

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Court Interpreters Advisory Panel
Hon. Kathleen E. O’Leary, Chair
Lucy Smallsreed, Manager, Court Interpreters Program,
415-865-7705, lucy.smallsreed@jud.ca.gov
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DATE: November 3, 2009

SUBJECT: Biennial Review of Organizations Authorized by the Judicial
Council to Certify Interpreters for Deaf and Hard-of-Hearing
Persons (Action Required)

Issue Statement

Evidence Code section 754(h) requires the Judicial Council to “approve one or more entities to administer testing for court interpreters for individuals who are deaf or hearing impaired.” On November 15, 1996, the Judicial Council approved *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons*, which states at section III(c) that “an approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at two-year intervals after initial approval.” The Judicial Council first provisionally authorized the Registry of Interpreters for the Deaf (RID) to test and certify court interpreters for deaf or hard-of-hearing individuals on November 15, 1996. The Judicial Council last reauthorized RID to test and certify court interpreters for deaf or hard-of-hearing individuals on October 20, 2006.

Recommendation

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council adopt the following recommendations, effective immediately:

1. Reauthorize the Registry of Interpreters for the Deaf, Inc. (RID), to test and certify court interpreters for deaf or hard-of-hearing individuals for an additional four years;

2. Require the review and reauthorization every four years of entities to test and certify court interpreters for deaf or hard-of-hearing individuals;
3. Revise section III(c) of the Judicial Council *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to state: “An approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at four-year intervals after the initial approval”; and
4. Delegate authority to the Administrative Director of the Courts to authorize entities to test and certify court interpreters for deaf or hard-of-hearing individuals, based on the Judicial Council guidelines. The guidelines are attachment D.

Rationale for Recommendation

Rationale for reauthorization of RID

The Court Interpreters Advisory Panel recommends that RID continue to be authorized to test and certify interpreters for deaf or hard-of-hearing individuals for another four years because RID continues to meet the certification standards approved by the Judicial Council. RID substantial experience certifying sign language interpreters and continues to be the only nationally recognized sign language certification organization. CIAP evaluated the materials submitted by RID (attachment A) and concluded that RID continues to be in compliance with the guidelines and technical standards adopted by the council for the review of organizations authorized to test and certify court interpreters for deaf or hard-of-hearing individuals. To demonstrate its continuing compliance with the Judicial Council standards, RID provided the following information:

- A list of all American Sign Language (ASL) interpreters in California having “Specialist Certificate: Legal” status (RID also maintains a list of certificate holders on its Web page, www.rid.org);
- A statement that RID has not received any complaints against it or interpreters certified by RID;
- Security guidelines used to protect the integrity of testing materials and test sites;
- A description of RID’s Certification Maintenance Program, which requires sign language interpreters to meet continuing education/maintenance requirements (attachment B);
- A description of RID’s test rater training program to ensure consistent candidate rating;

- A copy of RID’s professional code of conduct;
- A statement of RID’s intention to update the “Specialist Certificate: Legal” certification examination in collaboration with its testing service provider, CASTLE Worldwide. The update will include a Practice Analysis to ensure that the certification test reflects the current practice of legal interpreting;
- A statement that RID does not grandfather individuals into its certification program;
- A statement that the National Association of the Deaf adheres to the standards outlined in RID’s Certification Maintenance Program and Ethical Practices System requirements. The Ethical Practices System is the system by which complaints against sign language interpreters are addressed;
- A statement that RID maintains an online directory of its members;
- A statement that RID is financially sound and continues to experience increased membership; and
- A statement that RID certification examinations are given throughout the country and the specific address where examinations can be taken in California.

Rationale for requiring reauthorization every four years

Currently, section III(c) of the Judicial Council’s guidelines require that the “approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at two-year intervals after initial approval.” Requiring a certifying organization to submit documentation for reauthorization every two years is unnecessarily frequent. RID has a solid track record and reputation as the leading, and currently only, organization that provides testing and certification of sign language interpreters based on nationally recognized professional standards. Requiring reauthorization every four years will continue to hold RID accountable to the Judicial Council without creating an undue administrative burden on an organization that has proven its ability to meet the Judicial Council’s standards.

