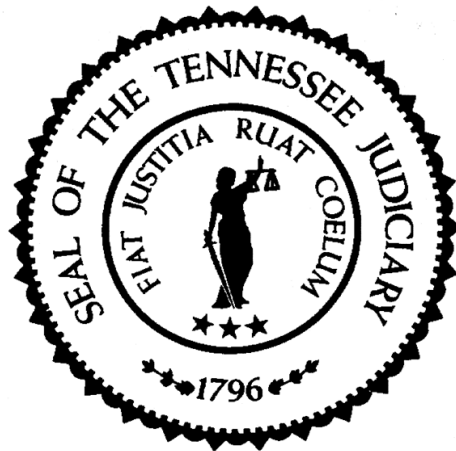


TENNESSEE COURT INTERPRETER CREDENTIALING PROGRAM

INTERPRETER MANUAL



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Prepared by the Tennessee Administrative Office of the Courts

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INTRODUCTION

Court interpretation is a specialized and highly-demanding form of interpreting. It requires skills that few bilingual individuals, including language instructors, possess. To gain access to other professionals in the field, the Tennessee Administrative Office of the Courts (“AOC”) became a member of the Consortium for State Court Interpreter Certification (“Consortium”), a group under the auspices of the National Center for State Courts. Tennessee Supreme Court Rules 41 and 42, which govern the credentialing, appointment, and ethics of Tennessee’s interpreters, were based on model policies provided through the Consortium, but were modified to meet Tennessee’s needs. The Tennessee Supreme Court adopted these rules on April 25, 2002, and amended them on April 27, 2005.

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CREDENTIALING REQUIREMENTS

GENERAL REQUIREMENTS

In Tennessee, there are three types of interpreters:

- (1) Certified Court Interpreters
- (2) Registered Court Interpreters
- (3) Non-credentialed Court Interpreters—an interpreter who has not been designated as a registered or certified court interpreter by the AOC

Registered Court Interpreter Designation:

- (1) Attend an approved two-day (14 hour) ethics & skill building workshop
- (2) Pass an approved criterion-referenced written examination
- (3) Pass an oral proficiency interview
- (4) Pass a criminal background check
- (5) Complete citizenship form
- (6) Sign interpreter oath

To be designated as a registered interpreter, the interpreter must complete steps 1-6 in the order in which they are listed. If the interpreter does not complete the first six steps within three years of the date he/she attends the workshop (Step 1), he/she must begin the credentialing process anew after obtaining written permission from the AOC.

Certified Court Interpreter Designation:

- (1) Interpreter has completed the requirements for registered designation
- (2) Pass 3-part oral performance examination

An interpreter cannot choose to remain a registered interpreter indefinitely. As discussed below, if an oral examination is offered in the language spoken by the interpreter, the interpreter must take the oral examination a minimum of once every twelve months until he or she passes. **If an interpreter fails to comply with this requirement, the AOC will revoke their credentials and they will be required to begin the credentialing process anew after obtaining written permission from the AOC.** If you have any questions regarding Tennessee's credentialing requirements, please contact the AOC at (615) 741-2687.

Step 1: Ethics and Skill Building Workshop

The first step is to complete the Ethics & Skills Building workshop. Upcoming workshops can be found at this link: <http://www.tncourts.gov/programs/court-interpreters/become-interpreter/workshops>
You will have 3 years from the completion of the workshop to become a registered interpreter. If you do not become registered after 3 years you will have to restart the program.

Step 2: Written Exam and Oral Proficiency Interview (OPI) in English & the target language.

The next step is to complete the written exam and OPI. These can be taken in any order but all must be completed with a passing score before moving on to Step 3.

Written exam -The written exam is offered 4 times a year and requires a score of at least 80%. There is no cost for the written examination.

<http://www.tncourts.gov/programs/court-interpreters/become-interpreter/written-examinations>

OPI- You must pass each OPI with a score of "12" or "Superior." You may take the OPI at one of our proctored locations in Jackson, Memphis, Knoxville, Chattanooga, or Nashville.

<http://www.tncourts.gov/programs/court-interpreters/become-interpreter/oral-proficiency-interview-opi> Cost for the OPI vary on the company you choose to test with.

If you do not score at least an 80% on the written exam then you must wait 6 months before re-taking the exam.

If you do not pass an OPI with a score of "12" or "Superior" you are eligible to retest the next month on the assigned days.

