

Department of Psychology Progressive Remediation/Disciplinary Policies

(Modeled on the Progressive Disciplinary Policies of ETSU, PPP-70)

The purpose of this policy is to address misconduct or poor performance (other than coursework performance) in a manner that ensures:

- Prompt, consistent, and fair treatment
- All legal requirements are met
- That the rights, benefits, and responsibilities of the student are articulated and protected
- That faculty supervisors/advisors follow standard remediation/discipline proceed

The Directors of Clinical and Experimental Training (DCT/DET) has the delegated authority to suspend, place on probation or terminate the student from the program. No supervisor/faculty advisor has the authority to suspend, terminate, place on probation without prior consultation and approval from the DCT/DET. During each phase of progressive discipline, the DCT/DET and Department Chair must be notified. All supervisors/faculty advisors must maintain appropriate and adequate documentation.

Situations that may trigger progressive remediation/disciplinary policies include, but are not limited to the following:

- Violations of established Program, Department, University, affiliated training sites, and TBR policies and procedures;
- Failure to achieve and maintain standards of conduct;
- Unprofessional or unethical behavior;
- Unsatisfactory job performance;
 - Academic performance in courses
 - Timely completion of milestone projects
 - Fulfilment of teaching responsibilities
 - Clinical performance
- Non-compliance with training and graduate assistant contracts;
- Gross misconduct including, but not limited to:
 - Violations of the APA Code of Conduct;
 - Absence or habitual tardiness from duty (e.g., graduate assistant assignments);

- Any act or omission which may seriously disrupt or disturb the normal operation of the training program;
- Theft or dishonesty, including academic and scientific misconduct;
- Gross insubordination;
- Destruction of university property;
- Falsification of records;
- Acts of moral turpitude;
- The illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol;
- Disorderly conduct;
- Provoking a fight;
- Incompetence resulting in ineffectiveness or public harm;
- Impairment due to stress, distress, psychological dysfunction, or substance use;
- Or other intolerable behavior.

I. Remediation Process

Formal remediation is not considered a punishment, but rather a tool to problem-solve and improve performance. Remediation can be used to address minor conduct or performance issues. The process should encourage student's understanding and concurrence on the issues and encourage student's participation in developing a solution. The DCT/DET and/or Chair will provide assistance in the identification of appropriate remediation options as necessary (e.g., counseling, coaching, and training options). The psychology department will keep a written record of all remediation discussions.

The remediation process should include:

- A memorandum to the student sent by the DCT/DET informing the student of the need for remediation, the reason for remediation (e.g., date of incident, rule or standard violated), and the consequences of not following through with remediation;
- Development of a remediation plan which includes input minimally from the primary academic advisor and the student about the corrective action(s) to be taken;
- Acknowledgement of receipt of the remediation plan by the student;
- Documentation of the remediation plan and the student's acknowledgement of the remediation plan (maintained in the student's departmental file);

Possible remediation options include:

- Supervisory counseling;
- Behavioral contracts;
- Reflective papers;
- Informal discussions;
- Formal verbal warning;
- Referral for professional counseling;
- Continuing education (e.g., workshops)

II. Disciplinary Process

If remediation is not successful in solving the problem, then disciplinary processes may be initiated. Prior to any disciplinary step, the supervisor/faculty member must contact the DCT/DET before proceeding.

The disciplinary sequence may involve:

- a. A written warning;
- b. Probation for up to six months (which may include restriction of duties);
- c. Suspension of graduate assistantship;
- d. Suspension from the program;
- e. Termination from the program;

A. Written warning should include:

- Details and history;
- Rules or standards violated;
- Improvement required;
- Time table for improvement;
- Consequences of not improving;
- Signature of primary academic advisor;
- Student acknowledgement;

A copy of the written warning will be placed in the student's official departmental file.

