association for Psychotherapy, the acts and recommendations of the European Association for Transactional Analysis (EATA) and the European Association for Psychotherapy (EAP).

Moreover, in their work the Honorary Tribunal shall subsidiarily apply the rules of the administrative procedure. The Honorary Tribunal may not adopt decisions which contradict the legal order of the Republic of Slovenia.

II. THE COMPETENCES OF THE HONORARY TRIBUNAL

Article 4

The competences of the Honorary Tribunal are connected with their double function of providing ethical support and deciding regarding violations, as stipulated in Article 1 of these Rules. In particular, the competences of the Honorary Tribunal shall include:

- organisation of different forms of training and education from the field of ethics, peaceful resolution of disputes, legal issues and other dilemmas,
- encouraging peaceful resolution of disputes,
- analysis of the situation as regards violations, preparation of recommendations and opinions for the bodies of the Sloventa Society,
- handling violations in accordance with the competences determined in these Rules and other acts of the Sloventa Society,
- carrying out procedures for establishing the actual situation related to violations and adopting decisions on responsibility of parties in the aforementioned procedures,
- performing other tasks in accordance with these Rules.

With their operations, the Honorary Tribunal shall contribute to respecting the Code of Ethics of the Sloventa Society, the acts and rules used by the Slovenian Umbrella Association for Psychotherapy, the EATA and EAP, thus improving the level of available information and awareness of the ethical aspects of practice of TA Practitioners, education, training and research, developing good practices, but especially preserving the good name of the profession and the line of work of TA Practitioners.

Article 5

Within the framework of their competences connected with providing ethical support, the Honorary Tribunal shall organise different forms of training and education from the field of ethics, peaceful resolution of disputes, legal issues and other dilemmas. The Honorary Tribunal may also organise thematic meetings concerning the ethics of operations of TA Practitioners, examine the reasons and the frequency of violations and report thereof to the Expert Committee of the Sloventa Society.

The Honorary Tribunal may also adopt principled positions regarding violations on a case by case basis, as well as repeated violations.

III. PROCEDURE IN THE CASE OF VIOLATING THE RULES

Article 6

The Honorary Tribunal shall initiate a procedure due to a violation of the Rules following a proposal for instituting the procedure against the conduct of the TA Practitioner (a member of the Sloventa Society), which may be submitted by the affected individual or body or following the order of the Executive Committee of the Sloventa Society.

Article 7

In accordance with the provisions of the code of ethics, the statute and other acts of the Sloventa Society, the Honorary Tribunal shall in particular deal with the following severe violations which refer to:

- unjustified disclosure of professional secrets,
- acting in a manner which evidently contradicts the rules of the profession of TA Practitioners,
- public exposure of clients in the media without obtaining prior consent from the client or their legal representative,
- using methods for which the TA Practitioner has no appropriate qualifications, licence or other means of proof that they can use them,
- sexual, material, physical or emotional abuse of clients or persons needing psychotherapeutic help, trainees, supervisees, survey participants and other participants in the process,
- inappropriate and unethical relations to other members of the Sloventa Society,
- spreading fake information on TA Practitioners and their approaches,
- damaging the reputation of parties from the previous item,
- acting in a manner which contradicts the generally accepted moral principles (for example, drinking alcohol while working, taking drugs, indecent behaviour, sexual harassment of clients, trainees, supervisees, survey participants and other participants in the process, professional colleagues or members of the Sloventa Society).

In addition to the aforementioned violations, the Honorary Tribunal shall also deal with all other violations of members of the Sloventa Society, which are defined in detail:

1. In the statute of the Sloventa Society:

- violations of the statute provisions,
- severe violations of the code of ethics,
- severe disregard of the rules and decisions of bodies of the Sloventa Society,

- negligent implementation of the assumed assignments and functions of the Sloventa Society,
- any other conduct which in any manner whatsoever damages the interests and good name of the Sloventa Society.

2 In the code of ethics of the Sloventa Society, the code of ethics of the Slovenian Umbrella Association for Psychotherapy, the EATA code of ethics and the EAP code of ethics:

- responsibility,
- competence,
- moral and legal standards,
- confidentiality,
- welfare of clients and other participants in the process,
- professional relations,
- public relations,
- assessment techniques,
- research.

The Honorary Tribunal shall deal with violations on a case to case basis, ongoing violations and repeated violations.

IV. MEMBERS OF THE HONORARY TRIBUNAL

Article 8

The Honorary Tribunal comprises the President and two members. The assembly of the Sloventa Society appoints the members of the Honorary Tribunal for a period of four (4) years. The members of the Honorary Tribunal elect the President which can only be elected two (2) times in a row for this function. During their mandate, the members of the Honorary Tribunal cannot perform the function of the President of the Sloventa Society.

