

General Grievance and Due Process

An intern who disagrees with a supervisor's evaluation at the end of a rotation may refuse to sign the evaluation and submit a written rebuttal, or may inform the Core Committee about the nature of the disagreement.

Other grievances may be handled in one of three ways. The intern may informally discuss the matter with his/her Overall Supervisor (OS) or mentor, may approach the Internship Training Director, or may formally petition the Core Committee.

Due Process: The identification and management of Intern problems/impairment

I. Definition of Impairment

Impairment 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 in order to reach an acceptable level of competency; and/or 3) an inability to control personal stress, strong emotional reactions, and/or psychological dysfunction which interfere with professional functioning.

While it is a professional judgment as to when an Intern's behavior becomes impaired rather than problematic, a problem refers to a trainee's behaviors, attitudes or characteristics which, while of concern and requiring remediation, are not unexpected or excessive for professionals in training. Problems typically become identified as impairments 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 as defined above is not merely a reflection of a skill deficit which can be rectified by academic or didactic training;
3. the quality of services delivered by the Intern is sufficiently negatively affected;
4. the problem is typically not restricted to one area of professional functioning;
5. a disproportionate amount of attention by training personnel is required; and/or
6. the trainee's behavior does not change as a function of feedback, remediation efforts, and/or time.

II. Remediation and Sanction Alternatives

It is important to have meaningful ways to address impairment once it has been identified. In implementing remediation or sanction interventions, the training staff must be mindful and balance the needs of the impaired or problematic Intern, the patients involved, members of the Intern training group, the training staff, and other agency personnel.

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 Acknowledgment to the Intern formally acknowledges:
 - a) that the Internship Training Director (RTD) 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 RTD 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.

All correspondence and agreement regarding remediation efforts will be put in writing and signed by the RTD and the Intern. Conclusions regarding the success of remediation efforts will also be put in writing and signed by the RTD and the Intern.

The written acknowledgment will be removed from the Intern's file when the Intern responds to the concerns and successfully 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 RTD in consultation with the Intern's Overall Supervisor (OS) and Core Committee. 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 RTD. Several possible and perhaps concurrent courses of action may be included in modifying a schedule. These 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;
- d) reducing the Intern's clinical or other workload; and
- e) requiring specific didactic activities.

The length of a schedule modification period will be determined by the RTD in consultation with the OS and the Core Committee. The termination of the schedule modification period will be determined, after discussions with the Intern, by the RTD in consultation with the OS and the Core Committee.

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 complete the Internship and to

return the Intern to a more fully functioning state. Probation defines a relationship that the RTD 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 RTD determines that there has not been sufficient improvement in the Intern's behavior to remove the Probation or modified schedule, then the RTD will discuss with the OS and the Core Committee possible courses of action to be taken. The RTD 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 RTD has decided to implement. These may include continuation of the remediation efforts for a specified time period or implementation of another alternative. Additionally, the RTD will communicate to the OS 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 patient or consultantee has been jeopardized. Therefore, direct service activities will be suspended for a specified period as determined by the RTD in consultation with the OS and Core Committee. At the end of the suspension period, the Intern's supervisor in consultation with the RTD 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 RTD 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 impairment and the trainee seems unable or unwilling to alter her/his behavior, the RTD will discuss with the OS 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 patient 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 RTD will communicate to the Intern's academic department that the Intern has not successfully completed the Internship.

III. Procedures for Responding to Inadequate Performance by an Intern

If an Intern receives an "Incompetent" or if there is any evidence of impairment from any of the evaluation sources in any of the major categories of evaluation, or if a supervisor has concerns about an Intern's impairment, the following procedures will be initiated:

1. The supervisor will consult with the RTD and/or the VAMC Training Director (VATD) to determine if there is reason to proceed and/or if the behavior in question is being rectified.
2. If the supervisor who brings the concern to the RTD is not the Intern's OS, the RTD will discuss the concern with the Intern's OS.
3. If the RTD and OS determine that the alleged behavior in the complaint, if proven, would constitute a serious violation, the RTD will inform the supervisor who initially brought the complaint.
4. The RTD will meet with the Core Committee to discuss the performance rating or the concern.
5. The RTD, supervisor, and OS may meet to discuss possible courses of action.
6. Whenever a decision has been made by the RTD and Core Committee about an Intern's training program or status in the agency, the RTD will inform the Intern in writing and will meet with the Intern to review the decision. This meeting may include the Intern's OS. 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.

