

## NV-PIC Due Process and Grievance Procedures

**Due Process Procedures:** For situations in which a supervisor or other faculty member raises a concern about the functioning of a doctoral psychology intern. These procedures are a protection of intern rights and are implemented 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 to reach an acceptable level of competency; and/or
- 3) an inability to control psychological dysfunctions and/or excessive emotional reactions which interfere with professional functioning.

It is a professional judgment as to when an issue becomes problematic rather than a behavior of concern. Intern trainees 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 and Definitions

NV-PIC's Due Process procedure occurs in a stepwise fashion, involving greater levels of intervention as a problem increases in persistence, complexity, or level of disruption to the training program. It is

important to have meaningful ways to address problematic behavior once it has been identified. In implementing remediation or sanction interventions, the training faculty must be mindful and balance the needs of the intern, the clients involved, other interns, the training staff, and other department and agency staff. The following is a list of remediation and sanction options to be considered in addressing problematic behaviors. One or more of any of the following actions may be taken, depending on the situation. The Doctoral Psychology Intern's Director of Clinical Training from their doctoral program may be contacted at any time.

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. The TD leads the NV-PIC Training Committee and serves 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 resolve the problem informally. 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 and Training Committee.

#### Formal Review

If an intern's problem behavior persists following an attempt to resolve the issue informally, if an intern receives a rating below a "1" or 12 or more ratings of a "2" on the 3-month evaluation, or if an intern receives a score of "1" or if three (3) or more elements are rated a "2" on a 7-month evaluation, or below a "3" at the time of the final evaluation, the following process is initiated:

- 1) The supervisor will meet with the 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.
- 2) The intern will have the opportunity to provide a written statement related to his/her/their response to the problem. The intern must submit the response to his/her/their primary supervisor and the TD within 5 working days of the meeting described in Step 1.
- 3) After discussing the problem and the intern's response, the supervisor and TD may:
  - a) Issue a decision of "No Cause," which indicates the determination that the intern's actions may not constitute a formal problem, but rather a concern as defined above in the "Definition of a Problem." The awareness of the concern may be sufficient to rectify the issue and many not warrant further formal remediation. In this case, the TD will complete a written statement identifying that a formal review was held and that the claim was dismissed due to "No Cause."

The TD will issue this statement within 10 working days of the meeting. The statement will be placed in the intern's professional file, emailed to the intern and primary supervisor and based on the TD's discretion, may be sent to the Director of Clinical Training at the intern's doctoral institution within 10 working days of writing the statement.

- b) Issue a "Written Warning" which formally acknowledges:
- (i) that the faculty is aware of and concerned with the problem;
  - (ii) that the problem has been brought to the attention of the intern;
  - (iii) what steps the faculty and intern will take to rectify the problem or skill deficits identified and in what timeframe; and,
  - (iv) that the problem is not significant enough to warrant a higher step of remedial action at this time.

This written warning will be issued to the intern, primary supervisor, and the Director of Clinical Training within 10 working days of the meeting described in Step 1.

- c) Issue a "Remediation Plan," which is a time-limited, remediation-oriented, closely supervised period of training indicating the need to immediately work on improving the behavior resulting in the ratings received or to discontinue concerning/problematic behavior. A remediation plan is an accommodation made to assist the intern, with the full expectation that the intern will complete the internship. This period will include more closely overseen supervision conducted by the intern's supervisor(s) in consultation with the TD. The TD, in consultation with the primary supervisor and the Training Committee will determine the length of a remediation plan. The termination of the remediation plan will be determined, after discussions with the intern, by the TD in consultation with the primary supervisor. Several possible and perhaps concurrent courses of action may be included in the remediation plan.

These include:

- (i) increasing the amount of supervision, either with the same or additional supervisors;
- (ii) changing the format, emphasis, and/or focus of supervision;
- (iii) recommending personal therapy and providing community referrals;
- (iv) adjusting the intern's clinical or other workload;
- (v) requiring specific readings and assignments, and/or academic coursework.

The TD will write a letter within 10 working days of informing the intern of this due process decision. A copy of this letter will be kept in the intern's file and emailed to the intern, primary supervisor, and Director of Clinical Training within 10 working days of completion of the letter.

The letter shall contain:

- (i) a description of intern's unsatisfactory performance;
- (ii) actions needed by the intern to correct the behavior;
- (iii) the timeline for correcting the problem; and
- (iv) what action will be taken if the problem is not corrected.