Step 3: Criminal Background Check

Now that you have completed the workshop, passed the written exam & OPI's you will need to pass a criminal background check. The AOC will send you an e-mail on how to schedule the criminal background check. We will also send you an interpreter oath and citizenship form to sign and return to our office.

REGISTERED COURT INTERPRETER

Congratulations! You have completed all the steps mentioned above and have been added to the AOC's interpreter roster as a registered interpreter. You are now eligible to take the National Center for State Courts' oral exam. You will now have 3 years from this date to pass all 3 parts of the oral exam and become a certified interpreter. Please note that oral exams are not available in all languages.

As a registered interpreter, you must earn 18 continuing education units for your interpreter renewal in 3 years. Of the required 18 hours, 12 must consist of foreign language/interpreting skills. The AOC will periodically e-mail you about upcoming continuing education opportunities.

Step 4: Oral Examination

The final step of the credentialing program is to pass all 3 sections of the oral exam. You will have 3 years from the day you were designated a registered interpreter to pass the exam. Please remember that you are required to take the oral exam at least once a year from the date you became registered.

To pass the oral exam you must score 70% or higher on the sight, consecutive, and simultaneous sections. The sight section contains two parts and requires at least a 65% on each part. You are not required to pass all sections of the oral exam during the same test setting in Tennessee.

If you have not passed all sections of the oral exam but have received a score of 70% on at least one section and have earned 60% or higher on the remaining sections you may retain your "registered" status for a second 3-year renewal period.

If you have not earned the scores mentioned above and would like to continue, you can restart the credentialing program with written permission from the AOC.

CERTIFIED COURT INTERPRETER

Congratulations! You have completed all the required steps and are now a certified interpreter!

You will continue to earn continuing education units for each 3 year renewal period.

DESCRIPTION OF EACH CREDENTIALING REQUIREMENT

1. **Ethics and Skill-Building Workshop**

- This two-day, or 14-hour workshop, is offered several times a year.
- The AOC has approved curriculum for workshop providers and you can locate provider information as well as workshop dates on the AOC's website at www.tncourts.gov. Once on the webpage, click on "Programs" and then on "Court Interpreters" and then "Workshop Providers." Workshop fees and location vary depending upon the workshop provider.

2. **Written Examination**

- This is a multiple-choice examination which includes 135 questions in English. The examination tests an interpreter's knowledge regarding the following: (a) the English language; (b) court-related terms and usage; and (c) ethics and professional conduct. Interpreters will receive more information about this examination during the workshop.
- To pass the examination the interpreter must earn a minimum overall score of 80%. An interpreter who does not pass the examination must wait six months before retaking it. Interpreters who attend the workshop will automatically be notified when registration materials for the written examination become available on the AOC's website.

3. **Oral Proficiency Interview (Effective July 1, 2008)**

- An interpreter who passes the written examination becomes eligible to submit to the oral proficiency interview ("OPI"), which is conducted by Language Testing International ("LTI") or ALTA Languages Services, Inc. ("ALTA")
- These interviews are 15-30 minute telephonic interviews between a tester and the interpreter, and this interview measures how well the interpreter speaks the language in which he is attempting to become credentialed.
- Each candidate must take the OPI in English as well as their target language.
- The OPI is offered each month in Jackson, Chattanooga, Knoxville, Memphis and Nashville. Registration information can be found on the AOC website for these interviews. The AOC will provide the interpreter with additional information regarding the nature of this interview after the interpreter passes the written examination.
- The interpreter must receive a "Superior" rating according to the ACTFL Proficiency Guidelines for the LTI interview or must receive a score of 12 on ALTA's testing scale.

4. **Criminal Background Check**

- Upon passing the OPI, the AOC will provide the interpreter with the necessary information regarding a criminal background check.
- The fingerprints will be submitted to the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation for analysis and the non-refundable fee is \$48.00.
- Convictions for any felony or for a misdemeanor involving dishonesty or false statement will disqualify an interpreter if such conviction is ten years old or less as provided in *Tennessee Rule of Evidence 609*.
- The AOC will notify the interpreter after receiving the background check results from the TBI. The AOC usually receives the results within two weeks after the interpreter is printed, but re-printing is sometimes required and that could delay the results for months.

5. **Citizenship Form**

- This form requires the interpreter to provide verification of United States citizenship or the legal right to work and remain in the United States.
- The interpreter is required to notify the AOC within three business days if their status changes at any point after they complete this form. Failure to do so may result in revocation of the interpreter's credentials.

