

## **Code of Ethics and Standards of Practice for Educational Interpreters of Spoken Languages**

### **BACKGROUND AND RATIONALE**

#### **Why this document?**

This document addresses the need for a better understanding of the profession of Educational Interpreter (or “School Interpreter”) as practiced by interpreters working between English and other spoken languages in educational settings. It also addresses the special challenges of interpreting in special education. Readers who have questions regarding this document or who would like to comment on it may do so by contacting the people at the end of the “Acknowledgements” section.

#### **What is a profession?**

The term “profession” is sometimes used loosely to refer to any specialized area of employment. Here we are concerned with the “practice professions” or “learned professions” such as medicine, law, and education, which are characterized by an expectation that practitioners will have specialized education and training, formal licensing (typically), and, above all, that they adhere to an ethical code that emphasizes an obligation of effective and impartial service to others. Professional interpreting is such a practice profession (Dean & Pollard, 2013).

#### **Ethics**

The term “ethics” refers to principles that together define “good” or “socially valuable” behavior, such as fairness or impartiality, avoidance of conflict, and concern for the welfare of others.

#### **Code of ethics vs. professional standards**

Broadly speaking, a code of ethics (sometimes called a “code of conduct”) concisely describes what members of a profession should do, or not do. Professional standards address accepted ways of doing a job that satisfy the ethical principles. In other words, a code of ethics provides

general ethical guideposts that often are applicable to many different professions, such as to be respectful of others. Standards describe accepted professional practice (or "best practices") in a particular professional domain. This document includes nine numbered ethical principles (canons) accompanied by statements of practice standards.

### **Scope of this document**

This document focuses on ethics and standards of professional practice for interpreting that occurs in educational settings. It does not encompass the roles and responsibilities of school staff who serve as tutors, teachers, bilingual classroom aides, community outreach workers, or cultural liaisons. It should be recognized that many school personnel have multiple job responsibilities, but these guidelines are intended to focus specifically on the work that they perform as interpreters.

### **What is an educational setting?**

An educational setting is defined here as any situation in which school staff, as part of their jobs, communicate with someone who is not fluent in English. This can include students, prospective students, parents and guardians, or members of the community served by the educational institution. The communication may occur on school grounds or in other locations such as a student's home. Wherever nursing care, conflict resolution, or disciplinary and police actions take place in a school, on the playground, or during a home visit, the scope of educational interpreting may overlap with other domains of community interpreting services. Community interpreting is defined as interpreting performed for the purpose of providing access to social services, health care or education.

### **Interpreter training**

We recognize that there is a noticeable difference between people who speak more than one language and those who additionally have taken college level courses or other specialized training in interpreting. In order to ensure accurate interpreting, institutions that hire interpreters, whether as staff or from an agency, should prefer those who have formal training in interpreting from a college or university. It is also desirable to have some type of college degree, particularly in a field related to education.

### **When is an interpreter needed?**

It is generally understood that interpreting services are needed whenever communication is intended between two or more individuals do not speak the same language. This includes meetings between family members, school personnel and other community members.

The Civil Rights Act of 1964 established the rights of individuals to receive information in a language that they understand. Additional clarification of these rights was published on Jan. 7, 2015, in the form of guidance from the U.S. Department of Justice (DOJ). The DOJ defines Limited English Proficient (LEP) parents as “parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing). The Justice Department goes on to say that “School districts and SEAs [state education agencies] have an obligation to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service or activity of a school district or SEA that is called to the attention of non-LEP parents.”

The Individuals with Disabilities Education Act (IDEA) also contains specific requirements regarding the native languages of parents and students. In regard to Individual Education Plans (IEPs), IDEA states that “The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.” [CFR 300.322 (e)]

In addition, IDEA contains specific requirements with regard to the language(s) spoken by the student. During an evaluation to determine whether a student has a disability, the school must use procedures that “are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally...” [CFR 300.304 (c) (ii)] Because there are few or no licensed professionals in Minnesota who speak many of the languages represented in public schools, licensed staff often work with interpreters during special education evaluations. Interpreting for special education evaluations differs from interpreting for meetings as noted below.

### **Focus on special education**

The Code of Ethics and Standards of Practice presented in this document are intended to describe best practices for interpreters employed to assist in Special Education settings. In general, the same practices are applicable to other areas of educational interpreting such as parent-teacher conferences, discipline hearings, and events to which the public is invited.

