



Due Process and Grievance Procedures

Introduction

This document provides an overview of the identification and management of trainee problems and concerns, a listing of possible sanctions, and an explicit discussion of the due process procedures. Also included are important considerations in the remediation of problems. We encourage staff and trainees to discuss and resolve conflicts informally; however if this cannot occur, this document was created to provide a formal mechanism for the Youth Services Department to respond to issues of concern.

Definitions

Trainee: Any person in training who is working in the agency, including a doctoral practicum student, doctoral intern, postdoctoral fellow, social work intern, marriage and family therapy intern, or mental health counseling intern.

Supervisor: A staff member who oversees trainees' clinical activities at the Youth Services Department.

Training Director: The staff member who oversees all training activities at the Youth Services Department. The Training Director will always be consulted prior to consulting with the Youth Services Department's Residential Treatment and Family Counseling Division Director.

Division Director: The staff member who oversees the Youth Services Department's Residential Treatment and Family Counseling Division.

Training Committee Staff: The group comprised of the Training Director and the clinical supervisors.

Working days: Days in which the office is open for business, which include Monday through Thursday from 8:00am-7:00pm (Education & Training/Youth & Family Counseling) and from 9:30am-8:00pm (Highridge), not including federal holidays.

Due Process: The basic meaning of due process is to inform and to provide a framework to respond, act, or dispute. These procedures are implemented in situations in which a concern is raised about the functioning of a trainee. Due process ensures that decisions about trainees are not arbitrary or personally based. It requires that the training program identify specific procedures which are applied to all trainees' complaints, concerns, and appeals. These procedures are a protection of trainee rights and are implemented in order to afford the trainee with every reasonable opportunity to remediate problems and to receive support and assistance. These procedures are not intended to be punitive.

Problematic Behavior: Problematic Behavior is defined broadly as an 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, strong emotional reactions, and/or psychological dysfunction which interfere with professional functioning.

Professional judgment is used to identify when a trainee's behavior becomes problematic rather than of concern. Trainees may exhibit behaviors, attitudes, or characteristics which, while of concern and requiring remediation, are not unexpected or excessive for professionals in training. Problematic behavior typically becomes identified when one or more of the following exist:

1. The trainee does not acknowledge, understand, or address the problem when it is identified;
2. the quality of services delivered by the trainee is sufficiently negatively affected;
3. the problem is not merely a deficit of skills that can be rectified by training;
4. more than one area of professional functioning is affected;
5. a disproportionate amount of attention by training personnel is needed to address the problem;
6. the trainee's behavior does not change as a function of feedback, remediation efforts, or time;
7. the problematic behavior has potential ethical or legal ramifications if not addressed;
8. the trainee's behavior negatively impacts the public view of the agency;
9. the problematic behavior negatively impacts the training cohort;
10. the problematic behavior potentially causes harm to a patient; and/or,
11. the problematic behavior violates appropriate interpersonal interactions with agency staff.

Grievance: An official statement of a complaint over something believed to be wrong or unfair.

Due Process Procedures

Informal Review

When a supervisor believes that a trainee's behavior is becoming problematic, the first step in addressing the issue should be to raise the issue with the trainee 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 (Informal Training Plan may be used) in supervision notes and discussed with the Training Director, but will not become part of the trainee's professional file.

Formal Review

If a trainee's problem behavior persists following an attempt to resolve the issue informally, or if a trainee is not meeting minimal expectations on any competency area on a supervisory evaluation, the following process is initiated:

The supervisor will meet with the Training Director within 3 working days to discuss the problem and determine what action needs to be taken to address the issue. If the Training Director is the trainee's direct supervisor, an additional supervisor who is also a member of the Training Committee Staff will be included in the meeting.

After discussing the problem, reviewing informal steps that have already been taken, and in the case of doctoral interns and postdoctoral fellows, utilizing APPIC's Informal Problem Consultation process, the supervisor and Training Director may determine one of the following four courses of action:

1. Formal Training Plan is a time-limited, remediation-oriented, closely supervised period of training designed to return the trainee to a more fully functioning state. Its purpose is to assist the trainee in responding to difficulties attaining competencies in the required areas and/or personal reactions to environmental stress, with the full expectation that the trainee will complete the clinical placement.