6. **Oath**

- The AOC will provide the interpreter with a form which contains the interpreter oath:
- The interpreter must sign this form and submit it to the AOC. Pursuant to Tennessee Supreme Court Rule 42, individual courts may also require an interpreter to take an oath prior to or during a court proceeding.

7. **Oral Performance Examination Content And General Information For All Languages**

- The oral performance examination tests an interpreter in sight translation, consecutive interpretation, and simultaneous interpretation.
- The oral performance examination is currently offered in Spanish and languages other than Spanish as noted on the Council for Language Access in the Courts webpage at: <https://www.ncsc.org/services-and-experts/areas-of-expertise/language-access/written-and-oral-exam-resources>
- An interpreter must earn a minimum score of 70% on each of the three sections to pass the examination and to be designated as a certified interpreter.
- The non-refundable Tennessee resident registration fee is \$150.00 for the oral exam. The non-refundable registration fee is \$300.00 for out-of-state residents. The AOC will notify all eligible registered interpreters when registration materials for the oral examination become available on the AOC's website.

Sight Translation

The interpreter will be given a written document to translate orally from English into the target language. The interpreter will then be given a second document to translate orally from the target language into English. Each document is approximately 225 words in length. The interpreter will have a total of six minutes to complete each task. The interpreter is permitted to use a *maximum* of two of the six minutes to silently review the document. The average score for this section must be at least 70% and a candidate may not score lower than 65% on either of the two sight translation portions.

Consecutive Interpretation

This portion of the examination consists of an audio tape recording from a transcript representing witness testimony. The interpreter must interpret the testimony, acting exactly as if he was in court. This will involve interpreting from English into the target language (attorney's questions) and from the target language into English (witness' responses). The interpreter will have approximately 22 minutes to complete this task. To prepare for this section of the examination, the National Center for State Courts recommends that an interpreter practice interpreting in the consecutive mode until he is able to interpret 45 to 50 separate utterances of varying lengths (up to 950 words total) within 20-22 minutes.

Simultaneous Interpretation

This portion of the examination consists of an audio tape recording of a passage based on an attorney's opening or closing statement to a judge or jury, a discussion between a judge and an attorney, or a similar proceeding. The interpreter will simultaneously interpret this material from English into the target language. It is approximately 900 words in length and is recorded at an approximate speed of 120 words per minute. Including the instructions and preparation time, this portion of the examination takes approximately 10 minutes. The recording itself lasts approximately seven minutes.

The entire examination takes 40-45 minutes. The interpreter's response to each part of the examination is recorded on audiotape by the proctor. The examination is then rated by interpreters who have been trained to rate oral exams under the auspices of the Language and Access to Justice Initiatives program of the National Center for State Courts.

Interpreters are not required to take an examination preparation course prior to the oral examination, but the AOC strongly encourages them to do so. The AOC posts available courses on the interpreter continuing education page of its website.

ORAL EXAMINATION REQUIREMENTS

An interpreter must sit for the oral performance examination a minimum of once every twelve months from the date designating as a registered interpreter until passing the examination with a minimum score of 70% per section. **If an interpreter fails to comply with this requirement, the AOC will revoke the interpreter's credentials.** The one-year requirement applies to every language in which an interpreter is credentialed.

The AOC will review the examination results on a case-by-case basis, and it reserves the right to revoke the credentials of an interpreter whose skills do not appear to be adequate for a courtroom setting.

- The interpreter must sit for all three sections of the oral examination after becoming a registered interpreter.
- If the interpreter does not pass the examination with a minimum score of 70% per section, the interpreter must retake those sections which he/she did not pass.
- If the interpreter passes the examination with a minimum score of 70% per section at any point he will be designated as a certified interpreter and he will not be required to take the oral examination again.
- An interpreter will only be permitted to take each version of the oral examination twice unless exigent circumstances exist and the AOC program approves the taking of the exam version again.
- If the AOC revokes an interpreter's credentials at any point during the credentialing process, the interpreter must obtain written permission from the AOC before beginning the credentialing process anew.

Oral Examination Re-Score Policy

Re-scoring an examination is a time consuming and costly practice.

