

# **Statutes of the Hungarian Public Benefit Association for Movement and Dance Therapy** consolidated with modifications, version 2015.- (Translated by Bara Szécsi, corrected by Zoltán Lachner)

On 27 May 2014 the General Assembly of the Hungarian Association for Movement and Dance Therapy adopted the following statutes amended on the basis of the provisions of Act CLXXV of 2011 (Civil law) on the freedom of association, legal status of public benefit organizations, operation and support civil organizations, as well as the provisions of Act V of 2013 on the Civil Code:

## **I DETAILS OF THE ASSOCIATION**

### **1.     *Name of the Association: Hungarian Public Benefit Association for Movement and Dance Therapy***

Domicile of the Association: 1112 Budapest, Zólyomi út 34/B-36.

Area of operation of the Association: national.

### **2.     *Legal Status of the Association:***

The Association operates as an NGO with separate legal personality.

### **3.     *Writing on the stamp of the Association:***

*"Hungarian Public Benefit Association for Movement and Dance Therapy"*

### **4.     **Objectives and activities of the Association:****

#### **4.1.   **Objectives of the Association:****

4.1.1. *The objective of the Association is to contribute to the fulfilment of the common needs of society and individuals through the indirect performance of public duties defined in the present statutes, by using the resources of the Association available for this purpose as well as an adequate amount of social support.*

4.1.2. *The Association aims to contribute to the achievement of the goals of the Hungarian society by using high quality dance movement therapy and body consciousness methods represented by its members in the areas of personality development, disease prevention, healing and rehabilitation, as well as through community and organizational development programs.*

4.1.3. *Dissemination of knowledge, protection of children and young persons through musical and cultural education of younger generations.*

4.1.4. *Promoting the social equality of disadvantaged groups by organizing and participating to different actions, campaigns and events.*

4.1.5. *Drug prevention, promotion of the healthy lifestyle within the youth by means of education and the dissemination of knowledge as well as by organizing and participating to cultural programs.*

4.1.6. *The Association intends to attain these objectives*

4.1.6.1. *by means of the education, further education and continuous development of the method of Psychodynamic Dance Movement Therapy*

4.1.6.2. *by supporting the high quality practice of the different movement and dance therapy and body consciousness methods incorporated within the association.*

#### **4.2.   **Activities of the Association****

4.2.1. In order to achieve its goals the Association intends to pursue the following activities:

- bringing together the membership with the aim to support the high level practice and development of the different dance and movement therapies used in Hungary, as well as to establish appropriate professional relationships,
- creating workshops to promote and support the Association`s practical activity: the effective application of movement and dance therapies in prevention, personality development, healing and rehabilitation,
- creating workshops to promote and support the Association`s theoretical activity: the continuous study of the mechanism, the effectiveness and the applicability of different movement and dance therapies,
- organizing events to achieve these goals (in the field of education, conferences, research etc.)
- promoting members` study visits abroad,
- inviting foreign professionals,
- organizing professional exchanges,
- establishing relationships and cooperation with international and national organizations,
- performing tasks related to education, training and further training,
- representing movement and dance therapy at professional forums.

4.2.2. The Association is willing to achieve its objectives by the following tools:

- using movement and dance therapies in the field of prevention, personality development, healing and rehabilitation,
- trainings, further trainings,
- research,
- organizing of events,
- publishing activity,
- establishment of mutual professional relationships with foreign movement and dance therapy organizations,
- establishment and maintaining of relationships with different national and international organizations, preparation of expert reports for public authorities, private persons and educational institutions.

4.2.3. *The Association pursues the following public benefit activities which contribute to the fulfilment of the common needs of society and individuals, as well as to the indirect performance of the following public tasks:*

- 4.2.3.1. *cultural activities (§ 13 (1) point 7 of Act No. CLXXXIX of 2011 on the Local Governments of Hungary);*
- 4.2.3.2. *education and care, skills development, dissemination of knowledge (Act No. CXCV of 2011 on national public education (§ 4 point 1.))*
- 4.2.3.3. *protection of cultural heritage, (Act No. LXIV of 2001 on the Protection of Cultural Heritage (§ 5 (1));*
- 4.2.3.4. *services promoting the healthy lifestyle (§ 13 (1) point 4 of Act No. CLXXXIX of 2011 on the Local Governments of Hungary);*
- 4.2.3.5. *public health activities: health development, disease prevention, institutional system;*
- 4.2.3.6. *services related to health development and health protection, disease prevention, healing and medical rehabilitation (Act CLIV of 1997 on Health, § 35 (1) and (2))*
- 4.2.3.7. *social, child welfare and child protection services and benefits (§ 23 (5) point 11 of Act No. CLXXXIX of 2011 on the Local Governments of Hungary)*
- 4.2.3.8. *creating conditions for the practice of leisure sports and the pursuing of healthy lifestyle; children and youth sports, supporting disadvantaged groups in doing sports (Act I of 2004 on Sports, § 49 points c), e))*

#### 4.3. ***Limitations to the activities of the Association***

4.3.1. *Bogus applications may not serve as a basis for remunerations for given purposes.*

4.3.2. *The Association cannot issue bills of exchange or any other debt securities, or – for the purpose of improving its business activities – borrow funds of an amount that would jeopardize its public benefit activities.*

4.3.3. *The Association shall not pursue any investment activities.*

- 4.3.4. *In order to achieve its goals, the Association cooperates with other social organizations, local governments and their institutions, as well as with economic operators sharing the same goals.*
- 4.3.5. *The Association shall not grant remuneration for given purpose to any of its senior officials, supporters, voluntary workers, or to any of the close relatives of these persons – with exception to the services that are available to anybody without any restriction and to the benefits, which are in accordance with the statutes, provided by the Association to its members, based on their membership.*
- 4.4. The Association shall ensure that its public benefit services are also made available to persons other than its members.
- 4.5. For the purpose of achieving its goals and ensuring its necessary financial conditions, the Association may pursue business activities too, but this shall not become the main activity of the Association. The Association shall only pursue business-related activities for the purpose of achieving its public goals which shall not be influenced negatively by its business activities. The association cannot allot the profits achieved through its business operations and can only use them for activities defined under the objectives of the association.
- 4.6. The Association may decide that granting any of its remuneration for a given purpose shall be subject to prior application. The application cannot contain any conditions from which it could be assumed that – with due consideration of all the circumstances – the successful tenderer has been chosen in advance (bogus application). Bogus applications cannot serve as a basis for remunerations for given purposes.
- 4.7. *The Association operates a Working Group for Tenders to ensure the transparency of tenders. Members of the working group manage all the information related to tenders, and make decisions upon consultation with the Board. The Association has specific, separate rules for the operation and tasks of the working group, which are published on its website.*
- 4.8. The Association may also provide scholarships or single grants and – in order to achieve its goals more efficiently – it can employ full-time or part-time staff as well.
- 4.9. *The Association shall not pursue any direct political activity, it shall be independent from and shall not give or receive financial support to or from any political party, it shall not pursue political activities in favor of political parties, shall not nominate or support candidates in parliamentary elections, elections of the members of the representative body of departmental councils or capital municipalities, in the elections of the mayor or the members of the representative body of cities with departmental rights, or those of the European Parliament.*

