

Due Process Procedures

These guidelines are to ensure that decisions about trainee's performance are not arbitrary or based on personal biases. The trainee should be given an opportunity to appeal decisions made by the program, and given a reasonable amount of time to respond to concerns. General due process guidelines include:

1. Presenting trainees, in writing, with the program's expectations related to professional development/functioning.
2. Describing the procedures for evaluation, including how and when evaluations will be conducted.
3. Articulating the various procedures and actions involved in making decisions regarding unsatisfactory progress and/or problematic behavior.
4. Communicating, early and often, with intern's graduate program about any suspected difficulties with the intern, and seeking input from these academic programs when indicated about how to address such difficulties.
5. Instituting, with the input and knowledge of the graduate program when indicated, a remediation plan for identified skills deficiencies and/or problematic behaviors, including a time frame for expected remediation and consequences of not rectifying the areas of concerns.
6. Providing a written procedure to the intern that describes how he/she may appeal the program's action. Such procedures will be made available to the intern at the beginning of the training year.
7. Ensuring that trainees have sufficient time to respond to any action taken by the program.
8. Using input from multiple professional sources (e.g., training staff, intern's graduate program staff, and available literature) when making decisions or recommendations regarding the trainee's performance.
9. Documenting, in writing and to all relevant parties, the action taken by the Training Program and its rationale.

Procedures for Responding to Problematic Behaviors

If a staff member's evaluation of trainee's behavior indicates problems or inadequate performance, this should be brought to the attention of the Training Director. Training Leadership may consult with relevant members of the Training Team. The Training Team may include individual supervisors, group supervisors, and senior staff observing the trainee's behavior, the Training Committee, the Assistant Director of Training, and the Director of the Center. This consultation should result in determination of what action needs to be taken to address the problems. A trainee would be informed of the problems and suggested actions for remediation would be discussed with the trainee. If this does not resolve the problematic behavior, or if the concerns are serious, the following steps may occur. Any time one of the following more formalized procedures occurs a copy of the notice, or summary of the hearing will be sent to the trainee's academic training coordinator (at home institution).

1). Direct Communication of Concern – This will include a verbal warning to the trainee identifying unsatisfactory progress and/or the need to discontinue the problem behavior(s). If the trainee is able to resolve the problem behavior after this step, no further action is needed. If concerns continue, then the next step in this process will take place.

2). Written acknowledgment of continued issues/concerns – A trainee will be notified in writing that performance or behavior has not changed as a result of the direct communication of the concern. The written acknowledgment could contain:

1. That Training Leadership and the supervisors are aware of and concerned with unsatisfactory progress and/or problematic behavior;
2. An explanation of the concern and that these concerns have already been brought to the trainee;
3. That Training Leadership and supervisors will be working with the trainee to rectify the skill deficit and/or problem behavior;
4. A time-frame will also be given for demonstration of improvement on the issues explained within the letter, with recommendations for improvement;
5. It will be made clear that the deficit and/or problem areas are not significant enough to warrant more serious action;

This notice will be given at a meeting with the individual's site supervisor and Training Leadership. This meeting might include other relevant personnel (i.e., academic program supervisor, or others). The written notice should indicate a reasonable time for the trainee to respond to concerns and recommendations. This letter will be placed within the training file, but will be kept separate from the personnel file. If the trainee is able to resolve the problem behavior after this step, no further action is needed. If concerns continue, then the next step in this process will take place.

3). Written warning of possible probation- A trainee will be notified in writing that they have failed to address the concerns outlined in both the direct communication of the concern and the written acknowledgment of the concern contained within their training file. The written warning could contain:

1. A description of the trainee's unsatisfactory progress and/or problematic behavior;
2. Specific actions required by the trainee to address unsatisfactory progress and/or correct problematic behavior;
3. The timeline for addressing the area of concern;
4. Description of the probation action which will be taken if the unsatisfactory progress and/or problematic behavior is not corrected, and
5. Notification that the trainee has the right to request a review of this action.

