



# Registry of Interpreters for the Deaf, Inc.

*Adopted by the RID Board of Directors on May 12, 2006*

# ETHICAL PRACTICES SYSTEM POLICY MANUAL





# ETHICAL PRACTICES SYSTEM POLICY MANUAL

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Official Response Form
Mediation Participation Agreement (Part One)
Mediation Participation Agreement (Part Two)
Mediation Resolution Agreement
Mediation Resolution Non-agreement
Mediation Termination Form
Appeal Form

# ABOUT *THE ETHICAL PRACTICES SYSTEM (EPS)*

## ***PHILOSOPHY***

RID requires that its members adhere to strict standards of ethical practice. RID highly values the relationships between and among practitioners and consumers. Due to the complex nature of the interpreting process, misunderstandings, conflicts and allegations of misconduct occasionally occur. The organization has long recognized that when a conflict arises, the experience and the consequences can prove devastating both personally and professionally for all involved. In such instances, RID encourages the individuals involved to make every effort to resolve the conflict when possible, and utilize the RID Ethical Practices System only when all efforts have been exhausted and proven unsuccessful.

If you have questions regarding an ethical dilemma, first consult the NAD-RID Code of Professional Conduct and the RID Standard Practices Papers, which can be found on RID's website, [www.rid.org](http://www.rid.org). You may also contact the national office. While the office staff or the Professional Standards Committee (PSC) may not be able to resolve ethical questions directly, they can provide you with materials which may assist you or refer you to individuals or agencies who may advise you.

At all times, RID expects individuals to take responsibility for themselves and to defuse a delicate situation before a conflict develops. In many cases, approaching the interpreter and sharing your concerns will resolve the situation. Next, consider talking with his or her supervisor or the person responsible for contracting/arranging the interpreter to express your concerns. Finally, RID recognizes the uniqueness of each situation and understands that not all cases can be independently resolved.

Events which precipitate the filing of a complaint are often highly charged and polarizing for the individuals involved. If you have exhausted all avenues of conflict resolution, you should examine these guidelines to determine if RID has the authority to review and process the complaint.

## ***PURPOSE***

The goal of the RID Ethical Practices System is to uphold the integrity of ethical standards among interpreters. In keeping with that goal, the system includes a comprehensive process whereby complaints of ethical violations can be thoroughly reviewed and resolved through mediation or complaint review.

## ***OVERVIEW***

RID expects its members to provide quality service and behave in an ethical manner. RID responds vigorously to any allegation of misconduct. In keeping with that commitment, RID has established a multi-level grievance system, the Ethical Practices System (EPS) (see 8.1 Structure of the EPS). This document contains a detailed description of how a formal complaint is filed and the process by which the complaint is ultimately resolved. Individuals filing a complaint against an interpreter may do so in the hope that the organization will take some punitive action. However, RID utilizes a grievance system that includes a punitive/corrective component but also encourages communication, mediation, the resolution of conflict and a rebuilding of trust and confidence. This process is designed to be both corrective and educational in nature.

Therefore, the organization has created a process in which both parties are actively involved. Individuals who file a complaint with RID about an interpreter's action(s) are required to participate in mediation – a collaborative process designed to explore the problem and generate mutually acceptable solutions. Such participation affords both parties an opportunity to better understand the circumstances leading to the complaint and, whenever possible, to resolve the underlying conflict. RID also has a complaint review process that supports and expands on the mediation component of the EPS; this process includes a review of the complaint, response and evidence to reach a decision, and may occasionally involve an actual formal meeting with the parties.

This document was prepared by a committee with input from all facets of the EPS. It was approved by the RID Board of Directors and describes in detail the comprehensive system by which the organization addresses grievances.

# ACCEPTING EPS COMPLAINTS

## 1.1 CONDITIONS OF JURISDICTION

The RID Ethical Practices System shall act upon any complaint which has been filed and acted upon according to the written procedures published by RID. To ensure that RID has the proper authority to review the complaint, the complaint must meet all of the following conditions:

### What Constitutes a Complaint?

- ◆ A complaint must be based on the possible violation(s) of the official NAD-RID Code of Professional Conduct.
- ◆ A complaint must be filed due to an incident related to the provision of interpreting services.
- ◆ A complaint must describe an incident that occurred after the interpreter's services were contracted through a verbal or written agreement, and may involve paid or volunteer interpreter service.
- ◆ A complaint may be filed as a result of the contracted interpreter's conduct prior to, during, or after an interpreting assignment.

### Who May File a Complaint?

- ◆ A complaint may be filed only by a person who has direct knowledge of or involvement in the interpreting situation in which the alleged violation occurred. A person with direct knowledge of the situation may serve as the complainant when the affected person is incapacitated or a minor.

### Against Whom May a Complaint Be Filed?

- ◆ A complaint may be filed against any individual who is or was a member of RID at the time of the alleged violation.

### What is the Timeframe for Filing a Complaint?

- ◆ A complaint must be received by the national office within 90 days of the alleged violation. The NAD-RID Code of Professional Conduct governs interpreters' conduct before, during and after interpreting events. The 90-day filing limit applies to when the alleged violation(s) occurred, which is not necessarily the time of the actual interpreting.

## 1.2 FORM OF A COMPLAINT

A complaint may be either written or videotaped. If written, the complainant may choose to write a narrative or to sign or speak the complaint in the presence of a certified member of RID, who will transcribe the complaint into English. A transcribed complaint must be signed by the complainant and the interpreter who transcribed it.

## 1.3 REQUIRED COMPONENTS OF A VALID COMPLAINT

A complaint must include the following:

### Who is the Person Filing the Complaint (the Complainant)?

- ◆ The complainant's name, contact information, dated signature.

### Who is the Interpreter?

- ◆ The name, city/state, and credential(s) of the member of RID against whom the charges are being made.

### When and Where Did it Happen?

- ◆ The date and location of the alleged misconduct.

### What Happened?

- ◆ A statement that describes how the alleged misconduct violated the NAD-RID Code of Professional Conduct and how it negatively impacted the interpreting situation. Specific tenets should be cited. The statement must include the following applicable items:

1. A complete narrative of the alleged misconduct.
2. A description of how the interpreter's alleged misconduct adversely affected the situation or parties involved.
3. A list of and detailed description of intended sources of evidence (witness statements, documentation, affidavits, etc.) that can be used to support the allegations. The list (not the evidence itself) must be included with the initial complaint. The evidence may be submitted later in the process, if necessary.
4. A summary of other actions, if any, taken to resolve this matter prior to filing a complaint.
5. The status of legal action underway, at the time of filing, related to this matter.
6. Information, if known, about previous incidents or alleged actions or misconduct committed by the interpreter and experienced by the individual filing the complaint.

# ACCEPTING EPS COMPLAINTS

## 1.4 ACTION TAKEN ON THE COMPLAINT

### Receipt of complaint

A status letter will be sent by the national office to the complainant to acknowledge receipt of the complaint.

### Initial Review of Complaint

When a complaint is received, the EPS coordinator or designee will conduct an initial review of the complaint to ensure that it satisfies the Required Components of a Valid Complaint (see 1.3 Required Components of a Valid Complaint). The EPS coordinator reserves the right to request additional information from the complainant prior to accepting a complaint and to confer with members of the EPS to evaluate the complaint's merits. Acceptance of a complaint does not presume any wrongdoing on the part of the interpreter but signifies that the complaint has been accepted for review.

The complaint will be evaluated according to the following: the seriousness of the alleged violation, how it impacted the situation, whether it reflected an ongoing pattern of behavior, and whether any effort was made to resolve the issue prior to filing the complaint. Careful attention will be given to the actions alleged and how the allegations are substantiated in the complaint.

### Dismissal of a Complaint

A complaint may be dismissed if the documentation is incomplete or if the complaint itself is non-actionable, non-substantive, or has already been corrected by another means. When a complaint is dismissed for failure to satisfy the EPS criteria but the allegations raise particular concerns, the RID reserves the right to address the party(s) or take other appropriate steps.

If a complaint is dismissed, RID will send a letter detailing the basis for the dismissal to the complainant. The complainant may submit a written appeal within 30 days of the decision to dismiss.