Article 9

Only the assembly may dismiss the President and the members of the Honorary Tribunal before the end of their mandate in case of their inactivity, misuse of position or after receiving a written explanation of resignation from an individual member of the Honorary Tribunal.

V. PROCEDURE BEFORE THE HONORARY TRIBUNAL

Article 10

Parties involved in the procedure before the Honorary Tribunal include the proposer(s) of the procedure and the participant(s) against whom the proposal for the procedure had been submitted (i.e. the counterparty).

Article 11

The procedure before the Honorary Tribunal begins with the proposal for initiating the procedure which includes the data of the member (TA Practitioner) against which the proposal is submitted (name, surname and field of work), description of the violation (the actual situation), possible evidence confirming the allegations from the proposal and the alleged violation which the member (TA Practitioner, committed (or renounced).

Article 12

The proposal for initiating the procedure has to be submitted no later than twelve (12) months after the committed violation or twelve (12) months after the proposer had learned about the violation. The procedure can no longer be initiated after twenty-four (24) months have passed from the date of violation.

Article 13

After receiving the proposal for initiating the procedure, the President of the Honorary Tribunal, or their authorised member, checks whether the proposal (i.e. complaint) contains all of the required constituents, whether the proposal was submitted within the prescribed deadline, whether such proposal is allowed and whether the Honorary Tribunal is competent for deciding thereof. If the proposal is incomplete, the President of the Honorary Tribunal, or their authorised member, returns the proposal to the proposer and asks them to amend it. The proposer has to amend their proposal within fifteen (15) days of receiving it.

If the proposal does not contain all of the required constituents and the proposer (i.e. complainant) fails to amend their proposal within the prescribed deadline, the Honorary Tribunal shall reject the proposal at the meeting by adopting a decision thereof.

Article 14

The President of the Honorary Tribunal shall send the complete proposal with registered mail and proof of receipt to the counterparty and ask them to provide a written explanation within fifteen (15) days of receiving it.

After the expiry of the 15-day deadline for providing the explanation, the President of the Honorary Tribunal shall announce the main hearing and invite the parties in the procedure and possible proposed witnesses.

Before the main hearing, the Honorary Tribunal shall decide whether the proposal is appropriate in terms of content and supported with enough evidence and whether the

submitted evidence is relevant for the hearing. If the Honorary Tribunal assesses that the proposal is irrelevant or insufficiently supported with evidence, it may reject the proposal and inform the proposer thereof with a written decision.

Article 15

If upon receiving the proposal for initiating the procedure the Honorary Tribunal establishes that the TA Practitioner, the subject of the procedure, continues to carry out their professional function for which the proposal for initiating the procedure has been submitted, the Honorary Tribunal may propose the TA Practitioner ceases to perform this function for the benefit of the proposer and in relation thereof.

Article 16

The Honorary Tribunal shall encourage peaceful resolution of disputes. For this purpose, after receiving the proposal or another form of application before the beginning of the main hearing, the Honorary Tribunal undertakes to inform both parties on the possibility of mediation.

Namely, mediation can be used in all sorts of disputes, except in cases when the violation is connected with a suspected criminal act, physical violence, sexual harassment and sexual abuse.

Mediation takes place until an agreement is reached regarding the initial conflict or dispute or, as the case may be, until a unilateral or mutual termination of the procedure takes place. Any party may terminate the mediation for any reason. In such event, the party shall inform the counterparty, the mediator and the Honorary Tribunal thereof in writing or orally.

The mediator may also decide to terminate mediation if they assess that continuing the procedure would not be sensible. The mediator informs both parties and the Honorary Tribunal thereof in writing or orally by providing their reasons.

In the event the parties reject mediation or in the case of an unsuccessful mediation, the Honorary Tribunal shall continue the procedure in accordance with the Rules.

Article 17

The parties in the procedure are invited to the main hearing where they can act with their representatives. The invitation to the main hearing shall include the date and hour of the hearing and provide reasons for the hearing. The person against whom the proposal for the hearing had been submitted shall be informed of the possibility of checking the documentation submitted to the Honorary Tribunal, so that they can prepare themselves for the hearing. The party against which the proposal for the hearing has been submitted, may submit their own proposed evidence and the proposer of the procedure is entitled to be informed thereof.

The invitation to the main hearing shall be sent at least fifteen (15) days before the date of the hearing.

Article 18

The main hearing is conducted by the President of the Honorary Tribunal who first establishes the presence of the participants. If an invitation was sent, but the invited parties did not come to the hearing, the Honorary Tribunal may decide with the majority of members to carry out the hearing in their absence.

