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Policies Governing the Certification of ASL Interpreters

Utah State Office of Rehabilitation
Division of Services for the Deaf and Hard of Hearing
Utah Interpreter Program

INTRODUCTION

As required by Utah Code Annotated (UCA) 35A-13-601, Interpreter Services for the Deaf and Hard of Hearing Act, the policy detailed in this document is designed to achieve the provision of quality interpreter services. The policy is founded on the following principles:

- All individuals have the right to a barrier-free environment that allows maximum participation in society based upon abilities, not limitations.
- Utah residents who are deaf and hard of hearing have the right, responsibility, and desire to fully participate in and contribute to the families and communities in which they live.
- Each individual is unique in their hearing status, ability and/or preferences in communication using spoken or signed language. The mode of communication should be provided according to the individual's choice.
- Interpreters will provide the highest possible quality of interpretation services according to the individual's needs.

- Utah certified interpreters are responsible to accept assignments within the limits of their abilities and practice according to the standards outlined in this document.
- Interpreters will provide services in a professional manner consistent with the established Code of Professional Conduct (CPC).

I. Definitions

Advanced certification: A certification level that is awarded and/or recognized by UIP permanently as long as renewal requirements are met.

American Sign Language (ASL): A visual language where the words and concepts are communicated through the shape, placement, and movement of the hands, as well as facial expressions and body movements. ASL is a language with its own unique rules of grammar and syntax. ASL is specific to the United States and many parts of Canada. Other countries have their own country-specific sign language.

Appeals Committee: A committee of the ICB that oversees appeals of the certification procedures and the certification denial process.

Certificate: The credential to interpret in Utah, issued to an interpreter by UIP, under the authority of the USOR director.

Certification Examination Committee: A committee of the ICB that provides UIP with guidance regarding the certification examination process.

Complaint: A written or recorded allegation against a certified sign language interpreter by an individual with a vested interest.

Complainant: The individual filing a complaint.

Continuing Education Hour (CEH): Required training hours to maintain certification.

deaf: An individual with hearing loss who is usually unable to use their hearing for the purpose of understanding or communicating through spoken language.

Deaf: An individual who meets the definition of deaf along with sharing the use of American Sign Language and the common values of Deaf culture.

DeafBlind: An individual who has simultaneous hearing loss and vision impairment.

deaf and hard of hearing: For the purposes of this policy, the term includes deaf, Deaf, DeafBlind, hard of hearing and all individuals with hearing loss.

Division of Services for the Deaf and Hard of Hearing (DSDHH): A division of USOR which houses UIP.

Hard of hearing: An individual with hearing loss who usually has enough hearing to feel comfortable communicating through spoken language.

Hearing: Proceedings on a complaint for the findings of fact and formulation of a recommendation of action to the ICB and the USOR director.

Hearing loss: A partial or total inability to hear. Hearing loss can be mild, moderate, severe, or profound.

Interpreter: Any individual who is certified or recognized by the Utah Interpreter Program to render interpreter services.

Interpreter Certification Board (ICB): The advisory board that makes recommendations to the USOR director on issues related to interpretation services in Utah. The ICB meets quarterly and is composed of representatives from the Utah State Board of Education (USBE), State Board of Regents, DSDHH, Deaf community members, and interpreting professionals. All meetings are open to the public, with the exception of executive sessions.

Interpretation: Services that facilitate effective communication through ASL, or a language system that is modeled after ASL, in whole or in part, or is in any way derived from ASL. This also includes tactile interpretation for individuals who are DeafBlind.

Recognition: UIP-issued, non-State of Utah certification, authorizing the individual to provide interpreting services in Utah.

Utah Certified Deaf Interpreter (UCDI): A certification where a deaf or hard of hearing individual facilitates communication between deaf or hard of hearing individuals or hearing individuals, either as part of a team or independently.

Utah Interpreter Program (UIP): UIP is an office within DSDHH. UIP is responsible for certifying and regulating sign language interpreters in Utah, overseeing the certification and examination process, and recognizing national certification (Registry of Interpreters for the Deaf [RID] and Educational Interpreter Performance Assessment [EIPA]). UIP maintains a directory of all interpreters authorized to work in Utah.

Utah State Office of Rehabilitation (USOR): USOR assists Utahns with disabilities to obtain meaningful employment, integrate into the community, and improve accessibility and independence in their daily living activities.

