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Grievances: Issues and Interests that Drive
Complaints Against
American Sign Language / English Interpreters

By

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A thesis submitted in partial fulfillment of the
requirements for the degree of
Master of Arts in Organizational Leadership,
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**MASTER OF ARTS
IN
ORGANIZATIONAL LEADERSHIP**

This is to certify that I have approved this
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Abstract

It is essential to identify and examine the issues and underlying interests fueling disputes when pursuing a deeper understanding of conflict in the field of American Sign Language/English interpreting. This study analyzed grievances filed against interpreters within the RID Ethical Practices System to discover and understand more clearly the issues and interests igniting and escalating conflicts to the level of formal complaint. The conceptual context outlined decision-making models currently used in interpreter education and research, based in theories of conflict and dispute resolution, including a diagnostic tool and framework for identifying types of conflict and underlying interests.

Document analysis of 49 mediated agreements and grievances was conducted to systematically explore the conflicts presented in formal complaints filed by Deaf and non-deaf consumers, and interpreters against their colleagues. Additionally, the responses to interview questions posed to five mediators from the RID mediation system were analyzed to uncover both issues and interests within the conflicts as well as strategies for effective conflict resolution.

Many themes emerged from the document analysis and interviews. What stands out are the five major categories of conflict that surfaced: Confidentiality, Attitude and Respect, Impartiality and Boundaries, Professional Behavior, and Technical Interpreting Skills. Relationship conflicts, embedded in poor communication and miscommunications, were prevalent throughout the complaints, fueled primarily by process and substantive interests. Process interests specifically related to how an interpreted assignment was managed and by whom; substantive interests primarily revolved around the handling of confidential information. Insights gleaned from dispute

resolution practices within the mediation system included the power of relationship-building through active listening, empathy building, and a spirit of collaboration.

These analyses provide a basis for recommendations regarding topics for educating students of interpreting, working interpreters and consumers of interpreting services on how to understand, address and resolve conflicts that will naturally occur within the context of their interactions.

Chapter I Introduction

As the story goes, a Sign Language interpreter was interpreting a phone call made by a young Deaf student at a local post secondary institution in the 1970's. The student's brother was supposed to pick him up outside of the school, but was late and the student, rather annoyed because he had been waiting for quite a long time, was calling home to see what was taking his brother so long. Nothing too unusual about this scenario so far... until the mother says "Don't tell him this, but his brother was just killed in a car accident and his father is on his way to pick him up."

"Don't tell him this, but..."

Five words most interpreters dread. At best, this short and seemingly harmless phrase marks a conflict – either in the expectations or understanding of the role the interpreter plays in the communication exchange. At a deeper level, it marks an ethical dilemma – what is an interpreter to do? Does she follow the wishes of the mother and “edit” the message so that the brother's fate is not revealed? Editing a message is clearly a conflict in the expectation that interpreters serve as an “impartial” communication facilitator. Or does she interpret the entire message, and face the consequence of the resulting charge of emotion which the mother will need to deal with over the phone, something she seems to want handled in person by the father when he picks up his son?

Conflict happens. Generally speaking, conflict can happen any time two or more people come together with differing styles, thoughts, ideas, life experiences, and/or world views. Johnson and Johnson (1991) point out that “the word conflict is derived from the Latin *conflictus*, meaning “striking together with force“(p. 303). Pruitt and Kim (2004)

further refine the definition of conflict by offering the following: “For us, conflict means *perceived divergence of interest*, a belief that the parties’ current aspirations are incompatible” (pp. 8 – 9).

For nearly the entire 24 years I have been an American Sign Language (ASL)/English interpreter and interpreter educator, the study of ethical decision making and interpreting has fascinated me. I stand in awe of the incredible honor and enormous responsibility it is to play such an integral part of people’s lives, facilitating communication between D/deaf and non-deaf consumers in such situations as the births of their children, the deaths of their family members and everything in-between. Ethical decision making, a cornerstone in this profession, is an incredibly complex process, incorporating personal with professional values and beliefs as well as cultural knowledge and competency in both the majority “hearing” culture and that of the American Deaf culture. When you consider the opening scenario, the wide range of interpersonal and professional skills an interpreter must possess and the delicate boundaries an interpreter must maintain, it is no surprise that this field contains such a great potential for conflict.

Conflict is addressed through a formal process when Deaf and non-deaf consumers believe a professional interpreter’s actions or behaviors are unethical and in violation of the Code of Professional Conduct. Consumers and/or interpreter colleagues may file a grievance with the national Registry of Interpreters for the Deaf (RID), the professional organization of interpreters and transliterators in the United States. Within the RID, a Professional Standards Committee oversees the Ethical Practices System (EPS) which includes an avenue for enforcement of the Code of Professional Conduct

and a grievance procedure for processing complaints. The multi-level complaint process includes intake, mediation and adjudication.

Statement of the Problem

Since the grievance mediation process began in 1999, RID has received over 100 grievances filed against interpreters; mediators have facilitated over 30 of these disputes. Each successful mediation ends with a written agreement, drafted by the mediator and signed by both parties, summarizing the issues at hand and the agreed actions that must be taken by the party or parties to reach resolution. To date, no one has systematically analyzed the grievances and mediated agreements to understand the issues and underlying factors that escalate these conflicts to the level of filing a formal grievance. Why do these conflicts occur? What lessons are found within the conflict themes that could be addressed and ultimately help strengthen the relationships inherent in the field of interpreting? How might these themes inform interpreter and consumer educational activities, both formal and informal, to address ways to manage conflict before it reaches a point of filing a grievance?

Purpose of the Study

This research systematically analyzed grievances and mediated agreements to identify common themes or patterns within the conflicts. The diagnostic tools used to address the patterns of conflict shed light on the underlying forces that cause conflict in the field of interpreting. The data within the documents and the wisdom captured in mediator interviews offer a goldmine of insight that can inform our understanding of conflict within our profession, particularly the misunderstandings and gaps in knowledge held by consumers (both Deaf and non-deaf), working interpreters, and/or students of

interpreting. I believe this research could shape consumer and interpreter education efforts addressing the role of interpreters and our ethical and professional decision making processes. This study includes recommendations regarding those education needs.

Significance of the Study

Cokely (2005), in his article addressing the historical initiatives that incited significant shifts in the relationship between interpreters and the Deaf Community, bemoans the fact that empirical research has been, and continues to be, markedly absent from the field.

It is now 40 years after the founding of RID and the rejection of calls for conducting research before implementing a certification process. It is almost 25 years after leading practitioners of the day were ignored in their request for significant federal funding for research into interpreting and transliterating. Nevertheless, legislative and programmatic initiatives continue without the necessary research base upon which to develop those initiatives in order for them to be successful. (p. 18)

This research is a response to Cokely's appeal for more empirical data in the field. He, in essence, is underscoring a need for leaders in the fields of interpreting and interpreter education to expose the three pillars of leadership White-Newman (2003) suggests are foundational in leadership: to be effective, ethical and enduring. We have an ethical obligation to orchestrate advancements in our field based on research and empirical data. The significance of this research and deeper understanding of conflict may inform leaders in this pursuit, as they consider ways to modify consumer and interpreter education programming to more effectively address core conflicts and interests, and strengthen relationships between the Deaf Community and interpreter practitioners. Further, this research provides valuable data to the leaders in this field as we

monitor and justify modifications in the Ethical Practices System, the Code of Professional Conduct and the certification exams in this rapidly changing field. In the spirit of endurance, I hope this study also sparks a desire for others to pursue additional, related research to further strengthen the system and profession.

Organization of the Study

This study contains five chapters. Chapter Two offers a conceptual framework while Chapter Three addresses Methodology. Chapter Four presents the Results and Discussion. Finally, Chapter Five includes the Summary, Recommendations and Conclusion.

Chapter II

Analysis of Conceptual Context

Interpreting

On a fundamental level, the work of interpreters may be defined as the process of facilitating communication between two or more parties who do not share a common language. In the case of American Sign Language (ASL)/English interpreters, the parties use spoken English and ASL or, in recognition of the linguistic diversity in the Deaf Community, a contact variety of signed English and ASL. Researchers in the field have further refined this definition to reflect the linguistic, cultural and relational complexities and decision making inherent in the work. Cokely (2001), for example, defined interpretation as:

The competent and coherent use of one naturally evolved language to express the meanings and intentions conveyed in another naturally evolved language for the purpose of negotiating an opportunity for a successful communicative interaction in real time within a triad involving two principal individuals or groups who are incapable of using, or who prefer not to use, the language of the other individual or group. (p. 4)

Roy (2000) offers this definition of interpreting:

Interpreting is a discourse process in which interpreters are active participants who need to know about and understand interactional behavior as well as explicit ways in which languages and cultures use language...interpreters make intentional, informed choices from a range of possibilities. (p. 10)

For purposes of this research, *interpreter* will be defined as an individual possessing linguistic fluency and cultural competence, who facilitates communication between Deaf and non-deaf individuals in a variety of settings, understanding that the complexities illustrated in the previous definitions are implied. The term *Deaf* is used in a generic sense to represent all consumers of interpreting services who communicate in

Sign Language, not only members of the American Deaf Community who use ASL, but also those who use a contact variety or variation of signed English.

Swabey and Gajewski Mickelson (in press) acknowledge that further defining the role of interpreters is difficult because of the wide range of settings in which interpreters work and the countless variables inherent in human interactions. Interpreters work in legal, educational, medical, social service, and employment settings, just to name a few; and the decisions we make in each of these settings can have an everlasting impact on the lives of those involved. Cokely (2000) poignantly offers the following assessment of this impact:

As individuals, and certainly as interpreters/transliterators, we face choices that can have profound effects on other people and their lives – choices of how we will act in certain situations. The choices we make, and the actions that follow from those choices, can uphold or deny the dignity of other people, can advocate or violate the rights of other people, and can affirm or disavow the humanity of other people. (p. 27)

The quality of these decisions rests heavily on the interpreter's self-awareness with regard to his or her moral development, personal beliefs, values and principles.¹ In addition, the interpreter must possess a well-rooted understanding of his or her personal and professional ethical orientation.

Ethics and Ethical Decision Making

Defining *ethics* is complexly simple. Cokely (2000) begins with Socrates and Aristotle, defining ethics as “purposeful action-focused reflection... not something one

¹ The quality of the decisions interpreters make also depend upon which interpreting model the interpreter is working within. Swabey and Gajewski Mickelson (in press) also cite the work of Witter-Merithew and others with regard to identifying the models of interpreting that have developed within the profession. These models (Helper, Conduit, Communication Facilitator and Bi-lingual/Bi-cultural) influence an interpreter's decision-making process and can become a source of conflict when participants in the interpreted exchange hold conflicting expectations of the interpreter.

has, rather ethics is something one does” (p. 28). He expands on the concept of reflection by quoting the work of Singer, (1979; 1993), stating that “we reflect in order to be able to act and in order to be able to identify those actions that are consistent with, and faithful to, our values, principles and beliefs” (p. 28). Kidder (1995) builds a similar definition, using phrases such as “the science of the ideal human character” and “the science of moral duty... moral defined as describing whatever is good or right or proper” (p. 63). Kidder admits, however, that it is easy to spin into an abyss when trying to construct a definition of ethics and boiled the definition down to “the stuff of daily life. Daily life, after all, marches in a constant parade of judgments, many of them moral in nature and most of them shaped not only by our reasoning but by our intuitions” (p. 64). The ethics that are present in the daily lives of interpreters not only reflect their personal values, beliefs and principles, but also those of the profession of interpreting.

Professional ethics are standards or behaviors that have evolved over time to reflect the profession’s desire to insure the well-being of its clients. They are expressed in a formalized code of behavior which describes the principles that are important to the profession. More importantly, they define the forms of behavior that are morally desirable by the profession in its service to consumers. (Gish, 1990, p. 21)

The Registry of Interpreters for the Deaf (RID) is the national professional organization of interpreters in the United States. Founded in 1964 and incorporated in 1972, the RID’s mission (2007) is to “to provide international, national, regional, state and local forums and an organizational structure for the continued growth and development of the profession of interpretation and transliteration of American Sign Language and English” (<http://www.rid.org>). Three of the major services of the RID are the 1) National Testing System, which develops, maintains and processes certification exams, 2) Certification Maintenance Program which is the continuing education arm

connected to maintaining professional credentials, and 3) Ethical Practices System (EPS), which includes the Code of Professional Conduct and the process by which grievances may be filed and processed when complaints are lodged against members.

The first code of ethics was published by the interpreting profession in 1965 - just one year after the inception of RID. This code (see Appendix A) was reflective of the times and perceptions of this budding field and Deaf people in society. This document guided the ethical decision making of professional interpreters in the field until 1978, when a revised version of the code was approved by the RID membership (see Appendix B). According to Cokely's analysis (2000), these two versions of the code rested on a deontological foundation, characterized by the notion that "certain acts or behaviors are inherently wrong or unacceptable and thus are always prohibited" (p. 40). Cokely argued convincingly that this orientation was no longer reflective of our maturing and developing profession, which had begun to recognize and embrace the linguistic and interpersonal complexities of the work. As such, the duty- or rule-based paradigm was restrictive and a source of conflict within the profession.

In 2000, the boards of directors of the RID and the National Association of the Deaf (NAD) established the National Council on Interpreting, which in turn appointed a task force to review and update the code of ethics. At the time, the NAD, which is the oldest advocacy organization for Deaf and hard of hearing people in the U.S. (<http://www.nad.org>), also credentialed interpreters. A code of ethics, which NAD certified interpreters were required to uphold and follow, accompanied the NAD certification process. The RID and NAD organizations had begun to work on a new, joint certification exam for interpreters and the invitation to work together on a revised

code of ethics was a natural outgrowth of that collaboration. As a result, the NAD/RID Code of Professional Conduct was developed and ratified by the RID membership in 2005.

The Code of Professional Conduct is vastly different from the previous iterations of the Code of Ethics (Appendix C). The code shifted from a duty- or rule-based paradigm to that which is rights-based and includes sections addressing Scope and Philosophy as well as seven overarching tenets, each with a Guiding Principle and several examples of Illustrative Behaviors given. This Code of Professional Conduct is the current document illustrating the values, beliefs and principles of the profession, and serves as a guide to professional Sign Language interpreters as they make ethical decisions.

Interpreting is a complex task, and interpreters are faced with a variety of difficult decisions every day. Are all of those decisions ethical decisions? No, they aren't. Hoza (2003) suggests that while some are considered ethical decisions because they are based on ethical principles and/or standards, others fall into a category he calls "other interpreter-related frameworks" (p. 9). This category will be further explored later in this paper as we look for ways to organize and categorize conflict that occurs for interpreters.

Kidder (1995) offers a useful way to identify those decisions that are truly ethical ones. He categorizes decisions: right vs. wrong and right vs. right. Right vs. wrong decisions, what he calls "moral temptations," are those that clearly present a right and a wrong option. Mills Stewart and Witter-Merithew (2006) offer several interpreter-related examples of this paradigm, including:

It is right for interpreters to seek opportunities for growth and to further develop their interpreting skills, but it would be wrong to take an assignment without being qualified to handle it.

It is right for interpreters to attempt to maximize their time and billable hours during a workday, but it would be wrong to schedule assignments so close together that consumers are not well served. (p. 54)

Right vs. right decisions are those he calls “ethical dilemmas” – those decisions where there is no clear right or wrong choice. Ethical dilemmas are those which present two right choices; and the decision maker must determine, through a series of self-reflections and morally-based criteria, which decision is the *most* right for that given time and place. Kidder’s definition is very useful and is noted in several articles and books addressing ethical decision making and educating Sign Language interpreters.

Sign Language interpreters learn the underpinnings of professional ethics and ethical decision making in a variety of ways. Formal interpreter education programs, housed in post-secondary institutions across the country, are likely the first places students of interpreting are exposed to the concept of professional ethics and those which are uniquely related to Sign Language interpreting. After graduating from these programs, interpreters continue to develop and hone their ethical decision making knowledge and skills through professional development activities such as workshops and seminars, mentoring and/or on the job experience. While no published standards guide these educational activities, patterns and themes emerge from the literature available on the topic of ethics and decision making for Sign Language interpreters.

A limited number of texts and research-based articles addressing ethics and decision making for Sign Language interpreters currently exist. Gish (1990) was one of the first to publish a book, *Ethics and Decision Making for Interpreters in Health Care*

Settings, specifically written for teaching students of interpreting about ethics and decision making. Kellie Mills Stewart and Anna Witter-Merithew, authors of several articles on the topic, wrote *The Dimensions of Ethical Decision-Making: A Guided Exploration for Interpreters* (2006) which is the most current book to date addressing specific ethical decision making strategies and skills for students of interpreting. In addition to these books, a handful of other texts or chapters in texts address this topic, as do several articles in conference proceedings and the Journal of Interpretation, the scholarly publication of the RID. Recently, Dean and Pollard (2006) published an article proposing a variation on the Demand-Control Schema² to be used as a tool for developing critical reasoning skills and an ethical decision-making process that focuses on the consequences of actions.

In reviewing the publications listed above, several common themes and topic areas emerge, one of which is offering a decision-making model for students and working interpreters to use when analyzing decisions. With the exception of the Dean and Pollard article, the approaches suggest identifying all of the facts surrounding the situation and defining the issue clearly; generating a list of alternative options for addressing the issue; analyzing the options and choosing one to employ. There are also varying degrees of criteria for determining whether the issue is an ethical one or not and each criteria implies a certain degree of reflection throughout the process. Appendix D offers a more detailed comparison of these decision-making models for further analysis.

One topic that Gish and Mills Stewart and Witter-Merithew overtly address is conflict and its place in the decision making process. Gish (1990, citing Johnson &

² The Demand-Control Schema is an analytical framework developed by Dean and Pollard that helps interpreters consider a situation in terms of what it presents (the “demands”) and options the interpreter has for addressing or responding to those demands (the “controls”).

Johnson, 1972) explores conflict from a problem-solving perspective, offering a problem-solving model as a tool to use when considering conflict and analyzing decisions. Mills Stewart and Witter-Merithew also address conflict, but more from an Alternative Dispute Resolution perspective, incorporating information from mediation practices into the chapter addressing conflict, sources of conflict, and interpreting-related conflict resolution strategies.

The field of Alternative Dispute Resolution (ADR) offers many approaches to conflict and dispute resolution outside a court of law, including, but not limited to, restorative justice practices, negotiation, mediation and adjudication. Before addressing the RID Ethical Practices System, which incorporates mediation and adjudication when resolving grievances filed against interpreters, it is advantageous to gain a deeper understanding of conflict and conflict analysis from the field of ADR and how common themes in conflict and grievances are identified and addressed in non-interpreting professions.

