

2015
STATE OF NEBRASKA



Rules and Regulations

Relating to

Sign Language Interpreters

Nebraska Commission for the
Deaf and Hard of Hearing

Nebraska Commission for the Deaf and Hard of Hearing
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TITLE 96 – NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING

CHAPTER 1 – REGULATIONS AND PROCEDURES FOR THE PRACTICE AND APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

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TITLE 96 NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING

CHAPTER 1 PRACTICE AND APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

001 SCOPE OF REGULATIONS; These regulations apply to the licensure of interpreters, transliterators and video remote interpreting (VRI) providers as defined by Revised Nebraska Statutes §20-150 to §20-159.

002 DEFINITIONS;

Appointing authority: The state agency or law enforcement personnel required to provide a licensed interpreter pursuant to sections §20-150 to §20-159 of the Revised Nebraska Statutes.

ASLTA: American Sign Language Teachers Association, a national organization that evaluates and certifies teachers of American Sign Language (ASL).

Auxiliary aid: Includes, but is not limited to, sign language interpreters, oral interpreters, tactile interpreters, other interpreters, note takers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems.

Board: The Interpreter Review Board.

Calendar year: Begins on the New Year's Day of the given calendar system and ends on the day before the following New Year's Day.

Certificate: A formal document verifying completion of a specific sign language proficiency level, course, or training program.

Commission: The Nebraska Commission for the Deaf and Hard of Hearing.

Complaint: Any allegation against an interpreter, a VRI provider or against a hiring entity submitted to the Nebraska Commission for the Deaf and Hard of Hearing. The complaint may be submitted in any form.

Completed Application: An application with all of the information requested on the application filled in, the signature of the applicant, fees and all required documentation submitted.

Continuing Education Unit (CEU): For every ten hours of instruction, a participant receives one continuing education unit or one CEU. CEUs are awarded only for Commission approved continuing education activities.

Deaf-Blind Interpreter: A person who interprets for a Deaf-Blind individual. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Deaf or hard of hearing person: A person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditory processing spoken language without the use of an interpreter; or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or other auxiliary aid.

Formal Complaint: Written statement, prepared by legal counsel retained on behalf of the Full Commission Board, stating formal allegations against an interpreter, a VRI provider and/or appointing authority and the rules or statutes violated. The formal complaint is filed with the Executive Director of the Nebraska Commission for the Deaf and hard of Hearing and served on the interpreter and/or hiring entity.

Full Commission Board: The Nebraska Commission for the Deaf and Hard of Hearing Full Commission Board.

Hearing Officer: The person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

Intermediary interpreter: Any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and an interpreter.

Intermediary interpreting: Involves the use of sign language, gesture, mime, props, drawings, and/or other tools to enhance communication.

Intermediary License: A license that indicates proficiencies in interpretation or transliteration as described in 003.01B in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section §20-150.

Intermediary Licensee: A person who holds an Intermediary License.

Interpreter or Transliterater License: A license that indicates proficiencies in interpretation or transliteration as described in 003.01A in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section §20-150.

Interpreter or Transliterater Licensee: A person who holds a license that demonstrates proficiencies in interpretation or transliteration as described in 003.01A in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section §20-150.

Interpreting: Conveying what is being spoken through Sign Language and conveying what is being signed into spoken English.

NAD: The National Association of the Deaf. The NAD previously conducted an Interpreter Assessment and Certification Program.

NAD Certification: Any interpreter certification developed and administered by the National Association of the Deaf.

NAD-RID Code of Professional Conduct: The document adopted by members of NAD and RID to outline the high standards of professionalism and ethical conduct expected of interpreters. The driving force behind the guiding principles is the notion that the interpreter will do no harm. This code became effective July 1, 2005. See Attachment A for a current copy of the NAD-RID Code of Professional Conduct.

National Council on Interpreting (NCI): The committee that worked with the approval of the NAD and RID Boards of Directors on developing a National Interpreter Certification (NIC) test.

National Interpreter Certification (NIC): The interpreter certification test developed by the National Council on Interpreting.

Oral interpreter: A person who interprets language through facial expression, body language, and mouthing.

Oral interpreting (also known as oral transliterating): The process by which an oral interpreter (also known as an oral transliterator) silently rephrases a spoken English message, selecting the words that are most easily speech-readable to an oral deaf individual who uses speech and speech reading as primary forms of communication.

Political Subdivision: A division of government less than the State.

QAST: The Mid-America Quality Assurance Screening Test, a regional sign language interpreting and transliterating assessment tool.

RID: The Registry of Interpreters for the Deaf, a national organization that awards certification to interpreters and transliterators who successfully pass a national test. The test assesses not only language knowledge and communication skills, but also knowledge and judgment on issues of ethics, culture and professionalism. An interpreter may hold one or more certifications.

RID Certification: Any interpreter certification developed and administered by the Registry of Interpreters for the Deaf.