Rationale for revising guidelines

In order for the Judicial Council’s guidelines to reflect the change in frequency of reviews to every four years, section III(c) of the Judicial Council’s guidelines must be revised to state “at four-year intervals.”

Rationale for delegation of authority to the Administrative Director

On April 20, 2000, the Judicial Council delegated to the Administrative Director of the Courts the authority to select testing entities for certification of spoken-language court interpreters. Delegating the authority to select testing entities for court interpreters for deaf or hard-of-hearing individuals would allow the Administrative Director to handle this operational issue based on standards approved by the council. This would be completely consistent with the Judicial Council's past delegation related to testing entity selection.

Alternative Actions Considered

RID is the only nationally recognized sign language certification body in the country. The alternative to authorizing RID to certify sign language court interpreters would be to directly engage in development of a sign language court interpreting test, which would be very costly and require expertise not found within the AOC.

Comments From Interested Parties

The Court Interpreters Advisory Panel includes the perspectives of all key stakeholder groups, including a majority representation of court interpreters. This policy recommendation was approved by the panel and is supported by the ASL interpreter who serves as an advisor to the CIAP. Comments on these recommendations were not solicited or received from outside parties.

Implementation Requirements and Costs

No administrative costs are associated with this proposal; Adoption of these recommendations will save the costs of conducting more frequent reviews of the testing entity.

Attachments

- A: RID Letter to Court Interpreter Program dated September 4, 2009
- B: Basic Information on the Certificate Maintenance Program (CMP)
- C: NAD-RID Code of Professional Conduct
- D: Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons



October 29, 2009

Ms. Terry Ince
 Court Interpreters Program
 Judicial Council of California – Administrative Office of the Courts
 455 Golden Gate Avenue, 5th floor
 San Francisco, CA 94102

Dear Ms. Ince:

Following is the requested information from RID regarding its legal certification and related programs.

1. List of all current SC:L certificants since 2006

FIRSTNAME	MI	LASTNAME	CITY	CREDENTIALS
Cindy		Bender	Stockton	SC:L, NAD V
Molly		Bowen	Orangevale	CI and CT, SC:L, NAD V
Ramona		Crossley	Sacramento	CI and CT, SC:L, NAD V
James		Foster	Los Angeles	CI and CT, NAD V, SC:L
Suzanne		Lightbourn	San Marcos	CI and CT, NIC Master, SC:L
Pasch		McCombs	San Diego	CI and CT, NIC Master, NAD V, SC:L
Kara		Powis	Santa Barbara	CI and CT, SC:L
Brenda	M.	Roberts	Ontario	SC:L, NAD V
Rebekah	C	Schwartz	Sacramento	CI and CT, SC:L, NAD V
Kaylyn		Waisbrot	Encintas	CSC, SC:L
Lori	A	Whynot	San Diego	CI and CT, SC:L
Xenia	F	Woods	Eureka	CI and CT, NIC Master, SC:L, Ed:K-12

2. From 2006 to date, there has not been any formal complaints against RID and/or interpreters.
3. Security guidelines are critical in preserving the integrity of the testing materials. Local Test Administrators (LTAs) and site coordinators are bound to uphold all security guidelines. LTAs and site coordinators are required to submit a letter identifying their reasons for wanting to become an LTA/site coordinator and indicate their commitment to observe the RID non-discrimination statement, their willingness to be bound by the RID Code of Ethics, and that they have no conflict of interest with any other testing instrument. They are also required to submit a letter of recommendation from the current site coordinator, a current resume, a listing of all RID certificates, agent disclosure form, acknowledgment, an official agent agreement, and a declaration to defer testing. Deviation from guidelines may result in penalties as determined by the Certification Council and the RID Board of Directors.

Stored exam materials must be kept under lock and key at the test site. There must exist a reasonable certainty that unauthorized personnel cannot gain access to RID examination materials.

