

Psychology Interns Not Meeting Performance Standards and Due Process Procedures

I. Definitions

- A. Not Meeting Performance Standards – defined 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 an inability to control personal stress; and/or;
 3. excessive emotional reactions which interfere with professional functioning.
- B. Criteria that link this definition of not meeting performance standards to particular professional behaviors are incorporated into the competency-based evaluation forms that are completed by supervisors at specified times during the training experience.
- C. An “intern with problematic behavior” refers to an intern whose behaviors, attitudes, or characteristics, while of concern and receiving remediation, are perceived to be expected or not excessive for professionals in training. “Problematic behavior” typically becomes identified as “not meeting performance standards” when it includes one or more of the following characteristics:
 1. the intern repeatedly and chronically 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 and/or the intern’s behavior does not change as a function of feedback, remediation efforts, and/or time;
 6. the intern is unable/unwilling to carry out expected program responsibilities;
 7. the intern is not able to successfully complete exit criteria;

8. staff members and peers identify the intern as having repeated difficulties relating to others in a professional manner.

II. Advisement

- A. In the event that an intern is not meeting performance standards, the intern will be advised before each step of the remediation process and he/she/they will be encouraged to provide any information regarding his/her/their position. In situations where the Associate Director for Training is also acting as the intern's supervisor, the Associate Director for Training will be only be involved in due process procedures in the role of the intern's secondary clinical supervisor, and the Associate Directors for Clinical Services will assume the responsibilities that would have been handled by the Associate Director for Training.

III. Remediation

- A. All discussions regarding intern performance begin in the supervisory meetings. It is the responsibility of the supervisor (1) to bring to the intern's attention skill deficits, behaviors, or other actions that are evaluated as problematic and (2) to discuss strategies for remediation of perceived deficits in clinical skills and other areas of professional functioning. Recommended courses of intervention include, but are not limited to:
 1. increased supervision, either with the same or other supervisors;
 2. change in the format, emphasis, and/or focus of supervision;
 3. recommendation/requirement of personal therapy when the problems are psychological in nature. The parties should clarify the manner in which therapy contacts will be used in the intern evaluation process;
 4. reduction of the intern's clinical or workload and/or the requirement of specific academic coursework;
 5. recommendation, when appropriate, of a leave of absence and/or a second internship at another setting.
- B. When a combination of the above interventions do not, after a reasonable time period, rectify the problem behavior, or when the intern seems unable or unwilling to alter his/her/their behavior, the intern's supervisor and other staff associated with his/her/their training may need to take more formal action, including such actions as:

1. giving the intern a limited endorsement, specifying those settings in which he/she/they could function adequately;
2. communicating to the intern and academic department/program that the intern has not successfully completed the internship;
3. recommending and assisting in implementing a career shift for the intern, and/or;
4. terminating the intern from the internship training program.

All of the above steps need to be adequately and appropriately documented in ways that are consistent with due process procedures outlined explicitly in the following section.

IV. Due Process Procedures

- A. General Guidelines: Due process insures that decisions made by programs about interns are not arbitrary or biased, requires that programs identify specific evaluative procedures which are applied to all interns, and provide appropriate appeal procedures to the intern so he/she/they may challenge the program's action. General due process guidelines include:
 1. presenting interns, in writing, with the program's expectations related to professional functioning;
 2. stipulating the procedures for evaluation, including when evaluations are conducted and how they are related to professional functioning;
 3. articulating the various procedures and actions involved in making decisions regarding failure to meet performance standards;
 4. communicating, early and often, with graduate programs about any suspected difficulties with the intern, and seeking input from these academic programs on how to address such difficulties;
 5. instituting, with the input and knowledge of the graduate program, 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 which describes how the intern may appeal the program's action. Such procedures are included in the program's training manual, are made available to the intern at the beginning

of the internship, and require the intern to sign a statement indicating that he/she/they has been given a copy of, read, and understands the due process procedures;

7. ensuring that interns have sufficient time to respond to any action taken by the training 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 action taken by the training program and its rationale.

