

University of Wisconsin- Whitewater
University Health and Counseling Services

**Due Process, Appeals and Grievance Procedures for
Psychology Interns
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The following guidelines have been drawn from multiple sources including:

Clover Educational Consulting Group Sample Doctoral Internship Program Due Process Procedures

College of William & Mary Due Process and Grievance Procedures for Psychology Interns

Texas A & M University Student Counseling Services Due Process and Grievance Procedures for Psychology Interns.

Texas State University Counseling Center Interns Evaluation, Review & Grievance Procedures

General Guidelines for Due Process

The training program follows due process guidelines to ensure that decisions about interns are not made arbitrarily or personally biased. The training program has adopted specific evaluation procedures which are applied to all interns. The appeals procedures below are available to the intern so that s/he/they have ample opportunity to ensure fairness is involved in the decision making process.

The due process guidelines include the following:

1. All Interns receive a written statement of program expectations for professional functioning at the outset of training
2. Evaluation procedures are clearly stipulated, including when and how evaluations will be conducted (Section III of this Manual).
3. The procedures and actions for making decisions about problematic performance or conduct are outlined in written statements given to all Interns.
4. All Interns receive a written description of procedures they may use to appeal the program's actions, and procedures they may use to file grievances.
5. Decisions or recommendations regarding the Intern's performance or conduct are based on input from multiple professional sources, including Intern's formal evaluations.
6. Program actions and their rationale are documented in writing to all relevant parties.
7. Interns are given sufficient time to respond to any action taken by the program.
8. Graduate programs are informed about difficulties with Interns.
9. When appropriate, remediation plans are instituted for identified inadequacies. These include time frames for remediation and specify consequences for failure to rectify the inadequacies.

Expectations of Psychology Interns

During the training year, the general expectation of UHCS is that interns will:

- Adhere to their appropriate code of conduct: APA www.apa.org/ethics/; See the ethics code in the Appendix of this Manual.
- Practice within the bounds of the laws and regulations of the State of Wisconsin;
- Practice in a manner that conforms to the professional standards of University of Wisconsin-Whitewater and University Health & Counseling Services.

Rights of Interns:

1. The interns will have access to clear statements of the standards and expectations by which they are evaluated at midterm and semester end.
2. Interns have opportunities to provide input and suggest changes and modifications regarding the training program. Regular meetings of interns and the Training Director will provide interns direct access to center administration and enable the Training Director to assess the progress and problems confronted by the interns and to discuss their developmental tasks and issues.
3. The interns have the right to initiate an informal resolution of problems that might arise during training (i.e., regarding supervision, case assignments, and professional consideration) through a request to the individual concerned and/or to the Training Director.
4. Interns have the right to activate a formal review when they believe that their rights have been infringed upon. When the evaluation process is completed at the end of the semester, interns have the right to contest criticisms in the evaluation, to disagree with the primary supervisor's summary evaluation, and/or to request an appeal. Violations of intern's rights include, but are not limited to, exploitation, sexual harassment, arbitrary, capricious or discriminatory treatment, unfair evaluation criteria, inappropriate or inadequate supervision or training, and violation of due process.
5. Interns have the right to expect appropriate levels of personal privacy.

Responsibilities of Interns:

1. Interns have the responsibility to meet training expectations by developing an acceptable level of competency throughout the training year.
2. Interns have the responsibility to be open to professionally appropriate feedback from supervisors, professional staff, and center personnel.
3. Interns are responsible for behaving in a manner that promotes professional interactions within UHCS and the University community.
4. Interns have the responsibility to conduct oneself in a professionally-appropriate manner if Due Process is initiated.

The Evaluation Process

Evaluation is an ongoing formal and informal process. The Training Committee expects all staff who participate in training and supervision to provide ongoing feedback to interns.

