

## Due Process Procedures

**Due Process Procedures** are implemented in situations in which a supervisor or other faculty member raises a concern about the functioning of a psychology intern. These procedures are the protection of intern rights and are implemented in order to afford the intern every reasonable opportunity to remediate problems and to receive support and assistance. These procedures are not intended to be punitive.

### Definition of a Problem

For purposes of this document, a problem is defined broadly as interference in professional functioning which is reflected in one or more of the following ways: 1) an inability and/or unwillingness to acquire and integrate professional standards into one's repertoire of professional behavior; 2) an inability to acquire professional skills in order to reach an acceptable level of competency; and/or 3) an inability to control personal stress, psychological dysfunctions, and/or excessive emotional reactions which interfere with professional functioning.

It is a professional judgment as to when an issue becomes problematic rather than of concern. Intern trainees may exhibit behaviors, attitudes, or characteristics that, while of concern and requiring attention, are not unexpected or excessive for professionals in training. Issues typically are identified as problems that require remediation when they include one or more of the following characteristics:

- 1) the intern does not acknowledge, understand, or address the problem when it is identified;
- 2) the problem is not merely a reflection of a skill deficit which can be rectified by the scheduled sequence of clinical or didactic training;
- 3) the quality of services delivered by the intern is sufficiently negatively affected;
- 4) the problem is not restricted to one area of professional functioning;
- 5) a disproportionate amount of attention by training personnel is required;
- 6) the trainee's behavior does not change as a function of feedback, and/or time;
- 7) the problematic behavior has potential for ethical or legal ramifications if not addressed;
- 8) the intern's behavior negatively impacts the public view of the agency;
- 9) the problematic behavior negatively impacts the intern cohort;
- 10) the problematic behavior potentially or actually causes harm to a patient; and/or,
- 11) the problematic behavior violates appropriate interpersonal communication with agency staff.

### Administrative Hierarchy and Definitions

High Plains PIC's Due Process Procedures occur in a stepwise fashion, involving greater levels of intervention as a problem increases in persistence, complexity, or level of disruption to the training program. Faculty roles included herein are defined as follows:

Supervisor: Any faculty member who provides direct supervision or teaching to an intern.

Training Director (TD): The supervisor who functions as the director of training. S/he leads the internship Training Committee and serves as a voting member.

Training Committee (TC): The governing body of the internship that includes at least one voting member/representative from each of the network members. The TC is overseen by the TD and makes decisions by consensus.

### Informal Review

When a supervisor believes that an intern's behavior is becoming problematic, the first step in addressing the issue should be to raise the issue with the intern directly and as soon as feasible in an attempt to informally resolve the problem. This may include increased supervision, didactic training, and/or structured readings. This process should be documented in writing in supervision notes and discussed with the Training Director and Training Committee, but will not become part of the intern's professional file.

### Formal Review

At **mid-term**, interns are expected to reach a minimum level of achievement of 3 on all element ratings within each competency. This score coincides with an Intermediate level of competency. In some instances, some items may be rated lower than a 3 if there have been limited opportunities to demonstrate the rating element. In those cases, the intern and supervisor will develop a plan for how these competencies can be reached by the end of the internship experience. If there are several areas (5 or more across different competencies), the program's due process procedures may be implemented. At the **final evaluation**, interns must receive a rating of 4 or higher on all learning elements and broad competencies to demonstrate that they are prepared for entry-level independent practice and licensure, to successfully complete the internship.

If an intern receives an item score of less than 3 in many 5+ competency areas (at mid-term), or if supervisors have reason to be concerned about the intern's performance or progress, the program's Due Process procedures may be initiated:

- A. The supervisor will meet with the Training Director (TD) and intern within 10 working days of the evaluation or failure to resolve the issue informally to discuss the problem and determine what action needs to be taken to address the issue. If the TD is the intern's direct supervisor, an additional supervisor and member of the Training Committee will be included in the meeting.
- B. The intern will have the opportunity to provide a written statement related to his/her response to the problem.
- C. After discussing the problem and the intern's verbal and/or written response(s), the supervisor and TD may:
  - 1) Issue an "Acknowledgement Notice" which formally acknowledges:
    - a) that the faculty is aware of and concerned with the problem;
    - b) that the problem has been brought to the attention of the intern;

- c) that the faculty will work with the intern to specify the steps necessary to rectify the problem or skill deficits addressed by the inadequate evaluation rating; and,
- d) that the problem is not significant enough to warrant further remedial action at this time.

This notice will be issued within 5 working days of the meeting among the supervisor, TD, and intern, and will be shared with both the intern and the Director of Clinical Training at the intern's graduate institution.

2) Place the intern on a "Remediation Plan" which defines a relationship such that the faculty, through the supervisors and TD, actively and systematically monitor, for a specific length of time, the degree to which the intern addresses, changes, and/or otherwise improve the problematic behavior or skill deficit. The length of the probation period will depend upon the nature of the problem and will be determined by the intern's supervisor and the TD. A written Remediation Plan is shared with the intern and the Director of Clinical Training at the intern's graduate institution and includes:

- a) the actual behaviors or skills associated with the problem;
- b) the specific recommendations for rectifying the problem;
- c) the time frame for the probation during which the problem is expected to be ameliorated; and,
- d) the procedures designed to ascertain whether the problem has been appropriately rectified.

