



THE OHIO STATE UNIVERSITY

Counseling and Consultation Service
Office of Student Life
ccs.osu.edu

DUE PROCESS POLICY

Policies Employed to Advise and Assist Trainees Not Performing to Expected Level of Competence

A. Evaluation and Feedback Procedures

1. The first formal evaluation takes place near the end of Fall semester. At that time, each supervisor provides a profile of each trainee according to their professional strengths (e.g., clinical skills, multicultural competency), and areas for continued development to the senior staff. All senior staff members who have had contact with that trainee as supervisor, trainer, group co-leader, co-consultant, etc., will be asked to give feedback. The supervisor then discusses that feedback with the trainee during individual supervision.
2. All trainees and supervisors complete written evaluations of each other at the end of each term—three times during the traineeship for psychology interns and clinical fellows; two times for social work and counseling interns. These evaluations are mutually discussed, co-signed and scanned in the trainee's training file. If a trainee does not agree with the content of the evaluation, it is permissible to attach an addendum, stating the reasons for the disagreement.
3. Transitioning from Semester to Semester: The Training Coordinator responsible for the specific training group in which the trainee resides, is managing the transition from one term to the next and will meet with the trainee near the beginning of each term. Part of this meeting will include a focus on the trainee's growth, strengths, growth edges, and progress in their traineeship.

In the case that a change in supervisors occurs, in order to assure appropriate supervision and transition, the prior semester's Evaluation of Trainee will be distributed to the subsequent supervisor for review.

The Coordinators of the groups of trainees will also raise the issue of semester transitioning during regularly scheduled group meetings near the beginning of Fall, Spring, and Summer terms.
4. Any concerns with a particular trainee that develop before and/or between these formal steps are addressed to the Director of Training.
 - a. The Director of Training may initiate a discussion of the concerns with the senior staff members of the Training Committee, the supervisor, the trainee, or any other person relevant to the best understanding of the situation, to assess the concern and make suggestions for addressing it.

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- b. Issues and recommendations resulting from these discussions are first presented to the trainee's supervisor if not already involved, who addresses them as part of supervision.
- c. If the issues and/or concerns are not effectively addressed through supervision, a confidential staffing will be conducted under the direction of the Director of Training and may involve the entire senior staff or a relevant subset of such. The Director of Training and/or supervisor will implement the recommendations.
- d. Notwithstanding any other provision in this policy, CCS reserves the right to immediately terminate a trainee for serious unethical or illegal conduct that causes concern for clients' physical and/or emotional well-being. Such conduct would include, but not be limited to, romantic or sexual relationships with clients; exhibiting physically aggressive behavior toward a client or colleague; repeated violations of confidentiality; or being convicted of a felony.

B. Policy for Concerning Behavior

1. Definition of Concerning Behavior

In rare cases a trainee may demonstrate serious ineffective and concerning behaviors that cannot be addressed through the informal and formal processes referred to in Section A. **Concerning behaviors are here defined as those that cause or potentially cause a serious interference with a trainee's professional functioning.** Broadly stated, these behaviors may include one or more of the following:

- a. The trainee demonstrates an inability or unwillingness to acquire and integrate professional and ethical standards into his/her/their repertoire of professional behavior. This includes but is not limited to the ethical standards established by the professional organization of the trainee's discipline. It also includes violations of CCS Policies and Procedures.
- b. The trainee demonstrates an inability or unwillingness to acquire professional skills in order to reach an acceptable level of competency.
- c. The trainee demonstrates an inability or unwillingness to control personal stress, psychological dysfunction, or excessive emotional reactions.
- d. The trainee engages in illegal conduct.

C. Determination of Concerning Behavior

Determination of the above behaviors will generally be based on evaluations by trainee's supervisors, trainers, and/or co-consultants, or other credible information deemed relevant to the evaluation of the trainee, and by a consensus of those Senior Staff who have had direct observation of the behavior(s) in question. In making this judgment Senior Staff may consider, but are not be limited to, the following attitudes, characteristics, or behaviors exhibited by the trainee:

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- a. The trainee does not acknowledge, understand, or address the concerning behavior when it is identified.
 - b. The concerning behavior is not merely a reflection of a skill deficit which can be rectified by academic or didactic training.
 - c. The quality of services delivered by the trainee is negatively affected.
 - d. The concerning behavior is not restricted to one area of professional functioning.
 - e. A disproportionate amount of attention by training personnel is required.
 - f. The concerning behavior has potential for ethical or legal ramifications if not addressed.
 - g. The trainee's behavior negatively impacts the public view of the agency.
3. If a concerning behavior is determined to exist, except as provided in A.4.d. or B.1.d., a written statement of deficiencies and specific steps for correction is presented to the trainee. The trainee and Director of Training develop a specific contract and time line to address these deficiencies.
 4. If the contract is not satisfactorily met nor renegotiated, the trainee receives a second formal warning that discusses dismissal if specific actions are not taken. The trainee's home program receives a copy of this formal statement.
 5. If the deficiencies are not adequately addressed, the trainee is dismissed.