B. Probation for up to six months

Failed remediation may result in additional remediation or the student being placed on probation. If the primary academic advisor believes that failed remediation should result in probation, she or he is expected to provide the DCT/DET with:

- The details and history of the student's failed efforts at remediation;
- The rules or standards violated;
- The improvement required;
- Supporting documentation.

The student will be notified in writing of a decision in favor of probation. A copy of the notification and supporting documents will be placed in the student's official departmental file. The primary academic advisor is expected to meet regularly with the student to gauge student progress during the probationary period.

C. Suspension of graduate assistantship or suspension from the program:

If the primary academic advisor believes that after failed remediation and failed disciplinary actions such as written warning and probation, the student should be suspended from the graduate assistantship responsibilities or the program, she or he is expected to provide the DCT/DET and Department Chair with:

- The details and history of the student's failed efforts at remediation;
- The rules or standards violated;
- The improvement required;
- Supporting documentation.

The student will be notified verbally and in writing of a decision in favor of suspension from the DCT/DET and signed by the Department Chair. A copy of the notification and supporting documents will be placed in the student's official departmental file. The primary academic advisor is expected to meet regularly with the student to gauge student progress during the probationary period. All students are entitled to a grievance hearing.

D. Termination from the Program

In cases where students have failed to correct problems after previous attempts at remediation and disciplinary processes, and/or the problem is severe, termination from the program may be justified. In the event of a decision for termination, a written request will be submitted to the Graduate Dean by the DCT/DET (signed by the Department Chair) and will include:

- The details and history of the student's failed efforts at remediation;
- The rules or standards violated;
- The improvement required;
- Supporting documentation (including prior discipline, counseling, training);

The request is reviewed by the Graduate Dean who consults as appropriate with legal affairs, disability services, etc. A formal termination letter to the student will be written by the DCT/DET and signed by the Chair and the Graduate Dean. A copy of the letter and documentation will be placed in the student's official departmental and Graduate School files. All students are entitled to a grievance hearing.

III. Faculty Investigations and Documentation

Faculty must investigate a problem or incident before determining what counseling or discipline is warranted. Faculty should investigate the facts and circumstances surrounding the problem; determine the rules broken, and the work practice not followed. Faculty in their investigation should review work products, interview witnesses, review timesheets, and attempt to directly observe the problem/violation. Faculty should then communicate their findings to the DCT/DET. Formal remediation requires a vote of faculty.

IV. Right to Rebuttal

Students are permitted to submit a written rebuttal to their supervisor during each phase of the disciplinary process. Written rebuttals must be submitted formally to the DCT/DET. All documents will be reviewed and placed in the student's official departmental file.

Documentation regarding disciplinary procedures remains a permanent part of the student's official departmental file.

V. Faculty Facilitation Process:

- Gather examples of poor work product or misconduct;
- Observe firsthand the situation or misconduct, if possible, or quote sources of information;
- Determine what rule was broken or research which practice or policy was not followed;
- Plan a private meeting with the student to include an additional faculty or staff member (committee member) as a witness;
- Keep a record of problems, dates, correct behavior expected, time-line for correction;
- Develop a list of training opportunities for the student;
- Offer the student the help of the university's Employee Assistance Program and/or the Student Counseling Center to assist with problems that may be affecting work performance and/or attendance;
- Ask for the student's perception and ideas;
- Explain that further disciplinary consequences may occur if the problem is not corrected;
- Document all meetings; save emails or other written/electronic communications; transcribe voice messages;

Faculty Grievances

Please consult the Faculty Handbook for the entire text relating to these matters of Complaints and Grievances: <http://www.etsu.edu/senate/facultyhandbook/>.

1.4 Employee Grievance/Complaint Procedures

1.4.1 Purpose

The purpose of these procedures is to provide a clear, orderly, and expedient method through which all employees of East Tennessee State University may process bona fide grievances or complaints.

