

## **Constitution 2018**

Ratified by the founding Members on the 29th of July 1954. Amendments approved by the Members in 1957 and 1968. By-Laws: Appended by the Members in December 1981. The same amended and appended by approval of the Members in January 1987 and August 1989. Ratification of the new Constitution by circular (postal) vote on August 25, 2004. Amendments approved by the Assembly at the Business Meeting, August 13, 2007. Amendments approved by the Assembly on August 22, 2010.

Amendments approved by circular vote on July 31, 2011; by the General Assembly on August 18, 2013; by circular vote in June 2014; and by the General Assembly on September 9, 2018. This Constitution replaces all previous versions.

### **I. Name, Domicile, Languages**

#### **Art. 1 Name**

1. Under the name "Association of Graduates in Analytical Psychology (AGAP)," "Gesellschaft für Diplomierte in Analytische Psychologie" (AGAP) there exists a politically and religiously neutral, international professional association of Jungian Analysts. The Association is governed by this Constitution and its By-laws, as well as by Art. 60ff. of the Swiss Civil Code.
2. AGAP is a Group Member of the International Association for Analytical Psychology (IAAP) and binds itself to the provisions of the IAAP Constitution. AGAP is recognized by the IAAP as a Group Member with Training Status.
3. AGAP's training institute, founded in 2004 and accredited by the IAAP, is the "International School of Analytical Psychology Zurich – AGAP Post-Graduate Jungian Training (ISAPZURICH);” “Internationales Seminar für Analytische Psychologie Zürich – AGAP Post-Graduate Jungian Training” (ISAPZURICH).

#### **Art. 2 Domicile, Legal Jurisdiction, and Languages**

1. AGAP is domiciled in the Canton of Zürich, Switzerland, and is registered with the Zürich Commercial Registry (Handelsregisteramt).
2. Legal Jurisdiction  
In the relation between AGAP and its members or vice versa, and between AGAP and analysts and analysands or vice versa, only Swiss law is applicable. Legal complaint against AGAP must be filed in the Canton of Zürich, where the Association is domiciled.
3. The official languages of AGAP are English and German. The Constitution is written in German. The Executive Committee is responsible for the English translation.

### **II. Purpose**

#### **Art. 3 Purposes**

1. AGAP's purposes are:
  - a) to promote the study and development of Analytical Psychology, and to require the maintenance of high standards of education and training in this area insofar as it lies within AGAP's jurisdiction;
  - b) to promote the Members' professional interests and development;

- c) to realize its purposes (1a) and (1b), AGAP runs its own training institute and may conduct and/or take part in other training programs, continuing education, conferences, and special events in accordance with the requirements of the IAAP and Art. 15, §15.4-5;
- d) AGAP is an active a Group Member of IAAP and strives to foster relations with other IAAP Groups, Jungian societies and clubs, and similar organizations; AGAP may become a group member of other organizations that further the Association's purposes;
- e) AGAP binds its Members to high standards of professional practice and ethical conduct, and undertakes measures against breaches of the Ethics Code by its members;
- f) AGAP pursues no commercial purposes, nor does it aspire to profit.

#### **Art. 4 Ethics Code and Ethical Guidelines**

- 1. All Members commit themselves to uphold the Ethics Code as follows:
  - a) The analyst strives to the best of his or her ability to promote the analysand's psychological development and to protect his/her health.
  - g) Under no circumstances may the analyst abuse his/her position as analyst to the detriment of the analysand.
  - h) The non-medical analyst is obligated to consult a physician/psychiatrist/ specialist or to refer the analysand to such a person if necessary.
  - i) The analyst is bound to professional confidentiality.
  - j) The analyst commits him/herself to collegial relations with fellow analysts.
- 2. Ethical Guidelines and Procedures Related to the Breaching of the Ethics Code  
All members commit to uphold AGAP's *Ethical Guidelines and Procedures*, which correspond with IAAP standards. They include procedures for filing and adjudicating complaints with the AGAP Ethics Committee, possible sanctions, and appeals procedures. The exception as follows applies:
  - a) Transitional Diploma Candidates (cf. Art.5, §4c) are, in the first instance, obligated to uphold the ethics code and ethical procedures of their respective training institutes. By the same token, the responsible offices of the training institutes are the first instance for the filing and adjudication of ethical complaints by or against these Training Candidates, insofar as the claims arise from the context of training.

