

CHAPTER 2
QUALIFICATION OF LANGUAGE INTERPRETERS

433—2.1(216A) Definitions.

“*APLT*” means an approved proficiency language test.

“*ATA*” means approved training agency and refers to an agency that has met the ICLA requirements for administering the interpreter qualification program.

“*CI*” means certified interpreter and refers to a person who has been trained and has passed a state or national or both certification interpretation program at the general level or specialized level. ICLA will encourage QSIs to become CIs.

“*Client*” means the person who is in need of an interpreter’s services.

“*Contact hour*” means 60 minutes of uninterrupted instruction.

“*ICLA*” means the Iowa commission of Latino affairs.

“*IDLA*” means the Iowa division of Latino affairs of the department of human rights.

“*Interpreter*” means a person who translates orally for parties conversing in different languages or translates orally from written documents, or both.

“*Moral turpitude*” means an act of baseness, vileness, or depravity or conduct which is contrary to justice, honesty, or good morals. Examples of moral turpitude may include, but are not limited to, the following:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act or pattern of conduct of harassment or stalking;
3. Any criminal act of sexual misconduct;
4. Any illegal act of selling, delivering, possessing with the intent to deliver, or manufacturing drugs;
5. Conviction resulting from domestic abuse;
6. Any criminal act that occurs when a person is acting as an interpreter.

“*Provider*” means the professional or organization utilizing an interpreter to communicate with a client.

“*QGI*” means qualified general interpreter and refers to a person who has met all the requirements for general interpreting set by the Iowa commission of Latino affairs or its delegate.

“*QGITP*” means a qualified general interpreter training program.

“*QSI*” means qualified specialized interpreter and refers to a person who has met all the specialization requirements set by the Iowa commission of Latino affairs or its delegate. Specialization certification fields include: court interpretation; health interpretation; and social services interpretation, which includes, but is not limited to, education, business, government, and agriculture.

“*QSITP*” means a qualified specialized interpreter training program.

“*Qualified interpreter*” means a person who has met the requirements established by ICLA and has been placed on the statewide roster of qualified interpreters.

433—2.2(216A) Purpose. The purpose of these rules is to:

1. Comply with Iowa Code section 216A.15, subsection 9.
2. Develop a mechanism for establishing the qualifications for Spanish/English interpreters, thus identifying a pool of qualified professional interpreters.
3. Develop a system which improves the quality of interpretation but is still cost-effective for providers, interpreters, and clients.
4. Professionalize interpreters by providing professional standards and a code of ethics.
5. Develop an evaluation system for organizations to assess the language skills of employees and applicants.
6. Develop an interpreter qualification system that is replicable and expandable into other languages.
7. Develop a qualification process that focuses on training the interpreters rather than on a single certification test.

8. Encourage Iowa's interpreters to become nationally certified.

433—2.3(216A) Statewide roster of qualified interpreters. IDLA shall prepare, maintain, and publish a list of individuals who have been deemed qualified as either general or specialized Spanish/English language interpreters, or both. Interpreters will be deemed qualified at a specific certification level if they pass the criminal background check and meet the minimum requirements regarding age, education, language proficiency, and training and meet other requirements set by the ICLA.

NOTE: Persons who provide interpreter services in Iowa may represent themselves as qualified interpreters only if they are currently in the statewide roster of qualified interpreters.

433—2.4(216A) Criminal background check. Criminal history checks will be performed on all applicants seeking qualification by IDLA. A person shall not be deemed qualified as a QGI or QSI if the person has been convicted of either of the following:

1. A felony in a court of this or any other state or of the United States. An offense is a felony if it is so classified by the law under which the person is convicted at the time of the person's conviction.
2. Any crime in a court of this or any other state or of the United States, deemed to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation.

433—2.5(216A) Approved training agency. For an organization to be considered an ATA, it must be able to demonstrate a potential interpreter's language competency in all of the following:

1. Spoken English;
2. Spoken Spanish;
3. Reading of English; and
4. Reading of Spanish.

433—2.6(216A) Approved proficiency language test. An approved proficiency language test (APLT) is an official, standardized test approved by ICLA and used by an ATA to evaluate and determine the level of language proficiency of bilingual candidates who want to become either general or specialized qualified interpreters.

433—2.7(216A) QGI eligibility; qualified general interpreter training program.

2.7(1) Minimum criteria for QGI eligibility. In order for a person to be eligible to become a QGI and to enroll in a QGITP, the person shall:

- a. Have obtained a high school diploma or equivalent;
- b. Be 18 years of age or older;
- c. Have no criminal background;
- d. Have passed the APLT in Spanish and in English.

2.7(2) For an organization to become an ATA, the organization's QGITP curriculum must demonstrate the ability to build competency in the following areas:

- a. Culture;
- b. Interpretation methodology;
- c. Professionalism and ethics;
- d. Reading translation skills;
- e. Interpreter self-evaluative assessment tools and techniques;
- f. Overview of state and national interpreter certification and credentialing requirements; and
- g. Idioms, slang, and linguistic origin and development.

