**EVALUATION, DUE PROCESS, AND GRIEVANCE POLICIES**

**Southern Arizona VA Health Care System**

**Psychology Post-Doctoral Fellowship Program**

**THE EVALUATION PROCESS**

**Evaluation Schedule--**

**Initial Informal Evaluation:** At the beginning of the fellowship, the post-doctoral fellow completes the Post-Doctoral Evaluation of Competence and Training form, that provides a self-evaluation in the areas of psychological assessment, clinical intervention, team function, professional development, and supervision skills. The self-evaluation serves as the background to the learning contact that is established between the program supervisors and the post-doctoral fellow.

**Competency Evaluations:** Written feedback is provided at 3 intervals during the training year; 4, 8, and 12 months. In addition, regular verbal feedback is given during supervision sessions and during monthly meetings with the Director of Training. These competencies are consistent with the scholar-practitioner model of training and provide quantitative as well as qualitative measures of progress.

Please see the copy of the Post-Doctoral Competency Assessment Form, located in **Appendix A.**

**DUE PROCESS IN EVALUATION AND REMEDIATION**

***ADMISSION INTO THE FELLOWSHIP PROGRAM UNDER FALSE PRETENSES***

The validity of the post-doctoral fellow’s application to the Post-doctoral program is implicit throughout our selection and employment procedures. However, there are rare occasions when the subsequently observed performance of the fellow is markedly below the level which would be predicted from previously reported experience levels. When there is compelling evidence that the fellow has been admitted to the Post-doctoral program through misrepresenting the experiences reported on the original application, the Post-doctoral Fellowship administration must consider taking action to examine and remedy the problem. Misrepresentation of credentials for undertaking a post-doctoral fellowship at the Southern Arizona VA Healthcare System Fellowship is violation of legal standards in employment and a violation of Ethical Principles and Code of Conduct of the American Psychological Association. Thus, misrepresentation of credentials is grounds for expulsion from the Post-doctoral Fellowship training program.

Concerns about the fellow’s accurate self-representation on application materials may be raised by supervisors or the Director of Clinical Training. When such a concern has been issued, the Director of Clinical Training will immediately place the fellow on probationary status. The Training Committee will investigate all relevant aspects of the complaints (including review of original materials, appropriate discussion of concerns with the fellow, and follow-up with references, as deemed necessary. The Training Committee will present its findings to the Lead Psychologist. The Training Committee will determine what steps will be appropriate in light of the evidence presented. If the Training Committee chooses to expel the fellow from the Post-doctoral fellowship, communication of this intent will be made to the Director of Training.

***DEFINITION OF PROFESSIONAL COMPETENCY PROBLEMS IN FELLOW PERFORMANCE***

Three general categories of professional functioning are the focus of the performance evaluations:

1. Knowledge and application of professional standards (ethics, relevant mental health statutes and laws, professional deportment, etc.)
2. Clinical competence (assessment, diagnosis, conceptualization, treatment planning, intervention, evaluation of treatment, termination).
3. Personal deportment (appropriateness of interpersonal behavior, responsiveness to supervision, management of personal stress, etc.)

A fellow judged by any staff psychologist as failing to meet program expectations in any of the three principle areas of professional functioning identified above will be informed of this judgment as early as possible

***PROCEDURES FOR RESPONDING TO PROBLEMATIC PERFORMANCE AND/OR PROBLEMATIC CONDUCT***

***Informal*** recommendations for remediation will be made to the fellow initially by the staff member who has judged the fellow’s performance to be deficient. If, in the opinion of that staff psychologist, the fellow fails to respond to these recommendations, specific written recommendations for remediation will be provided to the fellow, the Training Committee, and to the Director of Psychology Training. A time frame will be established during which the fellow will be expected to make the recommended improvements. The fellow will be provided with maximum support of the Director of Psychology Training and the staff psychologists in making these recommended improvements.

Specific recommendations to the fellow may include:

1. A change in supervision:

a. Increasing the frequency.

b. Changing the format (conduct tape review, conduct co-therapy, etc.)

c. Changing the focus (targeting specific client behaviors, etc.)

d. Changing supervisors.

2. Reducing the size of the fellow’s caseload and/or range of responsibilities in order to allow more time for careful planning, case review, etc.