Formal evaluation occurs in two ways. At mid-semester in the fall, interns meet with their supervisors to receive verbal feedback regarding their performance. At the end of the semester, the intern meets with their supervisor and receives both verbal and written feedback. This evaluation process is repeated again in the spring semester (or summer rotation). Once formal evaluations are completed, a signed copy is provided to the intern's academic institution and the Training Director. Interns are required to obtain an average Minimum Level of Achievement (MLA) of a "3" ("Intermediate Skills/ Knowledge") on all competencies at the end of their internship year. This is on a Likert scale ranging from 1-5. If an intern receives an average rating below a "3" on any competency on a supervisory evaluation, due process procedures may be initiated.

Interns provide verbal and written feedback regarding their experiences with group supervision, primary supervisors, the Internship site as a whole and the didactic seminars. These evaluations are provided by and returned to the Training Director. Interns meet weekly with the Training Director which provides for the opportunity for ongoing informal feedback regarding training issues. See all evaluation forms in Section XIII.

Determining Adequate Intern Performance

Categories for consideration in determining adequate performance include:

1. *Application of professional standards (APA Standards of Ethics, applicable laws)*
2. *Skill development (intervention skills)*
3. *Personal functioning (management of personal issues, professional behavior, use of supervision)*

Problematic Behavior:

Problem behaviors are present when supervisor(s) perceive that an intern's behaviors, attitudes, or characteristics are disrupting the quality of his/her/their clinical services; his/her/their relationships with peers, supervisors, or other staff; or his or her ability to comply with appropriate standards of professional behavior. It is a matter of professional judgment as to when an intern's problem behaviors are serious enough to fit the definitions of problematic performance or conduct rather than merely being typical problem behaviors often found among interns.

The program defines problematic performance and problematic conduct as when there is interference in professional functioning that renders the Intern unable and/or unwilling to:

- a) Acquire and integrate professional standards into his/her/their repertoire of professional behavior;
- b) Unable to acquire professional skills that reach an acceptable level of competency;
- c) An inability and/or unwillingness to integrate ethical standards,
- d) An inability to manage personal stress, psychological problems, and/or excessive emotional reactions which interfere with professional functioning.

More specifically, problem behaviors are identified as *problematic performance and/or problematic conduct* when they include one or more of the following characteristics:

1. The quality of the intern's service delivery is negatively affected and may be considered to be destructive to clients,
2. The problem is not merely a reflection of a skill deficit which can be rectified by further academic or didactic training,
3. The intern does not acknowledge, understand, or address the problem when it is identified,
4. The identified aspect of professional functioning is linked to a clear pattern and not based on an isolated incident,
5. Multiple and similar observations are made by at least one supervisor and/or senior staff member,
6. A disproportionate amount of attention by training personnel is required, compared to other interns, and/or
7. The intern's behavior does not change as a function of feedback, remediation efforts, and/or time.

Problematic behavior is noted on written evaluations in addition to being discussed with the intern by primary supervisors. Problem behaviors noted on written evaluations are discussed with the Training Committee, who determines when, if, and how, remediation is necessary.

Due Process Procedures for Responding to Problematic Performance by an Intern

As a training program it is imperative that UHCS has a meaningful course of action to address professional impairments. In implementing remediation or sanction alternatives, staff diligently balance the needs of the intern, the clients involved, the intern cohort, other UHCS staff, the Training Committee, and others affected by the behavior(s). The fact that an intern is going through a

remediation plan process is kept confidential. The following procedures are followed in cases of problematic intern performance or conduct.

When supervisors' and/ or other senior staff member evaluations (whether formal, informal or through observation) indicate that an Intern's skills, professionalism, or personal functioning are inadequate for an Intern at her/ his/ their level of training, the Training Committee (with input from other relevant supervisory staff), initiates the following procedures:

Informal Review:

The Intern's primary Supervisor meets individually with the Intern and clearly reviews with the Intern the areas identified as requiring improvement. This informal discussion occurs as soon as is feasible in an attempt to resolve the problem informally and must provide the Intern with clear, concrete examples of expectations and include a timeframe in which improvement is expected. This discussion is documented, with the Intern's initials, on the Supervision Record Form, but does not become a part of the intern's professional file. The areas of functioning requiring improvement are documented in the intern's formal evaluation.