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During the exam administration, LTAs are instructed that test booklets and videotapes may not be left unattended. Written exam packets must be counted on site before they are issued and after collected. As applicants return their individualized packets, LTAs must check to be sure the exam booklet, paperwork, pencils, answer sheets and blank paper provided are returned. Applicants are not to take notes or any materials with them when they leave. All performance examination stimulus videotapes (test tapes) must be counted to verify a complete set after exam administration. All candidate videotapes must be counted and verified against the test roster at the end of the test day.

When returning exam materials to the National Office: LTAs are required to return all exam materials to the National Office the first business day after exam administration via UPS, FedEx, or Certified through the United States Postal Service. In all cases, return receipt must be requested.

4. The Certification Maintenance Program is twofold. First, members must pay the annual dues to RID. Our fiscal year is July 1 through June 30. The rate is currently \$125 per year for RID certified members.

Second, all certified members must participate in RID's Certification Maintenance Program (CMP). (See attached)

5. Raters are recruited as needed depending on the size of the original pool and the rate of attrition. Historically, the training for experienced and new raters has been essentially the same. Participants in the rater training received training on psychometric issues, exam construction, ratings of exam candidates, and analysis of rating abilities. Participants rated three (actual) exams. Thereafter, their scores were charted, analyzed, and discussed so that participants might better understand the standard (the consensus ratings) and how to apply it to their future work. The participants were each issued a workbook to use during the training and at home while rating their take-home test tapes. Rating candidates are expected to return all materials (physical notebook included) to the National Office following the rating of the test tapes. Those who successfully complete the training will be issued a new rater workbook. The workbook issued during the training included the following documents:

- Training Agenda
- FAQs (for raters of the RID SC:L Exam)
- Performance Test Rating Form
- Rating Scale Descriptions
- Rater Comment Sheet
- Test Transcripts
- Performance Examination Rating Steps
- Common Evaluator Errors
- Training Evaluation Form

Each participant was issued three additional tapes as a take-home exam. Participants were selected as raters based on completion of the three test tapes and on successfully satisfying the psychometric scoring criteria approved by RID's psychometrician.

The Certification and Education department monitors an individual rater's performance by utilizing expired candidates performance test tapes for which the final ratings have been determined. This process gives essential information on inner-rater and intra-rater reliability.

6. The NAD-RID code of professional conduct is attached.
7. RID, in conjunction with our testing service provider, CASTLE Worldwide, is creating a plan to update the SC: L examination. This plan will include a Practice Analysis, a crucial component of a valid and reliable certification exam. It is the primary method of defining an exam's content and ensuring it accurately reflects the current practice of legal interpreters.
8. RID does not grandfather individuals into the certification program, and sees no reason to establish such a policy at this time.
9. RID's agreement with NAD in 2003 was to formally bring NAD certified interpreters into the auspices of the RID Certification Maintenance Program (CMP) and the Ethical Practices System (EPS). All NAD Certified Interpreters are subject to the same requirements as RID Certified Interpreters. Unfortunately, RID is not in a position to determine specialty areas of interpreters who were affected by this merger, as RID only received a list of names and contact details from NAD. No information was provided regarding individuals' credentials.
10. The RID online member directory is your one-stop resource for finding an interpreter who is an RID member. This page allows you to search for a RID member by name, certification, location, and other related areas of information. Only Interpreters that are RID members are listed in our directory. Please visit this directory for information related to specific individuals.
11. RID is financially sound and continues to experience significant increase in membership and certification. If an organization were to discontinue operations due to financial reasons, there would be no funding available to expend for continued operations.
12. The SC:L written and performance exams are administered throughout the nation and candidates have the option to take the exam at a location of their choice. Specifically, the exams are administered at the following site in California:

Santa Rosa Jr. College
Site 104 – Santa Rosa, CA
Teresa Reynolds
Ph: 707-483-4381 — E-mail: teerey@aol.com

If there is anything else the Council may need, please feel free to contact me directly at the RID National Office.

Sincerely,



Phara G. Rodrigue, MA
Director of Certification and Education

Enclosure:
RID CMP Information



Basic Information on the Certification Maintenance Program (CMP)

Overview of the CMP

The CMP is the vehicle through which the continued skill development of certified interpreters is monitored. Certification Maintenance is a way of ensuring that practitioners maintain their skill levels and keep up with developments in the interpreting field, thereby assuring consumers that a certified interpreter provides quality interpreting services. Participation in the Certification Maintenance Program is required of all RID Certified interpreters, and retention of one's certificate(s) is dependent upon successful completion of each CMP cycle.

