

Tennessee Disciplinary Process for Court Interpreters

Any grievance against a foreign language 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