### Notification of an Opened Case

If a complaint is accepted, the complainant and respondent will receive letters within 30 days that a case has been opened. The respondent also receives a copy of the complaint.

### Response to Complaint by the Respondent

The respondent is asked to submit a written response to the allegations that must be received within 30 days of the date on the notification letter. The response should include a detailed narrative and address each of the violations alleged in the complaint. The respondent may admit or deny the allegations, and the response should include any justification or rationale for the respondent's actions in the situation.

The respondent may choose to consult with another professional (i.e., mentor, supervisor, expert in the field, attorney) for assistance in preparing a response to the allegation(s) set forth in the complaint. However, the respondent must personally sign the response and submit it to the national office. All written correspondence from RID will be directed only to the respondent and not to any other professional consultant.

Failure of the respondent to submit a written response will not prevent the case from moving forward.

A copy of the response will be forwarded to the complainant.

## 1.5 CONFIDENTIALITY STATEMENT

To ensure the integrity of the process and to avoid undue negative consequences for any of the parties involved, RID requires that all parties maintain strict standards of confidentiality about the case when a case is active. All communication regarding the complaint, including all documents and proceedings, should be limited to the complainant, respondent, witnesses, members of the EPS, and RID staff only.

Moreover, throughout the proceedings, the complainant and respondent should use discretion in sharing confidential interpreting assignment-related information about the case when communicating with RID and its representatives. While RID acknowledges that it is inevitable for sensitive information to be discussed, only information pertinent to the specific complaint should be provided.

# ACCEPTING EPS COMPLAINTS

When preparing or responding to a complaint, it may be necessary for participants to gather information/evidence relevant to the situation. When doing so, the party(s) should keep disclosures to a minimum and always act with the utmost discretion.

For employment reasons, the complainant and/or respondent may be required to inform his/her employer that a complaint has been filed. This should be done without revealing any confidential information. These confidentiality restrictions do not apply to a participant's right to confer with legal counsel or to participate in any potential legal proceedings.

## Breach of Confidentiality

If either party believes that confidentiality has been breached, a statement detailing the circumstances should be submitted in writing to the national office. A breach of confidentiality by a complainant will lead to a warning letter or a termination of the proceedings. A breach of confidentiality by a respondent will lead to a warning letter or further actions, which could include possible sanctions.

## 1.6 SPECIAL CIRCUMSTANCES

### Withdrawal of a Complaint

If the complainant decides to withdraw the complaint, the reasons must be submitted in writing to the national office. The withdrawal should be submitted as quickly as possible to avoid any negative consequences to either party.

### Request for an Expedited Review

In general, cases are handled in the order in which RID receives them. If the case involves a matter of extreme urgency, either party may request that the case be reviewed immediately. The complainant or the respondent must attach a written request to the original complaint or original response detailing specific reasons for the urgency.

### Interpreter is No Longer a Member

If the interpreter is not a member of RID at the time of the filing but was a member at the time of the alleged violation, and if the case meets all of the requirements as set forth under Conditions of Jurisdiction, the complaint may be accepted, and the interpreter will be notified of the complaint. However, no action will be taken until the interpreter reinstates his or her membership.

### Concurrent Litigation

If legal proceedings, civil or criminal, are initiated before or during an EPS complaint, the complainant and/or respondent must notify RID. Upon learning of such litigation involving either party, RID reserves the right to suspend, terminate, or proceed with the case.

### Multiple Complaints

If multiple complaints are filed against one interpreter alleging similar violations and arising out of the same set of facts and circumstances, the RID reserves the right to consolidate the complaints. If it is later determined that a violation(s) did occur and that corrective action(s) is warranted, that single decision will serve as a remedy for all the complaints. Throughout the process each complainant will be kept apprised of the process and each will receive a decision letter detailing the final outcome.

### Interpreter Charged More Than Once for the Same Offense

A complaint will not be accepted if the EPS has already reviewed a complaint involving the same interpreter and the same set of facts and circumstances. No respondent whose case has been dismissed may be charged again with any offense in connection with the same incident.

## 1.7 DEADLINES

All responses from the parties must be directed to the national office. The deadlines will be judged according to the postmarked date if sent by mail or the received date if sent by fax or e-mail.

RID considers EPS matters as serious and makes efforts to process cases with care and timeliness. However, any failure on the part of any staff person of RID or any member of the EPS to meet a deadline does not constitute grounds for dismissal of an EPS complaint.

## 1.8 ACCOMMODATIONS

RID is committed to providing access to the grievance system to all individuals including those with disabilities. Accommodations are made on a case by case basis. Any individual who wishes to receive an accommodation must make a request through the Ethical Practices System coordinator. After receiving notice of the need, RID will work to ensure that a reasonable accommodation is provided. The individual may be asked to provide documentation of the disability.

# MEDIATION

## 2.1 WHAT IS MEDIATION?

Mediation is a collaborative problem-solving process that allows the complainant and the respondent to discuss a shared conflict and mutually agree upon a resolution. The complainant and the respondent meet with one or two mediators who serve as neutral third parties to facilitate and guide the discussion. The goal of mediation is to create an environment within which both parties can freely discuss the situation that led to the complaint and explore ways to resolve the conflict.

RID implemented its mediation program in 1999. It was established as the first step in the multi-level grievance system to increase the efficiency with which complaints could be handled and relationships restored. The process of mediation, in particular, was chosen for its non-adversarial nature, which affords a unique opportunity for both participants to determine the final outcome.

## 2.2 WHEN IS A COMPLAINT MEDIATED?

Mediation is the first step in the Ethical Practices System. The majority of all complaints are mediated. Thus, when filing a complaint, the complainant must be willing to participate in the mediation process. Mediation creates an opportunity for all parties involved to have input, openly share their respective experiences and concerns, and ultimately resolve their conflict amicably. RID encourages the complainant and respondent to make every effort to cooperate.

Once a complaint has been accepted, a mediation session will be arranged. The complainant will be notified that the complaint has been accepted. The respondent will be notified that a complaint has been filed against him or her. Each party will be asked to choose a list of available weekend dates within 90 days from the date of the letter. The chosen dates should be submitted to the national office within 10 days. Meanwhile, the national office will schedule the mediation session and identify the mediators who best fit the case. All parties and mediator(s) will agree on a meeting date, time, and location.

## 2.3 WHO ARE THE MEDIATORS?

The mediators are members of RID and/or NAD and are interpreters and deaf individuals who have completed professional mediation training through RID. They are knowledgeable in ASL, deafness, and the interpreting process. All mediators agree to abide by the Models of Conduct for Mediators developed by the American Arbitration Association, the American Bar Association, and the Society of Professionals in Dispute Resolution.

## 2.4 WHAT IS THE ROLE OF THE MEDIATOR?

One or two mediators are assigned to each mediation session. When there are two mediators assigned to a case, they jointly conduct the process. Ideally, co-mediators are assigned to cases where mediators with different areas of expertise would be useful, when there are multiple parties involved, and/or to model cooperation and gender/cultural balance.

Prior to mediation, all case-related information will be made available to the mediator(s). During the mediation session, mediators act as neutral third parties. Mediators actively participate by explaining the process, guiding the discussion, and writing the agreement or non-agreement. However, the mediators do not make the decision for the complainant or the respondent. Throughout the mediation, the mediators function as facilitators, ensuring that both parties have an equal opportunity to express their concerns and point of view. The mediators' role ends at the close of the mediation session. Mediators have no further contact with either party and are not responsible for ensuring that the terms of an agreement are met.

## 2.5 WHO MAY PARTICIPATE IN MEDIATION?

The RID mediation program is designed as a one-on-one process to ensure an equal opportunity for participation and dialogue.

As a general rule, one complainant will file a complaint against one respondent alleging a set of facts. The mediation session will include a complainant, a respondent and the mediator(s).

# MEDIATION

If multiple complainants filed jointly alleging a violation(s) involving the same set of facts and circumstances, the complainants must select one member of the group to represent the group.

If two or more complainants file separate complaints alleging the same set of facts and circumstances, the first to file will proceed to mediation. The remaining complainants will be informed by letter that a case is being processed. Once the mediation is completed, the remaining complainants will be informed whether an agreement or non-agreement was reached. To respect confidentiality, further details of the case and mediation session will not be disclosed to the remaining complainants.

