

DUE PROCESS AND GRIEVANCE POLICY AND PROCEDURES

This document describes the due processes policy that applies to the psychology postdoctoral fellows (referred to as Fellow) at the University of Arkansas for Medical Sciences (UAMS)/Arkansas Children's Hospital (ACH). When a Fellow is identified as performing at a level of competency judged to be "unsatisfactory" (with regard to the Standards established by the American Psychological Association), the Pediatric Psychology Fellowship Training Committee (comprised of the psychology faculty involved in the Training Program) may select from several courses of action.

Due Process

The following principles serve to ensure that decisions made by the training program about Fellows are not arbitrary or personally based. These principles ensure that the Fellow is provided ongoing and meaningful feedback, opportunities for remediation, and information about appeals procedures:

- Presenting Fellows with written documentation of the program's expectations related to professional and personal functioning.
- Stipulating the procedures for evaluation, including when and how evaluations will be conducted. Such evaluations should occur at meaningful intervals.
- Articulating the various procedures and actions involved in making decisions regarding problem behaviors.
- Communicating with Fellows early and often about how to address problem behaviors.
- Instituting a remediation plan for identified inadequacies, including the competency domain(s) in which performance is not adequate, target behaviors, expectations for acceptable performance, steps for remediation, supervisors' responsibilities, time frame for expected remediation, and consequences of not rectifying the inadequacies.
- Providing a written procedure to the Fellow that describes how the Fellow may appeal the program's action.
- Ensuring that Fellows have sufficient time to respond to any action taken by the program.
- Using input from multiple professional sources when making decisions or recommendations regarding the Fellow's performance.
- Documenting, in writing and to all relevant parties, the action taken by the program and its rationale.

Behavior of Concern

Behaviors that might warrant action include but are not limited to:

1. Violation of the ethical standards for Psychologists as established by the American Psychological Association, in either the provision of clinical services or research activities;
2. Incompetence in the performing of typical psychological services in this setting and/or inability to attain competence during the course of the fellowship;
3. Failure to meet the minimum standards for patient contact, administrative requirements or didactic training;
4. Behavior(s) judged to be currently unsuitable and which hampers the Fellow's professional performance;
5. Receiving a 1 on a performance evaluation.

Fellow Performance Problems

Performance problems may arise because of educational or academic deficiencies, psychological adjustment problems and/or inappropriate emotional responses, inappropriate management of personal stress, inadequate level of self-directed professional development, inappropriate use of and/or response to supervision, etc. Behaviors typically become identified as performance problems when they include one or more of the following characteristics:

- The behavior is not merely a reflection of a knowledge or skill deficit that can be rectified by academic or didactic training or supervision.
- The quality of services delivered by the Fellow is sufficiently negatively affected.
- The behavior has potential for ethical or legal ramifications if not addressed.
- The behavior shows a persistent insensitivity to diversity considerations related to race, ethnicity, gender, sexual orientation, age, disability status, SES, etc.
- The Fellow's emotional difficulties interfere with his or her capacity to perform competently.
- The Fellow's interpersonal style interferes with his or her intra-professional and interdisciplinary relationships with peers, coworkers, supervisors, and/or subordinates.
- The Fellow does not acknowledge, understand, or address the concern when it is identified.
- The Fellow's behavior does not change as a function of feedback, remediation efforts, and/or time.
- A disproportionate amount of attention by training personnel is required.
- The Fellow's behavior negatively impacts the public view of the training program or institution.

Supervisory Actions and Steps to Hearing and Notifications

If performance problems are noted by a Fellow's supervisor(s), the following procedures will be initiated:

- The Fellow's supervisor(s) will meet with the Training Director to discuss the problem and determine what action needs to be taken.
- The Training Director will schedule a **formal review hearing** of the Fellow's progress and all performance problems with the Training Committee.
- The Fellow will be **notified**, in writing, that such a review hearing is occurring and will have the opportunity to provide an oral or written statement. The Fellow will be notified that that he or she will have the results of the review in three weeks or less.
- The Training Committee will meet and review all of the Fellow's work to date, including the identified problems.
- In discussing the problem and the Fellow's response, the Training Director and Committee may adopt one or more of the following methods or may take any other appropriate action:
 - Take no further action and inform all parties of this decision.
 - Issue a *Verbal Warning* to the fellow. A Verbal Warning emphasizes the need to engage in recommended amelioration strategies in order to address the performance problem. No record of this action is kept.
 - Issue a *Performance Notice* (1st written warning). A Performance Notice formally indicates that the training faculty is aware of and concerned with the Fellow's performance and that the problem has been brought to the attention of the Fellow. It also indicates that the faculty will work with the fellow to specify the steps necessary to rectify the performance problems, and that the behaviors are not significant enough to warrant serious action. Remediation strategies as described below should be implemented following issuance of a Performance Notice. A signed copy of the Remediation Plan will be kept in the Fellow's file, as will a copy of the Performance Notice.
 - Issue a *Probation Notice* (1st written warning). A Probation Notice indicates that the training faculty will actively and systematically monitor for a specific length of time the degree to which the Fellow addresses, changes, and/or otherwise improves the problem behavior. The Fellow must be provided with a written statement that includes a description of the actual problem behaviors, the specific recommendations for rectifying the problem, the time frame for the probation during which the problem is expected to be ameliorated, and the procedures designed to ascertain whether the problem has been appropriately rectified. Additional remediation strategies must be implemented at this time. A copy of the Probation Notice and the revised Remediation Plan will be kept in the Fellow's file.