- d) Place the intern on "Probation", which is also a time limited, remediation-oriented, more closely supervised training period. Its purpose is assessing the ability of the intern to complete the doctoral psychology internship and to return the intern to a more fully functioning state. Probation defines a training period 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 TD. A written Probation statement will be issued within 10 working days of the decision and is shared with the intern, the Director of Clinical Training, and WICHE Human Resources. The written Probation statement includes:
- i) the actual behaviors or skills associated with the problem;
  - ii) the specific recommendations for rectifying the problem;
  - iii) the time frame for the probation during which the problem is expected to be ameliorated; and,
  - iv) the procedures designed to ascertain whether the problem has been appropriately rectified.

At the end of this probation period, the TD will provide a second written statement indicating whether or not the problem has been remediated. Both statements will become part of the intern's permanent file and will also be shared with the intern and sent to the Director of Clinical Training at the intern's graduate institution.

- e) Suspension of direct service activities requires a determination that the welfare of the doctoral psychology intern's clients has been jeopardized. The suspension can occur at any time and at any step in the due process procedures. Therefore, direct service activities will be suspended for a specified period as determined by the Training Director in consultation with the Training Committee and primary supervisor. At the end of the suspension period, the doctoral psychology intern's primary supervisor, in consultation with the Training Director, will assess the intern's capacity for effective functioning and determine if and when direct service can be resumed.
- f) In special cases, the intern may be moved to another training site within NV-PIC. 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 the training site and that the intern could be successful in a different placement. This option would require a meeting of a panel convened by the Training Director and will consist of the TD, the intern's primary supervisor, and the Site Director of the site being considered for the transfer. The intern may be requested to attend this meeting as well. Additional parties who are knowledgeable about the intern's abilities may be involved in order to inform decision making. This meeting, if deemed necessary by the TD, will be convened within 10 working days of determining that the above processes (a, b, c, or d) were unable to rectify the problem adequately.

- 4) If the problem is not rectified through the above processes, or if the problem represents gross misconduct or ethical violations that have the potential to cause harm, the intern's placement within NV-PIC may be terminated. The decision to terminate an intern's placement would be made by the entire Training Committee and would represent a discontinuation of participation by the intern within every aspect of the training program. Access to the agency, email/IT, and records is discontinued at the time of termination. The Training Committee would make this determination during a meeting convened within 10 working days of learning of the gross misconduct or ethical violations, determining that the above processes (a, b, c, d, e, or f) have not adequately rectified the problem, or during the regularly scheduled monthly Training Committee meeting, whichever occurs first. Each training site will receive one vote and the TD will have one vote. 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, WICHE, and the Director of Clinical Training at the intern's home doctoral program would be contacted.

#### Appeals Process

If the intern wishes to challenge any of the due process decisions made, he/she/they may request an Appeals Hearing before a review panel. This request must be made in writing- an email will suffice- to the Training Director within 10 working days of notification regarding the decision made in step 3 or 4 above. The appeal request should detail specifically what about the due process is being appealed and why the intern is appealing. The intern will sign a release of information for NV-PIC to share relevant information with the review panel and to provide written consent for audio and/or video recording of the hearing. The appeal request is not considered submitted until the intern submits both documents.

Following receipt of the appeal request documents, including the signed release form, selection of a review panel will begin. The review panel will consist of three Nevada licensed psychologists, not on the Training Committee, who did not directly supervise the intern, selected by the Site Directors with recommendations from the Training Director. The Site Directors and Training Director will have 2 business days from the date intern's completed appeal request is received to identify possible review panelists. The intern involved in the issue at hand will have 2 business days to approve or decline potential panelists on the list. If an intern declines a potential review panelist, they need to articulate in writing to the TD why they came to that conclusion. The Training Director, with assistance from the Site Directors, will contact potential review panelists. Once confirmed, each member of the review panel will sign a confidentiality agreement and consent to be recorded during the hearing.

NV-PIC and the intern will provide written materials to the review panel and each other at least 3 working days in advance of the hearing. The intern can also provide letters of support from colleagues of their choice. The Appeals Hearing will be held within 10 working days following the confirmation of all the 3 review panelists unless an extension of up to 5 more working days (maximum) was requested by either party. An extension must be requested no later than 1 day following the confirmation of the review panel. An extension may only be requested once total. If one party requests an extension, the other party cannot later request another extension. A reason for the extension request must be provided in writing- email will suffice- and the extension will be allowed. The other party must be reasonable and fair when

considering the other party's request and provide an email response stating that the extension request was received and accepted within 1 working day of the request.