Any exceptions to these policies will be considered on a case-by-case basis. Involving additional parties or limiting involvement of parties may be necessary for a successful resolution. RID will consider the uniqueness of these cases and offer the most appropriate mediation session arrangement.

Legal representatives may be involved in the preparation and filing of the complaint and response. They are not allowed into the mediation session.

## 2.6 DO YOU HAVE TO PREPARE FOR MEDIATION?

Often, parties feel they need to prepare for mediation by gathering evidence to support their position. However, the purpose of mediation is not to find fault and assign blame but rather to allow both parties an opportunity to express their perspectives fully and to work toward a resolution with the guidance of the mediator(s). Therefore, it is not necessary to bring any evidentiary documents to the mediation. Prepare for mediation by reviewing these guidelines and all materials sent to you by RID.

## 2.7 WHAT HAPPENS DURING MEDIATION?

- ◆ To begin the mediation, the mediator(s) defines his or her role and explains the rules and procedures.
- ◆ The mediator(s) distributes the Mediation Participation Agreement and Rules for Mediation forms. To proceed, both parties must read, agree, and sign the forms.
- ◆ The mediator(s) may take only written notes during mediation. Audio or video recording of the session is not allowed.
- ◆ The mediation begins with the mediator(s) asking questions of each party to define the basic issues in the complaint.
- ◆ The mediator(s) compiles a list of the issues.
- ◆ The mediator(s) assists the parties to generate reasonable options to resolve the conflict.
- ◆ The parties evaluate the options and negotiate an agreement that best suits the situation.
- ◆ If the parties decide upon a resolution, the mediators write the agreement and ask both parties to sign. The Mediation Agreement form includes a description of the agreement, the issue(s) involved in the complaint, and the resolution agreed to by the parties. The resolution should include the points the parties agree on; specific action to be taken by either or both parties; expected completion dates and submission of proof, if required; and terms of compliance.
- ◆ If the complainant and a respondent cannot come to a mutually agreed upon resolution of all of the issues alleged in the complaint or the mediator(s) determine it is necessary, the mediation is terminated. Both parties sign the Mediation Non-agreement or Termination form.
- ◆ A copy of the Mediation Agreement or Mediation Non-agreement form is given to each party.
- ◆ In the case of a non-agreement, the mediator(s) informs the parties that the complaint will move to adjudication and explains what that process entails.
- ◆ At the close of the session, all notes are destroyed.

# MEDIATION

## 2.8 WHAT IS MEDIATION AGREEMENT?

The Mediation Agreement documents what each of the parties, in good faith, is willing to do to completely resolve the complaint. Both parties are expected to fulfill the terms of the agreement, which, in addition to the aforementioned specific actions, dates, etc., may also include corrective actions intended to restore the relationship and prevent future problems.

The Mediation Agreement should include the following:

- ◆ Specific action(s) the respondent and complainant must complete to address the issues raised and resolved in mediation.
- ◆ Condition and reasons for referring the complaint to the adjudication level if the terms of the agreement are not fulfilled.
- ◆ Specific actions to be taken if either party does not comply with the terms of the agreement.
- ◆ Specific language that shows the mutual acceptability of the agreement.
- ◆ Signatures of both parties.
- ◆ Clearly detailed actions to be monitored by the national office with a date the mediation agreement will be reviewed for compliance/completion.

## 2.9 WHAT HAPPENS AFTER MEDIATION?

### What if an Agreement is Not Reached?

RID must receive a copy of the signed Mediation Non-agreement form.

The case remains open and is referred to the next step in the EPS, the adjudication process, for review of the original complaint. The circumstances and the results of the mediation attempt are neither provided nor considered in adjudication.

In preparation for adjudication, both parties should submit any and all additional supporting documentation of their positions within 30 days of the mediation session.

### What if an Agreement is Reached?

RID will keep a copy of the signed Mediation Agreement.

The RID EPS coordinator or designee will monitor whether the terms of the Mediation Agreement are satisfactorily completed. Individuals should supply proof that they have met all of the requirements by the completion date. When all actions are completed, the case is considered closed.

When a case is closed, no information about the case or the agreement is made public.

### What if an Agreement is Reached and Terms are Not Met?

RID assumes the complainant is serious about the allegations and is sincere about resolving the issue(s). Therefore, if the complainant does not fulfill his or her terms of the mediation agreement, if applicable, the complainant forfeits the right to pursue the complaint any further. The case is dismissed.

If the respondent does not comply with the terms of the Mediation Agreement, the case is then treated as an unsuccessful mediation and is referred to the adjudication process for review and determination. The case will be reviewed only on the basis of the original complaint, not the circumstances surrounding the mediation or non-compliance with the Mediation Agreement.

Both parties should submit any and all supporting documentation within 30 days of being notified that the terms of the Mediation Agreement were not met. Both parties are expected to abide by the terms of confidentiality which were agreed upon during the mediation session.

### How Can an Agreement be Voided?

RID reserves the right to void any Mediation Agreement and refer any case to adjudication. This may be done under conditions determined by RID, which may include the following:

- ◆ If the terms of the agreement are not clearly stated
- ◆ If RID is unable to monitor the completion of the terms
- ◆ If the parties have different interpretations of the terms of the agreement

# MEDIATION

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## 2.10 WHEN IS MEDIATION BYPASSED?

RID encourages mediation for all cases. Since mediation provides an opportunity for a shared learning experience and the most input by all parties involved, RID encourages the complainant and respondent to participate. However, RID reserves the right to evaluate each complaint and determine its suitability for mediation. Possible reasons to bypass mediation include:

- ◆ If it is determined that the geographic locations of the parties, travel time, cost of transportation, and overall expense of the case would prove a hardship for RID or any of the parties involved.
- ◆ If either party submits a compelling reason and requests that mediation be bypassed. Lack of enthusiasm or an unwillingness to participate in the process would not be considered a compelling reason to bypass mediation.
- ◆ If a complaint involves any allegations of intimidating behavior or illegal conduct, RID may deem it unsuitable for mediation.
- ◆ If the respondent refuses to schedule mediation or fails to submit dates of availability within the time allotted, the complaint moves automatically to adjudication.
- ◆ If a case involves multiple complaints, it may be directed to adjudication.

## 2.11 LOGISTICS OF MEDIATION

See Section 6.1 Communication Policy

See Section 6.2 Cancellation Policy

See Section 6.3 Transportation Policy

# ADJUDICATION

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## 3.1 WHAT IS ADJUDICATION?

Adjudication is a peer review process in which a selected panel of interpreters evaluates evidence of an alleged violation and determines whether a professional action was in violation of the NAD-RID Code of Professional Conduct. If it is determined that a violation did occur, the panel is further empowered to determine what sanctions should be imposed. A complaint and all supporting documentation are sent to a selected panel of three EPS adjudicators (members of the EPS) who review, confer, and make a decision. In most instances, the reviewers consider the complaint, the response, and any additional evidence that has been submitted and confer to render a decision on the case without an actual meeting with the parties. However, on occasion the adjudicators may request additional information or schedule a hearing with the parties before rendering a decision.

## 3.2 WHEN IS A COMPLAINT ADJUDICATED?

The EPS will review a complaint when mediation was bypassed, unsuccessful, or, when applicable, the terms of the *Mediation Agreement* were not completed.

## 3.3 WHO ARE THE ADJUDICATORS?

The RID has appointed a group of adjudicators to serve as case reviewers. The adjudicators are all members of RID and/or NAD, are certified interpreters (deaf and hearing), are skilled in ethical decision making and are knowledgeable in the field of interpreting and deafness. Adjudicators are given an orientation to the RID complaint structure and undergo training in the case review process. They then serve on adjudication panels as needed.

# ADJUDICATION

## 3.4 WHAT IS THE ROLE OF THE ADJUDICATION PANEL?

The role of the adjudication panel is to review official EPS cases and objectively weigh the issues of the complaint, the response, and the supporting evidence. The panel relies on the information provided by the parties to determine the merits of the case, whether the interpreter's action constitutes a clear ethical breach, and what, if any, sanctions are warranted.

