

Due Process

The San Diego LGBT Community Center's Mental Health Services department adheres to the following guidelines regarding due process. This document will serve to outline guidelines for the evaluation of interns and post-doctoral fellows, grievance procedures and possible remediation plans for areas which have been identified to be problematic. Each trainee participates in due process through initial orientation to the training program, continued participation in completing training objectives and engaging in the evaluation process. These processes involve the provision of timely feedback, which may include the identification and remediation of problem areas. The due process procedure differs between interns and post-doctoral fellows in only one area; evaluations are provided to the intern's graduate training program on a biannual basis. The training director may also have additional contacts with an intern's graduate program as requested by the program or deemed necessary by the training director.

Orientation

During the orientation into the training program, interns/fellows (hereafter referred to as trainees) are informed of all policies/procedures of The Center, including those specific to the Mental Health Services Program. Trainees are also provided with copies of the general employee handbook and the policy and procedure manual for the Mental Health Services program and are encouraged to thoroughly review the documents before signing an acknowledgement of understanding of the manuals and agreement to adhere to the policies and procedures that are contained within the manuals. Trainees are encouraged to ask questions pertaining to any material that they may perceive as unclear or vague before signing their agreement document.

Evaluation

Trainees are evaluated throughout the training year. Input on their progress is observed by several members of the core staff of the Mental Health Services program on both formal and informal levels. The primary supervisor of the trainee is responsible for the formal, written evaluation of the trainee's progress which occurs twice during the training year (once for the period Aug – Jan and once for the period Feb – July). Supervisors are encouraged to provide informal feedback on a trainee's progress on a regular basis during individual supervision sessions. Additionally, trainees are encouraged to communicate their individual needs for feedback to their primary supervisor and the training director at the beginning of the training year and at any time that they identify the need for a change in provision of feedback.

Professional Standards

Trainees are considered to be temporary employees of The Center and are subject to all of the rules and regulations outlined in the Employee Handbook. All trainees receive a copy of the handbook during orientation and are given time to review the document and submit questions to the Training Director or Human Resources Representative before signing an acknowledgement of understanding and agreement to adhere to its policies and procedures. In addition to the standards outlined in the Employee Handbook, trainees are expected to:

1. Act at all times within the bounds of the APA Ethical Principles of Psychologists and Codes of Conduct and/or the standards of the Board of Behavioral Sciences, dependent on the intern or fellow's designated licensing board.
2. Act at all times within the bounds of the laws and regulations of the State of California.
3. Demonstrate adequate proficiency in all competency areas defined in the intern or post-doc's designated evaluation form.
4. Maintain timely and accurate documentation of clinical services.
5. Communicate clearly, accurately and professionally in both verbal and written formats (including email transmissions).
6. Demonstrate engagement in the training experience with active participation in seminars, the evaluation processes and designated Center events throughout the training year.

Defining Problems

A problem may be defined as serious through careful evaluation of the training director and/or the clinical supervisors of the program. A general training problem is defined by Lamb (1987) as "interference in professional functioning that 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 to reach an acceptable level of competency;
 3. an inability to control personal stress, psychological dysfunction and/or excessive emotional reactions that interfere with professional functioning"
- (Lamb, et al., 1987, p.598).

Guidelines for Responding to Trainee Competency and/or Performance Issues

Trainee competency and/or performance issues may be identified by any member of the core staff of the mental health services department (or The Center's other core staff when the trainee has professional contact with the staff member). Issues of concern may be identified at any point during the training year. The following process will be used when responding to trainee competency and/or performance issues:

1. a problem area is identified,
2. the staff member who identified the problem consults with the director of training and the primary supervisor,
3. the director of training and the involved staff member(s) decide whether or not the identified problem is a 'typical' or 'atypical' problem area*,
4. if the problem area is defined as typical, the involved staff member will have a discussion with the trainee regarding her/his concerns and the trainee will have the opportunity to respond to the concerns. If the trainee responds to the situation to the satisfaction of the involved staff member and/or the trainee corrects the problem within a specified amount of time, no further action will be taken. This constitutes the verbal counseling portion of the disciplinary process as referred to in The Center's Corporate Operations Manual (Section 1.1.13).
5. If the identified problem area is not addressed by the trainee in the specified amount of time or the identified problem area is defined as atypical, the Director of Training will be notified by the involved staff member and they will decide to proceed with disciplinary procedures. According to The Center's Corporate Operations Manual, there are three levels of discipline following the verbal counseling procedure; verbal warning, written warning and then termination.
6. Both verbal and written warnings constitute a formal record of discussion between the trainee and her/his supervisor and the Director of Training. The formal record will include the identified problem, the consequences of the problem, identified remediation plans and the consequences of future infractions.
7. Verbal warnings will be documented in writing and will become a part of the trainee's personnel file. Written warnings will also be placed in the trainee's personnel file and a copy will be given to the trainee. Written warnings are to be construed as particularly serious, as they generally constitute a final warning that the trainee may be suspended from the training program. For pre-degree interns, written warnings will be included with the evaluation form that is submitted to their graduate program.

