2015

Student Development and Remediation Processes for Counselors in Training in a Virtual Environment

Abby E. Dougherty
Walden University

Laura R. Haddock
Walden University

J. K. Coker

Article 1

Student Development and Remediation Processes for Counselors in Training in a Virtual Environment

Paper based on a program presented at the 2013 ACES Conference, October 17-20, Denver, CO.

Abby E. Dougherty, Laura S. Haddock, and J. Kelly Coker

Dougherty, Abby E., acquired her BA in Art Therapy from Arcadia University in 2005. She received her master's in Mental Health Counseling from Walden University in 2010 and is currently seeking her PhD in Counselor Education and Supervision from Walden University where she also holds a graduate assistantship. Her areas of interest include contemplative pedagogy, mindfulness-based practices, addictions, and social–emotional experience for college students with learning disabilities.

Haddock, Laura S., is program coordinator for the Counselor Education and Supervision PhD program at Walden University. She has been a counselor educator since 2005, supported by more than 2 decades as a mental health counselor. Her research interests include counselor wellness and secondary trauma, spirituality, crisis response, cultural diversity, and supervision.

Coker, J. Kelly, is the senior director of accreditation and academic operations at Walden University. She has been a counselor educator for 15 years. Her areas of expertise include counseling program accreditation, program evaluation, clinical supervision, and training adult learners. Her background is in both school counseling and mental health counseling with an addiction focus.

Abstract

Counselor educators are charged with training competent, ethical professionals with a strong counselor identity. Online counselor education programs are presented with unique challenges and considerations when attempting to promote student development. Explorations of these challenges, as well as a gatekeeping model to address remediation and procedural fairness, are addressed. Case examples are inclusive of multiple participant roles including counselor educator, supervisor, and student.

Keywords: student development, online supervision, remediation, counselor, counselor education

Counselor educators are charged with training competent, ethical professionals with a strong counselor identity. According to the Council for Accreditation of Counseling and Related Educational Programs (CACREP; 2009), students should possess both comprehensive knowledge and skill to apply the knowledge. Of importance, however, is that the concept of professionalism is not always clearly defined. What does it mean to be a "professional"? As a noun, a professional is an individual with training to do a particular job (Merriam-Webster's online dictionary, n.d.). As an adjective, however, the term professional takes on new meaning. As a description, "professional" is more about exhibiting characteristics consistent with the technical or ethical standards of a profession (Merriam-Webster' s online dictionary, n.d.). Counselor educators are in the business of training counselors as well as fostering professional development. And because online courses are becoming more common, and enrollment in such courses is outpacing total student enrollment at U.S. colleges and universities (Allen & Seaman, 2008), counselor educators are faced with unique challenges related to student development. According to CACREP (2009), there are currently two fully accredited online counselor education and supervision programs, though many land-based institutions are incorporating online components into the curriculum. Given the relatively new development of counselor education and supervision programs offered through online means, numerous questions and concerns exist regarding ways to effectively promote student development to ensure doctoral students are prepared to be effective counselor educators and supervisors. The absence of literature related to online facilitation of student development suggests a need for our profession to examine this process. The following article includes experiences within an online student development model for doctoral students in counselor education and supervision in an online environment. Case studies are included to present the perspectives of administration, faculty and students, specifically including student development, remediation, and procedural fairness.

Student Comportment in the Virtual Classroom

VanZandt (1990) developed an operational definition of professionalism that included how one "promotes or maintains the image of the profession" (p. 243). It has also been suggested that professionalism includes both attitudes and actions (Mikos & Akos, 2005) For example, the student's capacity to display respectful interaction with or about peers, faculty, colleagues, and clients is an integral component of professional appropriateness. Thus, successful completion of a counselor training program is not limited to academic success. Students must demonstrate the interpersonal capacity to relate to others in an appropriate and professional manner.