RID's Certification Maintenance Program began operation on July 1, 1994 and relies on RID Approved Sponsors to provide appropriate educational activities for participants. These activities can be group activities, such as workshops, lectures, or conferences or independent study activities, such as mentoring and self-study. Organizations, agencies, affiliate chapters and individuals seeking to be Approved Sponsors must complete an application process developed and reviewed by the Professional Development Committee (PDC). Sponsors are monitored regularly to ensure that their activities are of high quality and meet the needs of the program and the participants.

Like many educational and professional associations, RID requires participants to earn a specific number of continuing education units (CEUs). The CEU is a nationally recognized unit of measurement for educational activities that meet established criteria for increasing knowledge and competency. One CEU is equal to ten (10) contact hours of participation in an organized continuing education experience, which is grounded in responsible sponsorship, capable direction, and qualified instruction.

Cycle Timelines – PDC Motion 98.01

Effective April 1, 1999, requirements for the Certification Maintenance Program cycle time-line and required CEUs were changed by a majority vote of the RID voting membership.

The Motion PDC 98.01 which changed the cycle time line and the required CEUs states that the CMP requirements be modified to reflect the acquisition of 8 CEUs within a 4 year cycle for all certified interpreters whose cycle began on or after July 1, 1996.

Certified interpreters whose first cycle began before July 1996 will complete their current cycle as previously established, with a cycle end date on December 31, 1999.

All future cycles will require 8 CEUs in a 4 year cycle time line.

Reference Guide for Cycle Time Lines:

Certification received between 7/1/2007 and 6/30/2008.....First cycle ends 12/31/2012

Certification received between 7/1/2008 and 6/30/2009.....First cycle ends 12/31/2013

Certification received between 7/1/2009 and 6/30/2010.....First cycle ends 12/31/2014

Certification received between 7/1/2010 and 6/30/2011.....First cycle ends 12/31/2015

Who Participates?

Every RID certified interpreter must participate in the CMP. If you are a newly certified interpreter, you can wait until the start of the next fiscal year (July 1) to join the CMP. However, you may elect to join immediately upon being certified in order to start earning CEUs.

What are the Requirements?

The certified interpreter must earn 8.0 CEUs (80 hours) in a cycle. These eight CEUs are divided into two Content Areas: Professional Studies and General Studies.

Professional Studies - A minimum of 6 CEUs must be related to either 1) Linguistic and Cultural Studies which includes the study of any language or linguistic system, and the study of any specific culture, 2) Theoretical and Experiential Studies which includes the process of interpreting and transliterating theory and skill building activities, 3) Specialization Studies which includes specialized aspects of interpreting used in settings such as the legal, medical, mental health, and substance abuse recovery fields.

General Studies - This content area includes 1) Human Service and Leadership Studies which include topics such as leadership skills, public relations, public speaking, and community resources, and 2) General knowledge studies which include areas less obviously related to the field of interpreting and transliteration, but are educationally beneficial to the participant.

How To Earn CEUs?

Participants must work with an RID Approved Sponsor to earn CEU credits. An updated listing of Approved Sponsors is available on the RID Web Site at www.rid.org. When considering a workshop, be sure to check the brochure or flyer for the RID CMP logo and a statement that reads "[Name of organization] is an approved RID CMP sponsor for continuing education activities."

Activities That Earn CEUs

There are four means for earning CEUs:

- 1) RID Approved Sponsor initiated activities such as workshops, short courses, conferences and silent weekends.
- 2) Participant-Initiated Non-RID Activities (PINRAs) such as in-service workshops, attending workshops or conferences of other organizations.
- 3) Academic Coursework such as college courses that have been completed at an accredited institution.
- 4) Independent Study activities such as home study with videos, research or literature reviews, study groups, acting as a mentor or mentee, curriculum/workshop development, teaching a workshop for the first time, etc.