We recognize that there are times when an interpreter may be called upon to assist in special education evaluations of students by giving their opinion. For example, a psychologist may ask:

*“Do you think such behavior is normal for a child in this community?”*

A speech/language clinician may ask:

*“Does this student have trouble with r and l in his own language, or only in English?”*

Providers ask these questions because they have a genuine need for the information. However, interpreters are most often not qualified to answer such questions. When possible, special

education staff should direct these questions to a bilingual teacher, a cultural liaison with experience working in schools or a community advocate. If an interpreter employed by a school district is expected to offer their opinions, then it is important for them to have training in areas such as language acquisition, child development, and special education procedures.

All activities related to a special education evaluation including family interviews or questionnaires must be done with the specialist and not by an interpreter working alone. It is also advisable for licensed staff to work with the same interpreter as much as possible when conducting evaluations. This enables the interpreter to become familiar with the assessment materials and procedures. It also allows the licensed staff person to develop a rapport with the interpreter and to become familiar with linguistic or cultural issues that may arise during testing.

Student evaluations may also put an interpreter in the position of needing to interpret a message that is difficult to understand or contains errors that affect intelligibility. Unlike a meeting where an interpreter may request repetition or rephrasing if something is not clear, interpreters must somehow convey the errors when interpreting for a special education evaluation.

### **Why a distinct Code of Ethics for education?**

Every profession should be guided by an appropriate code of ethics and standards of professional practice. Existing codes were created to apply to general community interpreting, healthcare interpreting, or educational interpreting for hearing impaired individuals. These existing codes do not capture some of the unique expectations for interpreters who serve in educational settings and particularly in special education.

This Code of Ethics is modeled on the National Code of Ethics for Interpreters in Health Care (NCIHC 2005), and was modified through extensive discussions with experienced educational interpreters. School administrators and interpreters are encouraged to review the ethical principles and standards of practice together, and to discuss how they apply to the work assignments in a particular school or district. Readers may submit comments, questions or requests for clarification as indicated below:

## Acknowledgements

This document was developed over a span of five years by Betty Tapias-Heinrich, Dr. Scott Homler, and Dr. Bruce Downing from the Program in Translation and Interpreting of the University of Minnesota, in collaboration with Elizabeth Watkins from the Minnesota Department of Education. We are very grateful for the groundbreaking work of the National Code of Ethics for Interpreters in Health Care (NCIHC 2005) that provided the initial framework for our work. Finally, we thank the many interpreters and other stakeholders who contributed their thoughts to the development of this document.

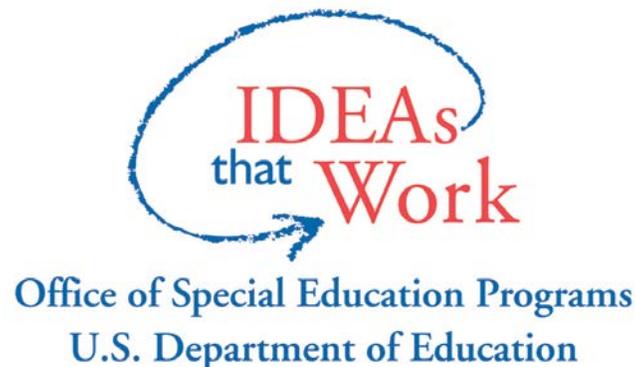
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## Other Resources

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# **CODE OF ETHICS AND STANDARDS OF PRACTICE FOR EDUCATIONAL INTERPRETERS OF SPOKEN LANGUAGES**

**(Canons adapted primarily from the NCIHC CODE)**

## **GENERAL DEFINITIONS**

### **Interpreting**

The central responsibility of any interpreter is to facilitate oral communication between individuals who speak in a language that others who are part of a conversation do not readily understand. The task is to immediately convey, in language the addressee(s) can understand, the content of everything that is expressed in a different language or dialect. In the usual “dialogue” situation, the interpreter will interpret from language A to language B and then from B to A alternately.