Imbedded in the above procedure are steps that include notice to the trainee and a process for hearing the concerns, as outlined in "Policies Employed to Advise and Assist Trainees in Addressing Grievances." In the event of a dismissal, a trainee can seek an appeal through the Director of the Counseling and Consultation Service.

C. Addressing Concerning Behavior

1.) Verbal Acknowledgement to the trainee that emphasizes the need to discontinue the concerning behavior under discussion. No record of this action is kept. If a trainee exhibits concerning behavior, the following procedures will be taken:

- a.) The training staff member will verbally discuss their concerns about the behavior of the trainee and the need to discontinue the behavior or increase competency.
- b.) Specific improvements in performance that are required of the trainee will be communicated. No record of this action will be kept in the trainee's file.

2.) Written Acknowledgement to the trainee formally acknowledges that:

- a.) The Training Director (TD) is aware of and concerned with the behavior or performance rating.
- b.) The concern has been brought to the attention of the trainee.
- c.) The TD and supervisor(s) will work with the trainee to rectify the concerning behavior or skill deficits.
- d.) The behaviors are not significant enough to warrant more serious action.

The written acknowledgment will be removed from the trainee's file when the trainee responds to the concerns and successfully completes the traineeship.

3.) Schedule Modification is a time-limited, remediation-oriented closely supervised period of training designed to return the trainee to a more fully functioning state. Modifying an trainee's schedule is made to assist the trainee with the full expectation that the trainee will complete the traineeship. This period will include more closely scrutinized supervision conducted by the trainee's supervisor in consultation with the TD. Several possible and perhaps concurrent courses of action may be included in modifying a schedule. These include:

- a.) Increasing the amount of supervision, either with the same or other supervisor(s)
- b.) Change in the format, emphasis, and/or focus of supervision
- c.) Recommending personal therapy
- d.) Reducing the trainee's clinical or other workload
- e.) Requiring specific academic coursework.

The length of a schedule modification period will be determined by the TD in consultation with the primary supervisor, training committee and the Clinical Director/Director. The termination of the schedule modification period will be determined, after discussions with the trainee, by the TD in consultation with the primary supervisor and the Director.

4.) Written Warning to the trainee indicates the need to discontinue the concerning behavior. The trainee will be asked to provide the Training Director with both verbal and written statements explaining the trainee's version of the situation (presenting copies of relevant evaluation forms, if available). The written document will be placed in the trainee's file and verbally shared with the home academic department; it will be removed from the CCS file when the trainee adequately responds to the concerns and successfully completes the traineeship. This letter will contain:

- a.) A description of the trainee's unsatisfactory performance;
- b.) Actions needed by the trainee to correct the unsatisfactory behavior;
- c.) The time line for correcting the issue;
- d.) What action will be taken if the issue is not corrected; and
- e.) Notification that the trainee has the right to request a review of this action.

A copy of this letter will be kept in the trainee's file. Consideration may be given to removing this letter at the end of the traineeship by the TD in consultation with the trainee's supervisor and Director. If the letter is to remain in the file, documentation should contain the position statements of all parties involved in the dispute.

5.) Probation is also a time limited, remediation-oriented, more closely supervised training period. Its purpose is to assess the ability of the trainee to complete the traineeship and to return the trainee to a more fully functioning state. Probation defines a relationship in which the TD systematically monitors, for a specific length of time, the degree to which the trainee addresses, changes, and/or otherwise improves the behavior associated with the inadequate rating. The trainee is informed of the probation in a written statement, which includes:

- a.) The specific behaviors associated with the unacceptable rating;
- b.) The recommendations for rectifying the concerning behavior;
- c.) The time frame for the probation during which the concerning behavior is expected to be ameliorated, and
- d.) The procedures to ascertain whether the concerning behavior has been appropriately rectified.

