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# Policies and Procedures 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 Part 6, Interpreter Services for the Deaf and Hard of Hearing Act, and Administrative Rule R993-300, the policy detailed in this document is designed to achieve the provision of quality interpreter services.

Interpreters providing interpreting services in Utah, either because the interpreter is physically located in Utah or because one of the participants of a video remote interpreted interaction is physically located in Utah, are governed by this policy.

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.
- Individuals in Utah 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, cued, 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/recognized interpreters are responsible for accepting 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: Utah Certified Professional Interpreter, Utah Certified Master Interpreter, Utah Certified Deaf Interpreter, EIPA 4.0 or higher, and RID certifications are all considered advanced certifications.

American Sign Language (ASL): A visual language where 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 that oversees interpreter appeals.

Certification: One of the credentials that enables an individual to interpret in Utah, issued by UIP, under the authority of the USOR director.

Certification Examination Committee (CEC): A committee that provides UIP with guidance regarding certification standards and the examination process.

Complaint: A written or recorded allegation against a certified/recognized interpreter or an applicant for certification by an individual with a vested interest.

Complainant: An individual filing a complaint against a certified/recognized interpreter or an applicant for certification.

Continuing Education Hour (CEH): Approved professional development hours to maintain certification. One contact hour equates to one Continuing Education Hour

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

Deaf: An individual who meets the definition of deaf and also uses American Sign Language and shares the common values of Deaf culture.

DeafBlind: An individual who has both hearing and vision loss.

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.

Director: the director of USOR

Division of Services of the Deaf and Hard of Hearing (DSDHH): A division of the Utah State Office of Rehabilitation (USOR) which houses UIP.

Ethical Practices Review: Proceedings on a complaint for the findings of fact and formulation of a recommendation of action to the USOR director.

Expire: The end of the four-year term after the initial recognition of a Utah Certified Novice Interpreter and/or EIPA scores 3.5-3.9 (whichever occurs first), when the certification/recognition is no longer valid.

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

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

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 includes tactile and Protactile interpretation for individuals who are DeafBlind.

Interpreter: Any individual who is certified or recognized by the Utah Interpreter Program to render ASL/English, ASL/ASL, tactile, and/or Protactile interpreting services in the State of Utah.

Lapse: Occurs when a certified or recognized interpreter does not or is not able to renew their certification/recognition.

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

Utah Certified Deaf Interpreter (UCDI): A certification awarded to deaf or hard of hearing individuals who have met the requirements to facilitate communication between deaf or hard of hearing individuals or hearing individuals, either as part of a team or independently at an advanced level.

Utah Certified Novice Interpreter (UCNI): A certification awarded to hearing or hard of hearing individuals who have met the requirements to facilitate communication between deaf or hard of hearing individuals or hearing individuals, either as part of a team or independently at an entry level.

Utah Certified Master Interpreter (UCMI): A certification awarded to hearing or hard of hearing individuals who have met the requirements to facilitate communication between deaf or hard of hearing individuals or hearing individuals, either as part of a team or independently at an advanced level. This certification is a Utah certification, however examination at this level is no longer offered.

Utah Certified Professional Interpreter (UCPI): A certification awarded to hearing or hard of hearing individuals who have met the requirements to facilitate communication between deaf or hard of hearing individuals or hearing individuals, either as part of a team or independently at an advanced level.

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 certifications such as certifications from The Registry of Interpreters for the Deaf (RID) and recognizing scores from the 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**

To become certified by UIP, an individual must complete all steps of the 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 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(s)
6. Successfully pass the necessary examinations

### **B. Examinations**

To become a Utah Certified Interpreter, candidates must pass both a Knowledge exam and a Performance exam.

Examinations are offered by appointment only. After establishing an account with UIP, candidates must schedule and pay the fee online. The application and fee must be submitted before scheduling an examination date.

#### **i. Knowledge Examination for UCNI and UCPI**

The UCNI/UCPI Knowledge exam measures the candidate's knowledge of criteria related to Ethics and Demand Control Schema, Interpreting, Deaf and United States Culture, American Sign Language and English Linguistics, History and laws impacting Deaf and interpreting communities. A score of 80% or greater is required to pass the Knowledge exam. Passage of the Knowledge exam is a prerequisite to register and sit for the UCNI or UCPI performance exams. Passage of the Knowledge exam is valid for five years from the date of the test. A candidate who does not pass the Knowledge Exam and wishes to retake it must submit a new application and payment.

#### **ii. Performance Examinations for UCNI and UCPI**

The UCNI and UCPI Performance Exams measure the candidate's ability to interpret in various situations. The Performance Exam is recorded. In order to successfully pass the Performance exam, all components must be passed during the same examination attempt. A candidate who does not pass all components of the Performance exam and wishes to retake it must submit a new application and payment.