## II MEMBERSHIP STATUS

5. *Any natural person, legal person or organization without legal personality may apply for admission to the Association who consents to be bound by the objectives of the Association, as well as the written provisions of its Statutes, and is willing to pay the annual membership fee.*
6. **Membership forms of the Association:**
  - 6.1. full membership,
  - 6.2. honorary membership.
7. Any Hungarian or foreign nationality natural person of full age who accepts the goals and objectives stated in the Statutes of the Association may be selected as full member of the Association. This includes:
  - 7.1. professionals of the different movement and dance therapy methods represented by the Association who meet the level of qualification set by the respective Professional Committee,
  - 7.2. any professional with experience in using any kind of recognized body consciousness methods at high standard of quality, upon recommendation of the Professional Committee.
  - 7.3. Any Hungarian or foreign legal person who – through its statutory activities – is capable of supporting the achievement of the objectives of the Association and contributing to the fulfilment of its tasks, can also be

full member of the Association. Legal persons will exercise their rights related to membership through their appointed representatives.

7.4. *Applicants may apply to be members of the Association by submitting a duly completed and signed statement of entry. In case of the application of a legal person, a documentation shall also be attached to the entry form, stating who will be acting as representative on behalf of the legal person. Statements of entry shall be submitted to the Secretary-General of the Association, along with the written recommendation of two members. The General Assembly shall decide about admission of a member, by a simple majority, upon proposal of the Board.*

7.5. **Rights of full members of the Association:**

- 7.5.1. participating to the General Assembly of the Association,
- 7.5.2. exercising the right to consult, make propositions or vote at the General Assembly of the Association,
- 7.5.3. they can elect others or can be elected for any functions of the Association,
- 7.5.4. they have the right to participate to any of the events of the Association,
- 7.5.5. they can avail of the benefits offered by the Association; every member, having paid the membership fee set by the Board until a defined date of the calendar year, can attend the events and gatherings of the Association for a reduced price, and can take part in the operation of the Association under its statutes, according to their job functions,
- 7.5.6. they can be informed directly from the leaders of corporate bodies, as well as from office holders of the Association.

7.6. **Obligations of full members of the Association:** Full members shall

- 7.6.1. comply with the provisions of the Statutes and other regulations of the Association, as well as with the decisions of different bodies of the Association,
- 7.6.2. fulfill their voluntary duties related to the activity of the Association,
- 7.6.3. pay the annual membership fee each year without delay.
- 7.6.4. They are required to regularly participate in the work of the General Assembly, or other bodies of the Association that they agreed to take part in,
- 7.6.5. they are required to manage and protect carefully the assets of the Association,
- 7.6.6. they shall always behave in a manner which is worthy of a member of the association, and shall protect the reputation of the Association.
- 7.6.7. *they shall not jeopardize the achievement of the objectives of the Association.*

7.7. Representatives of Association members with legal personality do not pay any membership fee for themselves.

7.8. Representatives of members with legal personality, during the time of their mandate, cannot be members of the Association personally.

7.9. Members shall be liable to disciplinary action and payment of compensation in the context of injury caused towards the Association.

7.10. The Board of the Association may recommend to the General Assembly to elect as honorary members of the Association some persons who have acquired outstanding merits in supporting the Association in achieving its targets, either financially or ethically, or in supporting or pursuing the profession of Hungarian movement and dance therapy.

7.11. Honorary members of the association have the same rights as normal members, but they may not be eligible for any post of the Association and they only have consultative rights when participating in the work of the General Assembly.

7.12. **Membership shall be terminated:**

- 7.12.1. by the withdrawal of a member of which the Board must be informed by written statement,
- 7.12.2. *by termination of membership initiated by the Association,*
- 7.12.3. *by exclusion of a member,*
- 7.12.4. *in the event of the death of a member or termination of membership without successor.*

7.13. **Termination of membership initiated by the Association:**

- 7.13.1. *If a member does not meet the conditions set out in the present Statutes, the Association may terminate its membership with 30 days` notice. Termination of membership shall be decided by the General Assembly by a simple majority.*

**7.14. Reasons for exclusion of a member:**

7.14.1. a member jeopardizes with its actions the achievement of the objectives of the Association;

7.14.2. in the event of an annual membership fee payment failure, after expiry of the 90-day time limit following the serving of formal notice.

The disciplinary facts underlying the decision of exclusion shall be established in the course of the disciplinary proceedings.

**7.15. Exclusion of a member:**

7.15.1. *In the event of a member's misconduct by which (s)he seriously or repeatedly infringes the law, the statutes of the Association, or a decision of the General Assembly, the General Assembly may conduct proceedings of exclusion against this member – upon initiation of any of the Association's members or bodies.*

7.15.2. *The proceedings of exclusion shall be conducted by the Ethics Committee of HAMDT, according to its own rules of procedure (see 'Ethical Code of HAMDT'). The decision declaring the exclusion of the member shall be made in writing with explanations attached to it; the explanations shall include the facts and evidence underlying the exclusion, as well as information regarding the possibilities of legal remedies. The decision of exclusion shall be communicated to the excluded member. The Ethics Committee shall, in each case, inform the members of the Association about the ethical issues ending with final exclusion at the General Assembly; and it shall require from the excluded professional in writing that (s)he will not pursue professional activities of this kind after his/her exclusion.*

7.15.3. *Appeal may be brought within 30 days of the day on which the party concerned first became aware of the decision of exclusion of the Ethics Committee. Appeals shall be submitted in writing to the Board of HAMDT. Appeals shall have suspensive effect on the implementation of the decision.*

7.15.4. *For the assessment of the appeal, and for the duration of the assessment, the General Assembly of HAMDT shall set up a three-member ad-hoc Appeals Committee which will act in accordance with the rules of procedures of the Ethical Code.*

7.15.5. *In the event that the party complained against challenges the decision of the ad-hoc Appeals Committee in proceedings before the national court within 30 days of becoming aware of it, the decision shall not be final until a court decision having the force of res judicata is rendered.*

### **III.**

## **ORGANIZATION AND OFFICIALS OF THE ASSOCIATION**

### **8. Bodies and Officials of the Organization**

#### **8.1. Corporate Bodies of the Association:**

8.1.1. *General Assembly*

8.1.2. *Board*

#### **8.2. Office holders of the Association:**

8.2.1. *President*

8.2.2. *Deputy President*

8.2.3. *Secretary-General*

8.2.4. *Treasurer*

8.3. *Office holders of the Association are elected by the General Assembly.*

8.4. *Any person who held high office – for at least one year prior to its termination – in a public benefit organization which had not paid its public-law debts according to the law of Taxation, may not hold high office in other public benefit organizations for two years following the termination of the public benefit organization having public debts.*

8.5. *High office holders or persons nominated to be high office holders are required to inform in advance every public benefit organization concerned that they are holding (or willing to hold) offices in other public benefit organizations as well.*

