

## INTERNSHIP DUE PROCESS AND DISPUTE RESOLUTION POLICY

In accordance with the spirit of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Sections 6 and 8, every effort should be made to resolve disputes between supervisees and supervisors in a manner which is respectful, enhances the training of the supervisee and the professional growth of the supervisor, and involves additional parties as they are necessary. The following guidelines are intended to make the process of dispute resolution as straightforward as possible.

1. The conflict should be addressed and, if possible, handled between the supervisor and supervisee.
2. If it is difficult for the supervisee to raise an issue, or if s/he feels that attempts to resolve it with the supervisor have not been successful, the supervisee's perceived mentor should be consulted and, at that person's discretion, may meet with the supervisor and supervisee to attempt resolution. The supervisee may wish to discuss the issue with the mentor supervisor to clarify the issues or how to approach them. (For issues unresolved with Director of Training, contact Medical Director, Mike Troy, PhD, LP; for issues with individual supervisor, contact Director of Training, Sharon Berry, PhD, LP, ABPP).
3. If there is still no resolution, or if the supervisee desires, the supervisee should contact the Director of Training. In accordance with the policies of the Human Resources Department of Children's, this contact should take place within 5 working days of the point of last contact (as in 2. above) between the supervisee and supervisor, and a written summary of the conflict should be provided to the Director of Training. The Director of Training will meet with the supervisee and supervisor separately and then, if appropriate, together, in a further attempt to resolve the issue. A remediation plan or structured supervision plan will be developed as needed to address the deficiencies in written format, outlining concerns and expectations for change, with review and signature by intern and training director. A timeline for review will be included as well, and reviewed with the intern and supervisor(s) with further written documentation of progress (provided to intern with signatures). Copies will be provided to the Director of Graduate Training from the Intern's doctoral program.

The Director of Training may consult the department medical director and/or Human Resources for assistance. If the concern is with the Director of Training and cannot be resolved between the two parties, the supervisee should seek consultation from the Medical Director of Behavioral Health Services.

4. If the issue is not resolved at previous points in the process, the supervisee is encouraged to consult with the Medical Director of Behavioral Health Services to clarify the issues or how to approach them.
5. The supervisee is encouraged to consult at any point during this process with the Clinical Training Director of her/his graduate program. The supervisee is free to initiate this contact at any time. The supervisee may choose to ask that person to consult with the Children's Psychology Director of Training. Similarly, if no resolution has been achieved following #3 above, the Director of Training should contact the graduate program Clinical Training Director for further consultation.
6. If this issue remains unresolved the Children's Hospitals and Clinics of Minnesota formal problem resolution process should be invoked (Human Resources Policy #1032.00), as well as following guidelines established in HR Policy 1025: Corrective Action, Disciplinary Action, Individual and Mutual Accountability. The policies for this process are provided to all interns during orientation. Since the Director of Psychology Training will already have been involved, the intern with a grievance would enter the Children's process at step 4 with a written summary of the dispute submitted to the Medical Director of Behavioral Health Services ("Department Head" in the Human Resources document).
7. Unresolved disputes with significant implications for the quality of Psychology training at Children's may need to come to the attention of the Consultation and Accreditation Office of APA (202 336 5979) or APPIC for Informal Problem Consultation (online submission through [www.appic.org](http://www.appic.org)). The

supervisee may contact either office at his/her discretion, and the Director of Training may also seek the guidance of these resources as appropriate.

**Note: there are a number of situations in which immediate suspension is in order during investigation, which may lead to summary termination (e.g., egregious ethical or legal violations) or for which a lengthy due process remediation plan or structured supervision plan is not appropriate (e.g., viewing illegal websites while at work, fraud, violation of confidentiality, etc.) In these instances, human resource policies regarding suspension and termination are followed.**

g due process & dispute resolution policy/ revised 10/05; 10/08; 10/11; 06/15

### **Problem Resolution**

**Policy Number:** 1032.00 **Version #:** 6 **Site:** System

**Responsible for Review:** Human Resources

**Original Effective Date:** 06/18/99

**Version Date:** 05/27/14

**Next Review Date:** 05/27/17

**Policy:** Children's Hospitals and Clinics of Minnesota (Children's) strives to create a work environment where leaders, managers and fellow workers treat each employee fairly and reasonably. Children's encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from management. Employee concerns will be resolved in a fair process that is both effective and efficient. This process encourages informal issue resolution between an employee and his/her manager or fellow employee as the initial solution to problems that may arise. Children's endorses an open door policy to address and resolve these kinds of issues. Most issues can and should be resolved through direct communication and understanding between the employees involved. This policy and its process shall apply to all non-contract employees. Employees covered under a labor contract are referred to their respective contract grievance provisions.