2.7(3) The ICLA shall accredit the QGITP, and the ATA that will develop such program shall be under ICLA supervision.

2.7(4) In addition to the curriculum requirements, a QGITP must include a practice laboratory and a comprehensive exit evaluation.

2.7(5) Contact hour requirements. In order to be approved by the IDLA, a training program curriculum must consist of a minimum of 150 student contact hours, of which 30 are supervised practice hours.

433—2.8(216A) QSI qualifications; qualified specialized interpreter training program.

2.8(1) In order for a person to become a QSI, the person must be a QGI in good standing and have successfully completed a QSITP.

2.8(2) For an organization to become an ATA for the QSITP, its curriculum must demonstrate the ability to build competency in the following areas:

- a. Vocabulary specific to the field of specialization;
- b. Conceptual/theoretical principles of the field of specialization;
- c. Ethics specific to the field of specialization;
- d. Cultural competency specific to the field of specialization;
- e. Expertise in the interpretation specializations of court, health, and social services.

2.8(3) The ICLA shall accredit the QSITP, and the ATA that will develop such program shall be under ICLA supervision.

2.8(4) In addition to the curriculum requirements, a QSITP must include a practice laboratory specific to the field of specialization and a comprehensive exit evaluation.

2.8(5) Contact hour requirements. In order to be approved by the IDLA, an interpreter specialization program curriculum must consist of a minimum of 80 student contact hours, of which 20 are supervised practice hours.

433—2.9(216A) Continuing education requirements. In order to maintain qualification status as a QGI or QSI, the QGI or QSI shall complete a minimum of 30 contact hours of training every five years.

433—2.10(216A) Experience-based or out-of-state interpreter transferability.

2.10(1) *Review of certificates or alternate training.* In extraordinary cases, the ICLA or its delegate may review alternative individual certification or professional experience for compatibility with the QGI and QSI requirements. The ICLA or its delegate may grant full or partial credit toward the QGI or QSI requirements.

2.10(2) *Complete adoption of program.* If the ICLA or its delegate has deemed an alternate program to be compatible with IDLA standards in the program's entirety, state qualification as a QGI or QSI will be granted to a person who has successfully completed the alternate program.

2.10(3) *Partial adoption of program.* If the ICLA or its delegate has determined that all ICLA requirements have not been met by the alternate program, additional coursework will be required before state qualification as a QGI or QSI will be granted to a person who has successfully completed the alternate program.

433—2.11(216A) Certified oral language court interpreters. Requirements for certified court interpreters may be found at Iowa Code sections 622A.1 to 622A.8. Additional requirements are applicable for court-certified interpreters. The additional requirements may be found at Iowa Court Rules, chapters 14 and 15.

433—2.12(216A) Fees. Reserved.

433—2.13(216A) Disciplinary actions.

2.13(1) A qualified general or specialized interpreter shall be prohibited from interpreting in Iowa if the interpreter has been convicted of a felony in any jurisdiction or any other state of the United States. A qualified general or specialized interpreter shall be subject to disciplinary action for any misconduct or violation of the ethics and code of professional conduct for interpreters.

2.13(2) Disciplinary process. ICLA shall establish a process for reviewing and responding to complaints or other evidence of interpreter misconduct under rule 433—2.13(216A).

2.13(3) Types of sanctions. ICLA reserves the right to administrate the corresponding sanctions to an interpreter after concluding that there are grounds for sanction, including removal of the interpreter from the statewide roster of qualified interpreters.

2.13(4) Reestablishing the right to interpret under ICLA procedures. ICLA reserves the right to reinstate the interpreter to the statewide roster of qualified interpreters.

433—2.14(216A) Ethics and code of professional conduct for interpreters.

2.14(1) Accuracy and completeness. An interpreter shall render a complete and accurate interpretation by reproducing in the target language the closest natural equivalent of the source language message, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.

a. An interpreter has a twofold role:

- (1) To ensure that the interpreter reflects precisely what was said by all pertinent parties; and
- (2) To place persons with limited proficiency in the English language on an equal footing with persons who understand English.

To fulfill these roles, an interpreter must apply the interpreter's best skills and judgment to preserve the meaning of what is said, as faithfully as possible and without editing. The interpreter should express the style or register of speech, the ambiguities and nuances of the speaker, and the level of language that best conveys the original meaning of the source language. Verbatim, "word for word," and literal oral interpretations are inappropriate when they distort the meaning of what is said in the source language. However, all spoken statements, including misstatements, should be interpreted, even if they appear unresponsive, obscene, rambling, or incoherent.

b. The interpreter's obligation to preserve accuracy includes the duty to correct any errors of interpretation discovered while interpreting.

c. The interpreter's ethical responsibility to interpret accurately and completely includes the responsibility of being properly prepared for interpreting assignments, and is especially important when the situation or documents include highly specialized terminology and subject matter.