### **9. The General Assembly**

- 9.1. The General Assembly is the main body of the Association, incorporating all the members of the Association. Members with legal personality shall participate to the meetings of the General Assembly through their representatives. The General Assembly may take decisions upon any issues related to the Association.
- 9.2. Ordinary meetings of the General Assembly of the Association shall be held as often as necessary, but at least once a year. Extraordinary General Assembly shall be called together in case of a request signed by at least one third of the members, the reasons for and the purpose of the convocation shall be defined in the request. The General Assembly shall be called together if ordered by the Capital Court.
- 9.3. The General Assembly shall be called together by the President in writing, *at the domicile of the Association*. The convocation shall be considered proper if members have been informed of the meeting at least eight days before the date of the meeting in writing, with receipt of verifiable way, and they have been given the agenda of the meeting. Meetings of the General Assembly shall be open to the public.
- 9.4. A quorum shall exist at the General Assembly if 50% + 1 person of those entitled to vote are present. If this quorum has not been reached, the General Assembly can be called together a second time, with the same agenda, for a date within one month at the latest and a quorum shall exist at this new General Assembly irrespective of the number of members present. The repeatedly convened General Assembly is constituted valid if the attention of the members has been drawn to this fact in advance in the invitation.
- 9.5. The General Assembly shall be presided by the President or, in the event that he/she is unable to meet his/her responsibilities, the Deputy President or the Secretary-General.
- 9.6. Motions can only be negotiated at the General Assembly if they have been received by the Secretary-General at least one day prior to the General Assembly meeting. Participants of the General Assembly may decide to include further motions in the agenda by a simple majority vote.
- 9.7. Every General Assembly meeting shall be recorded, and the minutes of the meeting shall be authenticated by the President of the General Assembly and by two Members invited to do so by the President during the General Assembly.
- 9.8. As a rule, decisions of the General Assembly must be made in an open vote by a simple majority. In the event of a tied vote, *a re-vote shall be ordered*. The following persons may not participate in the decision-making process of the General Assembly: those who – or whose close relatives (Civil code 8:1 § (1) point 2) or unmarried partners (hereinafter together referred to as relatives) are – based on the decision –
  - 9.8.1. exempt of any obligation or liability, or
  - 9.8.2. obtain any other benefits, or may be interested otherwise in the legal transaction. Non-financial services which are available to anybody without any restriction (as part of remunerations of the public benefit organization for specific purposes) and remunerations provided by the social organization to its members for a given purpose on the basis of their membership, complying with the instrument of incorporation, may not be considered as benefits.
- 9.9. A secret ballot may be ordered by the General Assembly, upon proposal of the President or at the initiative of at least one-third of the members. *The Board of the Association shall be elected in every case by the General Assembly, by secret vote. A qualified majority, a 'yes' vote from at least two-thirds of those present, is necessary to adopt, amend or complement the Statutes, and to elect, dismiss or revoke the President or the Members of the Board.*
- 9.10. Non-financial services which are available to anybody without any restriction (as part of remunerations of the Association for specific purposes) as well as those remunerations which are in accordance with the Statutes and are provided by the Association to its members for a given purpose on the basis of their membership, shall not be considered as benefits.
- 9.11. Minutes and records shall be taken about the sessions of the General Assembly and the Board – *with exception specified in point 9.12.* – which makes it possible to identify the content, the date and the effect of the decisions of these bodies, as well as the proportion and – in case of an open voting – name of the supporters and opponents of a decision. The minutes and the records, as a documentation used to record the decisions, shall be kept among the documents of the Association, numbered, in folders. The document folders shall be managed / maintained by the Secretary-General of the Association.

- 9.12. *General Assembly meetings can also be held by using electronic communications devices (instead of personal presence), or members may participate to a meeting by using electronic communications devices (instead of being personally present).*
- 9.12.1. *Members are required to inform the Association about the above fact at least 5 days before the General Assembly. It is only possible to hold a General Assembly meeting by means of an electronic communications device if every member gives consent to it at least 5 days prior to the meeting.*
- 9.12.2. *If a member wishes to participate in the General Assembly by personal presence, (s)he shall be granted this right.*
- 9.12.3. *A member can only participate in the General Assembly by using an electronic communications device if proper identification of the member, as well as mutual and unrestricted communication between the members can be ensured.*
- 9.12.4. *Everything that has been said and the decisions taken at the meetings held by using electronic communications devices shall be recorded in a way that they can be checked later.*
- 9.13. *The persons concerned shall be informed directly in writing of any decision of the General Assembly or the Board within two weeks following the decision – in a verifiable way. The President shall be responsible for giving this information to the persons concerned within 8 days following the decision by registered letter or direct transfer of the letter and with credible proof of it. Decisions shall be made public by displaying them on the notice board of the Association.*
- 9.14. *General rules on the adoption of decisions shall apply to the way of approval of the annual accounts of the Association.*
- 9.15. *Documents related to the operation of the Association shall be open to the public for inspection at the domicile of the Association – on a date that was agreed in advance with the Association's representative – and anyone may make copies of the documents, at his/her own expense.*
- 9.16. *The Association shall make public on its website as well as in newspapers or magazines the way in which its services are provided and the ways to support the organization, as well as its operational modes, along with their scope and terms, and the professional/financial report on its operation. Remunerations granted by the Association for specific purposes shall also be made public.*
- 9.17. **Exclusive competences of the General Assembly:**
- 9.17.1. *appointment, dismissal and revocation of members of the Board, as well as acceptance of their resignation,*
- 9.17.2. *foundation of other professional organizations and the appointment, dismissal or revocation of their members, as well as acceptance of their resignation,*
- 9.17.3. *adoption of the annual plan of the Association,*
- 9.17.4. *adoption of the annual report of the Board,*
- 9.17.5. *making decision on matters of importance affecting the Association, presented by the Board; establishing the Association's position in topical issues which must be represented by the Board,*
- 9.17.6. *approval or modification of the Statutes or other regulations of the Association,*
- 9.17.7. *decisions on membership applications based on the recommendation of the Board,*
- 9.17.8. *setting the membership fees due for the following calendar year,*
- 9.17.9. *deciding on appeals against the decisions of exclusion of the Board,*
- 9.17.10. *discussion of motions submitted by members,*
- 9.17.11. *decisions on the appointment of persons nominated to honorary membership, based on the recommendation of the Board,*
- 9.17.12. *adoption of the annual budget and the annual report of executive bodies. The adoption of the Annex on public benefit status falls within the exclusive competence of the General Assembly. Approval of the annual report of the Association shall take place at the same time with the adoption of the Annex on public benefit status, until the 150<sup>th</sup> day following the reference year, upon the unanimous decision of the General Assembly,*
- 9.17.13. *establishment of the annual budget,*
- 9.17.14. *declaration of the foundation or dissolution of the Association, as well as the announcement of its merger with another social organization, or its formation of alliance with another social or mutual defense organization,*
- 9.17.15. *adoption of the Rules of Procedures,*
- 9.17.16. *decisions on all matters for which the General Assembly is given sole responsibility by the Statutes.*

