**The Menninger Department of Psychiatry**

**& Behavioral Sciences**

**Due Process and Grievance Procedures**

**Psychology Post-Doctoral Fellowship**

**Fellow Responsibilities**

With regard to the postdoctoral fellow’s behavior and performance, the general expectations of the Training Program are that the postdoc will:

Function within the bounds of the American Psychological Association’s *Ethical Principles of Psychologists and Code of Conduct.*

Function in a manner that conforms to the policies and procedures of The Menninger Department of Psychiatry & Behavioral Sciences (TMDPBS).

Demonstrate proficiency in the requisite clinical skills as required to successfully carry out assigned tasks at TMDPBS.

Demonstrate proficiency in relevant assessment and evaluative procedures as required to successfully carry out the tasks at TMDPBS.

Demonstrate the ability to communicate clearly and precisely in both oral and written formats.

Demonstrate the ability to integrate relevant professional standards as a professional psychologist into one’s repertoire of behaviors.

Demonstrate openness and an affirming attitude toward cultural and individual diversity.

Participate in training, service, and continuing education activities with the year-end goal of being able to provide services across a range of activities and with a frequency and quality appropriate to that of a staff psychologist.

**Fellow Rights**

To receive at least 2 hours of individual (face to face) supervision per week.

To expect ongoing feedback regarding performance.

To expect early identification of deficiencies.

To expect cooperative efforts to develop a remediation plan if needed.

To expect availability of supervisors and the Training Director.

To expect a clear description of responsibilities, expectations of performance,

and a hierarchy of authority.

To have a representative participate in hearing or appeal meetings

concerning problematic conduct.

To initiate grievances about training or supervision.

The right to be treated with professional respect.

The right to appeal decisions made by the Training Director or other

appropriate staff.

Postdocs have the right to provide input and suggest changes and modifications to the training program. Meetings with the postdocs occur throughout the year and can be scheduled as needed when requested. This enables the training director to assess and discuss the progress and concerns confronted by the postdocs.

**I. Definitions*:***

**A. *Due Process: General Guidelines***

Due process ensures that the training program's decisions about Fellows are neither arbitrary nor personally based.

Specific evaluative procedures apply to all Fellows, and appeal procedures are available for Fellows who wish to challenge the program's actions. All steps need to be appropriately documented and implemented.

General guidelines are as follows:

1. The training program's expectations related to professional functioning are presented to Fellows in writing and discussed both in group settings and with individual supervisors.

2. A copy of the psychology fellowship handbook is provided to fellow.

3. Formal evaluations occur with each supervisor at specified times.

4. Problematic behavior or concerns are clearly defined in writing, and opportunities for discussion and clarification are provided if necessary.

5. Fellows are informed of due process procedures and written policies for appealing actions of the program when warranted.

6. The training program will institute a remediation plan for identified inadequacies, including a time frame for expected remediation. Consequences of not rectifying the inadequacies are clearly stated in writing.

7. The training program ensures that Fellows have sufficient time to respond to any action taken by the program.

8. The training program considers multiple professional sources when making decisions or recommendations regarding a Fellow's inadequate performance.

9. The training program documents the action taken by the program and its rationale and provides this documentation to all relevant parties.

Evaluations for fellows are conducted every six months by their respective supervisors to monitor the development and readiness. Supervisors provide ongoing feedback on Fellows’ strengths and areas of growth. The ongoing evaluation process provides regular feedback and evaluation of goals set for the training year.

