Grievance and Due Process for the Program and the Interns

It is the goal of Nebraska Mental Health Centers (NMHC) to train its students to become remarkable and ethical psychologists that can thrive not only in today’s world, but to provide the knowledge and tools enabling them to adapt to the ever-changing field. This document is intended to outline the due process procedures the NMHC Psychology Internship Program has adopted and to which it strictly adheres.

Inherent to the due process procedures are the American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct (1992), and the Policies and Procedures Manual for employees of NMHC. These guidelines for dealing with problematic behavior comply with the accreditation standards of the American Psychological Association. By signing the last page of this document it will be assumed all interns have read and understand the avenues and procedures including evaluation, notice, hearing, and appeal described here within.
Rights and Responsibilities of Interns

Intern’s Rights

1.) To expect due process.

2.) To expect ongoing feedback regarding performance.

3.) To expect early identification of deficiencies.

4.) To expect cooperative efforts to develop a Deficiency Correction Plan if needed.

5.) To consult with the Training Director or the sponsoring academic program.

6.) To expect availability of supervisors and the Training Director.

7.) To expect a clear description of responsibilities, quantitative expectations of performance, and a hierarchy of authority.

8.) To expect a clear identification of possible reasons for disciplinary action.

9.) To have a representative of his/her sponsoring academic program participate in hearing or appeals meetings concerning intern problematic conduct.

10.) To expect an impartial investigation of any reports of rules violation.

11.) To have the right to participate at any deliberative forum regarding possible disciplinary action.

12.) To expect clear policy regarding grievance procedures.

13.) To initiate grievances about training or supervision.

14.) To expect expeditious efforts at resolution of grievances.

15.) The right to be treated with professional respect, that recognizes the training and experience the intern brings with him/her.

16.) The right to appeal one time to any disciplinary decisions made upon the intern.
Intern’s Responsibilities

1.) To abide by the APA Code of Ethics.

2.) To demonstrate personal maturity.

3.) To become conversant with governing rules, policies and procedures.

4.) To become conversant with due process procedure.

5.) To participate in the development of a Deficiency Correction Plan if one were needed.

6.) To abide by lawful program, office, department, county, and state regulations.

7.) To follow grievance procedures if initiated.

8.) The responsibility to read, understand and clarify, if necessary, the statement of rights and responsibilities. It is assumed that these responsibilities will be exercised and their implementation is viewed as a function of competence.

9.) The responsibility to meet training expectations by developing competency in assessment skills, psychotherapy skills, outreach and consultation skills, and other areas as delineated in the evaluation forms.

10.) The responsibility to actively participate in the training, clinical services and the overall activities of the Mental Health Service.

11.) The responsibility to give constructive feedback that evaluates the training experience or other experiences at the Mental Health Service.

12.) The responsibility to inform the Training Director of any significant concerns the intern may have regarding the Internship Program.
Communication with Intern's Sponsoring Academic Program

A copy of all evaluations will be sent to the intern’s sponsoring academic program upon completion including notice if remediation of the intern’s performance is needed. If the intern is not able to comply with the expectations concerning remediation within the specified time frame, the sponsoring academic program will be contacted by phone and by formal letter inviting their participation in any further course of action to be taken. Further course of action is described below in the “Due Process for Responding to Problematic Conduct” section.

Definition of Problematic Conduct

Ultimately, it becomes a matter of professional judgment as to when an intern's behavior is considered to be problematic conduct. However, problems typically become identified as so when they include one or more of the following characteristics.

1. Problematic Conduct is defined as any area of deficiency rated as “Needs Remedial Work” on the Intern Comprehensive Assessment Form.


3. An inability/unwillingness or failure to continuously grow, change, and make progress toward acquiring professional skills in order to reach an acceptable level of competencies in all areas including but not limited to provision of quality services, timeliness, professionalism, community outreach, advocacy, interacting with other professionals, and interacting with individuals from culturally diverse backgrounds.