Re-score criteria:

- Candidate has passed two of the three sections of the test and has come within a percentage point of passing on the remaining section.
- Candidate must request the re-score within 30 days of receiving their score letter
- Candidate will assume all costs associated with the re-score request

Classification		
Criteria	Registered	Certified
Written Exam	80% or higher (Does not pass, must wait 6 months before re-taking)	80% or higher
Oral Performance Interview (OPI)	Must pass with score of "Superior"	Superior
Pass Background Check Submit Oath Agreement Submit Citizenship Form	Yes Yes Yes	Yes Yes Yes
	CANDIDATE NOW BECOMES REGISTERED and must take photo identification. <u>Candidate is eligible to sit for oral exam.</u>	Must complete 18 hours during 3-year renewal period. 12 hours must be foreign language credits.
Oral Examination Sight Simultaneous Consecutive	Must take exam at least once per year from the date of designation to retain registered status.	Must score 70% or higher on each section and a candidate may not score lower than 65 percent on either of the two sight translation portions. 70% (no lower than 65% in each portion) 70% 70%
Continuing Education Credits	Must complete 18 hours during 3-year renewal period. 12 hours must be foreign language credits.	CANDIDATE NOW BECOMES CERTIFIED
		Must complete 18 hours during 3-year renewal period. 12 hours must be foreign language credits.

CONTINUING EDUCATION REQUIREMENTS

Tennessee Supreme Court Rule 42, Section 5(c)(2)(i) provides the following as one requirement before an interpreter will be eligible to renew his credentials at the conclusion of

each three-year renewal period: “Providing documentation of 18 hours of approved continuing education (CE) credits received during the three-year period. A CE credit is equal to one contact hour in the classroom. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training. The Administrative Director of the Courts is authorized to adopt policies and procedures necessary to implement this provision of the rule.”

- An interpreter does not begin to earn continuing education credits until he is designated as a registered interpreter. When an interpreter attends a course after becoming credentialed, he must secure proof of attendance to receive continuing education credit. The interpreter will submit this proof to the AOC when he renews his credentials. The proof must include the name and date of the course, the number of hours attended the name of the sponsoring organization, and the signature of a representative of that organization verifying that the interpreter attended the course.
- The AOC posts pre-approved continuing education courses on its website and updates that information on a frequent basis. To see the list, go to www.tncourts.gov and select “Programs” and then “Court Interpreters.” Upon arriving at the interpreter page, select “Resources for Interpreters” and then “Continuing Education”
- A maximum of 3 hours of online course instruction can be counted towards the general CEU requirements and a maximum of 6 hours of online course instruction can be counted towards the foreign language/interpreting skills requirement.

Course Approval Process:

- If an interpreter wishes to attend a course which is not listed on this website, they must contact the AOC and fill out a course approval request form found at: http://www.tncourts.gov/sites/default/files/docs/rule_42_ceu_application_form_9-9-13.pdf
- Approval must be received BEFORE ATTENDING THE COURSE. If possible, interpreters should request approval 30 days prior to the course so the AOC will have adequate time to evaluate the appropriateness of granting the requested credits. When the AOC approves a course, it will specify which credits constitute general credits and which constitute interpreting/foreign language credits. The AOC does not grant credit for time spent on lunch breaks or other types of breaks.

Presenter Continuing Education Credit:

- An interpreter who serves as a presenter at a seminar must receive PRIOR APPROVAL FROM THE AOC if he wishes to receive continuing education credits for making the presentation. The request for approval form can also be found at: http://www.tncourts.gov/sites/default/files/docs/rule_42_ceu_application_form_9-9-13.pdf
- The AOC will only grant credits to a presenter if the seminar is one the AOC would have approved for CE credits for the attendees. Moreover, a presenter can only get credit on one occasion for making a presentation on a particular topic. For instance, if a presenter made an identical presentation at three different conferences, he would only get credit for one conference. To receive credit for a similar, but not identical, presentation the presenter must demonstrate that there has been a substantial change requiring a significant amount of preparation time. If the AOC approves the presentation, it will grant two credits for each contact hour of instruction time.

Continuing education credits will only count toward the 18-credit requirement during the renewal period in which they are earned. Credits will not carry over from one three-year renewal period to the next.

CREDENTIAL RENEWAL

Registered and certified interpreters must periodically renew their credentials. The date of the letter designating the interpreter as a “*registered*” interpreter is the beginning date of the credentialing period. The date upon which the interpreter’s credentials expire if not renewed is listed in the body of that letter. This renewal date is also listed on the interpreter’s photo identification card, which is discussed below.