IV. 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. It is the intent of the program, however, to identify and resolve problems at the supervisor and OS level whenever possible. If this less formal process is unsuccessful, then the more formal due process procedures should be followed. All steps need to be appropriately documented and implemented. General due process guidelines include:

1. During the orientation period, presenting to the Interns, in writing, the program's expectations related to professional functioning. Discussing these expectations in both group and individual settings.
2. Stipulating the procedures for evaluation, including when and how evaluations will be conducted. Such evaluations should occur at meaningful intervals.
3. Articulating the various procedures and actions involved in making decisions regarding impairment.
4. Communicating, early and often, with graduate programs about any suspected difficulties with Interns and when necessary, seeking input from these academic programs about how to address such difficulties.

5. Instituting, when appropriate, a remediation plan for identified inadequacies, including a time frame for expected remediation and consequences of not rectifying the inadequacies.
6. Providing a written procedure to the Intern that 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. Ensuring that Interns have sufficient time to respond to any action taken by the program.
8. Using input from multiple professional sources when making decisions or recommendations regarding the Intern's performance.
9. Documenting, in writing and to all relevant parties, the actions taken by the program and its rationale.

V. Due Process: Procedures

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

A. Grievance Procedures

There are two situations in which grievance procedures can be initiated. An Intern can challenge the action taken by the RTD or a member of the training staff may initiate action against an Intern. These situations are described below.

Intern Challenge. If the Intern wishes to formally challenge any action taken by the RTD, the Intern must, within five (5) work days of receipt of the RTD decision, inform the RTD, in writing, of such a challenge. When a challenge is made, the Intern must provide the RTD information supporting the Intern's position or concern. Within three (3) work days of receipt of this notification, the RTD will consult with the VATD and will implement Review Panel procedures as described below.

Staff Challenge. If a training staff member has a specific Intern concern that is not resolved by the RTD, the staff member may seek resolution of the conflict by written request to the RTD for a review of the Intern's behavior. Within five (5) working days of receipt of the staff member's challenge, the RTD will consult with the VATD and a Review Panel will be convened.

B. Review Panel and Process

1. When needed, a review panel will be convened by the RTD. The panel will consist of three staff members selected by the RTD (or VATD**) with recommendations from 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) work days, a hearing will be conducted in which the challenge is heard and relevant material presented. Within five (5) work days of the completion of the review, the Review Panel submits a written report to the RTD, including any recommendations for further action. Recommendations made by the Review Panel will be made by majority vote.
3. Within five (5) work days of receipt of the recommendation, the RTD will either accept or reject the Review Panel's recommendations. If the RTD rejects the panel's

recommendations, due to an incomplete or inadequate evaluation of the dispute, the RTD 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 RTD within five (5) work days of the receipt of the Director's request of further deliberation. The RTD then makes a final decision regarding what action is to be taken.
5. The RTD informs the Intern and if necessary the training program of the decisions made. If the Intern disputes the RTD's final decision, the Intern has the right to contact the Judicial Committee of the Medical College of Georgia or the VA Psychology Professional Standards Board to discuss this situation.

Due Process: Psychology Intern Grievance Procedure

I. Intern Grievance Overview

In the event an Intern encounters any difficulties or problems with a supervisor, RTD, VATD, or other grievances about training (e.g., poor supervision, unavailability of supervisor, evaluations perceived as unfair, workload issues, personality clashes, rotational assignments, other staff or Intern conflicts) during his/her training, it is hoped that such concerns and complaints can be discussed and resolved informally by the parties involved. Nevertheless, a formal mechanism is appropriate in light of the power differential between supervisory staff and Interns.

II. Procedures for Responding to Intern Grievances

If an Intern is unable to resolve a concern or complaint through an informal discussion with the parties involved, the Intern should:

1. Discuss the matter with the OS. The OS may facilitate the Intern's efforts to resolve the matter independently or may mediate in a problem negotiation discussion with all parties involved. If the Intern prefers not to speak directly to the other parties involved, the OS may choose to discuss the matter on behalf of the Intern without the Intern present.
2. If the OS cannot resolve the matter, is unavailable, or the OS is the supervisor in question, the next level of recourse is the RTD and/or VATD**. The RTD and/or VATD may facilitate the Intern's (and possibly OS's) efforts to resolve the matter independently, may mediate in a problem negotiation discussion with all parties involved, or if desired by the Intern may discuss the matter on behalf of the Intern without the Intern present.
3. If the RTD and/or VATD cannot resolve the matter or if the alleged behavior in complaint, if proven, would constitute a serious training/ethical violation, the RTD within five (5) working days will inform the parties of the complaint and request written documentation from the Intern and the other parties involved delineating their perspective on the matter. Within five (5) working days of receiving the written documentation, the RTD will formally present the matter to the Core Committee for discussion.
4. In the event that a formal presentation of the Intern grievance is made to the Core Committee, all parties involved have the right to review written documentation and be given the opportunity to dispute or explain the behavior of concern.
5. For the Intern grievance deliberations by the Core Committee, written recommendations for resolution of the matter will be developed on the basis of a majority vote. All parties

involved in the dispute will be excluded from the Core Committee deliberations and vote on the matter. Within five (5) working days of receipt of the written recommendation, the RTD will present the recommendations to the parties involved. If the Intern disputes the Core Committee's decision, the Intern has the right to contact the Judicial Committee of the Medical College of Georgia or the VA Psychology Professional Standards Board to discuss this situation.

****The VATD will deliberate in the case in which the dispute may involve the RTD directly.**

Procedures for Responding to Inadequate Performance or Unethical Behavior by a Faculty Supervisor

If a Faculty Supervisor does not uphold the standards of conduct stated in the **SUPERVISORY ROLES AND RESPONSIBILITIES** section of the Policy Manual or Intern evaluations of the Faculty Supervisor demonstrate a pattern of inadequate performance or if there is any evidence of impairment from any of evaluation source the following procedures will be initiated:

1. The individual(s) that has identified a potential Faculty Supervisor problem will consult with both the RTD and the VATD to determine if there is reason to proceed and/or if the behavior in question is being rectified. If the matter pertains to the behavior/performance of the RTD or the VATD, the individual would address the issue with the RTD or VATD that could impartially evaluate the situation.
2. If the RTD and/or VATD determine that the alleged behavior in the complaint may represent a performance problem or a matter of impairment but not a serious ethical violation, then the RTD and/or VATD will attempt to address the matter informally with the Faculty Supervisor. In such matters the joint efforts of the RTD and the VATD are preferred if possible.
3. The RTD and/or VATD will present a potential Faculty Supervisor problem for review by the Core Committee under the following conditions:
 - A. If proven, the problem would constitute a serious ethical violation.
 - B. Informal meeting(s) and corrective actions with the RTD and/or VATD have failed to correct the problem.
 4. If review by the Core Committee is required, the guiding principles in these deliberations subsequent proposed actions will be the following:
 - A. The highest priority will be to protect any Interns that might be affected by the Faculty Supervisor's behavior. In consideration of efforts to correct the specific problems posed by a Faculty Supervisor, the Core Committee will attempt to avoid imposing correction actions that might have disruptive effects on supervision or other training activities.
 - B. The Core Committee will also act to protect the integrity and quality of the Internship Training program. The administrative authority of the MCG-Charlie Norwood VAMC Psychology Internship grants the privilege of a Faculty Supervisor to be a part of the internship faculty. Therefore, in the event that corrective efforts with a Faculty Supervisor do not successfully resolve the matter the Core Committee does have the authority to suspend a Faculty Supervisor from participation in internship training activities.
 - C. The Core Committee will make every reasonable effort to restore the Faculty Supervisor to his/her effective level of performance in his/her respective internship training activities.

Therefore, the action to suspend a Faculty Supervisor from internship training activities would be considered a measure of last resort in resolving a Faculty Supervisor's problems.

- D. If the Faculty Supervisor problem entails a possible violation of institutional standards (i.e., MCG/AU or VAMC standards), then the Core Committee will take the necessary steps to inform the appropriate institutional authorities for additional review.
- E. The Core Committee will abide by any Georgia licensing board requirements for reporting violations of law pertaining to the practice of psychology.
 - 5. Whenever a decision has been made by the RTD, VATD, and Core Committee about corrective action for a Faculty Supervisor, the RTD or VATD will inform the Faculty Supervisor in writing and will meet with the Faculty Supervisor within five (5) working days of the decision to review the decision. The Faculty Supervisor may choose to accept the conditions or may choose to challenge the action. If the Faculty Supervisor wishes to dispute the Core Committee's decision, the Faculty Supervisor has the right to address the Core Committee with his/her rebuttal and has the right to contact the Judicial Committee of the Augusta University or the VA Psychology Professional Standards Board to discuss this situation.