4. An inability to control stress or other personal factors that conflict with the intern’s ability to reach minimal expectations including but not limited to provision of quality services, timeliness, professionalism, community outreach, advocacy, interacting with other professionals, and interacting with individuals from culturally diverse backgrounds.

5. Repeated negative reports from intern’s patients for poor performance/conduct.

6. The quality of services is considered not helpful or detrimental to patients.

If an intern engages in behaviors that are in clear violation of the American Psychological Association and Nebraska Psychological Association Code of Ethics or are illegal in nature, the Training Director will decide determine the necessity to invoke Due Process or may terminate the intern.
Due Process for Responding to Problematic Conduct

Notice

In addition to supervisor quarterly evaluations indicating a deficiency on the intern’s behalf, any staff member may file an “Allegation of Problematic Conduct” form when an intern’s behavior is thought to be in violation of the six criteria above describing Problematic Conduct. If a non-supervising staff member wishes to file an allegation, they must obtain the above-mentioned form from the Training Director and return it when complete. The Training Director must schedule a meeting with the intern and their supervisors to determine if the issue does not warrant further attention or if due process is required.

If a supervisor or the Training Director wishes to file an Allegation of Problematic Conduct, they may do so at any time. In this case, the same process is followed as when a non-supervising staff files a complaint. The individual filing the complaint has the right to be debriefed on the findings of the committee concerning the allegations. The corrective actions, if any, shall not be shared with the individual filing the complaint if that person is a non-supervising staff member.

Hearing

If remediation is required for identified problematic conduct on the supervisor’s evaluations or if an Allegation of Problematic Conduct is filed, a second meeting will be scheduled within two weeks and will include a committee composed of the intern, supervisors, and training director. The purpose of the second meeting will be to (1) explicitly identify the problematic behavior and (2) provide a written document called the “Deficiency Correction Plan” that will clearly delineate the evidence of problematic conduct, goals and objectives of the remediation plan, and a timeframe in which goals and objectives are expected to be obtained. A hearing will be scheduled at this time to determine if the intern has met the expectations laid forth in the correction plan. Or, the committee may elect at this time that no further action is needed. If a hearing is to ensue, it will be scheduled no longer than eight weeks after the date the Deficiency Correction Plan was signed.

At the hearing a decision must be made to determine further action based upon the intern’s rectification of the problem or failure to progress. This decision is made with the combined effort of the Training Director, Supervisors, Intern, and a representative of the intern’s sponsoring academic program. If that representative is unable to make a physical appearance, he or she can provide input through teleconferencing.

A decision must be made during the hearing and will follow one or more of the following courses of action:

1. A decision to elect for no further action may be made if the intern has met all expectations laid forth in the “Deficiency Correction Plan”.

2. A recommendation to lengthen the time the intern has been given to rectify the problematic conduct through the Deficiency Correction Plan.
3. Recommend the intern take a leave of absence from the program in which the length of the absence can be up to three months (extending the allowed time for completion of the Internship Program to 15 months).

4. Recommend increased supervision either with the same or other supervisors.

5. Recommend the intern begin personal therapy in an agency outside of the Internship Program with a clear statement as to how contacts will be used for the intern evaluation process (i.e., attendance to sessions). To ensure the intern is prepared to return to duty, the opinion of a neutral psychologist who is not employed at NMHC and is not the treating psychologist for the intern may be employed.

6. Dismissal of the intern from the program. The intern may reapply following usual APPIC policy.

As many meetings as necessary may be scheduled by the Training Director to further evaluate the intern’s progress in addressing, changing, and/or otherwise improving problematic conduct. However, the intern must complete the Internship Program within the specified (extended) time frame of 15 months. The only exception can be made if the Training Director agrees to further extend the allowable time for completion of the program upon his/her opinion of the situation. The maximum allowable time for completion of the Internship Program is 24 months, following APPIC and APA internship guidelines.

