

Due Process Procedures for Trainees

The training program has three formal action plans to respond to less-than-adequate trainee performance:

The Developmental Action Plan (DAP)

The DAP can be formulated by the Supervisors Group at the point when either Trainee conduct or performance needs improvement or development. This plan is usually in response to a supervisory issue or problem for which the supervisor has sought consultation with colleagues (i.e., in the Supervisors' Group). At this level the issue usually requires a Supervisory Contract. This contract is also used when a specialty or focus in training is desired.

During formal evaluation periods, a DAP would also be used when a Primary Supervisor has given a rating of two as the average mean on any given category. A two-rating--"Minimal proficiency; Requires some improvement"--signifies a problematic aspect of professional competence, conduct, or personal functioning that needs improvement. The rating often indicates the Trainee needs more experience, education, and/or the problem requires special attention in supervision. While a Supervisory contract is usually required, individual training goals that address the issue would definitely be needed for the ensuing supervision period.

The Remedial Action Plan (RAP)

The RAP is instituted when there is a significant concern that at least one area of Trainee competence, professional conduct, or personal functioning, needs to be remediated. The perceived problem or deficiency is serious enough that it potentially could lead to a judgment of Trainee behavior affecting professional functioning. Initially the problem could be identified by the Trainee's Primary Supervisor or any other member of the training staff. In all cases the problem is addressed with the Trainee and brought to the Supervisors' Group for consultation. If the Supervisors' Group recommends a remedial action plan, it is written-up on a Supervisory Contract. The task of translating the plan into this contract is the responsibility of the Training Committee, which does so in conjunction with the Primary Supervisor and Trainee. The committee specifies the terms of the contract and also evaluates the Trainee's response to it.

During an evaluation period, a supervisory rating of one as the average mean on any given category would initiate an RAP. A one-rating- "No proficiency; Serious problem in performance"-- would lead automatically to remedial action procedures. A one-rating indicates that the deficit is a serious one and a Supervisory Contract followed by close supervision and monitoring of the Trainee's work is mandatory.

The Probationary Action Plan (PAP)

The PAP is put into effect when a Trainee's professional behavior is affected to the degree that strongly suggests problematic behavior affecting professional functioning. This can occur under two circumstances: a) when the Training Committee believes there has been insufficient improvement in an Trainee's performance in response to a previous Supervisory Contract (RAP), and b) when a Trainee's performance deficit, professional misconduct, or personal dysfunction is striking or flagrant enough that a staff member decides to submit a formal complaint directly to the Training Committee. In both cases the Training Committee would use a Supervisory Contract to specify a probationary action plan (PAP), which includes some degree of modification or curtailment in the Trainee's professional activities with the Service (see probationary options below). These conditions would continue until the terms of the contract are fulfilled. If the Trainee's performance, as evaluated by the Committee, does not adequately improve to a sufficient standard, then his/her professional functioning would be judged as problematic behavior. In cases of severe violations of the APA Code of Ethics and/or where imminent harm to a client, either physically or psychologically, is a major factor, the committee could recommend suspension, i.e. the withdrawal of all privileges involved with the Service, and dismissal as a CAPS Trainee and employee of UCSD. Final decision for suspension rests with the Director in consultation with persons deemed appropriate. If the Director decides to suspend the Trainee, written notification should be delivered to the Trainee within 24 hours.

Comparing the three administrative actions

Once a problem is identified in supervision, all three plans involve consultation with the Supervisors' Group as the next step. When it is a Secondary Supervisor who has concerns about a Trainee's performance, s/he has the responsibility to give early feedback to the Trainee and Primary Supervisor as well as to consult with the Supervisors' Group and Training Director. This consultation often yields valuable input from other training staff who have worked with the Trainee.

At the DAP level of response, a solution or strategy which the Primary can take back to supervision with the Trainee is recommended. If discussion of the concern is sufficient or potential actions, as outlined on a Supervisory Contract, are agreed upon, then no further procedures are needed. Occasionally, when the supervisor is having a relationship problem with the supervisee, the Training Director will be invited by either party to serve as a mediator in the conflict.

When either a RAP or PAP is recommended by the Supervisors' Group, then development and implementation of the plan is turned over to the Training Committee. The committee, as already discussed, would help the supervisor and Trainee translate the specifics of the plan into a Supervisory Contract, and later they would also evaluate

the results. In the case of a PAP, if the Trainee is subsequently unwilling or unable to meet its terms, the committee would make a judgment of behavior affecting professional functioning and recommend final program options (see below). Next, the final judgment and recommendation would be submitted in writing to the Director of the Service for approval. If approved, the Trainee would be promptly informed of the decision.