### **iii. Performance Examinations for UCDI**

The UCDI Performance exam measures the candidate's ability to interpret in various situations. The Performance exam is recorded. In order to successfully pass the Performance exam, all components must be passed at the same time. Passage of the Performance exam is a prerequisite to register and sit for the UCDI Knowledge exam. Passage of the UCDI Performance exam is valid for five years from the date of the test. A candidate, who does not pass the Performance Exam and wishes to retake it, must submit a new application and payment.

### **iv. Knowledge Examination for UCDI**

The Knowledge Examination measures the candidate's knowledge of criteria related to Ethics, Interpreting, Deaf and United States Culture, American Sign Language and English Linguistics, History and laws impacting the Deaf and interpreting communities. The exam is given in ASL and the candidate's answers in ASL will be recorded. A score of 80% or greater is required to pass the knowledge examination.

## **C. Examination Evaluation**

All exams are evaluated using set criteria.

### **i. UCNI and UCPI**

The Knowledge exam is scored based on predetermined questions and answers.

The UCNI and UCPI Performance exam is distributed to the UIP-approved certification examination rating team. The team of examination raters is composed of members of the Deaf community and interpreting professionals. They evaluate criteria related to ASL/English linguistics, interpretation process, and message equivalency.

### **ii. UCDI**

The UCDI Performance exam is distributed to the UIP-approved certification examination rating team. The team of examination raters composed of members of the Deaf interpreting profession evaluate criteria related to ASL/English linguistics, interpretation process, and message equivalency.

The UCDI Knowledge exam is distributed to the UIP-approved certification examination rating team. Answers are compared to predetermined answers and scored based on overall accuracy, thoroughness, and effectiveness.

## **D. Examination Results**

### **i. UCNI and UCPI**

Results for the Knowledge exam required to sit for the UCNI/UNPI are available immediately upon completion of the exam.

UCNI/UCPI Performance exam results will be sent 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.

A copy of the candidate's recorded examination 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.

### **ii. UCDI**

UCDI Performance exam results will be sent 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.

A copy of the candidate's recorded examination 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.

UCDI Knowledge exam results will be sent 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.

A copy of the candidate's recorded examination 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.

## **E. Appeal of Examination Process**

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 may be submitted in writing or via video to UIP. If an appeal is submitted via video, UIP will make a transcript of the content for documentation. The candidate filing the appeal must include in the appeal a complete explanation of the event(s) that occurred during the examination session that they feel was a deviation from specific examination procedures. UIP will redact confidential information and forward the redacted appeal to the Appeals Committee for review including, but not limited, to 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 for re-examination with no additional fee.

## **F. Cancellation Policy**

All Certification Exam Fees are non-refundable. Candidates who are unable to attend their appointment may reschedule if another appointment is available. Candidates who do not reschedule or cancel at least one week prior to their appointment will forfeit the examination fees and will need to pay a new exam fee if they choose to take the exam in the future. Additionally, candidates who do not show up for their scheduled exam will forfeit the examination fee.

## **G. 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 at least two weeks in advance of the exam.

## **III. CERTIFICATION/ASSESSMENT RECOGNITION**

The USOR Director may, with the advice of UIP, direct UIP to recognize certifications and/or assessments from other organizations.

All interpreters are required to follow the guidelines, principles, and Code of Professional Conduct (CPC) as outlined by the applicable individual certifying organization and UIP.

### **A. Recognitions**

UIP recognizes the following certifications/assessments as an alternative to Utah interpreter certifications:

- Registry of Interpreters for the Deaf (RID) certifications including but not limited to CI, CT, CDI, NIC, NAD IV, NAD V
- Educational Interpreter Performance Assessment (EIPA) 3.5-3.9 as entry-level, and 4.0 and higher as advanced level

Interpreters with national certification or assessment 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.

## **B. Initial Recognition Requirements**

### **i. RID/NAD:**

- Completion of the initial certification recognition request
- A copy of the interpreter's current RID/NAD certification card
- Payment of initial recognition fee

### **ii. EIPA**

- Obtain an EIPA passing score of 3.5 or higher
- Pass the Utah knowledge exam or the EIPA written exam and knowledge standards
- Complete the initial recognition request
- Pay the initial recognition fee

## **IV. Certification/Assessment Levels and Standards**

Interpreters are limited in the scope of their work based on their level and type of certification/recognition.

### **A. Utah Certifications**

Certification of interpreters will be based on a demonstration of competency in the field of interpreting and will be provided in compliance with the requirements established by the USOR director.

Utah Certified Novice Interpreter (UCNI): This certification has validated entry-level skills, knowledge, and ethical awareness appropriate for communication in a variety of conventional contexts, excluding complex, technical, highly sensitive, or specialized situations.