* A **typical** problem area is defined as the problem being characteristic of many trainees, believed to be amenable to change through remediation and is unlikely to cause harm to the trainee's clients and/or staff of The Center. A problem area that is initially defined as typical may be or may become problematic if not resolved (minor training/skill deficiencies, chronic tardiness, and/or insufficient documentation, among others). An **atypical** problem area is defined as a problem that is not characteristic to most trainees, would be less amenable to change through remediation and/or could have serious consequences for the trainee's clients and/or staff of The Center.

Remediation Procedures for Identified Problems

Once a trainee's problem has been identified, a remediation plan will be designed to address the problem. Remediation plans are varied depending on the problem, the level of training of the trainee, the training staff and trainee involved and circumstances surrounding the identified problem. A remediation plan may include, but is not limited to, the following items:

- definition of the situation involving the trainee which was identified as problematic,
- the specific changes that the trainee will be required to make,
- the methods by which the trainee will be required to make the changes,*
- the criteria by which the trainee will be evaluated as to whether or not s/he has made the required changes,
- the timeline for completing the required changes and re-evaluation of the trainee's progress (Forrest, et al., 1999).

*The methods which may be used to facilitate the required changes can include, but are not limited to, reduction in caseload, increase in supervision, reassignment of designated clients, suspension of clinical work, increased monitoring of clinical work, supplemental reading, documentation and/or training, the recommendation of personal therapy for the trainee or the possible recommendation of exploring a career change. If a trainee is recommended to receive personal therapy to address issues that may be interfering with their professional work, the trainee will be strongly encouraged, but cannot be required, to act upon this suggestion. In addition, no release of information will be pursued if the trainee chooses to engage in personal therapy. In the event that the clinical staff has determined that a recommendation for exploring a career change is in order, the trainee will be given assistance in making this transition if s/he requests this information.

Problems that involve illegal and/or unethical activity will be grounds for immediate dismissal from the training program and the trainee will not be eligible for participation in a remediation process.

Appeal Procedures

Trainees have the option of formally appealing an evaluation of inadequacy, a remediation plan and/or a disciplinary action. In order to initiate a formal appeal process:

1. The trainee will inform the Director of Training, in writing, of the nature of the appeal within one week of the evaluation, remediation plan and/or disciplinary action.
2. The Director of Training will assemble a review panel to address the trainee's grievance. The review panel will consist of the Director of Training, a core staff member selected by the trainee and a core staff member designated by the Director of Training.
3. The review panel will meet with the trainee within two weeks of the receipt of the grievance to address the grievance and hear the trainee's presentation of evidence to support their grievance. If not already included in the review panel, the panel may consult with the trainee's primary supervisor prior to, during and/or after the review meeting.
4. The review panel will then meet without the trainee to evaluate the trainee's appeal and render a decision. The final decision of the review panel and a summary of the proceedings will be documented in the trainee's personnel file and a copy will be provided to the trainee.
5. The trainee may appeal the review panel's decision to the Chief Executive Officer of The Center. The decision of the CEO in such a situation is final.
6. The trainee is free to consult with the appropriate membership organization that governs their internship (CAPIC or APPIC) if desired. Both organizations encourage trainees to follow the due process procedures of the training agency before contacting them.

References

Forrest, L., Elman, N., Gizara, S., and Vacha-Haase, T. (1999). Trainee impairment: Review of identification, remediation, dismissal, and legal issues. The Counseling Psychologist, 27, 627-686.

Lamb, D.H., Presser, N.R., Pfof, K.S., Baum, M.C., Jackson, V.R., and Jarvis, P.A. (1987). Confronting professional impairment during the internship: Identification, due process and remediation. Professional Psychology: Research and Practice, 18, 597-603.

*Many examples of due process procedures were reviewed and modeled in the process of creating this document. Thanks are offered to Dr. Karen Lese-Fowler of the University of San Diego and the APPIC office for their assistance and provision of examples.