***B.******Definition of Inadequate Performance***

Inadequate performance 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 to acquire professional skills to reach an acceptable level of competency; and/or

3) An inability to control personal stress, strong emotional reactions, and/or psychological dysfunction which interfere with professional functioning. It is a professional judgment as to when a Fellow's performance becomes inadequate rather than of concern. Fellows may exhibit behaviors, attitudes or characteristics which, while of concern and requiring remediation, are not unexpected or excessive for professionals in training. Problems typically become identified when they include one or more of the following characteristics:

1. The Fellow does not acknowledge, understand, or address the problem when it is identified;

2. The problem is not merely a reflection of a skill deficit that can be rectified by academic or didactic training;

3. The quality of services delivered by the Fellow 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

6. The trainee's behavior does not change as a function of feedback, remediation efforts, and/or time.

**II. Procedures for Responding to Inadequate Performance by a Fellow**

***A. Basic Procedures***

If a Fellow receives a rating of “Needs Remedial Work” in any of the major categories of evaluation at the 6-month evaluation, or if a staff member has concerns about a Fellow's behavior (ethical or legal violations, professional incompetence) the following procedures will be initiated:

1. The staff member will consult with the Training Director to determine if there is reason to proceed and/or if the behavior in question is being rectified.
2. If the staff member who brings the concern to the Training Director is not the Fellow's primary supervisor, the Training Director and/or person with the concerns will discuss their concern with the Fellow's primary supervisor.
3. If the Training Director and the primary supervisor determine that the alleged complaint, if proven, would constitute a serious violation, the Training Director will meet with the staff member(s) who brought up the complaint initially
4. The Training Director will convene a meeting with the Training Committee to discuss the performance rating or the concern. The Director of Psychology and the Inpatient Chief of Staff will be informed of the concern.

***B. Notification Procedures to Address Inadequate Performance***

Once inadequate performance is identified, it is imperative to identify a meaningful way to address it. In implementing remediation or sanction interventions, the training staff must be mindful and balance the needs of the Fellow, the patients involved, members of the training group, the training staff, and other agency personnel. All evaluative documentation will be maintained in the trainee’s file.

1. Verbal Notice to the Fellow emphasizes the need to discontinue the inappropriate behavior under discussion.
2. Written Notice to the Fellow formally acknowledges:

a) that the Training Director is aware of and concerned with the performance rating,

b) that the concern has been brought to the attention of the Fellow,

c) that the Training Director will work with the Fellow to rectify the problem or skill deficits, and

d) that the behaviors associated with the rating are not significant enough to warrant more serious action at that time.

3. Second Written Notice to the Fellow indicates the need to discontinue an inappropriate action or behavior. This letter will contain:

a) a description of the Fellow's unsatisfactory performance;

b) actions needed by the Fellow to correct the unsatisfactory behavior;

c) the time line for correcting the problem;

d) what action will be taken if the problem is not corrected; and

 e) notification that the Fellow has the right to request a review of this action.

If at any time a trainee disagrees with the notices, the trainee can appeal.

***C. Remediation and Sanctions***

The implementation of a remediation plan with possible sanctions should occur only after careful deliberation and thoughtful consideration of the training director, relevant members of the training staff and supervisors. If a Fellow fails to make satisfactory progress because of inadequacies in clinical skill or personal stressors, the Fellow’s supervisor sends a written notification to the Fellow requesting a meeting with the Fellow and the Training Director.  At the meeting, the Fellow can choose a faculty member, if the Fellow deems that additional persons would be helpful.

If the problematic behavior continues after the initial meeting or if at any point the supervisor has concerns about the Fellow, the supervisor can speak with the Training Director and make a recommendation for remediations, probation, and sanctions. The severity of the problematic behavior plays a role in the level of remediation or sanction. Decisions may include the following:

1. Schedule modification is a time-limited, remediation-oriented, closely supervised period of training designed to return the Fellow to a more fully functioning state. Modifying a Fellow's schedule is an accommodation made to assist the Fellow in responding to personal reactions to environmental stress, with the full expectation that the Fellow will complete the Fellowship. This period will include more closely scrutinized supervision conducted by the regular supervisor in consultation with the Training Director. Several possible and perhaps concurrent courses of action may be included in modifying a schedule. These include:

a) increasing the amount of supervision, either with the same or other supervisors;

b) change in the format, emphasis, and/or focus of supervision;

c) recommending personal therapy;

d) reducing the Fellow's clinical or other workload;

e) requiring specific academic course work.