## 3.5 HOW ARE THE ADJUDICATORS CHOSEN TO HEAR EACH CASE?

Three adjudicators are chosen to hear each case. When assigning cases, the EPS coordinator selects those adjudicators whose experience, background and credentials best equip them to respond to the specific issues alleged in the complaint. Prior to assigning any case, particular care is given to identifying any and all possible conflicts of interest which may limit an adjudicator's ability to render an objective decision.

## 3.6 DO YOU HAVE TO PREPARE FOR ADJUDICATION?

The goal of the adjudication process is to determine whether an ethical violation has occurred. While the burden of proof falls to the complainant, both parties must submit all of the relevant supporting information that they wish the panel to consider in its deliberations. In preparing for adjudication, each party may gather affidavits, documents, and written or videotaped testimony by material witnesses relevant to the charge or defense. Written or videotaped testimony by witnesses who can attest to the character of the complainant or respondent but who have no material involvement with the complaint are not permitted. All documentation must be submitted within 30 days of the case being directed to the adjudication process.

Parties are strongly encouraged to review these guidelines and all materials sent by the national office.

## 3.7 HOW IS EVIDENCE USED?

Throughout the entire adjudication process, the panel shall have sole discretion to accept any affidavits, documents, or other written or videotaped evidence. All evidence will be included as part of the official record. Written statements to be used as evidence must be notarized.

## 3.8 WHO CAN PARTICIPATE IN ADJUDICATION?

Adjudication panels decide the majority of cases based on the written evidence submitted and without any direct input or participation from either party. However, during the review process the panel may request that the EPS coordinator contact the parties to request additional information or clarify issues in the complaint.

During the adjudication process, parties may solicit help from either an advocate or an attorney. If an actual adjudication hearing is scheduled, the parties must submit the names and roles of these individuals prior to the scheduled meeting. Advocates and attorneys may be present and may confer privately with their client during the meeting but may not interject comments publicly. These general rules shall apply to all hearings; however, the panel has the final authority to decide who may attend and participate.

## 3.9 HOW IS A CASE REVIEWED?

- ◆ The information and all supporting documentation are sent to the panel of adjudicators chosen to review the case. Each panel member individually reviews the material and writes initial comments on the merits of the case and the quality of the supporting documentation.
- ◆ The panel members meet to discuss their respective views of the case material and to explore and resolve any differences.
- ◆ The panel may request additional information or clarification about specific aspects of the case from either party before rendering a decision.

# ADJUDICATION

- ◆ On occasion, panel members meet directly with the parties. Although such meetings rarely occur, their purpose is to allow the panel to question the parties more extensively about the facts of the case and to observe the parties interacting with each other. The panel determines when a meeting is required and whether it will be face to face or via conference call format. (see 4.1 What is a Hearing)
- ◆ Once all the material has been examined, the panel makes a decision on the case. If consensus is not reached, the decision is based on a majority vote.
- ◆ The panel then determines what, if any, further action is required.
- ◆ RID will notify the parties in writing within 30 days of the decision.

## 3.10 WHAT ARE THE POSSIBLE OUTCOMES?

### No Violation is Found

If no violation is found, there is no cause for action. Thirty days after the decision is made, if no appeal is filed, the case is closed. The outcome is not made public unless the respondent wishes to have a public acknowledgement of the result of the complaint. If so, the respondent must submit that request in writing before the case is closed so a notification will be printed in the VIEWS.

### No Violation is Found But a Reprimand is Issued

In some cases, an interpreter's behavior demonstrates a lack of professionalism. Similarly, an interpreter may have demonstrated an isolated example of questionable behavior. In such an instance, the panel may find that the interpreter's behavior was not unethical but may issue a formal reprimand with regard to the questionable conduct.

### A Violation is Found

If the panel finds the interpreter's action is in violation, it must then determine whether to impose sanctions. Sanctions may involve requiring that the respondent participate in training to reinforce an understanding of the NAD-RID Code of Professional Conduct and ensure that the violation will not be repeated.

If the nature of the violation is particularly egregious and the panel determines it is warranted, the panel may recommend suspension or revocation of certification.

After a decision is made, the panel drafts a written letter of censure, detailing the charges and its rationale. If relevant, the letter also includes any sanctions imposed on the respondent. If no appeal is filed by either party, the decision of the adjudication panel is final, except in cases where the panel's recommendation is revocation of certification.

The name of the respondent and a summary of the final decision will be printed in the VIEWS.

## 3.11 WHAT ARE THE POSSIBLE SANCTIONS?

When a respondent is found in violation, the interpreter may receive one sanction or a combination of sanctions, which may include the following:

- ◆ letter of censure
- ◆ corrective action(s)
- ◆ suspension of certification and/or suspension of RID membership
- ◆ revocation of certification and RID membership

Any time a violation has been determined, regardless of the sanction, the interpreter's name and the violation will be printed in VIEWS.

A decision letter will be sent to the interpreter, with a copy sent to the complainant, detailing the violation and the sanction imposed. For matters of suspension or revocation, the Professional Standards Committee, the Professional Development Committee, and the Certification Council will be informed of the interpreter's name and sanction.

### 1) Letter of Censure

The panel may send the interpreter a letter of censure. A letter of censure requires the individual to cease and desist the specific behavior. The censure will be in effect immediately and continue throughout the individual's interpreting career.

A letter will be sent to the interpreter and will include the following information:

- ◆ summary of the basis for the censure
- ◆ effective date of the censure
- ◆ an explanation of the appeal process.

# ADJUDICATION

## 2) Corrective Action(s)

The panel may require that the interpreter satisfactorily complete one or more corrective actions. The range of corrective actions may include attendance at a workshop, completion of an independent study or written paper, mentoring, etc.

A letter will be sent to the interpreter and will include the following information:

- ◆ detailed description of the activity
- ◆ clear timeline and deadline dates
- ◆ number of required hours
- ◆ approval process, if any
- ◆ process for proving completion
- ◆ an explanation of the appeal process.

Continuing Education Units (CEUs) earned as a result of completing the assigned sanction may not be used to satisfy RID certification maintenance requirements.

All documentation must be sent to the national office within the prescribed timelines.

## 3) Suspension of Certification and/or Membership

The panel may decide to suspend the interpreter's RID membership and/or certification for a specific period of time and/or until the completion of specific actions.

During the suspension period, all membership benefits will be suspended, including, but not limited to, accruing CEUs\* and sitting for current RID-sponsored written and performance exams. Refund of any portion of the membership dues will not be permitted.

A letter will be sent to the interpreter and will include the following information:

- ◆ summary of the basis for the suspension
- ◆ corrective actions, if any, required to reactivate certification/membership
- ◆ effective date of the suspension
- ◆ date on which the suspension will end and the date by which corrective action(s) must be completed to reactivate certification/membership
- ◆ an explanation of the appeal process.

The letter will be sent to the respondent's last known address on record.

\*Certified members may not accumulate CEUs toward certification maintenance during the suspension. Once the suspension has been lifted, the member's CEU cycle will resume for the remaining time allowed in the 4-year cycle. In no event will the 4-year cycle be extended to compensate for time lost during the suspension.

## 4) Revocation of Certification and Membership

The panel may determine that the interpreter's certification and membership shall be revoked. With revocation, all membership benefits will cease, including, but not limited to, accruing CEUs and sitting for RID-sponsored written and performance exams. The interpreter's name will be removed from the membership database. Refund of any portion of the membership dues will not be permitted. Revocation is irreversible.

The case will automatically be reviewed by a second panel of adjudicators that consists of two additional RID adjudicators who were not previously involved in the case. At least one of the additional adjudicators must be a member of the Professional Standards Committee. One representative from the Certification Council will also be included in the review as a non-voting consultant. The second panel of adjudicators and the Certification Council representative will make a recommendation, either supporting revocation or suggesting alternative sanctions. If the second panel concurs with the first panel, the decision is upheld. The final decision and sanction will be based on a majority vote of the five adjudicators who reviewed the case.

A letter will be sent to the interpreter and will include:

- ◆ summary of the basis for the revocation
- ◆ effective date of the revocation
- ◆ an explanation of the appeal process.

# ADJUDICATION

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## 3.12 WHAT IF CORRECTIVE ACTIONS ARE NOT TAKEN?