If the intern successfully makes improvement in the identified growth areas, this is discussed with the intern, noted in the intern's formal evaluations and no further action is taken unless additional significant growth areas are identified at a future point during the training year.

Formal Review

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

1. Within 10 working days of the evaluation or failure to resolve the issue informally, a meeting is held between the Intern, Supervisor & Training Director, with consultation provided by the Training Committee as needed, and a determination is made as to what action needs to be taken to address the problem(s). The intern has the opportunity to provide a written statement related to his/her/their response to the problem.
2. After discussing the problem and the intern's verbal and/or written response, the Training Committee may adopt one or more of the following steps, or take other appropriate action.
 - a. The committee may elect to take no further action.
 - b. The committee may issue a written *Acknowledgement Notice* within 10 business days that formally states the following:
 - The committee is aware of and concerned about the evaluation and/or problems identified therein.
 - The evaluation has been brought to the intern's attention and the committee or other supervisors will work with the intern to rectify the problem within a specified time frame.
 - The behaviors associated with the negative evaluation are not significant enough to warrant more serious action at the time.
 - c. Alternatively, the committee may issue a *Remediation Plan*, which specifies that the committee, through the supervisors and Training Director, will actively and systematically monitor the degree to which the Intern addresses, changes, and/or otherwise improves the problem behaviors. The *Remediation Plan* is a written statement to the Intern that includes the following items:
 - A description of the problematic performance or conduct.
 - A time frame for the probation during which the problem is expected to be ameliorated.
 - Procedures to assess whether the problem has been appropriately

rectified.

- Specific recommendations for rectifying the problem(s). Possible remedial steps include (but are not limited to) the following:
 - Increased supervision, either with the same or other supervisors.
 - Change in the format, emphasis, and/or focus of supervision
 - A recommendation that personal therapy be undertaken. A reduction in clinical load.
 - Recommendation of a leave of absence (this may impact the Intern's ability to successfully complete the required 2,000 hours within a year's time).
3. Following the delivery of an *Acknowledgment Notice* or *Remediation Plan*, the Intern and her/his/ their supervisor and the Training Director will meet with the intern within 10 working days to review the required remedial steps. The intern may elect to accept the conditions or may challenge the committee's actions as outlined in the procedures below. In either case, within 10 working days the Training Director will inform the intern's sponsoring graduate program, and indicate the nature of the inadequacy and the steps taken by the Training Committee. The intern shall receive a copy of the letter sent to the sponsoring graduate program within 5 business days of it being sent. Both the Acknowledgement Notice and Remediation Plan become part of the intern's permanent file.
4. Once the Training Committee has issued an *Acknowledgement Notice* or *Remediation Plan*, the intern's progress will be reviewed weekly during supervision and will be expected to be resolved within the specified time frame, or the next formal evaluation, whichever comes first.

Due Process Procedures When an Intern Fails to Correct Problems

If the problem is not rectified through the above processes, or if the problem represents gross misconduct or ethical violation that have caused or have the potential to cause harm, the training program may need to take more formal action.

If an intern has not improved sufficiently to rectify the problems under the conditions stipulated by a *Remediation Plan*, the Training Committee will conduct another formal meeting within 10 business days and then inform the Intern in writing that the conditions for successfully resolving the remediation plan have not been met.

The Training Committee may then elect to take any of the following steps, or other appropriate action:

1. It may continue the Remediation Plan for a specified time period.
2. It may suspend the intern whereby the intern is not allowed to continue engaging in certain professional activities until there is evidence that the problem behaviors in question have been rectified.
3. It may inform the Intern and the intern's sponsoring graduate program, that, at the discretion of the Training Director of University Health & Counseling Services, the intern will not successfully complete the Internship if his/her/their behavior does not change.
 - a. If by the end of the training year, the intern has not successfully completed the training requirements, the Training Committee may deem that the Intern has not successfully passed the Internship.
 - b. The Intern and the Intern's home program will be informed that the intern has not successfully completed the Internship.