3. Decreasing the complexity of the clinical problems represented in the fellow’s caseload.

4. In urgent cases, if a fellow identifies a personal issue that interferes with performance or training, referral is made to the Employee Assistance Program for immediate assistance.

In most cases, such recommendations will be sufficient to motivate the fellow to make the required improvements in professional functioning.

***FAILURE TO CORRECT PROBLEMS***

A fellow who fails to respond adequately to the procedures and recommendations described above for improved functioning may be judged as having professional competency problems.

The policies and procedures regarding such competency problems are based upon the work of Lamb, D., Cochran, D., Jackson, V. (1991) and Lamb, D., Presser, N., Pfost, K., Baum, M., Jackson, R., and Jarvis, P. (1987). Broadly defined, this involves a failure to achieve expected competency in one or more of the following ways:

1. Inability or unwillingness on a fellow’s part to acquire and integrate professional standards into his or her repertoire of professional behavior,
2. Inability to acquire professional skills and to reach an acceptable level of competence,
3. Inability to control personal stress, psychological dysfunction, or emotional reactions that may adversely affect professional functioning (Lamb et al. 1987).

Specifically, a fellow experiencing difficulty in reaching competency levels has one or more of the following characteristics (Lamb et al. 1991):

1. The fellow does not acknowledge, understand or address problematic behavior when it is identified.
2. The problematic behavior is not merely a reflection of a skill deficit that can be rectified by academic or didactic training.
3. The quality of service provided by the fellow is consistently affected in a negative way.
4. The problematic behavior is not restricted to one area of professional functioning.
5. The problematic behavior has potential for ethical and/or legal ramifications if not addressed.
6. A disproportionate amount of attention is required by training personnel in efforts to deal with the fellow and the problematic behavior.
7. The fellow’s behavior does not change as a function of feedback, efforts at remediation, or time.
8. The fellow’s behavior negatively affects the public image of the Psychology Fellowship or SAVAHCS.

***Probationary Status***

Once a fellow’s professional activity and competency level has been judged to contain these characteristics, he or she will be notified by the Director of Psychology Training that he or she has been placed on “probationary” status. This is part of the *formal process* of dealing with professional competency problems. The Director of Psychology Training has a responsibility to explore thoroughly and to document the fellow’s problematic behaviors. Questions to be asked in this process include:

1. What are the actual behaviors that are of concern and where are they included in the competency evaluation criteria?
2. How and in what settings have these behaviors been evident?
3. What are the negative consequences of these behaviors for the Veterans Administration Medical Center and its patients and clients?
4. Who observed the behaviors in question?
5. Who or what was affected by these behaviors and in what way?
6. What is the frequency of the behaviors?
7. Has the fellow been informed fully of the problematic nature of the behaviors? If so, how did he or she respond to this information?
8. Has the feedback regarding this behavior been documented? In what format?
9. How serious is the behavior on the continuum of ethical and professional behaviors?

Once the recommended improvements in functioning have been made to the satisfaction of (a) the staff member initially reporting them, (b) the Training Committee, (c) the Director of Psychology Training, or (d) the Lead Psychologist, probationary status will be lifted.

In the rare situation in which a fellow’s remediation needs are so extensive that they cannot be handled within the post-doctoral training experience, it will be recommended that the fellow be terminated from employment, following Human Resources protocol. In this case, no certificate of successful completion of post-doctoral fellowship will be issued by SAVAHCS.

***Exceptions***

The Program recognizes that there may exist exceptional situations, such as egregious behavior or unethical behavior. Any behavior that has the potential for harm to a client(s) will result in a suspension of client contact during the due process procedure. The procedure will continue as noted above with this one exception.

REFERENCES:

Lamb, D., Cochran, D., Jackson, V. (1991) Training and organizational issues associated with identifying and responding to intern impairment. Professional Psychology: Research and Practice, 22, 291-296.

Lamb, D., Presser, N., Pfost, K., Baum, M., Jackson, R., and Jarvis, P. (1987) Confronting professional impairment during the internship: identification, due process, and remediation. Professional Psychology: Research and Practice, 18, 597-603.