1.4.2 Policy Statement

It is the intention of East Tennessee State University to provide an effective process for the resolution of problems arising from the employment relationship or environment. To this end, a formal grievance/complaint procedure has been established for the use and benefit of all

employees. It is the responsibility of administrative, academic, and line supervisors to inform and make available to all employees information concerning these procedures. When an employee believes a condition of employment affecting him/her is unjust, inequitable or a hindrance to the effective performance of his/her employment responsibilities, he/she should seek resolution through this mechanism without fear of coercion, discrimination or reprisal. The objective of East Tennessee State University's Grievance/Complaint Procedures is to make every effort to resolve a grievance/complaint at the lowest possible step. Toward this end, faculty are encouraged to communicate openly with their immediate supervisors and to consult with a trained procedural consultant (so designated by the Faculty Concerns and Grievance Committee for the university and trained appropriately for the position) for clarity about definitions of grievances and complaints and procedures for advancing either.

1.4.3 Scope

These procedures apply to all employees and cover all employment related issues with the exception of Sexual Harassment, Affirmative Action Matters, and Tenure. The institution has a separate set of guidelines for the processing of Sexual Harassment complaints and matters involving Affirmative Action (i.e., unlawful discrimination on the grounds of race, religion, color, sex, age, handicap, nation origin, or veteran status). Sexual Harassment complaints should be filed with those individuals outlined in the Sexual Harassment Plan while Affirmative Action matter should be filed with the Affirmative Action Director. Furthermore, a separate Committee on Promotion/Tenure appeals exists for the disposition of matters involving tenure or promotion. Moreover, an employee may choose to utilize these procedures for review by the grievance committee (established pursuant to the within guidelines) in the following situations:

1.4.3.1 Actions relating to the suspension of employees for cause or termination in violation of an employment contract which fall under TBR Policy 1:06:00:05 (cases subject to TUAPA); or,

1.4.3.2 Actions related to TBR Policy 5:02:03:00, Section III. 16. b. (2) (suspension of tenured faculty). Furthermore, the University may choose to utilize these procedures for review by the grievance committee (established pursuant to the written guidelines) when resolving a matter initiated pursuant to TBR Policy 5:02:02:00 (faculty promotion).

1.4.4 Definitions There are two (2) types of matters that may be addressed by these procedures:

- (a) Grievances subject to committee review; and,
- (b) Complaints that must be resolved without committee review.

a. Grievance - (committee review available) - An employee may only grieve those matters which result from any action the Institution has taken against the employee which:

- (1) Violates school or TBR policy, or involves an inconsistent application of those policies; or,
- (2) Violates any constitutional right including, but not limited to the First, Fourth, or Fourteenth Amendments to the Federal Constitution and specifically, but again not limited to, actions that hamper free speech, freedom of religion, the right to association, personal and professional property rights, provides for improper search and seizure, or denies constitutionally required notice or procedures.

b. Complaints (committee review not available) - A complaint is a concern an employee wants to discuss with supervisory personnel in an effort to resolve the matter. Personnel actions such as performance evaluations, rates of pay, position reclassification, or position termination due to reduction in force are not defined as complaints. In effect, in order for a personnel action such as those described in the preceding paragraph to be formally challenged by an employee or faculty member, the action must be the result of an alleged violation of school or TBR policy, an inconsistent application of those policies, a violation of any constitutional right, et. seq. (Note: bases for challenges are listed in Section III [“Scope”] and Section IV [“Definitions”]). This section recognizes that the informal “give-and-take” traditionally associated with the employment process will not be altered and that an employee should feel free to express dissatisfaction with the working environment; however, there is an appropriate framework for expressing personal dissatisfaction, which this policy attempts to outline.

1.4.4.2 Employees

All references to the term “employee(s)” contained in these procedures only include administrators, faculty (full-time or temporary contracts), professionals, clerical, and support personnel. Probationary employees are also included in the definition; however, student workers, graduate assistants, adjunct faculty, and temporary workers are not included in the definition of employee as it pertains to the grievance procedure.

