

# **UNR Counseling Services Internship Due Process & Grievance Procedures**

## **Insufficient Performance**

At Counseling Services, our primary responsibility is to the welfare of our clients. Therefore, we must have a method of maintaining high standards of client-care. Although it is rarely needed, the following guidelines specify intern performance concerns that might potentially result in termination of the employment and training of the intern. A remediation plan may be implemented when the supervisor, Director of Training, and CS Director believe that an intern's performance deficits present a low risk to stakeholders and the situation is amenable to adequately timely change.

Due Process procedures are a protection of intern rights and are implemented in order 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.

## **Criteria for Insufficient Performance**

1. The intern does not acknowledge, understand or address a problem when it is identified.
2. The problem is assessed as being more than a skill deficit, which has not been rectified by didactic, or experiential training.
3. The deficit negatively impacts the intern's clinical work and the quality of other services.
4. The intern's behavior has not changed as a function of feedback, remediation efforts, and/or additional experience.
5. The intern demonstrates an inability and/or unwillingness to learn and appropriately integrate professional ethical standards into all professional work.
6. The intern demonstrates an inability to acquire professional skills through supervisor feedback in order to reach an acceptable level of competency for their level of professional development
7. The intern demonstrates an inability to control personal stress, psychological distraction, and/or excessive emotional reactions that interfere with professional functioning.
8. The problematic behavior has potential for ethical or legal ramifications if not addressed.
9. The intern's behavior negatively impacts the public view of CS.
10. The problematic behavior negatively impacts the other interns.
11. The problem is not restricted to one area of professional functioning.
12. A disproportionate amount of attention by training personnel is required.

## **Informal Remediation**

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 informally resolve the problem. This may include increased supervision, didactic training, and/or structured readings. This process should be documented in writing and discussed with the Director of Training and Training Committee, but will not become part of the intern's professional file.

## **Formal Remediation**

1. The supervisor verbally informs the intern that formal remediation procedures will be implemented.
2. The supervisor documents the deficient areas in writing and shares the document with the intern within 5 working days.
3. The supervisor gives a copy of the evaluation to Director of Training. The Director of Training may consult with the Counseling Services Director at any point of the remediation process. The Director of Training will forward a copy of the document to the home doctoral institution within 10 working days of sharing the document with the intern. The Director of Training will meet with all involved parties within 10 working days of sharing the document with the intern. The Director of Training will also contact the Director of Clinical Training (DCT) of the home doctoral institution to schedule a meeting with the (DCT) within 10 working days of sharing the document with the intern.
4. The Director of Training, after appropriate investigation and consultation, will make a recommendation to the Director, which may take any of the following four forms:
  - a. To dismiss the concern and declare the intern performing adequately.
  - b. To present the intern with specific behavioral conditions for the continuation of the internship.
  - c. To suspend the intern from some or all of their activities until specified steps are taken.
  - d. To terminate the intern's involvement in the internship and notify the intern's graduate program.

This decision will be documented in writing and will be shared with the intern within 10 working days of the meeting. This documentation will become a part of the intern's professional file. If the decision involves 'c' or 'd' above, the documentation will be shared with the intern's home doctoral institution. If the decision involves continuation in the training program, the Director of Training may assign a new clinical supervisor and meet with them to plan the monitoring of the conditions in the decision.

If the Director of Training is the supervisor of intern, the CS Director will take up the role(s) of the Director of Training, listed above.

### **Other Criteria for Formal Review & Remediation**

An intern, staff member, or client may activate a formal review of an intern at any time. A number of situations may call for due process or the filing of a grievance, followed by activation of a formal review. These may include when a faculty, staff member or intern is charged with engaging in any of the following behaviors:

1. Sexual Harassment;
2. Violation of the Standards for Providers of Psychological Services, or the professional code governing the specific discipline of the intern (*APA Ethical Principles of Psychologists & Code of Conduct*);
3. Insubordinate behavior;
4. Exploitive or abusive behavior;
5. Other behaviors not listed elsewhere in this document but which represent infringement on the rights, privileges, and responsibilities of interns, professional, and other volunteers/employees and clients of the agency;
6. Egregious behaviors including but not limited to unethical or illegal behavior that indicate poor judgment, impairment, and actual or very likely harm to or infringement upon the rights, privileges and responsibilities of clients, other interns, professional staff, or members of the community, may result in termination of the intern's employment and notification of the intern's graduate program. Termination of intern employment and notification of the graduate program will be carried out if be agreed upon by the Counseling Services Director, Director of Training, and a simple majority of the Training Committee.