### **Process:**

1. Children's recognizes that problems are best resolved on an individual basis. Accordingly, only individual employees and not groups of employees may initiate the problem resolution process.
2. In keeping with Children's Service Standards, employees and management staff are encouraged to use established resolution techniques such as:
  - Bringing the issue to the attention of the appropriate individual
  - Seeking first to understand; using listening skills
  - Addressing the problem and not the individual
  - Seeking win/win solutions when possible
  - Discussing concerns in private, professional manner
  - Using the 4 A's (Anticipate, Acknowledge, Apologize and Amend) or SBAR (Situation, Background, Assessment, Recommendation) techniques
3. An employee who wishes to voice a concern should discuss the matter with his/her immediate supervisor or fellow employee. If the employee does not wish to communicate directly with their supervisor or fellow employee, or if such attempts have been unsuccessful, then he/she should contact human resources.
4. If the matter is still not resolved to the employee's satisfaction, the employee may forward their concern in writing with a proposed resolution to the next level of management. If the matter remains unresolved, this step should be repeated up to the next level of management until reaching the vice president with responsibility for the department.
5. The vice president or their designee will work with the vice president of human resources, and may call a meeting with the parties directly involved to facilitate a resolution or may use an alternate process. Human resources staff may be called upon to gather further information or provide other support. If a mutually agreeable solution is still not reached, the vice president responsible for the department and vice president of human resources will have final decision making authority to resolve the matter.
6. All involved individuals are expected to maintain confidentiality about the problem resolution process. Violations of the confidentiality of the process may be subject to disciplinary action.

7. Human resources support and involvement is encouraged at each step of this process.
8. Deviation from this policy requires the review and approval of the Vice President, Human Resources.

**Protection Against Retaliation:**

No employee will be retaliated against, formally or informally, for voicing a good faith complaint or suggestion with Children's management or a fellow employee in a reasonable, business-like manner, or for using this problem resolution procedure. Retaliation is a violation of this policy and should be reported immediately. Any individual found to have retaliated against an employee who files a complaint or anyone participating in the problem resolution process will be subject to appropriate disciplinary action up to and including immediate termination.

**Note:** 1. For complaints or grievances regarding sexual harassment or discrimination, please refer to the administrative policy manual for individual policies and procedures on those specific topics.

2. If an employee has a concern, complaint, or issue with their supervisor, they may elect to utilize human resources staff to formalize and process their concerns.

**Children's Hospitals and Clinics of Minnesota  
Corrective Action, Disciplinary Action, Individual and Mutual  
Accountability**

**Policy Number:** 1025.00 **Version #:** 6 **Site:** System

**Responsible for Review:** Human resources

**Original Effective Date:** 11/19/98

**Version Date:** 08/16/13

**Next Review Date:** 08/16/16

**Policy:** Children's Hospitals and Clinics of Minnesota ("Children's") strives for the highest possible quality outcomes. Recognizing that outcomes are influenced by science, human and other factors, Children's seeks to establish and maintain a high performance/high reliability culture where both the organization and staff are accountable for outcomes under their control. When outcomes are not consistent with requirements and expectations, the factors influencing outcomes are identified and corrective action determined/implemented. Organization and individual performance are encouraged and sustained through process improvement, ongoing orientation and development, communication, feedback, reinforcement, disciplinary and other actions supporting successful demonstration and achievement of established goals, standards and behavior.

**Key Words:** Corrective action; disciplinary action, verbal warning; written warning; suspension; termination; accountability; human error; at-risk behavior; reckless behavior; negligent; reporting unfit; rule breaking; intentional risk taking; repeated at-risk

**Principles:** Children's approach to corrective action is guided by:

- Creating a culture of reciprocal accountability in which management strives to establish a work environment in which staff can fulfill their individual accountability. Systems are managed and individuals manage themselves in such a way as to minimize the risk that human errors will cause harm. The goal is to produce outcomes, follow procedures, rules, and policies and avoid harm.
- A strong commitment to staff development;
- Recognition that the corrective action and disciplinary processes are primarily intended to allow both the organization and employee the opportunity to demonstrate and maintain performance, comply with established standards and expectations, rules of conduct and behavior in order to maximize quality and avoid negative consequences;
- As well as a strong commitment to consistent treatment of all employees and to disciplinary actions that are prompt, consistent in practice, and impartial.