More information regarding the specifics of these CEU earning activities can be found at http://www.rid.org/education/continuing_education/index.cfm/AID/100.



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NAD-RID CODE OF PROFESSIONAL CONDUCT

Scope

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

The tenets of this Code of Professional Conduct are to be viewed holistically and as a guide to professional behavior. This document provides assistance in complying with the code. The guiding principles offer the basis upon which the tenets are articulated. The illustrative behaviors are not exhaustive, but are indicative of the conduct that may either conform to or violate a specific tenet or the code as a whole.

When in doubt, the reader should refer to the explicit language of the tenet. If further clarification is needed, questions may be directed to the national office of the Registry of Interpreters for the Deaf, Inc.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

Philosophy

The American Deaf community represents a cultural and linguistic group having the inalienable right to full and equal communication and to participation in all aspects of society. Members of the American Deaf community have the right to informed choice and the highest quality interpreting services. Recognition of the communication rights of America's women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in this Code of Professional Conduct.

Voting Protocol

This Code of Professional Conduct was presented through mail referendum to certified interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf. The vote was to adopt or to reject.

Adoption of this Code of Professional Conduct

Interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf voted to adopt this Code of Professional Conduct, effective July 1, 2005. This Code of Professional Conduct is a working document that is expected to change over time. The aforementioned members may be called upon to vote, as may be needed from time to time, on the tenets of the code.

The guiding principles and the illustrative behaviors may change periodically to meet the needs and requirements of the RID Ethical Practices System. These sections of the Code of Professional Conduct will not require a vote of the members. However, members are encouraged to recommend changes for future updates.

Function of the Guiding Principles

It is the obligation of every interpreter to exercise judgment, employ critical thinking, apply the benefits of practical experience, and reflect on past actions in the practice of their profession. The guiding principles in this document represent the concepts of confidentiality, linguistic and professional competence, impartiality, professional growth and development, ethical business practices, and the rights of participants in interpreted situations to informed choice. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

When applying these principles to their conduct, interpreters remember that their choices are governed by a "reasonable interpreter" standard. This standard represents the hypothetical interpreter who is appropriately educated, informed, capable, aware of professional standards, and fair-minded.



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CODE OF PROFESSIONAL CONDUCT

Tenets

1. Interpreters adhere to standards of confidential communication.
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

Applicability

- A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.
- B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.
- C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

Definitions

For the purpose of this document, the following terms are used:

Colleagues: Other interpreters.

Conflict of Interest: A conflict between the private interests (personal, financial, or professional) and the official or professional responsibilities of an interpreter in a position of trust, whether actual or perceived, deriving from a specific interpreting situation.

Consumers: Individuals and entities who are part of the interpreted situation. This includes individuals who are deaf, deaf-blind, hard of hearing, and hearing.

1.0 CONFIDENTIALITY

Tenet: Interpreters adhere to standards of confidential communication.

Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved.

Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

Illustrative Behavior - Interpreters:

- 1.1 Share assignment-related information only on a confidential and "as-needed" basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).



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- 1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).
- 1.3 Inform consumers when federal or state mandates require disclosure of confidential information.

2.0 PROFESSIONALISM

Tenet: Interpreters possess the professional skills and knowledge required for the specific interpreting situation.

Guiding Principle: Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community.

Interpreters accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

Illustrative Behavior - Interpreters:

- 2.1 Provide service delivery regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, or any other factor.
- 2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.
- 2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.
- 2.4 Request support (e.g., certified deaf interpreters, team members, language facilitators) when needed to fully convey the message or to address exceptional communication challenges (e.g. cognitive disabilities, foreign sign language, emerging language ability, or lack of formal instruction or language).
- 2.5 Refrain from providing counsel, advice, or personal opinions.
- 2.6 Judiciously provide information or referral regarding available interpreting or community resources without infringing upon consumers' rights.

3.0 CONDUCT

Tenet: Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.

Guiding Principle: Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

Illustrative Behavior - Interpreters:

- 3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively.
- 3.2 Decline assignments or withdraw from the interpreting profession when not competent due to physical, mental, or emotional factors.
- 3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings.
- 3.4 Comply with established workplace codes of conduct, notify appropriate personnel if there is a conflict with this Code of Professional Conduct, and actively seek resolution where warranted.
- 3.5 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire.



