

**Northern Arizona Veterans Affairs Health Care System
Doctoral Psychology Internship Program**

Due Process and Grievance Procedures

I. Purpose. This document provides doctoral interns with a definition of problematic performance, a process for informal and formal remediation of problems or allegations of intern violation of standards, and a description of due process with respect to intern or staff grievances. These procedures are primarily based upon documents from psychology internships at the Syracuse VAMC, the Minneapolis VAMC, Ann Arbor VAAHCS, and the Baltimore VAMHCS.

II. Definition of Problematic Performance: Problem behaviors are said to be present when a supervisor perceives that a trainee's behavior, attitude, or characteristics are: disrupting the quality of his/her clinical services; disrupting his/her relationship with peers, supervisors, or other staff; or his/her ability to comply with appropriate standards of professional behavior. Although some problem behaviors may commonly arise during the course of training, it is a matter of professional judgment as to when such behaviors are serious enough to constitute problematic performance. For the purposes of this internship, problematic performance is defined as an interference in professional functioning that renders the intern unable to acquire professional skills at an acceptable level of competency, unable and/or unwilling to acquire and integrate professional standards into his/her professional behavior, or unable to control personal stress that leads to dysfunctional emotional reactions and behaviors that disrupt professional functioning. Performance becomes identified as problematic when it includes the following:

- A. The quality of services delivered by the trainee is negatively affected to a significant degree.
- B. A disproportionate amount of attention by training staff is required.
- C. The intern's performance does not change as a function of feedback, remediation efforts, or time.
- D. The intern does not acknowledge, understand, or address the problem when it is identified.

III. Definition of Informal Remediation: Optimal learning conditions are maintained when interns and training staff work collaboratively to identify and remedy performance problems, to negotiate changes in training activities, and to resolve disagreements and misunderstandings that otherwise might create barriers to effective learning. While formal remediation procedures are sometimes necessary, most concerns are managed through open conversations, conducted in good faith, between supervisor and intern. Either party may initiate such a conversation. When concerns persist, the Director of

Training may be contacted for guidance or serve as liaison and/or arbiter. Formal remediation procedures will be initiated if supervisor or Director of Training continues to have concerns about the intern's performance; likewise, a grievance may be filed by an intern if concerns persist despite informal efforts to remedy the situation.

IV. Procedures leading to and comprising formal response by training committee to problematic intern performance:

- A. Informal remediation has failed to resolve the problematic behavior.
- B. The Training Committee will assume the need for formal remediation if the intern receives an overall competency rating of 0 in any competency area at the conclusion of any rotation.
- C. The Training Committee will develop a written Notice of Probation and an accompanying Remediation Plan including a description of the problematic performance, specific steps to rectify the problem(s), criteria to assess acceptable improvement, and a time frame during which the problematic performance must be ameliorated.
- D. Possible steps included in the Remediation Plan include: Increased supervision; change in emphasis or focus of supervision; change in training activities; recommendation or requirement that personal therapy be undertaken with a clear statement of the issues such therapy should address.
- E. Following the delivery of a Probation Notice, the Director of Training will meet with the intern to review the required remedial steps. The intern may elect to accept the conditions or may grieve the Training Committee's actions as outlined below. In either case, the Director of Training will inform the intern's graduate program, and indicate the nature of the deficiency and the steps taken by the Training Committee.
- F. After the Training Committee has issued a Probation Notice and Remediation Plan, the intern's progress will be monitored and reviewed within the time frame defined in the Probation Notice.
- G. If the Training Committee determines, after formal review within the time frame, that the intern has not sufficiently rectified the problem(s) stipulated in the Probation Notice and Remediation Plan, the intern will be notified in writing that the conditions for satisfying the probation have not been met. At that time the Training Committee may elect to do any and all of the following: Continue the probation for a specific and limited time period not to exceed the internship year; suspend the intern from engaging in certain professional activities until evidence of change is available; inform the intern that he/she will not successfully complete the program; inform the intern's graduate program that the intern will not successfully complete the program; and/or

depending on the gravity of the issues the intern may be terminated immediately from the program.

- H. All of the steps above will require documentation and implementation in a manner consistent with due process, including opportunities for the intern to initiate grievance proceedings to challenge the above decisions.