Utah Certified Professional Interpreter (UCPI) or Utah Certified Master Interpreter (UCMI): These certifications have validated skills, knowledge, and ethical awareness appropriate for facilitating communication in an extensive array of contexts, including complex, technical, highly sensitive, or specialized situations

Utah Certified Deaf Interpreter (UCDI): This certification has validated skills, knowledge, and ethical awareness appropriate for facilitating communication in an extensive array of contexts, especially those necessitating native linguistic and/or cultural expertise

## **B. Educational Interpreter Performance Assessment (EIPA):**

Elementary credentialed interpreters can work in grade K–6 classroom settings only. Secondary credentialed interpreters can work in grade 7–12 classroom settings only.

Scores of 3.5-3.9 demonstrate entry level skills appropriate for facilitating communication in K-12 educational settings commensurate with the assessment taken (Elementary or Secondary).

Scores of 4.0 or higher demonstrate advanced skills appropriate for facilitating communication in K-12 educational settings commensurate with the assessment taken (Elementary or Secondary).

## **C. Registry of Interpreters for the Deaf (RID) Certifications**

For more information about the limits and standards for interpreters holding RID credentials, refer to [www.RID.org](http://www.RID.org).

## **V. Length of Certification/Recognition**

The length of certification/recognition varies based on the type of certification/recognition.

### **A. UCNI and EIPA Scores 3.5-3.9**

UCNI and EIPA scores 3.5-3.9 may be renewed for up to four years if all annual maintenance and cycle requirements are met.

Because UCNI and EIPA recognition of scores 3.5-3.9 are entry level to the practice of sign language interpreting, this certification/recognition expires after four years from the date of certification/recognition. In order to continue working as a certified or recognized interpreter, an advanced level certification or recognition (UCPI, RID, NIC, EIPA  $\geq$ 4.0, or other certifications recognized by UIP) must be obtained and recognized prior to the expiration date.

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 UCNI or vice versa during the initial four years, both certifications/recognitions will expire at the end of the initial four-year term, and both will be subject to the four-year waiting period.

If an advanced level of certification is attempted but not passed, the interpreter will continue at the current certification/recognition level until it expires, is revoked, or the advanced level certification/recognition is acquired.

## **B. Four-Year Waiting Period**

When a UCNI or EIPA scores of 3.5-3.9 certification/recognition expires (four years from the date of certification/recognition) the UCNI exam cannot be reattempted until a four-year waiting period has elapsed. Nor can an EIPA score of 3.5-3.9 be recognized during the four-year waiting period.

An interpreter may attempt the UCPI exam at any time

## **C. UCPI, UCMI, UCDI and EIPA Scores of 4.0 or higher**

UCPI, UCMI, UCDI and EIPA scores of 4.0 or higher do not expire and can be renewed indefinitely if all annual maintenance and cycle requirements are met.

Upon notification of passing the UCPI, a new renewal cycle begins. Any existing Continuing Education Hours (CEHs) earned as an entry level interpreter will not transfer to the UCPI CEH requirement.

## **VI. Certification/Recognition Annual Renewal**

The following renewal requirements must be met. If the renewal requirements are not met prior to the renewal date, the certification/recognition will lapse. 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 prior to the renewal deadline.

UIP will review each submitted interpreter certification renewal request and determine if the conditions for renewal have been met. UIP will notify the interpreter of their renewal status within 10 days of receiving the certification renewal request.

### **A. UCNI and EIPA**

- Completion of annual certification renewal request prior to renewal date
- Completion of 20 CEH annually prior to renewal date
- Payment of annual renewal fee prior to renewal date

If an interpreter holds both an EIPA recognition and a UCPI or UCMI, the renewal requirements of the UCPI/UCMI will be in effect.

### **B. UCPI, UCMI, UCDI**

- Completion of annual certification renewal request prior to renewal date
- Completion of 80 CEHs every four years prior to cycle end date
- Payment of annual renewal fee prior to renewal date

## C. RID

- Completion of annual renewal request prior to the renewal date
- RID certified interpreters must comply with RID's professional development requirements. For more information see: [www.rid.org/](http://www.rid.org/)
- Payment of annual renewal fee prior to the renewal date.

## VII. Expired and Lapsed Certifications/Recognitions

If a certification lapses for any reason, re-certification/recognition will be necessary.

### A. UCNI

The UCNI expires four years from the date of issue. If a UCNI lapses and the UCNI has not expired, the individual may take the UCNI exam again. If, however, the UCNI has expired, the individual must complete the four-year waiting period before retaking the UCNI exam.

The UNPI may be attempted at any time.