State agency: Any state entity which receives appropriations from the Legislature and includes the Legislature, legislative committees, executive agencies, courts, and probation officials but does not include political subdivisions.

Tactile interpreter: A person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Tactile interpreting: The process by which a deaf-blind person places his or her hands on top of the hands of the interpreter. This requires the interpreter to sign in a smaller space than usual and to incorporate visual information into the message.

Temporary Permit: A permit that indicates proficiencies in interpretation or transliteration as described in 003.01C in these regulations, and which allows an interpreter to practice for a limited term.

Transliterating: The process of conveying the message into an English-based variety of manual communication. The transliterator stays within the English language but changes the mode of that communication.

Video Remote Interpreting Business License: A license held by a business that demonstrates their employed interpreter's proficiencies as described in 004.01 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of the Nebraska Revised Statutes section §20-150.

Video remote interpreting (VRI) services: The use of videoconferencing technology with the intent to provide effective interpreting services.

Video remote interpreting (VRI) provider: A person or an entity licensed to provide video remote interpreting services.

003 INTERPRETER/TRANSLITERATORS;

003.01 ELIGIBILITY CRITERIA TO OBTAIN A LICENSE;

003.01A Interpreter or Transliterater License

- 1) An applicant for an Interpreter or Transliterater License to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must:
 - a) Have completed one of the following:
 1. Hold one of the valid certification developed by the National Council on Interpreting (NCI) and awarded by the Registry of Interpreters for the Deaf (RID): NIC, NIC Advanced or NIC Master; or
 2. Hold one of the following valid interpreter or transliterater certification awarded by the Registry of Interpreters for the Deaf (RID): Certificate of Interpretation, Certificate of Transliteration, Interpretation Certificate, Transliteration Certificate, Comprehensive Skills Certificate, or Interpretation Certificate/Transliteration Certificate; or
 3. Hold a valid Level III or higher on the Interpreter Proficiency Certificate awarded by the National Association of the Deaf (NAD); or
 4. Hold a valid certification Level III, IV or V in Interpreting or Transliterating on the Mid-America Quality Assurance Screening; or
 5. Hold another state certification or licensure that is substantially equivalent to one of the above; and
 - b) Be 18 years of age or older; and

- c) Have attained a high school diploma or equivalent.

003.01B **Intermediary License**

1) An applicant for an Intermediary License may be obtained by deaf or hard of hearing individuals dealing with specific communication modalities associated with the practice of interpreting or transliterating for Deaf-Blind consumers (tactile interpreting) or assisting with the provision of accurate interpreting between spoken English and American Sign Language or any variants of such as specified in the definition in section 002.

- a) Have completed one of the following sets of requirements:
 - 1. Hold a valid interpreter certification awarded by the Registry of Interpreters for the Deaf (RID); Certified Deaf Interpreter Certification; or
 - 2. Have written documentation of the following:
 - a. Have demonstrated ability to communicate through passing a language proficiency examination at a minimum of an advance level or equivalent; and
 - b. Passed either the written Mid-America Quality Assurance Screening examination; or the written NAD-RID Code of Professional Conduct examination; and
 - c. Completed 8 hours of training on the NAD-RID Code of Professional Conduct, and 8 hours of training related to the role and function of a deaf or hard of hearing intermediary interpreter. The 16 hours of training must be from any of the following sources, alone or in combination:

- i. Alexander Graham Bell Association of the Deaf; or
 - ii. American Sign Language Teachers Association (ASLTA); or
 - iii. National Association of the Deaf (NAD); or
 - iv. Registry of Interpreters for the Deaf (RID) — Certification Maintenance Program; or
 - v. Registry of Interpreters for the Deaf (RID) — Associate Continuing Education Training; or
 - vi. Nebraska Commission for the Deaf and Hard of Hearing (NCDHH); or
 - vii. Training preapproved by the Full Commission Board; or
3. Any Specialized Licensed Interpreter licensed prior to January 1, 2016, who maintain their license may qualify for an Intermediary License; and
 4. Be 18 years of age or older; and
 5. Have attained a high school diploma or equivalent.

003.01C Temporary Permit

- 1) A Temporary Permit is valid for a maximum of 30 days per calendar year. An applicant for a Temporary Permit must hold a current certification as specified in 003.01A. At the end of the calendar year, permit holders must submit a record, on a form supplied by the Commission, of interpreting

service hours provided to in Nebraska excepting any exception outlined in Nebraska Revised statutes §20-156.1.