**Definition(s):**

**Corrective Action:**

Action taken by the organization to improve system and/or individual performance such as system redesign, process improvement, standard operating procedures, tools, education and training, communication, disciplinary action, etc.

**Disciplinary Action:**

Action taken to communicate the need, importance and accountability for change in performance by an individual. Examples include verbal and written warnings, suspension and termination.

**Unintentional or Inadvertent Rule Violation:**

Is an unknowing or unintentional violation of a specific procedural rule that the staff member:

- Was not trained for
- Could not reasonably know
- Could not reasonably recognize as applicable

**Justifiable Risk:**

Is an at-risk behavior the staff member believed to be justified because

1. On balance it reduced overall risk even though it did increase immediate risk

**AND**

2. A reasonable peer in that situation would also consider justified.

**Unintentional or Inadvertent Risk:**

Is an at-risk behavior taken without knowing it created risk.

**Human Error:** Error by a person that is a product of our current system design operated by fallible

human beings and not a result of intentional, at risk, repetitive human error or reckless behavior.

**At-Risk Behavior:**

Behavioral choice that increases risk where risk is not recognized or is mistakenly believed to be justified. It also includes not demonstrating appropriate competencies and/or lack of appropriate judgment.

**Reckless Behavior:**

Is behavior that is unacceptable and may lead to remedial or disciplinary action; common examples include but are not limited to the following:

1. **Reporting unfit** means an individual not reporting for work when expected, or reporting for work in a condition not able to work safely and not disclosing this to their supervisor (examples include but are not limited to intoxicated or under the influence of drugs, hung over, sleep deprived, not having completed required training, misrepresenting their qualifications); this does not include situations when an employee discloses that illness or when factors out of the staff member's control are responsible for the employee reporting unfit.
2. **Intentional risk taking** means an individual knowingly or without regard for the welfare of the patient, family or coworker acts in an at-risk manner not justified by other reductions of risk.
3. **Repetitive at-risk behavior** means at-risk behavior after previous events and the employee has not been responsive to behavioral coaching and warnings.
4. **Repetitive human error** means a series of human errors by an individual not correctable by changes in work choices or remedial education/training
5. **Intentional rule breaking** means knowingly breaking a rule that the staff member had been educated on or should reasonably know and by that action creating a negative environment and/or unjustifiable risk.
6. **Intentional harm** means an individual acts to harm another person, property, or system. (Examples may be causing mental or physical injury, destroying property, or making a system malfunction.)

**7. Violation of standards and rules** means an individual violates established Children's policies, standards, codes, instructions; Bylaws, Rules and Regulations of the Professional Staff; and/or local, state, or federal law or regulation.

**Guidelines:** 1. This policy applies to all employees except where specifically limited by labor contract provisions or the terms of an individual written employment contract.

2. Corrective action will be based on analysis of the situation in terms of mutual accountability of both the system and the individual. If both system and individual issues are identified, both will be addressed. The existence of system issues does not remove individual accountability to act in accordance with rules, standards, reasonable and prudent judgment, nor does it limit the options for corrective action or discipline.

3. Individual actions are considered in three categories: (1) human error; (2) at risk behavior; or (3) reckless (reporting unfit, intentional risk-taking, repeated at-risk, intentional rule breaking, intentional harm, violation of rules or standards). Disciplinary action may be appropriate in cases of at risk or reckless behavior.

4. Corrective and disciplinary actions will be discussed and presented in a face-to-face meeting between an employee and their manager/supervisor. Exceptions will be if Children's is unable to contact the employee, if the employee chooses not to schedule or attend the meeting, or if the employee is unable to attend the meeting.

5. All corrective and/or disciplinary actions will be documented, preferably by using Children's Corrective Action Form, and may include a written performance improvement plan (PIP) when warranted.

6. The disciplinary process may include verbal warnings, written warnings, suspensions, terminations or any combination thereof and will usually be progressive in nature.