II. CERTIFICATION PROCESS

A. Qualifications for Certification Exam

An individual who wishes to become a certified interpreter in Utah must:

1. Submit a completed application.
2. Be of good moral character, including following ethical conduct, keeping information confidential and abiding by state and federal laws.
3. Have a high school diploma, GED, or equivalent.
4. Be 18 years or older.
5. Submit the certification examination application fee.

B. Examinations

The knowledge and performance examinations are offered by appointment with UIP. Candidates must schedule and pay the fee online. The application and fee must be submitted before scheduling an examination date.

C. Cancellation Policy

Candidates who are unable to attend their appointment may reschedule if another appointment is available. Candidates who do not reschedule or cancel prior to established deadlines or who do not show up to their appointment will forfeit the examination fee. If the candidate decides to test in the future, a new examination fee will be required.

D. Accommodations

UIP follows Title I of the Americans with Disabilities Act (ADA) and will provide reasonable and appropriate accommodations to candidates with documented disabilities who demonstrate a need for accommodation. Requests for accommodations for any part of the certification process must be submitted to UIP.

E. Examinations

Candidates must pass a knowledge and performance exam to become a certified interpreter in Utah.

Knowledge Examination (KE)

The Knowledge Examination (KE) measures the candidate's knowledge of criteria related to the RID Code of Professional Conduct, Deaf history, field of sign language interpreting, linguistics and role of the interpreter. The criteria used to evaluate the examination is on the [UIP website](#). A score of 80% or greater is required to pass the knowledge examination. Passage of the knowledge examination is a prerequisite to register and sit for the novice or professional performance exam. For UCDI candidates, the performance exam occurs before the KE. Passage of the knowledge examination is valid for five years from the date of the test, or while certification remains active.

Performance Examinations (PE)

The Performance Exam (PE) measures the candidate's ability to interpret in various situations. The PE is recorded. In order to successfully pass the PE, all components must be passed at the same time. A candidate, who does not pass the PE and wishes to retake it, must submit a new application and payment.

Examination Results

The Novice and Professional level KE results are available immediately upon completion of the exam. For PE and UCDI KE, the recorded exam is distributed to the UIP-approved certification examination rating team. The candidate will receive examination results within 12 weeks of the examination date. An individual awaiting examination results may not sit for an additional exam of the same level until they have received results from the current exam.

For each certification level, a team of examination raters composed of members of the Deaf community and interpreting profession evaluate criteria related to ASL/English linguistics, interpretation process, and message equivalency. The evaluation criteria and the rating system is determined by the CEC. To uphold the integrity of the examination, the CEC will determine what information regarding examination criteria will be made public.

A copy of the candidate's recorded performance will be kept on file with UIP for 120 days from the date of notification of the examination results. If the examination has not been appealed, the recorded footage may be destroyed or used as a rater reliability tool.

Appeal of Examination Process

Appeals Committee

The ICB appoints an Appeals Committee of three members to review appeals regarding the certification process. If, for any reason, an Appeals Committee member needs to vacate their seat, they must notify the ICB in writing. The ICB will then appoint a new member.

An Appeals Committee member will be disqualified from reviewing an appeal if they:

1. Are the person requesting the appeal.
2. Disqualify themselves because of a relationship to the person requesting the appeal.
3. Report, for any reason, a conflict of interest related to the appeal.

A candidate may file an appeal at the time of examination or at any time up to 30 days from the date of the exam. Appeals received after examination results have been sent and/or the 30 day limit will not be accepted. Appeals will be considered solely based on issues related to the examination procedure and/or environmental conditions. Appeals based on examination results will not be considered.

An appeal must be submitted in writing to UIP. The candidate filing the appeal must include in the appeal a complete explanation of the event(s) that occurred during the examination session which they feel were a deviation from specific examination procedures. UIP will redact confidential information and forward the redacted appeal to the Appeals Committee for review including any of the following:

1. The candidate's written statement.
2. The candidate's performance exam recorded footage.
3. Documentation submitted by any concerned party.

Upon review of the aforementioned information, the Appeals Committee will determine the merit of the appeal as it pertains to examination procedures, and either grant or deny the candidate's appeal. The appeal decision will be sent to the candidate within 45 days of receiving the request for appeal. If the appeal is granted, the candidate may be scheduled with no additional fee for re-examination.