2.14(2) Conveying cultural frameworks. An interpreter shall explain cultural differences or practices to providers and clients when appropriate. The interpreter, therefore, must be mindful of those occasions where unshared cultural beliefs and assumptions can create a barrier to effective communication. In these situations, the role of interpreter is twofold:

a. To identify the possibility that a cultural misunderstanding is creating a barrier to communication; and

b. To assist both the provider and client in exploring with each other what this barrier may be.

2.14(3) Representation of qualifications. An interpreter shall accurately and completely represent the interpreter's certifications, training, and experience. An interpreter shall promptly report to the provider any disciplinary action taken against the interpreter.

2.14(4) Impartiality and avoidance of conflict of interest.

a. An interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. An interpreter shall disclose any real or perceived conflict of interest.

b. An interpreter shall avoid any conduct or behavior that presents the appearance of favoritism toward the client or provider. An interpreter should maintain professional relationships with clients, discourage personal dependence on the interpreter, and avoid participation in the interaction other than as an interpreter.

c. An interpreter shall strive for professional detachment. Verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions must be avoided at all times.

d. An interpreter shall not solicit or accept any payment, gift or gratuities in addition to compensation.

e. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to all concerned parties. An interpreter should divulge only necessary information when disclosing the conflict of interest. The disclosure shall not include privileged or confidential information. The following circumstances create potential conflicts of interest that must be disclosed:

(1) The interpreter is a friend, associate, or relative of a client or provider.

(2) For any reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The existence of either of the above-mentioned circumstances shall be carefully evaluated by all pertinent parties, but does not alone disqualify an interpreter from providing services if the interpreter

is able to render services objectively. The interpreter shall disclose any indication that the recipient of interpreting services views the interpreter as biased. If an actual or apparent conflict of interest exists, the parties shall decide whether removal of the interpreter is appropriate based upon the totality of the circumstances.

2.14(5) Professional demeanor. An interpreter shall conduct the services of interpreting in a manner consistent with the dignity of the professional situation. An interpreter shall know and observe the established protocol, rules, and procedures for delivering interpreting services. While speaking, an interpreter shall speak at a rate and volume that enables the interpreter to be heard and understood. An interpreter shall be as unobtrusive as possible and shall not seek to draw inappropriate attention to the interpreter while performing professional duties, including anytime the interpreter is present, even though not actively interpreting.

2.14(6) Interpreter positioning. An interpreter should avoid obstructing the view of anyone involved in the interaction, but should be appropriately positioned to facilitate communication.

2.14(7) Confidentiality. An interpreter shall protect the confidentiality of all privileged and other confidential information. An interpreter must uphold the confidentiality of any communications between other persons or agencies and the client. An interpreter must also refrain from repeating or disclosing information obtained by the interpreter in the course of employment.

2.14(8) Reporting criminal intent. In the event an interpreter is providing services to a party and becomes aware of an intention to inflict harm or commit a crime, the interpreter shall immediately disclose the information to all pertinent parties. In an emergency, the interpreter shall disclose the information to an appropriate authority.

2.14(9) Information for personal gain. An interpreter shall not take advantage of knowledge obtained in the performance of duties, or by the interpreter's access to records, facilities, or privileges, for the interpreter's own or another's personal gain.

2.14(10) Restriction of public comment. An interpreter shall not publicly discuss, report or offer an opinion concerning a matter in which the interpreter is or has been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.

Generally, an interpreter should not discuss interpreter assignments with anyone other than persons who have a formal duty associated with the case. However, an interpreter may share information for training and education purposes, divulging only so much information as is required to accomplish this purpose. Unless so ordered by a court, an interpreter must never reveal privileged or confidential information for any purpose, including training and education.

2.14(11) Scope of practice. An interpreter shall be limited to interpreting and shall not give advice, express personal opinions to individuals for whom the interpreter is interpreting, or engage in other activities which may be construed to constitute a service other than interpreting while serving as an interpreter.

2.14(12) Assessing and reporting impediments to services. An interpreter shall assess at all times the interpreter's ability to deliver services. When an interpreter has any reservation about the interpreter's ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the appropriate authority.

2.14(13) Duty to report violations. An interpreter shall report to the proper authority any effort to impede the interpreter's compliance with any law, any provision of this code of conduct, or any other official policy governing interpreting.

2.14(14) Professional development. An interpreter shall strive to improve the interpreter's skills and knowledge and advance the profession through activities such as professional training and education and through interaction with colleagues and specialists in related fields. An interpreter shall improve the interpreter's interpreting skills and increase the interpreter's knowledge of the languages in which the interpreter works professionally, including past and current trends in slang, idiomatic expression, changes in dialect, technical terminology and social and regional dialects.

2.14(15) Breach of ethics. Any breach or perceived breach of ethics shall be reported to IDLA for investigation.

2.14(16) Specialized court, health, and social services interpreters shall meet the ethics requirements and code of professional conduct of their respective field of interpretation.

These rules are intended to implement Iowa Code section 216A.15.

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