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- 3.6 Refrain from the use of mind-altering substances before or during the performance of duties.
- 3.7 Disclose to parties involved any actual or perceived conflicts of interest.
- 3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services.
- 3.9 Refrain from using confidential interpreted information for personal, monetary, or professional gain.
- 3.10 Refrain from using confidential interpreted information for the benefit of personal or professional affiliations or entities.

4.0 RESPECT FOR CONSUMERS

Tenet: Interpreters demonstrate respect for consumers.

Guiding Principle: Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

Illustrative Behavior - Interpreters:

- 4.1 Consider consumer requests or needs regarding language preferences, and render the message accordingly (interpreted or transliterated).
- 4.2 Approach consumers with a professional demeanor at all times.
- 4.3 Obtain the consent of consumers before bringing an intern to an assignment.
- 4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

5.0 RESPECT FOR COLLEAGUES

Tenet: Interpreters demonstrate respect for colleagues, interns and students of the profession.

Guiding Principle: Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

Illustrative Behavior - Interpreters:

- 5.1 Maintain civility toward colleagues, interns, and students.
- 5.2 Work cooperatively with team members through consultation before assignments regarding logistics, providing professional and courteous assistance when asked and monitoring the accuracy of the message while functioning in the role of the support interpreter.
- 5.3 Approach colleagues privately to discuss and resolve breaches of ethical or professional conduct through standard conflict resolution methods; file a formal grievance only after such attempts have been unsuccessful or the breaches are harmful or habitual.
- 5.4 Assist and encourage colleagues by sharing information and serving as mentors when appropriate.
- 5.5 Obtain the consent of colleagues before bringing an intern to an assignment.



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6.0 BUSINESS PRACTICES

Tenet: Interpreters maintain ethical business practices.

Guiding Principle: Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery.

Illustrative Behavior - Interpreters:

- 6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.
- 6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist.
- 6.3 Promote conditions that are conducive to effective communication, inform the parties involved if such conditions do not exist, and seek appropriate remedies.
- 6.4 Inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.
- 6.5 Reserve the option to decline or discontinue assignments if working conditions are not safe, healthy, or conducive to interpreting.
- 6.6 Refrain from harassment or coercion before, during, or after the provision of interpreting services.
- 6.7 Render pro bono services in a fair and reasonable manner.
- 6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner.

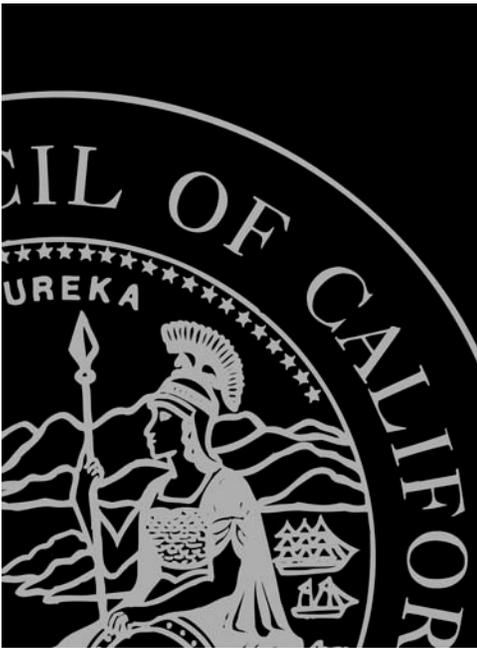
7.0 PROFESSIONAL DEVELOPMENT

Tenet: Interpreters engage in professional development.

Guiding Principle: Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills.

Illustrative Behavior - Interpreters:

- 7.1 Increase knowledge and strengthen skills through activities such as:
 - pursuing higher education;
 - attending workshops and conferences;
 - seeking mentoring and supervision opportunities;
 - participating in community events; and
 - engaging in independent studies.
- 7.2 Keep abreast of laws, policies, rules, and regulations that affect the profession.



Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard- of-Hearing Persons



JUDICIAL COUNCIL
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OF THE COURTS

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Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

The Judicial Council of California

Preamble

Evidence Code section 754 requires that in any civil or criminal action, including any action involving a traffic or other infraction or any juvenile court proceeding, or any proceeding to determine the mental competency of a person, or any administrative hearing, where a party or witness is a deaf or hard-of-hearing person and the deaf or hard-of-hearing person is present and participating, the proceeding shall be interpreted in a language that the deaf or hard-of-hearing person understands by a qualified interpreter appointed by the court or other appropriate authority. A “qualified interpreter” is defined as an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for the deaf or hard-of-hearing.

Evidence Code section 754 further requires the Judicial Council to establish guidelines pursuant to which it will determine which testing organizations, agencies, or educational institutions will be approved to administer tests and certify court interpreters for deaf and hard-of-hearing persons and provides that an initial approval of testing entities shall occur prior to July 1, 1992. The Judicial Council, therefore, establishes the following guidelines.

In these guidelines, the term “certified court interpreter” is used to mean a sign language interpreter who is certified to interpret in court proceedings. “Certifying organization” refers to the entity under whose auspices the evaluation of applicant interpreters is conducted. “Evaluating panel/board” refers to the actual persons who rate the applicant interpreters. “Oral” interpreting, services to hard-of-hearing individuals such as assistive listening devices, interpreting for deaf/blind individuals, and other forms of communicative assistance to persons with hearing disabilities are not covered by these guidelines.

Guidelines

I. Structure and Administration of Evaluating Panels/Boards

- A. The evaluating panel/board and its processes shall be administratively independent of the certifying organization in the testing and certification of individual applicants, that is, the panel/board shall be free of influence from any external sources on decisions affecting the test results and certification of interpreters.
- B. The certifying organization in all of its processes shall not discriminate among applicants for certification as to age, sex, race, religion, national origin, disability, sexual orientation, or marital status and shall include statements on nondiscrimination in every announcement of the certification program. The certifying organization shall provide for access and reasonable accommodation to the testing process for persons with disabilities.
- C. The certifying organization shall possess the knowledge and experience necessary to conduct the testing and certification of court interpreters.
- D. The certifying organization shall have a formal procedure for the selection of evaluating panel/board members that includes input from certified interpreters and deaf individuals who possess the knowledge and experience required for that purpose.

- E. The certifying organization shall have formal procedures for training of evaluating panel/board members which ensures the consistency of their evaluation over time.
- F. The evaluating panel/board shall include, but not be limited to all of the following:
1. A majority of members who are deaf and possesses the knowledge and experience necessary to evaluate court interpreters for deaf persons;
 2. Certified interpreters who may themselves be court interpreters or intermediary court interpreters (as defined in Evid. Code, §754) and possess the knowledge and experience necessary to evaluate court interpreters for deaf persons; and
 3. A judge or member of the State Bar of California.
- G. The certifying organization shall hold testing at reasonable cost to the applicant interpreter and with sufficient frequency and diversity of location to ensure that there is reasonable opportunity and accessibility for individuals in all parts of the state to be tested and certified.
- H. The certifying process shall have and maintain:
1. Competence-based standards of performance;
 2. A clear process for determining the pass-fail standard for certification and cutoff scores on tests; and
 3. An established procedure for the regular and timely review and adjustment of these standards of performance, utilizing input from interpreters, deaf and hard-of-hearing persons, court personnel, and research sources.
- I. The certifying organization shall maintain the confidentiality and integrity of the testing process, including test materials, scoring information, and other sensitive information. The certifying organization shall have a procedure to regularly update, rotate, reformulate, or alter test materials to guarantee that the confidentiality of test items, tapes, scripts, and other materials is protected and that the materials are new to those applicants who are being tested.
- J. Upon completion of testing, the certifying organization shall issue to qualified interpreters a certificate which clearly identifies the interpreter as certified to interpret in court by this organization and the period of time covered by the certification.
- K. The certifying organization shall furnish to the Judicial Council a list of those interpreters who are certified to interpret in court proceedings and shall keep this list up-to-date by immediately informing the Judicial Council of any additions or deletions to this list.
- L. If the certifying organization plans to include in this list those interpreters who were certified to interpret in court proceedings by the organization prior to the effective date of approval by the Judicial Council to certify court interpreters under these guidelines, the certifying organization shall have a clear and reasonable procedure to do so. This procedure must ensure that interpreters so included shall meet the competency and knowledge requirements of the certifying organization as approved under these Judicial Council guidelines.
- M. The certifying organization shall have an established and reasonable procedure for assuring the continued competency of certified court interpreters through periodic assessment or other means. Such a certification maintenance process must include efforts by the certifying organization to enhance continued competence of the individual. If continuing education is used as a means of ensuring