III. CERTIFICATION LEVELS AND RECOGNITIONS

Certification of interpreters will be based on demonstration of competency developed by the CEC and recommended by the ICB and in compliance with the requirements established by the USOR director.

Certification Levels

Utah Certified Novice Certification: an individual certified at this level has demonstrated entry-level skills, knowledge, and judgment to be able to facilitate communication in a variety of situations, excluding more complex, technical, or specialized situations.

Utah Certified Professional or Master Certification: an individual certified at this level has demonstrated the skills, knowledge, and judgment to be able to facilitate communication in almost any situation, including more complex, technical, or specialized situations (Note: UIP no longer offers a Master certification examination but continues to recognize the level attained).

Utah Certified Deaf Interpreter (UCDI): an individual certified at this professional level has demonstrated the skills, knowledge, and judgment to be able to facilitate communication in almost any situation between:

1. Deaf or hard of hearing individuals, or
2. Deaf or hard of hearing individuals and other deaf or hard of hearing individuals, either as part of a team or independently.

The UCDI brings a wider range of cultural and linguistic expertise to the interaction. Unlike other certification levels, this certification level allows the UCDI to check the deaf or hard of hearing individual's understanding of what is being communicated, rather than solely interpreting the communication. The usage of a UCDI is determined by the deaf, hard of hearing and hearing individuals' needs for effective communication.

Length of Certification

Utah Certified Novice Certification

The novice certification is intended for those who are at an entry level to the practice of sign language interpreting. Novice certification will expire after 4 years. At that time, an advanced level (Professional, RID, NIC, NAD ≥ 4 , EIPA ≥ 4.0 , or other certifications recognized

by UIP) must be achieved in order to continue practicing as an interpreter. Examination for an advanced level must be initiated prior to the completion of the four-year time period.

A Novice certified interpreter who has been unable to advance their certification within the allotted time frame and whose certification is therefore no longer valid may only take the Novice exam again after a waiting period of four years from the date of certification expiration. That interpreter may attempt the professional exam or any other recognized examination during that time period.

A Novice interpreter with extenuating circumstances may request a review from the ICB Appeals Committee by submitting the appeal in writing and any pertinent records to UIP.

Any interpreter may take the appropriate examination to acquire a higher level of certification. Upon notification of passing the Professional level, a new renewal cycle begins. Any existing continuing education hours (CEHs) earned while certified at the Novice level will not transfer to the Professional certification CEH requirement. If an advanced level of certification is attempted but not passed, the interpreter will continue at the current certification level until it expires, is revoked, or the advanced level certification is acquired.

Utah Certified Professional Interpreter, UCDI and Utah Certified Master Interpreter

Professional, including UCDI and Master interpreter certification functions on a four year cycle of certification renewal. If all required renewal conditions are met during the specified cycle a new four year cycle will begin.

Certification Renewal

Every year, a certified interpreter must complete renewal requirements. Renewal of certification for all levels includes the following requirements, which must be met before the expiration date of the certification as listed on the interpreter certification identification card and in UIP records:

Novice

- Completion of annual certification renewal form.
- Completion of 20 Continuing Education Hours annually (only CEHs meeting UIP approved criteria will be accepted).
- Payment of annual renewal fee.

Professional, UCDI and Master Certification

- Completion of annual certification renewal form.
- Completion of 80 CEHs every four years (only CEHs meeting UIP approved criteria will be accepted).
- Payment of annual renewal fee.

If the interpreter allows their certification to expire, re-certification will be necessary. This includes taking the Knowledge Exam if it has been more than five years from the date of the last passed knowledge exam. If necessary, an interpreter may recertify at the Professional or UCDI level at any time, but may only recertify at the Novice level after four years from date of expiration. If Master level certification holders allow their certification to expire, they may only take an examination that is currently available.

To be considered for certification renewal, an interpreter must submit the certification renewal form annually to UIP prior to the expiration date of their current certification. The interpreter may apply for renewal up to 30 days after their renewal date if they submit the applicable late fee and verification that all required CEHs have been earned before the original certification renewal deadline.

Denial of Certification Renewal

An interpreter's certification renewal may be denied for the following reasons:

- Failure to satisfy CEH requirement by the deadline.
- Failure to submit application and/or fee by the deadline.
- Failure to provide proof of a recognized certification from approved organizations by the deadline.