1.4.4.3 Grievance Committee

There are two grievance committees utilized by the University. The two types are the

- (1) Faculty Concerns and Grievances Committee, and

(2) Non-Faculty Grievance Committee.

(1) Faculty Concerns and Grievances Committee

The Faculty Concerns and Grievance Committee shall:

- (a) Designate a panel of three faculty members to serve the university as procedural consultants;
- (b) Participate with the University Attorney in training procedural consultants in the definitions, policies, and procedures related to filing both grievances and complaints;
- (c) Serve, when asked by the faculty member, as a consultative body for the development of any grievance or complaint, subject to guidelines and restrictions of this process stated in 1.4.10 – Faculty Senate Policy for Faculty Grievances, Sections 1 & 2;
- (d) Only consider and forward recommendations to the President on those matters which meet the criteria for grievances—with those problems which are deemed complaints to have their ultimate resolution through the Office of the President of the University.

(2) Non-Faculty Grievance Committee – (omitted from this document; see ETSU, Human Resources for entire text)

1.4.5 Responsibility for Implementation and Compliance

The President of the University has ultimate responsibility for the implementation of these procedures and is the final decision maker in the resolution of complaints. The final decision making authority in any action involving a grievance, pursuant to TBR Policy 1:02:11:00, resides with the Chancellor of the Tennessee Board of Regents.

1.4.6 General Rules of Implementation

The primary responsibility for resolving grievances matters rests with the employee/faculty member and his or her immediate supervisor. Initial steps should always be taken to resolve disputes at this level before proceeding to the following rules of implementation. When a concern or issue has not been resolved informally, and the concern might be foreseen to result in a formal complaint or grievance, the immediate supervisor will refer the faculty member to an appropriate procedural consultant or consultants for consultation and guidance by giving the faculty member a referral card developed and provided by Faculty Senate.

1.4.6.1 Employees using these procedures shall be entitled to do so without fear of retaliation, interference, coercion or discrimination.

1.4.6.2 A grievance which is the subject of an action filed with an external body shall not be processed through the University's grievance procedures. The term external body includes a court or federal or state administrative body such as the Equal Employment Opportunity, Office of Civil Rights, or Tennessee Human Rights Commission.

1.4.6.3 A grievance/complaint must be presented to the employee's immediate supervisor within ten (10) working days after the occurrence of the incident. Any claim not presented within the time frame provided shall be deemed to have been waived. For repetitive or ongoing incidents or circumstances, the grievance/complaint must be filed within ten (10) working days of the last occurrence of such incident or circumstance or of the discovery by the employee of the occurrence. This policy presumes that all employees or faculty members will use good faith and diligence in the discovery of grievant matters.

1.4.6.4 The grievant/complainant is entitled to be accompanied by an advisor at each step of the procedure; however, the advisor may not act as an advocate on behalf of the individual.

1.4.6.5 Employees shall be given the opportunity to pursue grievances/complaints during their assigned work time.

1.4.6.6 The President may grant reasonable extensions of the applicable time limits at each stage of the procedure upon the timely showing of good cause. The request for an extension must be in writing. The approval or denial of the request shall also be in writing.

1.4.6.7 Supervisors to whom a grievance is raised and the Grievance Committee may consult the Director of Human Resources for advice on resolving grievances (except for grievances involving an action taken against the grievant by the Director of Human Resources).