**Intern Appeal**

1. An intern may choose to appeal any decision made by the members of the hearing. If this decision is made, it must be presented to the Training Director no longer than 10 days following the date of the hearing.

2. A second hearing must be scheduled and follow within 5 days of receipt of the appeal. The second hearing will be composed of two staff members chosen by the intern (one can be from the sponsoring academic program), two staff members chosen by the Training Director, and the Training Director.

3. The intern reserves the right to present all evidence in their case to the committee.

4. Likewise, the supervisor or staff member filing the initial complaint will present their evidence. A decision will be made at the close of the hearing by popular vote to either uphold or abdicate the original decision.

5. Within 2 days of this decision, the Training Director may either accept the committee’s decision, or provide an alternative solution. This solution must be accepted and signed, with revisions if necessary, by all members of the committee before being put into action.

6. Once a final decision has been made, the intern, sponsoring university, and other appropriate individuals are informed in writing of the action taken.
Due Process for Intern Grievance of Supervision or Training

Notice

If the intern perceives any problems with their supervision, training, or any other aspect of the internship experience, they may file a grievance complaint. Such complaints should be made formal by submission of a “Notice of Intern Grievance” document provided by the Training Director. Contents of the document should include the specific reasons for the grievance and plans for remediation as seen by the intern. The form should be completed in an expedient manner and submitted to the Training Director. If the Training Director is the focus of the complaint, the document should be submitted to the intern’s supervisor. Within one week of submission, the Training Director, supervisor and one other psychologist staff member, chosen by the intern, should be notified of the notice of grievance. Notification should include the full report of the intern as well as a date for hearing within one week. The intern’s sponsoring academic program will not be allowed formal participation of due process procedures for grievances under this section.

Hearing

A hearing shall be commenced by a committee composed of the Training Director, supervisor of the intern, and a third staff psychologist chosen by the intern. By close of the hearing, all members must decide upon and agree to a plan for remediation. The plan shall be provided to the intern in writing within 24 hours and discussed with him or her by the Training Director. The document must be signed and dated by both parties. An original will be placed in the intern’s file and a copy provided to the intern. If however, the intern rejects the committee’s decisions, an appeal may be submitted following the guidelines below. If remediation is accepted, the Training Director and intern shall meet once per month for the next three months at a scheduled time to assure the plan for remediation is being adhered to. If problems are still apparent, the intern should file a second notification of grievance and/or can use the resources provided by the APPIC Standards and Review committee of the Association of Psychology Postdoctoral and Internship Centers (http://www.appic.org/problem_resolution/9_2_problem_formal.html)

Appeal

If the intern wishes to file an appeal, the Training Director must be notified immediately. A formal written document must be filed with the Training Director and should include specific aspects of the plans for remediation that the intern rejects as well as any items the intern feels have been left out. In addition, the document must include an amended plan for remediation as seen fit by the intern. A second hearing shall be scheduled within one week from the date the appeal is submitted. The second hearing shall include the members of the original committee in addition to the intern. A final decision must be made by conclusion of the hearing and shall take one of the following courses of action:

1) Remediation as amended by the intern shall be accepted and instituted.
2) Remediation shall be amended as seen appropriate by the committee, accepted for final approval, and instituted.

3) Remediation as decided upon at the first hearing will be sustained.

Final remediation shall be provided in writing on the same day and signed by the Training Director and intern. The original copy should be placed in the intern’s file and a second copy provided directly to the intern. If however, the intern still rejects the committee’s decisions, he or she will be offered elimination from the internship program. If accepted, the intern’s sponsoring academic program will be promptly and officially notified.

In the event the focus of the intern’s grievance is the current training director, the clinical director will assume the role of the training director in the processes delineated above.

**Due Process Signature Page and Acknowledgement of Receipt and Understanding**

By signing below, I agree that I have read, understand, and will abide by the due process procedures of the NMHC-PIP. I also agree that if I had any questions, they were addressed and adequately explained by the Training Director.

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