B. Specific Procedures

If an intern's failure to meet performance standards continues despite an appropriate attempt at remediation, the supervisor will notify both the intern and the Associate Director for Training of the persisting problem. Such notification may occur prior to the specified time period for formal, written evaluations or during the time of these evaluations. A meeting involving the intern, the supervisor, and the Associate Director for Training will then be scheduled to discuss the situation. During this meeting, both the intern and the supervisor will be afforded the opportunity to present, orally and in writing, their opinions and positions. The Associate Director for Training will review the situation with each of the parties, consult with other staff regarding their perceptions of the intern if necessary, and then determine what subsequent action, if any, should be taken to address the matter.

The intern will be notified of the Associate Director for Training's decision in writing. The Associate Director for Training may make recommendations regarding supervisory interventions or changes in the supervisee's training, or if sufficient cause is found, may choose to take one or more of the formal actions outlined below. If the Associate Director for Training selects a less severe action(s) that does not bring about the necessary remediation, he/she/they have the option of pursuing more severe sanctions. Formal options include:

1. Issuance of an "Acknowledgment Notice," which formally acknowledges an awareness of and concern regarding the intern's performance as evaluated by

the supervisor and training staff. The Acknowledgment Notice also indicates that the intern has been formally notified of her/his inadequate performance, that the relevant training staff will work with the intern to rectify the problem, and that the behaviors associated with the problem are not considered significant enough at that point to warrant more serious action. The intern's academic program will be informed if an Acknowledgment Notice is issued. The intern shall receive a copy of any letter sent to the academic program.

2. Issuance of a "Probation Notice," which establishes a process for a set period of time during which the Associate Director for Training will systematically monitor, through the intern's supervisor, the intern's efforts to address and improve identified area(s) in which he/she/they is failing to meet performance standards. The Probation Notice should include the specific behaviors associated with the failure to meet performance standards, the recommendations for rectifying the matter, and the time frame during which the problem must be appropriately rectified. The Associate Director for Training will then meet with the intern and the intern's supervisor to review the probationary conditions. The intern's academic program will be informed when a Probation Notice is issued, and the notification will indicate the nature of the problem, the actions taken by the training program, and the rationale for these actions. The intern shall receive a copy of any letter sent to the academic program.
3. Issuance of a "Temporary Suspension Notice," which may be utilized if an intern is charged with violating professional codes of ethics. The intern will be temporarily suspended from engaging in any and/or all clinical or direct services. Such suspensions can come from either the Associate Director for Training, Associate Directors for Clinical Services, or the Director of the Center. All temporary suspensions become effective immediately upon notifying the intern of the suspension, either orally or in writing. The written notification of and the reasons for the suspension will be delivered to the intern within one working day. If the ethical breach is one that can be remediated, a specific program will be developed and a meeting date set to

evaluate the intern's progress toward remediation of the violation. If remediation seems an inappropriate response due to the nature or severity of the ethical infraction, the intern's training experience at the Center may be terminated. The intern's academic program will be informed when a Temporary Suspension Notice is issued, and the notification will indicate the nature of the unethical behavior, the actions taken by the training program, and the rationale for these actions. The intern shall receive a copy of any letter sent to the academic program.

4. Recommending to the intern and to the academic program that the intern be required to complete further training at another training site. Both the intern and the academic program will be given written notification of the rationale for this recommendation.
5. Recommending that the intern make a career shift. Both the intern and the academic program will be given written notification of such a recommendation and the rationale for the recommendation.
6. Terminating the intern from the training program. Both the intern and the academic program will be given written notification of the decision to terminate the training experience and the rationale for this decision.