Conflict

Johnson and Johnson (1991) note that the word conflict is derived from the Latin *conflictus*, meaning “striking together with force” (p. 303). Current definitions imply that the word conflict describes an overt confrontation or may identify “discord of action, feeling, or effect; antagonism or opposition, as of interests or principles” (<http://www.dictionary.com>). Pruitt and Kim (2004) argue that the term has been used so broadly to address both the overt and covert sides of conflict that it may lose its clarity as a single concept. To address this, they define conflict as the “*perceived divergence of interest*, a belief that the parties’ current aspirations are incompatible” (pp. 7 - 8).

Much has been written, particularly in the ADR field about theories of conflict, strategies for negotiating disputes and mediation approaches to conflict resolution. Several of these theories and conflict analysis strategies are germane when considering the conflicts that drive a consumer or colleague to file a grievance against a practicing interpreter.

According to Moore (2003, citing Coser, 1956), mediators may begin an analysis of a conflict by determining whether or not the causes of a particular conflict are unnecessary/unrealistic or are genuine/realistic. By doing this, the mediator is able to separate unrealistic problems or issues that are not as germane to the dispute and address those first, so that they may focus on genuine issues during the mediation.

Unrealistic causes of conflict include:

- Strong emotions that are not based in reality
- Misperceptions about motivations of other parties
- Stereotypes
- Miscommunication
- Unproductive repetitive behavior that negatively affects another party
- Attempts to force an agreement on values when such concurrence is not required for settlement
- Confusion over data
- Competitive behavior induced by a misperception that interests are mutually exclusive (pp. 141 – 142).

Genuine causes of conflict include:

- Real disagreements over what data are important or how they are collected or assessed
- Actual competing substantive, procedural, or psychological interests
- Structural constraints on the parties, such as competing roles or unequal power or authority
- Destructive behavior patterns caused by external forces such as environment or time constraints
- Different value systems that are difficult to reconcile but must be addressed to reach settlement (p. 142).

Just as Kidder offered a framework for sorting through the complexities of decision making, providing a construct for sorting out ethical dilemmas from moral temptations, Moore offers Coser's work in the same spirit – to provide a strategy for beginning a conflict analysis by sorting out the realistic and unrealistic elements so that they may be addressed accordingly and attention can be focused on the core issues and interests that may lead to resolution.

In addition to classifying conflicts as unrealistic or genuine, Moore (2003) offers another conflict analysis approach: the “Circle of Conflict” (p. 64). In this tool, Moore identifies and defines five types of conflict: relationship, data, interests, structural and value-based.

- **Relationship** conflicts are those with strong emotions, misperceptions or stereotypes, poor communication or miscommunication, and are repetitive negative behavior.
- **Data** conflicts include misinformation, different views on what is relevant, different interpretations of the data and different assessment procedures.
- **Interests** based conflicts are defined as perceived or actual competition over substantive (content) interests, procedural interests or psychological interests.
- **Structural** conflicts are those related to destructive patterns of behavior or interaction; unequal control, ownership or distribution of resources; unequal power and authority; geographical, physical, or environmental factors that hinder cooperation; time constraints.
- **Values** conflicts involve different criteria for evaluating ideas or behavior; exclusive intrinsically valuable goals; different ways of life, ideology or religion (p. 64).

Within this model, Moore also offers possible interventions for each type of conflict. A more recent iteration of Moore's work is offered by Furlong (2005) in which the interest category is set aside from the other categories, implying that interests reach more broadly across all categories of conflict and express a party's “wants, needs, hopes and fears” (p. 38). Furlong adds another category of conflict to the circle called “externals / moods,” which are factors that contribute to the conflict yet are not directly a

part of the situation (p. 32). (See Appendix E for Moore's Circle of Conflict diagram as revised by Furlong.) Mills Stewart and Witter-Merithew (2006) identify Moore's original schema as a helpful tool in understanding conflict as it applies to interpreting, offering case studies incorporating interpreting-related examples of the various types of conflict and discussion questions to explore possible resolution strategies. The Circle of Conflict, as noted by Mills Stewart and Witter-Merithew, offers a theoretical foundation from which to begin diagnosing the conflict within the grievances filed against interpreters.

While it is important to identify unrealistic and realistic elements of conflict, and distinguish the various types of conflict and their causes, it is equally if not more important to also seek a deeper understanding of the roots of the dispute, and the underlying interests that drive the parties in the dispute.

Lytle, Brett and Shapiro (1999) used the interests, rights and power framework for analyzing dispute resolution from the work of Ury, Brett and Goldberg (1993) in their article "The Strategic Use of Interests, Rights, and Power to Resolve Disputes." They explore how negotiations between disputants can cycle through these three foci (interests, rights and power) and how each may be strategically used during negotiation sessions. This framework is valuable when looking at disputes in general and particularly when considering the work of interpreters and conflicts that arise within that work because it offers insight regarding the underlying drivers of a dispute. This approach also provides a clue into which focus might lead to a mutually beneficial resolution, as opposed to one that ends with a winner and a loser.

According to Gold (2006), an issue is the subject of the dispute, the position is the stance a party takes on the issue, yet at the heart of the matter you find the parties' interests, or *why* the issue is important to them. Interests are basically those things that an individual deems important or desirable and incorporate a person's needs, desires and wants: "Interests tend to be central to people's thinking and action, forming the core of many of their attitudes, goals, and intentions" (Pruitt & Kim, 2004, p. 15). "A focus on interests provides the opportunity for learning about the parties' common concerns, priorities, and preferences, which are necessary for the construction of an integrative, or a mutually beneficial agreement that creates value for the parties" (Lytle, Brett & Shapiro, 1999, p. 33).

Three types of interests include: substantive, procedural and psychological (Moore, 2003; Lewicki, Barry & Saunders, 2007 citing Lax & Sebenius, 1986). Substantive interests relate to the focal issues of the negotiation and have to do with things of substance such as time or money. Process interests are those related to *how* the dispute is being settled. Psychological interests (referred to by some as relationship interests) are those concerning the relationship and emotional needs of the parties, both during and after the negotiation. Lewicki et al. (2007) point out that Lax and Sebenius suggest a fourth type of interest parties may have – interests in principle: "Certain principles – concerning what is fair, what is right, what is acceptable, what is ethical, or what has been done in the past and should be done in the future – may be deeply held by the parties and serve as the dominant guides to their action" (p. 66). This theoretical frame offers an effective approach in further analysis of conflict and specifically the underlying drivers of the conflict.

Looking at a conflict through a rights-oriented perspective is another element of this framework. Lytle et al. (1999) define a rights-based focus as one in which the parties “determine how to resolve the dispute by applying some standard of fairness, contract, or law” (p. 33). It is reasonable to expect that Deaf or hard of hearing complainants would present a rights-based perspective in disputes with interpreters because of the nature of their professional relationship. In a purely legal sense, interpreting services are often the reasonable accommodation secured by entities as they address their legal obligation to provide communication access under the Americans with Disabilities Act (ADA). This perspective can be detrimental within this context because it often leads to a win/lose situation for the parties – a distributive outcome that does not incorporate important integrative elements.

The third perspective on conflict in this framework addresses power, which is complex particularly as it applies to interpreter-related conflict. On one hand, it is critical to consider the power dynamic and imbalance within the context of interpreting and the relationships inherent in the work. Power dynamics surface when considering the relationship between service provider and consumer, and the ethnicity, age, gender, the parties’ positions of authority and other attributes of the parties involved. The power imbalance between members of the majority hearing culture (non-deaf interpreters) and the linguistic and cultural minority (Deaf consumers) is not one that can be ignored.

Witter-Merithew and Johnson (2005) explore this power imbalance and acknowledge this as a critical consideration when representing feedback from Deaf consumers about interpreting services. In addition to the societal struggles experienced by Deaf people as members of a linguistic and cultural minority, they recognize the

historical increase in relational distance between interpreters and consumers caused by interpreter education moving from a function of the Deaf Community to academia. Recognizing the complexities of this power imbalance is valuable and necessary. Further exploration of this, however, is out of the scope of this particular study and warrants further research within the context of conflict and interpreting. Within this study, the power frame as it applies to interests and negotiating strategy as Lytle, et al. (1999) suggest will be explored. When a party embraces the power focus within a negotiation, the end result is likely to lead to a distributive (win/lose) outcome, much like that of the rights-based focus. When parties are solely engaged in a power focus during negotiations they “try to coerce each other into making concessions that each would not otherwise do” (p. 33).

When considering this framework in the analysis of conflict with interpreters, it is important to consider those strategies and approaches that have the greatest potential to produce an integrative, or mutually beneficial outcome. According to Lewicki, Barry and Saunders (2007), an integrative approach, also described as “cooperative, collaborative, win-win, mutual gains, or problem solving” (p. 58), is one that is most conducive to maintaining relationships. Given the nature of the work, interpreters must successfully maintain and negotiate relationships with multiple parties all of the time. Not only does the interpreter maintain direct relationships with all of the parties involved, but she/he also is an integral part of the relationship that is developed and maintained by the parties as their communication with each other moves through the interpreter. As such, an integrative approach to conflict resolution is a critical element and an important lens to use when analyzing conflicts and grievances within interpreting.

In their monograph “Toward Competent Practice: Conversations With Stakeholders,” Witter-Merithew and Johnson (2005) begin to explore these conflicts within interpreting through focus groups and interviews with members of the Deaf community and noted “feedback from representatives of the Deaf Community indicates that concern and dissatisfaction regarding interpreting services has increased” (p. 31). The feedback they gathered identified themes in the concern and dissatisfaction felt by the consumers, in the areas of:

Interpreter attitude, which was defined as “the expression of respect for deaf people, their language, and their identity acquired by really getting to know and understand what deaf people, ASL, and the Community is all about” (Smith & Savidge, 2002). *Interpreter attitude* goes beyond a feeling of attraction to the community or language to the level of appreciation and understanding that comes from self-awareness, authentic interaction with deaf people and the Deaf Community, and cultural competence. (p. 36)

Self-Awareness and identity, which the participants noticed more with new interpreters entering the field. These interpreters do not seem to have a strong sense of self and therefore over-identify with the Deaf Community and deaf people. As a result, the Deaf participants indicated that it was difficult to establish and maintain healthy, professional relationships and clear expectations with them. (pp. 37–40)

Professionalism and business practices, which included how interpreters made ethical decisions, how they conducted business as an interpreter, and how interpersonal relationships were maintained within the profession. (p. 40)

Linguistic competence implied a level of competence and skill in both American Sign Language and English. (p. 41)

Despite the small sample size, the findings in this research provide valuable clues and insight into common issues and interests within the Deaf Community regarding their work with interpreters and the conflicts that arise. Additionally, the authors noted commonly held values regarding interpreting: linguistic and cultural competence, professionalism, and interpersonal skills (p. 35). These themes and values may provide

valuable information while analyzing the conflicts that lead to the filing of grievances against working interpreters.

The work of Hoza (2003) also provides valuable insight with regard to analyzing grievances by offering alternative frames of reference when problem-solving an issue. Hoza proposes a new model of ethical decision making for interpreters which includes, as its second step, exploration of the issue in terms of whether or not the issue is indeed an ethical one. If the issue is not an ethical one, Hoza encourages interpreters to use another frame to analyze and resolve the conflict: “cultural mediation, consider sociolinguistic issues, interactional management or dynamic (message) equivalence” (p. 38). Looking for further insight into the complexity of the conflicts facing sign language interpreters, research done in other professions may be of value.

The first article is the work of Hsieh (2005), who interviewed 26 spoken language interpreters to gather data on the sources of conflict they experience in their work on a regular basis. Again, the sample size was small, but the findings present striking similarities to the themes that are emerging in the field of Sign Language interpreting with regard to conflict. Specifically, Hsieh found four broad ways to categorize the sources of conflict:

Other’s communicative practices. Examples of this issue include a provider (or consumer) who speaks directly to the interpreter, almost as a confidante, as opposed to an impartial communication facilitator. Another example is when speakers do not act as competent participants in the communication exchange – not being able to provide the information to the other as expected. (pp. 723-724)

Changes in participant dynamics. This source of conflict relates to changes in the parties (i.e. family members or other professionals are also present in the environment) and shifts an interpreter may or may not successfully make during the course of an appointment when dynamics and the make up of the group change. (pp. 724-725)

Institutional constraints are those sources of conflict within the institution that cause the interpreter difficulty. These may include, but are not limited to: institutional culture, hierarchy, policies, regulations, and environment. (p. 726)

Problematic role expectations are those sources of conflict for the interpreter when participants are not being clear about the role of the interpreter or what they can (or cannot) expect of the interpreter. (p. 726)

The second study addresses conflict between professional colleagues in health care settings. Conflicts between doctors and nurses have been researched by Tabak & Orit (2007) and several causal themes also emerge: “gender differences; gaps in education and socio-economic status; lack of understanding and sympathy; and, of late, the clash when nurses try to take on more professional responsibility” (p. 321). This research addresses conflicts between two professionals in a work environment and may provide insight, particularly for analyzing grievances that are filed by interpreting peers against their colleagues.

Thus far, we have looked at data that suggest common themes found in the research of concerns, general conflicts or disputes between parties. While helpful to validate the concerns raised in these settings, it does not specifically pinpoint those issues that drive a party beyond concern or dissatisfaction to filing a formal grievance to resolve the issue.

The field of mediation may offer greater insight into the kinds of issues that are of such significance as to cause a party to file a formal complaint. Young (2006) conducted a comprehensive review of the regulatory system in the field of mediation. Within this research, she summarized the components of mediator regulation, identified advantages of developing complaint handling systems, compared the regulatory or grievance systems in the five states with well-developed formal complaint processes and offered

considerations for designing a successful regulatory system. Within this review, Young analyzed the grievances filed against mediators in those five states and found several common themes:

- Conduct which makes a party believe that the mediator has lost his or her impartiality,
- Interference with the party's self-determination, by offering legal advice, by giving legal opinions, by recommending settlement, or by engaging in more overt acts of coercion, and
- Poor quality of the process or an ineffective mediator style. (p. 12)

Themes addressing breaches in confidentiality were only found in the complaints filed in one of the states.

These findings are of interest when applied to the analysis of grievances filed against interpreters because of the similarities that exist between the function and expectations of mediators and interpreters. While interpreters facilitate communication between parties who do not share a common language, mediation is similar to interpreting in that it "is meant to facilitate reciprocal voice, reciprocal consideration, and joint problem solving" (Young, 2006 citing Welsh, 2004). In addition, respective codes of professional conduct guide interpreters and mediators, which include expectations regarding neutrality or impartiality when facilitating the communication between parties. Because of the fundamental similarities in the functionality and expectations of interpreters and mediators and the source of data drawn from a grievance system, Young's research is particularly noteworthy and helpful when analyzing grievances filed against interpreters within a formal complaint process.

When conflicts escalate to the point at which the party determines that the most efficient or satisfactory option for resolution is to seek outside assistance or judgment, they may file a formal complaint or grievance. In the field of mediation, formal grievance processes are not handled on a national level; as Young (2006) points out, five states have well-established processes for handling grievances against mediators, although informal, less established processes may also be found in other states. Conversely, the interpreting profession has a formal grievance procedure housed within the Ethical Practices System of the national Registry of Interpreters for the Deaf.

RID Grievance Process

According to the RID Ethical Practices System Policy Manual (2006), “the goal of the RID Ethical Practices System is to uphold the integrity of ethical standards among interpreters. In keeping with that goal, the system includes a comprehensive process whereby complaints of ethical violations can be thoroughly reviewed and resolved through mediation or complaint review” (p. 1). When consumers or other interpreters file a grievance against a practicing interpreter with the RID, they initiate a multi-level process for handling the complaint that includes intake, mediation and/or adjudication (see Appendix F for the EPS flow chart).

Each complaint filed with the RID is not automatically eligible for processing through this system. The RID Ethical Practices System Policy Manual (2006) identifies the following criteria that must be met for a complaint to move forward:

- A complaint must be based on the possible violation(s) of the official NAD – RID Code of Professional Conduct.
- A complaint must be filed due to an incident related to the provision of interpreting services.

- A complaint must describe an incident that occurred after the interpreter's services were contracted through a verbal or written agreement, and may involve paid or volunteer interpreter service.
- A complaint may be filed as a result of the contracted interpreter's conduct prior to, during, or after an interpreting assignment. (p. 2)

After the intake process, grievances that satisfy these criteria move to mediation.

Within this step of the process, the complainant and respondent meet with one or two mediators who serve as third party neutrals to facilitate a discussion between the parties to address the complaint. According to the EPS Policy Manual (2006), members of the RID and/or National Association of the Deaf (NAD) serve as the mediators and are "interpreters and deaf individuals who have completed professional mediation training through RID. They are knowledgeable in ASL, deafness, and the interpreting process" (p. 5).

The mediation step in the EPS began in 1999 in an effort to provide a process that resolved disputes in an efficient manner and had the greatest potential to preserve the relationship between the parties. Mediation provides an opportunity for the parties to address their concerns face-to-face and directly with one another prior to engaging in the more formal adjudication process. If grievances are successfully mediated between the parties, the mediator writes a Mediation Agreement, which both parties sign. This form summarizes the issue(s) of the complaint and outlines the mutually accepted steps one or both parties must take to resolve the issue. If an agreement is not reached in the mediation step, the original complaint is referred to the adjudication process where a final decision is rendered.

Between 1999, when the mediation process began, through 2005, over 100 complaints were filed against interpreters, with 32 successfully resolved through

mediation (M. O'Hara, personal communication, June 22, 2007).³ In the spirit of identifying core issues and interests that drive complaints against interpreters, I am proposing an analysis of these agreements and the complaints disqualified during the intake process, to cull common themes in the conflicts that emerge throughout these agreements. While not every decision made by interpreters working with Deaf and non-deaf consumers are ethical dilemmas (Kidder, 1995; Hoza, 2003; Mills Stewart & Witter-Merithew, 2006), and not every conflict that surfaces during an interpreter's day escalates to the level of a formal grievance, these complaints and agreements may be a rich source of data from which we can learn a great deal about the underlying issues and interests of complaints. It is my hope that this research serves the profession well by providing insight regarding interpreting-related conflicts and how education efforts may be improved so that these conflicts can be resolved directly by the parties in a mutually beneficial, relationship-preserving manner. The next section will provide the details of the methodology used in this study.

³ See Figures 3.2 and 3.3 for the complete breakdown of the total number of complaints filed.

Chapter III

Research and Methodology

This research study attempted to answer the question: *What do the themes found in the grievances filed against ASL / English interpreters suggest about the issues and underlying interests driving the complaint process?*

Related to this question are four sub-questions:

1. What issue spurred the complainant to proceed with a formal grievance?
Was there a breach in a particular tenet of the Code of Ethics or a difference in understanding of what the tenet was suggesting? If the complaint was not related to a specific tenet, was the behavior an ethical breach or some other behavior that was deemed inappropriate?
2. Who were the complainants: Deaf consumers? Non-deaf consumers? Interpreter colleagues?
3. Were these patterns and themes specifically addressed in the “new” Code of Professional Conduct (which was ratified by the RID membership in the summer of 2005)?
4. Finally, based on this information, what specific topics in ethical and professional decision making need to be addressed or further clarified in educational programming for interpreters (both pre-service and continuing education) and/or consumers of interpreting services?