***ILLEGAL OR UNETHICAL BEHAVIOR***

Illegal or unethical conduct by a fellow should be brought to the attention of the Training Director in writing.  Any person who observes such behavior, whether staff or trainee, has the responsibility to report the incident.

* The Training Director, the supervisor, and the fellow may address infractions of a minor nature.  A written record of the complaint and action become a permanent part of the fellow’s file.
* Any significant infraction or repeated minor infractions must be documented in writing and submitted to the Training Director, who will notify the fellow of the complaint.  Per the procedures described above, the Training Director will call a meeting of the Training Committee to review the concerns, after providing notification to all involved parties. All involved parties will be encouraged to submit any relevant information that bears on the issue, and invited to attend the Training Committee meeting(s).
* In the case of illegal or unethical behavior in the performance of patient care duties, the Training Director may seek advisement from appropriate Medical Center resources, including District Counsel, as well as the American Psychological Association, VA Office of Academic Affiliation, and Association of Psychology Postdoctoral and Internship Centers.
* Following a careful review of the case, the Training Committee may recommend either probation or dismissal of the fellow.  Recommendation of a probationary period or termination shall include the notice, hearing and appeal procedures described in the above section pertaining to insufficient competence.  A violation of the probationary contract would necessitate the termination of the fellow’s appointment at the Southern Arizona VA Health Care System.

**DISMISSAL OF A FELLOW**

***PROCEDURES FOR DISMISSING A FELLOW***

When the staff psychologist(s) who initially reported an fellow’s failure to meet program expectations and professional competency, the Training Committee, the Director of Psychology Training, and the Lead Psychologist, unanimously agree that all reasonable efforts to rectify the fellow’s deficits have been made and the fellow is unable or unwilling to alter his or her behavior, then consideration of termination of the fellow’s participation in the post-doctoral fellowship program is appropriate.

Following the recommendations of Lamb, et al. (1991), the Director of Psychology Training will take the following steps before the fellow is informed of his or her dismissal.

1. Review the SAVAHCS institutional implications of the decision from legal, personnel, budgetary, and other relevant perspectives. Institutional policies and procedures applicable to dismissal of an individual in the employment category covering Psychology Post-Doctoral Fellow must be followed.
2. Send a letter to the fellow reiterating the problematic behavior in question, the fellow’s lack of adequate response to requests for change, and the reasons for dismissal.
3. Decide how and when the fellow’s dismissal will take place. It is unlikely that he or she will have a clinical caseload, and the departure must be planned in such a way that it causes a minimum of disruption or difficulty for the fellow and his or her clients. During any period between notification of dismissal and the fellow’s actual departure from the program, any responsibilities the fellow continues to fulfill will be explicitly described in writing.
4. Provide the fellow an opportunity to appeal the decision to dismiss. This appeal process will conform to due process guidelines applicable at SAVAHCS. If no appeal is initiated, all parties involved will be informed of the exit date of the fellow.
5. Review the proposed action and the corresponding written statements in consultation with the Chief Executive Officer of SAVAHCS or his or her designee, the Chief of Human Resources Management, VAMC legal counsel, the Association of Psychology Postdoctoral and Internship Centers, and the American Psychological Association.

***APPEAL OF DECISION TO DISMISS A FELLOW***

From the time that the impaired fellow is informed of the decision to dismiss him or her from the fellowship program, he or she will have one week to initiate an appeal of that decision. The appeal shall be submitted in writing to the Director of Psychology Training. The appeal shall include a request that a Board of Appeal be established as expeditiously as possible. Within ten days of receipt of the request for appeal, the Director of Psychology Training shall form a board consisting of one person, from the psychology staff, selected by the fellow to be dismissed and at least two of the following:

1. Director of Psychology Internship, Arizona Health Sciences Center, or his/her designee.
2. Director, graduate program in Clinical Psychology, University of Arizona, or his/her designee.
3. Director of Psychology Internship, Southern Arizona Psychology Internship Consortium, or his/her designee.

In closed session, the board will review the facts of the case as presented by the Director of Psychology Training and the fellow. The board will be authorized to return one of three possible decisions:

1. To support the fellow’s dismissal.
2. To reinstate the fellow in the post-doctoral fellowship program with no conditions.
3. To deny immediate dismissal but recommend a course of remedial action/training to be completed by the fellow by a specified date. If the recommended action or training is not completed by the specified date, dismissal will proceed. The board shall have responsibility for monitoring the fellow’s progress in meeting its recommendations.