At the main hearing, a member of the Honorary Tribunal prepares the minutes. The minutes shall contain a brief description of the procedure at the main hearing, the related evidence, the key statements of the parties, the statements of witnesses and the decisions of the Honorary Tribunal which are of procedural nature. At the end of the main hearing, the minutes is signed by all members of the Honorary Tribunal, the invited parties and the minutes keeper. Each party in the procedure shall have the right to receive a copy of the minutes.

Article 19

After the President of the Honorary Tribunal has established the presence of the participants, the proposer briefly explains their proposal, which is followed by the defence of the counterparty.

Each member of the Honorary Tribunal shall have the right and duty to pose questions to the parties in the procedure to clarify the matter as much as possible.

Article 20

The actual state is established by inspecting the evidence submitted by both parties in the procedure, although evidence may also be proposed by the Honorary Tribunal. The evidence primarily includes written and oral statements of witnesses, documents and other material evidence, but in exceptional cases, it may also include opinions of experts.

The Honorary Tribunal decides on the number and manner of producing pieces of evidence. In cases of violations of ethical and professional norms, it is compulsory to obtain expert opinion thereof from the Expert Committee of the Sloventa Society.

Questions are first posed to the invited witnesses by the Honorary Tribunal, followed by the proposer and finally the counterparty. In exceptional cases, the Honorary Tribunal may decide to confront the witnesses to clarify the disputed matter and establish the truth by posing questions to them.

Article 21

After the completed procedure for producing evidence, the counterparty has the right to the final wording. The Honorary Tribunal then withdraws to consult on the matter and decides whether the actual situation has been clarified enough to adopt a decision.

Article 22

The hearing before the Honorary Tribunal is completed once the Honorary Tribunal has decided at the consultation that the actual state has been clarified enough to adopt a decision. The Honorary Tribunal adopts the decision at a private consultation and after voting. The decision is adopted if the majority of members of the Honorary Tribunal vote for it.

After adopting the decision, the President of the Honorary Tribunal announces the decision in the presence of both parties and briefly provides the key reasons for adopting such decision. The Honorary Tribunal may decide to adopt a decision later on, but no later than within seven (7) days after the end of the main hearing.

Article 23

The President of the Honorary Tribunal shall send the written explanation to all parties in the procedure with a registered letter and proof of receipt no later than within fifteen (15) days after the end of the main hearing.

VI. THE DECISION OF THE HONORARY TRIBUNAL

Article 24

The Honorary Tribunal shall decide whether the member (TA Practitioner) is responsible for the alleged violation. The Honorary Tribunal shall always decide on the costs of the procedure. If the Honorary Tribunal decides that the party against which the procedure had been initiated did not commit the alleged violation, this party shall not be burdened by any costs of the procedure.

Article 25

The Honorary Tribunal may pardon the member (TA Practitioner) in cases when:

- the violation has not been proved because of lack of evidence regarding the alleged violation,
- the committed act has not violated the statute, the code of ethics or any other acts of the Sloventa Society,
- the violation was a result of somebody else's doing.

Article 26

If the Honorary Tribunal establishes the member of the Sloventa Society is responsible and guilty of the violation, the Honorary Tribunal shall decide on using one of the following sanctions:

- sending a letter of admonishment of which the bodies of the Sloventa Society are informed in writing;
- sending a letter of reprimand of which the bodies of the Sloventa Society are informed in writing;
- prohibition of performing functions in the bodies of the Sloventa Society for a definite period of time, of which the bodies of the Sloventa Society are informed in writing;
- temporary or permanent exclusion of the member from the Sloventa Society, of which the bodies of the Sloventa Society (and the bodies of which the Sloventa Society is a member) are informed in writing.

If the Honorary Tribunal establishes the member (TA Practitioner) of the Sloventa Society is responsible and guilty of the violation, the Honorary Tribunal shall decide on using one of the following sanctions:

- sending a letter of admonishment of which the bodies of the Sloventa Society are informed in writing;
- adopting a special measure which includes additional compulsory training and education, additional supervision and additional personal therapy experience – the duration of such measures is determined on the case by case basis;
- recommendation that the TA practitioner informs their professional colleagues, the involved clients and parties connected with the violation (clients, trainees, supervisees, the group and other participants in the process) on the decision of the Honorary Tribunal;
- guidelines for settling damages if the violation involved damaging the parties (e.g. clients, trainees, supervisees, the group and other participants in the process). This may include informing the relevant bodies in which the violating TA practitioner performs certain roles, e.g. sending an apology to the client, the trainee, the supervisee, the group, finding space for feedback of the damaged parties and other;
- recommendation on ceasing to perform the roles which are the subject of the proposal (a temporary cessation of individual or group work within whose framework the violation has occurred, providing training or education, supervision work, etc.);
- temporary suspension of membership in the Sloventa Society;
- exclusion from the Sloventa Society;
- recommendation sent to the competent bodies of the Slovenian Umbrella Association for Psychotherapy to use the sanction of temporary or permanent withdrawal of recognition of the TA Practitioner's Slovene Diploma in Psychotherapy and the European Diploma in Psychotherapy;
- recommendation sent to the competent bodies of EATA to use the sanction of temporary or permanent withdrawal of recognition of the TA Practitioner's European Diploma in Psychotherapy.

