To Stay In The Room Or Not: And other trends in ASL interpreting ethics

Rebecca Buchan, MA, CI, CT, IIC
AGENDA

Introductions
Gathering Our Tools
Ethics
Demand Control Schema
Hippocratic Oath
Employing our Tools
Wrap-Up
Introductions
Poll #1: Who is here today?
Collecting Our Tools
Decision Making Tool: Ethics
Poll #2: Is there a difference between a Code of Ethics and a Code of Professional Conduct?
<table>
<thead>
<tr>
<th>BASIS FOR COMPARISON</th>
<th>CODE OF ETHICS</th>
<th>CODE OF CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meaning</td>
<td>An aspirational document, issued by the board of directors containing core ethical values, principles and ideals of the organization is Code of Ethics.</td>
<td>A directional document containing specific practices and behavior, that are followed or restricted under the organization is Code of Conduct.</td>
</tr>
<tr>
<td>Nature</td>
<td>General</td>
<td>Specific</td>
</tr>
<tr>
<td>Scope</td>
<td>Wide</td>
<td>Narrow</td>
</tr>
<tr>
<td>Governs</td>
<td>Decision making</td>
<td>Actions</td>
</tr>
<tr>
<td>Length</td>
<td>Short</td>
<td>Comparatively longer</td>
</tr>
<tr>
<td>Disclosure</td>
<td>Publicly disclosed.</td>
<td>Employees only.</td>
</tr>
<tr>
<td>Focused on</td>
<td>Values or principles</td>
<td>Compliance and rules</td>
</tr>
</tbody>
</table>
Why is knowing the difference important?
Examples from RID

**Code of Ethics (Tenets)**
- Interpreters adhere to standards of confidential communication
- Respect for consumers
- Maintain ethical business practices

**Code of Conduct (Sub-tenets)**
- Share assignment-related information on “as-needed” basis
- Consider consumer requests/needs
- Honor professional commitments
ACTIVITY: You create an example of conduct based on the ethical tenet

Code of Ethics (Tenets)  
• Respect for colleagues

Code of Conduct (Sub-tenets)  
• Possess the professional skills and knowledge for the job
RID’s Ethical Practice System (EPS)
RID’s EPS...What constitutes a complaint?

- Based on violation of CPC
- Complaint must be filed within 90 days of incident
- Must have happened after interpreter was contracted
- A complaint can be filed by a person who has direct knowledge
- Cannot file if interpreter is not a member of RID
What must a complaint include?

• The complaint must include:
  • Alleged misconduct
  • Adverse affect of misconduct
  • Sources of evidence
  • Summary of actions, if any, to resolve matter
  • Status of any legal action
  • Information regarding previous incidents
RID’s EPS Process
A few EPS stats...

<table>
<thead>
<tr>
<th>2006 – 2012 COMPLAINTS FILED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepted (40%)</td>
</tr>
<tr>
<td>Rejected (60%)</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLAINTS NOT ACCEPTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency related (9%)</td>
</tr>
<tr>
<td>Filed beyond 90 day deadline (10%)</td>
</tr>
<tr>
<td>Non-member (12%)</td>
</tr>
<tr>
<td>Not interpreting-related issues (13%)</td>
</tr>
<tr>
<td>Incomplete complaints (38%)</td>
</tr>
<tr>
<td>Multiple reasons from above (11%)</td>
</tr>
<tr>
<td>Withdrew (4%)</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deaf and Hearing Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deaf/Hearing Mediator Team</td>
</tr>
<tr>
<td>Hearing/IDP Mediator Team</td>
</tr>
<tr>
<td>Hearing Mediator(s)</td>
</tr>
<tr>
<td>IDP Mediator</td>
</tr>
<tr>
<td>Deaf Mediator</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hearing Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearing Mediator Team</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MEDIATION OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ended In Agreement</td>
</tr>
<tr>
<td>Referred to Adjudication</td>
</tr>
<tr>
<td>Complainant No Show or Withdrew</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

