



CAPS Doctoral Internship Program

Due Process Procedures

Due Process Procedures are implemented when a supervisor or other faculty member raises a concern about the functioning of a psychology intern. These procedures are a protection of intern rights and are implemented in order to afford the intern with 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 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, psychological dysfunctions, and/or excessive emotional reactions which interfere with professional functioning.

It is a professional judgment as to when an issue becomes a problem that requires remediation. Interns may exhibit behaviors, attitudes or characteristics that, while of concern and requiring attention, are not unexpected or excessive for professionals in training.

Issues typically become 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 causes harm to a patient; and/or,
11. The problematic behavior violates appropriate interpersonal communication with agency staff.

ADMINISTRATIVE HIERARCHY & DEFINITIONS

The University of Arkansas (U of A) Counseling & Psychological Services (CAPS) Doctoral Internship in Health Service Psychology Due Process procedure occurs in a step-wise 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. They lead the internship Training Committee and serve as a voting member.

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, in consultation with members of the Training Committee, but will not become part of the intern's professional file.

FORMAL REVIEW

If an intern's problem behavior persists following an attempt to resolve the issue informally, or if an intern receives any rating below a "3" ("basic competence") on any element on a supervisory evaluation, the following process is initiated:

- a) The supervisor will meet with the Training Director (TD) and intern within 10 working days 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 their response to the problem.
- c) After discussing the problem and the intern's response, the supervisor and TD will:
 - o 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.
 - o This notice will be issued within 5 working days of the meeting and will be shared with the intern and the Director of Clinical Training at the intern's graduate institution.

-OR-

- o 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 improves 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 during which the problem is expected to be ameliorated; and,
 - d) the procedures designed to ascertain whether the problem has been appropriately remediated.

- This plan will be issued within 5 working days of the meeting and will be shared with the intern and the Director of Clinical Training at the intern's graduate institution. At the end of this remediation period as specified in 'c' above, the TD will provide a written statement indicating whether or not 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.
 - 3) In special cases, the intern may be allowed to switch supervisors within the doctoral internship training program. This option would be applicable in situations in which it is believed that the intern's difficulties are the result of a poor fit between the intern and supervisor and that the intern could be successful in a different supervisory relationship. This option would require a meeting of a review panel convened by the Training Director and consisting of the TD, the intern's primary supervisor, and at least two other members of the Training Committee. Additional parties who are knowledgeable about the intern's abilities may be involved in order to inform decision making. Should we consider changing an intern's supervisor, a meeting to discuss supervisory changes will be convened within 10 working days of the original formal review meeting.
- d) If the problem is not rectified through the above processes, or if the problem represents gross misconduct, ethical violations, or suggests circumstances which render the intern unable to perform the duties of the internship and have the potential to cause harm, the intern's placement within the internship may be terminated. The decision to terminate an intern's placement would be made by the entire Training Committee, in consultation with Human Resources, and would represent a discontinuation of participation by the intern within every aspect of the training program. The Training Committee would 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 may decide 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, APPIC and the Director of Clinical Training at the intern's home doctoral program would be contacted within 5 working days of the decision.

REMEDIATION PLAN OPTIONS

It is important to have meaningful ways to address professional problems once they have been identified. Several possible, and perhaps concurrent, courses of action designed to remediate problems include, but are not limited to:

1. Increasing supervision, the amount of supervision and/or adding learning or reflective assignments to regular supervision; either with the same or other supervisors;
2. Changing the format, emphasis, and/or focus of supervision;
3. Recommending personal therapy and/or psychological assessment, with all parties involved having clarified the manner in which therapy contacts will be used in the intern evaluation process;
4. Reducing the intern's clinical or other work load and/or requiring specific academic course work or other forms of training; and/or
5. Recommending, when appropriate, a leave of absence and/or a second internship.