According to the *2009 CACREP Standards*, program faculty in counseling programs need to conduct "…a systematic developmental assessment of each student's progress throughout the program, including consideration of the student's academic performance, professional development, and personal development" (CACREP, 2009, Section 1.P.). While academic performance measures tend to be straightforward, components of the professional and personal development can be challenging to systemically evaluate in a virtual environment. Specifically, counselor educators within a virtual classroom are often working without visual cues when engaging with students via

computer technology and are frequently faced with electronic, written correspondence serving as primary evidence of student professionalism. Students with little or no experience working within an online environment may require education specific to cyber civility as an element of professional development. How do we, as counselor educators in an online platform, ensure this development? We propose a gatekeeping model for the virtual classroom which includes the following key components:

1) Proactive communication with students about expectations for professional development for the counseling profession, but also for interacting in a virtual environment,

2) Clear guidelines and process for assessing development of "professionalism" within a virtual environment,

3) Clear process and guidelines for addressing identified issues in development within a virtual classroom, and

4) Clear process for intervention, remediation, and program dismissal for a virtual environment, as needed.

Proactive Communication

As we established an approach for online student development, we promoted a model that clearly and succinctly outlines the process for addressing student professional development. The *ACA Code of Ethics* (ACA, 2014) and the *2009 CACREP Standards* (CACREP, 2009) address aspects of student informed consent and require specific content to be distributed to students via program orientations and handbooks. Within our online model, students are informed, through multiple media sources such as student guides, new student orientation, and course content, of what the expectations are for student academic performance, ethical behavior and competencies, and professional behavior and comportment. Sangganjanavanich and Magnuson (2009) reported that when faculty advisors overlooked their students' needs and expectations, there was an increase in student frustration and disappointment. Thus, students within our virtual environment are informed via written format, as well as auditory means such as video streaming, in an effort to meet the needs of every student. Because online programs typically include a great deal of written exchange, being proactive about communicating with students in more than one format can help ensure successful receipt of information. As adult learners, students offered tools that promoted learning in a variety of ways demonstrate higher scores in general and show greater potential for improvement when deficits are noted (Renfro-Michel, O'Halloran, & Delaney, 2010). This multifaceted approach to informed consent protects student counselors while promoting the protection of counseling faculty members and programs from claims of deception or misinformation. The program's Student Handbook, Field Experience Manuals, and New Student Orientation materials are relevant sources of this information for students.

Assessing Development of Professionalism in a Virtual Environment

As our model emerged, in addition to having a clearly articulated process for addressing student concerns as they arise, we also developed a way to assess all students

at multiple points throughout the program. Developmental models have the potential to provide a theoretical justification for presenting material in a particular order or with a particular teaching and learning style based on the level of the counseling graduate student (Granello & Hazler, 1998). Conducting benchmark assessments at key points in the program for all students can provide information about each student's professional development. Within a virtual environment, this provides a concrete opportunity to assess a student's professional comportment which is critical as the daily, face-to-face interaction that occurs within a traditional classroom is frequently limited to asynchronous written exchange. Assessing professional development, such as the students' capacity to relate to peers and faculty in a respectful manner, the capacity to demonstrate appropriate self-control in interpersonal relationships, relating to all others with an attitude of dignity and respect, and academic integrity, are ways to illuminate any need for student remediation. In a virtual environment, student development assessment is conducted at key points, such as with ethics courses, multicultural courses, pre-practicum courses, and fieldwork courses, and can help program faculty determine if all students are developing the key professional and ethical behaviors consistent with becoming a professional counselor. These assessments fall on a 3-point Likert scale (0 = Inconsistent, 1 = Slightly, 2 = Consistent). Faculty are asked to rate students on factors such as engagement, accountability, awareness, self-control, and bias as it relates to their interactions in the virtual classroom. The assessment includes items such as, "the student is aware of her/his own belief systems, values, and limitations and they do not actively affect his/her professional work."

Our institution uses a data management system to collect and review student development assessments as well as other key assessments of student progress. Faculty who teach the courses where student development assessments will occur go into the system during week 8 of the course and complete the student development assessment for each student in their course. If a faculty member rates an individual student as either a "0" or "1" on any of the key indicators, they are asked to also submit a student concern form detailing the area of growth needed. This leads to individual follow-up and support of the identified student to ensure that his/her growth area is addressed and supported. These assessments also occur during residency and field experience and can lead to a more involved student development plan if the identified behavior requires a more focused intervention.