The Director of Training, in consultation with the primary supervisor and the training committee, will determine the length of a schedule modification period. The termination of the schedule modification period will be determined, after discussions with the Fellow, by the Training Director, in consultation with the primary supervisor.

2. Probation is a time limited, remediation-oriented, more closely supervised training period. Its purpose is assessing the ability of the fellow to complete the fellowship and to return the fellow to a more fully functioning state. Probation defines a relationship and specific length of time that the Training Director systematically monitors the degree to which the fellow addresses changes and/or otherwise improves the behavior associated with the inadequate rating. The fellow is informed of the probation in a written statement, including:

a) specific behaviors associated with the unacceptable rating,

b) recommendations for rectifying the problem,

c) time frame for the probation during which the problem is expected to be ameliorated and

d) procedures to ascertain whether the problem has been appropriately rectified.

If the Training Director determines that there has not been sufficient improvement in the Fellow's behavior after the implementation of the above options, then the Training Director will discuss with the primary supervisor, the training committee, Director of Psychology and the Inpatient Chief of Staff the possible courses of action to be taken. The Training Director will communicate in writing to the Fellow that the attempts to address the problematic behavior have not been successful, and the course of action that will be taken. If the Fellow's behavior does not change with these additional sanctions, the Fellow will not successfully complete the Fellowship. If these sanctions do result in successful change in the Fellow’s problematic behavior, then the Director of Training, the Fellow’s primary supervisor, Director of Psychology and the Inpatient Chief of Staff will assess the Fellow's capacity for effective functioning and determine when direct service can be resumed. If the sanctions interfere with the successful completion of the training hours needed for completion of the Fellowship, this will be noted in the Fellow's file.

3. Suspension of direct service activities requires a determination that the welfare of the fellow's patient has been jeopardized. Therefore, direct service activities will be suspended for a specified period determined by the Training Director in consultation with the primary supervisor, Director of Psychology, and the Chief of Inpatient Services. At the end of the suspension period, the fellow's supervisor in consultation with the Training Director will assess the fellow's capacity for effective functioning and determine when direct service can be resumed.

4. Administrative leave involves the temporary withdrawal of all responsibilities and privileges in the agency. If the probation period, suspension of direct service activities or administrative leave interferes with the successful completion of the training hours needed for completion of the fellowship, this will be noted in the fellow's file and the fellow's academic program will be informed. The Training Director will inform the fellow about the effects the administrative leave will have on the fellow's stipend and accrual of benefits.

5. Dismissal from the Training program involves the permanent withdrawal of all agency responsibilities and privileges. When specific interventions do not, after a reasonable period, rectify the problematic behavior or concerns and the trainee seems unable or unwilling to alter her/his behavior, the Training Director will discuss with the Director of Psychology and the Chief of Inpatient Services the possibility of termination from the training program. Either administrative leave or dismissal would be invoked and if such decision is reached, the Training Director will notify the Fellow in writing.

6. Immediate Dismissal involves the immediate permanent withdrawal of all agency responsibilities and privileges. Immediate dismissal would be invoked but is not limited to cases of severe violations of the APA Code of Ethics, or when imminent physical or psychological harm to a client is a major factor, or the trainee is unable to complete the training program due to physical, mental or emotional illness. In addition, inthe event a trainee compromises the welfare of a client(s) or the campus community by an action(s) which generates grave concern from the supervisor(s) or any other staff, the Training Director, the Director of Psychology and the Inpatient Chief of Staff may immediately dismiss the trainee from the training site. This dismissal may bypass steps identified in notification procedures (Section IIB) and remediation and sanctions alternatives (Section IIC).

If at any time a trainee disagrees with the aforementioned sanctions, the trainee can implement *Appeal Procedures (Section II E).*

**D. Hearing**

If any remediation or probation period is initiated, a hearing will be scheduled at the end of the remediation/probation period to determine if the Fellow has met the expectations delineated in their remediation plan. The committee may also elect at this time that no further action is needed. A hearing must be scheduled no longer than eight weeks after the remediation plan has been signed.