If corrective actions are not completed and submitted by the deadline, the respondent's certification (if certified) and membership will be temporarily suspended. Both will be reinstated when proof of completion of the corrective actions is submitted. In no case will the certification or membership cycle be extended to compensate for time lost during the suspension. Refund of any portion of the membership dues will not be permitted.

## 3.13 WHAT IS INCLUDED IN THE DECISION LETTER?

After the panel makes a decision, the parties shall be notified in writing. RID will send the decision letter to the parties on behalf of the panel. Decision letters address each of the allegations included in the complaint, the panel's decisions regarding each allegation, and the supporting rationale. If a violation is found, the letter also details any corrective actions the panel will require of the respondent and any additional sanctions that have been imposed.

The names of all EPS adjudicators will be made public; however, the names of the individual adjudicators reviewing the case will not be identified.

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# HEARING

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## 4.1 WHAT IS A HEARING?

A hearing is a process that allows the complainant and the respondent to present their relevant evidence and call witnesses before the adjudication panel. The panel may accept affidavits of witnesses in lieu of their testifying in person at a hearing. The complainant and the respondent meet with the panel of three adjudicators who listen, consider and render a decision. The goal of the hearing is to create an environment where both parties can present their evidence and call witnesses.

## 4.2 WHEN IS A COMPLAINT REMITTED FOR A HEARING?

Hearings are used in rare or extreme situations. Panel members may determine that a case be remitted to a hearing for any reason, including but not limited to the following: when the panel has extensive questions regarding the information provided, when the credibility of the parties is in question, or when the panel feels the need to observe the interaction between the parties.

## 4.3 WHO IS ON THE HEARING PANEL?

The members of the hearing panel are the adjudicators who were originally assigned to the case.

## 4.4 WHAT IS THE ROLE OF THE PANEL MEMBERS?

The panel members listen and consider the information and render a decision after the hearing is completed. One panel member will act as chairperson for the hearing. The panel chairperson will make introductions and direct the process of the hearing. The panel members may interject questions at any point during the hearing to clarify information.

# HEARING

## 4.5 WHO MAY PARTICIPATE IN A HEARING?

Three panel members, the complainant and respondent are required to be at the hearing.

The complainant and respondent may invite a representative, such as an advocate or legal counsel, and witnesses. The complainant and respondent may present material witnesses to provide information or evidence that is relevant to the case. Witnesses are not allowed to attest to the character of the complainant or respondent. Witnesses and representatives may not participate in the hearing unless a panel member instructs them to do so. Complainants and respondents may confer with their representatives at any time during the hearing.

Panel members may grant permission for additional people to attend the hearing.

## 4.6 DO YOU HAVE TO PREPARE FOR A HEARING?

Information related to the hearing must be submitted to the national office 10 days prior to the hearing. Required information includes the names and roles of the representatives and witnesses, and any affidavits, documents, videotapes or witness names relevant to the case and not previously submitted. The panel has the discretion to reject information or witnesses received less than 10 days prior to the hearing.

## 4.7 WHAT HAPPENS DURING A HEARING?

- ◆ RID will make an official record of the hearing, which may include audio or video recording or real-time captioning. No other audio or video recording or real-time captioning will be permitted. Complainants and respondents may take notes during the hearing.
- ◆ The panel chairperson defines the panel members' role and explains the rules and process of the hearing.
- ◆ Complainant and respondent introduce themselves and their witnesses, advocates or legal counsel.

- ◆ Complainant states all of the allegations. Panel members and respondent may ask clarifying questions.
- ◆ Respondent counters the allegations. Panel members and complainant may ask clarifying questions.
- ◆ Complainant responds to the respondent's countering statements.
- ◆ Respondent responds to the complainant's response.
- ◆ Complainant calls his or her witness(es). Respondent and panel members may ask questions of the witness(es).
- ◆ Respondent calls his or her witness(es). Complainant and panel members may ask questions of the witness(es).
- ◆ Panel members ask final questions.
- ◆ Complainant and respondent provide closing remarks.
- ◆ The chairperson of the panel provides closing remarks.

## 4.8 WHAT HAPPENS AFTER A HEARING?

Panel members will discuss the evidence in closed session, and render a decision. Within 30 days of the hearing date, the complainant and respondent will be informed of the decision in a letter summarizing the complaint, the decision and the rationale. The complainant or respondent has 30 days from the date of the decision letter to file an appeal. If no appeal is requested, the decision is final.

## 4.9 LOGISTICS OF A HEARING

See Section 6.2 Communication Policy  
See Section 6.2 Cancellation Policy  
See Section 6.3 Transportation Policy

# APPEAL

## 5.1 WHAT IS AN APPEAL?

An appeal is a process in which a second panel of adjudicators reviews the decision of the initial panel of adjudicators. The purpose of this process is to evaluate any possible inconsistencies in the process or decision. Either the complainant or respondent may file an appeal. The appeal must include specific grounds on which the initial decision should be reconsidered. The grounds for appeal must include one or more of the following reasons:

- ◆ Procedural error(s) by the EPS
- ◆ The decision was not supported by the evidence presented
- ◆ The sanction(s) was unduly harsh based upon the violation(s) found.

Non-participation or a lack of response by the respondent to a complaint or review shall not constitute grounds upon which a respondent may appeal the initial panel's decision.

## 5.2 HOW IS AN APPEAL FILED?

The complainant or the respondent may file an appeal based upon the grounds detailed above. The request for an appeal review must be submitted in writing or on videotape within 30 days of the date of the decision letter. The appeal request must clearly state the grounds being used for the appeal. It must also include any specific rationale or evidence to support the reason(s) for the appeal.

Additional evidence to support the original complaint/response may not be submitted with the appeal request.

RID will notify the other party that an appeal has been requested. While the appeal is being reviewed, the first panel's decision and any required action(s) are temporarily suspended.

## 5.3 WHO SERVES ON THE APPEAL PANEL?

Three adjudicators make up an appeal panel. Adjudicators who were not involved in reviewing the case the first time may be selected to serve on the adjudication appeal panel.

## 5.4 WHAT IS THE ROLE OF THE APPEAL PANEL?

Based upon the grounds cited in the appeal, the panel may undertake a thorough review of both the original case materials and the initial panel's process of deliberation and decision. The appeal process is not intended as a second adjudication of the complaint. Rather, the panel's role is to ensure the accuracy and integrity of the initial review, sufficiency of the evidence, and proportionality of sanctions.

## 5.5 WHO CAN PARTICIPATE IN AN APPEAL?

In the majority of cases, the appeal panel will review the grounds for the appeal, the initial adjudication process and the decision with no additional involvement from the parties. Depending on the basis of the appeal, the panel will decide the most appropriate course of action. This may include requesting clarification from the parties on either the original case materials or the grounds for the appeal.

## 5.6 WHAT ARE THE POSSIBLE OUTCOMES?

### No Grounds for Appeal

If the appeal panel decides to uphold the original decision, the findings and recommendations of the initial panel stand.

### Grounds for Appeal Supported

If the appeal panel decides in favor of the grounds for appeal, the case will be reviewed in its entirety. The appeal panel will render a new decision on the case, which may include upholding or reversing any or all parts of the initial panel's decision. Any sanction imposed by the initial panel may not be increased in severity by the appeal panel. The appeal panel's decision is final.

## 5.7 WHAT IS INCLUDED IN THE APPEAL DECISION LETTER?

After the appeal panel makes a decision, the parties will be notified in writing. The decision letter will address the grounds for the appeal and the appeal panel's findings. In the event that the initial decision is reversed, the decision letter of the appeal panel will be considered the final ruling on the case. If the appeal panel supports the initial panel's decision, the terms of the first decision letter will take effect as of the date of the final decision. The appeal panel's decision is final.

The names of all of the EPS adjudicators will be made public; however, the specific names of the individuals reviewing the appeal will not be identified.

# LOGISTICS FOR MEDIATION SESSIONS & HEARINGS

## 6.1 COMMUNICATION POLICY

RID is committed to equal access for all participants in mediation sessions and hearings and will make every reasonable effort to provide accommodations upon request.