This research began with an extensive literature review of scholarly work available on the ethical codes and teachings that have historically shaped and currently guide the interpreting profession. A literature review of the sources and patterns of

conflict that emerge in alternative dispute resolution literature informed this project by providing a deeper appreciation of conflicts and how they might be categorized and understood. The previous code of ethics, current code of professional conduct, and the common sources and categories of conflict provided an analytical framework for reviewing the complaints and mediated agreements.

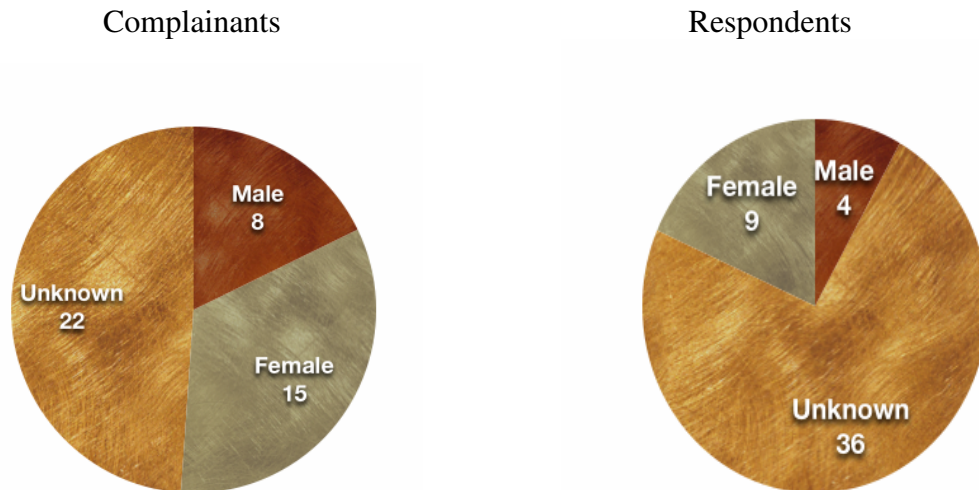
Analysis of Grievances and Mediated Agreements

I analyzed the agreements from the mediations conducted within the RID Ethical Practices System between 1999, when the mediation process began, through 2005, when the code of ethics guiding interpreters' decisions was replaced by the current Code of Professional Conduct. I also studied the complaints that were filed during this period of time but were disqualified and not mediated because of some technicality in the process. The common themes were compared to the Code of Ethics during this time period, the current Code of Professional Conduct and applicable tools for diagnosing conflict.

During my first read of the documents, I noted demographic information: gender of the parties, the setting in which the incident(s) occurred, and whether the complainant was a Deaf consumer, non-deaf consumer, interpreter colleague or agency. The documents, which were meticulously sanitized by the RID staff, had all identifying information removed. Locations, names of people involved in the dispute and/or names of entities were all blacked out, which was absolutely necessary for this research. While most demographic data was relatively easy to note, the sanitized documents posed a challenge when trying to identify the gender of the parties involved. Pronoun usage proved helpful as it distinguished the gender for many of the complainants and respondents (i.e. she did this...he said that...). The numbers, as seen in Figure 3.1,

clearly identify 36 female respondents, or 75%, which reflects the female majority found in the interpreting profession today. The data, however, does not provide a clear gender distinction for nearly half of the complainants; therefore, it is not possible to draw conclusions with regard to the gender of those who filed the complaints.

Figure 3.1 Gender Breakdown



Next I used the RID Code of Ethics to document where the issues presented in the grievances fell in terms of the eight tenets of the code. For example, violations counted under the first tenet addressing confidentiality were those that addressed behavior or actions using the term “confidential.” Others violations were not as clearly noted, so I reviewed the documents again, with frequent references to the eight tenets, and judiciously marked those tenets which I believed were represented in the narrative. For example, “in a public place, the interpreter disclosed that she worked at a video relay center and had interpreted for me in the past” and “the interpreter talked about the meeting to others” were tallied under Tenet #1 addressing confidentiality. Documents frequently noted several violations and therefore it was common to have the issues in one document tallied under two or more tenets.

After the initial Code of Ethics analysis, I reviewed all of the agreements and grievances again in light of the NAD/RID Code of Professional Conduct (CPC) to see if the issues raised in these documents under the previous Code of Ethics were more precisely addressed in this new, expanded code. During this analysis I noted: which tenet(s) addressed the issue(s) presented in the document; if the code offered greater detail or guidance with regard to the issue at hand; and which issues were not specifically addressed in this code. For instance, in one complaint the Deaf person was extremely upset that the interpreter showed up for a medical appointment and abruptly left with neither sufficient explanation nor her consent. This complaint was coded in reference to three illustrative behaviors in the CPC regarding Professionalism⁴, Respect for Consumers⁵, and Business Practices⁶.

The NAD/RID Code of Professional Conduct analysis was not intended to find precise wording or specific guidance to address every infraction present in the documents. Codes of ethics and professional conduct are not meant to offer verbose, detailed examples of behavioral norms and expectations within a given profession. Rather, according to Kidder (1995), a code's brevity is intended to provide a guide for professional conduct that reflects and upholds the core values and beliefs of any given profession (p. 86). Because the CPC includes guiding principles and illustrative behaviors, the analysis was intended to see if more clarity and guidance was offered on the key issues presented in these complaints than what was present in the eight tenets of the Code of Ethics.

⁴ Illustrative Behavior 2.2: "Assess consumer needs and the interpreting situation before and during the assignment and make adjustments accordingly."

⁵ Illustrative Behavior 4.2: "Approach consumers with a professional demeanor at all times."

⁶ Illustrative Behavior 6.2: "Honor professional commitments and terminate assignments only when fair and justifiable grounds exist."

Finally, I reviewed the documents again to ascertain the category of conflict and the category of interests that were present in each complaint. The tool used for this process was the Circle of Conflict, a commonly used diagnostic tool in conflict theory. This tool offers five categories of conflict: relationship, data, structural, value, and external/moods. The last category, externals / moods, was not tracked because a document analysis did not offer insight into the external forces and moods of the parties. The underlying interests were analyzed according to four categories of interests: substantive, process, psychological and those based on principle. In this round of analysis, I tallied the types of conflict and categorized the complainants' underlying interests as reflected in the documents. As was indicated in the earlier analyses, many of the complaints and grievances contained references to several types of conflicts and underlying interests, and were recorded accordingly.

To learn more about the resolution strategies and to further understand the process for filing complaints, specifically the reasons why grievances did not advance in the system, I noted two other sets of data from the documents. From the mediated agreements, I categorized the parties' action steps for resolution; namely, those tasks each party agreed to do after the mediation session ended to solidify their agreement, resolve their dispute and sometimes mend their relationship. From the grievances and the attached documents noting correspondence to and from the complainant, I noted the apparent reason(s) why the grievances did not move into the Ethical Practices System for resolution, either to mediation or adjudication.

Overall, much of the analysis was not clear cut and the data gleaned did not fall neatly into the tenets, conflict or interest categories. I spent a great deal of time reading

and rereading the documents, not only to be sure that I was reflecting the true intent of the words on paper, but also cautious not to overextend my interpretation and project what I believed to be the intent. “Is this a reach?” and “Could another person reading this document find the same conclusion?” were questions I asked myself throughout the document analysis.

Context for Documented Complaints

The random sample of 49 documents used for this study reflects nearly half of the total complaints filed with the Ethical Practices System from January 1, 1999 to July 1, 2005. During this period of time a total of 113 grievances were filed.

This study focused on the 31 grievances that did not meet the criteria for processing (Figure 3.2) and the 32 that were mediated successfully and reached agreement (Figure 3.3). Thus, the random sampling of 49 documents used for this study represents 78% of the 63 applicable documents and 43% of the 113 total grievances filed.

Figure 3.2 Total Number of Grievances

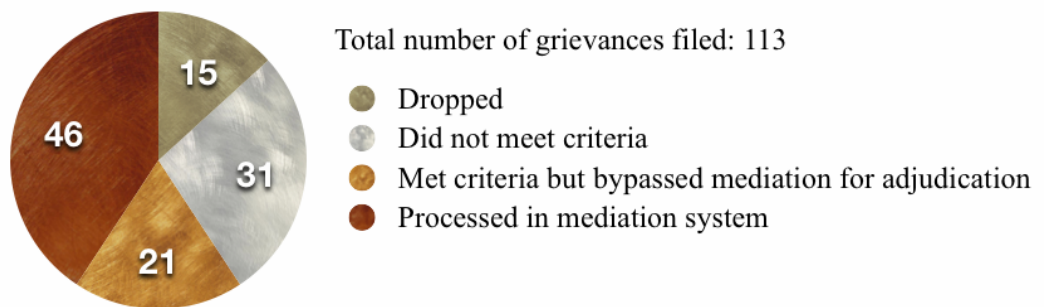
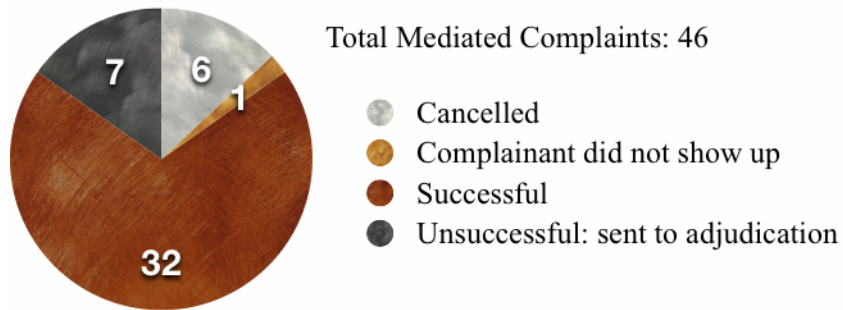


Figure 3.3 Total Number of Mediated Complaints



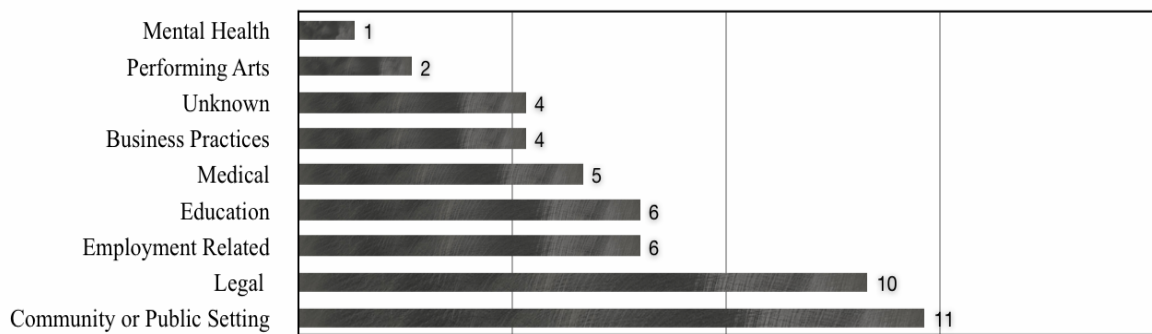
A significant finding of the analysis shows that 36 of the 49 complainants, or 78%, were Deaf consumers of interpreting services; only five complainants were interpreter colleagues and four were agencies with whom interpreters work. (See Figure 3.4.) This finding is important because it indicates a disproportionate dissatisfaction in Deaf consumers of interpreted interactions and it offers a focus for the remaining analysis of the data.

Figure 3.4 Complainants



Figure 3.5 shows the top 5 settings for the complaints: community or public event(s) – 11; legal – 10, employment-related – 6, education – 6, and medical – 5. It is important to note that all of these settings are high-stakes environments, where consequences of unethical behavior or conflicts between consumers and interpreters can have serious and potentially long-term ramifications.

Figure 3.5 Settings and Context



Mediator Interviews

Next I conducted personal interviews with five of the most experienced RID mediators to clarify and/or corroborate the findings in the literature review and the analysis of the data. The data analysis and interview portions of this research were designed for theory building incorporating the work of Rubin and Rubin (2004) and Maxwell (2005). The interviews included questions that drew upon the mediators’ experience and knowledge to further illuminate the sub-questions identified in this research, incorporated specific questions about the themes that emerged from the data as well as open-ended questions that uncovered deeper insight regarding the interests driving the complaints they have mediated. In addition to the resources mentioned above, the article “General Guidelines for Conducting Interviews” by McNamara (1997)

also informed the development of the interview questions. The final list of questions may be seen in Appendix I. The interviews, each approximately 60 minutes in length, were conducted by telephone, videophone, and instant messaging capabilities. The five mediators were chosen to reflect the following qualifications:

- a. The mediators facilitated a minimum of five mediations with the RID Ethical Practices System and therefore had greater firsthand knowledge and experience with the disputing parties and could respond to the questions with greater authority.
- b. Two of the mediators were Deaf and three were non-deaf so that a more evenly balanced cultural perspective was gained.
- c. One mediator was from the western region of the United States, two from the central region, and two from the eastern region which offered a greater balance of perspective from across the country.

This research, including the literature review, document analysis and mediator interviews offers a deeper understanding of the issues and underlying interests of the parties. Additionally, this work informed recommendations regarding education for students of interpreting, working interpreters and consumers of interpreting services so that disputes can be resolved before they escalate to the grievance process.

Validity

As a professional ASL/English interpreter and interpreter educator, I find the study of ethics, decision making and interpreting absolutely fascinating. This enthusiasm for the topic and passion for my profession will undoubtedly influence the lens I use while collecting and analyzing the data generated by this research. To address this

inherent bias and heighten the research validity, I incorporated throughout the data collection and analysis phases of the research the following validity tests as based on the work of Joseph A. Maxwell in *Qualitative Research Design* (2005, pp. 110–113):

- **Intensive, long-term involvement:** I have personally addressed ethical dilemmas and conflict resolution throughout my career and have experience mentoring colleagues and students on countless occasions regarding ethical and professional decisions. This experience afforded me a unique base of knowledge to draw upon as I gathered and analyzed the data collected.
- **Rich data:** In addition to the document analysis, I conducted 5 interviews with seasoned mediators in the RID Ethical Practices System. These mediators provided a trained, third-party perspective and deeper insight into the dispute resolution process and the underlying issues and interests driving the complaint process.
- **Respondent validation:** Throughout each interview I checked in with the interviewee to accurately understand their message. Immediately following each interview, I composed my notes and sent them to the interviewee for their review. One offered a brief addition to the notes I sent, which was incorporated into the notes and used in the analysis.
- **Searching for discrepant evidence and negative cases:** I sought information that challenged my assumptions and presented different perspectives on the research, theories and themes as presented in my work. I looked to colleagues and my thesis advisor for feedback that pushed back on my assumptions and biases.

- **Triangulation:** By conducting a literature review, document analysis, and interviews, I accessed multiple streams of information and utilized several methods for data collection, thus reducing the risk of producing biased results.
- **Quasi-statistics:** When analyzing the mediation agreements and complaints filed against interpreters, I statistically identified which of the tenets of the former Code of Ethics and the current Code of Professional Conduct applied to each complaint. These statistics further strengthened the analysis of the results.
- **Comparison:** During the interview portion of my research, I compared the responses of the five mediators to look for common patterns and anomalies. Additionally, I also compared the collective responses to the results gleaned from the complaint analyses and the literature review to discover commonalities and outliers in the data.

The potential for flaws in my data collection and interpretation of the results was real. I did, however, rely upon my thesis advisor, colleagues and readers to help me identify and correct those flaws throughout the process. The results and a discussion of those results will be presented in Chapter Four.

Chapter IV

Presentation of Results and Discussion

This study aimed to investigate grievances filed against ASL/English interpreters and uncover issues and underlying interests complainants possess that escalate a conflict to the level of filing a formal complaint. The results of the document analysis and mediator interviews are presented below. For the document analysis and responses to the interview questions that lent to such reporting, the results are offered in a series of tables and graphs. The responses to several interview questions, more qualitative by nature, follow in a narrative format to best capture the essence of the insight and experience shared.

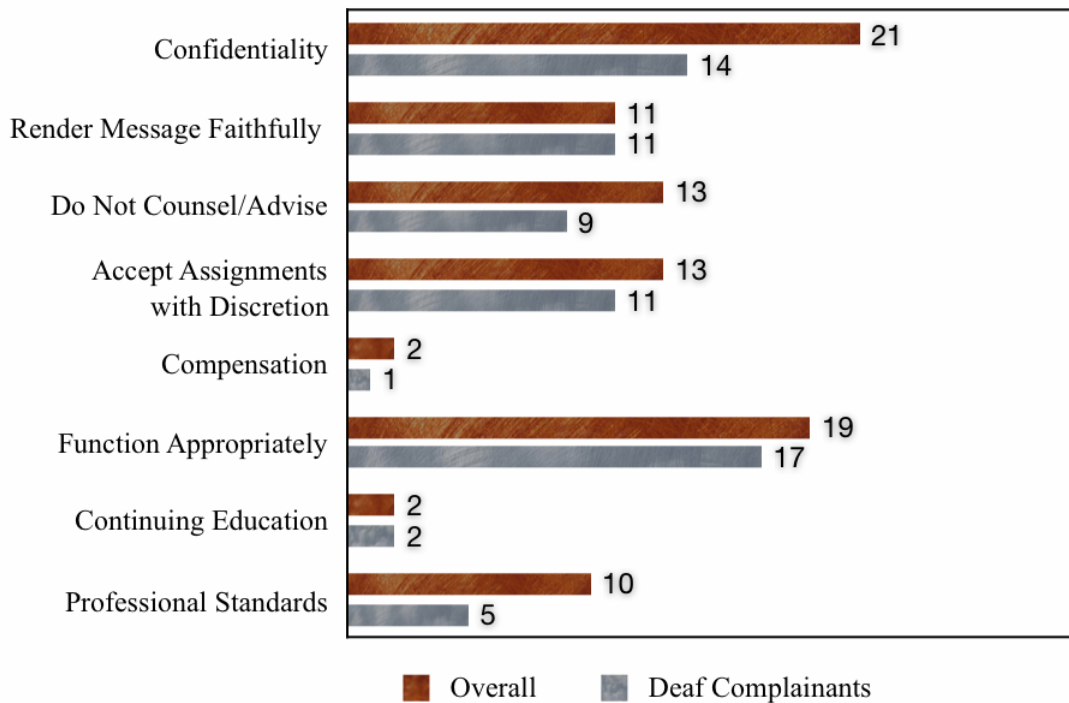
Issues in Light of the RID Code of Ethics

A total of 23 mediated agreements and 26 grievances were analyzed using the RID Code of Ethics. To further understand the data, the documents were separated and analyzed in terms of complainant groups.