Within one week of the receipt of the Associate Director for Training's decision, the intern must respond by either accepting the action imposed or appealing the action. If the intern agrees to the decision, the action and its requirements will be implemented. A lack of response by the intern will be interpreted as an acceptance of the decision. If the intern decides to appeal the decision, the intern must provide the Associate Director for Training with a document indicating the intent to seek an appeal and explaining the reasons that the action imposed on him/her/their is unwarranted. The procedures outlined in the "Psychology Intern Appeals Procedure" section below will then be implemented. The intern's academic program will be informed of the due process appeal and of its results.

Psychology Intern Appeals Procedure

Upon notification of an intern's intent to appeal, a review meeting including the intern, the intern's supervisor, the Associate Director for Training, and the Director will then be scheduled to discuss the intern's alleged failure to meet performance standards and the past and/or proposed action(s) recommended to remediate this problem. During this meeting, all participants will be afforded the opportunity to present, orally and in writing, their opinions and positions. The Director will review the situation with each of the parties, consult with other staff regarding their perceptions of the intern if necessary, and then render within one week one of the following decisions:

- Acceptance of the proposed recommendation for action;
- Rejection of the proposed recommendation for action and the provision of an alternative action (Note: The alternative provided may be either more or less severe than the one originally proposed.);
- Referral of the matter back to the Associate Director for Training for further deliberation. In this instance, the Associate Director for Training will then report the results of the further deliberation to the Director. The Director will then make a final decision regarding the appropriate action to be taken.

Complaint Against an Intern by a Staff Member: Due Process Procedures

When a staff member has a concern about a perceived intern violation of ethical or legal standards, serious professional incompetence or negligence, or major infringement on the rights of others, the staff member should discuss the concern directly with the intern and the intern's supervisor for the purpose of education and enlightenment. If this discussion does not resolve the staff member's concern, or if the intern's behavior is serious enough to warrant more significant and decisive action, the staff member should submit a complaint, in writing, to both the Associate Director for Training and the Director. The intern's supervisor, Associate Director for Training, and the Director will meet to review the complaint and to determine if (1) there is reason to proceed with further investigation and/or sanctions or (2) the behavior in question is in the process of being rectified without further negative consequence. If the staff member lodging the complaint is one of the individuals who would participate in this meeting, the Director will

appoint another member of the staff to participate in the meeting in lieu of the staff member lodging the complaint.

If the meeting's participants collectively determine that the alleged behavior is not substantiated or would not constitute a serious violation, the intern's Associate Director for Training shall inform the intern and the staff member. The staff member is permitted to renew the complaint if additional information is provided. If, however, the meeting's participants collectively determine that there is probable cause for remedial or disciplinary action, the due process procedures outlined above will be implemented.

Complaint Against a Staff Member by a Psychology Intern: Due Process Procedures

It is the policy of James Madison University to provide an avenue for individuals who may have a complaint regarding the behavior of any University employee. The list of complaints that an intern might potentially lodge against a staff member include, but are not limited to:

- Denial of the opportunity to fairly present data to refute criticisms made in the intern's evaluation;
- Unfair evaluation criteria;
- Denial of due process to the intern;
- Inadequate supervision;
- Sexual harassment and other forms of exploitation;
- Arbitrary, capricious, and discriminatory treatment.

When an intern has a complaint regarding a staff member, he/she/they should first attempt to discuss her/his concerns with the staff member involved. If this intervention is insufficient to resolve the situation, the intern may bring the matter to the attention of her/his supervisor, or the Associate Director for Training if the concern is regarding the supervisor, for consultation and guidance. If the intern wishes to file a more formal complaint, he/she/they should do so in writing and submit the document to the Associate Director for Training and the Director. The Director will then establish a procedure to review and investigate the complaint. If the complaint is against the Director, the intern may choose to discuss the matter with the Associate Vice President of Wellness, Orientation and Multicultural Engagement.

Any documentation about complaints/grievances filed by interns against the program or any member of its staff would be kept separately from their personnel files in a locked cabinet in the Associate Director for Training's office.