1.4.7 Grievance/Complaint Process

1.4.7.1 Steps for Filing a Grievance Only

1.4.7.1.1 Discussion with Immediate Supervisor

A grievance must be brought to the attention of the employee's immediate supervisor within twenty (20) working days after the employee becomes aware of the problem. The employee should state the basis for the grievance and the corrective action desired in temperate and reasonable terms. The employee and the supervisor shall discuss the grievance in an attempt to resolve the matter in a mutually satisfactory manner. The supervisor shall conduct any necessary or appropriate investigation and inform the employee of a decision based upon full and fair consideration of all the facts within five (5) working days of the initial discussion. The immediate supervisor will assure that the decision is clearly communicated to, and understood by, the employee. If the employee is satisfied with the decision, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 2 and will be referred to an appropriate procedural consultant or consultants for consultation and guidance by giving the faculty member a referral card developed and provided by the Faculty Senate. If no decision is communicated to the employee within five (5) working days of the initial discussion, the employee may proceed directly to Step 2.

1.4.7.1.2 Discussion with Higher-Level Supervisor

If the employee and the immediate supervisor are not able to reach a mutually satisfactory resolution to the grievance, the employee may proceed to discuss the matter with the next-higher-level supervisor within ten (10) working days of the date of the decision of the immediate supervisor. Failure to comply with Step 2 in a timely manner shall be deemed a waiver by the employee for this particular occurrence and the grievance may not be raised again. The next-higher-level supervisor and the employee shall then follow the procedures required in Step 1. If the employee is satisfied with the decision reached by the next-higher level supervisor, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 3; if the employee has not already seen a procedural consultant, she or he will be referred to an appropriate procedural consultant or consultants for consultation and guidance by giving the faculty member a referral card developed and provided by the Faculty Senate. If no decision is

communicated to the employee within five (5) working days of the initial discussion between the employee and the next-higher-level supervisor, the employee may proceed directly to Step 3.

1.4.7.1.3 Written Grievance Statement

If the employee and the next-higher-level supervisor are not able to reach a mutually satisfactory resolution to the grievance the employee may file a written grievance with his/her vice president on the designated form, available online at:

<http://www.etsu.edu/humanres/documents/facultycomplaintform.pdf>

This form shall allow the employee to clearly indicate whether she or he is filing a formal grievance or complaint – or the university may choose to make available two different forms, one for a grievance and one for a complaint: It is the faculty member's responsibility to make her or his own case for the problem being addressed appropriately as either a grievance or a complaint as delineated in this policy. The grievance must be filed within ten (10) working days of the date of the decision of the higher-level supervisor. Failure to comply with Step 3 in a timely manner shall be deemed a waiver by the grievant for this particular occurrence and the grievance may not be raised again. A copy of the grievance, along with any supporting documentation, shall be given to the immediate supervisor and the next-higher-level supervisor. The vice president may request either or both supervisors to respond in writing to the grievance statement. If the employee is satisfied with the decision reached by the vice president no additional action is required. If the employee is not satisfied the employee may proceed to Step 4. If no decision is communicated to the employee within fifteen (15) working days after filing the grievance with the vice president, the employee may proceed directly to Step 4.

1.4.7.1.4 Written Grievance Statement to be received by the President and Grievance Committee

If the employee and the vice president are unable to reach a mutually satisfactory resolution the employee may file with the President of the institution. Any grievant, who may otherwise be entitled to a hearing before the grievance committee, may waive such a hearing and accept the findings of the President. Any faculty member considering such a waiver shall first be referred to an appropriate procedural consultant or consultants for a consultation on the advisability of signing a waiver of this right by giving the faculty member a referral card

developed and provided by the Faculty Senate. Any such waiver shall be in writing and signed by the grievant. The waiver should state the matter involved and should expressly state that the right of the grievant to a formal hearing by the Grievance Committee is knowingly and voluntarily waived. If the grievant waives his/her rights to a hearing, the President shall within twenty (20) days after receipt of the grievant's file, advise the grievant of the decision. The President's decision will be final and shall be directed to the employee. If no decision is communicated to the employee within twenty (20) working days of filing the grievance the employee may file directly with the Board of Trustees. If the grievant does not waive the right to a hearing, the President shall, within five (5) days of receipt of the grievant's file, refer the grievance and all relevant documentation to the appropriate grievance committee. Within twenty (20) days after receipt of the grievant's file the committee shall advise the President and the grievant of its decision. The recommendation shall be based on a full and fair consideration of all the facts and circumstances. The report shall also contain a summary of the committee's investigation and findings.