003.02 APPLICATION PROCESS FOR OBTAINING A LICENSE OR A TEMPORARY PERMIT; A license is required to practice interpreting or transliterating. In accordance with Neb. Rev. Stat. §20-150 to §20-159, except as otherwise provided in this §20-156.01, no person or entity shall (a) practice as an interpreter for the deaf or hard of hearing for compensation, (b) hold himself, herself, or itself out as a licensed interpreter for the deaf or hard of hearing, (c) provide video remote interpreting services, (d) use the title Licensed Interpreter for the Deaf or Licensed Transliterating for the Deaf, or (e) use any other title or abbreviation to indicate that the person or entity is a licensed interpreter unless licensed. The process for obtaining a license to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska is set forth below:

003.02A Interpreter or Transliterating License

- 1) An applicant for a license based on an examination to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must submit to the Commission:
 - a) Documentation that he or she meets the requirements as cited in 003.01A in these regulations; and
 - b) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
 - c) Official documentation of having attained a high school diploma or equivalent; and
 - d) The required license fee.
- 2) Applicants who are denied an Interpreter or Transliterating License may appeal this action in accordance with section 003.10.

- 3) All Interpreter/Transliterators Licenses shall expire on June Thirtieth (30) of every odd year unless revoked, suspended or cancelled prior to such date.

003.02B Intermediary License

- 1) An applicant for an Intermediary License must submit to the Commission:
 - a) Documentation that he or she meets the as cited in 003.01B in these regulations; and
 - b) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
 - c) Official documentation of having attained a high school diploma or equivalent; and
 - d) The required license fee.
- 2) Applicants who are denied an Intermediary License may appeal this action in accordance with section 003.10.
- 3) All Intermediary Licenses shall expire on June Thirtieth (30) of every odd year unless revoked, suspended or cancelled prior to such date.

003.02C Temporary Permit

- 1) An applicant for a Temporary Permit to practice interpreting or transliterating for deaf or hard of hearing individuals must submit to the Commission:
 - a) Documentation that he or she meets the requirements as cited in 003.01C in these regulations; and

- b) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
 - c) Official documentation of having attained a high school diploma or equivalent; and
 - d) The required license fee.
- 2) Applicants who are denied a Temporary Permit may appeal this action in accordance with section 003.10.
 - 3) All Temporary Permits shall expire on December Thirty-First (31) of every year unless revoked, suspended or cancelled prior to such date.

003.03 FEES; The following fees have been set by the Full Commission Board to be paid as a condition of issuance of a license pursuant to Revised Nebraska Statutes section §20-156:

003.03A Interpreter or Transliterator License; An applicant for an Interpreter or Transliterator License must pay a fee of \$150.

003.03B Intermediary License; An applicant for an Intermediary License must pay a fee of \$50.

003.03C Temporary Permit; An applicant for a Temporary Permit must pay a fee of \$25 for each calendar year.

003.03D Renewal Fee

- 1) Interpreter/Transliterator License – Applicants must pay a fee of \$150 on a biennial basis ending June 30th of every odd year.
- 2) Intermediary License – Applicants must pay a fee of \$50 on a biennial basis ending June 30th of every odd year.

003.03E **Late Charge**; An applicant for renewal on a biennial basis of a license who fails to pay the renewal fee on or before the expiration date of his or her license will have 30 calendar days to pay an additional fee of \$25 as a late charge. After 30 days the license is revoked and the \$75.00 reinstatement fee applies.

003.03F **Duplicate Original License**; The fee for a duplicate original license is \$10.00. This includes issuing a duplicate license due to a name change.

003.03G **Certified Statement**; The fee for a certified statement that a license holder is licensed in the State of Nebraska is \$25.

003.03H **Reinstatement Fee**; An applicant for reinstatement of his or her license must pay a fee of \$75 in addition to the regular renewal fee.

003.04 **CONTINUING EDUCATION**;

003.04A **Continuing Education Requirements**; All persons applying for renewal of an Interpreter or Transliterator License, or for renewal of an Intermediary License must:

- 1) Have completed 24 clock hours of approved continuing education during the preceding 24 month period. A minimum of 18 clock hours must be completed in the area of Professional Studies, of which 3 clock hours must be related to interpreter ethics. Professional Studies contains content that directly affects the field of interpreting or transliterating. A maximum of 6 clock hours may be completed in the area of General Studies. General Studies includes topics that enhance the interpreter/transliterator's critical thinking skills and general ideas typically understood within the mainstream American Culture. The Commission has final approval of all continuing education activities. License holders must:
- 2) Ensure that the continuing education activity is approved by the Commission; and
- 3) Maintain certificates of attendance or records of credit from continuing education activities; and

- 4) Submit to the Commission documentation of continuing education hours on a form supplied by the Commission. Incomplete forms will be returned with a letter informing the applicant of the information necessary to complete the form.
 - a) Documentation of continuing education activities must include:
 1. The name of the approved workshop, the title of the activity or the name of the approved in-service provider; and
 2. The date(s) of the activity; and
 3. The number of hours received for the activity.