Generally, mediators will conduct mediation sessions in American Sign Language. If the complaint alleges a skill violation or a mediator or panel member requests it, local interpreters will be hired for the session. If the complaint does not allege a skill violation and mediators or panel members do not make a request, interpreters will not be provided. Requests for interpreters must be submitted at least 10 business days before the mediation or hearing date.

## 6.2 CANCELLATION POLICY

If the complainant or respondent cancels the mediation or hearing after the date is set or fails to appear, he or she must provide a compelling reason in writing. Reasons may include death in the family, medical emergency, or any unforeseen circumstances of a serious nature. Failure to provide sufficient notification or a compelling reason will be cause to charge the costs associated with the mediation or hearing to the party canceling or failing to appear. Costs may include but are not limited to transportation, hotel, and per diem costs for the mediators or panel members. Until such costs are paid, the person(s) who canceled or failed to appear shall have all RID benefits temporarily suspended. If a complainant who is not a member of RID fails to appear or cancels a scheduled mediation or hearing without sufficient justification, all access to the EPS system will be denied until payment is rendered.

Within 10 business days of the missed mediation or hearing, the person(s) who failed to appear must provide a written or videotaped explanation detailing the reasons or circumstances which caused them to miss the mediation or hearing. An evaluation will be made whether sufficient justification exists to warrant cancellation and whether charges will be waived.

Depending on the cancellation circumstances, the mediation or hearing may be rescheduled. If the complainant fails to appear and fails to provide sufficient justification for the cancellation, the complaint will be dismissed. If the respondent fails to appear and fails to provide sufficient justification for the cancellation, the complaint will be directed to adjudication.

RID reserves the right to postpone or cancel a mediation session or hearing.

## 6.3 TRANSPORTATION & LODGING POLICY

RID pays the cost of transportation and lodging for the mediators and panel members. The complainant and the respondent are responsible for their own costs and the costs for advocates, counsel or witnesses. RID determines the location for the mediation or hearing and strives to schedule the mediation or hearing in the area where the incident occurred. Generally, a hotel near a major airport closest to the two parties is selected.

# MAINTENANCE OF RECORDS

## 7.1 OFFICIAL CASE RECORDS

Official EPS records become the confidential property of the RID. The official records are kept by the EPS staff at the national office. Records are available to the respondent, the complainant, and the EPS members associated with the case during the period that a case is open and under consideration by the EPS. Any person who receives copies of the record of a case, including respondents and complainants, shall agree to protect the confidentiality of the information. Generally, specific case information is not available to RID Board members or National Office staff outside of the EPS.

## 7.2 MEDIATION RECORDS

In mediation cases, the official records will consist of copies of the complaint, the response, the agreements to mediate, the mediation settlement agreements, and all other correspondence and documents related to the case.

## 7.3 ADJUDICATION RECORDS

In adjudication cases, the official records will consist of the complaint, the response, all relevant correspondence between RID and the parties, all evidence, a transcript of the proceeding if such transcript was made, the written decision, and any minority opinion and disciplinary action.

## 7.4 HEARING PROCEEDINGS & RECORDS

When there is a hearing, RID shall make an official record of all proceedings and will include all oral and interpreted testimony. All evidence, including affidavits, documents, audio recordings, video recordings, record of the real-time captioning and the written materials shall become part of the official case record.

## 7.5 CLOSED CASE FILES

RID shall maintain case files for three (3) years after a case has been closed. Following a completed mediation or an adjudication decision, the records shall be sealed and may be reviewed only upon written request to the national office, stating good cause for release and review. In instances where a member's certification and membership are revoked, the entire case record will be kept permanently.

## 7.6 ELECTRONIC INFORMATION

RID shall keep a permanent, confidential database of all filed complaints, complaint dispositions, cases, case outcomes, and case resolutions.

## 7.7 RECORDS USED FOR EDUCATIONAL PURPOSES

RID shall maintain records in a secure place and may use information from those records for educational purposes. Any records concerning ethical matters that are used for educational purposes shall have specific identifying information removed so that the confidentiality of the individuals involved and the circumstances of the situation are preserved. This may include a confidential log of EPS cases, mediation agreements or final EPS decision letters.

## 7.8 REPORTING USES

EPS records will be used to generate generic status reports, summaries and statistics for use within and outside of the organization.

# COMPOSITION OF THE EPS

## 8.1 STRUCTURE OF THE EPS

The EPS is comprised of the Professional Standards Committee (PSC) and two working groups – the mediation team and the adjudicators. The PSC assists the RID Board with oversight of the EPS and focuses primarily on the mediation and adjudication of ethical complaints. The committee reviews, develops and proposes system guidelines. In addition, it develops trainings for the working groups as well as educational resources for the public.

## 8.2 SERVICES OF EPS MEMBERS ON OTHER COMMITTEES

Mediators, adjudicators and members of the PSC may serve on other RID committees and/or hold elected office within the RID structure.

## 8.3 CONFLICT OF INTEREST

A conflict of interest exists whenever the interests of a committee member, adjudicator or mediator interfere with or compromise judgment, objectivity, and neutrality. A conflict could arise when a person has a vested interest in the outcome of a decision. A conflict can arise if a mediator or adjudicator is personally familiar with a party in a case or has some personal involvement in the circumstances surrounding the case.

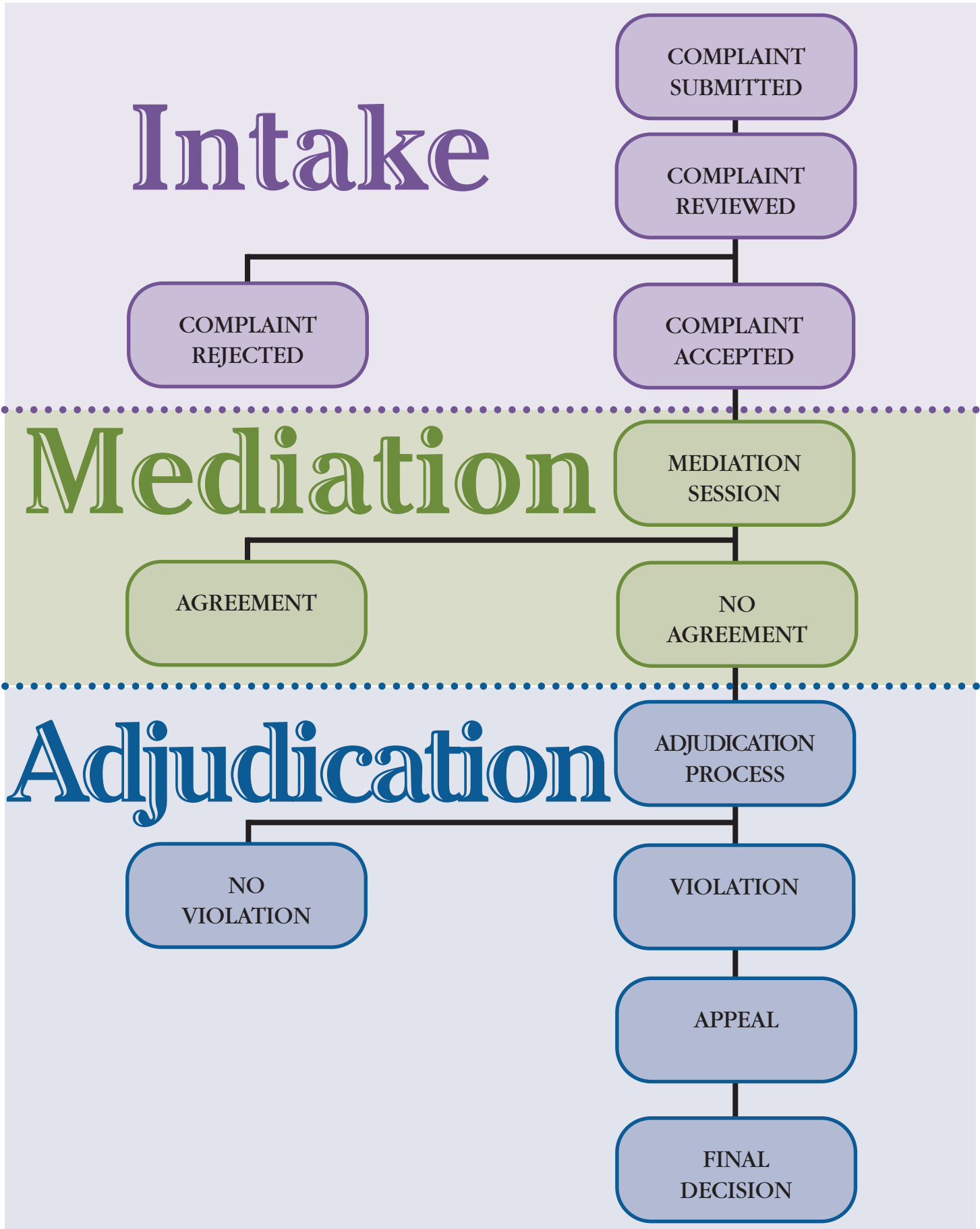
The majority of EPS members serve in only one capacity. However, some mediators and adjudicators may also serve on the PSC. The role of the PSC includes discussing policy issues and making recommendations to the RID Board of Directors. Those members serving a dual function must exercise caution in discussing policy issues related to specific cases of which they have direct knowledge.