The review panel will review all written materials prior to the hearing and have an opportunity to interview any of the parties involved or any other individuals with relevant information in advance of, or during the hearing. If the review panel requests to interview several individuals, this needs to be conducted in advance of the hearing. The TD will arrange the interviews and schedule them via Zoom. The intern and TD can be present for the interviews in advance of the hearing. The review panel will be provided with their charge and a written template to utilize throughout the process.

The review panel's charge is to decide whether to uphold NV-PIC's due process decision

- Did NV-PIC conduct the process accurately?
  - Was due process followed?
  - Were policies and procedures adhered to?
- The review panel is evaluating NV-PIC's evaluation of the intern (a meta-evaluation)
- The review panel is focused on the process, not the content of the intern's work

The intern has the right to hear all facts with the opportunity to dispute or explain the behavior of concern. The intern, Training Director (representing the Training Committee), and the review panel will be present for the hearing, which may meet for up to 2 hours. The review panel can request that additional individuals attend relevant parts of the hearing with an understanding of adhering to the hearing time limit. The hearing will occur via Zoom or in person. The format of the hearing is:

- Recording will begin as soon as all parties are present, and the hearing is called to order by the TD. Each person will formally introduce themselves, including name, spelling of name, and current position. The TD will provide a description of the purpose of the meeting.
- 20 minutes- intern will make a statement
- 20 minutes- Training Director will make a statement on behalf of the program
- 20 minutes- Intern and TD will respond to the review panel's questions
- The review panel will then have time to discuss on their own

The review panel may uphold the due process decisions made previously or may modify them. If any modifications are made by the review panel, they will need to provide an alternate plan of education for NV- PIC to follow including a timeline and training ideas. If the review panel modifies NV-PIC's decision, the intern would resume training under due process. Each member of the review panel will have one vote for the appeal outcome. Majority rules will be honored. Each member of the review panel must vote and is not allowed to abstain. The review panel will notify the TD of their final decision within 48 hours of the hearing. The final decision will include information on the vote tallies and the completed written template. The TD will inform the intern and intern's DCT via email as soon as possible after being informed of the final decision, preferably within 12 hours. The review panel has final discretion regarding outcome.

### Notifying the Sponsoring Doctoral Program

If either the Acknowledgment Notice, Training Plan Modification, or the Probation action occurs, the TD will inform the intern's sponsoring university within 30 days of the intern being informed of the due process decision, indicating the nature of the problem or inadequate rating, the rationale for the action, and the action taken by the faculty. The intern shall receive a copy of the letter to the sponsoring university.

Once the Acknowledgment Notice, Training Plan Modification, or Probation 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 probation, no later than the time limits identified in the probation statement. 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:** These guidelines are intended to provide the psychology intern with a means to resolve perceived conflicts. (Staff and faculty complaints about NV-PIC should be communicated to the Training Director- see NV-PIC Supervisor Handbook). Interns who pursue grievances in good faith will not experience any adverse professional consequences. 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 Training Director to informally resolve the problem.

### Formal Review

If the matter cannot be satisfactorily resolved using informal means, the intern may submit a formal grievance in writing to the Training Director. If the Training Director is the object of the grievance, the grievance should be submitted to a Site Director. The individual being grieved will be asked to submit a response in writing within 5 working days of receiving the formal grievance. The Training Director (or Site Director, if appropriate) will meet with the intern and the individual being grieved within 10 working days. In some cases, the Training Director or Site Director may wish to meet with the intern and the individual being grieved separately first. The goal of the joint meeting will be 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; and,
- c) procedures designed to ascertain whether the problem has been appropriately rectified.

The Training Director or Site Director will document the process and outcome of the meeting. The intern and the individual being grieved will be asked to report back to the Training Director or Site Director in writing within 10 working days regarding whether the issue has been adequately resolved.

In situations where the nature of the grievance constitutes a potential violation of the subject of the grievance's contract with his or her employer agency, the employer agency will be notified in accordance with the policies and procedures of the agency.

If the plan of action fails, the Training Director or Site Director 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 an individual cannot be resolved internally or is not appropriate to be resolved internally, then the issue will be turned over to the employer agency of the subject of the grievance to initiate the due process procedures outlined in his or her employment contract. If the review panel determines that the grievance against the individual does not constitute a violation of his or her employment contract and can potentially be resolved internally, the review panel will develop a second action plan that includes the same components as above. The process and outcome of the panel meeting will be documented by the TD or Site Director. The intern and the individual being grieved will be asked to report in writing to the TD or Site Director regarding whether the issue has been adequately resolved within 10 working days. The panel will reconvene within 10 working days of receiving the intern's and individual's report 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 to initiate the due process procedures outlined in the employment contract.