UIP will review each interpreter certification renewal form submitted and determine if the conditions for renewal have been met. UIP will notify the interpreter of renewal or denial within 30 days of receiving the certification renewal form.

Within seven days of receiving notification of lapse of certification or revocation of recognition, the interpreter may request a reinstatement review by submitting an appeal to UIP in writing. UIP will redact confidential information and forward the redacted appeal to the Appeals Committee for review. UIP will notify the interpreter of the reinstatement review decision within 30 days of receiving the request.

Continuing Education Hours (CEH)

Novice-level and EIPA interpreters are required to complete 20 CEHs annually.

Professional level interpreters, including UCDI and Master, are required to complete 80 CEHs in a four year period.

RID certified interpreters must comply with RID's professional development requirements. For more information go to the RID website: <http://www.rid.org/>

How to Earn CEHs

All CEHs must be preapproved at least two weeks before the activity. CEH approval will not be given after the event takes place. The only exception to pre-approval is UIP or RID sponsored workshops. Once the activity is complete, evidence of successful completion must be submitted for the CEHs to be awarded.

A minimum of 90% of CEHs must be professional studies related to:

- Linguistic and cultural studies– the study of any language or linguistic system and the study of any specific culture.
- Theoretical and experiential studies– the process of interpreting and skill-building activities.
- Specialization studies– specialized aspects of interpreting used in settings such as legal, medical, mental health and substance abuse recovery fields.

A maximum of 10% of CEHs may be general studies related to:

- Human service and leadership studies– topics such as leadership skills, public relations, public speaking and community resources.
- General knowledge studies– areas less obviously related to the field of interpreting but are educationally beneficial to the participant.

Activities that are not approved CEHs:

- Board/committee activities
- Professional service delivery
- Lunch, dinner, socials, or entertainment

- Activities that are part of routine job responsibilities (i.e., in-service or work-related training meetings)

Academic coursework can be approved for CEH based on the following criteria:

- Course was preapproved at least 2 weeks prior to the completion of the course
- Evidence of successful completion (C- or better) has been submitted (a copy of transcript)
- CEH will be awarded based on the following formula:
 - 15 hrs per semester credit hour
 - 10 hours per quarter credit hour

One-Time CEH Extension Requirements

A professional level interpreter who has not completed the required number of CEHs by the end of their certification cycle may request a one-time extension. This type of extension can only be granted once in a lifetime and applies only to UCDI and Utah Certified Professional Interpreters. Requests for a CEH extension should be submitted prior to the cycle deadline, in addition to the required certification renewal form and the renewal fee. If the application, renewal form and renewal fee are not received by the cycle deadline, a late fee will be required. Once the cycle deadline has passed, the fee for the extension must be submitted. All requests must be made within 30 days of notification by UIP of failure to satisfy the CEH requirement.

The following items must be submitted to UIP for an extension to be considered:

- Current renewal form
- Annual renewal fee
- Late fee(s)
- Extension application

After receipt of all required items by the UIP, the request for an extension will be reviewed by the UIP program manager. If the extension is granted, the UIP program manager will provide clear expectations for completing the CEHs from the previous cycle in addition to the CEHs for the new cycle.

Certification from Other States or Organizations

The ICB recognizes the following certifications as an alternative to Utah interpreter certifications:

1. Registry of Interpreters for the Deaf (RID), CI, CT, CDI, NIC;
2. National Association of the Deaf (NAD) level IV or above; and
3. Educational Interpreter Performance Assessment (EIPA) 4.0 or above.

Certified interpreters are required to follow the guidelines, principles, and Code of Professional Conduct (CPC) as outlined by the applicable individual certifying organization and UIP. Interpreters with national certification must apply for recognition of certification annually with UIP.

An interpreter certified under another state system must apply for and meet the requirements of Utah certification prior to practicing in Utah.

Requirements for Utah recognition of each national certification include:

RID/NAD:

- Completion of annual certification renewal form
- A copy of the interpreter's current RID/NAD certification card
- Payment of annual recognition fee.

EIPA 4.0 or above (Elementary credentialed interpreters can work in grade K–6 classroom settings only; Secondary credentialed interpreters can work in grade 7–12 classroom settings only):

- Pass the Utah knowledge exam or the EIPA written exam and knowledge standards
- Complete the annual certification renewal form
- Pay the annual recognition fee
- Complete 20 UIP-approved CEHs annually
- Obtain an EIPA passing score of 4.0 or higher

EIPA 3.5–3.9 (Elementary credentialed interpreters can work in grade K–6 classroom settings only; Secondary credentialed interpreters can work in grade 7–12 classroom settings only):

- Renewal requirements for this recognition are the same as EIPA 4.0 and above.