003.04B Approval of Continuing Education Activities;

- 1) The following types of activities are preapproved by the Commission for continuing education credit:
 - a) Programs at the following State or National meetings: examples include but are not limited to, workshops or conferences hosted by the Alexander Graham Bell Association of the Deaf, the American Sign Language Teachers Association (ASLTA), the Conference of Interpreter Trainers (CIT), the National Association of the Deaf (NAD), the Nebraska Association of the Deaf (NeAD), the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH), the Nebraska Registry of Interpreters for the Deaf (NeRID), or the Registry of Interpreters for the Deaf, Inc. (RID);
 - b) Activities which are approved by an RID approved sponsor.
- 2) Procedure for Obtaining Approval for Continuing Education Activity; The Commission will evaluate applications for

continuing education activities in order to determine if approval is to be granted or denied. An application must be submitted to the Commission prior to the activity date.

003.04C **Continuing Education Credit for Presenters;** A presenter may apply for approval to receive credit for presenting a continuing education activity for the initial presentation. An application must be submitted to the Commission prior to the activity date.

003.04D **Denial of Continuing Education Activities;** The Commission may grant or deny an application for approval of continuing education activities. Applicants who are denied approval of a continuing education activity may appeal this action in accordance with section 003.10.

003.05 **PROCESS FOR LICENSE RENEWAL;**

003.05A **Expiration Date**

- 1) All Interpreter or Transliterators Licenses shall expire on June thirtieth (30) of every odd year unless revoked, suspended, or cancelled prior to such date.
- 2) All Intermediary Licenses shall expire on June thirtieth (30) of every odd year unless revoked, suspended, or cancelled prior to such date.
- 3) All Temporary Permits shall expire on December 31st of the year of issuance unless revoked, suspended, or cancelled prior to such date.

003.05B **Interpreter or Transliterators License;** An applicant for license renewal to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must submit to the Commission:

- 1) Official documentation of maintaining the requirements as cited in 003.01A in these regulations; and

- 2) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- 3) The required license fee; and
- 4) Evidence of compliance with continuing education requirements as identified in 003.04.

003.05C **Intermediary License**; An applicant for license renewal of an Intermediary License must submit to the Commission:

- 1) Official documentation of maintaining the requirements as cited in 003.01B in these regulations; and
- 2) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- 3) The required license fee; and
- 4) Evidence of compliance with continuing education requirements as identified in 003.04.

003.05D Applicants who are denied renewal of an Intermediary License may appeal this action in accordance with section 003.10.

003.06 **LICENSE EXPIRATION**;

003.06A **Expiration for Nonpayment of Renewal Fees**; If a license holder fails to submit a completed application and the required renewal fee by the expiration date, a license expiration notice will be sent by mail from the Commission. The notice will specify:

- 1) That the license holder has a right to appeal the expiration notice in accordance with section 003.10; and

- 2) That the license holder has a right to request reinstatement of the license in accordance with section 003.09.

003.06B **Expiration for Failure to Maintain Required Certification or Assessment Level;** If a license holder fails to maintain the requirements as cited in 003.01A, 003.01B and 003.01C the license and/or permit will expire. An expiration notice will be sent by mail from the Commission. The expiration notice will specify:

- 1) That the license holder has a right to appeal the expiration notice in accordance with section 003.10; and
- 2) That the license holder has a right to request reinstatement of the license in accordance with section 003.09.

003.06C **Expiration for Failure to Meet Continuing Education Requirements;** If a license holder fails to meet the continuing education requirements for license renewal as cited in 003.04, the license will automatically expire. An expiration notice will be sent by mail from the Commission. The expiration notice will specify:

- 1) That the license holder has a right to appeal the expiration notice in accordance with section 003.10; and
- 2) That the license holder has a right to request reinstatement of the license in accordance with section 003.09.

003.07 **INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS;** This rule outlines the procedures for investigating complaints and taking disciplinary action against appointing authorities, and licensed or unlicensed interpreters.

003.07A The Commission will acknowledge all complaints in writing within ten business days after being received.

003.07B Upon designation by the Full Commission Board, the Board will investigate:

- 1) Complaints alleging the use of an unlicensed interpreter by any appointing authority in violation of Nebraska Revised Statutes sections §20-150 to §20-159, or complaints, as defined in 002, alleging the violation of the Rules and Regulations of the Commission.
- 2) Complaints alleging a licensed interpreter has violated any provision of sections §20-150 to §20-159, sections §71-4728 to §71-4732, or any rule or regulation of the Commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct.
 - a) Complaints alleging fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure, or renewing or attempting to renew a license; or
 - b) Complaints alleging unethical, unprofessional, dishonorable or grossly immoral conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for the practice of interpreting or transliterating; or
 - c) Complaints of conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction, which has rational connection with the license holder's renewal or fitness or capacity to practice VRI interpreting; or
 - d) Complaints of violating the NAD-RID Code of Professional Conduct currently adopted by the National Registry of Interpreters for the Deaf, Inc. (see Attachment A) or other code of ethics that is substantially equivalent; or
 - e) Complaints of violating the terms of a probation should the Commission have placed the license holder on probation; or

- f) Complaints of interpreting while impaired by alcohol, controlled substances, narcotic drugs, or by physical, mental, or emotional disability; or
- g) Complaints of committing any act of sexual abuse, misconduct or exploitation related to the practice of interpreting.

