



In the
Indiana Supreme Court

Cause No. 94S00-1701-MS-5

**Order Amending Interpreter Code of Conduct and Procedure
and**

Disciplinary Process for Certified Court Interpreters & Candidates

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Interpreter Code of Conduct and Procedure and Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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Interpreter Code of Conduct & Procedure

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Rule II. Definitions

For the purposes of this Code, the following words shall have the following meaning:

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Certified Interpreter

An interpreter who has been duly trained and certified under the direction of the Indiana Supreme Court ~~Indiana Office~~Division of ~~Judicial State Court~~ Administration (IOJA).

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**Disciplinary Process for Certified Court Interpreters &
Candidates for Interpreter Certification**

Rule 1. Purpose

This policy seeks to:

- a) Assure quality interpretation within Indiana courts for non-English speakers by allowing the ~~Indiana Office~~Division of ~~Judicial State Court~~ Administration (IOJA)

to control the quality of interpreting services offered in the Indiana courts and probation departments;

- b) Assist the ~~IOJA Division of State Court Administration~~ with quality control by allowing for discipline, up to and including revocation of certification.

Rule 4. Complaint Process

- a) Any person may initiate a complaint within 180 days of the egregious act by filing it with the ~~Indiana Office~~ ~~Division of Judicial State Court~~ Administration (IOJA). All complaints must be in writing, must be signed, and must describe the alleged inappropriate conduct and the date(s) when the conduct occurred.
- b) Upon receipt of a complaint, the Program Manager of the Indiana Court Interpreter Certification Program will review the complaint to determine whether the allegations, if true, would constitute grounds for discipline. If no grounds are found, then the Program Manager will dismiss the complaint with a notification of the reasons for dismissing the complaint and will notify the complainant and interpreter. If the complaint alleges conduct that would constitute grounds for discipline, the interpreter will be provided with written notice of the allegations and asked to provide a written response to the complaint within thirty (30) days of this notification. The Program Manager shall investigate the allegations and may consider information obtained from sources other than the complaint and response. If the Program Manager is unavailable for any reason, the ~~Chief Administrative Officer (CAO) Executive Director~~ of the ~~IOJA Division of State Court Administration~~ may designate any attorney within the Division to fulfill any and all of the Program Manager's duties under the Disciplinary Code.
- c) If the Program Manager determines that there is probable cause to believe that conduct constituting grounds for discipline occurred, then the Program Manager shall submit a report of findings to the ~~CAO Executive Director~~ for review. If the investigation reveals that there is not probable cause to believe that the conduct occurred, then the complaint will be dismissed and the complainant and interpreter will be so notified.

Rule 5. Determination of Need of Discipline

- a) If probable cause is found, the ~~Chief Administrative Officer Executive Director (CAO)~~ of the ~~Indiana Office~~ ~~Division of Judicial State Court~~ Administration (IOJA) will review the report of the Program Manager and determine what further action is required. The ~~CAO Executive Director~~ may set a hearing to review the complaint or review the matter by considering the information as submitted. If a hearing is set, the interpreter shall be notified by certified mail of the time and date of the hearing, which shall be set no later than thirty (30) days after a determination that probable cause exists.
- b) Efforts to resolve the complaint informally may be initiated by any of the parties to the complaint at any time. Any resolution reached must be submitted to the

~~CAO Executive Director~~ of the ~~IOJA Division of State Court Administration~~ for approval. Upon approval of any resolution reached informally, or subsequent to any review without a hearing, the ~~CAO Executive Director~~ or the ~~CAO Executive Director's~~ designee will notify the complainant and the court interpreter of the decision in writing.

- c) All hearings will be reported or recorded electronically and shall be private and confidential, except upon request of the interpreter facing the allegations. Strict rules of evidence shall not apply. The Program Manager may, in his/her discretion, call witnesses or clarify any evidence presented (including affidavits). The ~~CAO Executive Director~~ or the ~~CAO Executive Director's~~ designee (a person different from the individual presenting the charges) shall preside over the hearing and give all evidence the weight deemed appropriate. The interpreter may be represented by counsel and shall be able to testify, comment on the allegations, and call witnesses. Testimony shall be under oath.
- d) If the ~~CAO Executive Director~~ or the ~~CAO Executive Director's~~ designee finds that there is clear and convincing evidence that the court interpreter has violated the Indiana Supreme Court Interpreter Code of Conduct and Procedure or these rules, the ~~CAO Executive Director~~ or his/her designee shall impose such discipline or sanctions as deemed appropriate.

Rule 6. Possible Sanctions

- a) All disciplinary sanctions imposed shall become public unless dismissed, resolved informally and/or by stipulation, or if the sanction is a private reprimand. The ~~Chief Administrative Officer Executive Director (CAO)~~ of the ~~Indiana Office Division of Judicial State Court Administration (IOJA)~~ or his/her designee shall issue his/her decision, including findings and the sanctions to be imposed, if any, within thirty (30) days from the conclusion of the hearing. Time limits may be extended by mutual agreement in writing when an extension is necessary to ensure the fairness and/or sufficiency of the process.
- b) Sanctions may consist of but are not limited to one or more of the following:
 - 1) A private reprimand;
 - 2) A public reprimand;
 - 3) Imposition of costs and expenses incurred by the ~~IOJA Division of State Court Administration~~ in connection with the proceeding including investigative costs, if any;
 - 4) Restitution;
 - 5) Requiring that specified education courses be taken;
 - 6) Requiring that one or more parts of the interpreter certification examination be retaken;
 - 7) Modification or suspension from the list of interpreters eligible to work in the courts;

- 8) Requiring that work be supervised;
- 9) Suspension of certification for a specified period of time;
- 10) Revocation of certification;
- 11) Requiring a period of probation in which the interpreter will not be eligible to seek certification.

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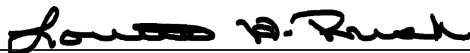
Rule 7. Appeal

The interpreter may appeal the decision of the ~~Chief Administrative Officer~~~~Executive Director~~ (CAO) of ~~Indiana Office of Judicial State Court~~ Administration (IOJA) to a three-member panel of the Indiana Supreme Court Interpreter Advisory Board [FN1] no later than twenty (20) days after the decision is mailed to the interpreter. The appeal shall include the interpreter's written objections to the decision. The three-member panel of the Indiana Supreme Court Advisory Board shall review the record of the hearing to determine whether the decision reached and sanctions imposed were appropriate, or whether the ~~IOJA~~~~Division of State Court Administration~~ abused its discretion.

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These amendments shall take effect January 1, 2018.

Done at Indianapolis, Indiana, on 10/30/2017 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.