Renewal Criteria for “Registered” Interpreters:

- Receive a passing score of 70% or higher on at least one section of the oral examination and must have a minimum of 60% or higher on each of the remaining sections at some point during the renewal period.
- Provide documentation of 18 hours of approved continuing education (CE) credits during the three-year renewal period. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training.
- Submit an application for renewal along with a certificate or letter from sponsoring CE agency for each course taken as well as a \$100.00 renewal fee.

Renewal Criteria for “Certified” Interpreters:

- Provide documentation of 18 hours of approved continuing education (CE) credits during the three-year renewal period. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training.
- Submit an application for renewal along with a certificate or letter from sponsoring CE agency for each course taken as well as a \$100.00 renewal fee.

Continuing education credit as well as oral examination scores cannot carry over from one renewal period to the next. If the AOC revokes an interpreter’s credentials at any point during the credentialing process, including the credential renewal process, the interpreter must obtain written permission from the AOC before beginning the credentialing process anew.

Criteria	Renewal Credentials	
	Registered Interpreters	Certified Interpreters
Oral Exam	Must score at least 70% on one section of the exam and have 60% or higher average on the two remaining sections during the renewal period. Registered interpreters must sit for the oral exam a minimum of once during a 12-month period from the time they became registered.	
Continuing Education	Provide documentation of 18 hours of continuing education during the 3-year renewal period. 12 hours must be foreign language training.	Provide documentation of 18 hours of continuing education during the 3-year renewal period. 12 hours must be foreign language training
Application and Fee	Submit a renewal application along with a check or money order for \$100 before renewal expires.	Submit a renewal application along with a check or money order for \$100 before renewal expires.

EMPLOYMENT AND COMPENSATION

Employment

- Interpreters are not employees of the AOC and do not receive appointments through the AOC.
- Appointing and interpreter is a matter of judicial discretion. Courts, lawyers, and other persons who require the assistance of an interpreter will contact an interpreter directly using the contact information included in the roster.
- When an interpreter is designated as a registered or certified interpreter, the AOC will add the interpreter to a roster that is distributed to the courts and is also posted on the AOC's website. To view the website roster, go to www.tncourts.gov and select "Programs" and then "Court Interpreters." Next, select the link to the roster – "Find a Court Interpreter". The roster is separated into certified and registered interpreters and can be searched by language. The interpreters are listed alphabetically by city to make it easier for courts to locate interpreters in their areas.

Compensation

- The AOC compensates foreign language interpreters who provide services in all cases, civil or criminal, in juvenile, general sessions, trial and appellate court cases, whether the parties are indigent or not. Please see Tennessee Supreme Court Rule 42, Section 7 for specific information of payment of services. All invoices must be submitted electronically through the ICE system. To facilitate efficient and accurate compensation, the AOC requests that interpreters register for and attend the classes on the invoicing system which are offered via internet at: [system
http://tncourts.gov/programs/indigent-defense/indigent-claims-entry-ice-0](http://tncourts.gov/programs/indigent-defense/indigent-claims-entry-ice-0)
- Before an interpreter can be paid by the AOC in an appropriate case, a judge must sign an order appointing the interpreter. The interpreter must attach a copy of the

order to the on-line invoice he submits to the AOC after he performs the services. If the order is not included, the AOC will not be able to process the invoice.

- Interpreters can find a sample order, and billing instructions on the interpreter page of the AOC's interpreter page website at: <http://www.tncourts.gov/programs/court-interpreters/resources-interpreters>

AOC AND INTERPRETER WEBSITES

Interpreter Page

- Includes links to court rules, legal terminology, expert witness terminology, billing instructions and forms, continuing education information, and credentialed interpreter rosters, etc. To get to this page, go to www.tncourts.gov and select "Programs" and then "Court Interpreters." When you arrive at the interpreter page, select the link that interests you.

Compensation Rules

- Tennessee Supreme Court Rule 42 lists the circumstances and compensation information regarding AOC compensation for interpreter services.
- To view Rule 42, go to www.tncourts.gov and select "Programs" and then "Court Interpreters." You will find the link to the Rule on the left hand side of the page.

Appointment, Credentialing, and Ethics

- Tennessee Supreme Court Rule 41 is the ethics code for interpreters and is entitled "Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts." Tennessee Supreme Court Rule 42 governs the appointment and credentialing of interpreters.
- The interpreter page of the website, which was discussed above, has links to both rules.