V. Grievance Procedures in Response to Training Committee Actions: Interns who receive a Probation Notice and Performance Remediation Plan, or who otherwise disagree with any Training Committee decision regarding their internship program status, are entitled to challenge the Committee's actions by initiating a grievance procedure. Within ten working days of receipt of the Training Committee's written notice of action, the intern must inform the Director of Training in writing that he/she disagrees with the Committee's action, and provide the Director of Training with information as to why the intern believes the Training Committee's action is unwarranted. Failure to provide such a response will constitute an irrevocable default on the opportunity to challenge the Training Committee's action. Should the intern submit a grievance, the following actions will be taken:

- A. Upon receipt of the written notice of grievance, the Director of Training will convene a Review Panel consisting of two Training Committee members selected by the Director of Training and two selected by the intern. The intern has the right to hear any and all allegations, and to dispute them or otherwise offer explanations for his/her performance.
- B. Within ten days the Review Panel will listen to the grievance and the evidence presented, and will by majority vote, determine a response. In the case of a tie the Director of Training will offer a tie-breaking vote. The panel will develop a written report of the issues and the decision, and provide it to the intern and the Training Committee.
- C. The intern has five working days within which to request a further review of the grievance and the decision. The request will take the form of a written request for further review made to the MHBS Service Line Manager. The request will provide a brief account of the grievance and the Review Panel's decision, and of the settlement being sought, along with the policies, rules or regulations the intern believes have been violated, misinterpreted, or misapplied in the previous steps of this process.
- D. The MHBS Service Line Manager will conduct a review of all documents submitted and will render a written decision within 15 working days of receipt of the written request. The MHBS Service Line Manager may either accept the Review Panel's decision or reject it and provide an alternative decision. Any decision to terminate an intern by the MHBS Service Line Manager will require the concurrence of the Director of

Human Resources. This decision is final and binding.

- E. Once a final and binding decision has been made, the intern will be informed in writing of the decisions and the actions to be taken. The intern's graduate program will be informed in writing.
- F. All documentation relating to formal grievances will be maintained for purposes of tracking and program self-assessment, in a locked cabinet maintained by the Director of Training.

VI. Procedures for Intern Complaints: In most cases, concerns about training matters can be resolved informally. Complaints are generally brought to the attention of the supervisor associated with the issue in question. Potential complaints may involve rotation assignments, supervisor assignments, supervisor behavior, or changes in the training experiences. If the intern is not satisfied with the supervisor's response, the complaint may be brought to the attention of Director of Training. If informal remediation is not successful or deemed likely to succeed, the intern may initiate a written grievance or the Director of Training may request that such a written grievance be submitted.

- A. The Director of Training will then be responsible for devising an action plan resolving the intern's complaint and for reviewing it with the intern. If the intern is dissatisfied with the action plan, the matter will be reviewed by the MHBS Service Line Manager.
- B. The intern may appeal the recommendations and/or decisions of the Director of Training by submitting a written statement delineating his/her objections to the Lead Psychologist, whose recommendations will be final and binding.
- C. Documentation relating to formal complaints will be maintained, for purposes of tracking and program self-assessment, in a locked cabinet by the Director of Training.

VII. Staff Allegation of Intern Violation of Standards: Any staff member of a team on which the intern is receiving training may file a written complaint against an intern for the following reasons: Violations of professional, ethical, or legal standards; failure to perform professional duties, which result in the violations or rights, privilege, or responsibilities of others.

- A. The Director of Training will review any such allegations with the Training Committee and determine if there is reason to take action, or whether the behavior in question is being rectified.
- B. If the Director of Training and the majority of Training Committee determine that the behavior alleged in the complaint, if proven, would not constitute a serious violation, the Director of Training shall inform the staff member

complainant, who may be allowed to provide additional information in support of the complaint.

- C. When a decision affirming the basis of the complaint has been made by the Director of Training and the majority of the Training Committee, the procedures will be as outlined above in section "II. Procedures for Responding to Problematic Performance".
- D. Serious allegations of unprofessional or unethical conduct on the intern's part may be grounds for immediate dismissal. A majority of the Training Committee may recommend termination from the internship if there is evidence of grossly inappropriate behavior. The Training Committee's decision will be guided by the APA's Ethical Principles of Psychologists and Code of Conduct. The intern retains the rights to follow grievance procedures as described above in "III. Grievance Procedures in Response to Training Committee Actions".

VIII. EEO Complaints: NAVAHCS and the Doctoral Psychology Internship abides by Federal Executive Order 13160 specific to nondiscrimination in regard to race, ethnicity, age, gender, gender identity, national origin, color, physical or mental disability, sexual orientation, language, culture, or religion. Sexual harassment is also considered a form of discrimination and is illegal. Any intern who believes that he/she has been discriminated against in any way and who wishes to pursue an EEO complaint may do so by contacting the EEO manager, Mike Markgraf at (928) 776-6146.

IX. NAVAHCS Doctoral Internship Probation Notice and Performance Remediation Plan:

Intern Name: _____ Date:

A. Area of Deficiency:

B. Remediation Plan:

C. Criteria for Successful Remediation:

D. Date of review of performance
remediation: _____

Intern Signature

Director of Training Signature

Lead Psychologist Signature