

## **APPENDIX III**

# **DISCIPLINARY PROCESS FOR THE NEVADA CERTIFIED COURT INTERPRETER PROGRAM**

### **1. Reasons for Discipline**

Disciplinary complaints may be filed against interpreters who have been certified by the state of Nevada through the court interpreter certification program for the following reasons:

- (a) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;
- (b) fraud, dishonesty, or corruption, that is related to the functions and duties of a court interpreter;
- (c) continued false or deceptive advertising after receipt of notification to discontinue;
- (d) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity;
- (e) gross incompetence;
- (f) failing to appear as scheduled without good cause; or
- (g) violation of the Court Interpreter's Code of Professional Responsibility or any other judicial department policies or procedures.

### **2. Complaint Process**

Any person may initiate a complaint by filing it with the Administrative Office of the Courts (AOC). All complaints shall be directed to the State Court Administrator or the administrator's designee. All complaints must be in writing on a form provided by the AOC, must be signed, must be submitted within 180 days from the date of the alleged disciplinary breach, and must describe the alleged inappropriate conduct. Upon receipt of a complaint, the State Court Administrator or the administrator's designee will review the complaint to determine its merit.

- 2.1 If the complaint has no merit, the State Court Administrator or the administrator's designee shall forward a draft finding to the chair of the Certified Court Interpreter Advisory Committee. Upon acceptance of the initial draft finding that there is no merit to the complaint by the chair, the finding dismissing the complaint shall be mailed to the complainant and a copy thereof to the interpreter.
- 2.2 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 21 days of receipt of this notification. Upon receipt of the interpreter's response, the chair of the Committee shall appoint a 3-member Review Panel (at least one member of the panel must be a Nevada certified or registered interpreter), which shall meet within 45 days to review the materials received from the complainant and from the interpreter to determine whether further action is required. The Review Panel may consider information obtained from sources other than the complaint and response. If the complaint is found to be insufficient, the complaint shall be dismissed and the complainant and the interpreter shall be so notified.

- 2.3 If sufficient cause is found, or if no response is filed by the interpreter, the Review Panel shall determine what further action is required. The Review Panel 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 60 days after a determination that sufficient cause exists.
- 2.4 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 chair of the Committee for approval. Upon approval of any resolution reached informally, or subsequent to any review without a hearing, the Review Panel will notify the complainant and the court interpreter of its decision in writing.
- 2.5 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 Review Panel 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 at his/her own expense, and shall be able to testify, comment on the allegations, present evidence, and call witnesses. Testimony shall be under oath.
- 2.6 If the Review Panel finds that there is clear and convincing evidence that the court interpreter has violated the Code of Professional Responsibility or these reasons for discipline as set forth in paragraph 1 hereof, it shall impose such discipline or sanctions as it may deem appropriate.

### 3. Possible Sanctions

The Review Panel shall issue a decision, including its findings and the sanctions to be imposed, if any, within 30 days from the conclusion of the hearing. Time limits may be extended by mutual agreement (of the panel and the interpreter) 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:

- a) private reprimand;
- b) public reprimand;
- c) imposition of costs and expenses incurred by the Review Panel in connection with the proceeding, including investigative costs;
- d) restitution;
- e) requiring that specific education courses be taken;
- f) requiring that one or more parts of the interpreter certification examination be retaken;
- g) requiring that work be supervised;
- h) suspension of certification for a specified period of time;
- i) revocation of certification, to include a determination as to when the interpreter will be allowed to apply for reinstatement of certification following a specified period of time.

The specific disciplinary action and the degree of discipline to be imposed should depend upon factors that include aggravating and mitigating circumstances including but not limited to:

- **the gravity of the violation**
- **the intent of the interpreter**
- **the interpreter's history of prior discipline**
- **whether there is a pattern of improper activity**
- **the effect of the improper activity on others or on the judicial system.**

### 4. Non-Compliance with Recertification Requirements

A Nevada certified interpreter who does not meet the renewal requirements before the expiration of the interpreter's certificate, but who still wishes to pursue recertification, has 6 months from the expiration date to complete the requirements, and upon completion may request recertification without having to re-test (oral and written). During this period, the certification will be considered to have expired, and the interpreter will not be certified. If the interpreter is unable to complete the requirements within 6 months, but can show progress (such as documented enrollment for a future CE class) the interpreter may take up to 1 year from the expiration date to complete the renewal requirements. If an interpreter must take extra time to complete the renewal requirements, the new certification period will extend only from the expiration date of the preceding certification period. In any case, if an interpreter is unable to meet the renewal requirements within 1 year of the expiration of the interpreter's certificate, the interpreter must start the entire certification process from the beginning (to include, but not limited to, attendance at an orientation workshop, and oral and written testing).

**5. New Evidence**

A party to the complaint may make a request to the State Court Administrator in writing to re-open a Review Panel proceeding within 21 days of the decision if new evidence is discovered.

**6. Appeal**

The interpreter may appeal the Review Panel's decision no later than 21 days after the decision is mailed to the address on file for the interpreter. The appeal shall be directed to the State Court Administrator or the administrator's designee and shall include the interpreter's written objections to the decision. The appeal shall be considered by the Nevada Certified Court Interpreters Advisory Committee (minimally a quorum thereof) based upon the record of the hearing to determine whether the decision reached and sanctions imposed were appropriate. Said record shall consist of the complaint, response, decision, a recording and/or transcript of the hearing, and copies of all items of evidence. The Committee shall meet to consider the appeal within 21 days of receipt of the appeal. The meeting of the Committee to consider the appeal may be conducted by telephone conference call. The complainant and the interpreter shall be notified of the Committee's decision on the appeal within 15 days of the meeting. Decisions by the committee regarding appeals shall be considered final.

**7. Reinstatement**

A court interpreter whose certification has been suspended or revoked may apply in writing to the Committee for reinstatement pursuant to time frames established in the final order. This request shall explain why the applicant believes the reinstatement should occur. The Committee (or a quorum thereof) shall have the sole discretion whether to grant or deny reinstatement, or to impose conditions upon reinstatement, as it deems appropriate.