### B. EIPA 3.5-3.9

EIPA 3.5-3.9 expires four years from the original date of recognition. If an EIPA 3.5-3.9 has lapsed due to not meeting the CEH requirements but the recognition has not expired, the individual will need to complete all CEHs required from previous cycles before their EIPA 3.5-3.9 can be recognized again. If an EIPA 3.5-3.9 has lapsed due to non-payment but the individual has otherwise met their CEH requirements and the recognition has not expired, they can apply to have their EIPA recognized again.

If the EIPA has expired, the individual must complete the four-year waiting period before having their EIPA 3.5-3.9 recognized again.

### C. Appeal of Expired Novice/EIPA 3.5-3.9 Certification/Recognition

A Novice interpreter or an interpreter with EIPA recognition of scores 3.5-3.9 with extenuating circumstances may request a review from the Appeals Committee by submitting the appeal in writing and any pertinent records to UIP.

Appeals for expired certification/recognition must be received within 30 days of the expiration. The Appeals Committee will review the written statement from the interpreter and determine if an extension is warranted or not. If an extension is warranted, the Appeals Committee will define a time frame for the extension. The decision will be communicated to the interpreter within 45 days of when UIP receives the request.

## **D. EIPA 4.0 or higher**

If an EIPA 4.0 or higher has lapsed due to not meeting the CEH requirements, the individual will need to complete all CEHs required from previous cycles before their EIPA 4.0 or higher can be recognized again.

If an EIPA 4.0 has lapsed due to non-payment but the individual has otherwise met their CEH requirements, they can apply to have their EIPA recognized again.

## **E. UCPI, UCDI**

If a UCPI or UCDI has lapsed, the individual may recertify by taking and passing the appropriate exam(s) at the UCPI/UCDI level. An individual with a lapsed UCPI may only recertify at the UCNI level after four years from the lapse date of the UCPI.

## **F. UCMI**

If UCMI has lapsed, the individual may recertify by taking and passing the UCPI exam.

## **G. RID**

If someone holding an RID certification allows their recognition to lapse, they may apply for initial recognition by submitting the application and paying the applicable fee(s).

## **H. Appeal of Lapsed Certification/Recognition**

A request for reinstatement review may be completed by submitting an appeal to UIP within seven days of receiving notification of lapse of certification or revocation of recognition. Appeals can be submitted in writing or via video. If an appeal is submitted via video, UIP will make a transcript of the content for documentation. UIP will redact confidential information and forward the redacted appeal to the Appeals Committee for review. UIP will notify the interpreter of the Appeals Committee's decision regarding the reinstatement within 45 days of receiving the appeal.

## **VIII. Denial of Certification/Recognition Renewal**

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

- Failure to satisfy CEH requirements by the established deadlines
- Failure to submit the renewal application and/or fees by the deadline
- Failure to provide proof of a recognized certification from approved organizations by the deadline
- Ethical violations as determined by Ethical Practices Review
- Failure to follow requirements as set forth by Ethical Practices Review

## **A. Appeal of Denied Certification/Recognition Renewal**

A request for reinstatement review may be completed by submitting an appeal to UIP within seven days of receiving notification of a denial of certification renewal/recognition. Appeals can be submitted in writing or via video. If an appeal is submitted via video, UIP will make a transcript of the content for documentation. UIP will redact confidential information and forward the redacted appeal to the Appeals Committee for review. UIP will notify the interpreter of the Appeals Committee's decision regarding the reinstatement within 45 days of receiving the appeal.

## **IX. Continuing Education Hours (CEH)**

All interpreters must meet the required CEHs for their certification renewal/recognition requirements.

### **A. Requirements**

#### **i. UCNI and EIPA**

- Completion of 20 approved CEH annually prior to renewal date

If an interpreter holds both an EIPA recognition and a UCPI or UCMI, the renewal requirements of the UCPI/UCMI will be in effect.

#### **ii. UCPI, UCMI, UCDI**

- Completion of 80 approved CEHs every four years prior to cycle end date

#### **iii. RID**

- Completion of RID CEU requirements such that the certification held is current and active

### **B. Earning CEHs**

All interpreters are encouraged to regularly check their online account to ensure accurate tracking of CEH.

#### **i. UIP Sponsored Professional Development**

Contact hours for professional development that are sponsored by UIP will automatically carry CEH and will be added by UIP to the interpreter's account.

#### **ii. RID Approved CEU**

Professional Development that has been approved for RID CEU is automatically approved for CEH.

Interpreters must upload appropriate documentation of the hours in their online account to earn CEH.