continued competency, the certifying organization may not require interpreters to enroll in its own education or training program.

- N. The certifying organization shall promptly report certification results to applicants.
- O. The certifying organization shall have and publicize the existence of a reasonable grievance and appeal process for certification applicants who question the certification or testing process, test results, or eligibility for testing.
- P. The certifying organization shall have and publicize the existence of a reasonable complaint process for the public to use in addressing discipline of those holding certificates, including revocation of certification for conduct that clearly indicates incompetence, unethical behavior, and physical or mental impairment affecting performance.
- Q. The certifying organization shall also furnish to the Judicial Council a list of community organizations and contacts which can serve as resources to the court in facilitating the legal process where certified sign language court interpreters are involved.

II. Certification Testing and Test Content

- A. The certification process, including tests and testing procedure, shall be objective, fair, and free of test bias (including, but not limited to, bias as to age, sex, race, religion, national origin, sexual orientation, culture, or class).
- B. The certification process, including tests and testing procedure, shall be directly based on the knowledge and skills needed to function as an interpreter in court proceedings.
- C. Tests and testing processes shall be standardized and nondiscriminatory and shall be shown to be both reliable and valid (particularly as relates to the certified court interpreter's subsequent ability to perform in court proceedings) under generally accepted procedures for establishing the validity and reliability of tests.
- D. The certifying organization shall clearly state, and publish, in a manner reasonably certain to provide adequate notice to applicants, the certification and testing criteria and the requirements used to certify court interpreters, including information about the competencies required, the level of competency required, and how these competencies are determined.
- E. The certifying process shall be comprehensive in testing for all aspects of the court interpreting process, including all of the following:
 - 1. Translation and transliteration competency, which includes:
 - a. American Sign Language competency;
 - b. English language competency; and
 - c. Competency in interpreting language and terminology common to court proceedings;
 - 2. The role, function, and understanding of techniques for working *with* a relay interpreter or other intermediaries or for working as a relay interpreter;
 - 3. Understanding of social, cultural, and linguistic aspects of the local, state, and national communities of deaf people;
 - 4. The role and function of court interpreters including court etiquette;
 - 5. The various court proceedings which commonly and frequently require use of an interpreter or interpreters; and
 - 6. A code of conduct and professional ethics.

- F. If, in addition to testing for the above, a certifying organization establishes education and training requirements which an interpreter must have prior to certification (such as a high school diploma or college degree), there must be a direct correlation between these requirements and an interpreter's ability to perform in court proceedings. A certifying organization may not require an interpreter to take its own education or training program as a prerequisite to testing or certification.

III. Application to the Judicial Council for Approval to Certify Court Interpreters and Maintenance of Standing

- A. The certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines.
- B. The certifying organization shall advise the Judicial Council of any substantive changes in the structure and administration of the certification process, including any substantive changes in testing techniques or testing content. The certifying organization, agency, or institution shall provide any information about the certification process to the Judicial Council upon request.
- C. An approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at two-year¹ intervals after initial approval.
- D. An approved certifying organization shall provide evidence of continued compliance with these guidelines prior to the mandated two year interval at the discretion of the Judicial Council if evidence exists of noncompliance with these guidelines.
- E. The Judicial Council may suspend or revoke its approval of a certifying organization or place conditions on continued approval if such action is deemed necessary to ensure the quality and/or integrity of court interpreting or this approval process.

¹ On November 15, 1996, the Judicial Council adopted the recommendation to revise guidelines III(c) and (d) of the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to require the review of approved certifying organizations every two years.