003.07C Evaluation and Action; The Board will investigate and evaluate the complaints. In conducting an investigation, and prior to a formal hearing on the complaint, the Board may, in its discretion, request the person who is under investigation to answer the charges in writing or appear before the Board or its designee to voluntarily and informally discuss the alleged violation.

- 1) The Board may obtain technical or investigatory assistance. All persons appointed to assist with investigating and hearing the matter shall report their findings, in writing, to the Board for final determination by the Board.
- 2) After the investigation is complete, the matter goes to the Board to determine their recommendation to the Full Commission Board.

003.07D The Full Commission Board will evaluate the complaint, the investigation and the Board recommendation.

- 1) If the investigation reveals that there is not good cause to believe that the interpreter has committed a violation of any Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or the Title 96 Rules and Regulations promulgated by the Full Commission Board, the matter will be dismissed and no formal complaint will be initiated by the Full Commission Board; or
- 2) If the investigation discloses a probability that the actions of the person under investigation constitutes a violation of any Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or the Title 96 Rules and Regulations

promulgated by the Full Commission Board, the Full Commission Board will proceed with possible disciplinary action.

003.07E The Full Commission Board may enter into a consent agreement or negotiated settlement at any time before or after filing a formal complaint. Voluntary surrender or nonrenewal of a license to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit consideration for subsequent reinstatement.

003.07F A formal complaint may be filed and served on the interpreter. Such formal complaint will specify the allegations being brought against the interpreter and set forth in general terms the facts alleged to support the allegations.

- 1) If the Interpreter Issues decides to proceed with possible disciplinary action, the Executive Director will consult with the Nebraska Attorney General's office and will retain legal counsel to prosecute the disciplinary charges. A formal complaint will be prepared, filed with the Executive Director and served on the interpreter. Such formal complaint will specify the charges being brought against the interpreter and set forth in general terms the facts alleged to support the charges.
- 2) If the interpreter does not want to contest the allegations within fifteen (15) days and request a formal hearing, the following will occur:
 - a) The Full Commission Board will, by majority vote, make its final decision in the matter.
- 3) If the interpreter wants to contest the allegations, he or she must request a formal hearing in writing, within fifteen (15) days to the Executive Director of the Commission.
 - a) The Commission will appoint a neutral hearing officer to schedule an evidentiary hearing within thirty (30) days. The hearing officer will preside over all proceedings in the

case until completion of the hearing and submission of the hearing officer's report and recommendations to the Commission and will also serve copies of such document on the interpreter or his or her attorney and the attorney prosecuting the charges.

- b) The Full Commission Board may, but is not required to, afford the interpreter and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral argument to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.
 - c) The Full Commission Board will, by majority vote, make its final decision in the matter.
- 4) Notice of the Full Commission Board's final decision will be served on the interpreter or the interpreter's attorney of record promptly after it is made by regular United States mail. If the allegations are substantiated, a disciplinary notice will be sent by mail from the Commission. The disciplinary notice will specify:
- a) The specific grounds violated; and
 - b) That the Full Commission Board has taken disciplinary action against an individual, and the nature of the disciplinary action; and
 - c) That an individual has a right to appeal the disciplinary action in accordance with section 003.10; and
 - d) That a previously licensed individual has a right to request reinstatement of the license in accordance with section 003.09.

003.07G Any individual aggrieved by the Full Commission Board's final decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.

003.07H The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

003.07I Confidentiality; All investigations or disciplinary actions that are not formally dismissed will be public information after a disposition has been determined by the Full Commission Board. The Full Commission Board and the Board will abide by Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

003.08 TYPES OF DISCIPLINARY ACTIONS;

003.08A If the Full Commission Board determines that a licensed interpreter or an applicant for licensure has committed a violation of Nebraska Revised Statutes sections §20-150 to §20-159, or of the Rules and Regulations of the Commission, it may discipline the individual by taking one or more of the following actions:

- 1) Disciplinary actions that may be taken include but are not limited to:
 - a) Additional education requirements; or
 - b) Letter of reprimand; or
 - c) Probation; or
 - d) Limit the type of practice; or
 - e) Suspension; or
 - f) Revocation.

003.08B If the Full Commission Board determines that an unlicensed interpreter has committed a violation of Nebraska Revised Statutes sections §20-150 to §20-159, or of the Rules and Regulations of the Commission, the

Full Commission Board may impose a civil penalty against the unlicensed interpreter not to exceed \$500 for each offense.

003.08C Appeals will be conducted in accordance with section 003.10.