Clear Process for Addressing Identified Issues in a Virtual Environment

Problems with student development and behaviors do certainly occur in counseling programs. The very nature of training to be a counselor often means that student issues including resistance to feedback, transference, or burnout can be triggered causing potential impairment (Roach & Young, 2007). Program faculty and leadership must be prepared to closely follow the identified and published plan for addressing student development concerns (Lee & Cashwell, 2002). However, virtual classrooms are ripe with potential for inappropriate written exchange to take place during scholarly discussions or e-mail exchanges with faculty and peers. Gatekeeping in the virtual environment may include addressing the students' emotional reactions. For example, due to a perceived sense of anonymity in the virtual environment, students may be quicker to

send an emotionally reactive e-mail. Thus, students may be less likely to delay their responses. Additionally, students in a virtual classroom may also need support being intentional with their content within the online classroom.

Clear Process for Intervention, Remediation, or Dismissal in the Virtual Environment.

At the time a concern arises, students should be notified that a concern is present, and the faculty involved should begin clearly documenting their steps taken in communication of the concern, identification of remediation steps, tracking of progress of completion of the steps, and documentation of noted outcomes including next steps. This portion of the process mirrors that of a land-based environment; however, the issues often reflect challenges specific to online communication such as a need to teach virtual literacy skills. Brown (2013) identified several gatekeeping models that have been used in counseling programs. Those identified as most effective included clearly articulated processes and policies. The online environment may also call for creativity in remediation plans such as using technology (e.g., Adobe connect or Skype) in order to facilitate synchronous, personalized communication with students. Students have a right to a fair process, including an appeal process if the student feels the outcome does not justly resolve the issue (Rust, Raskin, & Hill, 2013).

Procedural Fairness

According to Rust et al. (2013), any implemented remediation plan related to student concerns must include consideration of cultural factors as well as opportunities for students to fully engage in the remediation process. Students have a right to procedural fairness during any remediation process, which must be balanced against the program's responsibility to protect the welfare of the public. McAdams and Foster (2007) stated that for procedural due process to exist, "remedial actions and expectations must be clearly defined in advance of their execution, receive distinct faculty supervision, be regularly evaluated and be thoroughly documented" (p. 6).There are many resources available for counselor educators and supervisors to support students in a remediation process; however, the focus of many of these resources is on how to conduct a dismissal rather than what specific steps are necessary to remediate counseling students (Henderson & Dufrene, 2011). For counselor educators, the lack of clearly stated procedural process for remediation places the university at risk for litigation and may leave the student feeling a sense of fear and shame. Remediation issues in the virtual environment may be most easily dealt with when faculty take a proactive rather than a reactive approach to remediation and puts in place preventative measures throughout their program to support the positive professional development of students (Rust et al., 2013). Programs that clearly communicate expectations from the start of the program, and reinforce the expectations throughout the program provide students with ongoing opportunities to develop an appropriate professional counselor or counselor educator identity. Providing students with education specific to how to be successful in a virtual environment is a critical responsibility for online programs. In addition, programs that utilize ongoing assessments of student professional development at key points in the program

demonstrate being proactive in their approach to fostering positive professional development (Rust et al., 2013).

In an examination of problematic behaviors in counselor education programs, Brown (2013) looked at domains of behavior routinely assessed by CACREP-accredited counseling programs. These included professional competency, professional responsibility, professional maturity, and professional integrity. The majority of programs in Brown's study (72%) had a clearly identified stage model of remediation if problematic behaviors were identified through various assessment processes.These authors propose that it is imperative that programs have an intentionally designed remediation process. Online programs are charged with including information specific to the expectations of professional comportment within a virtual community. Further, the remediation process must be easily accessible within a virtual environment and clearly written within the program's policies and procedures. Thus, programs must be aware of their resources and have a clear understanding of how they will track results. Programs need to ask themselves, "Are students informed of expectations and consequences? Do students have an opportunity to present their side of the story? And what constitutes adequate documentation?"

Case Illustrations Utilizing the Proposed Student Development Model

Case Study One. James is a student enrolled in an online graduate degree program in marriage, couple, and family counseling program. James is required to participate in two, 1 week long face-to-face trainings, or residencies, where he will be required to demonstrate the application of prescribed skills. During participation at his second residency, James displays inappropriate interpersonal exchanges with his student colleagues. The other members of his cohort complain that he is rude and condescending and James complains that they are all "young and ignorant." The cohort faculty member addresses the issue with James who is appropriate and agreeable with the faculty member but continues the inappropriate exchanges with his colleagues when the faculty member is not present. The other students are actively complaining about the disruption to their learning experience. Though James expressed a willingness to make adjustments to the faculty member, the complaints from other students have continued and the faculty member must determine how to proceed.

