

**VA Maryland Health Care System
Psychology Training Programs**

**Procedures for
Remediation of Trainees' Problematic Behaviors and Performance
and Addressing Trainees' Grievances**

I. Trainees' Behavioral or Performance Issues

Purpose: The information presented below is given to psychology trainees (i.e., pre-doctoral practicum students, pre-doctoral interns, and postdoctoral fellows) at the beginning of the training year. This section provides a definition of problematic behaviors and performance, a listing of possible sanctions if warranted, and methods for the remediation of problems.

A. Definitions:

- 1) Problematic behaviors: Problematic behaviors are said to be present when supervisors perceive that a trainee's behavior and/or attitudes are disrupting the quality of his or her clinical services; his or her relationship with peers, supervisors, or other staff; or his or her ability to comply with appropriate standards of professional behavior. Although some problem behaviors may arise during the course of training, it is a matter of professional judgment as to when such behaviors are serious or frequent enough to constitute problematic performance. Problematic behaviors generally become identified as problematic performance when they include one or more of the following characteristics:
 - a. The trainee does not acknowledge, understand, or address the problem when it is identified.
 - b. The problem is not merely a reflection of a skill deficit that can be rectified by academic or didactic training.
 - c. The quality of services delivered by the trainee is significantly negatively affected.
 - d. A disproportionate amount of attention by training personnel is required.
- 2) Problematic performance: Problematic performance is defined as an interference in professional functioning that renders the trainee: unable and/or unwilling to acquire and integrate professional standards into his or her professional behavior; unable to acquire professional skills at an acceptable level of competency; unable to control personal stress, which leads to dysfunctional emotional reactions and behaviors that disrupt professional functioning.

B. Procedures for Responding to Problematic Trainee Behavior or

Performance: Any staff member of the facility in which the trainee is receiving training may submit a written complaint regarding a trainee's performance or behavior with the Psychology Training Program Director or Chief Psychologist. He or she will review the complaint and take one of the following actions:

- a. Recommend informal mediation efforts using staff members to resolve problematic behavior or performance. If informal mediation efforts are unsuccessful and the problematic behavior or performance remains, then the matter will be referred to a Review Panel as discussed further below.
- b. Determine if there are problematic behaviors or performances that need further action. When supervisors' evaluations indicate that a trainee's skills, professionalism, or personal functioning are inadequate for the training level, the Psychology Training Program Director will convene a Review Panel as discussed further below.
- c. Conclude that there are no problematic behaviors or performance that requires further action.
- d. Determine that there is evidence of a serious behavior or performance action that has resulted in harm or injury to a patient or others (e.g., physical or sexual assault). If this has occurred, the trainee will be immediately suspended and removed from all patient care responsibilities and a fact finding will be conducted by members of the Training Committee in collaboration with the Chief Psychologist. If evidence of a serious behavior or performance action is confirmed, the trainee will be summarily dismissed from the training program.

1) Review Panel: Initial Procedures

- (i) A Review Panel will be convened by the Psychology Training Program Director as soon as practicable after receiving a complaint, preferably within ten days.
- (ii) The Review Panel will consist of three staff members selected by the Psychology Training Program Director; one Psychology staff member with knowledge of the trainee or clinic and two Psychology staff members who have had little or no prior supervisory relationship with the trainee.
- (iii) The trainee will be notified in writing, by the Psychology Training Program Director, that such a review is occurring and that the Psychology Training Program Director can receive any information or statement that the trainee wishes to provide with reference to the identified problem(s) within 14 calendar days of notification that a review will take place.

- (iv) The trainee will be given the opportunity upon his or her request to meet with the Psychology Training Program Director and the Review Panel to discuss the identified problem(s). The trainee's request must be made in writing and within 14 calendar days of notification that a review will take place.
- (v) In the event that the complaint involves the Program Director of Training (DOT) or Psychology Training Program Director, she or he will recuse herself or himself from participating in these procedures in that capacity. He or she may, however, provide fact information to the Review Panel and/or other management officials during this process. The Chief Psychologist or other management official may serve in place of the recused party.