A copy of this letter will be kept in the trainee's personnel file. Trainees may respond in writing to the decision of the training program to institute a written warning. This will be included in the documentation in the trainee's personnel file.

If a trainee does not feel the written notice is fair, the trainee should discuss this with the supervisor, and submit a written response to the supervisor to be placed in the trainee's file. This response to the written notice should occur within 10 days of the discussion/presentation of the written notice. The intern's training program will also be notified of this warning, and will receive a copy of the warning letter. If the trainee is able to resolve the problem behavior after this step, no further action is needed. If concerns continue, then the next step in this process will take place.

4). Probation Notice – This signifies a significant concern regarding the trainee's behavior, and may be given either in lieu of, or following a written notice if extreme ethical breaches occur (i.e. inappropriate relationship with a client, intentional breach of confidentiality, pattern of disregard for responsibility, violence of any kind). The Probation Notice could: describe the problem behavior(s) or conduct; would specify recommendations for rectifying the problems; and discuss how to assess the resolution of the problem behavior(s). This document would also specify the length of time the trainee will be given to resolve the problematic behavior. Possible recommendations offered in a Probation Notice *may* include:

1. Increased supervision, with the current supervisor, or with others
2. Changes in the format or focus of supervision
3. Recommendation that the trainee pursue personal therapy off-campus to resolve personal issues impacting professional performance
4. Recommendation of a leave of absence from the training program
5. Recommendation that an alternative Practicum or Internship be sought that may be more appropriate for the trainee's current situation or skill set.

The trainee has 10 days to appeal the Probation Notice if the trainee feels it is unfair or unreasonable. See Appeal section for more information. If the trainee is able to resolve the problem behavior after this step, no further action is needed. If concerns continue, then the next step in this process will take place.

5). Hearing – A hearing may be held with relevant members of the Training Team to provide a formal process for the trainee to hear and respond to concerns, if progress toward change is slow or absent. The academic training coordinator from the home institution may attend this hearing. The trainee's training program will be notified of the result of any hearing. Results of the hearing might include:

1. Allowing continuation in the program with a formal remediation contract.
2. Suspension from the Counseling Center's Training Program – A recommendation for a suspension may be made to the trainee, allowing for future reconsideration for return to the Center's training program after a designated time and demonstration that problematic behaviors have been resolved. This does not mean a guaranteed return to the program, rather that the trainee would be reconsidered for return to the Counseling Center program.
3. Dismissal/Termination from the Counseling Center's Training Program – A trainee may be dismissed from the Center's training program (a) if problem behavior is not resolved satisfactorily or within the designated time frame designated in the probation notice or remediation contract (b) if the behavior is extreme enough to be considered "unacceptable" to the Training Team, to

the degree that the recommendation is that the trainee should not be retained for remediation. The recommendation for Dismissal may be based on issues such as: inappropriate unethical behaviors; behaviors which make the trainee an exceptionally high risk for the Center to supervise; if the trainee has violated a core conduct standard for our Center (see trainee Contract for specifics), the problem is beyond that of reasonable training for the setting; or the trainee's presence causes a severe disruption to professional functioning of other trainees or staff. All dismissals will be reported to the trainee's home institution, and any relevant accrediting agencies.

Appeal – This is the opportunity for the trainee to appeal actions taken by the Counseling Center regarding the problematic performance or behavior. The appeal may be requested following the probation notice, following the recommendations made during a Hearing, or following the decision to suspend or dismiss the trainee. This appeal could be presented to the Counseling Center Director, or if unavailable, the Assistant Director of Training and would involve relevant personnel designated by the Director. All appeals submitted by the trainee should be made in writing within 10 days of the date that the decision/notification is given to the trainee. An appeal document should explain the reasons for the appeal and include any documentation or evidence that would warrant reconsideration for the decision. Responses to the Appeal may take additional time as they may involve consultation with officials at the university. While an Appeal is being reviewed a written document will be provided to the trainee explaining their options for involvement in the training program, if any, until a decision is reached.