- The Training Director, Associate Training Director and Section Chief of Psychology will then meet with the Fellow to review the action taken within three weeks of when the Fellow was notified of the review process. If placed on probation, the fellow may choose to accept the conditions or may challenge the decision. The procedures for challenging the decision are presented below (see below Procedures for Appeal by a Fellow).
- Once the Performance Notice or Probation Notice is issued by the Training Director, it is expected that the Fellow's performance will be reviewed no later than the next formal evaluation period or, in the case of probation, no later than the time limits identified in the probation statement. If the problem has been rectified to the satisfaction of the faculty, the Fellow and other appropriate individuals will be informed and no further action will be taken.
- If it is determined that the conditions for revoking the probation status have not been met, the Training Director may take any of the following actions, in accordance with the Employee Discipline Policy, Administrative Guide 4.4.02:
 - Continue the probation for a specific time period, with written notice to the Fellow of ongoing steps that must be taken to ameliorate the problem in the specified time frame.
 - Issue a written **Suspension Notice** (2nd written warning). This indicates that the Fellow is not allowed to continue engaging in specified professional activities until there is evidence that the behavior in question has improved.
 - Issue a written **Warning Notice** (3rd written warning). This indicates that if the problem behavior does not change, the Fellow will not meet criteria for fellowship completion.
 - Issue a written **Termination Notice**. This indicates that the Fellow will be terminated from the fellowship program as of the date specified in the notice.

When the aforementioned interventions do not, after a reasonable time period, rectify the problem, or when the Fellow seems unable or unwilling to alter his or her behavior, the

Training Director and Committee may take more formal action, including such actions as:

- Giving the fellow a limited endorsement, including the specification of competency domains and practice settings in which he or she is competent to practice. This information will be conveyed to all relevant state psychology licensing boards.
- Communicating to the Fellow that he or she has not successfully completed the training program, with the possibility of continuing for an additional specified period of time beyond the training year.
- Terminating the Fellow from the training program. This includes issuing of a Termination Notice in accordance with UAMS Human Resources policies (<https://hr.uams.edu/employee-relations/employee-relations-information/>). This information will be communicated to all relevant state psychology licensing boards.

Remediation Strategies

When performance problems have been identified and documented as discussed above, the training faculty, in conjunction with the Fellow, will formulate and implement strategies for remediation of such problems. These strategies will be appropriately documented and implemented in ways that are consistent with due process procedures. Such strategies may include, but will not be limited to, the following:

- Increasing supervision time, either with the same or other supervisors.
- Changing the format, emphasis, and/or focus of supervision.
- Strongly recommending personal therapy. Referrals will be provided.
- Reducing the Fellow's clinical or other workload or modifying his or her schedule in other ways.
- Requiring specific academic coursework, didactics, or independent study.
- Recommending, when appropriate, a leave of absence and/or a second fellowship.
- Recommending and assisting in implementing a career change for the Fellow.

Procedures for Appeal by a Fellow

Fellows who wish to contest supervisory actions and decisions must submit a written challenge to the Training Director within 10 days of receipt of the faculty decision. Failure to submit a written challenge within 10 days will be taken as assent to the supervisory actions and decisions. Once a written challenge is received, the following steps will occur:

- The Section Chief of Psychology will convene a Review Panel consisting of the Training Director and/or Associate Training Director, two faculty members selected by the Section Chief of Psychology, two faculty members selected by the Fellow, and a non-Psychology UAMS or ACH Administrator.
- A review hearing will be conducted, chaired by the Section Chief of Psychology, in which evidence is heard from the supervisor(s), who have the right to be present at the hearing.
- The Fellow will retain the right to be present at the hearing, to hear all facts, and to dispute or explain his or her behavior.
- Within 15 days of the completion of the review hearing, the Review Panel will file a written report, including any recommendations for further action. Decisions made by the Review Panel will be made by majority vote of the five panel members. The Fellow will be informed of the recommendations by the Section Chief of Psychology and through receipt of a copy of the panel report.
- If the Review Panel finds in favor of the Fellow, no further action against the fellow will be taken. The Section Chief of Psychology will consult with the faculty supervisor(s) concerning the decision.
- If the Review Panel finds in favor of the supervisor(s), the original supervisory action will be implemented.
- The Review Panel may, at its discretion, find neither in favor of the supervisor nor the Fellow. It may instead modify the original supervisory action or issue and implement its own action. In this instance, the Section Chief of Psychology will consult with both the supervisor(s) and the trainee concerning the decision.