The issues brought forth most often by non-deaf consumers and complainants from hiring agencies were those related to neutrality/impartiality and the maintenance of high standards in the interpreting profession. Interpreter colleagues, on the other hand, were most concerned by issues of confidentiality, and to a lesser degree about the interpreter functioning in a manner appropriate to the situation and requesting compensation in a professional manner. For a detailed breakdown of these complainant categories, please see Appendix G and Appendix H.

The 36 complaints brought forth by Deaf consumers represented 78% of the total complaints. The overall results and those of the Deaf complainant analysis are offered below in Figure 4.1.

Figure 4.1 Code of Ethics – Overall and Deaf Complainants



The breach in ethical behavior cited most frequently in all of the documents, and second most often in those involving Deaf complainants, explicitly identified in 21 and 14 of the documents respectively, was Tenet #1, confidentiality. Specific issues included concern for information the complainant deemed confidential that s/he believed the interpreter shared with other interpreters, the interpreter’s supervisor or hiring agency, or in a few instances, shared with other members of the Deaf Community.

The second most cited tenet in the overall documents, and the most cited category of the Deaf complainants, was Tenet #6, which directs interpreters to “function appropriately” in various situations. Commonly used terms by the complainants in an

effort to describe or further define “function appropriately” pertained to what the interpreter conveyed through behavior or demeanor. The interpreter was “not appropriate,” “unprofessional,” displayed “attitude,” did not act “professionally,” and/or displayed inappropriate or no “boundaries.”

Both sets of data show the third most frequently noted tenet is Tenet #4, which advises interpreters to use discretion with regard to accepting work assignments based on the nature of the work and their specific skill-set. The concerns pertaining to the interpreter’s self-awareness and judgment with regard to their qualifications and credentials were documented in Tenet #4. Specifically, if complainants identified issues with regard to how the interpreter misrepresented their qualifications, most often claiming they held certification when in fact they did not, they were captured within this tenet. Also included were issues related to interpreters new to the field accepting work the complainants believed they were not qualified to do. If the interpreter was unqualified for the work, yet there was no indication that the lapse of judgment was intentional, those issues were also captured within Tenet #2. In the Deaf complainant data, issues related to both Tenet #2 and Tenet #4 were noted in 11 documents.

The next most frequently noted tenet that was captured 13 times in all of the documents and nine times in those with Deaf complainants was Tenet #3, addressing the notion of neutrality or impartiality. Behaviors that indicated a transgression with regard to impartiality varied, from blatant examples of the interpreter “stepping out of role” and taking over some part of the interaction (i.e. completing a Deaf student’s class work, trying to diffuse an emotional exchange between the Deaf and non-deaf consumers, and “bad-mouthing” a Deaf consumer’s family member) to actively engaging in the exchange

between the complainant and the non-deaf consumer, or carrying on a conversation with the non-deaf consumer using spoken English and not signing, even though the Deaf consumer was present. Issues were often clearly marked with language stating the interpreter “stepped out of role,” and/or “displayed inappropriate or no boundaries.”

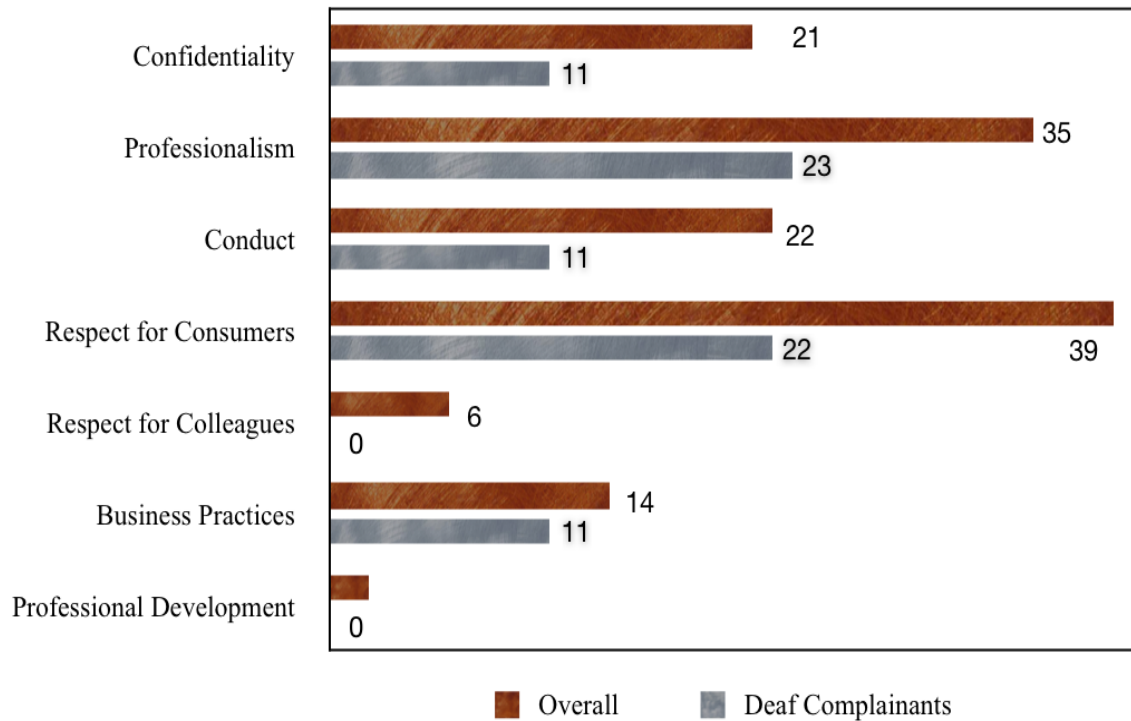
The last three tenets addressing professional standards, compensation, and professional development were less frequently cited, although of the three, maintaining professional standards was the highest, specifically mentioning professionalism and professional behavior in ten of the overall documents and five with Deaf complainants.

Issues in Light of the NAD / RID Code of Professional Conduct

Next, the documents were analyzed using the NAD/RID Code of Professional Conduct. The data showed that the top issue for non-deaf consumers and agency complainants was related to the CPC Tenet #5, Respect for Colleagues, as seen in three of the five documents. Concerns addressing Confidentiality, Respect for Consumers, and Business Practices were all mentioned in two of the five documents (see Appendix G). Within the documents reflecting interpreters filing complaints against interpreters, the areas of most concern were tied at three each: Confidentiality and Respect for Colleagues (see Appendix H).

The results of the overall analysis, and that of the Deaf complainant data, are presented in Figure 4.2.

Figure 4.2 Code of Professional Conduct – Overall and Deaf Complainants



This data reveals the top four areas of concern reflected in the documents when analyzed through the lens of the NAD/RID Code of Professional Conduct are: Respect for Consumers (39 / 22), Professionalism (35 / 23), Conduct (22 / 11) and Confidentiality (21 / 11). The Business Practices tenet was also represented in the Deaf complainant documents 11 times, which is the next most frequently noted area in the overall document analysis. The Deaf complainant documents contained no issues with regard to Respect for Colleagues or Professional Development.

Issues were further coded as they related to specific Illustrative Behaviors within each tenet.

Within Respect for Consumers, the top three Illustrative Behaviors were:

- 4.1 Consider consumer requests or needs regarding language preferences and

render the message accordingly (interpreted or transliterated). (9 / 10)

4.2 Approach consumers with a professional demeanor at all times. (18 / 14)

4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers. (11 / 9)

With regard to the tenet addressing Professionalism, the top Illustrative Behaviors were:

2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed. (11 / 11)

2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously. (10 / 9)

2.5 Refrain from providing counsel, advice, or personal opinions. (10 / 6)

The Illustrative Behaviors addressed most frequently within the tenet addressing conduct included:

3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings. (7 / 5)

3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively. (4 / 4)

3.4 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire. (3 / 3)

3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services. (3 / 3)

The Illustrative Behaviors most frequently referenced within the Confidentiality tenet were as follows:

- 1.1 Share assignment-related information only on a confidential and “as needed” basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities). (16 / 9)
- 1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g. shredding, locked files). (3 / 1)

Finally, when looking at the tenet addressing Business Practices, the Illustrative Behaviors showed:

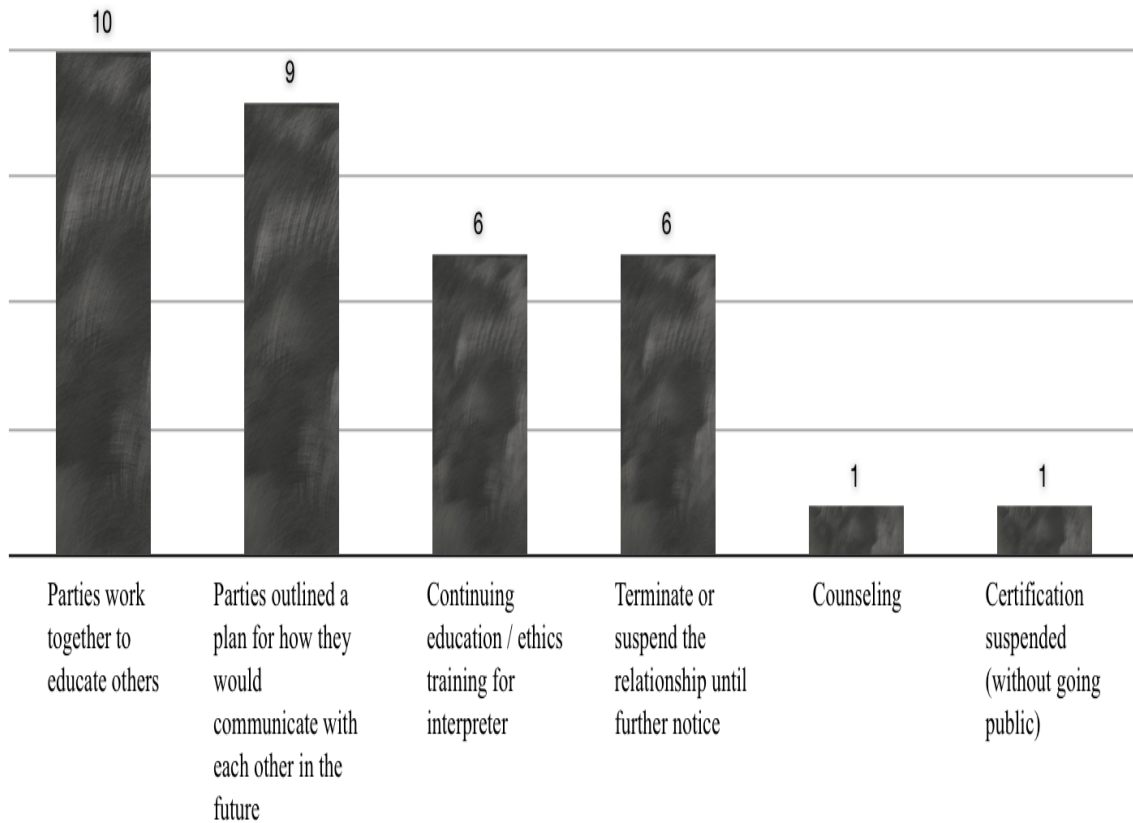
- 6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested. (4 / 4)
- 6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist. (4 / 4)
- 6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner. (4 / 2)

Conflicts Settled and Unsettled

Two other questions were explored in the document analysis: when the mediations were successful, what themes were found in the resolutions outlined in the mediation agreements? Why didn't the grievances move on to mediation?

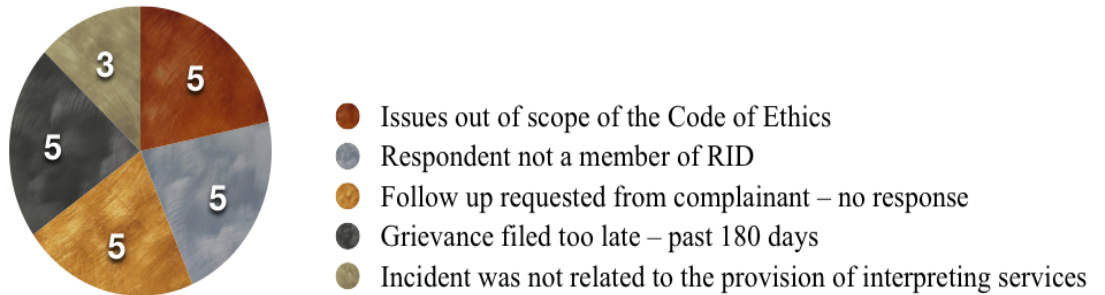
The data shown in Figure 4.3 presents the common themes found in the resolution statements of the mediation agreements. The most common action item agreeable to both parties was working together to address a larger, systemic barrier that contributed to the problem. For example, the parties agreed to work together to write a letter or develop a workshop to educate employees of the agency about working with Deaf people and interpreters. The next most often seen strategy for resolving the conflict was outlining a plan, often including parameters for how they would communicate with each other in the future. These strategies were followed by the interpreters attending some sort of continuing education event to address the gap in skills identified by the conflict, and terminating their working relationship.

Figure 4.3 Mediated Agreements – Themes in Conflict Resolution



The reasons grievances did not move forward in the EPS to the mediation process were split relatively evenly, as reflected in Figure 4.4. All except one of these categories (no follow up information received from the complainant), are specific policy requirements of the Ethical Practices System.

Figure 4.4 Grievances – Why They Didn’t Advance to Mediation

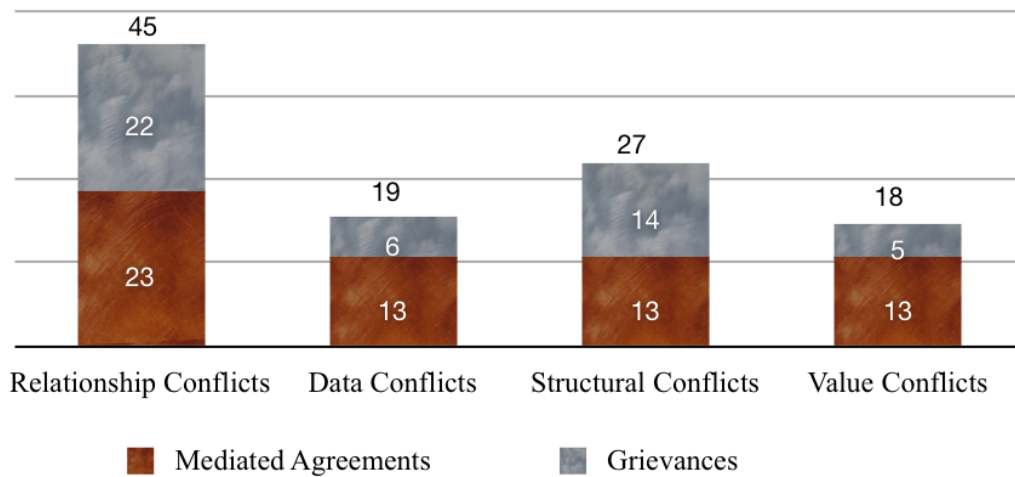


Issues and Interests in Light of Conflict Theory

Types of Conflict

To further understand the issues and interests driving complaints against interpreters, the grievances and mediated agreements were also analyzed using the Circle of Conflict, a classic diagnostic tool in conflict theory. The results of this analysis, as seen in Figure 4.5 on the next page, captured the four types of conflicts evident in the documents: relationship, data, structural or values.

Figure 4.5 Types of Conflict⁷



Overall, the most frequently noted conflict area is seen in the relationship category, represented in 45 of the 49 documents reviewed (92%). Relationship conflicts are those that are based on unclear or inadequate communication, misunderstandings and/or stereotypes. They contain strong emotions and generally are a result of repetitive, negative behavior. Two examples of relationship conflicts in the documents included a complainant’s concern when the interpreter spoke with the interpreter’s supervisor or hiring entity about concerns with the assignment; and when the interpreter spoke with others in the room and did not sign, the complainant believed s/he was sharing confidential information. When the emotions of the complainant were clearly evident, those were noted in this category. References to repetitive negative behavior or issues occurring over a period of time were specifically noted in 31 of the 45 documents (69%).

The next category was data conflicts, noted in 19 of the 49 documents (39%).

Data conflicts include those based upon information that is incorrect or that is interpreted

⁷ Note: 31 of the 45 documents possessing relationship conflicts included references to issues occurring over a period of time.

or assessed differently by the parties, particularly when they use different measures for deeming the information valuable. Data-related issues within the complaints included those pertaining to disagreements the complainant and interpreter had with regard to the interpreter's qualifications, particularly when it was evident that the interpreter did not agree with the complainants' assessment of his/her skills, what a good interpretation looked like, and the amount of information and preparation time an interpreter needed for an assignment.

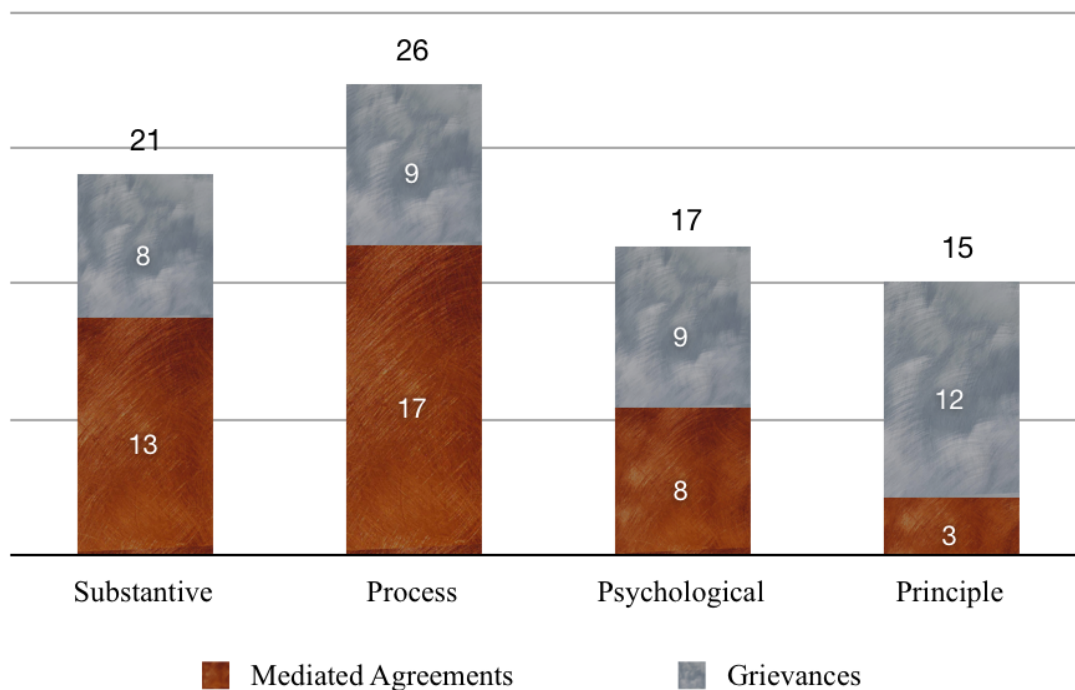
Structural conflicts were identified in 27 of the documents, representing 55% of the total. Conflicts in this category are generally caused by or related to the environment or systems around us and may include external factors that create barriers to allowing the parties to cooperate. These barriers may be related to constraints in time, physical barriers, limited resources, or issues relating to interactions or behaviors that are destructive. Unequal power and control, and issues with authority are also structural conflicts. Several structural conflicts found in the documents included those in which the hiring entity or other force within the system contributed to the conflict. For example, situations in which the hiring entity did not hire enough interpreters, gave the interpreter or complainant incorrect information regarding the time and date of the event, or other circumstances that escalated the conflict, were noted in this category. Other incidences included when the interpreters' actions were clearly destructive and viewed as usurping control of a significant part of the interpreted exchange, such as the interpreter completing a homework assignment for a Deaf student or when the interpreter stopped interpreting and tried to mediate a disagreement between the Deaf and non-deaf consumers.

