



### **NM-PIC Policy: Due Process and Grievance Procedures**

NM-PIC has developed Due Process Procedures that are implemented in situations in which a supervisor or other faculty member raises a significant concern about the performance, behavior, and/or functioning of an intern. These procedures are not intended to be punitive, rather they are essential to protecting intern rights and afford the intern the opportunity to remediate problems while receiving necessary support and assistance. Further, the procedures ensure that decisions made by the consortium are not arbitrarily or personally based and identify specific steps that are applied to all interns.

Doctoral-level psychology interns are expected to maintain the highest standards of personal conduct, integrity and professionalism. They are expected to support and comply with APA Ethical Guidelines and to utilize supervision effectively in order to grow professionally. It also is the responsibility of the intern's clinical supervisor and the NM-PIC faculty to assure that high standards of professionalism are attained by the interns under their supervision. Maintenance of these standards will promote effectiveness of both the professional training provided by the internship and the quality of psychological work provided by the interns to clients/constituent communities of the consortium agencies.

#### General Due Process Guidelines:

Due process includes steps that assure fair evaluation of intern performance, intern awareness of options for resolution of performance issues and clearly defined steps for notice, hearing and appeal. General guidelines for due process at NM-PIC include the following:

- A. The Training Faculty will present NM-PIC's program expectations for professional functioning to interns in writing, at the start of the training period. This is discussed in a group format during orientation and may be followed up individually during supervision. Interns sign an acknowledgement indicating receipt and understanding of, and agreement to abide by, these guidelines and other NM-PIC policies.
  - B. The process for evaluation of interns is clearly described during orientation. Interns will be formally evaluated at least twice per year by their primary supervisor. The written evaluation is based on the APA Standards of Accreditation and includes all 9 profession-wide competencies as follows:
    1. Research
    2. Ethical and legal standards
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3. Individual and cultural diversity
  4. Professional values, attitudes, and behaviors
  5. Communication and interpersonal skills
  6. Assessment
  7. Intervention
  8. Supervision
  9. Consultation and inter-professional/interdisciplinary skills
- C. The various procedures and actions involved in decisions regarding inadequate skills or problematic behaviors are described to interns.
- D. The Program Director and/or site clinical supervisor will communicate early and often with academic programs about any suspected difficulties with interns.

#### Definition of Problem Behavior

For purposes of this document, intern problem behavior 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 and/or unwillingness to acquire professional skills in order to reach an acceptable level of competency,
- 3) an inability and/or unwillingness to control personal stress, psychological dysfunctions, and/or excessive emotional reactions which interfere with professional functioning.

It is a professional judgment as to when an intern's behavior becomes problematic rather than of concern. Trainees may exhibit behaviors, attitudes or characteristics that, while of concern and requiring remediation, are not unexpected or excessive for professionals in training. Issues typically become identified as problematic 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 academic 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, remediation efforts, 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 class.

### Administrative Hierarchy and Definitions

NM-PIC's Due Process procedures occurs in a step-wise fashion, involving greater levels of intervention as a problem increases in persistence, complexity, or level of disruption to the training program. Faculty roles included herein are defined as follows:

- Supervisor: Any faculty member who provides direct supervision or teaching to an intern.
- Program Director: The supervisor who functions as the program-level director of training. They lead the Training Committee and serve as a voting member.

### Use of Videoconference

Videoconferencing will be utilized for situations that require the meetings of interns and training staff who are located in geographically different areas of New Mexico.

### Informal Review

When a supervisor believes that an intern's behavior is or may likely become 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 informally resolve the problem. This process should be documented in writing but will not become part of the intern's professional file.

### Formal Review

If an intern's problem behavior persists following an attempt to resolve the issue informally, or if an intern receives a rating below the minimal level of achievement (MLA) on a formal intern evaluation, due process procedures may be initiated. The MLA is defined as receiving a rating lower than a "2" on a profession-wide competency or associated learning element at the 3-month evaluation, below a "3" at the 7-month evaluation or below a "4" at the 12-month evaluation. If a formal review is indicated, the following process is initiated:

- A. The supervisor will meet with the Program Director (PD) and intern within 10 (ten) working days to discuss the problem and determine what action needs to be taken to address the issue. If a Program Director is the intern's direct supervisor, another supervisor will be included in the meeting.
- B. The intern will have the opportunity to provide a written statement related to their response to the problem.
- C. After discussing the problem and the intern's response, the supervisor and Program Director may:
  - 1) Issue an "Acknowledgement Notice" which formally acknowledges
    - a) that the faculty is aware of and concerned with the problem,
    - b) that the problem has been brought to the attention of the intern,

- c) that the faculty will work with the intern to specify the steps necessary to rectify the problem or skill deficits addressed by the inadequate evaluation rating, and
  - d) that the problem is not significant enough to warrant further remedial action at this time,
  - e) A written notice will be submitted to the intern and the Director of Clinical Training at the trainee's graduate institution. This notice will be issued within 5 working days of the meeting.
- 2) Place the intern on "Probation" via a Remediation Plan that defines a relationship such that the faculty, through the supervisors and PD, actively and systematically monitor, for a specified 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 and remediation plan will depend upon the nature of the problem and will be determined by the intern's supervisors and PD. The remediation plan is a written statement to the intern and to the Director of Clinical Training at the trainee's graduate institution and includes:
- a) the actual behaviors or skills associated with the problem,
  - b) the specific 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 designed to ascertain whether the problem has been appropriately rectified.