PHOTO IDENTIFICATION CARDS

- When an interpreter becomes registered or certified, he will be required to make an appointment with the AOC to have his photograph taken for the photograph identification card. Arrangements can be made to have the interpreter email documentation to the AOC staff to make the ID also. The AOC has informed the courts that all credentialed interpreters possess these cards, and has encouraged the courts to ask to see the cards before allowing an interpreter to interpret during a court proceeding.
- In addition to displaying a photograph, the card lists the interpreter's name, language, status (registered or certified), identification number, and expiration date. The expiration date is the date upon which the interpreter's credentials will expire if not renewed.
- The identification number is the number the interpreter should add to any continuing education attendance forms which request an i.d. number. The interpreter will also be required to provide the AOC with this identification number at the time he renews his credentials.

An interpreter is not permitted to display the seal of Tennessee’s judicial branch on letterhead, business cards, etc., or to imply in any other manner that he is an employee of the State of Tennessee. The AOC offers credentials but does not employ interpreters.

SIMULTANEOUS INTERPRETING EQUIPMENT

- The AOC has provided Tennessee’s judicial districts with simultaneous interpreting equipment to be used by interpreters during court proceedings. If an interpreter requests this equipment from the court and the presiding judge is not familiar with the equipment or its whereabouts, the interpreter or the judge may contact the AOC. The AOC maintains a list of contact persons for each judicial district.
- The AOC recommends that the interpreter consult the instruction manual, which was included in the materials and equipment the AOC provided to each judicial district, prior to using the equipment. An interpreter also may ask the AOC for a copy of the AOC’s summary of the equipment instructions or make an appointment with the AOC to receive training on the proper use of the equipment.
- An interpreter may not remove the equipment from the courthouse. Additionally, the AOC will not compensate an interpreter for travel time, mileage, or any other expenses associated with obtaining the equipment.

COURT INTERPRETER DISCIPLINE PROCESS

Tennessee Disciplinary Process for Court Interpreters

Any grievance against a credentialed Court Interpreter regarding the failure to comply with the Provisions of Supreme Court Rules 41 or 42 or any standard promulgated under these Rules shall be filed in writing with the Administrative Office of the Courts (AOC) on the complaint form created by the AOC. All complaints against an interpreter must be post-marked no later than 180 days after the date of the alleged incident and must be submitted to the Administrative Office of the Courts. Any complaint post-marked later than 180 days after the date of the alleged incident will not be accepted and the complainant will be barred from bringing a complaint. This only applies to the AOC’s exercise of its own procedures contained within Supreme Court Rules 41 and 42.

I. Complaint Process

- A. Upon receipt of a complaint, a Grievance Committee of three individuals appointed by the AOC Director and, where possible, from the Grand Division in which the alleged act or failure to act giving rise to the grievance took place, will review the complaint to determine its merit. Grievance Committee members may include, but are not limited to, representatives of judicial officers, officers of the court, interpreters, litigants, or interested parties.
- B. If the Grievance Committee determines there is no merit to the complaint or the complaint is found to be insufficient, the complaint shall be dismissed and the complainant and interpreter shall be so notified.

- C. If further review is required, the interpreter will be provided with written notice of the allegations, and asked to provide a written response to the complaint within twenty (20) days of this notification. The Grievance Committee may consider information obtained from sources other than the complaint and response. If probable cause is found, or if no response is filed by the interpreter, the Grievance Committee shall determine what further action is required. The Grievance Committee 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 30 days after a determination that probable cause, exists. While a disciplinary proceeding is pending, the Grievance Committee may suspend the interpreter's certification or appearance on the roster if it appears the interpreter's continued practice as an interpreter poses a substantial threat of harm to the public or to the integrity of the court system.
- D. 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 Grievance Committee for approval. Upon approval of any resolution reached informally, or subsequent to any review without a hearing, the Grievance Committee will notify the complainant and the court interpreter of its decision in writing.
- E. An interpreter who desires not to contest or defend against an allegation of misconduct may at any time, voluntarily resign his or her credentials in lieu of further disciplinary proceedings.

II. Hearings

- A. All hearings will be recorded and shall be private and confidential, except upon request of the interpreter facing the allegations or any public disciplinary action is taken. The rules of evidence shall not apply. The Grievance Committee may, in its discretion, call witnesses, consider or clarify any evidence presented (including affidavits), giving such evidence the weight it deems 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.
- B. If the Grievance Committee finds by a preponderance of the evidence that the court interpreter has committed a violation of Supreme Court Rule 41 or 42, it shall impose such discipline or sanctions as it may deem appropriate.