- EIPA scores of 3.5-3.9 are considered to reflect skills equivalent to those of novice level certified interpreter. Therefore, a combined total of four years may be recognized at this level.
- Interpreters must advance to a score of 4.0 or higher by the end of four years or expiration of novice certification, whichever occurs first.
- Interpreters who have been unable to achieve an advanced level of certification (i.e. EIPA 4.0 or above, Professional level certification, NAD/RID/NIC, or any other certifications determined to be recognized by UIP) within four years will not be allowed to renew their recognition, and will be subject to a waiting period of four years from the date of recognition expiration to reapply for recognition. Taking examinations for higher certification levels can occur at any time during this period.

Cycles for certification/recognition at the novice and/or EIPA score of 3.5–3.9 level will not be permitted to run consecutively. If an interpreter, already certified/recognized with an EIPA score of 3.5–3.9, obtains a novice certification or vice versa during the initial four years, both certifications/recognitions will expire at the end of the initial certification renewal term, and both will be subject to the four-year waiting period from the expiration date.

State of Utah Court Approval

To be listed as a court-approved interpreter on both the Utah Courts and UIP websites, an interpreter must meet the requirements set forth by the state of Utah Courts and UIP. Only those interpreters listed may work in the courts. An interpreter who is not on the court-approved list and interprets in the courts may be subject to the disciplinary proceedings found in UCA 78B-1-201-211.

IV. EXEMPTIONS FROM CERTIFICATION

Under Utah Code 35A-13-609, an individual may engage in the practice of interpreting without being certified if they meet the required criteria for one of three types of permits: Temporary, Emergency or Student.

To engage in the practice of interpreting without first certifying, an individual must apply for and be approved by UIP for a permit prior to providing interpreting services.

Temporary Permit

The temporary permit is intended as a short-term solution to extraordinary circumstances. A temporary permit may be issued when both of the following conditions exist: lack of necessary available interpretive services in any area or community of the state, and the lack of services might be reasonably considered to materially jeopardize compliance with state or federal law. This person should only provide fundamental communication services in the specific situation for which the permit is granted.

The temporary permit is granted by the UIP to both the requesting entity/employer and the interpreter on a contractual basis. The permit remains in force for the amount of time agreed upon by the sponsoring entity, the interpreter, and UIP as long as the conditions of the professional development plan are met. The maximum time a temporary permit can remain valid is one year. The requirements of the temporary permit are no longer enforced if the interpreter passes Utah certification examination at any level.

Criteria for Obtaining a Temporary Permit

1. The entity/employer submits an entity/employer application. The entity/employer must demonstrate what steps have been taken to hire a certified interpreter.
2. The entity/employer pays the required fee.
3. The employee/temporary permit candidate submits an employee application, which must include a professional development plan, including the steps they plan to take to obtain certification.
4. The employee passes the skill assessment.
5. The employee signs an agreement to abide by the UIP policies and the RID CPC.

Approval of the request will be given by UIP depending on candidate qualifications, skill assessment, and the professional development plan.

Length of Temporary Permit

A temporary permit is renewable every three months for a maximum period of one year. The temporary permit may be revoked by UIP if any of the parties violate the professional development plan.

Emergency Circumstances

Upon the declaration of a national, state, or local emergency, the USOR director, in collaboration with the ICB, may suspend the requirements for permanent or temporary

certification of individuals who are certified or licensed in another state to allow certified interpreters in Utah the opportunity to handle personal circumstances. Certified interpreters from other states will be exempt from the Utah certification requirements for the duration of the emergency.

Out of State Temporary Permit

If an interpreter is certified in another state and relocates to Utah but has not had the opportunity to take the Utah certification exam, the interpreter may wish to provide services in Utah while waiting for the next Utah examination opportunity. Such a situation would qualify for a temporary permit. Approval of requests will be given by UIP.

Criteria for Obtaining an Out of State Permit

1. The entity/employer submits an entity/employer application. The employer must state what steps have been taken to hire a certified interpreter.
2. The entity/employer submits the required fee.
3. The employee/temporary permit candidate submits an employee application, which must include a professional development plan including the steps they plan to take to obtain certification and a copy of their out of state certification permit.
4. The employee signs an agreement to abide by the UIP Policies and the NAD-RID CPC.