If there is an actual or perceived conflict of interest, members must do one of the following: disclose the actual or potential conflict of interest, recuse themselves to avoid bias, or resign from their position. Members should strive to avoid the appearance of impropriety at all costs.

## 8.4 COMPLAINTS AGAINST MEDIATORS OR ADJUDICATORS

If a complaint is filed against a mediator, adjudicator and/or PSC member, that individual shall not conduct any mediation sessions, adjudicate any cases, or participate in any PSC activities until the complaint has been resolved. Any mediator, adjudicator and/or PSC member found in violation of the NAD-RID Code of Professional Conduct will be permanently removed from the EPS.

# FLOW CHART



# GLOSSARY

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**Adjudication** – the process of determining whether an action was in violation of the NAD-RID Code of Professional Conduct.

**Adjudicators/Case Reviewers** – the individuals who determine whether an interpreter’s action was in violation of the NAD-RID Code of Professional Conduct.

**Affidavit** – a notarized statement of facts made voluntarily by a party.

**Appeal** – a process in which a second panel of adjudicators reviews the decision of the first panel.

**Certification Council (CC)** – the committee that awards established RID certifications, is responsible for RID, NAD and NIC certifications, evaluations and reinstatements, and works with the RID National Testing System.

**Complainant** – An individual or party who files a grievance.

**Evidence** – written or video documentation and/or witness testimony that supports the complainant’s or respondent’s position.

**Ethical Practices System (EPS)** – the multi-level grievance system established by RID to mediate and adjudicate complaints of ethical misconduct by interpreters who are members of RID.

**Complaint** – A formal allegation of ethical misconduct.

**Incident** – a specific action(s) on the part of an interpreter described in the complaint as unethical.

**Hearing** – a process that allows the complainant and the respondent to present their relevant evidence and call witnesses before the adjudication panel.

**Jurisdiction** – the scope of RID’s authority to review and decide ethical complaints.

**Mediation** – a method of conflict resolution where the parties can themselves identify and choose an option for resolving a complaint.

**Mediator** – An unbiased third party who assists disputing parties in reaching a mutually acceptable resolution.

**Panel** – a group of three adjudicators who review either a case or an appeal.

**Parties** – The complainant and respondent in a grievance filing.

**Professional Development Committee (PDC)** – the committee that oversees the RID Certification Maintenance Program, is responsible for certification maintenance cycles, and works with the sponsors approved by the RID to provide Continuing Education Units.

**Professional Standards Committee (PSC)** – the committee that oversees the Ethical Practices System, is responsible for proposing policies and develops training to the mediators and adjudicators as well as provides educational training to the public.

**Respondent** – The RID member against whom a formal complaint has been filed alleging a violation of one or more tenets of the RID-NAD Code of Professional Conduct.

**Sanctions** – Prescribed course of action given to respondent when found in violation of one or more tenets of the NAD-RID Code of Professional Conduct.

# APPENDIX A: FORMS



# REGISTRY OF INTERPRETERS FOR THE DEAF, INC. ETHICAL PRACTICES SYSTEM (EPS)

## Official Complaint Form

The Ethical Practices System has jurisdiction over current individual RID members who are providing interpreting services only. It does not apply to organizations, interpreter referral agencies or non-practitioners.

Before filing a complaint, please be sure to read Section 1, "Accepting EPS Complaints", in the Ethical Practices System Policy Manual. While you may find it helpful to review the entire manual, you must read the first section before filing a complaint.

A complaint may only be filed by a person who has been directly involved in the interpreting situation in which the alleged violation occurred.

<b>COMPLAINANT INFORMATION</b>	<b>PHONE NUMBER:</b>
I, _____, hereby file a formal complaint for review by the Registry of Interpreters for the Deaf (RID).	_____
<b>ADDRESS:</b>	<b>E-MAIL:</b>
_____	_____
_____	<b>PAGER:</b>
_____	_____
	<b>MEMBER ID (if applicable):</b> _____

### RESPONDENT/INTERPRETER INFORMATION

**NAME:** \_\_\_\_\_

**CERTIFICATION(S) HELD:** \_\_\_\_\_

**ADDRESS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WAS THE INTERPRETER AN ACTIVE MEMBER OF RID AT THE TIME OF THE INCIDENT TO BE REVIEWED?**

YES       NO

*go to next page to complete incident details*

## INCIDENT DETAILS

**A complaint must be received by the RID national office within 90 days of the alleged violation.** *The 90-day filing limit applies to the time when the alleged violation(s) occurred, which is not necessarily the time of the actual interpreting event.*

**DATE(S) of alleged incident(s) to be reviewed:** \_\_\_\_\_

**LOCATION of the alleged incident(s) to be reviewed:** \_\_\_\_\_

*A complaint must be based on the possible violation(s) of the official NAD-RID Code of Professional Conduct (CPC). CPC Tenets Violated:*

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> 1. Confidentiality | <input type="checkbox"/> 4. Respect for Consumers  | <input type="checkbox"/> 6. Business Practices       |
| <input type="checkbox"/> 2. Professionalism | <input type="checkbox"/> 5. Respect for Colleagues | <input type="checkbox"/> 7. Professional Development |
| <input type="checkbox"/> 3. Conduct         |  |  |

## REQUIRED NARRATIVE

**In addition to submitting a signed copy of this complaint form, you must provide a detailed narrative.**

The complainant must provide the following information in a separate statement to be attached to this complaint form:

- Describe what happened.
- State why you believe this interpreter's conduct was a violation of the NAD-RID Code of Professional Conduct.
- Describe how the interpreter's conduct negatively affected you, others involved, or the situation itself.
- List and describe (if any) your intended sources of evidence (witness statements, documentation, affidavits, etc.) that will be used to support the allegation(s). (Note: Actual evidence may be submitted later in the process, if necessary.)
- Explain any efforts made to reach a solution with this interpreter before filing this complaint.
- Include the status of any legal action underway, at the time of this filing, related to this matter.
- Detail similar incidents (if any) of alleged misconduct you have experienced with this interpreter and include if this is the first incident or a series of events.

### Form of the Narrative

**The required narrative may be submitted in one of the following ways** *(please indicate how you will be submitting your narrative):*

- Typed, written or electronic version attached or emailed.
- American Sign Language (ASL) (digital or VHS) version labeled with case number (if known), complainant's name and date recorded.
- Typed, written or electronic version transcribed by a certified member of RID.

## CONFIDENTIALITY STATEMENT

To ensure the integrity of the process and to avoid undue negative consequences for any of the parties involved, RID requires that all parties maintain strict standards of confidentiality about the case when a case is active. All communication regarding the complaint, including all documents and proceedings, should be limited to the complainant, respondent, witnesses, members of the EPS, and RID staff only.

Moreover, throughout the proceedings, the complainant and respondent should use discretion in sharing confidential interpreting assignment-related information about the case when communicating with RID and its representatives. While RID acknowledges that it is inevitable for sensitive information to be discussed, only information pertinent to the specific complaint should be provided.

