

Gaucha Translations Medical Interpreting Ethics syllabus

8 units of 1 hour each.

This training emphasizes the aspects of the Interpreter Codes of Ethics that are accepted in all fields first, and focuses on aspects of the NCIHC code that are specific to itself at the end.



Unit	Topic	Learning objectives	Evaluation method
1	Impartiality and Conflicts of Interest	Include a statement about impartiality in the interpreter’s introduction. Describe three ways to promote impartiality in the session. Find ways to uncover our own implicit bias which impedes impartiality.	Written paper answering questions raised in session.
2	Confidentiality	Include a statement about confidentiality in the interpreter’s introduction. Find two ways to promote confidentiality in the session. How do we discuss issues from the session with colleagues so we can learn and at the same time maintain confidentiality?	Written paper answering questions raised in session.
3	Accuracy	Ways the interpreter can promote accuracy. Is accuracy attainable? Does accuracy mean that two different interpretations will be exactly the same? Tools the interpreter has to maintain accuracy: The interpreter requests a repetition. The interpreter requests clarification Introduction of the concept of the interpreter talking about the interpreter in the third person during the session	Written paper answering questions raised in session.
4	Professional Development	Ways the interpreter can grow in knowledge and skills. Resources available locally, nationally, online. Associations, etc.	Interpreters submit a list of steps they are taking regarding professional development.
5	Professional Demeanor	Contractors are not controlled by those who hire them – but they have no guarantee of continued employment. What are some implications of the statements in the codes of ethics regarding professional demeanor?	Steps interpreters take to appear professional at all times, submitted to the instructor by email.
6	Scope of practice	What is the scope of practice of the interpreter, and what is not? How do interpreters avoid doing work that is not part of their scope of practice?	Two examples of scope of practice submitted to the instructor by email.

		How do they explain that this is not part of the scope of practice to the provider?	
7	Reporting obstacles to practice, ethical violations	These issues are in the Washington and Court interpreting codes, but not in the NCIHC. How important are they? Who would they be reported to? How do they apply to all interpreters?	One paragraph submitted to the instructor by email.
8	Advocacy and cultural sensitivity	How can an interpreter be culturally sensitive? Presentation of ILR view of cultural competence (https://www.gauchatranslations.com/cultural-competence/) What are the benefits and dangers of advocacy in the interpreting session? Advocacy in Workers Compensation sessions: not accepted by stakeholders.	Short essay on issues presented in class, submitted to instructor.

This material will be based on the comparison of interpreting code of ethics that follows:

ASTM	Required by Oregon law, NCIHC code of ethics	WA State Department of Health and Human Services (WAC 388-03-050)	Oregon Court Interpreting Code of Ethics
8.3 Impartiality —The interpreter shall maintain a neutral attitude during an interpreting assignment. An interpreter shall be able to express clearly and convincingly different views or opinions on any issue in any discussion without allowing his/her own views to interfere.	The interpreter strives to maintain impartiality and refrains from counseling, advising or projecting personal biases or beliefs.	Impartiality-conflict of interest. Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality, constitute a conflict of interest, or violate a DSHS contract or subcontract.	Impartiality and avoidance of conflict of interest – court or proceeding interpreter: The interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or conflict of interest. The interpreter shall disclose to the judge any real bias or interest in the parties or witnesses in a case, or any situation or relationship that may be perceived by the court, any of the parties, or any witnesses as a bias or interest in the parties or witnesses in a case.
8.3.1 Conflicts of Interest —The interpreter shall disclose any real or perceived conflict of interest that may exist or may create an appearance of impropriety or a			

<p>potential violation of the code of professional conduct. In the interest of protecting the client and the professional integrity of the interpreter, the interpreter shall not hesitate to withdraw from an assignment.</p>			
<p>8.4 Confidentiality— The interpreter shall not divulge any information obtained through his/her assignments including, but not limited to, information found in documents or other written materials. Confidentiality may be breached only when it is a legal requirement.</p>	<p>The interpreter treats as confidential, within the treating team, all information learned in the performance of their professional duties, while observing relevant requirements regarding disclosure.</p>	<p>Confidentiality. Interpreters/translators must not divulge any information publicly or privately obtained through their assignments, including, but not limited to, information gained through access to documents or other written materials.</p>	<p>CONFIDENTIALITY Interpreters shall understand the rules of privileged and other confidential information and shall protect the confidentiality of all privileged and other confidential information. RESTRICTION OF PUBLIC COMMENT Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.</p>
<p>8.5 Competency—The interpreter shall not knowingly accept any assignment beyond his/her interpreting ability or for which he/she lacks an adequate understanding of the subject matter or cultural context or both. In situations in which the interpreter cannot easily</p>		<p>Proficiency. Interpreters/translators must meet the minimum proficiency standard set by DSHS. Self-representation. Interpreters/translators must accurately and completely represent their certifications, training, and experience.</p>	<p>REPRESENTATION OF QUALIFICATIONS The interpreter shall accurately and completely represent his or her certifications, training, and pertinent experience. The court should reassess the interpreter's qualifications each time the interpreter is engaged to interpret in court for a non-English</p>