The last type of conflict, found in 18 documents (37%) was related to values – those conflicts that were caused or ignited by convictions and beliefs about what was right or wrong, ethical or unethical, fair or unfair. Documented in this category were issues related to confidentiality, statements related to what the complainant deemed as inappropriate demeanor, truthfulness and those specifically mentioning the desire to protect other Deaf people or preserve a professional reputation.

Interests

The purpose of the next step in the analysis was to take an even deeper look at the issues and types of conflict, specifically identifying the underlying interests behind the conflicts. To do this, I analyzed the documents in terms of four interest categories: substantive, process, psychological and those based on principle. The results of this analysis can be seen below in Figure 4.6.

Figure 4.6 Interests



Process interests were the most frequently noted, referenced in 26 of the 49, or 53% of the documents. Process interests are those having to do with how a dispute is settled, however in these documents, the concept applied to the how the interpreted event occurred; not related to the actual interpretation, but how logistics were determined, where the interpreter stood or sat, who asked for clarification if the interpretation was not clear (the Deaf consumer or interpreter), when the assignment ended and how follow up appointments were made. To a lesser degree, how the interpreter got work and billed for the work also were placed in this category.

The second most frequently noted category of interests was substantive, seen in 21, or 43% of the documents. Generally, these interests have to do with something of substance such as money or time. Within these documents, the substantial element most frequently noted had to do with confidential information and interpreter qualifications. Conflicts addressing questions about confidential information (what is confidential information? What does confidential mean?), and the qualifications and skills of the interpreter (what does qualified mean?) were coded in this category. Additionally, and to a lesser degree, business practices and compensation were also captured in this category.

Psychological interests were reflected in 17 of the documents (35%). These were interests that concern the relationship and emotional needs of the parties. Within the documents, this applied to emotions explicitly expressed by the Deaf consumer related to feeling left out, disrespected, frustrated, and trust violated. With regard to the interpreter to interpreter complaints, expressed concerns about her/his professional reputation were also included in this category.

The category of interests based on principles, what the parties believe to be fair, right, acceptable or ethical, was evident in 31% (15) of the documents. Explicit phrases in the documents addressing these attributes, including those which included mention of not wanting this incident to happen again in the future to other Deaf people, were recorded in this category.

Additional Insights Offered by RID Mediators

Five RID mediators, representing 29% of the active mediator pool, were interviewed to gain additional insight from their experiences with regard to the issues and interests fueling complaints against interpreters. The following tables and narrative summaries present the data gathered from these interviews and within a theme of disputes and resolution processes. Some of the questions generated responses addressing the RID mediation system. Those insights may be found in Appendix J. Because the complaints filed by interpreters against other interpreters are not the primary focus of this study, the data gathered from the mediators related to those complaints are presented in Appendix H. A complete list of the interview questions, in the order in which they were asked, may be found in Appendix I.

Mediator Views on the Disputes and the Resolution Process

How do interpreters generally respond to a complaint brought against them by a Deaf consumer?

Overall, the terms offered to describe the interpreter's feelings included fear ("mortified" and "emotional, raw fear"), anxiety and worry. Two mediators also mentioned "bewilderment," specifically because interpreters sometimes come to mediation not understanding why the Deaf consumer was so upset.

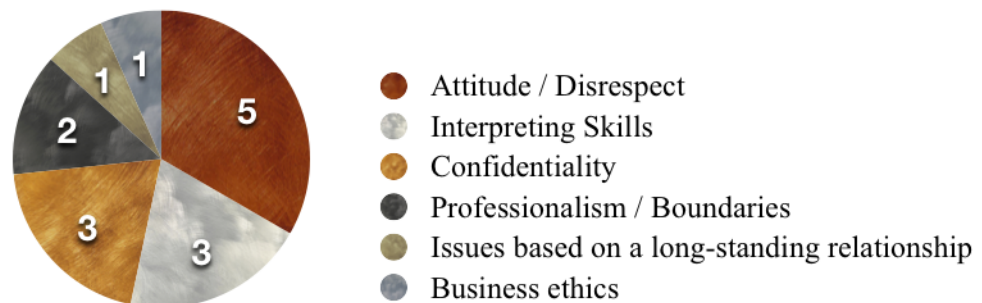
How do Deaf people generally respond to the mediation process and filing a complaint against an interpreter?

All of the mediators identified a difference in the Deaf complainants' responses from the beginning of the mediation and when it ends. They noted that Deaf people generally come in to mediation unsure of what to expect, many wanting the interpreter punished and/or their certification revoked. They are generally surprised by the process. By the end, however, most Deaf people are pleased, surprised (in a positive way) and feel empowered. One mediator summed up the transformation in this manner: "Deaf people are usually on the offensive. I think they come in with ideas of how to punish the interpreter. Then during the process, realize they can't, become a bit skeptical and, with the magic we do, finally warm up and realize how this can work for both of them."

What do you believe are the top three reasons Deaf consumers file grievances against interpreters?

Their responses are found in Figure 4.7.

Figure 4.7 Top Three Reasons Deaf Consumers File Grievances



All five of the mediators identified the attitude of the interpreter and feelings of disrespect as a common reason Deaf people file grievances against interpreters. One

mediator framed this response by saying “it is rarely about sign skill or the ability to interpret.”

The next most frequently mentioned reasons were issues related to confidentiality and interpreting skill. Professionalism and boundaries were also mentioned by two of the mediators.

One other mediator noted that the complaint often stems from “a long standing relationship with the interpreter. The grievance is based on long-standing issues.”

What do you believe “attitude,” “boundaries,” and “professional behavior” mean from a Deaf consumer’s perspective and an interpreter’s perspective?

The themes are captured for “attitude” in Table 4.1, “boundaries” in Table 4.2, and “professional behavior” in Table 4.3, with the complete listing of responses for all three terms found in Appendix K.

Table 4.1 Attitude

Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • Negative; equates to not being a good interpreter. • Often detected through visual cues – facial expression, body language, eye contact. • Disrespectful • Oppressive actions and behaviors <p>An interpreter with a good attitude is:</p> <ul style="list-style-type: none"> • serious about the work; • professional; shows up on time; • humble; • aware; knows when to leave an assignment; • respectful of Deaf Cultural norms; • not prejudiced. 	<ul style="list-style-type: none"> • Attitude is negative. • Conceited; when an interpreter expects a Deaf person to have a good attitude. <p>An interpreter with a good attitude is:</p> <ul style="list-style-type: none"> • professional; • respectful; • not oppressive; • humble; • not a caretaker or helper; • not in it for the money.

All of the mediators agreed that attitude is generally negative. From a Deaf perspective, they described attitude in terms of actions and visual cues. For instance, attitude is when an interpreter's actions are disrespectful and oppressive. Attitude may also be seen through an interpreter's facial expressions, body language and eye behavior.

When describing an interpreter with a good attitude from a Deaf perspective, attributes such as taking their job seriously, professional behaviors, humility, showing up on time, and respect were mentioned.

From an interpreter's point of view, the mediators also described attitude negatively. From this perspective, they described an interpreter with a good attitude as one who is humble and professional, and "not" several things: oppressive, a caretaker or a helper, and in it for the money.

A Deaf mediator offered a different view of what the interpreter perspective might be with regard to attitude, listing good sign skills, commitment to the profession demonstrated by paying dues, attending meetings and following the Code of Professional Conduct, and "has friends in the Deaf Community and appears to be all for Deaf people."

The mediators' responses to the question of boundaries (Table 4.2) identified some distinct differences between the Deaf and interpreter perspectives. Both perspectives see boundaries as a distance between the Deaf consumer and the interpreter. The mediators noted that from the Deaf perspective, boundaries are more fluid and controlled by the Deaf consumer. From the interpreter perspective, however, boundaries are established and maintained by the interpreter and serve as a way to maintain a professional distance and to help determine how much they do or don't get involved.

One mediator mentioned boundaries are a way to maintain professionalism by “keep(ing) the interpreter safe and out of trouble.”

Table 4.2 Boundaries

Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • Favor the Deaf consumer and support the interpreter as an ally. • Allow the Deaf person to control the situation. • Indicate how much the interpreter “takes over” for the Deaf consumer. • Are fluid and change depending upon what the Deaf person wants or needs. • Controlled by the Deaf consumer. 	<ul style="list-style-type: none"> • Draw a professional line between the interpreter and the Deaf consumer. • Determine how much the Deaf consumer can expect of the interpreter. • A way to protect the interpreter and maintain neutrality. • A way to determine how much and when to help and/or get involved. • Determined by the interpreter.

Unlike boundaries, the mediator responses when defining professional behavior from the Deaf and interpreter perspectives contained many similarities. From both perspectives, as seen in Table 4.3, professional behavior is defined by the situation and circumstance, and means different things depending upon the interpreter and the consumer. Standard business practices such as being on time and prepared for the assignment was mentioned from both perspectives. Responses unique to the Deaf perspective included mention of an understanding of Deaf norms, accepting feedback in an appropriate fashion from the Deaf consumer, and flexibility.

Table 4.3 Professional Behavior

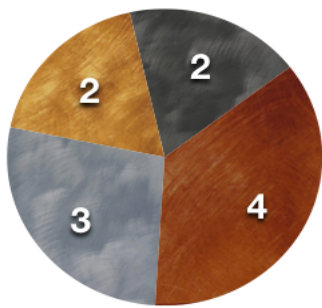
Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • Depends upon the consumer and/or the situation. • Supports the Deaf consumer. • Flexibility. • Standard business practices, e.g., friendliness, being on time, prepared for the work. • Understands Deaf norms. • Accepts feedback from the Deaf consumer. 	<ul style="list-style-type: none"> • Depends upon the consumer and/or the situation. • Standard business practices, e.g., being on time, prepared for the work, billing appropriately. • Being knowledgeable about the profession including following the Code of Professional Conduct. • Being balanced and neutral.

Please recall a mediation you facilitated that went extremely well. What do you think were the key factors involved in that mediation that made it go so well? What do you believe the parties learned about each other that they didn't know when the mediation began? What did the parties do or say to each other that made it a success?

The top three responses to each part of the question are presented in Figure 4.8.

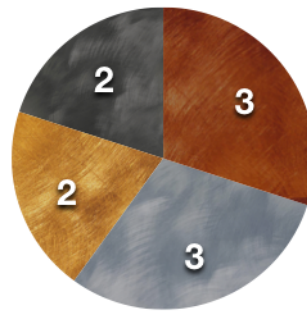
Figure 4.8 Elements of a successful mediation

Key Factors



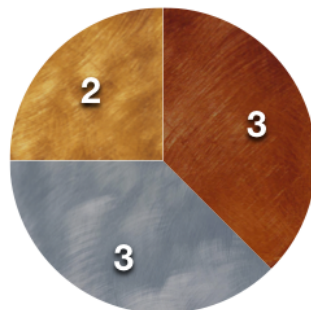
- Flexible/Open Minded
- Understood process
- Desire to resolve issues
- Bright and educated

What Parties Did or Said



- Tried to understand each other
- Planned to work cooperatively
- Apologized
- Listened and looked at each other

What the Parties Learned



- Empathy
- Motivations, reasons and effects of actions
- Conflicts can be negotiated successfully

According to the mediators, whether or not the mediation was successful was dependent upon the parties and how they approached the mediation. The parties' flexibility, open-mindedness and willingness to engage in the process were the characteristics mentioned by nearly all of the mediators. A working knowledge of what to expect in the mediation and a desire to resolve the issues were also noted.

During successful mediations, the parties most often gained empathy. The parties learned about the motivation and the reasons why the other did what they did; in turn, the other party gained an appreciation for how their decision(s) affected the other.

With regard to what the parties did or said to make the mediation a success, the two actions mentioned most often by the mediators were 1) the parties tried to understand each other, and 2) made plans to work cooperatively in the future. With regard to building empathy and understanding the other, one mediator recalled seeing/hearing phrases like "wow, that was not my intent!" and "wow, I didn't realize that."

Two mediators mentioned apologies yet both clarified *what kind of apology* made the mediation most successful. One mediator said that apologies that mean "it's all my fault" are not helpful. The apologies that are heartfelt are most effective, such as "I'm sorry I did this and caused you this pain" and "I'm sorry that this made you feel that way."

What behaviors or topics escalate and diffuse conflicts?

The responses mediators offered most frequently are found in Table 4.4. Behaviors that were mentioned by all five of the mediators included visual cues from a party that were negatively received by the other. For example, facial expression, how the person sat (appearing engaged in the process or slouched, as if to say "I'm not

interested”), and/or not maintaining eye contact. Additionally, if the parties do not understand the mediation process, this can cause frustration and further escalate the conflict being addressed in the mediation.

Conversely, those behaviors that most often diffuse a conflict are the visual cues demonstrating engagement, such as leaning forward, maintaining eye contact, and actively listening and attending to the other party. Showing signs of empathy by making statements conveying understanding. Another element three mediators identified was being able to rely on the mediation process, a structured process for facilitating the communication. When conflict starts to escalate, relying upon norms that were established and the process of mediation offers a means for diffusing the conflict.

Table 4.4 Behaviors or Topics That Escalate and Diffuse Conflicts

Escalate Conflicts	Diffuse Conflicts
<ul style="list-style-type: none"> • Visual cues that are received negatively (facial expressions, positioning, body language, not maintaining eye contact). (5) • When parties don’t understand the mediation process. (3) • Parties locked into positions. (3) • Accusations. (2) 	<ul style="list-style-type: none"> • When parties actively listen; when they have eye contact with and/or lean toward each other. (4) • Showing signs of empathy. (4) • Relying on the parameters and structure of the mediated conversation. (3)

What is your sense about the agreements that parties come to with regard to resolving their conflict?

Most of the mediators interviewed spoke positively about the agreements that the parties reach in mediation. Collectively they identified several elements that are present in strong agreements, including: accuracy, clarity, measurable and realistic plans with timelines and follow through activities clearly identified. One mediator mentioned RID’s

desire to produce fair and equitable agreements, encouraging the mediators to list equally what each party will do as part of the resolution.

Two of the mediators addressed the challenges for the mediator in writing the agreements. One identified writing the agreement as the most difficult part of the entire process. Another mediator mentioned a systemic need for more training on how to write effective mediated agreements. Despite these comments, overall the mediators felt positively about the agreements.

What one thing would you recommend interpreters do (or stop doing) in order to stop making Deaf people mad?

The number one recommendation mentioned explicitly by four of the mediators was to “be more respectful.” Specifically, they suggested gaining a deeper appreciation of Deaf people, their language and culture and being respectful of confidential information. Another mediator simply said “you have to be nice!” Other advice for interpreters included honing their work ethic by showing up at appointments on time and coming to the job prepared.

Three suggestions were offered with regard to what interpreters should stop doing: stop being self-centered; stop trying to control Deaf people’s lives; stop taking work that is outside of her/his skill-set and credentials.

What one thing do you wish Deaf people understood about interpreters that might help mitigate conflicts?

Four of the five mediators explicitly stated that they wished Deaf people understood how difficult interpreting is, not only from a physical perspective, but more so for the complexities of the countless judgments and decisions interpreters must make

during each interpreting assignment. One mediator made this comment and immediately started processing her response out loud, saying that she really didn't want to say that because it was never going to happen and "why should Deaf people have to understand the complexities of the work?" She did not explore this additional question any further, but rather chose to offer a different response.

The second most frequent comment was simply that interpreters are human and will make mistakes. One mediator expanded this notion by adding that interpreters really do work hard and have the Deaf consumers' interests in mind. Another added that she wished Deaf people understood that when an interpreter makes mistakes, it does not automatically mean that the interpreter will make the same mistake again with others and that the entire Deaf Community must be protected from that interpreter.

There were several other wishes identified by the mediators worth noting. One included an understanding that interpreters are there to provide *equal* access, although it seems that is not always what Deaf people want. Another noted that all interpreters are different, each with their own set of skills and knowledge. Two mediators expressed wishes that Deaf people understood that CODAs,⁸ or their favorite interpreters are not always the best interpreters for the job.

What other thoughts do you have regarding conflict resolution within the interpreting and Deaf communities? What else do you think I should know?

The most common response to this question, mentioned by three mediators, referenced a need for further education and promotion of the mediation system. Deaf consumers and interpreters need more information about how mediation works and what

⁸ CODA is an acronym for Child of Deaf Adults.

they can expect from the process. Tied to education addressing education is the need to promote the RID mediation system as an effective means for resolving disputes between consumers and interpreters, or interpreting colleagues. The mediators also underscored their own need for further education in mediation and dispute resolution to support and improve their work with the system. A desire to explore intercultural aspects of mediation and different mediation approaches were also specifically mentioned.

Two mediators underscored their belief that misunderstandings and miscommunication were the underlying reasons for the majority of the disputes that they have mediated within the RID system. Despite what people say are the problems, they really boil down to misunderstandings and miscommunication.

Discussion

The discussion of this data is divided into two frameworks. The first offers an examination of issues and interests in categories reflective of the interpreters' ethical code. The second framework examines the conflicts and interests using the Circle of Conflict model.

The document analysis and subsequent mediator interviews showed that the issues and interests present in grievances filed against interpreters fell into five major categories: Confidentiality, Attitude and Respect, Impartiality and Boundaries, Professional Behavior, and Technical Interpreting Skills.

Confidentiality

The most frequently cited breach in ethical behavior, explicitly identified in 21 of the documents, was confidentiality.⁹ A major issue cited in several of the mediated

⁹ RID Code of Ethics: "Interpreters shall keep all assignment-related information strictly confidential."

agreements was rooted in the fact that the complainant and respondent held very different views with regard to the definition of “confidential” information: what information within the setting was considered confidential, and if or how confidential information might be shared. Fortunately, it appears from the mediated agreements that the parties in several mediation sessions further clarified what confidentiality meant from both parties’ perspectives.