If the above process fails to resolve the situation, the fellow or the Director of Training can take further action in accordance with SAVAHCS policies regarding due process and employee dismissal.

During the interval between written notification to the fellow that he or she will be dismissed and completion of deliberation by the Board of Appeal, the fellow may be relieved of all or part of his or her responsibilities within the Psychology Programs.

**FELLOW GRIEVANCE AND COMPLAINT PROCEDURES**

We believe that most problems are best resolved through face-to-face interaction between fellow and supervisor (or other staff), as part of the on-going working relationship.  Fellows are encouraged to first discuss any problems or concerns with their direct supervisor.  In turn, supervisors are expected to be receptive to complaints, attempt to develop a solution with the fellow, and to seek appropriate consultation. If fellow-staff discussions do not produce a satisfactory resolution of the concern, a number of additional steps are available to the fellow.

Grievances are defined as:

1. Violations of ethical conduct or professional standards.
2. Harassment and/or discrimination.
3. Matters of serious concern that remains unresolved after direct exchange between the fellow and involved staff member(s).

**1. 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.  Such mediation may facilitate a satisfactory resolution through continued discussion. Alternatively, mediation may result in recommended changes to the learning environment, or a recommendation that the fellow change programs in order to maximize their learning experience.  Fellows may also request a change in program assignment.  Changes in program assignments must be reviewed and approved by the Training Committee.

**2. Formal grievances.** In the event that informal avenues of resolution 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.  Grievances are to be submitted in writing and must include a statement of the grounds for the grievance, the date(s) of the incident(s) constituting the grounds for the grievance, and the name of the psychologist against whom the grievance is being submitted. The written grievance should include a recommended course of action for resolution of the grievance. The written grievance shall be submitted to the Director of Psychology Training or, if that individual is the object of the grievance, to the Lead Psychologist. Of note, the fellow will be removed from supervision with the supervisory psychologist, whom the grievance is against, while this process is undertaken.

1. The Training Director will notify the Lead Psychologist of the grievance and call a meeting of the Training Committee to review the complaint.  The fellow and supervisor will be notified of the date that such a review is occurring, and given an opportunity to provide the Committee with any information regarding the grievance
2. Based upon a review of the grievance, and any relevant information, the 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, or a change in program placement.
3. The fellow will be informed in writing of the Training Committee's decision, and asked to indicate whether they accept or dispute the decision.  If the fellow accepts the decision, the recommendations will be implemented.  If the fellow disagrees with the decision, they may appeal to the Lead Psychologist. The Lead Psychologist will render the appeal decision, which will be communicated to all involved parties, and to the Training Committee.
4. In the event that the grievance involves any member of the Training Committee (including the Training Director), that member will excuse himself or herself from serving on the Training Committee due to a conflict of interest.  A grievance regarding the Training Director may be submitted directly to the Lead Psychologist for review and resolution.
5. Any findings resulting from a review of an fellow grievance that involve unethical, inappropriate or unlawful staff behavior will be submitted to the Lead Psychologist for appropriate personnel action.
6. These procedures are not intended to prevent a fellow from pursuing a grievance under any other mechanisms available to VA 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 Arizona by contacting the office of the Board of Psychology.   In order to ensure that negative repercussions do not accrue to an aggrieved fellow, an EEO counselor will be selected to monitor the fairness with which the fellow is treated throughout the remainder of the fellowship year, should this additional process become necessary. The counselor will have the responsibility and authority to raise issues of inequity and unfair treatment with the Director of Psychology Training and to seek to have the unfair or inequitable practices halted and redressed.
7. The policy stated herein applies only to grievances filed against staff of the Psychology Fellowship program. Grievances against other employees of SAVAHCS are to be filed according to the Equal Employment Opportunity Committee grievance procedures applicable to this medical center. Grievances shall be initiated by the fellow within the fellowship year, which commences on the day that the fellow is officially processed in as an employee of SAVAHCS and continues for 52 weeks following that date or until the fellow is officially no longer an employee of SAVAHCS.