## 10. **The Board**

- 10.1. *The Board is the operational executive and representative body of the Association, which shall ensure the continuous operation of the Association as well as the implementation of the decisions of the General Assembly. The Board shall make decisions on all matters for which the General Assembly has not been given sole responsibility by the Statutes.*
- 10.2. ***Responsibilities of the Board:***
- 10.2.1. *performing tasks related to the management of the Association,*
- 10.2.2. *elaborating proposals for the General Assembly about important issues affecting the Association,*
- 10.2.3. *it shall always receive written notification of withdrawal of members,*
- 10.2.4. *making Board decisions which terminate membership,*
- 10.2.5. *elaborating proposals for the election of persons nominated to honorary membership.*
- 10.2.6. *ensuring that documents related to the operation of the public benefit organization are open to the public for inspection.*
- 10.3. *The Board shall report to the General Assembly on its activity in the period between two General Assembly meetings; its actions shall be approved by the General Assembly.*
- 10.4. *Members of the Board are the following: President, Deputy President, Secretary-General and Treasurer. Board Members are elected for a fixed period of three years, from the date of their election. The President may be re-elected after expiry of his/her mandate.*
- 10.5. *Each member of the Board represents the Association with full authority and a sovereign competency of signature.*
- 10.6. *The President of the Association is the legal representative of the Board, and at the same time that of the Association. The signature of both the President and a member of the Board is required for provisions concerning the Association's bank account.*
- 10.7. *In certain cases additional members of the Association may be invited to Board meetings – with respect to the actual agenda.*
- 10.8. *The following persons may not participate in the decision-making process of the Board: those who – or whose close relatives (Civil code 8:1 § (1) point 1) or unmarried partners (hereinafter together referred to as relatives) – are, based on the decision,*
- 10.8.1. *exempt of any obligation or liability,*
- 10.8.2. *obtain benefits of other kind or may be interested in the legal transaction otherwise.*
- 10.9. *Board meetings shall be held as often as necessary, but at least once in every half year. Board meetings shall be called together by the President by a written invitation containing the agenda. The convocation shall be considered proper if members are informed of the meeting at least eight days before the date of the meeting in writing, by registered letter, and they are provided with the agenda of the meeting. A quorum shall exist at a Board meeting if three-fourth of those entitled to vote are present. Where a quorum does not exist, the Board shall be called together again at the latest within 30 days.*
- 10.10. *Meetings of the Board shall be open to the public.*
- 10.11. *Decisions of the Board shall be taken by a simple majority. In the event of a tied vote, the voting should be repeated according to the general rules. Upon request of the majority of members a secret ballot may be ordered for any matters of decision. Appeals may be brought to the Secretary-General of the General Assembly, in writing, against Board decisions taken in relation to membership recruitment, disciplinary issues, damages or any other matters related to personnel, within 15 days of notification.*
- 10.12. *Meetings of the Board shall be recorded and the minutes signed by the President and the Deputy President. Board decisions shall be numbered in series starting each year with 1. Decisions shall be made public on the website of the Association.*
- 10.13. *The Deputy President is required to keep a record of Board decisions which shall show the content, the date and the effect of decisions, as well as the supporters and opponents of a certain decision.*
- 10.14. *The persons concerned shall be informed about the decisions within 8 days after they have been taken, by mail and registered letter.*



10.15. *The President shall ensure that documents related to the operation, the way of using its services and the reports of the public benefit organization are open to the public for inspection at the domicile of the Association, after individual consultations and he/she shall ensure compliance with the relevant statutory provisions regarding the publication and deposit of the annual report and the Annex on public benefit status.*

**10.16. Responsibilities of the President:**

- 10.16.1. *representing the Association,*
- 10.16.2. *presiding General Assembly and Board meetings,*
- 10.16.3. *inviting members to authenticate the minutes taken about General Assembly meetings,*
- 10.16.4. *managing the operation of the Association,*
- 10.16.5. *exercising the right to allocate or transfer money together with an additional Board member.*

**10.17. Responsibilities of the Deputy President:**

- 10.17.1. *representing the Association;*
- 10.17.2. *having sovereign competency of signature in all matters concerning the Association;*
- 10.17.3. *in the event that the President is unable to meet his/her responsibilities, the Deputy President exercises his/her full authority,*
- 10.17.4. *leading, controlling and monitoring the entire operation of the Association,*
- 10.17.5. *negotiating with persons, social, government and business organizations supporting the Association,*
- 10.17.6. *monitoring the management of the Association,*
- 10.17.7. *calling together the Board and the General Assembly whenever it is necessary.*

**10.18. Responsibilities of the Secretary-General:**

- 10.18.1. *he/she has sovereign competency of signature in all matters concerning the Association,*
- 10.18.2. *calling together the Board and the General Assembly, when necessary;*
- 10.18.3. *keeping contact with members of the Association,*
- 10.18.4. *coordination of the operation of the Association,*
- 10.18.5. *managing the central archives and the records.*

**10.19. Responsibilities of the Treasurer:**

- 10.19.1. *he/she has sovereign competency of signature in all matters concerning the Association;*
- 10.19.2. *keeping contact with the accountant of the Association,*
- 10.19.3. *managing the petty cash and the bank account,*
- 10.19.4. *monitoring / checking the payment of membership fees,*
- 10.19.5. *invoicing membership fees.*
- 10.19.6. *The budget of the Association relies on paid membership fees – approved by the membership –, on amounts resulting from events and publications and other incomes of the Association. The Treasurer shall ensure the collection of the amounts and – with the approval of the President – the payments.*

**10.20. The mandate of Board Members shall cease:**

- 10.20.1. *with expiry of their mandate period,*
- 10.20.2. *by revocation,*
- 10.20.3. *if one of the grounds for refusal set out by law occurs,*
- 10.20.4. *in the event of resignation,*
- 10.20.5. *in the event of the death of a member of the Board,*
- 10.20.6. *by dismissal,*
- 10.20.7. *in other cases set out by law.*

**10.21. Members of the Board shall be revoked especially in the following cases:**

- 10.21.1. *if they are engaged in activities which are contrary to the purposes of the Association,*
- 10.21.2. *if they exercise their rights in a way that derogates from the provisions of the Statutes,*
- 10.21.3. *in case they are exercising their representational role in a way that violates the provisions of a law or the Statutes,*
- 10.21.4. *in the event that the activity of a member of the Board is contrary to the purposes of the Association, or jeopardizes them.*

10.22. *Dismissal of a member takes place when he/she is not able to fulfill the duties and obligations arising from his/her office for more than 60 days, for reasons which cannot be attributed to him/her.*