### **III. Membership**

#### **Art. 5 Membership Categories**

##### **1. Regular Members**

The following persons are eligible to apply for admission as Regular Members of AGAP, provided that they fulfill the membership criteria set by the Executive Committee according to Art. 15, §3: Graduates of the training programs of ISAPZURICH and the C.G. Jung Institute Zurich, Küschnacht (CGJI-ZH); members of any IAAP Group Member, and Individual Members of the IAAP.

For voting and dues purposes, two categories of Regular Membership are distinguished:

###### **a) Category A Members**

Category A Members are affiliated with the IAAP through AGAP, hold IAAP voting rights through AGAP, and pay their IAAP dues through AGAP.

b) Category B Members

Category B Members are affiliated with the IAAP through another Group Member of the IAAP and hold IAAP voting rights and pay their IAAP dues through that Group.

2. Extraordinary Members

Extraordinary Members have limited membership rights and obligations, as held in Art. 7, §1; Art. 8, §1; and Art. 4, §2a. They are exempt from AGAP dues but pay fees to help cover the actual costs of their membership. Three categories of extraordinary membership are distinguished:

a) Honorary Members

Honorary Members are members persons from within or outside of AGAP and IAAP, whose academic or cultural contribution to Analytical Psychology is of an exceptional quality. Honorary Members who are coequally Regular Members retain all their AGAP membership rights and all obligations except the AGAP dues requirement.

b) Emerita/us Members

Emerita/us Members are former Regular Members who are largely or fully retired from professional practice, who forego all AGAP voting rights, and who are not affiliated with the IAAP through AGAP or any other IAAP Group.

c) Transitional Members

Transitional Members do not yet fulfill the criteria for AGAP membership according to the *AGAP Membership Convention*, but they are graduates or members of one of the institutions named in Art. 5, §1.1, or they are diploma candidates at ISAPZURICH or CGJI-ZH. Transitional Members have no AGAP voting rights and are not affiliated with the IAAP through AGAP. They are expected to work toward fulfilling the requirements for Regular Membership, and to apply for such membership in due course.

## **Art. 6 Admissions, Category Change, Objections**

1. Basic Application

Membership applications and applications for change of membership category are submitted in writing to the Executive Committee. The exception is for Honorary Members, who are nominated by the Executive Committee or by a group of at least three Regular Members. For all applications, documents such as a curriculum vitae, diploma, information about professional activity, a detailed transcript of analytic training, and/or, in certain cases, a Letter of Good Standing may be required.

Letter of Good Standing

It is incumbent on the applicant to request a Letter of Good Standing from the president of the IAAP Group through which he/she is affiliated with the IAAP. The letter attests that the applicant has fulfilled all dues obligations and is not known to be under ethical sanction or involved in unresolved ethical claims. If the president is unable to provide the letter, he/she is requested to state this in writing to the AGAP Executive Committee. Such a response may be handled as an objection subject to the provisions of Art. 6, §4.

a) First-Time Applicants

A first-time applicant submits to the Executive Committee a completed AGAP membership application form and a copy of his/her diploma in Analytical Psychology. A detailed transcript of analytic training and/or a Letter of Good Standing may be required.

b) Change from Category B to Category A

Applicants provide the Executive Committee with a written statement of the reasons for the requested category change and a Letter of Good Standing.

c) Change from Transitional to Regular Membership

Applicants provide the Executive Committee with an updated membership application form and records that demonstrate fulfillment of the membership criteria according to the *AGAP Membership Convention*. An updated Letter of Good Standing may also be required.

d) Change from Category A or B to Emerita/us

Applicants provide the Executive Committee with a written statement of the reasons for the requested category change. The statement must include a declaration of retirement from professional practice (including private practice, teaching, supervision, public lectures, etc.), or a description of the limited scope of such practice. Category B Members enclose also a declaration of resignation from their primary IAAP Group and a Letter of Good Standing from that Group.