2) Review Panel: Conclusion Options

After reviewing all available information, the Review Panel may adopt one or more of the following actions, or take other appropriate action:

- a. Conclude that no further action or oversight is needed.
- b. Remedial Action: Remedial steps include but are not limited to the following:
 - (i) Increased supervision, either with the same or other supervisors.
 - (ii) Change in the format, emphasis, and/or focus of supervision.
 - (iii) Required participation in particular learning experiences to remediate noted deficits.
 - (iv) A recommendation and/or referral may be made to the Employee Assistance Program (EAP) or for personal therapy.
 - (v) Recommendations of a leave of absence (with time to be made up at no cost to the government and/or a second traineeship).
- c. Issuance of Acknowledgement Notice: The Program DOT may issue an Acknowledgment Notice, which states the following in writing:
 - (i) The Review Panel is aware of and concerned about the negative evaluation.
 - (ii) The evaluation has been brought to the trainee's attention, and the Training Committee or other supervisors will work with the trainee to rectify the problem within a specified time frame.

- (iii) The behaviors associated with the negative evaluation are not significant enough to warrant more serious action at the time.
- d. Issuance of Probation Notice: For more serious matters, the Review Panel may issue a Probation Notice that specifies that the Training Committee, through the supervisors and Program DOT, will actively and systematically monitor the degree to which the trainee addresses, changes, and/or otherwise improves the problematic behaviors or performance. Monitoring will take place for a specific length of time and will be detailed in the Probation Notice. The Probation Notice is a written statement given to the trainee that includes the following items:
 - (i) A description of the problematic behavior or performance.
 - (ii) Specific recommendations for rectifying the problems.
 - (iii) A time frame for the probation during which the problem is expected to be ameliorated.
 - (iv) Procedures to assess whether the problem has been appropriately rectified.
- e. Dismissal from the Program: This option will rarely be used and is reserved for those behaviors or performance abilities that have or will likely result in harm to patients or others.

3) Post-Panel Review Decision

- a. Following the delivery of an Acknowledgment Notice or Probation Notice, the Program DOT and the Psychology Training Program Director will meet with the trainee to review the required actions. The trainee may elect to accept the conditions or may appeal the Review Panel's actions as outlined in section 1d below.
- b. Once the Review Panel has issued an Acknowledgment or Probation Notice, the trainee's status will be monitored by his/her primary supervisor and the Psychology Training Program Director within the specified timeframe indicated in the notice.
- c. The trainee may be elevated from probationary status by a majority vote of the Review Panel when the trainee's progress in resolving the problem(s) specified in the contract is sufficient. Elevation from probation indicates that the trainee's performance is at the appropriate level to receive credit for the training activity.

C. Failure to Correct Problematic Trainee Behaviors or Performance: When a combination of interventions does not rectify the problematic behaviors or performance within a 90-day time frame, or when the trainee seems unable or

unwilling to alter his or her behavior or improve performance, the Review Panel may need to take further formal action. If a trainee on probation has not improved sufficiently to rectify the problem(s) under the conditions stipulated by the Probation Notice, the Review Panel will conduct another formal review and then inform the trainee in writing that the conditions for concluding the probation have not been met. The Review Panel may then elect to take any of the following actions, or other appropriate action:

- 1) Continue the probation for a specific period of time.
- 2) Suspend the trainee for a limited time from engaging in certain professional activities until there is evidence that the problematic behaviors or performance in question have been rectified. Suspensions beyond the specified period of time may result in termination.
- 3) Depending upon the gravity of the issue, inform the trainee and the Program DOT that the trainee will not successfully complete the program if his or her problematic behaviors or performance do not change. If by the end of the training year, the trainee has not successfully completed the training requirements, the Review Panel may recommend that the trainee cannot successfully complete the training program and receive a certificate of completion. The trainee will then be informed that he/she has not successfully completed the program.
- 4) Inform the trainee that the Review Panel is recommending to the Psychology Training Program Director that the trainee be terminated immediately from the program, and the Chief Psychologist may move to terminate the trainee from the program.

D. Appeal Procedures: Trainees who receive an Acknowledgment Notice or Probation Notice, or who otherwise disagree with any Review Panel decision regarding their status in the program, may consult with the Associate Chief of Staff (ACOS) for Education and Academic Affairs as part of an informal problem consultation process, as the individual in this role is not included in formal remediation procedures. When informal resolution is unsuccessful, trainees are entitled to submit an appeal in writing to the Chief Psychologist within ten working days of receipt of the Review Panel's notice or other decision. The trainee must inform the Chief Psychologist in writing that s/he disagrees with the Panel's action and provide the Chief Psychologist with information as to why the trainee believes the Review Panel's action is unwarranted. Failure to provide such information will constitute an irrevocable withdrawal of the challenge. Upon receipt of the trainee's appeal, the Chief Psychologist will review and provide a written decision as to whether the initial Review Panel recommendation will be upheld or if another recommendation

is warranted. The trainee retains the right to grieve the appeal decision following the Grievance Procedures indicated in section 2c below.