At the hearing, a decision must be made to determine if further action is needed based on the Fellow’s rectification of the problem or failure to progress. Those in attendance will include the Training Director, the Fellow’s supervisors, the Fellow, and a representative of the Fellow’s choosing. If that representative is unable to make the meeting, he or she can provide input by telephone. After the information is presented, the Training Director, in collaboration with the supervisors present at the Hearing, will have 5 working days to decide if the correction plan will continue, if it will be edited, or if it will be discontinued. The decision will be communicated to the Fellow.

**E. Appeal Procedures**

If a Fellow does not agree with any of the aforementioned notifications, remediation or sanctions, or with the handling of a grievance – the following procedures should be followed:

1. The trainee should file a formal appeal in writing with all supporting documents, with the Training Director. The trainee must submit this appeal within five (5) work days from their notification of any of the above (notification, remediation or sanctions, or handling of a grievance).

2. Within three (3) work days of receipt of a formal written appeal from a trainee, the Training Director will consult with the Training Committee to discuss the appeal or the concern. The Director of Psychology and the Chief of Inpatient Services will be informed. Psychology faculty will then decide whether to implement a Review Panel or respond to the appeal without a Panel being convened.

3. In the event that a trainee 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 Training Fellowship Director, then that appeal is reviewed by the Director of Psychology and Chief of Inpatient Services. The aforementioned 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.

**III. Grievance Procedures**

In the event a Fellow encounters difficulties or problems other than evaluation related (e.g. poor supervision, unavailability of supervisor(s), workload issues, personality clashes, other staff conflicts) during his/her training program, a trainee can:

1. Discuss the issue with the staff member(s) involved;

2. If the issue cannot be resolved informally, the trainee should discuss the concern with the Training Committee who may then consult with the Training Director, other staff members, or the Director of Psychology if needed (if the concerns involve the Training Director, the trainee can consult directly with the Director of Psychology or Chief of Inpatient Services);

3. If the Training Committee, Training Director and/or Director of Psychology cannot resolve the issue of concern to the Fellow, the Fellow can file a formal grievance in writing with all supporting documents to the Director of Psychology.

4. When the Director of Psychology has received a formal grievance, within three working days of receipt, the Director of Psychology will implement Review Procedures as described below and inform the Fellow of any action taken.

**A. Review Procedures/Hearing/Appeal**

1. When needed, a Review Panel will be convened by the Director of Psychology to review a grievance filed by the trainee.

a. The Panel will consist of three staff members selected by the Director of Psychology with recommendations from the Training Director and the Fellow who filed the appeal or grievance. The Director of Psychology will appoint a Chair of the Review Panel.

b. The fellow has a right to express concerns about the training program or The Menninger Department of Psychiatry & Behavioral Sciences staff member (TMDPBS) and TMDPBS or staff has the right and responsibility to respond.

2. Within five (5) work days, a panel will meet to review the appeal or grievance and to examine the relevant material presented.

3. Within three (3) work days after the completion of the review the panel will submit a written report to the Director of Psychology, including any recommendations for further action. Recommendations made by the Review Panel will be made by majority vote if a consensus cannot be reached.

4. Within three (3) work days of receipt of the recommendation, the Director of Psychology will either accept or reject the Review Panel's recommendations. If the Director of Psychology rejects the recommendation, the Director of Psychology may refer the matter back to the Panel for further deliberation and revised recommendations or may make a final decision.

5. If referred back to the panel, a report will be presented to the Director of Psychology within five (5) work days of the receipt of the Director of Psychology's request of further deliberation. The Director of Psychology then makes a final decision regarding what action is to be taken and informs the Training Committee and Training Director.

6. The Training Director and or Training Committee informs the Fellow, staff members involved and necessary members of the training staff of the decision and any action taken or to be taken.

7. If the Fellow disputes the Director of Psychology's final decision, the Fellow has the right to appeal through following steps outlined in Appeal Procedures (Section II E).