This period will include more closely scrutinized supervision conducted by the site supervisor in consultation with the Training Director. Several possible and perhaps concurrent courses of action may be included in a Formal Training Plan. These include but are not limited to:

1. increasing the amount of supervision, either with the same or additional supervisors;
2. changing the format, emphasis, and/or focus of supervision;
3. recommending personal therapy;
4. reducing the trainee's clinical or other workload;
5. requiring specific academic coursework.

The Formal Training Plan contains an acknowledgment statement:

- a) that the supervisor(s) and Training Director are aware of and concerned with the problem;
- b) that the problem has been brought to the attention of the trainee;
- c) that the supervisor(s) will work with the trainee 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.

The Formal Training Plan will be developed at a meeting between the supervisor(s) and trainee, and will become part of the trainee's permanent file. It will be approved by the Training Director, and sent to the Director of Clinical Training at the trainee's graduate institution.

The length of time that the Formal Training Plan is in effect will be determined by the supervisor in consultation with the Training Director, and will be no longer than 8 working days, after which time the status is reviewed by the supervisor in consultation with the Training Director, and discussed with the trainee. If the problem has been rectified to the satisfaction of the supervisor and the trainee, the graduate institution and other appropriate individuals will be informed and no further action will be taken. If concerns remain, the Formal Training Plan may be extended, and modified if necessary, for up to another 8 working days. This process may be repeated as needed.

2. Probation is another time-limited, remediation-oriented, more closely supervised training period that is added when a Formal Training Plan has not adequately resolved the concern, and the trainee requires additional restriction from clinical and/or professional activities. Its purpose is to assess the ability of the trainee to complete the program and to return the trainee to a more fully functioning state. Probation defines a relationship in which the supervisor and Training Director systematically monitor, for a specific length of time, the degree to which the trainee addresses, changes, and/or otherwise improves the behavior. The length of the probation period will depend upon the nature of the problem and will be determined by the trainee's supervisor and the Training Director. In the case of doctoral interns and postdoctoral fellows, APPIC's Informal Problem Consultation process should be utilized.

A written Probation Statement is shared with the trainee and the Director of Clinical Training at the trainee's graduate institution within 3 working days of the decision for probation and includes:

1. the specific behaviors or areas of professional functioning that are particularly problematic;
2. the direct relationship of these behaviors to written evaluations;
3. the specific recommendations by which the problem can be rectified;
4. the time frame for the probation period after which a final review will be conducted prior to dismissal, if not remediated, or reinstatement if remediated; ,
5. the procedures designed to ascertain whether the problem has been appropriately rectified; and,
6. due process procedures available and the time frame in which the trainee can appeal the decision.

At the end of the probation period, the Training Director will provide a written statement indicating whether or not the problem has been remediated. This statement will become part

of the trainee's permanent file and also will be shared with the trainee and sent to the Director of Clinical Training at the trainee's graduate institution. If the probation period interferes with the successful completion of the training hours needed for completion of the program, this will be noted in the trainee's file and the trainee's graduate institution, and APPIC in the case of doctoral interns and postdoctoral fellows, will be informed.

3. Leave of Absence involves the temporary withdrawal of all responsibilities and privileges at the Youth Services Department. This may be recommended by the supervisor, in consultation with the Training Director, or requested by the trainee in some circumstances. The Training Director will inform the trainee of the effects the leave of absence will have on the trainee's stipend, privileges, and estimated date of completion. If the leave of absence interferes with the successful completion of the training hours needed for completion of the program, this will be noted in the trainee's file, and the Director of Clinical Training at the trainee's graduate institution will be informed. In the case of doctoral interns and postdoctoral residents, APPIC will also be informed.
4. Dismissal involves the permanent withdrawal of all agency responsibilities and privileges. When the aforementioned formal review steps have been attempted and specific interventions do not, after a reasonable time period, rectify the problem behavior or concerns, and the trainee seems unable or unwilling to alter his/her behavior, the Training Committee Staff will discuss with the Division Director the possibility of termination from the training program. The Division Director will make the final decision about dismissal.