- c. Alternatively, the Committee may specify those settings in which the intern can or cannot function adequately.
4. If the Training Committee's deliberations lead to the conclusion that an intern is not suited for a career in professional clinical practice, UHCS may collaborate with the Intern's graduate program to recommend and assist in implementing a career shift for the Intern.
5. In the case of extremely egregious behavior, or a persistent inability or unwillingness to correct problematic conduct or behavior, The Training Committee may inform the intern that the Committee is recommending that the Intern be terminated from the Internship program, and inform the Executive Director of UHCS of their recommendation to terminate the Intern.
 - a. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and a representative from Human Resources will then conduct a review of all documents submitted and render a written decision. They will render their decision within a reasonable time frame of receipt of the Training Committee's report, and within 10 working days of receipt of an Intern's request for further review if such request was submitted.
 - b. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative may either accept the Training Committee's recommendation, reject the Training Committee's recommendation and provide an alternative, or refer the matter back to the Training Committee for further deliberation.
 - c. If the Training Committee has recommended that the Intern be terminated and the Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative agree that the Intern's behavior or conduct is egregious enough to no longer provide clinical care, but deem that the behavior does not reach the threshold for dismissal as an employee from UWW, the intern will be given the choice to be assigned non-clinical duties for the duration of the internship, and not successfully complete the internship, or be given the option to withdraw from the internship program and not successfully complete the internship.
 - d. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative will then make a final decision regarding actions to be taken.
 - e. All due process procedures will be dictated by University of Wisconsin- Whitewater personnel policies.
6. Once a final and binding decision has been made, the Intern, sponsoring graduate program and other appropriate individuals, including the Association of Psychology Postdoctoral and Internship Centers (APPIC), will be informed in writing of the action taken within 5 working days of the decision.
7. All the above steps will be appropriately documented and implemented in ways that are consistent with due process procedures, including opportunities for Interns to initiate the grievance proceedings below to challenge the decisions.

Intern Appeals Process

Interns who receive an *Acknowledgment Notice or Remediation Plan*, or who otherwise disagree with any Training Committee decision regarding their status in the program, are entitled to appeal the Committee's decision. Appeals must be made in writing (an email will suffice) to the Training Director within 5 working days of receipt the Training Committee's notice or other decision. The Intern must provide an explanation of why the Intern believes the Training Committee's action is unwarranted. Failure to provide such information will constitute a withdrawal of the challenge. Following receipt of the Intern's challenge, the following actions will be taken.

1. Within 10 business days of receiving an appeals request the Training Director will conduct and

chair a review hearing with the Intern and all members of the Training Committee in which the Intern's challenge is heard and any evidence is presented by the Training Director and/or Intern's supervisors.

2. Within 10 working days of completion of the review hearing, the Training Committee will issue a written summary of its decisions and recommendations and will inform the Intern of its decision(s).
3. Once the Training Committee has informed the Intern and submitted its report, the Intern has 10 working days within which to seek a further review of his or her appeal by submitting a written request to the Executive Director of UHCS. The Intern's request must contain brief explanations of the appeal and of the desired settlement he or she is seeking, and it must also specify which policies, rules, or regulations are believed to have been violated, misinterpreted, or misapplied. In addition, the Intern must forward copies of the request to the Assistant Vice Chancellor for Student Affairs and the UHCS Human Resource Partner in the University of Wisconsin-Whitewater Human Resources office.
4. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and a representative from Human Resources will then conduct a review of all documents submitted and render a written decision. They will render their decision within a reasonable time frame of receipt of the Training Committee's report, and within 10 working days of receipt of an Intern's request for further review if such request was submitted.
 - a. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative may either accept the Training Committee's action, reject the Training Committee's action and provide an alternative, or refer the matter back to the Training Committee for further deliberation.
 - b. The committee will report back to the Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative within 10 working days of the request for further deliberation.
 - c. The Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resources representative will then make a final decision regarding actions to be taken.
5. If the Executive Director of UHCS, the Assistant Vice Chancellor for Student Affairs and the Human Resource representatives' final decision does not resolve the Intern's written request for further review to his or her satisfaction, the Intern has three working days within which to appeal in writing to the University of Wisconsin-Whitewater Director of Human Resources. The Director of Human Resources or his/her designees shall conduct a review of the grievance and render a written decision that will be final and binding.
6. Once a final and binding decision has been made, the Intern, sponsoring graduate program and other appropriate individuals will be informed in writing of the action taken.