Within the analysis, confidentiality was one of the top three areas to which the Code of Professional Conduct has given more specific guidance or clarity: “interpreters adhere to *standards of confidential communication*” (emphasis added). This tenet, and accompanying Guiding Principle¹⁰, offer a broader, more realistic view of confidential information and suggests that there are various standards for handling it within professional settings. The Guiding Principle within the confidentiality tenet and Illustrative Behavior 1.1¹¹, specifically address the issues raised in 18 of the 21 complaints when the sharing of confidential information was in question. Two of the remaining three complaints addressed confidentiality in terms of invoicing for services, which were addressed in Illustrative Behavior 1.2.¹² One complaint that mentioned confidentiality was based on hearsay and did not offer enough detail to discern whether or not the code addressed the issue at hand.

¹⁰ Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved. Each interpreting situation (e.g. elementary, secondary, and post-secondary education, legal, medical and mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

¹¹ Illustrative Behavior 1.1: Share assignment-related information only on a confidential and “as-needed” basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).

¹² Illustrative Behavior 1.2: Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).

In the conflict analysis, the interests underlying conflicts regarding confidentiality were most frequently substantive and procedural. The “substantial” element in dispute was the confidential information and the process in dispute was how the information was shared, with whom it was shared, and for what purpose. If the emotions around the issue of confidentiality were explicitly raw and suggested a deeper pain, interests were also coded as psychological.

These disputes most often were noted as relationship conflicts, characterized by the strong emotions seen in the documents, particularly in the grievances. The mediated agreements shed light on the misunderstandings that were clarified by the parties around issues of confidentiality, supporting the placement in this category. Some of the conflicts relating to confidentiality were also noted as structural and value categories.

Despite the high number of incidences relating to confidentiality reflected in the documents, this was not the top issue identified by the mediators when asked to name the top three reasons they thought Deaf people filed complaints against interpreters. While they mentioned it frequently enough so that it was one of the top three (confidentiality tied with professionalism and boundaries, and inadequate skills), the issue identified by four out of the five mediators was related to interpreter attitude and consumers feelings of being disrespected.

Attitude and Respect

There is no mention of “attitude” in the Code of Ethics or in the NAD/RID Code of Professional Conduct, yet this word and related themes, such as respect (or lack thereof) permeated the documents. Despite having neither an overt mention of attitude nor any apparent means to address this within the Ethical Practices System, it is

particularly intriguing to note that the second most cited tenet in the agreements and grievances was Tenet #6, which directs interpreters to “function appropriately” in various situations.¹³ “Function appropriately” is a nebulous phrase open to wide interpretation and with great potential for conflict, yet also appeared to serve as an open door to the grievance system for those issues related to attitude. Commonly used terms by the complainants in an effort to describe or further define this concept frequently pertained to what the interpreter did or conveyed through behavior or demeanor. The interpreter was “not appropriate,” “unprofessional,” displayed “attitude,” did not act “professionally,” and/or displayed inappropriate or no “boundaries.”

With regard to the Code of Professional Conduct, this idea of attitude is addressed in a broad sense within the area addressing respect for consumers. When coding the issues presented in the documents, Respect for Consumers was one of the top three areas of the CPC that provided the most specific guidance or clarity. Themes related to respect for consumers were explicitly seen in 25 of the documents analyzed. The illustrative behavior that applied to 18 of the documents was the one that addresses “professional demeanor.”¹⁴ Professional demeanor, like “function appropriately,” is rather obscure and is challenging to define in this context because the definitions vary depending upon an individual’s world view, experience and cultural competence. As a result, the differing interpretations of the term become a source of conflict.

According to the dictionary, demeanor is defined as “conduct or behavior” (www.dictionary.com, October 21, 2007). “Attitude” is listed as a synonym for demeanor. The dictionary definition reinforces the categorization of attitude as

¹³ “Interpreters shall function in a manner to be appropriate to the situation.”

¹⁴ Illustrative Behavior 4.2: Approach consumers with a professional demeanor at all times.

professional demeanor. Therefore, the patterns in the grievances related to professional demeanor and attitude seem to offer even more clarity on what these concepts mean with regard to working with interpreters.

An example of disrespect and attitude explicitly noted in six of the documents addressed the interpreters talking to non-deaf people in the presence of the Deaf consumer without signing, consequently leaving the consumer out of the exchange and without any opportunity to “overhear” or monitor what was said. When coding this data using the Code of Professional Conduct, this issue was noted under the heading “Respect for Consumers” and more specifically within Tenet 4.4,¹⁵ stating that interpreters are to facilitate communication so that the consumers are equal participants in the interaction. This issue, like many others, was framed with terms like “disrespect” and “attitude,” and included a sense of indignation, frustration, and urgency, reflecting a desire for this not to happen to other Deaf people in the future.

Other examples of attitude surfaced in terms of acting overbearing and controlling. Deaf complainants expressed concerns that the interpreter was “overcontrolling,” telling office personnel to “hurry up because she has to leave,” and in one particularly blatant example, the Deaf complainant stating “she is like a BOSS-MOTHER to us.” One Deaf complainant ended the grievance with “is it appropriate for interpreter to tell me what to do? Tell me.”

This notion of attitude was further explored during the interviews with the RID mediators. Each mediator was asked to define “attitude” from two different perspectives: a Deaf perspective and an interpreter perspective. When defining “attitude” from a Deaf

¹⁵ NAD/RID Code of Professional Conduct, Tenet 4.4: “Facilitate communication access and *equality*, and *support the full interaction* and independence of consumers” (emphasis added).

perspective, the mediators' generally began by presenting it in a negative light, and not in terms of something that was directly said but something that was visibly noticed in an interpreter's facial expression, body language and/or behavior. One mediator defined attitude rather succinctly: attitude is when "you are not a nice person." Another mediator took that definition a step further to say that attitude was when "an interpreter puts a Deaf person down; oppresses them." Another mediator framed the definition positively and noted that an interpreter with a good attitude is one who "takes his/her job seriously, is professional, does not seek attention or recognition for his/her work by everyone around them, shows up on time, respects Deaf norms, and leaves when the Deaf person is done." Attitude is about respect, cultural understanding and competency.

The document analyses and the mediator's definition from a Deaf perspective further inform and support the definition of attitude that Witter-Merithew and Johnson (2005) illuminated when conducting interviews with Deaf consumers. In their work, themes of respect and cultural competency were found throughout the interviews. One interviewee eloquently stated:

Interpreters convey the impression to deaf consumers that interpreters are "owed" or that the Deaf Community is obliged to the interpreter. This expression of superiority that is expressed by some interpreters makes many deaf people uncomfortable and perpetuates the notion that interpreter's attitudes are not in line with the expectations of the Deaf Community – their behavior is not based on mutual respect, or a mutual goal of improving communication access. (p. 36)

When the mediators were asked to consider the definition of attitude from an interpreter's perspective, the non-deaf mediators (who are themselves interpreters) identified several attributes. They said an interpreter with a good attitude is one who approaches the work appropriately and professionally, not from a stance of oppression or as a care-taker for the Deaf consumers. One noted that interpreters who "get it" know

attitude means “humility, remembering why you are in the profession – not to be a caretaker, a helper, or in it for the money. They understand how to dress, how we speak to Deaf and hearing consumers, how we present ourselves and the language we use. Not just ASL and English, but also the register we use.”

Another definition offered by a Deaf mediator identified attitude from an interpreter’s perspective in terms of measurable actions: “it means signing well, having friends in the Deaf community, following the Code of Professional Conduct strictly (to their interpretation), paying their RID dues and going to meetings, and appearing to be all for Deaf people.” While there were common themes shared by both the Deaf and interpreter perspectives, such as the negative and disrespectful nature of attitude, several key elements from the interpreter perspective seemed to miss the point with regard to possessing a deeper understanding and appreciation for the Deaf experience, and oppressive behaviors. The interpreter perspective included several elements that were tangible and measurable but were based on more superficial action that did not reflect a deeper appreciation of core values and beliefs one would expect to be shared (or at least recognized) by an interpreter. This inconsistency across definitions suggests that there is a disparity between Deaf people and interpreters with regard to how “attitude” is viewed, defined and measured. This misperception, particularly when it is perpetuated over time, is a source of conflict with serious ramifications within Deaf consumer and interpreter relationships.

Impartiality and Boundaries

Another source of conflict with serious ramifications is found in the complaints cited in the third highest category in the Code of Ethics analysis. This Tenet #3

addressing impartiality¹⁶ was cited 13 times. Behaviors that indicated a transgression with regard to impartiality varied, from blatant examples of the interpreter “stepping out of role” and taking over some part of the interaction (i.e. completing a Deaf student’s class work, trying to diffuse an emotional exchange between the Deaf and non-deaf consumers, and “bad-mouthing” a Deaf consumer’s family member) to actively engaging in the exchange between the complainant and the non-deaf consumer, or carrying on a conversation with the non-deaf consumer using spoken English and not signing, even though the Deaf consumer was present. Issues with boundaries were very clearly marked with terms stating the interpreter did not act “professionally,” “stepped out of role,” and/or “displayed inappropriate or no boundaries.”

When exploring the definition of boundaries from the Deaf and interpreter perspectives with the RID mediators, each view held a common understanding that a boundary is a line or a distance between the interpreter and the Deaf consumer. Significant differences were in reference to *who* drew that line, how wide or close the distance is between the two and perhaps most importantly, *who* controlled the line or distance when it was moved or adjusted.

In their view of the Deaf perspective, mediators implied that the boundaries drawn by Deaf consumers were sometimes too close or unrealistic, as in “you (interpreter) are on *my* side of whatever fence there is here today.” Two other mediators offered differing explanations for this expectation. One felt that while boundaries have their place, “there is also a time when they need to be set aside and the interpreter needs to help. When the boundaries are set aside, the interpreter can be human and friendly.” Another mediator said that many Deaf consumers simply “do not know the role of the

¹⁶ “Interpreters shall not counsel, advise or interject personal opinion.”

interpreter or the profession. So they are very lenient.” A different perspective was offered by another mediator who believes that successfully maintained boundaries are achieved when the Deaf person takes the lead in establishing and clarifying the line: “interpreting when the Deaf person wants, not interpreting when the Deaf person doesn’t want, and when the interpreter allows the Deaf people to be in charge of the situation.”

The definition of boundaries from the mediators’ perceptions of the interpreter perspective implied a line that is drawn between the interpreter and the Deaf consumer that had much less flexibility in movement. It was sometimes perceived as a restriction or a barrier to doing the job well, and was the responsibility of the interpreter to determine. “I (the interpreter) have to put a professional line between us. I have been taught to draw that line – whether or not I did so is questionable.” Another mediator referred to boundaries as a safety net for the interpreter, “a way to keep the job clean. Not to become too involved and can keep the interpreter safe and out of trouble.”

Like the perspectives on attitude, there are distinct differences in understandings and perspectives regarding boundaries. The crux of the difference seems to lie in who determines the boundaries, how transparent they are and how the boundary is maintained. An even more significant difference lies within the underlying interests: the Deaf perspective appears to be based on empowerment and self-determination; the interpreter perspective, for some, on professional responsibility and integrity of the work, for others, on the strong desire to help.

Professional Behavior

Directly related to boundaries, and equally as important, is the concept of professional behavior. Professional behavior is an overarching term that can encompass

many if not all of the previously mentioned issues, depending upon how one defines it. Often within the grievances and complaints, professional behavior overlapped with the fifth category of issues, technical interpreting skills. The most explicit examples of violations in this category primarily fell within Tenet #4, which advises interpreters to exercise judgment and care when accepting interpreting assignments, taking into consideration their skill level, the setting and the consumers.¹⁷ Tenet #4 was cited 13 times and tied as the third most frequently cited tenet. In addition to technical interpreting skills, Tenet #6 which directs interpreters to “function appropriately” in various situations,¹⁸ also informs this category. The descriptors used by the complainants to define professional behavior and to convey dissatisfaction in that regard again included phrases like: the interpreter was “not appropriate,” “unprofessional,” and did not act “professionally.” The range of examples cited to illustrate this behavior included many of the issues already mentioned in the other categories, including those in which the interpreter was actively involved on his or her own behalf in the communication exchange. In addition, professional behavior also included incidences when unqualified interpreters misrepresented their skills and credentials to the hiring agency as well as behavior inconsistent with what is expected within the role of an interpreter. For example, several grievances mentioned interpreters working in courts and law-related environments who represented themselves as certified interpreters with credentials in legal and medical interpreting. The Deaf consumers in those instances later found out, after struggling to understand the interpretation, that the interpreters were not certified at all. Another complainant mentioned several times that the interpreter s/he was working

¹⁷ “Interpreters shall accept assignments using discretion with regard to skill, setting, and the consumers involved.”

¹⁸ “Interpreters shall function in a manner to be appropriate to the situation.”

with behaved unprofessionally by answering his/her cell phone while interpreting, and by sleeping on the job.

The section of the Code of Professional Conduct addressing professionalism applied to 23 of the documents, and contained Illustrative Behaviors applicable to 21 issues presented. The three Illustrative Behaviors that most frequently applied addressed 1) the assessment of consumer needs and the interpreting assignment, and making adjustments accordingly¹⁹; 2) the integrity of the interpretation (like the previous code) adding guidance for when and how to correct errors²⁰; and 3) impartiality.²¹ The concern about professional behavior addressed *how* the interpreter made (or did not make) adjustments to the interpretation and how s/he corrected errors. Interestingly, the issue of misrepresentation was not found in the CPC under professionalism, but listed in Illustrative Behavior 6.1 under business practices.²²

Technical Interpreting Skills

The next (fourth) most frequently referenced tenet, with 11 tallies, was Tenet #2, addressing the integrity and comprehensibility of the interpretation.²³ The issue that was regularly mentioned was that the interpreter was “unqualified” for the event, and possessed inadequate skills; and therefore, the consumer was not able to access and understand the message. As was mentioned earlier, these issues were also directly

¹⁹ Illustrative Behavior 2.2: Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.

²⁰ Illustrative Behavior 2.3: Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.

²¹ Illustrative Behavior 2.5: Refrain from providing counsel, advice, or personal opinions.

²² Illustrative Behavior 6.1: Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation as requested.

²³ RID Code of Ethics “Interpreters and transliterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.”

addressed within the area of professionalism in the Code of Professional Conduct. It is interesting to note that in the complaints reviewed for this research, consumer frustration with technical skills and understanding the message was cited less frequently than issues of professional judgment and interpersonal skills. This seems to suggest that a) the attributes and characteristics that fall under the umbrella of “attitude” are important and valued more than interpreting skills and b) a poor attitude and judgment are tolerated less than weak interpreting skills.

Conflicts and Interests Analysis

The data analysis revealed several significant findings:

- 1) relationship conflict was the most prevalent,
- 2) process interests were the most noted,
- 3) substantive interests were highly prevalent.

The most prevalent type of conflict in the grievances and mediation agreements was relationship conflict. These conflicts, characterized by strong emotions, poor communication, miscommunication, and negative behavior occurring repeatedly over time, were noted in 92% of the documents. This is a significant finding, not only because building relationships, rapport and trust are significant elements in the work of interpreters, but also because of the insights it offers into the complexities inherent in relationship conflicts. This finding can further inform strategies for addressing these types of conflicts to not only resolve them when they occur but also to manage them through education efforts and possibly alleviate them before they happen.

A second significant finding in this study was discovering process interests as the most noted throughout the documents. Deaf people are telling us, through these

documents, that for the most part, they want to be involved in making decisions with regard to how an interpreted event proceeds. The decision-making involvement is not with the interpretation, per se, as demonstrated in the proportionately lower concern regarding interpreting skills and the lack of interest in the professional development areas of the Code of Ethics and Code of Professional Conduct but rather in deciding where the interpreter sits or stands, how clarifications are made, and how the non-deaf consumer is told about how to work with an interpreter. When they are not involved in this decision-making process, particularly by not being asked, or by being ignored when they try to engage in the process, or when the interpreter talks with the non-deaf person without signing, they detect “attitude” and as a result feel deeply offended and disrespected.

Finding substantive interests so prevalently noted in this study also offers significant insight into conflict resolution among Deaf consumers and interpreters. It was interesting to discover and consider confidential information a substantive interest in disputes. Confidentiality has historically been a significant part of the interpreting profession and the Code of Ethics. Respecting and honoring confidential information is the cornerstone for developing trust between interpreters and Deaf consumers. The profession has recognized that there are professional standards for dealing with confidential information, as seen in the Illustrative Behaviors under the confidentiality tenet of the Code of Professional Conduct. If we begin looking at confidential information as something of substance that both Deaf people and interpreters value, and begin discussing if, when, why and how that information is or is not shared, we will be addressing mutual interests in process and substance.

When considering the Circle of Conflict as a tool for diagnosing and resolving conflict, Furlong (2005) explains that the circle is split into two halves, with Values, Relationships and Externals/Moods on the top of the circle, and Data, Structure and Interests on the bottom. He suggests that to resolve conflicts effectively, one must focus resolution strategies on the latter group, Data, Structure and Interests, because you cannot directly solve Values, Relationship or Externals/Moods conflicts with the other party (p. 38). I do not believe this limitation categorically applies to the relationship conflicts seen in this study nor those in the field of interpreting. While there will naturally be disputes that will not reach resolution, I believe utilizing the findings in this study, including those insights gleaned from the mediator interviews with regard to what is working in the RID mediation process, can help address relationship conflicts in the field of interpreting.

The themes found in the data gathered from the mediator interviews are revealing. Having an opportunity to sit down to process disputes, in a structured and facilitated fashion, is clearly an important step in resolving conflict. However, the community's general lack of awareness about the mediation process, the systemic necessity to have a formal process and parameters for filing a complaint to participate in the process, and the party's misunderstandings and erroneous expectations of the process based on the old grievance system all create barriers to the process for both Deaf consumers and interpreters. They also pose challenges for the mediators when facilitating those disputes. The mediators are steadfastly dedicated to the process and do an admirable job despite these barriers.

The mediators identified empathy, understanding the motivations behind decisions, as well as the effects those decisions have on the other party as critical building

blocks to resolution. Empathy included interpreters possessing a deeper, “real” understanding of Deaf culture and norms and Deaf people having a greater appreciation for and understanding of the difficulty of the interpreting work. Other building blocks for resolution include holding a facilitated discussion with enough of a structure to manage conflict that may arise and having an opportunity to share perspectives and actively listen to the other.

As I began this research and reviewed the data collected, two compelling questions crossed my mind. First, I wondered if the issues that brought people to the mediation process in the Ethical Practices System were indeed based in ethics or were they, as the work of Witter-Merithew and Johnson (2005) found, also based on interpersonal skills and cultural competency (or lack thereof). The data within this study suggests that violations in ethics and ethical decision making are found within many of the complaints. The RID mediation system serves these disputes well. There are, however, a significant number of complaints that indicate clear deficits in the areas of interpersonal skills and cultural competency that are fueling conflicts between Deaf consumers and interpreters. This begs the second question: is the RID mediation system the most effective and efficient means for processing disputes that are not soundly based in violations of ethics, but are more about misunderstandings, poor interpersonal skills and gaps in cultural competence? I do not believe so. The system is admirable and the mediators and RID staff who tirelessly work on this system must be commended for their fine work on this effort. There must, however, be another alternative to support and facilitate dispute resolution within the community that does not necessitate procedural and financial burdens inherently found in a large system.

