



University of Medicine and Dentistry of New Jersey
University Behavioral HealthCare - Newark
New Jersey Medical School Department of Psychiatry

ADULT PSYCHOLOGY INTERNSHIP PROGRAM

POLICY ON INTERN EVALUATION, GRIEVANCES, AND MANAGEMENT OF PROBLEMATIC PERFORMANCE OR CONDUCT

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This document sets forth guidelines for evaluation of interns, grievance procedures, and the management of problematic performance of conduct. The guidelines are consistent with accreditation standards of the American Psychological Association and also incorporate human resources policies of the University of Medicine and Dentistry of New Jersey. The guidelines emphasize due process and assure fairness in the program's decisions about interns, and they provide avenues of appeal that allow interns to file grievances and dispute program decisions.

THE EVALUATION PROCESS

The Psychology Internship Program continually assesses each intern's performance and conduct. At specified intervals, supervisors provide written evaluations and meet with the intern to discuss the assessments and offer recommendations. Differences between interns' and supervisors' appraisals are expected to surface in these meetings, and in most cases are resolved. After meeting, the supervisor and intern sign the written evaluation and forward it to the Training Director. The Training Director obtains additional evaluation data through consultation with supervisors by phone or in person and talks with other professional staff who have significant contact with interns.

The Training Committee periodically reviews the evaluation data. The Committee is chaired by the Training Director who appoints the members. The members are Psychology Supervisors that constitute a cross section of the clinical rotations and specialty practice areas within the training program. In collaboration with Committee members, the Training Director combines the diverse evaluations and provides interns with summary evaluations of their progress in the program. Based on the evaluations, the Training Director and the intern may modify the intern's Training Plan or the Program, itself, to better meet the Interns' training needs.

COMMUNICATION WITH INTERNS' HOME GRADUATE PROGRAMS

The Training Director communicates with each intern's sponsoring graduate program about the intern's activities and progress. Early in the year, the home graduate program receives information about the intern's training activities. At the end of the internship year,

the home program receives a brief summary evaluation indicating whether the intern has successfully completed the internship. At any time, if problems arise that cast doubt on an intern's ability to successfully complete the internship program, the Training Director will inform the sponsoring graduate program. The home program will be encouraged to provide input to assist in resolving the problems.

DUE PROCESS IN EVALUATION AND REMEDIATION

The training program follows due process guidelines to ensure that decisions about interns are not arbitrary or personally based. The program uses the same procedures to evaluate all trainees, and it has appeal procedures that permit any intern to challenge program decisions. The due process guidelines include the following.

1. All interns receive a written statement of program expectations for professional functioning.
2. Evaluation procedures are clearly stipulated, including when and how evaluations will be conducted.
3. The procedures and actions for making decisions about problematic performance or conduct are outlined in written statements given to all interns.
4. Graduate programs are informed about difficulties with interns.
5. Remediation plans are instituted for identified inadequacies, and they include time frames for remediation and specify consequences for failure to rectify the inadequacies.
6. All interns receive a written description of procedures they may use to appeal the program's actions, and procedures they may use to file grievances.
7. Interns are given sufficient time to respond to any action taken by the program.
8. Decisions or recommendations regarding the intern's performance or conduct are based on input from multiple professional sources.
9. Program actions and their rationale are documented in writing to all relevant parties.

DEFINITION OF PROBLEMATIC PERFORMANCE AND/OR CONDUCT

Problem behaviors are said to be present when supervisors perceive that a trainee's behaviors, attitudes, or characteristics are disrupting the quality of his or her clinical services; his or her relationships with peers, supervisors, or other staff; or his or her ability to comply with appropriate standards of professional behavior. It is a matter of professional judgment as to when an intern's problem behaviors are serious enough to fit the definitions of problematic performance or conduct rather than merely being typical problem behaviors often found among trainees.

The program defines *problematic performance* and *problematic conduct* as follows.

Problematic performance and/or *problematic conduct* are present when there is interference in professional functioning that renders the intern: unable and/or unwilling to acquire and integrate professional standards into his/her repertoire of professional behavior; unable to acquire professional skills that reach an acceptable level of competency; or unable to control personal stress that leads to dysfunctional emotional reactions or behaviors that disrupt professional functioning. More specifically, problem behaviors are identified as *problematic performance* and/or *problematic conduct* when they include one or more of the following characteristics.