This particular case study has implications on a number of levels. First, the student in question, James, is demonstrating a lack of professional comportment. The disrespect that is demonstrated towards his colleagues suggests that he has a lack of insight about appropriate interpersonal communication as well as an absence of concern about how he is perceived by others. Secondly, this student has expressed a willingness to alter the behavior yet has allegedly only changed the behavior around the faculty member.

Additionally, because this issue is occurring within a residency experience, a number of other students are impacted. The disruption to the student learning experience elevates this student issue to one of great concern. The faculty member has a responsibility to James as well as the other students to make an effort to remediate James' inappropriate behavior. The faculty member elects to include a student development representative in the next phase of intervention. This allows the cohort leader to further

address the issue while also adding support for the faculty member. A clearly identified remediation plan for James could be developed and implemented by the student development representative. This could include components such as writing a self-reflective piece, reading and reflecting on professional literature relevant to the situation, or developing a videotape after the residency of an interaction with a peer demonstrating appropriate and respectful behavior. Regardless of the remediation implemented, documentation and follow through with James are key to determining if the problematic behaviors have been adequately addressed. According to Rust et al. (2013), remediation plans must specifically identify evaluation criteria, specific goals, activities that can be assessed, the person responsible for overseeing the plan, and criteria to determine if the plan was successful.

Case Study Two. Elaine is a second-year student in a master's level counseling program. She is entering her Practicum Field experiences class. One of the requirements for students is attending one hour of faculty supervision each week. Elaine gets off work at 5 p.m. CST. The supervision call begins at 5 p.m. CST. Thus, Elaine is 15-20 minutes late each week for the call. At the end of the quarter, Elaine is surprised to learn that her faculty member has given her an Unsatisfactory for the supervision call requirement. Elaine is upset and appeals to the director of the program because she attended every session.

This case immediately calls into question the communication between the faculty member and the student. The information provided suggests that the faculty member did not adequately communicate the expectations for supervision attendance. This example reinforces the need to clearly communicate expectations and best practice would include not only providing these expectations in writing, such as a syllabus, but also verbally as part of an orientation to the course. Clear expectations and formative feedback could have completely eliminated this issue. While the student's tardiness may have come across as a lack of professionalism, the faculty member has an obligation to communicate expectations as well as fully inform the student of potential consequences should the minimum requirements of the course not be met. This is a prime example of taking a proactive approach to student development as opposed to simply being reactive to student behavior.

Case Study Three. Veronica is a second-year counseling student. She receives a class assignment to study vulnerable populations. Veronica receives "ex-offenders." Veronica posts in the virtual classroom that she could not work with this population. After ongoing dialog in the discussion board among and between the faculty and students regarding the decision-making process for referring clients, Veronica's professor contacts her via phone out of concern for Veronica's high level of resistance to working with this population. Ultimately, Veronica states she is not worried anymore about the assignment because her husband will help her through it. The faculty member, concerned by Veronica's obvious emotional reaction to the material, shared the incident with the program director who requests a meeting. The program director addresses her concerns and ultimately requires Veronica to seek her own personal counseling. Veronica now feels a great deal of shame and is concerned about her reputation as a student and whether other faculty members will now feel comfortable writing her a letter of recommendation?

Again, this case study provides an example of the complexity of issues that must be confronted when working with student development issue**s.** However, this experience can serve as an opportunity for being proactive. This case study reinforces the need for clearly outlined expectations and practices, which could serve to reassure the student and normalize the process.

Student Comportment

There have been several suggestions in the literature about possible remediation interventions. Personal counseling, a greater degree of supervision, a leave of absence, retaking course work, completing a special project outside of course work and an individualized professional development plan are all interventions that could be used to address professional development and comportment issues (Biaggio, Gasparikova-Krasnec, & Bauer, 1983; Henderson & Dufrene, 2011; Kress & Protivnak, 2009; McAdams & Foster, 2007; Russell & Peterson, 2003).

The *ACA Code of Ethics* (2014) addresses remediation concerns for supervisors and counselor educators; however, the code does not provide specifics about how to engage in a remediation process. Sections F.5.b and F.9.b of the ACA ethics code refer to the remediation process within an evaluative context. Section F.9.c contains the only clear directive that counselor educators should provide a referral for personal counseling should this be part of the students' remediation plan.