### **“First Person” Interpreting**

Interpreting consists of re-expressing, in another language, the contents of what is said (the message); it is not reporting about what has been said. This is done to maximize accuracy. Thus when a speaker says “I am pleased to meet you” the interpreter re-expresses this, in a culturally appropriate way, as if it were the speaker using the other language. For example, the interpreter does not say (in the other language) “(She says) she is pleased to meet you.”

If a party to the interpreted encounter should address the interpreter directly, with requests such as “Please ask her ...” or “Explain to them that ...” the interpreter should decline and ask that the parties speak directly to each other so that the interpreter can interpret.

### **Transparency**

The interpreter maintains transparency in that absolutely everything that is said (by anyone) in one language, in a bilingual setting, is interpreted into the other language. This would include side conversations among the speakers of either language. If the interpreter has occasion to say something on his or her own behalf (for example, to correct a mistake or request repetition) the interpreter should report, in the other language, what he or she has said (and any response).

### **Consecutive and Simultaneous Interpreting**

School interpreters will most frequently use the “consecutive” mode of interpreting, in which the interpreter re-expresses each message, or a manageable portion of a message, after a speaker has expressed it but before the speaker continues. Interpreters should also be capable of using,

and use, “simultaneous” interpreting (in which the interpreter begins to interpret soon after a speaker begins speaking and interprets while the speaker continues to speak) when appropriate. Simultaneous interpreting may be appropriate, for example, in a group setting when interpreting a conversation among two or more speakers. Some school districts have headsets that are used to provide simultaneous interpreting in large meetings.

## **Sight Translation**

Sight Translation is the oral interpretation of a written document. This occurs when the interpreter reads the document and orally interprets its contents into the other language. Sight translation requires different skills from those of interpreting. Interpreters should not be expected to summarize written documents as they are ethically bound to sight translate them in their entirety. When appropriate, staff may offer a verbal summary of the document’s contents for the interpreter to interpret. It is best to prepare written documents in the language that the family reads, particularly documents that are complicated or lengthy. If this is not possible or if it is not appropriate for the family, the document should be given to the interpreter ahead of time so that he/she has time to read and fully comprehend the material before providing an interpretation with another staff member present to answer any questions that may arise.

## **Pre-session and Post-session**

It is desirable for the interpreter to meet with the person in charge of an interview or meeting before it begins in order to be told the nature or purpose of the exchange and any background information and materials or documents that might facilitate interpretation. The interpreter may also need to meet in advance with the non-English speaker in order to ascertain that the interpreter can handle his or her particular language or dialect. At a minimum, at the start of an interpreted session the interpreter should introduce him/herself and explain his or her role.

It is often also desirable for the interpreter to meet with the person in charge after an interpreted encounter in order for the interpreter to raise any concerns about miscommunication or culturally based misunderstandings that might have occurred. The post-session also provides an opportunity for the interpreter to describe any issues that hindered the interpreting process in order to improve communication in future meetings.

## **Interpreter Role Introduction**

Laying the ground rules so all participants clearly understand how to proceed is crucial for language access and transparency before each encounter begins. The interpreter must know how to properly do this in the form of a role introduction in both languages and tailor it to match each encounter.

## **Dual Roles**

Any person accepting the role of interpreter should decline to perform any additional role, such as liaison, administrator, advocate, teacher, etc. during the interpreted encounter. This is because it is nearly impossible to fulfill the duties of an interpreter while juggling other duties. If the school employs bilingual staff who wear multiple hats during their work day, it is nevertheless important that the individual avoid trying to perform more than one role at a time when interpreting. Regardless of job title, the person who is called upon to interpret is responsible for maintaining the role, performance standards, and ethical responsibilities of an interpreter while interpreting.

# Canons and Standards of Practice

## 1. CONFIDENTIALITY

*The interpreter treats as confidential, within the special education or education team, all information learned in the performance of their professional duties, while observing relevant legal requirements regarding disclosure.*

### **Standards of Practice**

Educational information is personal and sensitive in nature. Therefore, only members of the education team have access to such information. Data cannot be shared with third parties unless parents give permission to do so. The interpreter is a member of the team and is therefore subject to all data privacy requirements. The only exceptions to data privacy are situations where child abuse is suspected and where the interpreter may be a mandated reporter as defined in state laws. Any information divulged according to mandated reporting disclosure requirements should be limited to specific information necessary and relevant to the suspected abuse.