003.09 LICENSE REINSTATEMENT;

003.09A License Reinstatement if Expiration Due to Failure to Pay Renewal Fees, Failure to Maintain Certification or Assessment Level, and/or Failure to Meet Continuing Education Requirements; An applicant whose license expired due to nonpayment of renewal fees, failure to maintain certification or assessment level, or failure to meet continuing education requirements may seek reinstatement as follows:

- 1) A person whose license expired may seek reinstatement as follows:
- 2) The applicant must submit to the Commission:
 - a) A completed reinstatement application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
 - b) A renewal fee (which is to be the same as the initial license fee for each category 003.03A – 003.03C), plus a \$75 reinstatement fee; and
 - c) If license expired due to failure to maintain certification or assessment level, documentation that the applicant currently possesses the required certification or assessment level as cited in 003.01A, 003.01B or 003.01C; and/or
 - d) If license expired due to failure to complete required continuing education hours as cited in 003.04,-documentation of or a sworn affidavit of 24 clock hours of completed approved continuing education earned in the 24 months prior to the date of application for reinstatement. Documentation of continuing education hours must be submitted on a form

supplied by the Commission. Incomplete forms will be returned with a letter informing the applicant of the information necessary to complete the form; and

- e) A written statement by the applicant that contains the rationale for requesting reinstatement of the license.

003.09B An applicant whose license has been revoked, suspended, limited or refused renewal may seek reinstatement by submitting the following:

- 1) A completed reinstatement application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- 2) A renewal fee (which is to be the same as the initial license fee for each category 003.03A - 003.03C ~~005.01-005.03~~), plus a \$75 reinstatement fee; and
- 3) A written statement by the applicant that contains the rationale for requesting reinstatement of the license; and
- 4) Evidence that the applicant has fulfilled all requirements of any disciplinary action and has met the requirements cited in 003.01.

003.09C All reinstatement applications require Full Commission Board approval.

003.09D If the interpreter is denied reinstatement, a letter will be sent from the Commission notifying the applicant. Applicants who are denied license reinstatement may appeal this action in accordance with section 003.10.

003.09E The reinstatement fee is nonrefundable.

003.10 APPEAL RIGHTS FOR INTERPRETER/TRANSLITERATORS;

003.10A The procedure for individuals to appeal any administrative decision related to the denial of any of the following: an initial license, license

renewal, continuing education credits, or license expiration notice is as follows:

- 1) Submit to the Executive Director a letter of appeal for the Full Commission Board's review.
- 2) The interpreter will be notified by mail of the Full Commission Board's decision.

003.10B The procedure to appeal any Full Commission Board's decisions shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

003.10C Any person aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.

004 VRI PROVIDERS

004.01 ELIGIBILITY CRITERIA TO OBTAIN A BUSINESS LICENSE;

004.01A **Video Remote Interpreting Business License;** An applicant for business licensure to provide VRI services for deaf or hard of hearing individuals in Nebraska must assure all employed and contracted sign language interpreters meet the following criteria:

- 1) Have completed one or more of the following:
 - a) Hold one of the valid certification developed by the National Council on Interpreting (NCI) and awarded by the Registry of Interpreters for the Deaf (RID): NIC, NIC Advanced or NIC Master; or
 - b) Hold one of the following valid interpreter or transliterator certification awarded by the Registry of Interpreters for the Deaf (RID): Certificate of Interpretation, Certificate of Transliteration, Interpretation Certificate, Transliteration Certificate, Comprehensive Skills Certificate, or Interpretation Certificate/Transliteration Certificate; or
 - c) Hold a valid Level III or higher on the Interpreter Proficiency Certificate awarded by the National Association of the Deaf (NAD); or
 - d) Hold a valid Level III, IV or V in Interpreting or Transliterating on the Mid-America Quality Assurance Screening Test; or
 - e) Hold a state certification or licensure that is substantially equivalent to one of the above; and
- 2) Be 18 years of age or older; and
- 3) Have attained a high school diploma or equivalent.

004.02 **APPLICATION PROCESS FOR OBTAINING A BUSINESS LICENSE;**

A business license is required to provide VRI interpreting or transliterating services. In accordance with Neb. Rev. Stat. §20-150 to 20-159, except as otherwise provided in this §20-156.01, no person or entity shall (a) practice as an interpreter for the deaf or hard of hearing for compensation, (b) hold himself, herself, or itself out as a licensed interpreter for the deaf or hard of hearing, (c) provide video remote interpreting services, (d) use the title Licensed Interpreter for the Deaf or Licensed Transliterater for the Deaf, or (e) use any other title or abbreviation to indicate that the person or entity is a licensed interpreter unless licensed. The process for obtaining a business license to provide VRI interpreting or transliterating services for deaf or hard of hearing individuals in Nebraska is set forth below:

004.02A **Video Remote Interpreting Business License;** An applicant for a business license to provide VRI services for deaf or hard of hearing individuals in Nebraska must submit to the Commission:

- 1) A completed application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- 2) A signed agreement stating compliance with 004.01A criteria, including all employed and contracted sign language interpreter's maintenance of certification levels, any applicable state license, and a roster of employed and contracted sign language interpreters; and
- 3) The required license fee.

004.02B Applicants who are denied a business license may appeal this action in accordance with section 004.09.