- 10.23. *The General Assembly shall decide about the dismissal or revocation of a Board Member by secret ballot and a 'yes' vote from two-thirds of members present.*
- 10.24. *In the event of the resignation of a Board member, the office shall expire on the date specified in the waiver. Shall this date be prior to the date of the notification the expiry will be effective from the date of notification. The waiver shall be submitted in writing to the President, whereas that of the President shall be submitted to the Deputy President. Such waiver shall not be substantiated.*
- 10.25. *The General Assembly must elect a new Board member within 30 days following the termination of office of the Board member, according to the provisions of point 9.9.*
- 10.26. *Decisions on dismissals, revocation or the emergence of a reason or a ground for refusal set out by law shall be made by the General Assembly within 30 days of the day on which it became aware of them. The General Assembly shall follow a procedure of taking of evidence in the course of which it shall hear the Board member concerned. The revoked Board member may appeal to a court against the decision of revocation within 30 days.*
11. *The General Assembly of the Association can establish other professional organizations by a simple majority. These professional organizations shall not represent the Association; detailed rules for the operation of professional organizations shall be determined in the Rules of Procedures adopted by the Association. The Association has a standing Professional Committee which works on a permanent basis. Detailed rules for the operation of the professional committee are also determined by the Rules of Procedures.*

#### IV. MANAGEMENT OF THE ASSOCIATION

12. Assets of the Association:
- 12.1. **Incomes of the Association:**
- 12.1.1. membership fees,
- 12.1.2. revenues from events organized by the Association,
- 12.1.3. incomes from successful tender applications,
- 12.1.4. donations,
- 12.1.5. revenues from publications,
- 12.1.6. rents,
- 12.1.7. proceeds from advertisements,
- 12.1.8. proceeds from services provided by the Association.
- 12.2. **Costs of the Association:** *Expenditures arising from the activity of the Association in achieving its goals.*
- 12.3. Full members of the Association pay an annual membership fee, which shall be set by the General Assembly.
- 12.4. **Use of the funds of the Association:**
- 12.4.1. *The Association shall develop an annual budget for the appropriate use of its funds. The budget for the coming year, as well as the report on the management of the previous year shall be submitted to the Commission for approval by the President.*
- 12.4.2. Payments can only be fulfilled with the signature of both the President and another member of the Board.
- 12.4.3. The Association is responsible for settling its debts out of its own assets. Members of the Association are only required to pay the membership fees of the Association, they do not have personal liability for the debts of the Association. The amount and method of payment of membership fees shall be determined by the General Assembly.
- 12.4.4. Membership fee to be paid by full members of the Association is HUF 8.000 / year.
- 12.4.5. *Annual reports shall be produced – with contents specified by law – about the management and operation of the Association, and they shall be approved by the General Assembly. Detailed rules for the*

*management of the Association shall be determined by the Board – within the framework of laws and decisions of the General Assembly.*

- 12.4.6. *The assets of the Association are managed by the President. Transactions connected to bank account may only be carried out and signed by the President who possesses an autonomous signing power. (eg. ad-hoc orders, bank transfers, cash withdrawals).*
- 12.4.7. *Provisions of Act XLIX of 1991 on Bankruptcy and Liquidation Proceedings shall duly apply to the Association.*
- 12.4.8. If the Association ceases to operate, the General Assembly shall decide about its assets. The Association ceases to operate if the General Assembly declares its dissolution or its merging with another social organization with a two-thirds majority. The Association shall also cease to operate when dissolved or terminated by court decision.

## **V.**

### **LEGAL SUPERVISION OF THE ASSOCIATION**

Legal supervision over the operation of the Association shall be exercised by the prosecution.

## **VI.**

### **MISCELLANEOUS AND FINAL PROVISIONS**

The present amendment of the Statutes was accepted by the General Assembly of the Association on 27 May 2014.

## **Rules of Procedure of the Hungarian Association for Movement and Dance Therapy**

The present Rules of Procedure contain requirements regarding the organizational structure and operation of the Association. Provisions of the Rules of Procedure shall not conflict with the Statutes.

The Rules of Procedure shall be elaborated by the Board and adopted by the General Assembly.

Following its adoption by the General Assembly, only the General Assembly can modify the Rules of Procedure, upon proposal from the Board.

In the event that the membership proposes / initiates the modification of the Rules of Procedure, the Board must present the proposal for discussion at the General Assembly, in accordance with the Statutes (if one-fourth of the members support the proposition of amendment).

### **I. Decisions**

### **II. Committees:**

- 1 Study Committee
2. Professional Committee
3. Training Institute
4. Operational Committee
5. Ethics Committee
6. Working Group for Tenders

### **III. File Management**

### **IV. Entry into Force**

### **I. Decisions**

The Hungarian Association for Movement and Dance Therapy is an organization which gives place for a **method-specific training** accredited by Semmelweis Medical University and the Council of Psychotherapy. The method which is currently accredited is called **Psychodynamic Movement and Dance Therapy**. The Association is only entitled to educate, provide trainings for, practice and control this particular method. As for the education and practice of all the other methods incorporated within the Association, the original institutions of these methods shall be responsible for it.

The following groups can be advertised on behalf of the Association: personality development / therapy groups and training groups for future professionals of the accredited dance therapy method; body consciousness workshop groups as part of the training of the accredited method; professional programs organized or approved by the Professional Committee.

The Association must meet the Hungarian criteria related to the method-specific training organization and take responsibility for it. Therefore, in case of all decisions regarding professional issues which may affect the

Association in its quality of Method-Specific training organization, the resolutions of the Study Committee of the accredited method and those of the Board members representing the accredited method shall be decisive and therefore these should be presented to the General Assembly.

## II. Committees

### 1.

#### Study Committee

The Study Committee consists of the president and 2 to 5 members. It is elected by the General Assembly.

The Hungarian Association for Movement and Dance Therapy is an organization which gives place for a **method-specific training** accredited by Semmelweis Medical University and the Council of Psychotherapy. The Association is required to establish a Study Committee to fulfill and continuously organize duties related to training, further training and education, with the aim to ensure the practicing of the Association's accredited method, which is currently the **Psychodynamic Movement and Dance Therapy**, at appropriate professional standards. The Study Committee must improve continuously the practice and training of the accredited method and is required to elaborate and exercise the role of supervision and control.

The Study Committee shall be called together twice a year, but any of its members can initiate at the president its convocation.

The Study Committee is required to establish a list of all the professionals of dance therapy methods that it represents, with registration numbers. The list shall be continuously updated with indication of the level of education of each professional, and members of the Association shall be informed of the current list once in every year.

The Study Committee will elaborate in details the training program for the method that it represents which shall be in accordance with / adjusted to the training program of the accredited trainings of psychotherapy or socio-therapy. It shall elaborate the stages of the training, as well as the examination system.

The Study Committee can issue certificates in psychotherapy and group leadership at its discretion, based upon the proven performance of the prescribed training phases. The respective Study Committee shall make propositions for the appointment of trainer professionals of the accredited method, based upon the level of qualification and professional experience prescribed for the method.

Any dance therapy method having 5 trainers whose level of education and expertise meets the criteria applicable for method-specific trainers in Hungary (at present one can become a method-specific trainer if he/she passed his/her psychotherapy specialist examination at least five years ago) has the right to establish a Study Committee within the Association, and upon approval of the General Assembly it may apply for the accreditation of its method at the appropriate professional forum.