- The interpreter will not divulge either specific or general information to third parties or anyone outside of the actual encounter including a student who is the subject of discussion. If the interpreter is asked questions about confidential information, he/she refrains from answering even if the inquiry comes from extended family members or from other staff who work in the district.
- Interpreters safeguard their notes, forms, and paperwork to prevent unauthorized access.

## 2. ACCURACY

*The interpreter strives to render the message accurately, conveying the content and spirit of the original message, taking into consideration its cultural context.*

### **Standards of Practice**

Accurate interpreting requires that the utterances of all parties be conveyed accurately in both languages. Therefore, interpreters do not add, omit, change, summarize, or substitute information.

- The interpreter conveys register and tone as originally rendered.
- Literal (word-for-word) interpretations are generally inaccurate, and are avoided.
- Accuracy is both linguistic and cultural. Therefore, before making word choices, the interpreter carefully weighs meaning given the cultural background of the parties.
- Accuracy at times requires the interpreter to interpret offensive and/or emotional content. The interpreter maintains the message in all of its complexities and impact.
- An accurate interpretation preserves any errors, inaccuracies, falsehoods, and omissions in the original message.
- The interpreter strives to convey the meaning behind nonlinguistic elements such as gestures of emphasis, body language, and tone of voice. To maintain the accuracy of a message, the interpreter may need to evaluate whether nonverbal cues need to be interpreted verbally or nonverbally and ask the speaker to clarify their meaning.
- The interpreter asks for repetition when necessary.
- The interpreter asks for clarification when needed.

### **3. IMPARTIALITY**

*The interpreter strives to maintain impartiality and refrains from counseling, advising, or projecting personal opinions, biases, or beliefs.*

#### **Standards of Practice**

Interpreters are often acquainted with parties outside the professional setting. In such cases, impartiality may be difficult to maintain. Any prior personal or professional involvement with any party is disclosed to the employer whether or not the interpreter believes impartiality will be an issue. Interpreters decline to accept an assignment when there is a conflict of interest and they cannot maintain impartiality. Instances when this may occur are when one of the parties is a family member, friend, or business associate.

- As members of the special education team, when asked or during the pre or post meetings, interpreters may share cultural understanding and impressions. This may also apply to general education situations involving interpreters.
- If a client turns to the interpreter for advice, information, likely outcomes, or his or her personal opinion, the interpreter declines to comment.
- Interpreters refrain from becoming personally involved with the parties.
- The interpreter avoids any conduct or behavior that may suggest preference for one party over the other.

## 4. PROFESSIONAL BOUNDARIES

*The interpreter maintains the boundaries of the professional role, refraining from other types of involvement.*

### **Standards of Practice**

Professional interpreters provide meaningful language access services and should stay within the confines of that role during encounters that require them to interpret. We recognize however that there are individuals with dual roles within the school settings. Any individual serving as an interpreter -- including cultural liaisons, parent advocates, administrators, paraprofessionals, or other bilingual staff called upon to interpret -- will fully comply with the interpreter's code of ethics and standards of practice while they are interpreting.

There may be situations where roles unavoidably shift within the timeframe of a single encounter. If this occurs, however, all parties must be made fully aware of the fact that the role has changed. This can be done by making a statement such as the following in both languages: "The interpreter requests permission to step out of the interpreting role to explain an important aspect of Karen culture."

Interpreters should exercise caution when stepping out of their role during an encounter. They should only do so if they feel it is critical to communication among all parties and all other communication efforts by the parties involved have been exhausted, taking into careful consideration the tenet of the Code of Ethics concerning Advocacy and associated standards of practice.

- The interpreter always introduces and defines the limitations of his or her role as an interpreter to all parties in both languages before beginning to interpret.
- The interpreter refrains from personally discussing the case at hand with the parent.
- Interpreters do not perform favors for clients such as providing transportation or childcare. Seemingly trivial favors like loaning change for plugging meters or allowing clients to use the interpreter's personal phone may have a negative impact on the interpreter's ability to remain impartial.
- The interpreter strives to share any additional pertinent information with the team whenever possible in a pre or post-session unless an urgent situation arises that and it is inadvisable for the interpreter to step out of his or her role during the meeting.