2. The Executive Committee vets the applications. If a two-thirds majority of its members agree that the formal requirements are fulfilled, the Executive Committee announces the applications to the membership, setting a deadline that allows Regular Members at least 30 days to present written grounds for objection to the President, or-the Co-Presidents, or their delegates (cf. Art. 6, §15.6).

An exception applies for Emerita/us applicants, who are not announced, and whose change of status the Executive Committee may approve with its two-thirds majority.

- a) In the absence of objection, the Executive Committee welcomes new members in timely fashion and informs the membership of their admission. Whenever possible, new members introduce themselves in person at the General Assembly or other gathering of AGAP members.

3. Objection to Admissions

- a) The Executive Committee is vested with the authority to vet and process objections. To minimize potential conflicts of interest, the Executive Committee may delegate its proceedings to an appointed subcommittee. The subcommittee is comprised of one Executive Committee member who serves as the chair, and at least three Regular Members who are not Executive Committee members. The Executive Committee abides by the subcommittee's resolutions.
  - b) Objections may not be made anonymously and may not be made on grounds of personal antipathy. They must be well grounded, presented in writing, signed, marked "confidential," and sent in due time by encrypted Email or registered postal mail to the AGAP President or Co-presidents, or to the acting subcommittee chair.
  - c) Objectors presenting ethical claims must be referred to the AGAP Ethics Committee, which may encourage the parties to enter into mediation, or may investigate according to the procedures indicated in the *Ethical Guidelines and Procedures*. For objections on any other grounds, a two-thirds majority of the Executive Committee or subcommittee decides how to proceed:
  - d) Should an objection lack sufficient grounds, the acting committee overrides it, notifies the objector, and admits the questioned applicant into membership.
  - e) Should an objection warrant consideration, the acting committee notifies the objector, informing him/her that processing the case requires the committee to provide the questioned applicant with a copy of the objection. Should the objector wish to proceed, the committee decides on the fair means by which the

objection shall be resolved. The final resolution of the committee's two-thirds majority is disclosed to the questioned applicant and the objector.

## **Art. 7 Members' Rights**

### 1. All Members

All members are listed in the AGAP Membership Directory, accessible at the AGAP and IAAP websites; they may cite their AGAP membership on printed materials, advertising, websites, Emails, and the like. When citing membership, Extraordinary Members must indicate the type, i.e. Honorary, Emerita/us, Transitional Member, or Transitional Diploma Candidate.

Further, all members are entitled to:

- a) attend the AGAP General Assembly, supplementary membership meetings, and other AGAP events (Extraordinary Members attend without voting rights);
- b) receive access to the members-only area of the AGAP website, if such an area exists;
- c) receive Email notification of website-postings, such as: invitations and agendas to assemblies and special membership events, updated core documents, newsletters, and other publications;
- d) stand for election to the Office of the Financial Auditor (cf. Art. 17);
- e) consult with the various AGAP committees and offices.

### 2. Regular Members

All Regular Members are additionally entitled to:

- a) propose AGAP agenda items and vote on AGAP matters;
- b) vote by proxy on AGAP matters;
- c) stand for election to all AGAP committees and offices and/or serve on committees by the appointment of the Executive Committee or its delegates;
- d) apply to join the faculty of ISAPZURICH;
- e) receive, by written request to the Secretariat, exemption from annual AGAP dues at the age determined by the General Assembly.

### 3. Regular Members, Category A

Category A Members are further entitled to:

- a) propose IAAP agenda items and vote on matters pertaining to the IAAP;
- b) stand for election as AGAP delegates to the IAAP Meeting of Delegates;
- c) receive, by written request to the AGAP Secretariat, exemption from IAAP dues at the age determined by the IAAP Meeting of Delegates.