### 2.

#### Professional Committee

Members of the Professional Committee are elected by the General Assembly for a period of three years. The Committee consists of the representatives of the different movement and dance therapy and body consciousness methods represented within the Association. The objective of the Professional Committee is to promote cooperation and dialogue between the professionals of the different methods, with the aim to support the improvement of the different movement and dance therapy and body consciousness methods represented by the Association, and to allow their professionals to exercise their methods at a high level of professional standards.

By means of appropriate professional programs, the Professional Committee ensures the continuous cooperation of all the professionals of dance therapy and body consciousness methods represented by the Association.

Members of the Professional Committee shall appoint among themselves the President of the Committee by mutual agreement. The President is required to call together the Professional Committee once a year, but it may also be called together on the initiative of any of its members.

As the Association is a member of the Psychotherapy Council, it is also an organization which gives place for a method-specific psychotherapy training - the accredited method being currently the Psychodynamic Movement and Dance Therapy. The Association is only entitled to provide trainings for, practice, supervise and control this particular method. Therefore, two representatives of the accredited method are present at the Professional Committee of the Association, reflecting the real circumstances.

The Professional Committee has at least 5 members, but at least one professional from every method represented in the Association may be elected by the General Assembly.

The Committee shall take positions regarding professional matters affecting dance therapy and body consciousness methods represented by the Association and shall present its decisions to the General Assembly for final decision.

The Professional Committee shall determine the level and degree of education and expertise, in respect of the different dance therapy and body consciousness methods, needed for professionals to be eligible for full membership of the Association. For professionals representing dance therapy and body consciousness methods which do not have regulations for this, the Committee will evaluate individually each application for membership and make a proposition for admittance.

The Professional Committee shall continuously maintain and update a list of dance therapy and body consciousness methods represented by the Association.

The Professional Committee shall ensure, by means of appropriate professional programs, the continuous cooperation of all the professionals of dance therapy and body consciousness methods represented by the Association.

### **3. Training Institute**

The Training Institute may be established by the trainer therapists of accredited movement and dance therapies.

Training Institutes may be set up by at least three trainer therapists. Establishment of Training Institutes shall be adopted by the General Assembly.

Training Institutes shall ensure a high-quality organized training program for the accredited method which shall be elaborated by the Study Committee, based upon the training criteria adopted by the General Assembly.

### **4. Operational Committee**

Operational committees can be established, on the basis of the Association's operational requirements, for the implementation of some of the target tasks (elections, organization of conferences or programs of the Association etc.) and for the fulfilment of tasks which are necessary for the maintaining and operation of the Association or they are related to its services.

The establishment of operational committees is decided by the General Assembly and the General Assembly shall dissolve them after completion of the target task.

Each Operational Committee shall draw up a working plan for the implementation of specific target tasks – if necessary with a budget. The working plan and the budget shall be presented to and approved by the Board of the Association before the work starts. Upon completion of the program or – in the case of a continuous completion of task – at intervals set by the Board, the Operational Committee shall establish a report/reports and presents it/them to the Board.

## **5. Ethics Committee**

The Ethics Committee monitors the operation of the Association and the activities of the members - upon mandate received from the General Assembly or the Board; it shall prepare a report about its findings. The Ethics Committee shall consist of a chairperson and 2 or 3 members.

The Ethics Committee shall advise on ethical issues resulting from the dance therapy or body consciousness work of members, if necessary initiates the warning of the member causing ethical misconduct or – in severe cases – its exclusion from the Association. The Ethics Committee shall establish separate rules of procedure for its work.

The establishment and the rules of procedure of the Ethics Committee shall be voted on by the General Assembly.

## **6. Working Group for Tenders**

The Working Group for Tenders shall coordinate, monitor and record the Association's activity related to tenders and applications. Constant members of the working group can be full members of the Association admitted at the annual General Assembly in accordance with the Statutes. List of current members of the working group shall be registered and made public on the website of the Association by the Secretary-General of the Association. The professional and financial managers of running tender-winning projects may also attend working group meetings as temporary members of the Working Group. The Working Group for Tenders shall establish separate rules of procedure for its work.

The establishment and the rules of procedure of the Working Group for Tenders shall be voted on by the General Assembly.

## **III. File management**

Board members and heads of the committees can use the Association's official letterhead in their respective competences, for their outgoing correspondence. They carry out their correspondence independently. A copy of the correspondence must be stored in the central archives of the Association.

Circulars, multiplied letters, advertisements concerning the Association shall only be issued out with the signature of the President, the Secretary-General, or a Board Member authorized by them, heads of the different committees. Only the President, the Secretary-General, the Board Members and their authorized official spokesman have the right to correspond or take official positions on behalf of the Association. It is necessary that official, authorized correspondence and statements reflect the position of the Board of the Association. Correspondence shall be considered official if it bears the stamp of the Association. Official correspondence shall be made public for inspection at Board meetings.

## **IV. Entry into Force**

The present Rules of Procedure of the Association was adopted by the General Assembly of the Association on 15 November 2005. **ETHICAL CODE OF THE HUNGARIAN ASSOCIATION FOR MOVEMENT AND DANCE THERAPY**

### **I. GENERALITIES**

1. Movement and dance therapy group leaders and psychotherapists working within the Association (hereinafter referred to as groupleaders) shall fully respect the personal rights and dignity of group members, shall not discriminate or reject anyone applying to be a group member for racial, ethnic, religious or other reasons.

2. The Ethical Code relies heavily on the ethical and moral senses of group leaders, thus each group leader is responsible for the professional decisions he/she makes.

3. Before the group (process) starts, at the time of application or during the first interview, group leaders shall inform future group members of the nature/type of the group that is being formed (whether it is a therapy, a self-development or a trainer group) and also give information about the difference between each type of group, in order to allow future group members to make their own decisions whether they would like to participate in the group. The participation of each group member shall be based both on his/her free will and the professional decision made by the group leader. Applicants shall be properly informed of the objectives of the group as well as the specific method used during group sessions.

4. Group leaders shall also inform group members at the beginning of the group process, during the first interview or at the method-specific demonstration, of the rights they will be entitled to after participating in or completing the group.

5. Group leaders shall provide a safe place to work and ensure a safe environment (from both physical and psychological point of view).

During the time that group sessions take place, group leaders make every effort to protect the physical integrity of the members.

6. Group leaders do not pay any commission, fee or provide any other benefits to anyone directing potential future group members to them. Group leaders shall not use any information they obtain from a group member for their personal gain.

When setting participation fees (including hourly fees and room rental fee), group leaders shall adopt as indicative the hourly rate recommended by the Association, which may change following the inflation and differ slightly in proportion to the service provided, or after taken into account the solvency of group members.

7. May group leaders find that they are not able to support the group member in an appropriate way, either when organizing the group or during their work with the group, they shall direct him/her to another professional. If it becomes apparent for group leader(s), in the course of the group work, that they are personally involved either in relation to a particular group member or to the group as a whole, they shall seek support through supervision.