### **iii. Academic Coursework**

Academic coursework will be awarded CEH based on the following criteria:

- The course must be offered by an institution accredited by the Council for Higher Education Accreditation.
- Documentation of course content and credit hours has been submitted to determine the content area (course syllabus, course outline).
- Documentation of successful completion (C- or better) has been submitted (a copy of transcript).
- Documentation is submitted and the course was completed during the interpreter's current cycle.
- CEH will be awarded based on the following:
  - 15 CEH per semester credit hour
  - 10 CEH per quarter credit hour

### **iv. Professional Development Delivery**

An interpreter may earn CEH the first time they teach a UIP sponsored professional development activity. To receive credit, they must request CEH at the same time and in the same manner as the participants of that professional development opportunity. They will be awarded CEH in the same category the activity was approved for.

### **v. Other Professional Development Opportunities**

All other professional development opportunities must be preapproved at least two weeks before the start of the activity. CEH approval will not be given after the event takes place. Activities could include: leadership courses, public speaking workshops, first aid courses, etc.

To receive pre-approval, the interpreter must submit at a minimum the following documentation in their online account:

- Course content (syllabus, course outline, etc.)
- Proof of the number of contact hours
- Dates and times of the event
- Presenter name and information
- Website or other documentation verifying the event

Additional information may be requested. When the opportunity is pre-approved, UIP will notify the interpreter of the number and category of CEH that the opportunity can be awarded if evidence of successful completion is submitted.

Once the activity is complete, evidence of successful completion must be submitted to the interpreter's online account for the CEHs to be awarded.

## **C. CEH Categories**

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 tangentially related to the field of interpreting and are educationally beneficial to the participant

If an interpreter is court approved, a minimum of 20 hours CEH must be legal studies to maintain court approval.

Examples of activities not approved for CEHs:

- Board/committee activities
- Professional service delivery including interpreting, teaching, and mentoring
- Receiving mentoring
- Lunch, dinner, socials, or entertainment
- Activities that are part of routine job responsibilities (i.e., in-service or work-related training meetings)
- Independent study

## D. One-Time CEH Extension

A UCIDI, UCPI, or UCMI who has not completed the required number of CEHs by the end of their certification cycle may request a one-time extension by filling out the Extension Request Form. This type of extension can only be granted once and applies only to UCIDI, UCPI, and UCMI. Requests for a CEH extension should be submitted no less than 5 days before the cycle deadline.

The request for an extension will be reviewed by the UIP Program Manager. If the extension is granted, the interpreter must complete the renewal application, pay the renewal fee, and pay a late fee within 30 days of the renewal deadline.

Additionally, 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. At any point in time, if the expectations are not met, the certification will be lapsed.

## X. State of Utah Court Approval

To be listed as a court-approved interpreter, an interpreter must meet the requirements set forth by the State of Utah Courts and UIP. Only those interpreters listed may work within the court system in Utah. An interpreter who is not on the court-approved list and interprets in the court system may be subject to disciplinary proceedings based on an Ethical Practices Review.

## XI. 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.

### A. Temporary Permits

There are two types of temporary permits: Mentor and Out-of-State. Temporary permits are 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.

#### i. Mentored Temporary Permit

An individual approved for a Mentored Temporary Permit should only provide fundamental communication services in the specific situation for which the permit is granted.

Approval or denial of Mentored Temporary Permits will be given by UIP. The temporary permit is granted by UIP to both the sponsoring 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 permit and professional development plan are met. The requirements of the temporary permit are no longer enforced if the interpreter passes Utah certification examination at any level.

#### ***Criteria for Obtaining a Mentored Temporary Permit***

1. The entity/employer submits an entity/employer application. The entity/employer must demonstrate
  - a. What steps have been taken to hire a certified interpreter
  - b. Information documenting how the lack of services could materially jeopardize compliance with state or federal law
  - c. How the entity/employer will support the interpreter in obtaining certification
2. The entity/employer pays the required fee
3. The temporary permit candidate submits a temporary permit interpreter application, which must include a professional development plan, including the steps they plan to take to obtain certification
4. The temporary permit candidate passes a skill assessment given and assessed by UIP.

5. The employee signs an agreement to abide by the UIP policies and the RID CPC.

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

#### ***Length of Mentored Temporary Permit***

A temporary permit is renewable every three months for a maximum period of one year by submitting an updated professional development plan showing progress and changes and paying the required fee. The temporary permit may be revoked by UIP if any of the parties violate the professional development plan.

#### **ii. 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 may qualify for a temporary permit. Approval or denial of Out-of-State Temporary Permits 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 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

The permit may be denied by UIP if the certification from another state is deemed insufficient.

#### ***Length of Out-of-State Temporary Permit***

An Out-of-State temporary permit is valid for a maximum of six months to give the interpreter ample time to take and receive results of the knowledge and performance exams.

If there is no progress toward taking the knowledge or performance exam, if the exam(s) was taken and not passed, or if the professional development plan is violated, the temporary permit may be revoked.

## **B. Emergency Permits**

Upon the declaration of a national, state, or local emergency, the USOR Director, in collaboration with UIP, 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.