1.4.7.1.5 Appeal of Grievance to the Board of Trustees

In any case where the President makes a decision adverse to the grievant, the President shall advise the grievant of his/her right to appeal the decision to the Chancellor. The employee's appeal to the Chancellor must be filed within fifteen (15) working days of the date of notification of the President's decision.

1.4.7.2 Steps for Filing a Complaint Only

The steps involved in the resolution of complaints follow the same procedures as those outlined for the resolution of grievances with the following exceptions: a. Complaints do not include a right to a hearing or adversarial proceeding before the grievance committee; and, b. The President is the final decision maker involving complaints; that is, the complainant does not have the right to appeal to the Chancellor of the Tennessee Board of Regents.

1.4.8 Maintenance of Records

Copies of all written grievances/complaints and accompanying responses and documentation will be maintained with the Office of Human Resources for at least three (3) years.

1.4.9 Committee Membership and Selection

1.4.9.1 A Faculty Concerns and Grievances Committee shall serve as an advisory body to advise the Senate and, through the Senate, either the Vice President for Academic Affairs or the Vice President for Health Sciences on matters arising from either a concern or a grievance filed by a faculty member or members. The committee shall consist of one faculty senator from each college and school. An alternate may be asked, by the Senate president, to sit in place of a regular committee member in those cases in which the regular committee member is unable to serve or cannot be present for one or more scheduled meetings. A committee member who has a particular interest in the case outcome will excuse him or herself from the committee and be replaced by an alternate for that hearing.

1.4.9.2 The committee will be appointed by the Faculty Senate, as a committee of the Senate. The chair shall be elected by the committee members at their first meeting of each academic year.

1.4.10 Faculty Senate Policy for Faculty Grievances

All formal complaints and grievances by faculty are now governed by the East Tennessee State University's Employee Grievance/Complaint Policy and Procedure (1.4). Any faculty member wishing to formally challenge an administrative decision should carefully follow the procedures outlined there and it is recommended that she or he consult with an appropriate procedural consultant or consultants with regard to policy, procedures, and rights. However, faculty members occasionally want an opportunity to discuss their concerns with their peers and to obtain their peers' advice, without becoming mired in formal grievance procedures.

East Tennessee State University provides two avenues for such discussions/consultations—either or both of which are available to all faculty members: The first is a consultation with a trained procedural consultant or consultants, and the second is through a formal consultation (specified and limited) with selected members of the Faculty Senate Committee on Faculty Concerns and Grievances. Members of the Committee on Faculty

Concerns and Grievances who provide formal consultation on a case will not sit on a formal grievance hearing of that case. Therefore, we recommend that the Senate Committee on Concerns and Grievances will serve two functions in addition to those specified in the Senate By-Laws 1.5.1.3.

1. The Committee will discuss concerns filed by individual faculty members. A concern is defined as any matter that could be subject to a complaint or grievance as outlined under the University's Complaint and Grievance Policy. In addition, the committee will have the discretion to discuss any other matter it deems appropriate. Prior to meeting with the committee, the faculty member will submit a brief statement of her/his concern. In discussing such matters, the Committee will not function as an adversarial hearing board. Rather the committee members will listen to the faculty member's/members' complaint and advise her/him as they see fit. They will advise the faculty member about the proper way to proceed. However, the committee's deliberations, since they are merely advisory, cannot become part of any formal grievance the faculty member chooses to file. Deliberations will be confidential, unless all parties agree otherwise. The committee will maintain no records.
2. If the faculty member chooses to file a formal grievance, the committee, in conjunction with the President of the Faculty Senate, will select a five-member committee who will formally hear the grievance in accordance with university policy.