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

PROCEDURES FOR RESPONDING TO PROBLEMATIC PERFORMANCE AND/OR PROBLEMATIC CONDUCT

The program has procedures to guide its response to interns with problematic performance or problematic conduct. When supervisors' evaluations indicate that an intern's skills, professionalism, or personal functioning are inadequate for an intern in training, the Training Committee, with input from other relevant supervisory staff, initiates the following procedures. First, the negative evaluations will be reviewed and a determination made as to what action needs to be taken to address the problems. Second, the intern will be notified in writing that a review is occurring and that the Training Committee is ready to receive any information or statement that the intern wishes to provide with reference to the identified problems. Third, after reviewing all available information, the Training Committee may adopt one or more of the following steps, or take other appropriate action.

1. The committee may elect to take no further action.
2. The committee may issue an *Acknowledgement Notice* that formally states the following:
 - a. The committee is aware of and concerned about the negative evaluation.
 - b. The evaluation has been brought to the intern's attention and the committee or other supervisors will work with the intern to rectify the problem within a specified time frame.
 - c. The behaviors associated with the negative evaluation are not significant

enough to warrant more serious action at the time.

3. Alternatively, the committee may issue a *Probation Notice*, which specifies that the committee, through the supervisors and Training Director, will actively and systematically monitor for a specific length of time, the degree to which the intern addresses, changes, and/or otherwise improves the problem behaviors. The *Probation Notice* is a written statement to the intern that includes the following items:
 - a. A description of the problematic performance or conduct.
 - b. Specific recommendations for rectifying the problems.
 - c. A time frame for the probation during which the problem is expected to be ameliorated.
 - d. Procedures to assess whether the problem has been appropriately rectified.

If the Training Committee deems that remedial action is required, the identified problems in performance or conduct must be systematically addressed. Possible remedial steps include (but are not limited to) the following:

1. Increased supervision, either with the same or other supervisors.
2. Change in the format, emphasis, and/or focus of supervision.
3. A recommendation and/or requirement that personal therapy be undertaken with a clear statement about the manner in which such therapy contacts will be used in the intern evaluation process.
4. Recommendation of a leave of absence and/or a second internship.

Following the delivery of an *Acknowledgment Notice* or *Probation Notice*, the Training Director will meet with the intern to review the required remedial steps. The intern may elect to accept the conditions or may challenge the committee's actions as outlined below. In either case, the Training Director will inform the intern's sponsoring graduate program, and indicate the nature of the inadequacy and the steps taken by the Training Committee. The intern shall receive a copy of the letter to the sponsoring graduate program.

Once the Training Committee has issued an *Acknowledgment Notice*, the problem's status will be reviewed within three months time, or the next formal evaluation, whichever comes first. In the case of a *Probation Notice*, the problem's status will be reviewed within the time frame set by the notice.

FAILURE TO CORRECT PROBLEMS

When a combination of interventions does not rectify the problematic performance of problematic conduct within a reasonable period of time, or when the trainee seems unable or unwilling to alter his or her behavior, the training program may need to take more formal action. If an intern on probation has not improved sufficiently to rectify the problems under the conditions stipulated by the *Probation Notice*, the Training Committee will conduct a

formal review and then inform the intern in writing that the conditions for revoking the probation have not been met. The committee may then elect to take any of the following steps, or other appropriate action.

1. It may continue the probation for a specified time period.
2. It may suspend the intern whereby the intern is not allowed to continue engaging in certain professional activities until there is evidence that the problem behaviors in question have been rectified.
3. It may inform the intern, the intern's sponsoring graduate program, the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and President & Chief Executive Officer of University Behavioral HealthCare that the intern will not successfully complete the internship if his/her behavior does not change. If by the end of the training year, the intern has not successfully completed the training requirements, the Training Committee may give the intern only limited certification, or no certification at all. The Committee may specify those settings in which the intern can or cannot function adequately. The intern and the intern's home department will be informed that the intern has not successfully completed the internship.
4. It may inform the intern that the Committee is recommending to the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and the President & Chief Executive Officer of University Behavioral HealthCare that the intern be terminated immediately from the internship program, and with the Medical Director's and Chairman's and President's approval, move to terminate the intern.
5. When the Training Committee's deliberations lead to the conclusion that an intern is not suited for a career in professional clinical practice, the committee may recommend and assist in implementing a career shift for the intern.