## **C. Student and Deaf Interpreter On-the-Job Training Permits**

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. A Deaf interpreter on-the-job training permit may be granted where a deaf individual is providing paid or unpaid interpreting services while receiving on-the-job training approved by UIP. Students/Trainees 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, or in the case of a Deaf interpreter on-the-job permit for a period of 3 months. A permit will be required for each term/semester the student is interpreting through an internship or practicum or every three months in the case of a Deaf interpreter on-the-job training permit.

### **i. 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 an agreement to abide by the UIP Policies and the NAD-RID CPC

### **ii. Criteria for Obtaining a Deaf Interpreter On-the-Job Training Permit**

To apply for an On-the-Job training permit, the deaf person must complete the following prior to starting a training program:

1. Complete and submit a Deaf interpreter on-the-job training permit application
2. Submit a letter of recommendation from an advanced level interpreter
3. Submit a professional development plan signed by both the supervising interpreter and the applicant
4. Sign an agreement to abide by the UIP Policies and the NAD-RID CPC

The on-the job training permit may be renewed every three months for up to two years. Renewal is based on:

1. Resubmitting the Deaf interpreter on-the-job training permit application

2. Continued support from an advanced level interpreter
3. Demonstrated progress on the Professional Development plan including revisions necessary to continue progress
4. Demonstrated progress toward obtaining certification
5. Compliance with UIP Policies, the NAD-RID CPC, and any other requirements that may be put in place by UIP

## **XII. Interpreter Training Programs**

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 may include interpreter training programs (ITPs), internships, residencies, apprenticeships, or on-the-job training programs.

### **A. Program Approval Process**

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

UIP will review the documents and submit a proposal of program approval or denial to the USOR director for final approval or denial. UIP will inform the program of the approval or denial within 15 working days from approval/denial from the USOR director. Program approval lasts for three years.

If the director denies 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.

### **B. Lapse in Program Approval**

At least 30 days before a training program's approval expires, 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.

## **XIII. Committees**

To ensure objective decision-making and effective guidance to the Director, UIP collaborates with committees as needed. UIP may establish Ad Hoc committees to address specific needs not managed by the committees outlined below

### **A. Appeals Committee**

The Appeals Committee will consider appeals for the following situations:

- Appeal of the certification process
- Appeal from a Novice interpreter or an interpreter with EIPA recognition of scores 3.5-3.9 who has not advanced their certification within the four-year window and who also experienced extenuating circumstances
- Appeal for reinstatement of a lapsed certification for UCPI, UCMI, or UCDI who has experienced extenuating circumstances
- Appeal of a denied certification renewal

The UIP Manager will appoint an Appeals Committee of three individuals to review individual appeals. Members should be selected based on the representation of deaf and hard-of-hearing individuals and interpreters, as well as expertise related to the appeal. If for any reason, an Appeals Committee member needs to withdraw they must notify the UIP Manager. The UIP Manager 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

Once a determination is made on an appeal, the Appeals Committee is dissolved.

### **B. Certification Evaluation Committee (CEC)**

The CEC recommends the evaluation and passing criteria for each level of certification to the Director. The UIP Manager will appoint a Certification Examination Committee (CEC) whose selected members will address examination instruments, materials, and passing criteria. The committee consists of at least five members, including the UIP Manager. Members of the CEC can be released at any time by UIP. If, for any reason, a CEC member should have to vacate their seat, written notification will be given to UIP. The UIP Manager will then appoint a new member as needed.

# Disciplinary Proceedings

The Ethical Practices Committee (EPC), acting under the direction of UIP, provides guidance to the USOR Director on items related to unlawful or unprofessional conduct as outlined in Utah Code 35A-13-611-612

## I. Ethical Practices Committee Membership

The EPC is a standing committee and is made up of at least 5 members, of which, one must be Deaf and one must be an interpreter. This committee reviews complaints involving interpreters who are certified/recognized by the State of Utah. Information regarding a complaint brought before the EPC must be kept strictly confidential by committee members. Violation of confidentiality will result in dismissal from the EPC.

A member of the EPC will be disqualified to review a complaint if they:

- Are the complainant or respondent
- Are deemed unable to participate objectively by a majority vote of the EPC
- Disqualify themselves because of prior knowledge of the case or relationship to the complainant or respondent
- Served as an advocate, interpreter, or support to the complainant as part of the process to file the complaint
- Report, for any reason a conflict of interest in the complaint.

## II. 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
- UIP on behalf of such individuals
- UIP on behalf of the interests of the State of Utah

## III. Filing a Complaint

UIP accepts complaints in any accessible format including but not limited to written documents, email, video, etc. 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 unlawful or unprofessional violations are being alleged.