2015 Types of EPS cases filed with RID

- Confidentiality: 21
- Render Message Faithfully: 11
- Do Not Counsel/Advise: 9
- Accept Assignments with Discretion: 13
- Compensation: 2
- Function Appropriately: 19
- Continuing Education: 2
- Professional Standards: 10

2015 RID Annual Report
2018 EPS case information

EPS Cases

2017 Carry Over Cases: 53
2018 New Cases: 47

Rejected: 69
Accepted: 25
Still in Intake: 6

2018 EPS Case Information:
- 53 Cases in 2017 Carry Over
- 47 New Cases in 2018
- 69 Rejected Cases
- 25 Accepted Cases
- 6 Cases Still in Intake

Reasons for Rejection:
- 20 Incomplete or non-substantive
- 12 Non-member or not while interpreting
- 21 Withdrawn or resolved by other means
- 3 Complainant not compliant w/ deadlines
- 2 Hold pending legal outcome
- 2 Agency related
- 9 Multiple reasons

Reasons for Acceptance:
- 2 Adjudication: Violations Found
- 6 Mediation: Agreement
- 15 Awaiting Mediation
- 2 Referred to Adjudication

Poll #3: What, if anything, surprised you about the EPS statistics?
Who creates interpreter codes of ethics?

- International Medical Interpreters Association
- The National Council on Interpreting in Health Care
- Registry of Interpreters for the Deaf
## Comparison of Codes of Ethic

<table>
<thead>
<tr>
<th></th>
<th>IMIA</th>
<th>NCIHC</th>
<th>NAD-RID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of Code</td>
<td>Code of Ethics for Medical Interpreters</td>
<td>Code of Ethics for Interpreters in Health Care</td>
<td>Code of Professional Conduct</td>
</tr>
<tr>
<td>Year Established</td>
<td>1987 (revised in 2006)</td>
<td>2004</td>
<td>2005</td>
</tr>
<tr>
<td>Length of Code</td>
<td>1 page</td>
<td>1-page code followed by a 19-page commentary</td>
<td>5 pages</td>
</tr>
<tr>
<td>Main Format of Code</td>
<td>12 statements on on ideal interpreter conduct</td>
<td>9 statements on ideal interpreter conduct</td>
<td>7 tenets – each tenet then bolstered by a guiding principle and illustrative behaviors</td>
</tr>
<tr>
<td>Tense / Action Verbs</td>
<td><em>will</em>: maintain, select, refrain, not interject, not engage, engage, use, keep abreast, participate, seek.</td>
<td><em>strives to</em>: render, maintain, develop, continually further, treats, must act.</td>
<td><em>adhere</em>, <em>possess</em>, <em>conduct</em>, <em>demonstrate</em>, <em>maintain</em>, <em>engage</em>.</td>
</tr>
</tbody>
</table>
## Comparison of Codes of Ethics

<table>
<thead>
<tr>
<th>Ethical Principles / Values</th>
<th>IMIA (7)</th>
<th>NCIHC (7)</th>
<th>NAD-RID (6)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Accuracy</td>
<td>Accuracy</td>
<td>Confidentiality</td>
</tr>
<tr>
<td></td>
<td>(Responsible Use of) Advocacy</td>
<td>(Responsible Use of) Advocacy</td>
<td>Ethical business practices</td>
</tr>
<tr>
<td></td>
<td>Confidentiality</td>
<td>Confidentiality</td>
<td>Impartiality</td>
</tr>
<tr>
<td></td>
<td>(Responsible Use of) Cultural Interface</td>
<td>(Responsible Use of) Cultural Competence</td>
<td>Linguistic and professional competence</td>
</tr>
<tr>
<td></td>
<td>Impartiality</td>
<td>Impartiality</td>
<td>Professional growth and development</td>
</tr>
<tr>
<td></td>
<td>Professional Development</td>
<td>Professionalism</td>
<td>Rights of participants in interpreted situations to informed choice</td>
</tr>
<tr>
<td></td>
<td>Professionalism</td>
<td>Respect</td>
<td></td>
</tr>
</tbody>
</table>
Decision Making Tool:
Demand Control Schema
What is a demand?

