

## **Due Process: Procedure for Identifying and Managing Intern Problems/Concerns**

**Goal: To assist the intern in resolving issues that are negatively affecting their ability to adequately perform their duties.**

This is an overview of the policies and procedures utilized to address intern 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.

1. **Definition of Problematic Behavior:** Problematic behavior is broadly defined as behavior that interferes with professional functioning, and is reflected in one or more of the following ways:
  - a. an inability and/or unwillingness to acquire and integrate professional behaviors and ethical standards;
  - b. an inability to acquire the level of professional skills necessary to reach an acceptable level of competency;
  - c. an inability to control personal stress, psychological problems, and/or excessive emotional reactions which interfere with professional functioning.

The predoctoral internship-training program at the Counseling Center has many evaluative procedures designed to provide feedback of the intern's performance. Feedback on the intern's performance comes formally and informally from the intern's self-evaluation, peer interns, the primary supervisor, the training director, senior staff psychologists, and clerical staff.

The following categories and criteria will be used as a guide in determining intern substandard performance and identifying problematic behavior:

Category	Criteria	Evaluation Anchor
<b>Ethics</b>		
Ethical standards and behavior	Knowledge/application of APA principles	Routinely applies principles vs. unfamiliar with principles
Professional deportment	Awareness of own needs and impact on others	Balances own needs with agency vs. being unresponsive to needs of others
<b>Professional skills</b>		
Conceptualization	Development of treatment plans	Establishes relevant short and long-term plans vs. plans being poorly developed

Diagnosis and treatment	Knowledge of diagnosis and treatment	Accurate and detailed knowledge that is appropriately applied vs. in- accurately and poorly applied knowledge
Intervention	Relationship to client	Uses the relationship appropriately for client change vs. unable to build a relationship
Communication	Responsiveness to client communication	Appropriately links verbal and nonverbal information vs. hears content but does not perceive incongruity in communications
Awareness of self	Dealing with sex role, racial, ethnic, sexual orientation, and other stereotypes	Understands unknown and societal stereotypes vs. blind to stereotypes
Use of supervision	Response to feedback	Actively seeks feedback and integrates comments vs. reacts against
Professional development	Response to didactic training in recommended readings	Consistently seeks to expand knowledge vs. does not participate in professional development

**Personal**

Management of personal stress	Stress reactions occur but with little interference in functioning vs. stress leads to withdrawal and inappropriate behavior
Interference in functioning due to emotional problems	Aware of own feelings and uses the said ways to facilitate therapy vs. personal problems chronically disrupt treatment

Each intern may have difficulty in some area during the course of the internship; some difficulties, of course, are more severe than others. Professional judgment should be exercised in determining when action needs to be taken to address the problematic behavior. Action is more likely to be taken when one or more of the following characteristics is noted:

- A. The intern does not acknowledge, understand, or address the problem when it is identified;

B. The problem is not merely a reflection of the skill deficit which can be rectified by further academic or didactic training;

C. The quality of the intern's service delivery is negatively affected and may be considered to be destructive to clients;

D. The problem is not restricted to one area of professional functioning;

E. A disproportionate amount of attention by training personnel is required, compared to other interns in the group; and/or

F. The trainee's behavior does not change as a function of feedback, remediation efforts, and/or time.

2. Purpose: The purpose of the following policy/procedure is to provide interns with the parameters of appropriate behavior and clarify the process for feedback, remediation and notification to academic program if necessary.

3. Policy: It is the policy of the Counseling Center to evaluate all components of the intern's performance formally and informally at defined times throughout the internship. The need to take action to address problematic behaviors is made if the intern's performance consistently approaches the low end of the range in several of the categories identified in the definition above. In addition, action may be warranted if there is a serious deficiency in one category alone. Procedures for responding to problematic behaviors and inadequate performance are reviewed below.

**Procedure for Responding to Problematic Behavior by an Intern:** It is important to have meaningful ways to address problematic behavior once it has been identified. In implementing sanction interventions, the training staff must be mindful of, and balance the needs of the intern, the clients involved, members of the intern training group, the training staff, and other agency personnel. The following steps will be taken to address problematic behavior. Depending on the seriousness of the behavioral problems, the process can begin at any level, with higher levels being relevant to more serious problems.

1. **Verbal Warning** to the intern emphasizes the need to discontinue the inappropriate behavior under discussion. No record of this action is kept.
2. **Written Acknowledgement** to the intern formally acknowledges:
  - a. That the Training Director (TD) is aware of and concerned with the performance rating,
  - b. That the concern has been brought to the attention of the intern,
  - c. That the TD will work with the intern to rectify the problem or skill deficits, and
  - d. That the behaviors associated with the rating are not significant enough to warrant more serious action.