II. Grievances by Trainees

Purpose: The information presented below is given to psychology trainees (i.e., pre-doctoral practicum students, pre-doctoral interns, and postdoctoral fellows) at the beginning of the training year. This section provides a discussion of the due process and grievance and complaint procedures for trainees who decide to address problematic issues related to the training program or staff behaviors, as well as methods for addressing such problems.

A. Definitions:

- 1) Problematic issues related to the training program: Problematic issues related to the training program is defined as any problem that a trainee experiences while in the program that limits or decreases his or her ability to achieve a training goal, or ability to access needed resources as part of his/her training.
- 2) Problematic Staff Behaviors: Problematic staff behaviors are said to be present when trainees perceive that a staff member's behavior and/or attitudes are disrupting the quality of his or her training; his/her relationship with peers, other supervisors, or other staff; or his/her ability to comply with appropriate standards of professional behavior.
- 3) Grievance: A grievance, or complaint, is a written statement of dissatisfaction.

B. Informal Trainee Grievance Process: Trainees may submit a grievance regarding problematic issues related to the training program or staff behaviors in writing to the Chief Psychologist at any time. Trainees are expected to seek informal redress of minor grievances or complaints about the training program to the Psychology Training Program Director or DOT. Trainees may also use a mediator, such as a mentor, Program Directors of Training (DOT), or the Psychology Training Program Director. In addition, trainees are encouraged to utilize the Informal Problem Consultation process available through the Association of Psychology Postdoctoral and Internship Centers (APPIC) found here: <https://appic.org/Problem-Consultation>

C. Formal Trainee Grievance Process: In the event that informal resolution is unsuccessful, or in the event of a serious grievance, the trainee may submit a formal grievance complaint in writing to the Chief Psychologist. If the complaint involves the Chief Psychologist, the trainee may submit the

complaint to the ACOS for Education and Academic Affairs. Upon receipt of the trainee's grievance, the following actions will be taken:

- 1) The Chief Psychologist (or ACOS) will convene a special meeting of the Psychology Practice Council, which will review the grievance. When any Council member, the Chief Psychologist, or the ACOS is involved as a fact witness or is identified as a target of the grievance, he or she will recuse him or herself from involvement in this grievance process.
- 2) The Psychology Practice Council's decision will be made by majority vote. Within 10 days of completion of the special meeting of the Psychology Practice Council, the Council will write a report of its decision and recommendations and will provide the report to the trainee, the Psychology Training Committee, and VAMHCS Mental Health Leadership.

The procedures outlined above are not intended to prevent a trainee from pursuing a grievance under any other mechanisms available to VA/UM employees, including EEO, or under the mechanisms of any relevant professional organization, including APA or APPIC. Trainees are also advised that they may pursue any complaint regarding unethical or unlawful conduct on the part of a psychologist by contacting the licensing board in the state in which a psychologist is licensed. However, such actions should be taken only after local remedies (e.g., discussion with the psychologist, Program DOT, Psychology Training Program Director, Chief Psychologist, etc.) are exhausted, consistent with APA ethical code.

At any stage of these processes (i.e., remediation of trainee behaviors and/or grievance proceedings) the Program DOT and/or Psychology Training Program Director may obtain consultation from other senior colleagues or experts, (e.g. American Psychological Association, Association of Psychology Post-doctoral and Internship Centers (APPIC), VAMHCS-UMB Psychology Internship Consortium Steering Committee, etc.), and will keep the Director of the VAMHCS Mental Health Clinical Center informed.

All of the above steps will be appropriately documented and implemented in ways that are consistent with due process, including opportunities for trainees to initiate grievance proceedings to challenge the any decisions made by the training program staff.

Institutional Grievance Policies may be found here:

VAMHCS: http://www.va.gov/vapubs/viewPublication.asp?Pub_ID=686

University of Maryland: <https://www.umaryland.edu/hrs/grievances/>