One of the unexpected findings of this research, particularly when looking at the mediated agreements, was the relatively high number of times the resolution of the dispute in mediation was to terminate the relationship (six out of 26 agreements, or 23%). I incorrectly assumed that because mediation is generally a collaborative, integrative approach to conflict resolution, that when resolution was reached, it would result in some common understanding and repairing, on some level, of the relationship. While terminating the relationship is technically a resolution to the conflict, I was not expecting it to be as common as it was. This also made me wonder, would the outcome of those six mediations have been different if there was a community-based resolution option for the parties to utilize before their dispute reached the point of escalation that drove them to file a grievance?

This study, and all of the findings, raises additional questions: how can we capture the benefits of the mediation process for resolving disputes and bring them back to the community? How can we effectively address and clarify issues related to confidentiality, attitude and respect, impartiality and boundaries, professional behavior and interpreting skills? How can we build empathy and clear up misunderstandings and miscommunication at home, before the conflicts escalate to the point of filing a grievance? How can we uncover those process and substantive interests with each other, directly, and address those relationship conflicts occurring in our profession? The next chapter will address the summary, recommendations and conclusion.

Chapter V

Summary, Recommendations, Conclusions

Summary

It is essential to identify and examine the issues and underlying interests fueling disputes when pursuing a deeper understanding of conflict in the field of American Sign Language/English interpreting. This study examined grievances filed against interpreters within the RID Ethical Practices System to uncover and understand more clearly the issues and interests igniting and escalating conflicts to the level of formal complaint. The conceptual context outlined decision-making models currently present in interpreter education and research based in theories of conflict and dispute resolution, including a diagnostic tool and framework for identifying types of conflict and underlying interests.

Document analysis of 49 mediated agreements and grievances was conducted to systematically explore the conflicts presented in formal complaints filed by Deaf and non-deaf consumers, and interpreters against interpreter colleagues. Additionally, the responses to interview questions posed to five mediators from the RID mediation system were analyzed to uncover both issues and interests within the conflicts as well as strategies for effective conflict resolution.

Many themes emerged from the document analysis and interviews. What stands out are the five major categories of conflict related to interpreters' standards of ethical behavior that surfaced: Confidentiality, Attitude and Respect, Impartiality and Boundaries, Professional Behavior, and Technical Interpreting Skills. Within the framework of conflict theory, relationship conflicts, embedded in poor communication and miscommunications, were prevalent throughout the complaints, fueled primarily by

process and substantive interests. Process interests specifically related to how an interpreted assignment was managed and by whom; substantive interests primarily revolved around the handling of confidential information. Insights gleaned from dispute resolution practices within the mediation system included the power of relationship-building through active listening, empathy building, and a spirit of collaboration.

Limitations of the Research Study

The purpose of this study was to identify issues, through the identification of conflicts, and underlying interests within complaints filed against ASL/English interpreters. The bulk of this analysis and subsequent identification of those conflicts and interests was done by reviewing documents, a static medium, to extract very complex, dynamic themes. To address this limitation, I chose to analyze a large number of documents to allow nuances and patterns in conflict themes to surface from the data. Additionally, the mediator interviews brought the issues represented in these static documents to life.

The second limitation of this research was that it naturally focused on complaints filed by Deaf consumers, simply because they were predominantly represented within the documents analyzed. Because they were the complainants in the majority of the cases, their rationale and motivations for filing these complaints were captured and studied. There was less evidence with regard to the motivation and interests of the interpreters involved within the cases. Nonetheless, the information found in the mediated agreements did offer helpful insight regarding the interests of the interpreter. Additionally, the mediators' perspectives and my own experience as an interpreter and

interpreter educator afforded me a unique understanding with regard to interpreters' motivation.

Recommendations

One motive for conducting this research, in addition to gaining a clearer understanding of the reasons why conflict occurs in this field, was to use the findings of this study to help educate students of interpreting, working interpreters and consumers of interpreting services. While this study helped illuminate gaps in knowledge and education that must be addressed, it also uncovered broader, systemic issues that also need attention. The following recommendations are an effort to address both of these areas.

Community Education Regarding Conflict, Conflict Resolution, and the RID Mediation System

Local and national efforts through RID and NAD are needed to educate Deaf people and interpreters about the RID mediation system; specifically, what it is, what is involved in the process, what to expect and how to prepare for a mediation. In the summer of 2007, RID supported the filming of several clips in ASL, to be used for educational purposes. An introduction to the RID organization was filmed, as well as an explanation of the CPC tenets, how to file a complaint, who can file the complaint, information about mediation and adjudication (L.Gill, personal communication, November 18, 2007). This footage will be available on the RID website and is an excellent start in making information accessible to consumers and interpreters. Future filming projects that would also serve as powerful tools for educating people about the process include a full ASL translation of the Code of Professional Conduct, and footage

showing a mock mediation, with side commentary explaining what is happening and why.

In addition, efforts must be made to further educate Deaf people and interpreters about the goal of mediation and how parties can prepare for mediation so that it is a successful experience. The RID mediators are an excellent source of knowledge and experience and should be invited to consult on or develop preparation materials for parties. Minimally, a checklist of questions parties can review to prepare for mediation is needed. There are several generic materials available on websites related to negotiation that could serve as guides.²⁴ These educational efforts will reduce anxiety and mitigate the frustration and conflict caused by a gap in knowledge about mediation while empowering both parties to be more active participants in their own dispute resolution.

In addition to posting information about the EPS on the RID website, technology may be further utilized to enhance educational efforts and reach more Deaf people and interpreters. RID or NAD could host a V-log²⁵ where questions addressing any of the themes in this research may be posted for comment. Comments could be solicited from Deaf people and interpreters from all over the country and posted on the site. Topics for discussion could be changed on a regular basis so that new information was routinely offered, keeping people interested and motivated to check the site and post their opinions. Care would need to be taken to clearly identify parameters for submitting posts and a

²⁴ Several sites offer tools to help parties prepare for negotiations, such as http://www.aligncorp.com/images/Align_Negotiation_PrepSheet.pdf, <http://www.dolanlawoffices.com/6.htm>, <http://groupmindexpress.com>

²⁵ V-logs are video versions of blogs, which are internet sites where people can hold cyber-discussions, post written opinions or commentary about a given topic. V-logs are being used more and more by Deaf people and those who use Sign Language as a means to hold similar discussions in ASL. See www.joeybaer.com for an example.

screening process may even be necessary so that if personal examples of behaviors or scenarios are posted, no names or specific identifying information would be shared.

In an effort to further build collaboration within communities and address the misunderstandings and misperceptions fueling conflicts between Deaf people and interpreters, I also recommend exploring the use of Circle Processes²⁶ on a local level. Circles could provide the structure and framework necessary for hosting successful, intentional conversations between Deaf people and interpreters and may serve as a preliminary step in resolving disputes before they escalate to formal grievances.

The current pool of RID mediators is an excellent place to begin recruiting Circle Facilitators. The mediators are not currently mediating more than a few cases a year and may welcome an opportunity to utilize and further hone their conflict resolution skills. The mediators interviewed for this study were clearly passionate about the mediation work they do for RID and identified a need and desire for further training to enhance their dispute resolution skills. Working as Circle Facilitators may satisfy this need and could afford them an opportunity to hone their understanding of conflict while serving their local community. The facilitator training would also be open to other Deaf people and interpreters interested in serving in this capacity. The cost for training facilitators and other expenses related to conducting circles could be supported by grant dollars and/or jointly funded by RID and NAD. This initiative could serve as yet another opportunity for the two organizations to work collaboratively on mutually beneficial initiatives.

Enhancing education activities, instituting a V-log, and conducting Community Circles would provide interpreters and Deaf people with an opportunity to unpack themes

²⁶ Circle Processes are a form of restorative justice and are often used in efforts to build community. The work of Kay Pranis, *The Little Book of Circle Processes* (2005), would serve as a useful tool in these efforts.

such as those discovered in this study, clarify perceptions and improve the quality of communication shared, develop empathy and understanding of the other, and serve as a base for community building and collaboration.

Interpreter Education

This study suggests there is a need for interpreters to possess a deeper understanding and appreciation for the Deaf experience and Deaf Culture, in order to address the disrespect and attitude found in the complaints. Strengthening educational efforts for those studying to become interpreters and those already working as interpreters will help in these efforts.

Interpreter education programs can address this need by strengthening and/or expanding their focus on Deaf Culture, both in and outside of the classroom. To address the issues raised in mediations regarding negative non-verbal messages that escalate conflict, efforts in Deaf Culture and ASL classes are needed to assist students in raising their self-awareness with regard to unintentional negative, non-verbal messages they may express through posture, facial expression and eye contact. Additionally, courses in intercultural communications, anthropology and other related fields of study can help inform these efforts and build a stronger base of cultural competence within the students.

On a systemic level, there is a need to identify current and best practices in interpreter education specifically addressing cultural competence, ethics and decision making. How is cultural competence developed and measured? What theory and models for analyzing ethical dilemmas are being taught? What activities are used to move theory to practice for these students? How is success measured? All of these questions are critical to providing consistent educational programming.

For working interpreters, continuing education activities, including self-designed independent studies, are encouraged to offer a deeper, more genuine learning experience with regard to Deaf Culture and the Deaf experience. More active involvement in the Deaf Community, and/or participation in the Circles recommended above may further hone cultural competence and provide opportunities for growth and development.

Educating both interpreting students and working interpreters about conflict and conflict resolution would benefit interpreters, Deaf consumers and the profession. Activities that incorporate the ideas presented in this thesis would provide a basis for developing a deeper understanding of conflict in the field of interpreting, and how certain decisions and behaviors can be perceived and contribute to conflict escalation. Helping interpreters develop strategies for how to prevent or address and resolve these conflicts would strengthen their working relationships and the rapport they must have with Deaf consumers. Further exploration of the conflict theory used in this thesis, including examples and case study application, would provide interpreters with a solid foundation in understanding conflict, including common issues and interests driving conflicts within the field. Activities specifically focused on ethical decision making and developing a greater appreciation for the consequences of those decisions will also help develop a greater appreciation for the consumer perspectives and build a stronger sense of empathy for those involved in interpreted exchanges.

Consumer Education

In addition to the ideas mentioned above (EPS information disseminated in ASL, V-logs and Community Circles), Deaf consumers would be served well by having easy access to and obtaining a working knowledge of the current Code of Professional

Conduct. Developing an ASL translation of the CPC and offering workshops at state and national conferences of Deaf associations (such as the Minnesota Association of Deaf Citizens) would provide an opportunity to educate consumers about the Code, and what they should expect from an interpreter. This activity could provide a basis for common understanding among consumers and interpreters as they discuss the Code and their professional interactions.

With the same spirit of conflict prevention seen in the previous recommendations, I also recommend that teachers and interpreters working with Deaf children begin overt discussions and lessons about working with interpreters, including age-appropriate conflict resolution themes. Deaf children do not automatically know how to work with interpreters, so teaching children how to most effectively use interpreting services is critical. While working with children, teachers and interpreters could address communication strategies and ways to engage the students in the process of working together with the interpreter to make communication a success. Simple things like including a Deaf child in the discussion about sight lines and interpreter placement begins to engage the student in the decision making process and opens communication at an early age, developing knowledge and skills that will continue to serve him/her well throughout adulthood.

Recommendations for RID

Several recommendations previously mentioned are offered for RID's consideration, including expanding activities that educate consumers and interpreters about the EPS and mediation, and sponsorship of Community Circles. One additional recommendation for the intake process of the EPS is to consider tracking more

demographic information about the parties involved in grievances and disputes. Gender, age, educational background and years of interpreting experience are all very important pieces of information, particularly when considering the perspectives of the parties on the mediation process and their perspectives with regard to what they expect from interpreters.

The CPC oversight committee of RID may find the data and findings of this research helpful as they consider how to monitor and modify the code in the future. Specific recommendations for changes in the code include further refinement of Illustrative Behavior 6.1²⁷ so that the issue of misrepresentation is highlighted in a more predominant location in the code. Additionally, the Professional Development tenet, Illustrative Behavior 7.1²⁸, that addresses topics for continuing education activities must include a bullet encouraging interpreters to further develop their cultural competence and ethical fitness. The data in this research highlights the need for this type of continuing education activity for interpreters. It is appropriate for the CPC to reflect and underscore this important area of study. Finally, I encourage the CPC oversight committee to consider developing a publication for interpreters that identifies specific examples and explanations of behaviors and decisions that exemplify the intentions of the code and illustrate best practices in ethical decision-making.

I recommend that RID also consider conducting an analysis of the grievances within the EPS prior to the scope of this research, to further understand the history and development as a profession. This analysis could further inform our understanding of

²⁷ Illustrative Behavior 6.1: Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.

²⁸ Illustrative Behavior 7.1: Increase knowledge and strengthen skills through activities such as: pursuing higher education; attending workshops and conferences; seeking mentoring and supervision opportunities; participating in community events; and engaging in independent studies.

conflict in this field by indicating whether or not the issues are similar to those found in this study, or indicate significant differences.

Finally, the feedback shared by parties on their post-mediation evaluation forms should be considered within the context of these analyses as they could provide insight into the mediation process and how the process is perceived by the parties. Follow up surveys to parties six or 12 months after the mediation could provide valuable information on the long-term benefits of the process.

Recommendations for Further Study

While I do believe this work is significant in beginning to understand what fuels disputes in the field of interpreting, it is only the beginning. To truly understand the phenomena of conflict in the field of interpreting, more qualitative research must be done to personally talk with the people most affected by it – Deaf consumers and interpreters. Focus groups and interviews are two ways that more data may be gleaned to dig deeper into the issues and underlying interests of disputing parties and to further inform this area of study.

The analysis of the conflicts in this study focused on an interest-based approach to conflict resolution. The other two foci offered in the conceptual context of this thesis suggest that conflict could also be analyzed from power-based and rights-based approaches. While neither of these were the focus of this study, an undercurrent of both rights- and power-based themes ran through the data. Further study to address how power and rights impact conflict within the Deaf Community and interpreting profession is needed.

A deeper understanding of the power and rights dynamics, how they affect the work of interpreters and how they are embedded in the system, including RID and the EPS, is worthy of further exploration. What messages are being sent when the philosophy of the Code of Professional Conduct is based upon the rights of consumers to equal communication access, yet the system for resolving disputes regarding code violations is based on an interest-based approach to conflict resolution? Both are noteworthy and necessary, however are they compatible? Do they send consistent messages to consumers and interpreters? Or do they cause confusion and conflicts within the field? It is important to consider what other information needs to be shared with Deaf people and interpreters to be sure that the goals and intentions of the system are clear.

Related to a rights-based analysis of the system, further research regarding the perspectives of interpreters and Deaf consumers on interpreting, mediation and the profession are needed. Are there generational differences within the Deaf Community with regard to how interpreters are perceived and their services utilized? While the older members of the Deaf Community remember a day before RID was established, when interpreters were scarce and were educated by the Community, the younger generation of Deaf consumers has always lived during a time when laws that mandated communication access and interpreting services were on the books. Does this shift in experience signal a shift in the community to a rights-based perspective on interpreting? Further, is there a difference in perceptions of interpreters between those Deaf children educated in a residential environment where interpreting services are not as commonly used as with those educated in local public mainstream settings, working with interpreters on a daily

basis? These are all important questions to consider when looking at the larger context and system.

Conclusion

I believe this work makes a significant contribution to the body of research that guides the profession of interpreting by providing a systematic analysis of the issues and underlying interests driving grievances against interpreters. The results of this research could prove highly valuable in further strengthening and informing the educational activities offered to students of interpreting, working interpreters and consumers of interpreting services by providing a better understanding of why conflicts occur between interpreters and consumers. This information may also be used to further develop certification testing measures addressing ethical decision making, mandatory continuing education courses required for interpreters found in violation of the Code of Professional Conduct and provide a basis for further research in this area.

References

- Barry, B., & Robinson, R. J. (2002). Ethics in conflict resolution: The ties that bind [Electronic version]. *International Negotiation*, 7, 137-142.
- Cokely, D. (2000). Exploring Ethics: A Case for Revising the Code of Ethics. *RID Journal of Interpretation*, 25 – 57.
- Cokely, D. (2001). Interpreting culturally rich realities: Research implications for successful interpretations. *RID Journal of Interpretation*, 1 – 45.
- Cokely, D. (2005). Shifting positionality: A critical examination of the turning point in the relationship of interpreters and the deaf community. In M. Marschark, R. Peterson & E. Winston (Eds.), *Sign language interpreting and interpreter education Directions for research and practice* (pp. 3 – 28). New York: Oxford University Press, Inc.
- Covey, S. (1989). *The 7 Habits of Highly Effective People*. New York: A Fireside Book from Simon & Schuster Publishers.
- Dean, R.K. & Pollard, R.Q. (2006). From Best Practice to Best Practice Process: Shifting Ethical Thinking and Teaching. *CIT 16th National Conference Proceedings*, 119 – 131.
- Fisher, R. & Ury, W. (1991). *Getting to yes. Negotiating agreement without giving in* (2nd ed.), New York: Penguin Group.
- Furlong, G.T. (2005). *The Conflict Resolution Toolbox*. Mississauga, Ontario: Wiley.
- Gish, S. (1990). *Ethics and decision making for interpreters in health care settings*. Minneapolis/Saint Paul, MN: St. Mary's Campus of the College of St. Catherine.