All the above steps will be appropriately documented and implemented in ways that are consistent with due process procedures, including opportunities for interns to initiate grievance proceedings to challenge Training Committee decisions.

INTERN CHALLENGE AND GRIEVANCE PROCEDURES

Interns who receive an *Acknowledgment Notice* or *Probation Notice*, or who otherwise disagree with any Training Committee decision regarding their status in the program, are entitled to challenge the Committee's actions by initiating a grievance procedure. Within 5 working days of receipt of the Training Committee's notice or other decision, the intern must inform the Training Director in writing that he or she is challenging the Committee's action. The intern then has 5 additional days to provide the Training Director with information as to why the intern believes the Training Committee's action is unwarranted. Failure to

provide such information will constitute a withdrawal of the challenge. Following receipt of the intern's challenge, the following actions will be taken.

1. The Training Director will convene a Review Panel consisting of two staff members selected by the Director and two staff members selected by the intern. The intern retains the right to hear all facts and the opportunity to dispute or explain his or her behavior.
2. The Training Director will conduct and chair a review hearing in which the intern's challenge is heard and the evidence presented. The Review Panel's decisions will be made by majority vote. Within 10 days of completion of the review hearing, the Review Panel will prepare a report on its decisions and recommendations and will inform the intern of its decisions. The Review Panel will then submit its report to the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and the President & Chief Executive Officer of University Behavioral HealthCare.
3. Once the Review Panel has informed the intern and submitted its report, the intern has 5 working days within which to seek a further review of his or her grievance by submitting a written request to the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and the President & Chief Executive Officer of University Behavioral HealthCare. The intern's request must contain brief explanations of the grievance and of the desired settlement he or she is seeking, and it must also specify which policies, rules, or regulations have been violated, misinterpreted, or misapplied. In addition, the intern must forward a copy of the request to the UMDNJ Human Resources office.
4. The Medical Director of University Behavioral HealthCare, Chairman of the Department of Psychiatry, and the President & Chief Executive Officer of University Behavioral HealthCare will then conduct a review of all documents submitted and render a written decision. They will render their decision within 15 working days of receipt of the Review Panel's report, and within 10 working days of receipt of an intern's request for further review if such request was submitted. The Medical Director and Chairman and President may either accept the Review Panel's action, reject the Review Panel's action and provide an alternative, or refer the matter back to the Review Panel for further deliberation. The panel will report back to the Medical Director, Chairman, and President within 10 working days of the request for further deliberation. The Medical Director, Chairman, and President will then make a final decision regarding actions to be taken.
5. If the Chairman's and President's final decision does not resolve the intern's written request for further review to his or her satisfaction, the intern has three working days within which to appeal in writing to the UMDNJ Vice President for Human Resources. The Vice President for Human Resources or his/her designees shall conduct a review of the grievance and render a written decision within 15 working days of receipt of the intern's request. The Vice President for Human Resources or his/her designee shall fashion whatever remedy he/she deems appropriate and that decision shall be final and binding.

6. Once a final and binding decision has been made, the intern, sponsoring graduate program and other appropriate individuals will be informed in writing of the action taken.

STAFF ALLEGATION OF INTERN VIOLATION OF STANDARDS

Any staff member of the UBHC, University Hospital, NJMS, or other UMDNJ unit may file a written grievance against an intern for the following reasons: (a) unethical or legal violations of professional standards or laws; (b) failures to satisfy professional obligations and thereby violate the rights, privileges, or responsibilities of others.