8. Group leaders shall close their relationship with the group members in a professional manner.

9. Professional responsibility of group leaders for a group member lasts until their joint work finishes. This shall also apply to the leaders of groups working for a short time (e.g. workshop leaders), who shall, if necessary, close the group in an appropriate manner, with retrospection – and if necessary by directing them to another professional.

10. Group leaders agree that they shall only start a group process if they expect to be able to carry through and finish it. If, for any reason, they are unable to continue the process, they agree to inform the group members of this fact in time and to make a decision together with the group, by taking into account all the options, about whether to close the group process or about how to continue it.

11. Group leaders agree to document every group session.

12. Group leaders shall endeavor to act in accordance with the professional protocol of the method used.

## **II. ADVERTISING**

1. Self-development, trainer or therapy groups may be organized by means of public announcements too. Group leaders must, in all circumstances, give accurate information about the objective and duration of the group, and indicate their professional degree earned during the training in accordance with the facts. When advertising the groups, they shall avoid misleading or misinterpreted formulations which may influence the decisions of applicants.

2. Group leaders shall, if possible, provide applicants the opportunity to participate to a demonstration of the method before they start the group/process.

3. Group leaders may only advertise their groups in accordance with their level of education defined in the current training system.



### **III. CONTRACT**

1. Group leaders conclude an agreement (an oral or written contract) with prospective group members before the start of the group. At the beginning of the group work they enter into a contract with the group as well. The contract shall include the length of the group process, the time and frequency of group sessions, the amount of the participation fee and the timetable for payment, as well as the rules regarding secrecy obligations and the absences.
2. Group leaders shall especially inform prospective group members that the work with body contact constitutes an important part of the method.
3. They shall also draw the attention of group members to the fact that the group may not be used for the satisfaction of aggressive or sexual impulses. Group leaders consider these principles to be binding upon them as well.
4. After the starting of the group process, the contract can only be modified based upon the mutual agreement of group members and group leaders.
5. In case of groups for children, contracts shall also be concluded with the parents.

### **IV. CONFIDENTIALITY**

1. During the group process all personal information shared by group members requires confidentiality, unless the group member agrees to the communication of that information. The secrecy is binding on both the group leaders and the persons participating in the group, even after the completion of the group work.
2. Group leaders shall clarify for group members the meaning/concept and the limits of confidentiality.
3. If the group leader wishes to use any material about group members or the group process for the purpose of writing, research or teaching, he/she may only do so with the consent of the members of the group in a way that is safe to keep the group members or other persons involved in anonymity.
4. The group leader is also bound by the rules of confidentiality concerning information received from others in relation to a member of the group.

### **V. GROUP PROCESS**

1. All the way through the group process, group leaders shall monitor the improvement of the group as a whole and also the personal development of each group member individually. The responsibility of group leaders for the group and for group members lasts until the moment when the group is formally closed or group member(s) are directed to another professional.

### **VI. RESEARCH, PUBLICATION**

1. If group leaders are willing to make a research or a publication about the group, they must ask the consent of group members to be able to use any information related to them. It should be clear to the group members what purpose the research serves.
2. If group leaders (including apprentices or group leader candidates) are willing to use any material related to the group for the purpose of supervision, publications or research (including the thesis too), it may only be published in a manner that safely preserves the anonymity of the group members.
3. Video recording or other kind of audio and visual recording may only be made during group sessions with the written consent of every member of the group, which shall also indicate the audiences in front of which the recording can be shown (professionals, university students, participants of the training, lay audience).
4. Researching group leaders are required to know and respect the provisions of the relevant laws as well as legislation and regulations concerning human research.

## **VII. PROFESSIONAL COHESION AND SOCIAL RESPONSIBILITY**

1. The members of the Association are open to group members, students, participants of the training, communities, as well as to the public opinion.
2. Anyone may only speak on behalf of the Association with authorization from the respective Board of the Association.
3. Members of the Association seek loyal and collegial professional cooperation with professionals of their own field, or those of other fields.

## **VIII. PROFESSIONAL RELATIONSHIPS BETWEEN PROFESSIONALS**

1. Parallel forms of treatment may only be applied in accordance with the rules of the profession (psychotherapy) and in all cases each therapist involved should be informed of parallel treatments.
2. Group leaders involved in supervision or dealing with participants of the formal training or other professionals shall support the professional development of these individuals and encourage them.
3. It is the responsibility of supervisors to determine the relationship of supervision, clarify the limits of roles and relationships of the supervision.
4. Group leaders shall, if the case requires, consult other professionals about aspects of the problem which are beyond their professional competence.

## **IX. SCOPE OF THE ETHICAL CODE**

1. The Ethical Code shall apply to every group leader and group member working with methods represented in the Association.
2. With regard to the fact that group leaders have different basic educations upon which they build their experience and expertise in the particular movement and dance method they use, the Ethical Codes related to their profession shall also be binding for every group leader – e.g. Ethical Codes for psychologists, psychotherapists, doctors, teachers etc.
3. In addition to the present Ethical Code, the Code of Ethics for Psychotherapists published by the Council of Psychotherapy shall also be considered binding for group leaders and psychotherapists working with methods represented by the association.

# **Rules of procedures of the HAMDT regarding ethical issues**

## **1. General rules**

### **1.1. Distinction between an ethical complaint and an ethical issue of interpretation**

Ethical complaint: it means the reporting of a professional ethical abuse.

Ethical issue of interpretation: a question regarding the interpretation and use of ethical principles, rules and procedures laid down in the Ethical Code.

Anyone may raise an ethical complaint or ask for an ethical interpretation. If the complainant is not the person who is directly affected by the content of the complaint, he/she will need to get written consent from the person(s) concerned to be able to report an ethical abuse.

### **1.2. Reporting of an ethical complaint or an ethical issue of interpretation to the Ethics Committee of the HAMDT**

Ethical complaints or requests for ethical interpretation shall be submitted to the Ethics Committee in writing. The letter containing the submission shall be sent to the postal address of the Association, which can be found on its website, by registered mail with acknowledgement of receipt, and it should be addressed to the President of the Ethics Committee. The letter may be sent in electronic form (e-mail) as well, to speed up bureaucratic procedures.

The letter must contain the signature and postal address of the person making the notification or requesting the ethical interpretation.

### **1.3. Tasks of the Ethics Committee:**

- examining the ethics complaint notified in writing,
- making decision about the conduct of ethical procedures, which shall be in accordance with the Ethical Code,
- communicating the outcome of the ethical procedures (final decision) towards the Association.

### **1.4. Personal involvement**

If a conflict of interests arises in case of a member of the Ethics Committee regarding a specific ethical case, it shall be communicated to the other members of the Committee in writing. The reason for the conflict of interest must be stated in the letter and the member concerned shall no longer take part in the ethical process.

### **1.5. Obligation of confidentiality regarding ethical procedures**

The Ethics Committee must keep confidential all complaints submitted. When doing its work it shall always pay full regard to the rules on data protection as well as to the confidentiality rules of the HAMDT.

Members of the Association shall be subject to the requirements of confidentiality, in all aspects of the ongoing case, and even after the procedure only the decision of the Ethics Committee and the reason of the decision shall be made public.