The written acknowledgment will be removed from the intern's file when the intern responds to the concerns and successfully corrects the problematic behavior and completes the internship.

3. **Written Warning** to the intern indicates the need to discontinue an inappropriate action or behavior. This letter will contain:
  - a. A description of the intern's unsatisfactory performance,
  - b. Actions needed by the intern to correct the unsatisfactory behavior,
  - c. The time line for correcting the problem,
  - d. What action will be taken if the problem is not corrected, and
  - e. Notification that the intern has the right to request a review of this action.A copy of this letter will be kept in the intern's file. Consideration may be given to removing this letter at the end of the internship by the TD in consultation with the intern's supervisor and Director. If the letter is to remain in the file, documentation should contain the position statements of the parties involved in the dispute.
4. **Schedule Modification** is a time-limited, remediation-oriented closely supervised period of training designed to return the intern to a more fully functioning state. Modifying an intern's schedule is an accommodation made to assist the intern in responding to personal reactions to environmental stress, with the full expectation that the intern will complete the internship. This period will include more closely scrutinized supervision conducted by the regular supervisor in consultation with the TD. Several possible and perhaps concurrent courses of action may be included in modifying a schedule. These might include:
  - a. Increasing the amount of supervision, either with the same or other supervisors,
  - b. Change in the format, emphasis, and/or focus of supervision,
  - c. Recommending personal therapy (a list of community practitioners and other options will be provided),
  - d. Reducing the intern's clinical or other workload,
  - e. Requiring specific academic coursework.The length of a schedule modification period will be determined by the TD in consultation with the primary supervisor and the Director. The termination of the schedule modification period will be determined, after discussions with the intern, by the TD in consultation with the primary supervisor and the Director.
5. **Probation** is also a time limited, remediation-oriented, more closely supervised training period. Its purpose is to assess the ability of the intern to return to a more fully functioning state and to complete the internship successfully. Probation defines a relationship that the TD systematically monitors for a specific length of time the degree to which the intern addresses, changes and/or otherwise improves the behavior associated with the inadequate rating. The intern is informed of the probation in a written statement that includes:
  - a) the specific behaviors associated with the unacceptable rating;
  - b) the 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 to ascertain whether the problem has been appropriately rectified.

If the TD determines that there has not been sufficient improvement in the intern's behavior to remove the Probation or modified schedule, then the TD will discuss with the primary supervisor and the Director possible courses of action to be taken. The TD will communicate in writing to the intern that the conditions for revoking the probation or modified schedule have not been met. This notice will include the course of action the TD has decided to implement. These may include continuation of the remediation efforts for a specified time period or implementation of another alternative. Additionally, the TD will communicate to the Director that if the intern's behavior does not change, the intern will not successfully complete the internship.

6. **Suspension of Direct Service Activities** requires a determination that the welfare of the intern's client or consultantee has been jeopardized. Therefore, direct service activities will be suspended for a specified period as determined by the TD in consultation with the Director. At the end of the suspension period, the intern's supervisor in consultation with the TD will assess the intern's capacity for effective functioning and determine when direct service can be resumed.
7. **Administrative Leave** involves the temporary withdrawal of all responsibilities and privileges in the agency. If the Probation Period, Suspension of Direct Service Activities, or Administrative Leave interferes with the successful completion of the training hours needed for completion of the internship, this will be noted in the intern's file and the intern's academic program will be informed. The TD will inform the intern of the effects the administrative leave will have on the intern's stipend and accrual of benefits.
8. **Dismissal from the Internship** involves the permanent withdrawal of all agency responsibilities and privileges. When specific interventions do not, after a reasonable time period, rectify the problem behavior or concerns and the trainee seems unable or unwilling to alter her/his behavior, the TD will discuss with the Director the possibility of termination from the training program or dismissal from the agency. Either administrative leave or dismissal would be invoked in cases of severe violations of the APA Code of Ethics, or when imminent physical or psychological harm to a client is a major factor, or the intern is unable to complete the internship due to physical, mental or emotional illness. When an intern has been dismissed, the TD will communicate to the intern's academic department that the intern has not successfully completed the internship.

#### **Procedures for Responding to Inadequate Performance by an Intern**

If an intern receives an "unacceptable rating" from any of the evaluation sources in any of the major categories of evaluation, or if a staff member has concerns about an intern's behavior (ethical or legal violations, professional incompetence) the following procedures will be initiated:

1. The staff member will consult with the Training Director (TD) to determine if there is reason to proceed and/or if the behavior in question is being rectified.

2. If the staff member who brings the concern to the TD is not the intern's primary supervisor, the TD will discuss the concern with the intern's primary supervisor.

3. If the TD and primary supervisor determine that the alleged behavior in the complaint, if proven, would constitute a serious violation, the TD will inform the staff member who initially brought the complaint.