Length of Out of State Temporary Permit

An out of state temporary permit is valid for a maximum of four months to give the interpreter ample time to take the knowledge and performance exam.

Student Permit

A student permit may be granted where the individual is providing paid or unpaid interpreting services while in a training program, internship, residency, apprenticeship, or on-the-job training program approved by UIP. Students may not work alone and must work with an interpreter certified at an advanced level. The permit will be issued for a defined period of time as determined by the training program with the approval of UIP. A permit will be required for each term/semester the student is interpreting through an internship or practicum.

Criteria for Obtaining a Student Permit

To apply for a student permit, the student must complete the following prior to starting an internship or practicum:

1. Complete and submit a student permit application.
2. Pay the student permit fee.
3. Submit a letter of recommendation from a qualified faculty or staff member.
4. Pass the Utah Knowledge Examination within the past five years. If the Knowledge Examination expires during the time the student holds a permit, the permit will immediately lapse.
5. Sign a waiver agreeing to abide by the UIP Policies and the NAD-RID CPC.

Program Approval Process

In order to be considered for a student permit, a student must be attending a training program that has been approved by UIP. Training programs include interpreter training programs (ITPs), internships, residencies, apprenticeships, or on-the-job training programs. Program approval lasts for three years.

In order for the ITP to be approved by UIP, programs must submit the following:

1. Program approval application.
2. Organizational Vita and organizational chart.
3. Staff roster of faculty or training staff overseeing student practicums/internships training.
4. Credentials for training personnel.
5. Descriptions of the process of assigning internships/practicum assignments.
6. Application fee.
7. List of students eligible to participate in the internships/practicum appointments prior to interpreting.

8. Record of successful fingerprint background check within one year for any student who will provide interpreting services in a public school.

UIP will review the documents and submit a proposal of program approval or denial to the ICB for recommendation and then the USOR director for final approval or denial. UIP will inform the program of the approval or denial within seven working days of the ICB meeting and approval from the USOR director. If the director and the ICB deny the approval of a program, the program will also receive a brief explanation of the reason(s) for the denial with any recommended actions for improving the application. The program may then resubmit an updated application for approval.

Lapse in Program Approval

At least 30 days before a training program's approval will expire, the program must reapply for approval in order for student permits to be issued. If a program's approval lapses, all student permits issued under the purview of that program will be immediately revoked. UIP will inform all students whose student permits have been revoked within five working days of the program's lapse in approval.

Certification Evaluation Committee Role

The CEC recommends the evaluation and passing criteria for each level of certification to the ICB. The ICB approves and submits the recommendations to the USOR director for final approval. The ICB will appoint a Certification Examination Committee (CEC) whose selected members will address examination instruments, materials, and passing criteria. The ICB will appoint at least five members, including the UIP Manager. The ICB may retain or release any members of the CEC at any time. If, for any reason, a CEC member should have to vacate their seat, written notification will be given to the ICB. The ICB will then appoint a new member as needed.

V. DISCIPLINARY PROCEEDINGS

ICB acts as the disciplinary committee providing guidance to UIP while under the direction of the USOR director. UIP will revoke, suspend, or restrict the certificate of an

interpreter who does not maintain certification and/or requirements of recognition or does not abide by the CPC.

The jurisdiction of ICB and UIP extends to all state of Utah certified sign language interpreters, RID, NIC, NAD, EIPA, or other certifications determined to be recognized by UIP. Jurisdiction over complaints regarding non-certified interpreters will be maintained by the State of Utah Attorney General's Office.

Professional conduct and complaint proceedings are outlined in R993-300-307. Unlawful and Unprofessional Conduct.

Disciplinary actions are outlined in R993-300-308. Grounds for Denial of Certification and Disciplinary Proceedings.

Ethical Standards Committee Membership

The ICB operates as an ethical standards committee and conducts investigations and hearings addressing complaints involving interpreters who are certified/recognized by the state of Utah. Information regarding a complaint brought before the ICB must be kept strictly confidential. Violation of confidentiality will result in dismissal from the ICB. Any communication regarding the hearing or discussions will go through UIP.