<p>disqualify him/herself from an assignment, the interpreter shall inform the client of his/her limitations.</p>			<p>speaking party or witness.</p>
<p>8.6 Accuracy—The interpreter shall always express the source language message in a thorough and faithful manner. The interpreter shall: 8.6.1 Omit or add nothing, 8.6.2 Give consideration to linguistic variations in both the source and target languages, and 8.6.3 Preserve the tone and spirit of the source language message.</p>	<p>The interpreter strives to render the message accurately, conveying the content and spirit of the original message, taking into consideration its cultural context.</p>	<p>Accuracy. Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:</p> <ol style="list-style-type: none"> 1. Omit or add nothing; 2. Give consideration to linguistic variations in both the source and target languages; and 3. Conserve the tone and spirit of the source language. 	<p>Accuracy and completeness: The interpreter shall render a complete and accurate interpretation or sight translation, without altering, omitting anything from, or adding anything to what is stated or written, and without explanation.</p>
<p>8.7 Professional Development—The interpreter shall continually develop his/her skills and knowledge through: 8.7.1 Steady practice; 8.7.2 Formal professional training; 8.7.3 Ongoing continuing education; 8.7.4 Ad hoc terminology research; 8.7.5 Regular and frequent interaction with colleagues and specialists in related fields; and 8.7.6 Staying abreast of current issues,</p>	<p>The interpreter strives to continually further his/her knowledge and skills.</p>	<p>Professional development. Interpreters/translators are expected to continually develop their skills and knowledge through:</p> <ol style="list-style-type: none"> 1. Professional interpreter/translator training; 2. Continuing education; and 3. Regular interaction with colleagues and 	<p>PROFESSIONAL DEVELOPMENT Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.</p>

laws, policies, rules, and regulations that affect his/her profession.		specialists in related fields	
<p>8.8 Professional Demeanor— Interpreters shall:</p> <p>8.8.1 Be punctual; 8.8.2 Be prepared; 8.8.3 Be polite, respectful, and tactful towards all parties, including colleagues; 8.8.4 Be dressed appropriately; and 8.8.5 Avoid attracting undue attention to him/herself.</p>	The interpreter treats all parties with respect.	<p>Professional demeanor. Interpreters/translators must be punctual, prepared, and dressed in a manner appropriate, and not distracting for the situation.</p>	<p>Professional Demeanor Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.</p>
	The interpreter continuously strives to develop awareness of his/her own and other (including biomedical) cultures encountered in the performance of their professional duties.	<p>Cultural sensitivity-courtesy. Interpreters/translators must be culturally sensitive, and respectful of the individual(s) they serve.</p>	
		<p>Compensation. Interpreters/translators must:</p> <ol style="list-style-type: none"> 1. Not accept additional money, consideration, or favors for services reimbursed by the department. The fee schedule agreed to between the contracted language services providers and the department shall be the 	

		<p>maximum compensation accepted.</p> <ol style="list-style-type: none"> 2. Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and 3. Not use or attempt to use their position to secure privileges or exemptions. 	
		<p>Reporting obstacles to practice. Interpreters/translators must assess at all times their ability to interpret/translate.</p> <ol style="list-style-type: none"> 1. Interpreters/translators must immediately notify the parties if they have any reservations about their competency and offer to withdraw without threat or retaliation; 2. Interpreters/translators must immediately withdraw from encounters they perceive as a violation of this code. 	<p>DUTY TO REPORT ETHICAL VIOLATIONS</p> <p>Interpreters shall report to the court any actions by any persons that may impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and sight translating.</p> <p>ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about</p>

			<p>their ability to satisfy an assignment competently, they shall immediately convey that reservation to the court.</p>
	<p>The interpreter maintains the boundaries of the professional role, refraining from personal involvement.</p>	<p>Scope of practice. Interpreters/translators must not:</p> <ol style="list-style-type: none"> 1. Counsel, refer, give advice, or express personal opinions to the individuals for whom they are interpreting/translating; 2. Engage in activities with clients that are not directly related to providing interpreting and/or translating services; 3. Have unsupervised access to clients, including but not limited to phoning clients directly, other than at the request of a DSHS employee; 4. Market their services to clients, including but not limited to, arranging services or appointments for clients in order to create business for themselves; or 	<p>SCOPE OF PRACTICE Interpreters shall limit themselves to interpreting or performing sight translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting or translating.</p>