All three plans allow for the Trainee to challenge any of the ratings, judgments, or decisions made by a staff member, supervisor, or by the Training Committee as a whole. In such cases an independent appeal panel would be formed to review the Trainee's case. Trainee appeal procedures are discussed more fully below.

Defining Trainee Problematic Behavior

Problematic behavior is defined as an interference in professional functioning that is reflected in one or more of the following ways: (1) an inability or unwillingness to acquire and integrate professional standards and ethics into one's repertoire of professional behavior; (2) an inability to acquire professional skills and reach an acceptable level of competency; (3) an inability to control personal stress, psychological dysfunction or emotional reactions which interfere with professional functioning; (4) normal event such as pregnancy or a health problem which either interferes with the delivery of clinical service, or leads to an extended work leave that jeopardizes the fulfillment of the minimum time requirements as stated in the Traineeship Contract.

Distinguishing Needs Improvement from Problematic behavior affecting Functioning

While it is a professional judgment as to when a Trainee's behavior is considered behavior affecting professional functioning rather than just problematic behavior in need of improvement, the latter refers to behaviors, attitudes, or characteristics, which, while of concern and requiring development, are not unexpected or excessive for professionals in training. Problematic behavior affecting professional functioning, on the other hand, typically includes one or more of the following characteristics:

- 1) The Trainee does not acknowledge, understand, or address the problem when it is identified.
- 2) The problem or area of concern is not merely a reflection of a skill deficit which can be improved with academic or didactic training.
- 3) The quality of services delivered by the Trainee is negatively affected to a significant degree; or, as a result of the problem, the quantity of services falls short of the minimum required in the Traineeship Contract.
- 4) The problem is likely to be manifested in more than one area of professional

functioning.

- 5) A disproportionate amount of attention by training staff is required by the Trainee.
- 6) The Trainee's behavior does not change as a function of feedback, setting individual training goals, applying a Supervisory Contract, and/or the passage of time.
- 7) The problematic behavior has potential for ethical or legal ramifications.
- 8) The Trainee's behavior negatively impacts the public view of the Service.

When one or more of these behavioral characteristics are present to a significant degree and a Supervisory Contract (DAP, RAP or PAP) has failed to rectify the problem, the Trainee's professional functioning would be judged problematic behavior.

Addressing Trainee Problematic Behavior

It is the responsibility of the Training Program to promptly address suspected problematic behavior affecting professional functioning once it has been identified. With a PAP, several possible and perhaps concurrent probationary actions can be initiated. These include but are not limited to the following:

- 1) Increase supervision, either with the Primary Supervisor or with others.
- 2) Change the format, emphasis, and/or focus of supervision.
- 3) Reduce the Trainee's service workload, and/or require specific didactic training or additional coursework, and/or strongly recommend personal therapy.
- 4) Recommend, when appropriate, a leave of absence.

As discussed above, any of these probationary options would be carefully specified on a Supervisory Contract, including the time-period allowed for improvement before the next evaluation is scheduled. If the problem is not rectified within the stated time-period, the contract should also specify final program actions. Such formal actions could include:

- 1) The Trainee is given a limited endorsement, including the specification of those settings in which s/he can or cannot function with the Service's endorsement.
- 2) The Trainee is informed that the traineeship has not been successfully completed and, therefore, no postdoctoral hours (or only partial time) can be certified. When appropriate, a second traineeship could be recommended.

- 3) A career shift can be recommended to the Trainee and assistance can be provided for implementation.
- 4) The Trainee may be terminated from the training program and any further work with the Service. As already indicated, this action could be recommended immediately by the Training Committee if a Trainee's misconduct is deemed grave or flagrant enough to do so.

All of the above steps need to be appropriately documented and implemented in ways that are consistent with the Trainee's right to due-process procedures. Procedures need to be activated within two weeks of learning about trainee behavior. Process must be concluded following three months of initial discovery of trainee behavior.

Trainee Appeal Procedure

A Trainee has the right to appeal or challenge the evaluations and/or decisions of the training program at several different points:

- 1) During a formal evaluation period when the Trainee does not agree with, or is dissatisfied with the Primary Supervisor's ratings on their evaluation; or
- 2) When a staff member has submitted a complaint against a Trainee that has led to a RAP, or, if serious or flagrant enough, a PAP; or
- 3) In response to the Training Committee's RAP or PAP, or their formal evaluation of such.