Intern Grievance Procedures

The UHCS 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 (including interns) approach each other directly to resolve the conflict. However, the training staff acknowledges that the power differential between interns and supervising staff can make this process difficult and anxiety provoking for interns. In addition, the training program acknowledges that there may be situations in which the Intern has a complaint or grievance against a supervisor, staff member, another intern, or the program itself, and in which the intern wishes to file a formal complaint.

The following steps are intended to provide the intern with a means to resolve perceived conflicts that

cannot be resolved by informal means. Interns who pursue complaints in good faith will not experience any adverse personal or professional consequences.

Informal Review:

First, the intern should raise the issue as soon as possible with the supervisor, staff member, other intern, or Training Director in an effort to resolve the problem informally.

Formal Review

1. If the matter cannot be resolved informally the intern may submit a formal grievance in writing (email will suffice) to the Training Director.
 - If the Training Director is the object of the grievance, or is unavailable, the grievance should be submitted in writing to the Executive Director of UHCS.
2. The individual being grieved will be asked to submit a response in writing within 10 business days.
3. The Training Director (or other appointed party) will meet with the intern and the individual being grieved within 10 working days. The Training Director has the discretion to meet with the intern and the individual being grieved separately first.
4. The goal of the joint meeting is 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
 - c. procedures designed to ascertain whether the program has been satisfactorily rectified
5. The Training Director (or other appointed party) will document the process and outcome of the meeting.
6. The intern and the individual being grieved will be asked to report to the Training Director (or other party) in writing within 10 working days of the plan of action being implemented to determine whether the issue has been adequately resolved.
7. If the plan of action fails, the Training Director (or other party) 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 UWW.
8. If the review panel determines that a grievance against a staff members cannot be resolved internally or it is not appropriate to be resolved internally then the issue will be turned over to the University of Wisconsin-Whitewater Department of Human Resources & Diversity in order to initiate the due process procedures outlined in the staff member's employment contract.
9. 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 which will include:
 - a. the behavior associated with the grievance
 - b. the specific steps to rectify the problem
 - c. procedures designed to ascertain whether the program has been satisfactorily

rectified

10. The process and outcome of the panel meeting will be documented by the Training Director (or other party).
 11. 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.
 12. The panel will reconvene within 10 working days to again review the written documentation and determine whether the issue has been adequately resolved.
 13. If the issue has not been resolved by the second meeting of the panel, the issue will be turned over to the employer agency for successful resolution.
 14. In the case of legal or harassment concerns, the intern is entitled to pursue University of Wisconsin- Whitewater's reporting procedures available through the Equal Employment Opportunity/Affirmative Action Office and/or reporting procedures of the individual's professional organization.
- * Any changes to these policies will be provided in writing to all UHCS Psychology Interns.

Acknowledgment of Receipt

Acknowledgement

I acknowledge that I have received and reviewed the Due Process procedures of the Doctoral Psychology Internship program of UHCS. I agree to abide by the procedures outlined in this document. I have been provided with a copy to keep in my files.

Print Name

Signature

Date

Please sign this acknowledgement page and return to the Training Director.