		5. Transport clients for any business, including social service or medical appointments.	
	<p>When the patient’s health, well-being, or dignity is at risk, the interpreter may be justified in acting as an advocate. Advocacy is understood as an action taken on behalf of an individual that goes beyond facilitating communication, with the intention of supporting good health outcomes. Advocacy must only be undertaken after careful and thoughtful analysis of the situation and if other less intrusive actions have not resolved the problem.</p>		
	<p>The interpreter must at all times act in a professional and ethical manner.</p>		

- Link to NCIHC code of Ethics: <http://www.ncihc.org/assets/documents/publications/NCIHC%20National%20Code%20of%20Ethics.pdf>
- The NCIHC Standards of Practice explain these issues in more depth: <http://www.ncihc.org/assets/documents/publications/NCIHC%20National%20Standards%20of%20Practice.pdf>
- Washington State Language Interpreter and Translator Code of Professional Conduct: <https://www.dshs.wa.gov/fsa/language-testing-and-certification-program/code-ethics>

As Helen Eby explained in a Workers' Compensation hearing:

The description of the court interpreter's role is much simpler. The role is "to put the limited English speaker on the same footing as an English speaker." In our introductions, court interpreters tell the people we interpret for these things:

- I will not explain anything.
- I will not omit or add anything.
- If you have a question, you get to ask, and if you want to insult the judge, go ahead. I will interpret your insults, your anger, everything you say. You have a right to ask all the questions you want to ask. Please do. I will interpret all of them.
- If you do not understand something, say so. It could be that you are from a different place than I am. That is OK. We will work it out. If I do not understand you, I will do the same.
- I am going to keep a professional distance so the other party does not think we are getting too chummy and throw your case out. Attorneys do not like that. I am over here, waiting for us to be called, so I do not invade your privacy.

Note: Medical practitioners have asked Helen Eby why interpreters talk so much with patients in the waiting room and commented that it seems unprofessional. Helen Eby has also observed that when she interprets misunderstandings straight through, court interpreter-style, there is almost never a need for advocacy per NCIHC guidelines. Therefore, she recommends following the Oregon Court Interpreter Ethics in most cases, which empower the patient and the doctor to clear up misunderstandings themselves.

Helen emphasizes the aspects of the interpreting Codes of Ethics that are accepted in all fields, and teaches that the other aspects must be handled with extreme care, and if possible, avoided. Following the tenets that are not accepted by all fields is not generally mandatory in the scenarios. She teaches interpreters to adjust to the scenarios in which they are working, using the DC-S presentation she has developed.

<https://www.gauchatranslations.com/learning-from-interpreting/>

This presentation was developed based on a series of eight online presentations of two hours each by Robyn Dean, a leader in the ASL interpreting field.

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Standard Practice for Language Interpreting

8. Code of Professional Conduct

8.1 All parties, including the clients, shall be aware that interpreters perform their duties in accordance with a code of professional conduct.

8.2 This code of professional conduct reflects the standards of integrity, professionalism, and confidentiality by which all interpreters shall abide. It enumerates established standards of professional responsibility to the public, the client, colleagues, and the profession at large. Given the variety of settings in which interpreters perform, individual institutions may find it useful to complement the code of professional conduct with guidelines designed to meet the specific demands of the organizational setting in which interpreters will be expected to work (see “Related Material” at the end of this standard for further reading).

8.3 **Impartiality**—The interpreter shall maintain a neutral attitude during an interpreting assignment. An interpreter shall be able to express clearly and convincingly different views or opinions on any issue in any discussion without allowing his/her own views to interfere.

8.3.1 **Conflicts of Interest**—The interpreter shall disclose any real or perceived conflict of interest that may exist or may create an appearance of impropriety or a potential violation of the code of professional conduct. In the interest of protecting the client and the professional integrity of the interpreter, the interpreter shall not hesitate to withdraw from an assignment.

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8.7.4 Ad hoc terminology research;

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8.7.6 Staying abreast of current issues, laws, policies, rules, and regulations that affect his/her profession.

8.8 **Professional Demeanor**—Interpreters shall:

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8.8.2 Be prepared;

8.8.3 Be polite, respectful, and tactful towards all parties, including colleagues;

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8.8.5 Avoid attracting undue attention to him/herself.

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