In the event of temporary sanctions, the Honorary Tribunal shall determine the duration of the sanction which shall not be shorter than one (1) and longer than five (5) years.

The Honorary Tribunal may impose several different sanctions at the same time.

Article 27

If the procedure is successfully concluded with mediation, the Honorary Tribunal shall adopt a declaratory decision thereof.

Article 28

When imposing sanctions, the Honorary Tribunal shall take into consideration the importance and weight of the violation committed by the member of the Sloventa Society or the TA Practitioner (ethical, professional) for the client, supervisee, the group and other participants, as well as the repeated nature of the same type or other violations, previous impunity and moral conduct, how it affects the good name of the Sloventa Society or the profession of the member or TA Practitioner in organisational or professional terms, etc.

The Honorary Tribunal may consider the mitigating circumstances, such as cooperation of the violating party, readiness to settle or remedy the material or moral damages incurred, expressing sincere regret, providing an apology and other circumstances.

The Honorary Tribunal may consider aggravating circumstances, such as avoiding the procedure, attempts or using procedures to erase traces of the violation, manipulating members of the Honorary Tribunal and witnesses, unwillingness to remedy the errors, abusing the good name to influence the witnesses, slandering the proposer (complainant), hindering the work of the Honorary Tribunal in establishing violations, etc.

Article 29

In their decision, the Honorary Tribunal shall provide reasons. The decision shall contain the introduction, the operative part, the reasoning and the instruction on the right to appeal.

The introduction shall list the members of the Honorary Tribunal which participated in the work and decision-making, the proposer, the counterparty, information about the witnesses, a brief summary of the disputed subject, date of the main hearing and the date of adopting the decision.

The operative part shall contain a clear decision of the Honorary Tribunal, the type of the sanction imposed and the manner of its implementation. The operative part shall be amended with the instruction that after the expiry of the aforementioned deadline for the imposed sanction, the defendant is bound to send documentation on the violation to the Honorary Tribunal from which it is evident that the aforementioned sanctions have been implemented.

The reasoning shall contain the actual state, as determined by the Honorary Tribunal, the justification of reasons for their decision, as well as the mitigating and aggravating circumstances taken into consideration when adopting the decision.

The instruction on the right to appeal shall contain the deadline for lodging the appeal and the name of the body deciding on the appeal.

The written decision shall contain the signatures of the members of the Honorary Tribunal which decided on the case.

Article 30

In the event the Honorary Tribunal decides the violation has not been committed or that the violation does not represent a sufficient basis for imposing a sanction, it shall issue a written decision of pardon. In such decision, it shall be established that there was no violation in the concrete situation or that the violation was not of such nature which would justify imposing a sanction. With reference to the same case, it is not possible to lodge another proposal to the Honorary Tribunal. Each decision of the Honorary Tribunal shall be sent in written form to the parties in the procedure and the assembly of the Sloventa Society.

Article 31

Members of the Honorary Tribunal are entitled to reimbursement of the incurred costs for their work.

In exceptional cases, when the parties submit justified travel and other costs and if costs were incurred for experts and expert opinions, the Honorary Tribunal shall order the payment of costs to the party found guilty or responsible for the violation. If the counterparty is pardoned or the procedure is stopped, the costs shall burden the proposer.

If during the procedure the counterparty proposes production of evidence which is connected with costs, it shall request from the proposer to advance or pay the costs connected with the production of such evidence. If the proposer rejects this, the proposal is rejected.

VII. APPEAL AGAINST THE DECISION OF THE HONORARY TRIBUNAL

Article 32

Each party in the procedure who is dissatisfied with the final or intermediate decision of the Honorary Tribunal on rejecting the case, may appeal to the assembly of the Sloventa Society within fifteen (15) days after the receipt of the written dispatch of the decision of the Honorary Tribunal. The assembly shall decide on the appeal as the body of second instance.

The assembly shall decide on the decision at their next regular or extraordinary meeting. The affected parties shall be informed of their decision in writing within fifteen (15) days after the assembly.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 33

In accordance with these Rules, the Honorary Tribunal shall subsidiarily apply the following rules of the procedure: the principle of trust and fairness, the principle of truthfulness and promptness of the procedure, as well as the provisions of the Administrative Procedure Act.

Article 34

These Rules shall enter into force on the date they are adopted by the assembly of the Sloventa Society.

In Ljubljana, 31.3.2016

Slavica Ravnik,

President of the Sloventa Society,