004.02C All Video Remote Interpreting Business Licenses shall expire on June Thirtieth (30) of every even year unless revoked, suspended or cancelled prior to such date.

004.03 **FEES**; The following fees have been set by the Full Commission Board to be paid as a condition of issuance of a license pursuant to Revised Nebraska Statutes section §20-156:

004.03A An applicant for a business license must pay a fee of \$150.

004.03B **Renewal Fee**; An applicant for a business license must pay a fee of \$150 on a biennial basis ending June 30th of every odd year.

004.03C **Late Charge**; An applicant for renewal on a biennial basis of a business license who fails to pay the renewal fee on or before the expiration date of the license will have 30 calendar days to pay an additional fee of \$25 as a late charge. After 30 days the business license is revoked and the \$75.00 reinstatement fee applies.

004.03D **Duplicate Original Business License**; The fee for a duplicate original license is \$10.00. This includes issuing a duplicate license due to a name change.

004.03E **Certified Statement**; The fee for a certified statement that a business license holder is licensed by the State of Nebraska is \$25.

004.03F **Reinstatement Fee**; An applicant for reinstatement of the business license must pay a fee of \$75 in addition to the regular renewal fee.

004.04 **PROCESS FOR BUSINESS LICENSE RENEWAL**;

004.04A All Video Remote Interpreting Business Licenses shall expire on June Thirtieth (30) of every even year unless revoked, suspended or cancelled prior to such date.

004.04B A VRI provider applying for a business license renewal must submit a complete renewal application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application.

004.04C Applicants who are denied renewal of a Video Remote Interpreting Business License may appeal this action in accordance with section 004.09.

004.05 **LICENSE EXPIRATION;**

004.05A **Expiration for Nonpayment of Renewal Fees;** If a business license holder fails to submit a completed application and renewal fee by the expiration date, a license expiration notice will be sent by mail from the Commission. The notice will specify:

- 1) That the business license holder has a right to appeal the expiration notice in accordance with section 004.09; and
- 2) That the business license holder has a right to request reinstatement of the business license in accordance with section 004.08.

004.06 **INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS;** This rule outlines the procedures for investigating complaints and taking disciplinary action against appointing authorities, and licensed or unlicensed VRI providers.

004.06A The Commission will acknowledge all complaints in writing within ten business days after being received.

004.06B Upon designation by the Full Commission Board, the Board will investigate:

- 1) Complaints alleging the use of an unlicensed VRI provider by any appointing authority in violation of Nebraska Revised Statutes sections §20-150 to §20-159, or complaints, as defined in 002, alleging the violation of the Rules and Regulations of the Commission.
- 2) Complaints alleging a licensed VRI provider has violated any Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Commission pursuant to such sections,

including rules and regulations governing unprofessional conduct.

- a)** Complaints alleging fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure, or renewing or attempting to renew a business license; or
- b)** Complaints alleging unethical, unprofessional, dishonorable or grossly immoral conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for the practice of interpreting or transliterating; or
- c)** Complaints of conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction, which has rational connection with the license holder's renewal or fitness or capacity to provide VRI interpreting services; or
- d)** Complaints of employed or contracted interpreters violating the NAD-RID Code of Professional Conduct currently adopted by the National Registry of Interpreters for the Deaf, Inc. (see Attachment A) or other code of ethics that is substantially equivalent; or
- e)** Complaints of violating the terms of a probation should the Full Commission Board have placed the license holder on probation; or
- f)** Complaints of employed or contracted interpreters interpreting while impaired by alcohol, controlled substances, narcotic drugs, or by physical, mental, or emotional disability; or
- g)** Complaints of employed or contracted interpreters committing any act of sexual abuse, misconduct or exploitation related to the practice of interpreting.

004.06C Evaluation and Action; The Board will investigate and evaluate the complaints and make a recommendation to the Full Commission Board. In conducting an investigation, and prior to a formal hearing on the complaint, the Board may, in its discretion, request the business which is under investigation to answer the charges in writing or appear before the Board or its designee to voluntarily and informally discuss the alleged violation.

- 1) The Board may obtain technical or investigatory assistance. All persons appointed to assist with investigating and hearing the matter shall report their findings, in writing, to the Board for final determination by the Board.
- 2) After the investigation is complete, the matter goes to the Board to determine their recommendation to the Full Commission Board.

004.06D The Full Commission Board will evaluate the complaint, the investigation and the Board recommendation.

- 1) If the investigation reveals that there is not good cause to believe that the VRI provider has committed a violation of any Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Full Commission Board, the matter will be dismissed and no formal complaint will be initiated by the Full Commission Board; or
- 2) If the investigation discloses a probability that the actions of the VRI provider under investigation constitutes a violation of the Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Full Commission Board, the Full Commission Board will proceed with possible disciplinary action.

004.06E The Full Commission Board may enter into a consent agreement or negotiated settlement at any time before or after filing a formal complaint. Voluntary surrender or nonrenewal of a business license

to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit consideration for subsequent reinstatement.