A member of the ICB will be disqualified from hearing a complaint if they:

1. Are the complainant or respondent.
2. Are deemed unable to participate objectively and are disqualified by a majority vote of the ICB.
3. Disqualify themselves because of prior knowledge of the case or relationship to the complainant or respondent.
4. Are disqualified because of participation in the investigation of the complaint.
5. Report, for any reason, a conflict of interest in the complaint.

Who May File a Complaint

A complaint may be filed by:

- any person utilizing interpreter services in the alleged incident,
- any person having a direct interest in the alleged incident, or
- UIP on behalf of such individuals.

Filing a Complaint

UIP accepts complaints in any accessible format. The complaint must be filed within 30 days of the alleged incident. The complaint must set forth the specific action or actions in question and the date, time, location, and name(s) of all individuals against whom ethical violations are being alleged. Individuals needing assistance with filing a complaint may request accommodations through UIP.

The ICB will determine if it has jurisdiction over the complaint. If the ICB determines that it does not have jurisdiction or that the complaint states a cause of action that the ICB cannot address, the ICB will inform the complainant in writing that the case will be closed. If applicable, the complaint will be referred to law enforcement or the Attorney General's office.

Complaint Proceedings

If the ICB determines that it has jurisdiction, UIP will send a copy of the complaint and a response form by certified mail to the respondent.

The respondent has 30 days from the postmarked date of the notice to respond. The response must be in writing and must include all information requested on the response form. The response must address, either by admitting, denying, or further explaining, each relevant aspect of the allegation(s) set forth in the complaint. The response must be sent by using the online form or certified mail to UIP. After the response has been filed or the 30 day period has elapsed for filing a response, the ICB will proceed.

Upon receipt or after the timeline has expired, the ICB must review the response and determine if a hearing is warranted. If it is determined that a hearing is warranted, the ICB Chair will proceed with the hearing process. If it is determined that a hearing is not warranted, the complainant and respondent will be informed by certified mail that the case has been closed.

Complaints must be handled in the order in which they are received by UIP. Multiple allegations against the same interpreter will be handled simultaneously.

Complaint Withdrawal

A complaint may be withdrawn at any time. When a complaint is withdrawn, all materials related to the case must be destroyed and the permanent, confidential log must specify the same information as above except to specify that the case was withdrawn. The ICB reserves the right to proceed on behalf of/ without the complainant, if it determines there is cause.

Hearing Process

A complaint may not be brought against an individual who is already involved as a plaintiff or defendant in a legal proceeding involving the incident identified in the complaint. However, after the legal proceeding has been decided, the complaint may be re-filed with the ICB within 30 days.

The ICB chair will select three ICB members to be involved in the hearing. The ICB chair must determine which members of the ICB will be assigned to hear each case. The ICB chair may be one of the three hearing committee members. At least two of the three members must be certified interpreters. The hearing must be scheduled 20 to 60 days from the date the response is received or the timeline for the response has expired. The date, time, and location of the hearing must be scheduled so as to be convenient for all parties involved.

At least 15 days prior to the hearing date, UIP will send by certified mail the following information to the interpreter and the complainant:

- Date, time, and location of hearing.
- Names and professional affiliations of the members of the ICB who will hear the complaint, including identification of the individual who will chair the hearing.
- Procedures for objecting to any ICB member on the hearing committee.
- Names and affiliations of the complainant and respondent.

At least 15 days prior to the hearing date, UIP will send the following information to the ICB members hearing the complaint:

- Date, time, and location of the hearing.
- Names of the ICB members on the hearing committee.
- Names and affiliations of the complainant and respondent.

A respondent may request that more ICB members hear a complaint. However, the ICB will make the final decision as to whether or not more than three members will hear the complaint.

The complainant and respondent may each invite a representative such as an advocate, legal assistant, legal counsel, etc., to assist them during the proceedings. Representatives may participate in all proceedings. Either party may present any affidavits, documents, other written

evidence, or present witnesses to give testimony as to any relevant aspect of the allegation or defense asserted. The meeting will proceed as a formal hearing, as opposed to a court of law, and all in attendance may participate. The meeting will proceed as outlined below:

1. The complainant will first present the complaint.
2. The respondent will reply.
3. The complainant may present evidence and witness testimony.
4. The respondent or their legal council may query.
5. The respondent may present evidence and witness testimony.
6. The complainant or their legal council may query.