If the TD determines that there has not been sufficient improvement in the trainee's behavior to remove the Probation or modified schedule, then the TD will discuss with the primary supervisor, and the Director possible courses of action to be taken. The TD will communicate in writing to the trainee that the conditions for revoking the probation or modified schedule have not been met. This notice will include the course of action the TD has decided to implement. These may include continuation of the remediation efforts for a specified time period or implementation of another alternative. Additionally, the TD will communicate to the Director and training committee that if the trainee's behavior does not change, the trainee will not successfully complete the traineeship.

6.) Suspension of Direct Service Activities requires a determination that the welfare of the trainee's client(s) or consultee(s) has been jeopardized. Therefore, direct service activities will be suspended for a specified period as determined by the TD in consultation with the Clinical Director and Director. At the end of the suspension period, the trainee's supervisor in consultation with the TD will assess the trainee's capacity for effective functioning and determine when direct service can be resumed.

7.) Administrative Leave involves the temporary withdrawal of all responsibilities and privileges in the agency. If the Probation Period, Suspension of Direct Service Activities, or Administrative Leave interferes with the successful completion of the training hours needed for completion of the traineeship, this will be noted in the trainee's file and the trainee's academic program will be informed. The training committee will inform the trainee of the effects the administrative leave will have on the trainee's stipend and accrual of benefits.

8.) Dismissal from the traineeship involves the permanent withdrawal of all agency responsibilities and privileges. When specific interventions do not, after a reasonable time period, rectify the impairment and the trainee seems unable or unwilling to alter his/her/their behavior, the TD will discuss with the Director the possibility of termination from the training program or dismissal from the agency. Either administrative leave or dismissal would be invoked in cases of severe violations of the Code of Ethics, or when imminent physical or psychological harm to a client is a major factor, or the trainee is unable to complete the traineeship due to physical, mental or emotional illness. When an trainee has been dismissed, the TD will

communicate to the trainee's academic department that the trainee has not successfully completed the traineeship.

D. Self-Disclosure of Criminal Convictions Post Employment

Self-Disclosure of Criminal Convictions Post Employment

A. Current faculty, staff, graduate associates (GAs), student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post-employment criminal convictions within three business days of the conviction to the unit senior human resource professional (SHRP) or the OHR director of employee relations using the Self-Disclosure of Criminal Convictions form.

B. Auxiliary faculty and GAs that have a break in service of less than 12 months must disclose any convictions that occurred during the break within three business days of returning to university employment.

C. Staff that fail to disclose criminal convictions, fail to provide accurate details regarding criminal convictions, and/or fail to cooperate in the background check process will be subject to corrective action up to and including termination in accordance with the appropriate collective bargaining agreement, Classified Civil Service Rules, and/or university policy.

D. Faculty that fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to University Rule 3335-5-04.

E. Graduate associates, student employees, and volunteers that fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to corrective action, up to and including termination. The Ohio State University – Office of Human Resources hr.osu.edu Self-Disclosure of Criminal Convictions Policy 4.17 Office of Human Resources Applies to: Faculty, staff, appointees, volunteers, third party staffing vendors, graduate associates, student employees

PROCEDURE

Revised: 07/01/2019

I. Assessment of Disclosed Criminal Convictions

A. A criminal conviction is not necessarily a bar to continued employment or volunteering with the university. The university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties.

B. The dean or vice president, Office of Academic Affairs, SHRP, Office of Legal Affairs and/or director of employee relations, as appropriate, will make a determination regarding suitability for continued employment or volunteering based on the information received and collected regarding the conviction.

II. Disclosed Criminal Convictions Records

A. Individuals must complete the Self-Disclosure of Criminal Convictions form and submit it to their SHRP or the OHR director of employee relations for assessment.

B. Individuals subject to termination due to information revealed via self-disclosure and confirmed by a background check conducted by a third party vendor must be provided with a copy of the results and a copy of the Summary of Your Rights Under the Fair Credit Reporting Act. The OHR director of employee relations or BCC is responsible for providing the results to the individual.

C. Individuals who fail to self-disclose a criminal conviction in accordance with this policy

must be notified in writing regarding any decision about their continued employment or volunteering with the university and their future employability.

D. For information about the retention of records relating to self-disclosed criminal convictions by a current employee/volunteer, refer to the General University Records Retention Schedule.

E. Self-disclosed criminal convictions by a current employee must not be stored in an employee's personnel file.

F. All information received in connection with a current employee's or volunteer's self-disclosure of criminal convictions must be treated with discretion and only disclosed when necessary.

Signature of Trainee

Date

PRINT NAME

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