004.06F A formal complaint may be filed and served on the VRI provider. Such formal complaint will specify the allegations being brought against the VRI provider and set forth in general terms the facts alleged to support the allegations.

- 1) If the VRI provider does not contest allegations within fifteen (15) days and request a formal hearing, the following will occur:
 - a) The Full Commission Board will, by majority vote, make its final decision in the matter.
- 2) If the VRI provider does contest the allegations with the Executive Director within fifteen (15) days and request a formal hearing, the following will occur:
 - a) The Commission will appoint a neutral hearing officer to schedule an evidentiary hearing within thirty (30) days. The hearing officer will preside over all proceedings in the case until completion of the hearing and submission of the hearing officer's report and recommendations to the Full Commission Board and will also serve copies of such document on the VRI provider or provider's attorney and the attorney prosecuting the charges.
 - b) The Full Commission Board may, but is not required to, afford the VRI provider and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral argument to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.
 - c) The Full Commission Board will, by majority vote, make its final decision in the matter.

- 3) Notice of the Full Commission Board's final decision will be served on the VRI provider or the provider's attorney of record promptly after it is made by regular United States mail. If the allegations are substantiated, a disciplinary notice will be sent by mail from the Commission. The disciplinary notice will specify:
- a) The specific grounds violated; and
 - b) That the Full Commission Board has taken disciplinary action against an provider, and the nature of the disciplinary action; and
 - c) That an provider has a right to appeal the disciplinary action in accordance with section 004.09; and
 - d) That a previously licensed provider has a right to request reinstatement of the license in accordance with section 004.08.

004.06G Any entity aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.

004.06H The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

004.06I Confidentiality; All investigations or disciplinary actions that are not formally dismissed will be public information after a disposition has been determined by the Full Commission Board. The Full Commission Board and the Board will abide by Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

004.07 TYPES OF DISCIPLINARY ACTIONS;

004.07A If the Full Commission Board determines that a licensed VRI provider or an applicant for business licensure has committed a violation of Nebraska Revised Statutes sections §20-150 to §20-159, sections §71-4728 to §71-4732, or of the Title 96 Rules and Regulations of the Commission, it may discipline the VRI provider by taking one or more of the following actions:

- 1) Disciplinary actions that may be taken include but are not limited to:
 - a) Additional education requirements; or
 - b) Letter of reprimand; or
 - c) Probation; or
 - d) Limit the type of practice; or
 - e) Suspension; or
 - f) Revocation.

004.07B If the Full Commission Board determines that an unlicensed VRI provider has committed a violation of Nebraska Revised Statutes sections §20-150 to §20-159, or of the Rules and Regulations of the Commission, the Full Commission Board may impose a civil penalty against the unlicensed VRI provider not to exceed \$500 for each offense.

004.07C Appeals will be conducted in accordance with section 004.09.

004.08 BUSINESS LICENSE REINSTATEMENT;

004.08A An entity whose business license has expired may seek reinstatement as follows:

- 1) A business license that was not renewed within 30 days following the expiration date has one year to submit the following:

- a) A completed reinstatement application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- b) A \$150 renewal fee, plus a \$75 reinstatement fee; and
- c) A written statement by the applicant that contains the rationale for requesting reinstatement of the business license.

004.08B An entity whose business license has been revoked, suspended, or refused renewal may seek reinstatement by submitting the following:

- 1) A completed reinstatement application on a form supplied by the Commission. Incomplete applications will be returned with a letter informing the applicant of the information necessary to complete the application; and
- 2) A \$150 renewal fee; plus a \$75 reinstatement fee; and
- 3) A written statement by the applicant that contains the rationale for requesting reinstatement of the business license; and
- 4) Evidence that the applicant has fulfilled all requirements of any disciplinary action and has met the requirements cited in 004.01.

004.08C All reinstatement applications require Full Commission Board approval.

004.08D If the business license is denied reinstatement, a letter will be sent from the Commission notifying the applicant. Applicants who are denied license reinstatement may appeal this action in accordance with section 004.09.

004.08E The reinstatement fee is nonrefundable.

004.09 **APPEAL RIGHTS FOR VRI PROVIDERS;**

004.09A The procedure for VRI providers to appeal any administrative decision related to the denial of an initial application or renewal of a business license is as follows:

- 1) Submit to the Executive Director a letter of appeal for the Full Commission Board's review.
- 2) The VRI provider will be notified by mail of the Full Commission Board's decision.

004.09B The procedure for VRI providers to appeal any Full Commission Board's decisions shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

004.09C Any entity aggrieved by the final Full Commission Board decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.

**Title 96 - Nebraska Commission for the Deaf and Hard of Hearing
CHAPTER 1 - PRACTICE AND APPOINTMENT OF SIGN LANGUAGE
INTERPRETERS**

**Attachment A
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.

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 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).
- 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.
- 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.

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.