## **Art. 8 Members' Obligations**

### 1. All Members

All members are obligated to:

- a) honor and abide by AGAP's Constitution, By-Laws, Resolutions, Ethics Code, and the *Ethical Guidelines and Procedures* (cf. special conditions for Transitional Training Candidates, Art. 4, §4.2);
- b) pay their annual dues or cost contribution fees by the specified deadline or incur late fees;

- c) notify the Secretariat about changed Email addresses, postal addresses, telephone numbers, and the like;
- d) seek the advice of the Ethics Committee before initiating formal ethical proceedings or legal action with attorneys and/or in civil courts;
- e) cooperate when called by the Ethics Committee to respond to ethical complaints or grievances, in order to clarify possible breaches of the Ethics Code;
- f) pay the costs of ethical and/or legal proceedings when found to be in violation of the Ethics Code.

## **Art. 9 End of Membership**

### **1. Orderly Resignation**

Resignation is possible at any time and requires notification in writing to the Executive Committee, at latest by December 1st. For an interrupted year, the resigning member remains obligated to pay the full annual dues. Upon request, the President or Co-President provides the resigned member with AGAP's Letter of Good Standing.

### **2. Automatic End of AGAP Membership**

AGAP membership ends automatically:

- a) upon the member's death;
- b) when a member fails to pay the annual membership dues after two reminders; the decision to end the membership on this ground is made by the Executive Committee; terminated membership takes effect immediately upon notification;
- c) when a Category B Member resigns from his/her primary IAAP Group without changing to Category A in AGAP or without having obtained IAAP membership through another IAAP Group;
- d) when a member is expelled for violating the Constitution and/or for generally impairing AGAP's interests and endeavors; expulsion on this ground requires a formal motion and the resolution of the General Assembly (cf. Art.11, §2e; Art.13, §2b); the expulsion takes effect immediately upon notification;
- e) when a member is expelled for breaching the Ethics Code of AGAP/IAAP and/or the *Ethical Guidelines*; the decision to expel on this ground is made by the Ethics Committee alone; the expulsion takes effect immediately upon notification.

### **3. Automatic End of IAAP Membership through AGAP**

IAAP membership through AGAP ends automatically for:

- a) Category A Members who resign from AGAP or who change their status to Emerita/us;
- b) Category A Members whose AGAP membership ends under any provisions of Art. 9, §2.

### **4. Duty to Notify**

The Executive Committee and/or the Ethics Committee hold the discretion to notify the appropriate local authorities, professional associations, and other relevant organizations about a member's expulsion or other sanctioning.

## **IV. Organs of the Association**

### **Art. 10 Organs**

1. The Organs of AGAP are:
  - a) the General Assembly;
  - b) the Executive Committee;
  - c) the Office of the Financial Auditor;
  - d) the Ethics Committee.

### **Art. 11 Powers of the General Assembly**

1. The orderly General Assembly consists of the Regular Members and is the highest organ of the Association; it convenes at least once every three years. The Executive Committee or one-fifth (1/5) of the members may at any time require the convening of an extraordinary assembly, accompanied by a statement of the purpose for it.
2. The General Assembly has the following powers:
  - a) to adopt and amend the Constitution and Ethics Code;
  - b) to elect the President or Co-Presidents and other members of the Executive Committee, the Financial Auditors and the Ethics Committee members;
  - c) to approve the Executive Committee's triennial activity report; to discharge the members of the Executive Committee; to approve the triennial financial report and budget;
  - d) to determine the AGAP membership dues;
  - e) to expel members on grounds that lie outside of the Ethics Committee's jurisdiction;
  - f) to adopt resolutions about items on the Agenda;
  - g) to adopt the resolution to dissolve ISAPZURICH;
  - h) to adopt the resolution to dissolve AGAP.
3. An invitation to the General Assembly must be sent by the Executive Committee at least 30 days in advance of the meeting. The invitation must include an agenda.
4. The conduct of the General Assembly follows Swiss association rules.

### **Art. 12 Voting and Elections by Circulation**

1. In urgent cases the Executive Committee may invite the Regular Members to a circular vote on motions or to elect committee members. If a circular vote is requested by one-third of all the Regular Members, the Executive Committee is obliged to comply. In both instances, the Executive Committee circulates an agenda (by postal mail or Email) accompanied with information pertaining thereto. Members must be given a deadline that allows a period of at least 30 days to submit their written votes.