4. The TD will meet with the Director to discuss the concerns and possible courses of action to be taken to address the issues.

5. The TD, primary supervisor, and Director may meet to discuss possible course of actions.

6. Whenever a decision has been made by the Director or TD about an intern's training program or status in the agency, the TD will inform the intern in writing and will meet with the intern to review the decision. This meeting may include the intern's primary supervisor. If the intern accepts the decision, any formal action taken by the Training Program may be communicated in writing to the intern's academic department. This notification indicates the nature of the concern and the specific alternatives implemented to address the concern.

7. The intern may choose to accept the conditions or may choose to challenge the action. The procedures for challenging the action are presented below.

### **Due Process: General Guidelines**

Due process ensures that decisions about interns are not arbitrary or personally based. It requires that the Training Program identify specific evaluative procedures that are applied to all trainees, and provide appropriate appeal procedures available to the intern. All steps need to be appropriately documented and implemented. General due process guidelines are listed below:

1. During the orientation period, the program's expectations related to professional functioning are presented to the interns in writing. These expectations are discussed in both group and individual settings.

2. Evaluation procedures are stipulated, including when and how evaluations will be conducted. Such evaluations should occur at meaningful intervals.

3. The various procedures and actions involved in making decisions regarding problem behavior or concerns are articulated.

4. The intern's graduate program will be informed of any suspected difficulties with their intern. When necessary, input on how to address such difficulties will be sought from these programs.

5. A remediation plan for identified inadequacies will be instituted, including a time frame for expected remediation and consequences of not rectifying the inadequacies.

6. A written procedure will be provided to the intern, which describes how the intern may appeal the program's action. Such procedures are included in the intern handbook. The Intern Handbook is provided to interns and reviewed during orientation.

7. Sufficient time will be provided for the intern to respond to any action taken by the program.

8. Input will be sought from multiple professional sources when making decisions or recommendations regarding the intern's performance.

9. Documentation of the actions taken by the program and its rationale will be provided to all relevant parties. This will be done in writing.

## **Due Process: Procedures**

The basic meaning of due process is to inform and to provide a framework to respond, act on or dispute actions implemented. When a matter cannot be resolved between the TD and intern or staff, the steps to be taken are listed below.

### **A. Grievance Procedure**

There are two situations in which grievance procedures can be initiated.

1. In the event an intern encounters any difficulties or problems (e.g. poor supervision, unavailability of supervisor, evaluations perceived as unfair, workload issues, personality conflicts, other staff conflict) during his/her training experiences, an intern can:
  - a. Discuss the issue with the staff member(s) involved;
  - b. If the issue cannot be resolved informally, the intern should discuss the concern with the TD or member of the management team;
  - c. If the TD or member of the management team cannot resolve the issue, the intern can formally challenge any action or decision taken by the TD, the supervisor or any member of the training staff by following this procedure:
    - 1) The intern should file a formal complaint, in writing and all supporting documents, with the TD. If the intern is challenging a formal evaluation, the intern must do so within 5 days of receipt of the evaluation.
    - 2) Within three days of a formal complaint, the TD must consult with the Director and implement Review Panel procedures as described below.
2. If a training staff member has a specific concern about an intern, the staff member should:
  - a. Discuss the issue with the intern(s) involved.
  - b. Consult with the TD.
  - c. If the issue is not resolved informally, the staff member may seek resolution of the concern by written request, with all supporting documents, to the TD for a review of the situation. When this occurs, the TD will consult with the Director within three days and implement Review Panel procedures as described below.

### **B. Review Panel and Process**

1. When needed, a review panel will be convened by the Director. The panel will consist of three staff members selected by the Director with recommendations from the TD and the intern involved in the dispute. The intern has the right to hear all facts with the opportunity to dispute or explain the behavior of concern.
2. Within five (5) workdays, a hearing will be conducted in which the challenge is heard and relevant material presented. Within three (3) workdays of the completion of the review, the Review Panel submits a written report to the Director, including any recommendations for further action. Recommendations made by the Review Panel will be made by majority vote.
3. Within three (3) workdays of receipt of the recommendation, the Director will either accept or reject the Review Panel's recommendations. If the Director rejects the panel's recommendations, due to an incomplete or inadequate evaluation of the dispute, the Director may refer the matter back to the Review Panel for further deliberation and revised recommendations or may make a final decision.

4. If referred back to the panel, they will report back to the Director within five (5) workdays of the receipt of the Director's request of further deliberation. The Director then makes a final decision regarding what action is to be taken.

5. The TD informs the intern, staff members involved and if necessary members of the training staff of the decision and any action taken or to be taken.

6. If the intern disputes the Director's final decision, the intern has the right to contact the Department of Human Resources at the institute to discuss this situation.