Standard University procedures as stated in the Policy and Procedures Manual or Student Code may be applied.

### **Due Process Procedure**

Due Process Procedures are implemented in situations in which a supervisor or other faculty member raises a concern about the functioning of a psychology intern. Once again, these procedures are a protection of intern rights and are implemented in order 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.

1. Program Expectations. The Counseling Services training program will provide interns with the training program expectations for professional functioning in writing at the beginning of the internship training year.

2. Procedures for Evaluation. The Counseling Services training program will inform interns about the evaluation procedures including the when, how, and who will conduct evaluations.
3. Data for Performance Evaluation. The Counseling Services training program will use input from multiple professional sources when making decisions or recommendations regarding the intern's performance.
4. Problems Functioning Professionally. The Counseling Services training program will specify procedures for decision-making used to address intern problems functioning professionally, which may include skills deficits and problem behaviors.
5. Communication with Graduate Program. If an intern has skills deficits and/or problem behaviors, the Counseling Services training program will communicate early and often with the intern, and their graduate program when needed, to address these problems.
6. Remediation Plan. If it is determined to be warranted, the Counseling Services training program will provide a remediation plan (see remediation section above) for interns to address skill deficits and/or problem behaviors, a timeline to complete requirements for remediation, and consequence for failure to meet these by the end of the timeline.
7. Appeal. The Counseling Services training program will provide interns with a written statement of the appeal policy and procedures in the training manual should interns choose to exercise their right to an appeal.
8. Timely Process. The Counseling Services training program will ensure that a sufficient amount of time is provided for interns to respond to any action(s) taken by the program.
9. Documentation. The Counseling Services training program will document in writing the action(s) to be taken if an intern has skills deficits and/or problem behaviors, the rationale for action(s), provide this information to all relevant parties, and documentation will be kept in the intern's file.

### **Grievance Procedure**

#### **Informal Grievance Procedure**

First, the intern should raise the issue as soon as feasible with the involved supervisor, staff member, other intern, or Director of Training in an effort to resolve the problem informally.

#### **Formal Grievance Procedure**

If the matter cannot be satisfactorily resolved using informal means, the intern may submit a formal grievance in writing to the Director of Training. If the Director of Training is the object of the grievance, the grievance should be submitted to another member of the Training Committee. The individual being grieved will be asked to submit a response in writing. The Director of Training (or Training

Committee member, if appropriate) will meet with the intern and the individual being grieved within 10 working days. In some cases, the Director of Training or other Training Committee 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) 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 Director of Training or other Training Committee 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 Director of Training or other Training Committee member in writing within 10 working days regarding whether the issue has been adequately resolved.

### **Appeal Procedure for Due Process and/or Grievance**

In the event that an intern does not agree with any of the aforementioned remediation, or sanctions, due process, or with the handling of a grievance – the following appeal procedures should be followed:

1. The intern should file a formal appeal in writing with all supporting documents that refute the evidence regarding the evaluative decision made with the Director. The intern must submit this appeal within ten work days from their notification of any of the above (notification, remediation or sanctions, or handling of a grievance). During this ten day period, the intern may also request a personal interview with the Director.
2. Within three work days of receipt of a formal written appeal from an intern, the Director will convene a Review Panel, consisting of the Director of Training and at least two other members of the Training Committee (e.g., Assistant Director of Training for Internship, Assistant Director of Training for Diversity). 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 will reach a decision based on a simple majority vote.
3. In the event that an intern is filing a formal appeal in writing to disagree with a decision that has already been made by the Review Panel and supported by the Director, then that appeal is reviewed again by the Director. The Director will determine if a new Review Panel should be formed to reexamine the case, or if the decision of the original Review Panel is upheld. At that point, the decision of the Director is final.

If the Review Panel or Director determines that a grievance against a staff member 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 potentially can be resolved internally, the Review Panel or Director will develop a second action plan that includes the same components as mentioned above. The process and outcome of the panel meeting will be documented by the TD or other Training Committee 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, the issue will be turned over to the employer agency in order to initiate the Due Process procedures outlined in the employment contract.