When preparing or responding to a complaint, it may be necessary for participants to gather information/evidence relevant to the situation. When doing so, the party(s) should keep disclosures to a minimum and always act with the utmost discretion.

For employment reasons, the complainant and/or respondent may be required to inform his/her employer that a complaint has been filed. This should be done without revealing any confidential information. These confidentiality restrictions do not apply to a participant's right to confer with legal counsel or to participate in any potential legal proceedings

**I affirm that everything I have submitted with this complaint form is truthful. I have reviewed the Ethical Practices System Policy Manual and I agree to abide by the terms of the Confidentiality Statement.**

**I understand that the materials I am submitting in support of my complaint will be sent to the respondent in this matter.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed



**Send all materials, including this complaint form to:**

Registry of Interpreters for the Deaf  
Ethical Practices System  
333 Commerce Street  
Alexandria, VA 22314  
703.838.0454 (Fax)  
ethics@rid.org



**For Office Use Only:**

Case Number: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Date Entered: \_\_\_\_\_

# REGISTRY OF INTERPRETERS FOR THE DEAF, INC. ETHICAL PRACTICES SYSTEM (EPS)

## Official Response Form

### RESPONDENT/INTERPRETER INFORMATION

CASE NUMBER: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_  
NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ PAGER: \_\_\_\_\_  
\_\_\_\_\_

### REQUIRED NARRATIVE

In addition to submitting a signed copy of this response form, you must provide a statement. A response must be received by the national office within 30 days of the date of the notification letter. That statement should include:

- A detailed narrative describing what happened from your perspective.
- Comments addressing each of the alleged violations contained in the complaint.
- An admission or denial of the allegations, if desired.
- Justifications or rationale for your actions in the situation during which the alleged violations occurred.

### CONFIDENTIALITY STATEMENT

To ensure the integrity of the process and to avoid undue negative consequences for any of the parties involved, RID requires that all parties maintain strict standards of confidentiality about the case when a case is active. All communication regarding the complaint, including all documents and proceedings, should be limited to the complainant, respondent, witnesses, members of the EPS, and RID staff only.

Moreover, throughout the proceedings, the complainant and respondent should use discretion in sharing confidential interpreting assignment-related information about the case when communicating with RID and its representatives. While RID acknowledges that it is inevitable for sensitive information to be discussed, only information pertinent to the specific complaint should be provided.

When preparing or responding to a complaint, it may be necessary for participants to gather information/evidence relevant to the situation. When doing so, the party(s) should keep disclosures to a minimum and always act with the utmost discretion.

For employment reasons, the complainant and/or respondent may be required to inform his/her employer that a complaint has been filed. This should be done without revealing any confidential information. These confidentiality restrictions do not apply to a participant's right to confer with legal counsel or to participate in any potential legal proceedings.

**I affirm that everything I have submitted with this response form is truthful. I agree to abide by the terms of the Confidentiality Statement.**

**I understand that the materials I am submitting in response to the complaint filed against me will be sent to the complainant in this matter.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

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Alexandria, VA 22314  
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Date Entered: \_\_\_\_\_

**REGISTRY OF INTERPRETERS FOR THE DEAF, INC.  
ETHICAL PRACTICES SYSTEM (EPS)**

**Mediation Participation Agreement  
(Part One)**

The undersigned parties have agreed to submit this ethical practices conflict to mediation for a resolution.

**Both parties agree that:**

1. All statements made during the mediation process by the parties and/or the mediator(s) are confidential and cannot be used in a court of law;
2. If any of the mediators are attorneys, they are serving only as neutral persons and not representing either party in an attorney client relationship;
3. In order to preserve the confidentiality of the session, the mediator(s) will destroy any notes concerning the mediation;
4. By participating in mediation, this does not preclude the parties from pursuing this matter in a court of law.

**As the complainant, I agree that:**

1. I will not involve the mediator(s), staff or RID in any court proceedings, by subpoena or other means;
2. If an agreement is reached, I will abide by the terms of the settlement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**As the respondent, I agree that:**

1. I will not involve the mediator(s), staff or RID in any court proceedings, by subpoena or other means;
2. If an agreement is reached, I will abide by the terms of the settlement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

# REGISTRY OF INTERPRETERS FOR THE DEAF, INC. ETHICAL PRACTICES SYSTEM (EPS)

## Mediation Participation Agreement (Part Two)

### MEDIATION GUIDELINES

Outlined below are guidelines that all parties adhere to for mediation. Guidelines ensure that appropriate steps are taken and that there is equal participation in the process.

#### 1. Confidentiality

All discussions and materials written during the mediation are confidential. Parties are not to talk about what happens in the mediation without the other person's permission. Neither party can force the mediator(s) or any of the mediation work to be brought up in court if this situation goes to court.

#### 2. Good Faith, Cooperation and Courtesy

To ensure an orderly mediation, there must be good faith and full cooperation from all parties. Common courtesy includes mutual respect and giving each person a chance to share their story and make comments without interruption.

#### 3. Decision Making

The mediator(s) will not make any decisions for you. Parties will work together to draft any agreement or resolution that is reached regarding your conflict/disagreement. No decision or agreement will be written without your consent. The role of the mediator(s) is to facilitate the mediation process and help you communicate clearly. You have the authority to make a decision. You may contact other persons to obtain needed expertise or information to carry out any agreement you make.

#### 4. Termination of Mediation

Mediation is a voluntary process. Either person may end the mediation at any time with proper notice. If you end mediation, your case will be referred to adjudication according to the RID Ethical Practices System. In addition, the mediator(s) may withdraw from a case at any time during the mediation.

#### 5. Full Disclosure

All parties are to share and provide all relevant information necessary to resolve the conflict/disagreement. The mediator(s) will help you decide what information is necessary for a resolution to your complaint.

#### 6. The Mediation Session

The mediator(s) will meet with you both at the same time. However, it may be necessary at times to meet with each person separately. The mediator(s) has the authority to meet with you individually.

#### 7. Mediation Resolution Agreement

The mediator(s) will write the decisions that were agreed to during mediation. This paper is called the Mediation Resolution Agreement. Each person will be given a copy of the Mediation Resolution Agreement. If you are not able to agree to a settlement during the mediation process, your case will be referred to adjudication according to the RID Ethical Practices System.

**I have read the Mediation Guidelines and have had the opportunity to ask questions about them. I agree to the above guidelines.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**REGISTRY OF INTERPRETERS FOR THE DEAF, INC.  
ETHICAL PRACTICES SYSTEM (EPS)**

**Mediation Resolution Agreement *(continued)***

**TERMS OF THE AGREEMENT:**

Party 1, \_\_\_\_\_, agrees to the following:  
*(name)*

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Party 2, \_\_\_\_\_, agrees to the following:  
*(name)*

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Both parties agree that they will:

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as outlined and specified in this agreement.







# REGISTRY OF INTERPRETERS FOR THE DEAF, INC. ETHICAL PRACTICES SYSTEM (EPS)

## Appeal Form

DATE: \_\_\_\_\_

FILED BY: \_\_\_\_\_

CASE: \_\_\_\_\_

RESPONDENT

COMPLAINANT

The purpose of the appeal process is to evaluate any possible inconsistencies in the process or decision. Either the complainant or respondent may file an appeal. The request for an appeal review must be received in writing or on videotape within 30 days of the date of the decision letter.

### Please fill out the following information:

NAME: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PAGER: \_\_\_\_\_

\_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

MEMBER ID (if applicable): \_\_\_\_\_

The appeal must include specific grounds on which the initial decision should be reconsidered. The grounds for appeal are (*check all that apply*):

- Procedural error(s) by the EPS
- The decision was not supported by the evidence presented
- The sanction(s) was unduly harsh based upon the violation(s) found

Please submit either a written or videotaped statement with this form that addresses the following:

- Clearly state the grounds being used for the appeal.
- Include any specific rationale or evidence to support the reason(s) for the appeal.  
(Additional evidence to support the original complaint/response may not be submitted with the appeal request.)

**I affirm that everything I have submitted with this appeal is truthful. I agree to abide by the terms of the Confidentiality Statement.**

By submitting this form, I reaffirm my pledge to keep all EPS proceedings and documents confidential. I understand that the materials I am submitting in support of this appeal may be shared with the other party in this matter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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