1. The Training Director will review the grievance with other members of the Training Committee and determine if there is reason to go further or whether the behavior in question is being rectified.
2. If the Training Director and other Training Committee members determine that the alleged behavior cited in the complaint, if proven, would not constitute a serious violation, the Training Director shall inform the staff member who may be allowed to renew the complaint if additional information is provided.
3. When the Training Director and other Training Committee members decide that there is probable cause for deliberation by a Review Panel, the Training Director shall notify the staff member and request permission to inform the intern. The staff member shall have 5 days to respond to the request and shall be informed that failure to grant permission may preclude further action. If no response is received within 5 days, or permission to inform the intern is denied, the Training Director and the other Training Committee members shall decide whether to proceed with the matter.
4. If the intern is informed of the complaint, a Review Panel is convened consisting of the Training Director, two members selected by the staff member who filed the allegation, and two members selected by the intern. The Review Panel receives any relevant information from both the intern or staff member that bears on its deliberations.
5. The Review Panel, chaired by the Training Director, will hold a review hearing in which the complaint is heard and evidence presented. Within 10 days of completing the review hearing, the Review Panel shall communicate its recommendation to the intern and to the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and President and Chief Executive Officer of University Behavioral HealthCare.
6. Once the Review Panel has communicated its recommendation to the intern and to the Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and President and Chief Executive Officer of University Behavioral HealthCare, the intern has 5 working days within which to submit a written request for further review to the Medical Director, Chairman, and President. The request should include relevant information, explanations, and viewpoints that

may challenge, refute, or otherwise call for modification of the Review Panel's decisions and recommendations. The request should also specify policies, rules, or regulations that may have been violated, misinterpreted, or misapplied. In addition, the intern must forward a copy of the request to the UMDNJ Human Resources office.

7. The Medical Director of University Behavioral HealthCare, the Chairman of the Department of Psychiatry, and the President & Chief Executive Officer of University Behavioral HealthCare will then conduct a review of all documents submitted and render a written decision. They will render their decision within 15 working days of receipt of the Review Panel's report, and within 10 working days of receipt of an intern's request for further review if such request was submitted. The Medical Director, Chairman, and President may either accept the Review Panel's action, reject the Review Panel's action and provide an alternative, or refer the matter back to the Review Panel for further deliberation. The panel will report back to the Medical Director, Chairman, and President within 10 working days of the request for further deliberation. The Medical Director, Chairman, and President will then make a final decision regarding actions to be taken.
8. If the Medical Director's, Chairman's, and President's final decision does not resolve the intern's written request for further review to his or her satisfaction, the intern has three working days within which to appeal in writing to the UMDNJ Vice President for Human Resources. The Vice President for Human Resources or his/her designees shall conduct a review of the issues and render a written decision within 15 working days of receipt of the intern's request. The Vice President for Human Resources or his/her designee shall fashion whatever remedy he/she deems appropriate and that decision shall be final and binding.
9. Once a final and binding decision has been made, the intern, sponsoring graduate program, and other appropriate individuals will be informed in writing of the action taken.

INTERN COMPLAINT OR GRIEVANCE ABOUT SUPERVISOR, STAFF MEMBER, TRAINEE, OR THE TRAINING PROGRAM

There may be situations in which the Intern has a complaint or grievance against a supervisor, staff member, another trainee, or the program itself, and in which the Intern wishes to file a formal grievance. The following steps are intended to provide the Intern with a means to resolve perceived conflicts that cannot be resolved by informal means. Interns who pursue grievances in good faith will not experience any adverse personal or professional consequences. The Intern who wishes to file a formal grievance should:

1. Raise the issue with the supervisor, staff member, other trainee, or Training Director in an effort to resolve the problem.
2. If the matter cannot be resolved, or it is inappropriate to raise with the other individual, the issue should be raised with the Training Director, If the Training Director is the object of the grievance, or unavailable, the issue should be raised

with the Medical Director of University Behavioral HealthCare.

3. If the Training director cannot resolve the matter, the Training Director will choose an agreeable staff member acceptable to the Intern and request that individual to mediate the matter. Written material will be sought from both parties.
4. If mediation fails, and the complaint is against another trainee, or the program, the Training Director will convene a review panel consisting of the Training Director, the Medical Director of University Behavioral HealthCare, and two staff members of the Intern's choosing. The Review panel will review all written materials (from the Intern, other party, mediation) and have an opportunity at its discretion to interview the parties or other individuals with relevant information. The Review Panel has final discretion regarding outcome. If mediation fails and the complaint is against a staff member, grievance procedures dictated by UMDNJ personnel policies will be followed.
5. The guidelines below are intended to provide the Intern with a means to resolve perceived conflicts that cannot be resolved by informal means. Interns who pursue grievances in good faith will not experience any adverse personal or professional consequences.