The written remediation plan will be issued within 5 working days of the decision. The PD or primary supervisor will notify the WICHE consultant at this time and will also notify the Human Resources department at the intern's place of employment. At the end of this probation period, the Program Director will provide a written statement indicating whether or not the problem has been remediated. This statement 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 as well as the Human Resources department at the intern's place of employment. The intern shall receive a copy of the letter to the sponsoring university.

- 3) Document the problem and take no further action.

D. Once the Acknowledgment Notice or Probation/Remediation Plan is issued by the PD, 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 Remediation Plan. 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.

- E. If the problem is not rectified through the above processes the intern's placement within NM-PIC may be terminated.
- F. If the problem represents gross misconduct or ethical violations that have the potential to cause harm, the intern's placement within NM-PIC may be terminated.
- G. If the intern's employment is terminated by the site, the intern's placement within NM-PIC may be terminated.
- H. The final 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 consortium. The Training Committee would make this determination during a meeting convened within a reasonable timeframe following the conclusion of step A or during the regularly scheduled monthly Training Committee meeting, whichever occurs first. The PD or primary supervisor will notify the WICHE consultant at this time and will also notify the Human Resources department at the intern's place of employment. The Program Director may decide to temporarily suspend an intern's clinical activities or place an intern on paid administrative leave during this period prior to a final decision being made, if warranted.
- I. NM-PIC will adhere to APPIC's Policies on intern dismissal and secure a release from the Match contract.

#### Appeal and Review Panel

If the intern does not agree with the decisions made from previous Due Process steps, or if they wish to formally challenge ratings received on a formal evaluation, an Appeal may be submitted by the intern to the Training Committee.

- A. This request must be made in writing--an email will suffice--to the Program Director within 5 working days of notification regarding the decision made in step C or D above, or within 10 working days after receiving a formal evaluation. The PD or primary supervisor will notify the WICHE consultant at this time and will also notify the Human Resources department at the intern's place of employment.
- B. If requested, the Appeal will be conducted by a review panel consisting of two licensed psychologists and one agency HR/administrative representative selected by the Program

Director with recommendations by the intern involved in the issue at hand. The two licensed psychologists selected will not be on the Training Committee and will not have directly supervised the intern.

- C. The Appeal review will be held over a two-week period. 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 may uphold the decisions made previously or may modify them. The review panel has final discretion regarding outcome.

### **NM-PIC Policy: Intern Grievance Procedures**

#### **Grievances by Interns**

These guidelines are intended to provide the psychology intern with a means to resolve perceived conflicts. 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, intern, trainee, or any aspect of the internship program, the following steps will be taken:

#### Informal Review

1. First, the intern should raise the issue as soon as feasible with the involved supervisor, staff member, other trainee, or Program Director in an effort to informally resolve the problem.
2. If the issue cannot be resolved with the involved party or if the intern does not feel comfortable raising the issue directly with the involved party due to a real or perceived power differential, safety fears, or fear of retribution, the intern should raise the issue informally with the Program Director if they have not done so in the first step. The Program Director (or other member of the Training Committee if the grievance is directed toward the Program Director) will meet with the intern to attempt to develop a strategy for resolution, including meeting with the subject of the grievance and/or the supervisor of the subject of the grievance together with the intern, separately, or in any combination thereof.

#### Formal Review

If the matter cannot be satisfactorily resolved using informal means, the intern may submit a formal grievance in writing to the Program Director. If the Program Director is the object of the grievance, the grievance should be submitted to another supervisor on the Training Committee (TC). The individual being grieved will be asked to submit a response in writing. The Program Director (or TC member, if applicable) will meet with the intern and the individual being grieved within 10 working days. In some cases, the Program Director (or TC member) 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) a description of the behavior or circumstances associated with the grievance, b) the specific steps to rectify the problem, c) and procedures and a timeline designed to ascertain whether the

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

If the plan of action fails, the Program Director or TC member will convene a review panel consisting of themselves and at least one other member of the Training Committee and one agency administrator within 10 working days. The intern may request a specific member of the Training Committee or agency administrator 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 a staff member or intern cannot be resolved internally or is not appropriate to be resolved internally, then the issue will be turned over to the employer agency in order to initiate the due process procedures outlined in the employment contract. If the review panel determines that the grievance against the staff member or intern 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 Program Director or TC member. The intern and the individual being grieved will again be asked to report back in writing regarding whether the issue has been adequately resolved within 10 working days. The panel will reconvene within 10 working days 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 or deemed inappropriate to be resolved at the internship level, the issue will be turned over to the employer agency in order to initiate the due process procedures outlined in the employment contract.

#### Use of Videoconference

Videoconferencing will be utilized for situations that require the meetings of interns and training staff who are located in geographically different areas of New Mexico.

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

**Acknowledgment**

I acknowledge that I have received and reviewed the Due Process and Grievance Procedures of the New Mexico Psychology Internship Consortium. I agree to abide by the procedures outlined in this document. I have been provided with a copy of the document to keep in my files.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date