### **Art. 13 Resolutions of the General Assembly**

1. Absolute Majority
  - a) As a rule, the General Assembly (Art. 11) requires an absolute majority to adopt resolutions. The majority is calculated on the basis of the total number of

Regular Members who are present and represented by proxy, whereby declared abstentions and invalid votes are also counted.

- b) In the case of a circular vote (Art. 12) the absolute majority is calculated on the basis of the total number of Regular Members who participate by voting and officially abstaining in accordance with the given deadline, whereby invalid votes are also counted.

## 2. Qualified Two-Thirds Majority

Certain resolutions require a qualified two-thirds majority. For the General Assembly and circular votes, the two-thirds majority is calculated according to the same factors that apply for an absolute majority (Art. 13, §1a and §1b).

The following resolutions require a two-thirds majority:

- a) substantive amendment of the Constitution, excluding the fundamental transformation of AGAP's founding purpose (German: Zweckverwandlung) (cf. Art. 13, §3);
- b) expulsion of members on grounds that lie outside of the Ethics Committee's jurisdiction;
- c) dissolution of ISAPZURICH;
- d) dissolution of AGAP.

## 3. Unanimity

The adoption of a motion to fundamentally transform AGAP's founding purpose as held in Art. 3 requires the unanimous resolution of all Regular Members.

## 4. Tie-Breaking

Except when unanimous resolution is required, the President casts the deciding vote when there is a tie. In the case of a co-presidency, the deciding vote is cast by the Co-President who chairs the meeting. In the case of a circular vote, the President or Co-President leading the procedure casts the tie-breaking vote.

## **Art. 14 Representation by Proxy**

1. Vote by proxy is allowed at the General Assembly and supplementary membership meetings. The proxy carriers as well as the proxy givers must be Regular Members.
2. Before the meeting is called to order, the proxy carrier must present the chair with a power of attorney dated and signed by the proxy giver. An attending member may represent up to three absent members by proxy.

## **Art. 15 The Executive Committee**

1. AGAP's Executive Committee consists of Regular Members, and whenever possible, Category A Members. The committee is comprised of the President and four to eight other members or respectively two Co-Presidents and three to seven other members. The President or Co-Presidents and members of the Executive Committee are elected by the General Assembly for a period of three years. They may stand for reelection.
2. The Executive Committee constitutes itself. It appoints the persons who hold signature authority and determines the scope of this authority. The Executive Committee is authorized to adopt resolutions when more than half of its members are present or vote in writing or by proxy. The committee may adopt resolutions by circular vote.
3. The Executive Committee is AGAP'S administrative organ and conducts business concerning all on-going matters which are not reserved by the Constitution to the

authority of the General Assembly or the Ethics Committee. It is within the Executive Committee's authority to adopt regulations, including regulations that set training and membership standards. The regulations governing membership shall contain provisions for the post-diploma fulfillment of membership requirements. Such regulations, and all revised versions thereof, shall be published and disseminated in the *AGAP Membership Convention*.

4. For assistance with AGAP's financial accounting and audits, budget questions, and the preparation of tax filing documents, the Executive Committee may retain qualified consultants, accountants, and/or auditors who work on a self-employed basis. A member of the Executive Committee oversees the work and acts as the liaison between such persons and the Executive Committee as whole.
5. The Executive Committee is authorized to delegate to AGAP's Regular Members the right to conduct training programs in the Canton of Zürich, and to conduct satellite training where such members reside. The aims and activities of such programs must correspond with AGAP's non-profit purpose (cf. Art. 3, §1f). The Executive Committee's approval must be obtained for all essential substantive and material provisions that apply to the training as such; to the qualification of the instructors and trainers; and to the mode in which the program as whole is governed.
6. From amongst the Regular Members, the Executive Committee may appoint delegates worldwide and authorize them to carry out committee tasks.
7. The Executive Committee may grant any Regular Member's well-grounded request for a temporary reduction or waiver of his/her annual AGAP membership dues. On behalf of Category A Members, the Executive Committee may advocate for waivers of IAAP dues according to conditions set by the IAAP.
8. Unless indicated otherwise in this Constitution, the Executive Committee's resolutions are adopted by the absolute majority of its voting members. In case of a tie, the deciding vote is cast by the President or by the Co-President who chairs the meeting or calls for a circular vote.