Individuals needing assistance with filing a complaint may request accommodations through UIP.

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 filed again with UIP within 30 days.

## IV. Jurisdiction

The jurisdiction of this policy extends to all Utah-certified sign language interpreters, and all interpreters holding a current RID, NIC, NAD, or EIPA that has been recognized by UIP. Additionally, jurisdiction extends to any applicant for certification or recognition.

UIP will make all determinations regarding jurisdiction. If UIP determines that it does not have jurisdiction or that the complaint states a cause of action that cannot be addressed, UIP 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, or in the event of unlawful conduct, as defined in Utah Code 35A-13-611, a cease and desist order may be issued by the USOR Director.

## V. Complaint Withdrawal

A complaint may be withdrawn at any time. When a complaint is withdrawn, all materials related to the case will be saved in the permanent case file and clearly marked that the complaint was withdrawn and the date it was withdrawn. UIP reserves the right to proceed with the process if it determines there is cause. In that case, it will be noted in the permanent case file that the complaint was withdrawn by the complainant and that UIP proceeded with the complaint process.

## VI. Mediation

If the complainant and respondent both wish to seek mediation, they can do so at any point in the process by submitting the request in any accessible format to UIP. The USOR Director may review the request and may approve or deny the request for mediation. If the request is denied, both parties will be informed in writing and the Complaint Process will resume. If mediation is approved, UIP will work with the USOR Director to schedule mediation in a timely manner.

Either party or the mediator may elect to terminate the mediation at any time. If mediation is terminated, the mediator will provide a summary of the proceedings, and notification will be sent to all parties and the Complaint Process will resume.

If a mediation agreement is reached, the agreement will be documented and provided to all parties. All parties must agree to abide by the mediation agreement.

## VII. Ethical Practices Review

If UIP determines there is jurisdiction, UIP will inform the EPC Chairperson of the need to convene. UIP will document the complaint in a written brief that includes at a minimum the following information:

- Name(s) of individuals involved including the complainant, and respondent
- Date and time of the incident
- Location of incident
- Actions that are alleged to be unlawful or unprofessional
- Tenants, codes, laws, or other requirements that the alleged actions violated

A UIP representative may meet with or otherwise seek out additional information from the complainant to adequately complete the brief. The brief will be sent to the EPC Chairperson and to the respondent within 30 days of receiving the complaint.

The respondent has 30 days from the date the brief was sent to respond. The response can be given in any accessible format and may be sent via email or certified mail to UIP. If the response is given in a format other than written English, UIP will create a written translation of the information. The response must at a minimum address each relevant aspect of the allegations set forth in the complaint either by:

- Admitting the unlawful or unprofessional conduct and providing any additional context
- Denying the unlawful or unprofessional and providing any additional context

When the response is received, UIP will notify the respondent that the response has been received.

Upon receipt or after the timeline has expired, the EPC will review the brief and the response and determine if further review is needed. If it is determined that it is needed, the EPC Chairperson will proceed with the review process. If it is determined that further review is not warranted, the complaint and respondent will be informed that the case has been closed and what action, if any, will be taken against the respondent.

Complaints will be handled in the order in which they are received by UIP. If there are multiple allegations against the same interpreter, they may be handled simultaneously.

## A. Review Process

All reviews will be conducted by at least 3 members of the EPC, of which, one must be Deaf and one must be an interpreter. In the event the EPC Chairperson is disqualified, the UIP will select a new chairperson for the review. A UIP representative will provide support to the EPC as needed.

A review meeting will be scheduled within 14 days from the date the response is received, and the meeting held within 45 days.

At least 15 days prior to the review meeting date, UIP will communicate the following information via email to the complainant, respondent, and appropriate members of the EPC:

- Date, time and location of the meeting
- Names and professional affiliations of the members of the EPC who will review the complaint
- Procedure for objecting to any member of the EPC who will review the complaint
- Names and affiliations of the complainant and respondent
- Complaint brief(s)

The complainant or respondent may request additional members of the EPC to attend the review meeting. However, the Chairperson of the review 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 review proceedings. Representatives may participate in all proceedings. Either party may present any affidavits, documents, other written or video evidence, or present witnesses to give testimony as to any relevant aspect of the allegation(s) or defense asserted. The meeting will proceed following the outline below:

- All parties participating in the proceedings will identify themselves

- The complainant will present the complaint
- The respondent will reply
- The complainant may present evidence and witness testimony
- The respondent or their representative may ask clarifying questions
- The respondent may present evidence and witness testimony
- The complainant or their representative may ask clarifying questions

Members of the EPC may interject at any point during the proceedings to ask questions of parties or witnesses necessary to reach a complete understanding or for clarification. A representative of UIP will attend the meeting to respond to policy and procedure queries.