7. Unless otherwise agreed upon between the manager/supervisor and human resources, a human resources representative will be present at all suspension and termination meetings.

8. No suspension will be issued that would be incompatible with maintaining a salaried employee's exempt status under the Fair Labor Standards Act or Minnesota state law.

9. Employees who are charged or convicted of a crime may be subject to disciplinary action up to and including termination.

#### **Process: Steps in Evaluating Accountability**

A. Investigate and collect information on the specific issues and concerns that are alleged to have occurred

B. The individual involved will be offered the opportunity to provide information relative to the situation and identify any circumstances impacting their ability to perform or behave according to established requirements and standards. Contract employees will be advised of their right to union representation.

C. Apply mutual accountability tests to determine system and individual Accountability

D. Take appropriate action in regard to system redesign and individual accountability

E. The individual will be advised of resources and programs available for employee assistance.

F. For at-risk and reckless behavior, disciplinary action may be taken. The level of action that is appropriate for the situation will be determined by the employee's manager/supervisor in collaboration with Human Resources.

G. The following are illustrations of disciplinary options to be considered by the manager. **Please note** that all suspensions and terminations must be reviewed with human resources prior to being implemented in order to ensure that suspension or termination is the appropriate action.

#### **1. Verbal Warning**

- A verbal warning identifies and discusses problem areas and the actions that must be taken to improve job performance and/or employee behavior within a specific period of time. The manager discusses and documents the problem/concern formally with the employee and may reference previous discussions and/or counseling sessions. The employee is told what s/he must do to improve their performance or behavior and the consequences of a failure to improve.

#### **2. Written Warning**

- A written warning identifies and discusses problem areas and the actions that must be taken to improve job performance and/or employee behavior within a specific period of time. The manager discusses and documents the problem/concern formally with the employee and may reference previous discussions and/or action. The employee is told what s/he must do to improve their performance or behavior and the consequences of a failure to improve.

### 3. Suspension

- A suspension is issued for a repeated failure to meet job performance and/or behavior standards or for performance or behavior that necessitates a more severe initial corrective step. An employee may also be suspended or placed on a leave of absence pending the completion of an investigation. The manager discusses and documents the problem/concern formally with the employee and may reference previous discussions and/or action. The employee is told what s/he must do to improve their performance or behavior and the consequences of a failure to improve. The length of suspension will be determined on a case-by-case basis. Suspensions will generally be unpaid status. For this reason, the employee may not be able to use any accrued PTO, vacation, etc. to cover days off due to corrective suspension.

### 4. Termination

- Depending on the nature of the job performance or behavior issue, termination of employment may be the initial form of action or may occur after any or all of the preceding steps have been taken and required improvement has not occurred. Employees who are terminated forfeit any and all rights to accrued benefits with the exception of those rights specified in certain benefits programs or those rights guaranteed by law. In some cases a terminated employee may be escorted back to their workstation to gather their personal belongings and then escorted off of the premises. Managers are responsible for securing Children's owned equipment (ID badge, keys, PDA, etc.) from the employee before they leave the premises. Managers should also immediately follow up with ITS in order to remove the employee's access to Children's information technology systems. The manager, employee and any other persons present should sign and date the disciplinary action form and/or performance improvement plan. If the employee refuses to sign, the manager should note that fact on the form. In all cases where an employee is requested to sign disciplinary documentation, the employee's signature does not mean that the employee agrees with the action, but it does mean that the employee acknowledges receipt and understanding of the disciplinary action.

H. The employee may write her/his own comments to be included with or attached to the disciplinary documentation and included in their personnel file.

I. A copy of the completed disciplinary documentation will be provided to the employee and provided to human resources to be placed in the employee's personnel file. All investigation and disciplinary action information will be handled in a confidential manner and made available on a need to know basis.

J. Concerns and disputes related to the corrective action and the disciplinary action processes will be handled consistent with the established employee dispute resolution process.

**Deviations:** Interpretation and enforcement of this policy and determination of the disciplinary process to be used and the nature and extent of action to be taken are within the sole discretion of Children's. Actions may include reports to agencies and licensing boards and privileging boards. Disputes about the interpretation and enforcement and any requests for deviation from this policy will be resolved or authorized by the vice president, human resources.

#### **Related Policy(s):**

1008.00 Human Resources Policy Guidelines

1032.00 Problem Resolution