## 5. CULTURAL AWARENESS

*The interpreter promotes and maintains respect for the cultural beliefs and practices of all parties involved in the interpreting encounter and continuously strives to develop awareness of potential cultural conflicts.*

### Standards of Practice

Interpreters need to be aware of the unique cultural dynamics of those they serve. It should be noted that educational institutions have their own unique cultural norms and expectations.

- The interpreter strives to understand cultural differences within the language groups they serve such as traditions, practices and beliefs. If a particular recommendation conflicts with cultural practices, the interpreter addresses the issue when meeting with staff or client outside of the interpreted encounter.
- If the interpreter observes misunderstandings that may have their origin in cultural difference, the interpreter clarifies this to all parties. When possible, this is done outside of the interpreting encounter but it may be done during the encounter if urgent and if all other efforts to create understanding by the parties have been unsuccessful.
- The interpreter develops awareness of idioms, slang, jokes, and cultural, and regional differences.

## 6. RESPECT

*The interpreter treats all parties with respect.*

### Standards of Practice

Respect is a fundamental principle of successful and mutually beneficial interaction.

- The interpreter works collaboratively and cooperatively with colleagues and clients.
- The interpreter attempts to resolve any conflict that may arise between him or herself and another person in a prompt and professional manner.
- The interpreter strives to recognize his/her own cultural biases.

## 7. ADVOCACY

*When the student's health, well-being, or dignity is at risk, or when student educational access and outcomes would be compromised, the interpreter may be justified in acting as an advocate.*

### **Standards of Practice**

Advocacy is understood as an action taken on behalf of an individual that goes beyond facilitating communication, with the intention of supporting good educational outcomes. Interpreters serve to facilitate direct communication between parties who speak two different languages and steps to advocate for any party should only be undertaken after careful and thoughtful analysis. If other less intrusive actions have not resolved a well-defined and specific problem, the interpreter may transparently step out of their interpreter role with the intention of supporting good outcomes.

For example, an interpreter may intervene on behalf of a student with a life-threatening allergy but only if it has been overlooked by the other parties. This can be done by making a statement such as the following in both languages: "The interpreter requests permission to step out of the interpreting role to share information about the student's life-threatening allergy."

- If the interpreter recognizes that emotional or physical harm is imminent to a party, the interpreter will notify an appropriate supervisor or authority.
- If the interpreter recognizes that discrimination is being practiced against a class of people, the interpreter will raise this issue with the appropriate supervisor or authority.
- If the interpreter is aware of an educational risk to the student, the interpreter will notify the appropriate supervisor or authority.

## 8. PROFESSIONALISM

*The interpreter must at all times act in a professional manner.*

### **Standards of Practice**

- The interpreter only accepts assignments for which he or she has been sufficiently trained, prepared, or briefed, in particular when the assignment involves the assessment of speech/language, mental health, psychology, or other specialties.
- The interpreter always introduces and defines their role to all parties and in both languages.
- The interpreter always arrives prepared for the assignment.
- Interpreters present themselves appropriately in their attire and demeanor.
- The interpreter refrains from discussing students or situations in places where they may be overheard.
- Interpreters will inform staff in advance of the need for additional interpreting support for any meeting that is likely or expected to last more than two hours.
- Experienced and trained interpreters accept the responsibility to mentor new interpreters entering the field and other interpreters who need to develop their skills.
- The interpreter engages in appropriate and timely self-care and will take advantage of debriefing opportunities, particularly after a difficult meeting.
- The interpreter should request and be allowed to work with another interpreter for assignments lasting longer than two hours and for assignments that are expected to be emotionally charged or of a difficult nature.
- In order to ensure accuracy and completeness of the interpretation, the interpreter will request to take a breaks as needed to prevent interpreter error.
- Interpreters accurately represent their credentials such as training, certifications, certificates, and work experience.

## 9. CONTINUING EDUCATION

*The interpreter strives to continually further his/her knowledge and skills.*

### **Standards of Practice**

Continuing education is a feature of all learned professions in the United States, including interpreting.

- Interpreters seek to improve their interpreting skills and language competency.
- The interpreter keeps abreast of any changes in special education and education laws, policies, practices, procedures, and rules.
- When district-sponsored training events are provided, interpreters make every effort to attend them when appropriate.
- Interpreters strive to maintain awareness of cultural and current events of the communities they serve.