## B. Considering the Evidence

Only members of the EPC may consider the evidence and make recommendations as to the outcome of the review. They will consider only evidence properly presented and deemed to be reliable and relevant. If there is any discrepancy among the EPC members about the reliability and relevance of any piece of evidence, the review Chairperson will make the determination.

## C. Reaching a Recommendation

The EPC members charged with reviewing the complaint will move into a closed session. There, a majority vote is required to reach a recommendation. If the EPC decides against the respondent, it must immediately determine what discipline is recommended or what action will be required of the respondent. The EPC decision will be written and must identify, in detail the complaint, the evidence used in the decision, the relevant tenants, codes, laws, or other requirements, and the action to be taken, if any. A dissenting member of the EPC may file a minority report which will become part of the EPC decision and record.

## D. Recommending Disciplinary Action

The determination of the type and severity of disciplinary action will depend on the severity and impact of the violations, and any prior ethical practices violations. There is a range of potential courses of action and the EPC Committee hearing the complaint may choose one, several, or none of the possible actions listed below. They may also choose to create a course of action tailored specifically to the circumstances of the particular complaint.

Potential actions EPC may choose to recommend to the Director include, but are not limited to:

- Impose no disciplinary action on the respondent
- Refuse to issue a certificate or recognition to an applicant
  - The interpreter is no longer permitted to provide interpreting services and would not be allowed to test or have a certification or assessment recognized. This action must include a determination of whether the revocation is permanent or for a specified length of time. This remedy may be combined with other requirements.
- Refuse to renew a certificate or recognition
  - The interpreter is no longer permitted to provide interpreting services and would not be allowed to test or have a certification or assessment recognized. This action must include a determination of whether the revocation is permanent or for a specified length of time. This remedy may be combined with other requirements.

- Suspend a certificate or recognition
  - The interpreter is no longer 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, renewal requests, payment of dues/fees, and earning of CEH must continue during the suspension. At the end of the specified period, UIP will report to the EPC the current standing of the respondent. The EPC will determine whether or not all conditions of the disciplinary action have been met. If the conditions have been met, the certification will be reinstated.
- Restrict a certificate or recognition
  - The interpreter is allowed to continue interpreting, but only in allowed settings. The restriction may be, but is not limited to, the following areas
    - Age of participants
    - Preferred language of participants
    - Area of specialty (education, medical, mental health, legal, etc.)
  - This action must include a determination of whether the restriction is permanent or for a specified length of time.
- Place the respondent on probation
  - Respondent actions would be monitored for a specified length of time to ensure professional and ethical conduct is maintained. Probation could include but is not limited to
    - Assigning a mentor for a required period and a specified number of hours.
    - Requiring the complainant to attend educational workshops, seminars, or classes that would ensure exposure to information that would aid the respondent in acting 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.
- Revoke a certificate or recognition
  - The interpreter is no longer permitted to provide interpreting services. This action must include a determination of whether the revocation is permanent or for a specified length of time. If it is for a specified length of time, the respondent may reenter the Utah certification process from the beginning by applying to take the relevant exam or reapplying to have their national certification/assessment recognized. A revoked certification may not be reinstated. Revocation of certification is an extreme measure and should be reserved only for situations consisting of the most intentional and severe malpractice.
- Issue a public or private reprimand
- Issue a cease and desist order

## E. Director Approval

Once the recommendation has been determined by the EPC, it will be submitted to the USOR Director for final approval. The USOR Director, in collaboration with UIP, may approve, send back to the EPC for further consideration, or make a different determination. Once the USOR Director has approved the final decision, the decision, including the minority report if applicable, will be sent via certified mail to the complainant and respondent.

If the decision is against the complainant, that complainant may not file any other complaints regarding that same incident.

## F. Appeals

Once a decision has been reached, the complainant or respondent can appeal by requesting a formal hearing conducted by an Administrative Law Judge (ALJ) in the Division of Adjudication by submitting the request in any accessible format to UIP. UIP will work with the USOR Director to schedule a hearing in a timely manner. Hearings will be conducted following R993-100-104-114. Parties must abide by the decision of the ALJ.

## G. Records

A confidential, official record will be made of all proceedings. Records will consist of:

- A list of the names of all parties involved including the complainant, respondent, EPC members, Chairperson, UIP representatives, complainant and respondent representatives, witnesses, and other involved parties
- All relevant correspondence regarding the complaint, response, review, and mediation and/or formal hearings
- Video recordings and/or a transcript of all proceedings if available
- Any printed and or video documentation including the complaint, brief, response, affidavits, evidence, mediation, formal hearings, or other written materials
- The final decision, minority report if applicable, and any supporting documents

This record is the confidential property of the Utah State Office of Rehabilitation (USOR). 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 official record will be retained according to USOR's retention schedule.