APPEALS PROCESS

If the intern wishes to challenge the decisions made, he or she may request an Appeals Hearing before the Training Committee. This request must be made in writing- an email will suffice- to the TD within 5 working days of notification regarding the decision made in step C or D above. If requested, the Appeals Hearing will be conducted by a review panel convened by the TD and consisting of themselves (or another supervisor, if appropriate), the intern's primary supervisor,

and at least two other members of the Training Committee. The intern may request a 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. The review panel may request personal interviews and/or written statements from individuals as it deems appropriate. The intern may submit to the review panel any written statements they believe to be appropriate, within ethical standards of practice, and may request a personal interview, and/or may request that the Committee interview other individuals who might have relevant information. The supervisor or staff members involved will also be afforded the same privilege. 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.

NOTIFYING THE SPONSORING DOCTORAL PROGRAM

If either the *Acknowledgment Notice* or the *Remediation Plan* action occurs, the TD will inform the intern's sponsoring university within 5 working days, indicating the nature of the problem, the rationale for the action, and the action taken by the faculty. The intern will receive a copy of the letter to the sponsoring university.

Once the Acknowledgment Notice or Remediation Plan 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 remediation, no later than the time limits identified in the remediation plan. 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 implemented in situations in which a psychology intern raises a concern about a supervisor or other faculty member, trainee, or the internship training program. CAPS staff strives to create a warm and collegial working environment for all staff members. One component of this effort involves dealing with conflict in an open, direct, and timely fashion. We strongly recommend that when a conflict occurs, staff members approach each other directly to resolve the conflict. Thus, if an intern has a conflict with a staff member (which includes other interns) or concerns regarding a staff member's behavior, the best course of action is to discuss it directly with that staff member.

However, the training staff acknowledges that the power differential between trainees and supervising staff can make this process difficult and anxiety provoking for the intern. In those situations where the intern feels that she or he needs consultation and support in order to deal with the conflict, the following grievance procedures are initiated. These guidelines are intended to provide the psychology intern with a means to resolve perceived conflicts. It is CAPS' goal that interns who pursue grievances in good faith will not experience any consequences which might be perceived as retaliatory. For situations in which an intern raises a grievance about a supervisor, staff member, trainee, or the internship program:

Informal Review

First, the intern should raise the issue as soon as feasible with the involved supervisor, staff member, other trainee, or TD in an effort 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. In some cases, the TD or Training Committee member may wish to meet with the intern and the individual being grieved separately first. The goal of the joint meeting is to develop a plan of action to resolve the matter.

The plan of action will include:

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

The TD or other Training Committee member 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 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. The intern may request a 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. The review panel has final discretion regarding outcome.

If the review panel determines 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 employer agency in order to initiate the due process procedures, in consultation with Human Resources. If the review panel determines that the grievance against the staff member potentially can be resolved internally, the review panel will develop a second action plan that includes the same components as above. The TD or other Training Committee member will document the process and outcome of the panel meeting. The intern and the individual being grieved will again be asked to report back in writing regarding whether the issue has been adequately resolved within 10 working days. The panel will reconvene within 10 working days to again review written documentation and determine whether the issue has been adequately resolved. If the issue is not resolved by the second meeting of the panel, the issue will be turned over to the employer agency in order to initiate the due process procedures, in consultation with Human Resources.

Note 1: Trainees at the CAPS are employees of the State of Arkansas. Consequently, they are subject to the policies and procedures of University of Arkansas. Board Policy 405.4 states “All classified and non-classified staff employees of the university, whether full-time or part-time, who are appointed or hold regular positions, are “at-will” employees and may have their employment terminated by the university for convenience at any time or may be dismissed immediately for cause. In the case of grant termination or loss of appropriated funds, termination may be immediate. Although a dismissal for cause may be effective immediately, a staff member may seek review of a for-cause dismissal in accordance with the review policies of the campus, division or unit. If no review policy applies, the staff member shall have the opportunity to seek, within five (5) working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for cause termination..”