The Ethics Committee requests confidential treatment of the case of all participants involved in the ethical procedure (complainant, witnesses and external experts) till the end of the process and beyond, and at the same time informs them that publicly voiced false statements may constitute libel which may result in legal proceedings.

### **1.6. Duration of the ethical procedure**

The Ethics Committee shall examine the ethical complaint as soon as possible, and reach a decision within a maximum of 3 months of receipt of the complaint. If appropriate (eg. in case of the absence or illness of any of the persons concerned or if the work of experts is delayed) the duration of the procedure may be extended by two more months. The fact and the reasons for the extension shall be recorded in the documentation of the procedure in the form of a note, and everyone concerned in the procedure shall be informed of it.

### **1.7. Documentation**

Minutes shall be taken about every little step of the ethical procedure, with corresponding notes. The Ethics Committee shall document in writing the whole process of the procedure, the resolutions and decisions taken. It shall store the documents in accordance with legislation on data protection and ensure that they cannot fall into any unauthorised person. The Ethics Committee shall ensure that only those can have access to the confidential documents who are directly involved in the process. It shall also ensure that only authorized persons can have access to the archived material later on. Closed ethical issues can only be released and re-examined if any of the persons included in it become involved in another case. Resigning Ethics Committee members shall maintain confidentiality with regard to the confidential details of ethical cases, even after the termination of their Commission membership.

The minutes of the sessions of the Ethics Committee, the letter and minutes containing the complaint, as well as all other documents related to the case shall be preserved by the Ethics Committee till the completion of the investigation. After the investigation has been completed and the decision has been taken, all gathered documents shall be stored by the respective Secretaries in accordance with data protection rules. Documents of ethics investigations shall be destroyed on termination of the Association.

## **2. Procedures of the Ethics Committee**

### **2.1. Request for legal or other kind of assistance**

If the Ethics Committee needs legal or other kind of assistance, it shall consult the leaders of HAMDT who will, if necessary, involve in the process of investigation legal professional or other external experts. Rules in relation to conflict of interests shall apply to the ad hoc expert and he/she shall also be subject to the rules of data management and confidentiality of HAMDT, in relation to the case that is being discussed.

### **2.2. The fact-finding process**

2.2.1. The Ethics Committee shall inform the complainant and the person complained against about the fact of receipt of the complaint and the expected date of commencement of investigation within 14 days from the receipt of the ethical complaint. At the same time, it shall also inform the person complained against about the nature of the complaint and the person of the complainant; and shall also inform the complainant about the fact that this information has been given to the person complained against. The Ethics Committee shall inform the Board of the Association about the commencement of the procedures.

2.2.2. The Ethics Committee will investigate the complaint and set up a plan for the process of investigation: it shall decide about the sequence of hearings; if it is willing to have a joint hearing for the complainant and the person complained against, or would like to have separate hearings for them; it shall also decide if witnesses shall be invited or experts should be involved or not. The Ethics Committee may request further professional assistance from the members of the HAMDT. These members of the association shall also be subject to the confidentiality requirements of the ethical procedure.

2.2.3. The Ethics Committee shall inform the parties concerned of the date of the hearing 14 days before its due date, by registered letter and email. The parties concerned shall be consulted of the date of the hearing.

2.2.4. By the time of the hearing the Ethics Committee shall possess a written statement from the group member, in which (s)he exempts the group leader complained against from his/her obligation of confidentiality regarding the group member.

If the complainant is not reporting his/her own complaint to the Ethics Committee, the Committee shall get in touch with the injured party as well, and will only be able to continue the procedures if the injured party gives his/her written consent to it, and – in a written statement – exempts the group leader from his/her obligation of confidentiality regarding the injured party.

2.2.5. The Ethics Committee shall record the hearing by voice recorder and draw up a written report out of the recorded material, which shall be authenticated by the signature of the participants of the hearing. Each participant of the hearing shall receive a copy of the report.

2.2.6. The person complained against shall cooperate with the Ethics Committee, (s)he shall hand in the needed documentation, attend and actively participate to the hearings. The party complained against can only make statements on behalf of himself/herself.

## **2.3. Decisions of the Ethics Committee**

### **2.3.1. Acquittal**

If the ethics investigation reveals that the person complained against did not commit the ethical misconduct (s)he was accused of by the complainant, the person complained against will be acquitted by the Ethics Committee.

### **2.3.2. Rejection of the complaint**

If the ethics investigation cannot prove the ethical misconduct of which the person complained against was accused (eg. in the absence of adequate evidence), the Ethics Committee will reject the complaint. The retrial of the complaint may only be possible in case of the emergence of significant new evidence, in a new procedure.

### **2.3.3. Sanctioning of ethical abuses**

If the breaching of ethics on behalf of the person complained against is proven true during the ethical procedure, the Ethics Committee will condemn the person concerned. The following sanctions may be used by the Ethics Committee:

2.3.3.1. Verbal warning

2.3.3.2. Written warning

2.3.3.3. Written reprimand

2.3.3.4. Suspension of membership

Suspension are for a fixed period of time, which cannot exceed three years. The termination of suspension, within the three-year time limit, may be linked to certain conditions.

2.3.3.5. Exclusion

2.3.3.6. Additional sanctions

These include consultations, further trainings, supervisions or other obligations of compensation – which are not detailed here – according to the nature of the misdemeanor. Additional sanctions may be required as a condition of termination of suspension. Additional sanctions shall not be used in case of exclusion.

### **2.3.4. Information**

The Ethics Committee is required to inform the management of the HAMDT of its decisions both orally and in writing. In case of ethical issues ending with sanctions mentioned in points 2.3.3.1., 2.3.3.2. and 2.3.3.3. the Ethics Committee may consider the importance of the case at its own discretion and may decide whether it would like to inform the membership of the case and of its outcome.

The Ethics Committee shall, in all cases, inform the members of the Association at the General Assembly of all ethical issues ending with final suspension of membership or final exclusion; and it shall require from the suspended or excluded professional in writing that (s)he will not pursue professional activities of this kind during the time of his/her suspension or following his/her exclusion.

### **2.3.5. Appeal**

Both the complainant and the party complained against may appeal against the decision (resolution) of the Ethics Committee within 30 days of the day on which they first became aware of the decision. Appeals shall be submitted in writing to the Board of HAMDT. Appeals shall have suspensive effect on the implementation of the decision.

For the assessment of the appeal, and for the duration of the assessment, the General Assembly of the HAMDT shall set up a three-member ad-hoc Appeals Committee which shall act in accordance with the rules of procedure of the Ethical Code.

In the event that the party complained against challenges the decision of the ad-hoc Appeals Committee in proceedings before the national court within 30 days of becoming aware of it, the decision shall not be final until a court decision having the force of res judicata is rendered.

#### **2.3.6. Quorum, decision**

A quorum shall exist at an Ethics Committee or an ad-hoc Appeals Committee meeting if more than one half of its members are present. Decisions shall be taken by a simple majority vote in closed sessions.