- Requirements of the job
- Significant level
- Does not need to necessarily be stressful or demanding
Environmental Demands

- Physical surroundings
- Goal or purpose of assignment
- Setting of the assignment
- Terminology
- Personnel or clients
- Visual distractions
- Your senses
Interpersonal Demands

- Power distances
- Communication style
- Tone
- Cultural differences
- Turn taking
- Understanding interpreter role
- World views
Paralinguistic Demands

- Linguistic fluency
- Communication style, speed
- Accents
- Clarity of speech
- Idiosyncratic speech patterns
- NOTE: related to the speakers at the assignment, not the interpreter
Intrapersonal Demands

• Interpreter’s thoughts about:
  • The assignment
  • Safety
  • Physical condition
  • Personal life interference
  • Performance
  • Vicarious reactions
  • Teaming dynamics
  • Supervision/support
Poll #4: From the previous picture, which category of demands would be the most significant to you?
What is a **control**?

- An option
- “Decision latitude”
- Resources
- Internal or external
What are examples of **controls**?

- Behavioral actions
- Interpreting decisions
- Characteristics of the interpreter
- Education
- Prior knowledge
- Experiences
- Codes of Ethics
- Personality
- Others?
Pre-assignment controls

• Education
• Experience
• Preparation for assignment
• Gender
• Culture
• Others?
Assignment controls

- Identifying the demands
- Positive self-talk
- Interventions
- Prior relationships (why is this DURING the assignment?)
- Knowing yourself and limits
- Regrouping
- Your team
- Others?
Post-Assignment controls

- Debriefing
- Venting
- Physical self-care
- Follow up
- Mentoring
- Professional development
- Letting go
- Others?
Decision Making Tool: Hippocratic Oath
"First, do no harm."

Hippocrates
Using Our Tools
Poll #5: What criteria do you use to decide to stay in a medical room with no medical staff?
Staying in the room

- What are the possible demands?
- Which ethical guideline supports the interpreter leaving the room?
- Which ethical guideline supports the interpreter staying in the room?
- Where does “do no harm” fit in?
Poll #6: Do you enjoy interpreting virtual classes?
Virtual class interpreting without student there

- What are the possible demands?
- Which ethical guideline supports continuing to interpret?
- Which ethical guideline supports not interpreting?
- Where does “do no harm” fit in?
Poll #7: Has the COVID pandemic decreased your willingness to do on-site interpreting?
Deaf person wants your mask off in COVID appointment

• Break into groups, chose an option and break it down based on the various decision-making tools.

• What are the possible demands?
• What ethical codes might be violated?
• What about “do no harm”?
• Options?
  • Ignore request
  • Remove mask
  • Leave the assignment
A consumer is requesting you specifically to go to the ER with suspected COVID-19 and has even texted you directly, adding that he/she/they are really scared.

- Options?
  - Go
  - Don’t go
  - Go, but not as interpreter
  - Others?

- What various decision making tools can be used and how?
Poll #8: What interpreter preferences should trump credentialing?
You can choose your team. Agency says the team must be certified. You think IOC would be best choice, but no certified IOC are available.

- Does a dilemma exist?
  - CPC, COE
  - Demand Control Schema
  - Hippocratic Oath
- What are the options?
Poll #9: Why are we afraid to volunteer to “speak up” during interpreting conferences?
Three volunteers

- Create an ethical scenario
  - Fiction or non-fiction
  - Do not disclose the decision that was made or the consequences

- Share the scenario with the group

- As a group, we will discuss the decision options
Wrap Up
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