Tips for Trainers: Due Process

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In the context of psychology training, due process is a requirement that the entity with more power (in this case trainers and training programs) respect all the rights of the person with less power (psychology trainees – graduate students, interns, and postdoctoral residents/fellows). Due process provides important protections and represents best practice in education, training, and employment. Given this, due process and grievance procedures are a requirement for APPIC membership (https://www.appic.org/Internships/Internship-Membership-Criteria) and https://appic.org/About-APPIC/APPIC-Policies/Postdoc) as well as for accreditation by the Commission on Accreditation (http://www.apa.org/ed/accrcreditation). The APPIC board recommends you address following domains in your policies and procedures: due process, appeal, and grievances.

DUE PROCESS. This should be utilized when a health service psychology trainee’s behavior is problematic. Problem behaviors can take many forms (e.g., lacking sufficient academic preparation, lack of appropriate clinical experiences, personal difficulties that impact professional performance, significantly underdeveloped competencies, etc.). One question to answer related to this is: Do trainees have legitimate reasons to deviate from standard training practice (e.g., ADA accommodations)? Next, consider how you would give notice to a trainee exhibiting problem behaviors (that do not warrant a deviation from standard training practice in your program). Questions to answer related to notice include:

1. What is first level of notice to the trainee that the program has a concern?
2. How long will it take to give notice?
3. How is notice given (written, informal, etc.)?
4. How is a remediation plan determined?
5. As part of your remediation plan, how do you determine what additional supports will be implemented to assist the trainee in resolving the problem behaviors?
6. Once a remediation plan is implemented, how often do you review it?
7. Once a remediation plan is implemented, how do you know if it is working?
8. Once a remediation plan is implemented, how do complete or exit the plan?
9. What would be the next step if a remediation plan is not working?
10. Do you include a probation option?
11. How is probation determined, reviewed, completed, documented?
12. What is the next step if probation is not working?
13. Is termination an option?
14. How is termination determined, reviewed, completed, documented?
15. Is Human Resources involved? If so, when and how?
16. What is the specified timeline for your due process element(s)?

APPEAL. This is the mechanism for the trainee to disagree with a solution/step in the due process as well as a mechanism to disagree with the outcome of a grievance (see below for further discussion of grievances). Questions to consider when evaluating or updating your appeal process:

1. Do your policies explicitly state that a trainee can appeal any decision in the due process?
2. What is the time frame for appeal?
3. Must it be made in writing?
4. To whom must appeal be made?
5. What is time frame for a decision on the appeal?
6. Are there steps beyond the initial appeal? If so, to whom is that appeal made and what is the time frame?
7. Who is the final decision maker? What is the time frame in which the final decision is made? How is trainee informed of final decision?
8. Do you include alternatives to appeal if there is a conflict of interest (i.e., the person of concern is the Training Director)?
9. Is Human Resources involved? If so, when and how?
10. What is the specified timeline for your appeal element(s)?

GRIEVANCE. This is the mechanism for a trainee to make a complaint. Complaints may or may not be related to the due process and appeal process. Questions to consider when evaluating or updating your grievance process:

1. What can a trainee make a complaint about?
2. Do you encourage an informal step first?
3. Who is the complaint made to? How is it made? (written, verbal)
4. Is there a length of time in which a trainee can place a grievance?
5. What is the time frame in which a decision is made and how is the trainee informed?
6. What is the next step if the trainee does not agree with the decision?
7. Who is the final decision maker? What is the time frame in which the final decision is made?
8. Do you have an alternative to the standard grievance process if there is a conflict of interest (i.e., the person of concern is the Training Director)?
9. Is Human Resources involved? If so, when and how?
10. What is the specified timeline for your grievance element(s)?

We often learn how good (or bad) our due process policies are when we have to use them. Take the time now to review and update your due process, appeal, and grievance policies and procedures so they will be strong, reasonable, and appropriately flexible when you need to use them.

References