When a matter at hand presents an Executive Committee member with a conflict of interest, he/she shall be recused from deliberation and voting. For voting purposes, recused members are not counted as members who are present or abstaining.

9. The members of the Executive Committee perform their duties on a volunteer basis and are basically entitled only to the reimbursement of costs and expenditures related to their committee work. Individual Executive Committee members may receive reasonable remuneration for special services rendered.

#### **Art. 16 Delegates to the IAAP**

1. AGAP is represented at the IAAP Meeting of Delegates by its own elected delegates, who must be Category A Members.

#### **Art. 17 Office of the Financial Auditor**

1. The Office of the Financial Auditor consists of two persons who are either AGAP members or non-members, and who are elected by the General Assembly for a period of three years. They may be re-elected.
2. The Auditors conduct an annual audit of the financial accounts, which are overseen by a member of the Executive Committee. The Auditors submit an annual report to the Executive Committee and 3-year summary report to the triennial General Assembly.

3. The Auditors perform their duties on a volunteer basis and are basically entitled only to the reimbursement of costs and expenditures related to the duties of their office. They may receive reasonable remuneration for special services rendered.

#### **Art. 18 The Ethics Committee**

1. The Ethics Committee consists of Regular Members, amongst them a chair and at least two other members. They are elected by the General Assembly for a term of three years and may be re-elected. It is preferable that both sexes be represented in the Committee. If a member withdraws during his/her term of office the Executive Committee elects a replacement for the remainder of the term.
2. The Ethics Committee's authority, responsibilities, and procedures are defined in detail in AGAP's *Ethical Guidelines and Procedures*. In summary:

The Ethics Committee holds sole responsibility for receiving and adjudicating complaints concerning the breaching of the Ethics Code. For these purposes, however, the committee may recruit the assistance of other Regular Members, or exceptionally, members of other IAAP Groups.

In addition, the Ethics Committee consults with AGAP members who present ethical concerns regarding their clients, training candidates, training institutions, and/or fellow AGAP members.

Further, the committee oversees the *Ethical Guidelines and Procedures* and consults with the Executive Committee about the need for amendment of this document.

3. With regard to its investigation of individual cases, the Ethics Committee requires a two-thirds majority of its members to adopt resolutions. If the committee itself or the investigating committee consists of only three members, decisions must be unanimous.

In the course of investigating individual cases, the Ethics Committee is authorized to obtain legal advice from experts who are well-versed in the applicable Swiss law.

4. Ethics Committee members perform their committee duties on a volunteer basis and are basically entitled only to the reimbursement of costs and expenditures related to their committee work. Individual committee members may receive reasonable remuneration for special services rendered.

### **V. Notification, Liability, Dissolution**

#### **Art. 19 Notification**

1. Legal notification takes place by Email, unless a member has arranged by request for communications by postal mail (cf Art. 7, 1c).
2. When communications concern confidential or other sensitive matters, the correspondence must take place by secure means such as encrypted Email or registered postal mail.
3. AGAP assumes no liability for notifications that are undeliverable due to a member's neglect to ensure his/her receipt of the Association's Emails, and/or to supply the Secretariat with an up-to-date Email address or postal address.

#### **Art. 20 Liability**

1. AGAP's liability shall not exceed its assets. All Members are excluded from personal liability for debts or obligations incurred by AGAP.

**Art. 21 Distribution of the Association's Assets in Case of Dissolution**

1. The resolution to dissolve AGAP requires the General Assembly to resolve the question of how the Association's assets shall be disposed. Upon the Association's dissolution its assets shall not be distributed to its members, but rather shall be used for an institution with the same or similar purpose.

Amended by the General Assembly, September 9, 2018.

Chairing the Assembly,

Keeper of the Minutes,

[sig.]

Stacy Wirth-Hinton, Co-President

[sig.]

Kathleen Moreau, ExCo Secretary