Best Practices Within a Virtual Environment

It is inevitable that some students will be admitted to counselor education programs that ultimately require remediation or dismissal from the program as evidenced by the case studies. There are a number of best practices for use when these problems occur. The primary emphasis is on the student's well-being. It is imperative that faculty involved in remediating or dismissing a student must maintain the student's confidentiality as much as possible and safeguard the student's fair process rights (Frame & Stevens-Smith, 2011). While an ethical obligation exists to assist students in seeking remediation efforts when needed (ACA, 2005, F.5.b), ethical responsibilities to the student can be promoted by clear expectations delivered through more than one method and inclusive of information specific to the online environment, remediation alternatives available to meet the needs of each student, and a clear monitoring process.

A second best practice approach relates to how faculty evaluate professional comportment when a student earns high scores on academic assignments. Faculty are frequently cautious in this area because written examinations are considered objective data whereas behavioral observation may be considered subjective (Frame & Stevens-Smith, 2011). The combination of possible legal action and personal recrimination may help explain faculty's reluctance to evaluate students' interpersonal qualities. However, difficulties in this area may be partially eliminated by a well-documented monitoring process and being proactive about assessing professional comportment with consideration for the context of virtual exchange.

A third best practice relates to future clients, students, or supervisees of the student. Counselor educators have an ethical (ACA, 2014) and possible legal (Custer,

1994) responsibility to their students, supervisees, and student counselors' clients to make sure that they receive superior services and are protected from harm. There are several important issues to consider when examining the legal implications of a counselor-training monitoring process. The most important is fair process. Fair process must be considered when developing monitoring and dismissal procedures including setting clear expectations, giving students adequate notice when problems arise, and the opportunity for a formal hearing. The vast majority of cases brought against universities for dismissal base the lawsuit on denial of due process (Frame & Stevens-Smith, 2011).

One recent case where the university's process was called into question was *Julea Ward v. Board of Regents of Eastern Michigan University* (*Ward v. Polite*, 2012). Ms. Ward, a student in the counseling program at EMU, requested that a newly referred client she was to work with in her practicum be referred out as she was unable to work with this client given her Christian beliefs (*Ward v. Polite*, 2012). Her supervisor did refer the client but also brought disciplinary action against Ms. Ward for discrimination under the *ACA Code of Ethics* related to non-discrimination (ACA, 2014, Section C.5). This ultimately resulted in Ms. Ward's dismissal from the program. Ms. Ward brought a lawsuit against the program claiming that the University discriminated against her based on her religion and violated her rights to free expression, due process, and equal protection (*Ward v. Polite*, 2012). While the original ruling upheld EMU's right to establish the curricular requirements for its program based on the *ACA Code of Ethics*, the appeal in the case resulted in a reversal of the original finding and remanding the case back to a district court. The appeals decision identifies, among other transgressions by the counseling program that Ms. Ward was not afforded a clear process for evaluating and remediating her actions before being expelled (*Ward v. Polite*, 2012). While the case has since been settled, it serves as a valuable reminder to counselor training programs that having clear and documented process, procedures, and opportunities for due process is paramount. For online programs, these processes must also include the expectations regarding code of conduct specific to virtual worlds.

Although one of the goals of counselor training programs is to produce competent, effective professionals, counselor educators' and supervisors' first priority must be to ensure that clients, supervisees, and students are protected from harm. It is critical, therefore, to implement clearly defined monitoring and dismissal procedures that incorporate the demands of the *ACA Code of Ethics*, the *2009 CACREP Standards,* and fair process. Teaching students' cyber civility at the onset of program enrollment and providing tools specific to maximizing success in a virtual environment is the specific responsibility of online counselor educators and supervisors. By taking a proactive rather than reactive approach to student comportment concerns in the virtual environment, both as an intervention and in policy design, online counseling programs can systematically address and support such concerns.

In conclusion, proactive communication in a virtual environment includes an intentional awareness to the needs of the distance-based student. This includes using multiple communication methods, such as video streaming and written instruction provided in multiple locations within the virtual community. Online institutions need to develop clear guidelines and processes for assessing development of "professionalism." One way to address this is by asking faculty to rate students on factors such as engagement, accountability, awareness, self-control, and bias as it relates to their

interactions in the virtual classroom.