The hearing committee may interject at any point during the proceedings to ask questions of parties or witnesses necessary to reach a complete understanding or for clarification. If any parties will be participating remotely, all participants, including those participating remotely, must identify themselves before participating.

Considering the Evidence

The ICB will only consider evidence properly presented and deemed to be reliable and relevant to the proceedings. If there is a discrepancy among hearing committee members about the reliability and relevance of any piece of evidence, the ICB Chair will make the determination.

Reaching a Decision

A majority vote is required to reach a decision. The hearing committee decision will be written and must identify, in detail, the complaint, the evidence used in the decision, the relevant CPC citation(s), and the action to be taken, if any. A dissenting member of the hearing committee may file a minority report which will become part of the ICB's decision and record.

The hearing committee will meet in an executive session to make a decision about the complaint. If the hearing committee decides against the respondent, it must immediately determine what form of appropriate discipline will be administered. One copy must be kept with the ICB records, one copy will be supplied to the complainant, and one to the respondent. If copies are mailed, they are to be sent via certified mail.

Once an allegation has been dismissed, the complainant may not file any other complaints regarding that same incident.

Disciplinary Action

The determination of the type and severity of disciplinary action will depend on the severity of the complaint in terms of lack of professionalism, non-adherence to the CPC, the impact of the interpreter's actions, etc.

There is a range of potential courses of action, and the hearing committee may elect to choose one, several, or none of the possible options listed below. The committee may also choose to create a course of action tailored specifically to the circumstances of the particular complaint.

- The Hearing Committee may elect to take no disciplinary action on the complaint.
- The respondent may be required to attend educational workshops, seminars, or classes that would help ensure exposure to the kind of information that would aid the respondent to react differently in future situations. Workshop attendance could be included in the current CEH requirements for certification renewal, or could be levied as an additional requirement.
- The respondent may be placed on probation at the hearing committee's directive, where their actions would be monitored for a specified length of time to ensure that professional and ethical conduct is maintained. UIP will be responsible to oversee the monitoring process.
- The respondent may be assigned a mentor for a required period or specified number of hours.
- The respondent may be placed on temporary suspension. The interpreter would not be permitted to provide interpreting services during the required suspension period. Suspension must not exceed one year in duration. In order to be eligible for renewal of certification, submission of renewal form, payment of dues/fees, and earning of CEHs must continue during this period. At the end of the specified period, UIP will report to the hearing committee as to the current standing of the action. The ICB will determine whether or not any and all conditions of the disciplinary action have been met. If the conditions are met, certification will be reinstated.
- The respondent's certification may be revoked. This will necessitate the individual to wait for a specified length of time as determined by the hearing committee, then reenter the certification process from the beginning by applying to take the Knowledge Exam and proceeding with full performance examination. The hearing committee will need to specify a point after which the individual is permitted to enter the certification examination process. A revoked certification may not be reinstated.

All certification renewal requirements are also immediately revoked; however, the interpreter will not be entitled to any refund or prorated return of fees/dues for the year in which the complaint is heard, and all CEHs earned up to the point of the announcement of action will be null and void. Revocation of certification is an extreme measure and should be reserved only for situations consisting of the most intentional and severe malpractice.

Note: An interpreter whose certification has been suspended or revoked will not under any circumstances be granted any type of temporary permit.

ICB Guidance

Once the ICB determines the appropriate disciplinary action, UIP will take the information to the USOR director for final approval. Once approved, the USOR director will notify the respondent and complainant. At no time will disciplinary action be initiated before the USOR director approves.

Hearing Committee Records

Creating a Review Record of a Hearing

An official record will be made of all proceedings. Records will consist of a copy of the video recording of the review, including all source and interpreted testimony, questions from and responses to Hearing Committee members. Additionally, records will consist of all the evidence presented, including but not limited to affidavits, documents, video recordings and written materials.

Official Committee Records

An official, confidential record listing the names of all involved parties, date(s) of the incident, action taken, and summary of the complaint will be maintained by UIP. Official hearing committee records will consist of the complaint; the response; all relevant correspondence between the hearing committee and the parties; all evidence written, oral, or signed; the written decision; any testimony or opinion; and transcripts. Official hearing records become the confidential property of the UIP. Following the decision, records will be sealed and may be reviewed only upon written request to UIP, stating good cause for release and review. The entire official hearing record be retained according to Utah Archives policy.