This statement will be issued within 5 working days of the meeting and will be shared with the Director of Clinical Training at the intern's graduate institution. At the end of the remediation period, as specified in "c" above, the TD will provide a written statement indicating whether the problem has been remediated. This statement will become part of the intern's permanent file and also will be shared with the intern and sent to the Director of Clinical Training at the intern's graduate institution.

- D. If the problem is not rectified through the above processes, or if the problem represents gross misconduct or ethical violations that have caused or have the potential to cause harm, the intern's placement within High Plains PIC may be terminated. The decision to terminate an intern's placement will be made by the entire Training Committee and a representative of the training site's Human Resources and requires discontinuation of participation by the intern within every aspect of the training program. The Training Committee will make this determination during a meeting convened within 10 working

days of the original meeting discussed in Step A, or during the regularly-scheduled monthly Training Committee meeting, whichever occurs first. The TD has the authority, in his/her discretion, to temporarily suspend an intern's clinical activities during this period prior to a final decision being made, if warranted. In the event of dismissal, the Association of Psychology Postdoctoral and Internship Centers (APPIC) and the intern's Director of Training at the intern's home doctoral program would be contacted within 5 working days of the decision.

### Appeals Process

If the intern wishes to appeal a decision made, they may request an Appeals Hearing before the review panel as described below. This request must be made in writing (an email will suffice) to the TD within 5 working days of notification regarding the decision. If requested, the Appeals Hearing will be conducted by a review panel convened by the TD and consisting of him/herself (or another supervisor, if appropriate), the intern's primary supervisor, and at least two other members of the Training Committee. The intern may request one specific member of the Training Committee to serve on the review panel. The Appeals Hearing will be held within 10 working days of the intern's request for a hearing. The review panel will review all written materials and have an opportunity to interview the parties involved or any other individuals with relevant information. The review panel may uphold or modify the decisions. Decisions of the review panel are final and binding on the intern and all persons or entities connected with High Plains PIC.

### Notifying the Sponsoring Doctoral Program

If either an Acknowledgement Notice or a Remediation Plan action occurs, the TD will inform the intern's sponsoring university within 5 working days of issuance of the notification, indicating the nature of the inadequate rating, the rationale for the action, and the action taken by the faculty. The intern shall receive a copy of the letter from the sponsoring university.

Once the Acknowledgement Notice or Probation is issued by the TD, it is expected that the status of the problem or inadequate rating will be reviewed no later than the next formal evaluation period or, in the case of probation, no later than the time limits identified in the probation statement. If the problem has been rectified to the satisfaction of the faculty and the intern, the sponsoring university and other appropriate individuals will be informed and no further action will be taken.

### Grievance Procedures

**Grievance Procedures** are utilized in situations in which a psychology intern raises a concern about a supervisor or other faculty member, trainee, or the internship training program. These guidelines are intended to provide the psychology intern with a means to resolve perceived conflicts. Interns who pursue grievances in good faith will not experience any adverse professional consequences. For situations in which an intern raises a grievance about a supervisor, staff member, trainee, or the internship program, the following steps will be taken:

### Informal Review

First, the intern should raise the issue as soon as feasible with the involved supervisor, staff member, another trainee, or TD to resolve the problem informally.

### Formal Review

If the matter cannot be satisfactorily resolved using informal means, the intern may submit a formal grievance in writing to the TD. If the TD is the object of the grievance, the grievance should be submitted to another member of the Training Committee. The individual being grieved will be asked to submit a response in writing. The TD (or Training Committee member, if appropriate) will meet with the intern and the individual being grieved within 10 working days of the submission of the formal written grievance. In some cases, the TD or other Training Committee members may, in their discretion, wish to meet with the intern and the individual being grieved separately first. The goal of the joint meeting will be to develop a plan of action to resolve the matter. The plan of action will include:

- a) the behavior associated with the grievance;
- b) the specific steps to rectify the problem; and,
- c) procedures designed to ascertain whether the problem has been appropriately rectified.

The TD or other Training Committee members will document the process and outcome of the meeting. The intern and the individual being grieved will be asked to report back to the TD or other Training Committee member in writing within 10 working days of the joint meeting referenced above regarding whether the issue has been adequately resolved.

If the plan of action fails, the TD or other Training Committee member will convene a review panel consisting of him/herself and at least two other members of the Training Committee within 10 working days of this determination. The intern may request one specific member of the Training Committee to serve on the review panel. The review panel will review all written materials and have an opportunity to interview the parties involved or any other individuals with relevant information. Decisions of the review panel are final and binding on the intern and all persons or entities connected with High Plains PIC.

If the review panel determines, at its discretion, that a grievance against a staff member cannot be resolved internally or is not appropriate to be resolved internally, then the issue will be turned over to the employment agency in order to initiate the due process procedures outlined in the staff member's employment contract. If the review panel determines that the grievance against the staff member has the potential to be resolved internally, the review panel will develop a second action plan that includes the same components as described in a), b), and c). The process and outcome of the panel meeting will be documented by the TD or other Training Committee member. The intern and the staff member being grieved will again be asked to report back in writing regarding whether the issue has been adequately resolved within 10 working days of the issuance of the second action plan. The panel will reconvene within 10 working days of the written statement review written documentation and determine whether the issue has been adequately resolved. For circumstances in which an intern has filed a grievance

against a faculty or staff member, and internal resolution by the internship has been deemed inappropriate, the issue will be turned over to the employment agency for a successful resolution.