Immediate dismissal may be necessary under extenuating circumstances, and involves the immediate permanent withdrawal of all agency responsibilities and privileges. Immediate dismissal would be invoked, but is not limited to cases of severe violations of the Code of Ethics, or when imminent physical or psychological harm to a client is a major factor. In addition, in the event that a trainee compromises the welfare of a client(s), the agency, or the community by an action(s) which generates grave concern from the supervisor(s) or Training Director, the Division Director may immediately dismiss the trainee from the Youth Services Department. This dismissal may bypass the other formal review steps identified above.

In the case of doctoral interns and postdoctoral fellows, APPIC's Chair must be notified before dismissal takes place. APPIC acknowledges there is a formal match agreement and wants assurance that all policies including due process have been completed. When a trainee has been dismissed, the Training Director will communicate to the Director of Clinical Training at the trainee's graduate institution that the trainee has not successfully completed the training program.

In the event of dismissal, the following steps may occur:

- a. consultation conducted by the Training Director with internal and external sources (e.g., legal consultation, APA, and APPIC);
- b. letter given to trainee reiterating probation criteria, trainee's response, and reasons for dismissal;
- c. copy of letter forwarded to trainee's academic department no later than 3 working days following the dismissal meeting with the trainee in order to ensure all parties are informed;
- d. determination of how and when the trainee's status with YSD will change, with consideration of protecting client welfare;
- e. specification of due process procedures and time frame in which the trainee may appeal the decision.

Appeals Process

If the trainee wishes to challenge a Probation or Dismissal decision, he/she may request an Appeals Hearing before members of the Training Committee Staff. This request must be made in writing (an email will suffice) to the Training Director within 3 working days of notification regarding the decision made above. If requested, the Appeals Hearing will be conducted by a review panel convened by the Training Director and consisting of him/herself (or another supervisor, if appropriate), the trainee's supervisor, and at least one other member of the Training Committee Staff. The trainee may request a specific member of the Training Committee Staff to serve on the review panel. If the trainee requests the presence of a representative who is not affiliated with YSD to also serve on the review panel, this request will be considered for appropriateness by the Training Director (or another supervisor, if appropriate). The Appeals Hearing will be held within 5 working days of the trainee's request. 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 the decisions made previously or may modify them. The review panel has final discretion regarding outcome.

Grievance Procedures

Grievance Procedures are implemented in situations in which a psychology trainee raises a concern about a supervisor or other staff member, trainee, or the training program. These guidelines are intended to provide the trainee with a means to resolve perceived conflicts. Trainees who pursue grievances in good faith will not experience any adverse professional consequences. The following procedures are followed in situations in which a trainee raises a grievance about a supervisor, staff member, trainee, or the training program:

Informal Review

The trainee should raise the issue as soon as feasible with the involved supervisor, staff member, other trainee, or Training Director in an effort to resolve the problem informally.

Formal Review

If the matter cannot be satisfactorily resolved using informal means, the trainee may submit a formal grievance in writing, with all supporting documents, to the Training Director. If the Training Director is the object of the grievance, the grievance should be submitted to another member of the Training Committee Staff. The individual being grieved will be asked to submit a response in writing within 3 working days. The Training Director (or Training Committee Staff member, if appropriate) will meet with the trainee and the individual being grieved within 3 working days of receiving the written response from the individual being grieved. In some cases, the Training Director or other Training Committee Staff member may wish to first meet with the trainee and the individual being grieved separately. The goal of the joint meeting will be to develop a plan of action to resolve the matter. The plan will include:

1. the behavior associated with the grievance;
2. the specific steps to rectify the problem; and,
3. procedures designed to ascertain whether the problem has been appropriately rectified.

The Training Director or other Training Committee Staff member will document the process and outcome of the meeting. The trainee and the individual being grieved will meet with the the Training Director (or other Training Committee Staff member, if appropriate) within an established number of working days, but no longer than 8 working days. At this meeting the plan of action will be reviewed and the Training Director (or Training Committee Staff member, if appropriate) will determine whether the issue has been adequately resolved.

Review Panel

If the plan of action fails, the Training Director (or other Training Committee Staff member, if appropriate) will convene a review panel consisting of him/herself and at least one other member of the Training Committee Staff within 3 working days. The trainee may request a specific member of the Training Committee Staff 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. The review panel has final discretion regarding outcome. Within 3 working days, the review panel will submit a written report, which will be shared with necessary parties.