III. 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 Grievance Committee shall issue its decision, including its 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. Sanctions may consist of but are not limited to one or more of the following:
 - 1. a private reprimand;
 - 2. a public reprimand;
 - 3. the imposition of costs and expenses incurred by the Grievance Committee in connection with the proceeding, including investigative costs, if any;
 - 4. restitution;
 - 5. a requirement that specified education courses be taken;

6. a requirement that one or more parts of the interpreter certification examination be retaken;
7. a modification of or suspension from the list of credentialed interpreters;
8. a requirement that work be supervised or monitored over a period of time;
9. a suspension of credentials for a specified period of time;
10. a revocation of credentials.

The specific disciplinary action and the degree of discipline to be imposed should depend upon factors such as the seriousness of the violation, the effect of the improper activity on others or on the judicial system and the existence of aggravating or mitigating factors. Aggravating factors could include prior disciplinary action against the same interpreter; experience as an interpreter; intentional, premeditated, knowing, grossly incompetent or grossly negligent act; bad faith or obstruction; a pattern of misconduct, multiple offenses; failure to cooperate during disciplinary proceeding; refusal to acknowledge wrongful nature of conduct; vulnerability of victim; and illegality of conduct. Mitigating factors could include absence of prior disciplinary action; good faith effort to rectify consequences of misconduct; nature of conduct and likelihood of reoccurrence; experience as an interpreter; implementation of remedial measures to mitigate harm or risk of harm; self-reporting; voluntary admission of violation; and temporary circumstances outside of interpreter's control.

IV. Appeal

The interpreter may appeal the Grievance Committee's decision to the Administrative Director of the Courts 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 Administrative Director of the Courts (or designee) shall review the record of the hearing and all documents in the file to determine whether the decision reached and sanctions imposed were appropriate, or whether the Grievance Committee abused its discretion. The decision of the Administrative Director of the Courts is final.

V. Reinstatement

A court interpreter whose credentials or roster status has been suspended or revoked may apply in writing to the Administrative Director of the Courts for reinstatement pursuant to timeframes established in the final order. This request shall explain why the applicant believes the reinstatement should occur. The Administrative Director of the Courts shall have the sole discretion whether to grant or deny reinstatement, or to impose conditions upon reinstatement as it deems appropriate.

VI. Duty to Self-Report

An interpreter who has been sanctioned for discipline by the Administrative Office of the Courts has a duty to report the disciplinary outcome within 30 days of the imposition of the sanctions to all jurisdictions where the interpreter is appointed by the courts.

APPLICATION FOR RECIPROCITY

Persons possessing out-of-state court interpreter credentials or federal court interpreter credentials may apply for state reciprocity with the Administrative Office of the Courts ("AOC"). Please note that reciprocity is considered on a case-by-case basis for out-of-

state interpreters possessing Federal Certification or state court interpreter credentials. An application for reciprocity can be found at:

<http://www.tncourts.gov/sites/default/files/reciprocityapp.pdf>

In order to be considered for reciprocity, the following requirements/conditions must be met:

- (1) The applicant must file an "Application for Reciprocity" as well as submit a \$100.00 application fee made payable to the Administrative Office of the Courts in the form of a check or money order. Please be advised that the application fee is non-refundable.
- (2) Applicant must request that the state in which they currently possess credentials send the AOC proof of attendance at a two-day or 14 hour orientation, criterion referenced written examination scores, and oral performance examination scores on state letterhead indicating whether the state is a member of the Consortium for State Court Interpreter Certification. A copy of the rater evaluation form must also accompany the supporting documentation.
- (3) The out-of-state credentials are current in the issuing state or federal program at the time of the request.
- (4) The out-of-state credentials are not temporary, alternative, or conditional.
- (5) The applicant may be required to submit to an oral proficiency interview, which tests foreign language skills.
- (6) Complete any additional requirements, forms, or fees set forth by the Administrative Office of the Courts.

If tentatively approved for reciprocity, then the applicant will have to:

- (1) Successfully pass a criminal background check through the Tennessee Bureau of Investigation.
- (2) Submit a signed interpreter oath and citizenship form. Applicants do not have to be U.S. citizens, but must provide proof that they can legally work in the U.S.