Additionally, clear process and guidelines for addressing identified issues in development within a virtual classroom are needed. This may include helping students learn to delay their digital responses when they are emotional reactive, or being more intentional with their content within the online classroom. Finally, a clear process for intervention, remediation, and program dismissal are needed for a virtual environment. Virtual learning communities must provide code of conduct expectations that acknowledge and support the specific needs of students in a virtual environment.

References

Allen, I. E., & Seaman, J. (2008). *Staying the course: Online education in the United States*. Needham, MA: Sloan Consortium.

American Counseling Association. (2014). *ACA code of ethics*. Retrieved from http://www.counseling.org/Resources/aca-code-of-ethics.pdf

Biaggio, M. K., Gasparikova-Krasnec, M., & Bauer, L. (1983). Evaluation of clinical psychology graduate students: The problem of the unsuitable student. *Professional Practice of Psychology*, *4*(1), 9–20.

Brown, M. (2013). A content analysis of problematic behavior in counselor education programs. *Counselor Education and Supervision*, *52*, 179–192.

Council for Accreditation of Counseling and Related Educational Programs. (2009). *2009 CACREP standards*. Alexandria, VA: Author.

Custer, G. (1994, November). Can universities be liable for incompetent grads? *APA Monitor*, *25*(11), 7.

Frame, M., & Stevens-Smith, P. (2011) Out of harm's way: Enhancing monitoring and dismissal processes in counselor education programs. *Counselor Education and Supervision*, *35*(2), 118-129. doi: 10.1002/j.1556-6978.1995.tb00216.x

Granello, D, & Hazler, R. (1998). A developmental rationale for curriculum order and teaching styles in counselor education programs. *Counselor Education and Supervision*, 38(2), 89–105. doi: 10.1002/j.1556-6978.1998.tb00561.x

Henderson, K. L., & Dufrene, R. L. (2011). *Student remediation: Practical considerations for counselor educators and supervisors*. Retrieved from http://counselingoutfitters.com/vistas/vistas11/Article_45.pdf

Kress, V. E., & Protivnak, J. J. (2009). Professional development plans to remedy problematic counseling student behaviors. *Counselor Education and Supervision, 48,* 154–166.

Lee, R., & Cashwell, C. (2002). Ethical issues in counseling supervision: A comparison of university and site supervisors. *The Clinical Supervisor*, 20, 91–100

McAdams, C., & Foster, V. (2007). A guide to just and fair remediation of counseling students with professional performance deficiencies. *Counselor Education & Supervision*, *47*, 2–13.

Mikos, A., & Akos, P. (2005). CACREP's relevance to professionalism for school counselor educators. *Counselor Education and Supervision*, *45*(2), 145–158.

Professional. (n.d.). In *Merriam-Webster's online dictionary* (11th ed.) Retrieved from http://www.merriam-webster.com/dictionary/professional?show=0&t= 1416325369

Renfro-Michel, E., O'Halloran, K. & Delaney, M. (2010). Using technology to enhance adult learning in the counselor education classroom. *Adult Span Journal*, 9, 14– 25. doi: 10.1002/j.2161-0029.2010.tb00068.x

Roach, L., & Young, M. (2007). Do counselor education programs promote wellness in their students? *Counselor Education and Supervision*, *47*, 29–45, doi: 10.1002/j.1556-6978.2007.tb00036.x

Russell, C. S., & Peterson, C. M. (2003). Student impairment and remediation in accredited marriage and family therapy programs. *Journal of Marital & Family Therapy*, *29*(3), 329–337. doi:10.1111/j.1752-0606.2003.tb01210.x

Rust, J. P., Raskin, J. D., & Hill, M. S. (2013). Problems of professional competence among counselor trainees: Programmatic issues and guidelines. *Counselor Education & Supervision*, *52*, 30–42.

Sangganjanavanich, V. F., & Magnuson, S. (2009). Averting role confusion between doctoral students and major advisors: Advisor disclosure statements. *Counselor Education and Supervision*, *48*, 194–203. doi:10.1002/j.1556- 6978.2009.tb00074.x

VanZandt, C. (1990). Professionalism: A matter of personal initiative. *Journal of Counseling and Development*, *68*, 243–245.

Ward v. Polite, 667 F.3d 727 (6th Cir. 2012).