Fellow Grievances

Our guiding philosophy is that most problems are best resolved through direct interaction between the Fellow and supervisor or other staff member as part of the ongoing working relationship. Fellows are encouraged to first discuss any problems or concerns with the supervisor or staff member involved. In turn, supervisors and staff members are expected to be receptive to complaints, attempt to develop a solution with the Fellow, and to seek appropriate consultation. If these discussions do not produce a satisfactory resolution of the concern, an informal or formal grievance may be filed.

A grievance is defined as an expression of dissatisfaction regarding an aspect of the Fellow's treatment by a supervisor or the organization. Grievances shall be used as a due process by those who believe that a rule, procedure or policy has been applied in an unfair or inequitable manner or that there has been unfair or improper treatment by a person or persons.

Informal mediation: Either party may request the Training Director to act as a mediator, or to help in selecting a mediator who is agreeable to both the Fellow and the supervisor or staff member. Such mediation may facilitate a satisfactory resolution through continued discussion. Alternatively, mediation may result in recommended changes to the training environment.

Formal grievance: In the event that informal measures are not successful, or in the event of a serious grievance, the Fellow may initiate a formal grievance process by sending a written request for intervention to the Training Director.

- The Training Director will notify the Section Chief of Psychology of the grievance and call a meeting of the Pediatric Psychology Fellowship Training Committee to review the complaint. The Fellow and supervisor or staff member will be notified of the date that such a review will occur, and will be given an opportunity to provide the Committee with any relevant information regarding the grievance.
- Based upon a review of the grievance and any relevant information, the Pediatric Psychology Fellowship Training Committee will determine the course of action that best promotes the Fellow's training experience. This may include recommended changes within the placement itself, a change in supervisory assignment, change in rotation placement, or other training modification.
- The fellow will be informed in writing of the Training Committee's decision, and asked to indicate whether they accept or dispute the decision within three weeks of the filing of the grievance. If the Fellow accepts the decision, the recommendations will be implemented. If the Fellow disagrees with the decision, he or she may appeal to the Section Chief of Psychology and a non-Psychology UAMS or ACH Administrator. The Section Chief of Psychology and the non-Psychology UAMS or ACH Administrator will render the appeal decision, which will be communicated to all involved parties, and to the Training Committee.

In the event that a formal grievance involves any member of the Training Committee (including the Training Director), that member will recuse himself or herself from participating in review of the grievance due to conflict of interest. A grievance regarding the Training Director may be submitted directly to the Section Chief of Psychology or non-Psychology UAMS or ACH Administrator for review and resolution. Any findings resulting from a review of a Fellow grievance that involve unethical, inappropriate, or unlawful faculty or staff behavior will be submitted to the Chair of Pediatrics for appropriate personnel action.

These procedures are not intended to prevent a Fellow from pursuing a grievance under any other mechanisms available to UAMS employees, including EEO, or under the mechanisms of any relevant professional organization, including APA or APPIC. Fellows are also advised that they may pursue any complaint regarding unethical or unlawful conduct on the part of psychologists licensed in the State of Arkansas by contacting the Arkansas Psychology Board.

Informal Resolution of Concerns

If a Fellow has any type of concern during their training year, expectations are that the Fellow will first attempt to address the situation directly with the affected individual or individuals. For instance, a Fellow may have concerns about the way they are treated, how supervision is being conducted, ethical or safety concerns, or other issues. If speaking directly with the individual is for some reason not appropriate, the Fellow should first consult with the Training Director or designated faculty mentor. If that is also not deemed a viable option, the fellow should then speak with the Section Chief of Psychology. The Fellow may also utilize their year-long supervisor for guidance and support, but this supervisor will not act in a formal capacity to resolve the issue.

Our training faculty strive to provide a supportive and open atmosphere that allows resolution of any issues within this normal sequence. However, we recognize that the inherently unequal power in the supervisor/supervisee relationship may conceivably lead a Fellow to be reluctant to discuss some concerns with training faculty. Therefore, at any time during the training year, any Fellow who wishes to may consult with someone outside of the program in an informal and confidential avenue for discussion and problem-solving.