- Gold, J. (2006). *Mediation Skills Training Manual*. St. Paul, MN: Hamline University School of Law.
- Humphrey, J. H. (1999). *Decisions? Decisions! A practical guide for sign language professionals*. Amarillo, TX: H & H Publishers.
- Hoza, J. (2003). Toward Interpreter Sensibility: Three Levels of Ethical Analysis and a Comprehensive Model for Ethical Decision-Making for Interpreters. *RID Journal of Interpretation*, 1 – 48.
- Hsieh, E. (2006). Conflicts in how interpreters manage their roles in provider–patient interactions [Electronic version]. *Social Science & Medicine*, 62(3), 721-730.
- Johnson, D.W., & Johnson, F.P. (1991). *Joining together. Group theory and group skills*. (4th ed.). Englewood Cliffs, NJ: Prentice-Hall, Inc.
- Kidder, R. M. (1995). *How Good People Make Tough Choices*. New York: Fireside.
- Lewicki, R.J., Barry, B. & Saunders, D.M. (2007). *Essentials of negotiation* (4th ed.), New York: McGraw-Hill.
- Lytle, A.L., Brett, J.M., & Shapiro, D.L. (1999). The strategic use of interests, rights and power to resolve disputes [Electronic version]. *Negotiation Journal*, 15(1), 31 – 51.
- Maxwell, J.A. (2005). *Qualitative research design. An interactive approach* (2nd ed.). Thousand Oaks, CA: Sage Publications, Inc.
- McNamara, C. (1997). General guidelines for conducting interviews. Retrieved June 15, 2007, from <http://www.managementhelp.org/evaluatn/interview.htm>

- Mills Stewart, K. & Witter-Merithew, A. (2006). *The dimensions of ethical decision-making: A guided exploration for interpreters*. Burtsonville, MD: Sign Media, Inc.
- Moore, C.W. (2003). *The mediation process practical strategies for resolving conflicts*. (3rd ed.). San Francisco: Jossey-Bass.
- Pranis, K. (2005). *The little book of circle processes. The new/old approach to peacemaking*. Intercourse, PA: Good Books.
- Pruitt, D.G. & Kim, S.H. (2004). *Social conflict: Escalation, stalemate, and settlement*. (3rd ed.). New York: McGraw-Hill, Inc.
- RID Ethical Practices Flowchart*. (2006). Alexandria, VA: RID Publications. Retrieved May 28, 2007 from http://www.rid.org/ethics/enforcement_procedures/index.cfm/AID/67
- RID Ethical Practices System Policy Manual*. (2006). Alexandria, VA: RID Publications. Retrieved May 28, 2007, from http://www.rid.org/UserFiles/File/pdfs/EPS_Manual.pdf
- Roy, C. B., (2000). Training Interpreters – Past, Present, and Future. In C. Roy (ed.), *Innovative practices for teaching sign language interpreters* (pp. 1 – 14). Washington, D.C.: Gallaudet University Press.
- Rubin, H. J., & Rubin, I. S. (2004). *Qualitative interviewing: The art of hearing data*. (2nd ed.). Thousand Oaks, CA: Sage Publications Inc.
- Scheibe, K. (1984). Creative problem solving. In M. McIntire (Ed.). *New dimensions in interpreter education* (pp. 152-173). Conference of Interpreter Trainers.

- Swabey, L.A. & Gajewski Mickelson, P. [in press]. "Role definition: A perspective on forty years of professionalism in sign language interpreting." In C. Valero-Garcés & A. Martin (Eds.), *Building bridges: The controversial role of the community interpreter*. Amsterdam: John Benjamins Publishing Company.
- Tabak, N., & Orit, K. (2007). Relationship between how nurses resolve their conflicts with doctors, their stress and job satisfaction [Electronic version]. *Journal of Nursing Management*, 15, 321-331.
- Ury, W.L., Brett, J.M. & Goldberg, S.B. (1993). *Getting disputes resolved*. (2nd Ed.). San Francisco: Jossey-Bass.
- White-Newman, Julie Belle. (2003.) "The Three *E*'s Model of Leadership: Being Effective, Ethical, and Enduring." Saint Paul: College of Saint Catherine.
- Witter-Merithew, A. & Johnson, L. (2005). *Toward competent practice: Conversations with stakeholders*. Alexandria, VA: Registry of Interpreters for the Deaf, Inc.
- Young, P. (2006). Take it or leave it. Lump it or grieve it: Designing mediator complaint systems that protect mediators, unhappy parties, attorneys, courts, the process and the field [Electronic version]. *Ohio State Journal on Dispute Resolution*, 21, 1 – 146.

The Original RID Code of Ethics
(Adopted in 1965)

1. The interpreter shall be a person of high moral character, honest, conscientious, trustworthy, and of emotional maturity. He shall guard confidential information and not betray confidences which have been entrusted to him.
2. The interpreter shall maintain an impartial attitude during the course of his interpreting, avoiding interjecting his own views unless he is asked to do so by a party involved.
3. The interpreter shall interpret faithfully and to the best of his ability, always conveying the thought, intent, and spirit of the speaker. He shall remember the limits of his particular function and not go beyond his responsibility.
4. The interpreter shall recognize his own level of proficiency and use discretion in accepting assignments, seeking for the assistance of other interpreters when necessary.
5. The interpreter shall adopt a conservative manner of dress upholding the dignity of the profession and not drawing undue attention to himself.
6. The interpreter shall use discretion in the matter of accepting compensation for services and be willing to provide services in situations where funds are not available. Arrangements should be made on a professional basis for adequate remuneration in court cases comparable to that provided for interpreters of foreign languages.
7. The interpreter shall never encourage deaf persons to seek legal or other decisions in their favor merely because the interpreter is sympathetic to the handicap of deafness.
8. In the case of legal interpreting, the interpreter shall inform the court when the level of literacy of the deaf person involved is such that literal interpretation is not possible and the interpreter is having to grossly paraphrase and restate both what is said to the deaf person and what he is saying to the court.
9. The interpreter shall attempt to recognize the various types of assistance needed by the deaf and do his best to meet the particular need. Those who do not understand the language of signs may require assistance through written communication. Those who understand manual communication may be assisted by means of translating (rendering the original presentation verbatim), or interpreting (paraphrasing, defining, explaining, or making known the will of the speaker without regard to the original language used).
10. Recognizing his need for professional improvement, the interpreter will join with professional colleagues for the purpose of sharing new knowledge and developments, to seek to understand the implications of deafness and the deaf person's particular needs, broaden his education and knowledge of life, and develop both his expressive and his receptive skills in interpreting and translating.

Appendix A
Original RID Code of Ethics, 1965

11. The interpreter shall seek to uphold the dignity and purity of the language of signs. He shall also maintain a readiness to learn and to accept new signs, if these are necessary to understanding.
12. The interpreter shall take the responsibility of educating the public regarding the deaf whenever possible, recognizing that many misunderstandings arise because of the general lack of public knowledge in the area of deafness and communication with the deaf.

(Cokely, 2000, p. 37)

RID Code of Ethics
(As revised in 1978 and adopted in October, 1979)

1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.
2. Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.
3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.
4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.
5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.
6. Interpreters/transliterators shall function in a manner appropriate to the situation.
7. Interpreters/transliterators shall strive to further knowledge and skills through participation in work-shops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.
8. Interpreters/transliterators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.

(Cokely, 2000, p. 38)



CODE OF PROFESSIONAL CONDUCT

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NAD-RID CODE OF PROFESSIONAL CONDUCT

Scope

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

The tenets of this Code of Professional Conduct are to be viewed holistically and as a guide to professional behavior. This document provides assistance in complying with the code. The guiding principles offer the basis upon which the tenets are articulated. The illustrative behaviors are not exhaustive, but are indicative of the conduct that may either conform to or violate a specific tenet or the code as a whole.

When in doubt, the reader should refer to the explicit language of the tenet. If further clarification is needed, questions may be directed to the national office of the Registry of Interpreters for the Deaf, Inc.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

Philosophy

The American Deaf community represents a cultural and linguistic group having the inalienable right to full and equal communication and to participation in all aspects of society. Members of the American Deaf community have the right to informed choice and the highest quality interpreting services. Recognition of the communication rights of America's women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in this Code of Professional Conduct.

Voting Protocol

This Code of Professional Conduct was presented through mail referendum to certified interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf. The vote was to adopt or to reject.

Adoption of this Code of Professional Conduct

Interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf voted to adopt this Code of Professional Conduct, effective July 1, 2005. This Code of Professional Conduct is a working document that is expected to change over time. The aforementioned members may be called upon to vote, as may be needed from time to time, on the tenets of the code.

The guiding principles and the illustrative behaviors may change periodically to meet the needs and requirements of the RID Ethical Practices System. These sections of the Code of Professional Conduct will not require a vote of the members. However, members are encouraged to recommend changes for future updates.

Function of the Guiding Principles

It is the obligation of every interpreter to exercise judgment, employ critical thinking, apply the benefits of practical experience, and reflect on past actions in the practice of their profession. The guiding principles in this document represent the concepts of confidentiality, linguistic and professional competence, impartiality, professional growth and development, ethical business practices, and the rights of participants in interpreted situations to informed choice. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

When applying these principles to their conduct, interpreters remember that their choices are governed by a "reasonable interpreter" standard. This standard represents the hypothetical interpreter who is appropriately educated, informed, capable, aware of professional standards, and fair-minded.



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CODE OF PROFESSIONAL CONDUCT

Tenets

1. Interpreters adhere to standards of confidential communication.
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

Applicability

- A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.
- B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.
- C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

Definitions

For the purpose of this document, the following terms are used:

Colleagues: Other interpreters.

Conflict of Interest: A conflict between the private interests (personal, financial, or professional) and the official or professional responsibilities of an interpreter in a position of trust, whether actual or perceived, deriving from a specific interpreting situation.

Consumers: Individuals and entities who are part of the interpreted situation. This includes individuals who are deaf, deaf-blind, hard of hearing, and hearing.

1.0 CONFIDENTIALITY

Tenet: Interpreters adhere to standards of confidential communication.

Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved.

Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

Illustrative Behavior - Interpreters:

- 1.1 Share assignment-related information only on a confidential and "as-needed" basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).

Appendix C
NAD – RID Code of Professional Conduct, 2005



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- 1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).
- 1.3 Inform consumers when federal or state mandates require disclosure of confidential information.

2.0 PROFESSIONALISM

Tenet: Interpreters possess the professional skills and knowledge required for the specific interpreting situation.

Guiding Principle: Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community.

Interpreters accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

Illustrative Behavior - Interpreters:

- 2.1 Provide service delivery regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, or any other factor.
- 2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.
- 2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.
- 2.4 Request support (e.g., certified deaf interpreters, team members, language facilitators) when needed to fully convey the message or to address exceptional communication challenges (e.g. cognitive disabilities, foreign sign language, emerging language ability, or lack of formal instruction or language).
- 2.5 Refrain from providing counsel, advice, or personal opinions.
- 2.6 Judiciously provide information or referral regarding available interpreting or community resources without infringing upon consumers' rights.

3.0 CONDUCT

Tenet: Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.

Guiding Principle: Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

Illustrative Behavior - Interpreters:

- 3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively.
- 3.2 Decline assignments or withdraw from the interpreting profession when not competent due to physical, mental, or emotional factors.
- 3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings.
- 3.4 Comply with established workplace codes of conduct, notify appropriate personnel if there is a conflict with this Code of Professional Conduct, and actively seek resolution where warranted.
- 3.5 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire.



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- 3.6 Refrain from the use of mind-altering substances before or during the performance of duties.
- 3.7 Disclose to parties involved any actual or perceived conflicts of interest.
- 3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services.
- 3.9 Refrain from using confidential interpreted information for personal, monetary, or professional gain.
- 3.10 Refrain from using confidential interpreted information for the benefit of personal or professional affiliations or entities.

4.0 RESPECT FOR CONSUMERS

Tenet: Interpreters demonstrate respect for consumers.

Guiding Principle: Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

Illustrative Behavior - Interpreters:

- 4.1 Consider consumer requests or needs regarding language preferences, and render the message accordingly (interpreted or transliterated).
- 4.2 Approach consumers with a professional demeanor at all times.
- 4.3 Obtain the consent of consumers before bringing an intern to an assignment.
- 4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

5.0 RESPECT FOR COLLEAGUES

Tenet: Interpreters demonstrate respect for colleagues, interns and students of the profession.

Guiding Principle: Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

Illustrative Behavior - Interpreters:

- 5.1 Maintain civility toward colleagues, interns, and students.
- 5.2 Work cooperatively with team members through consultation before assignments regarding logistics, providing professional and courteous assistance when asked and monitoring the accuracy of the message while functioning in the role of the support interpreter.
- 5.3 Approach colleagues privately to discuss and resolve breaches of ethical or professional conduct through standard conflict resolution methods; file a formal grievance only after such attempts have been unsuccessful or the breaches are harmful or habitual.
- 5.4 Assist and encourage colleagues by sharing information and serving as mentors when appropriate.
- 5.5 Obtain the consent of colleagues before bringing an intern to an assignment.



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6.0 BUSINESS PRACTICES

Tenet: Interpreters maintain ethical business practices.

Guiding Principle: Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery.

Illustrative Behavior - Interpreters:

- 6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.
- 6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist.
- 6.3 Promote conditions that are conducive to effective communication, inform the parties involved if such conditions do not exist, and seek appropriate remedies.
- 6.4 Inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.
- 6.5 Reserve the option to decline or discontinue assignments if working conditions are not safe, healthy, or conducive to interpreting.
- 6.6 Refrain from harassment or coercion before, during, or after the provision of interpreting services.
- 6.7 Render pro bono services in a fair and reasonable manner.
- 6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner.

7.0 PROFESSIONAL DEVELOPMENT

Tenet: Interpreters engage in professional development.

Guiding Principle: Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills.

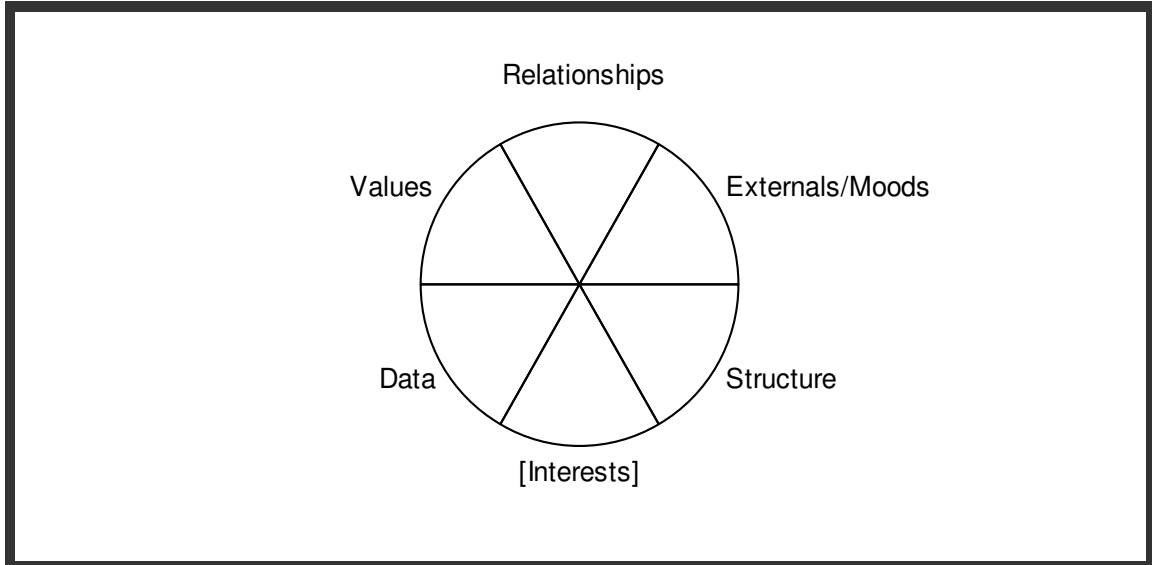
Illustrative Behavior - Interpreters:

- 7.1 Increase knowledge and strengthen skills through activities such as:
 - pursuing higher education;
 - attending workshops and conferences;
 - seeking mentoring and supervision opportunities;
 - participating in community events; and
 - engaging in independent studies.
- 7.2 Keep abreast of laws, policies, rules, and regulations that affect the profession.

Appendix D
Comparison Chart of Decision-Making Models

Scheibe (1984, pp. 152 – 156)	Gish (1990, pp. 47 – 148)	Humphrey & Alcorn (1995)	Hoza (2003, pp. 35 - 39)	Mills Stewart & Witter-Merithew (2006, pp. 129 – 130)
<p>Frame: Creative problem solving model; no mention of ethics or application in ethical decision making for interpreters. Basis: Organizational development, management and creativity.</p>	<p>Frame: Creative and cooperative problem solving. Basis: Based on the work of Johnson and Johnson (1972, 1978) in human relationships and interpersonal skills.</p>	<p>Frame: A decision making model that emphasizes applying critical thinking and decision-making skills to the task of resolving ethical dilemmas. Basis: the Stadler Decision-Making Model (1985), which incorporates the consideration of meta-ethical principles.</p>	<p>Frame: A “Comprehensive Model of Ethical Decision Making” Basis: Interpreter Sensibility: a multicultural approach to interpreting and ethical decision making within a context of ethical standards, interpreting models, social and self awareness.</p>	<p>Frame: Steps in ethical decision making. Basis: Steps used in case analysis and ethical decision making, a process which raises awareness of how ethical issues and conflict surface in interpreting.</p>
<ol style="list-style-type: none"> 1. Assessment of the problem: where are we in relation to where we want to be? Do we really have a problem? How do we define it? 2. Recognition of areas needing change: consider attitudes toward change, personal and attitudes of others. 3. Analysis of group dynamics: consider how to work most successfully in a group of different people. 4. Apply creative problem solving: <ol style="list-style-type: none"> 1. The situation: “constructive discontent.” 2. Fact-finding: who, what, where, when, how. 3. Problem definition. 4. Solution finding: brainstorming. 5. Evaluate ideas: criteria listing. 6. Implementation: “Go for it!” 7. Follow-up: Effective? What’s next? 	<ol style="list-style-type: none"> 1. Define the problem clearly. 2. Find out all the facts you can about the problem. 3. Think of possible solutions. 4. Think of the pros and cons of each possible solution. 5. Choose a solution to try. 6. Outline the steps of the solution. 7. Try the solution. 8. Evaluate what happened. 	<ol style="list-style-type: none"> 1. Collect all information and facts possible. 2. Identify goals and relevant meta-ethical principles. 3. Note all possible options (divergent and creative thinking). 4. Identify all potential beneficial and negative results growing out of each option. 5. Review foundational goals and principles (reflective thinking). 6. Identify any emotions that may bias or influence judgment. 7. Consult with colleagues as necessary (reflective and evaluative thinking). 8. Rank options (convergent thinking). 9. Take action. 10. Review and evaluate action taken. 	<ol style="list-style-type: none"> 1. Is there an interpreting issue given the specifics of the situation? Is there an interpreting-related issue (a conflict in a context) which may require action on the interpreter’s part? If yes, cont. to step 2; if no, no decision-making needed. 2. What kind of issue is it? Does it require an ethical decision? If yes, look to action guides and foundations for guidance. (Next step.) If no, use another framework to resolve issue. 3. Does the issue require a right-versus-right or a right-versus-wrong decision? Do action guides and foundations (underlying values/ethical principles) provide one solution that resolves the ethical issue? Yes? This is a right versus wrong decision; follow action guides. No? This is right vs. right; consider options in the next step. 4. What are possible solutions? * 5. What is the best solution?* <p>* consulting with colleagues and participants is possible throughout the process, but especially important in steps 4 and 5.</p>	<ol style="list-style-type: none"> 1. What is the issue? Why do I identify this as the issue? 2. What is the ethical tenet that governs the question? Why did I choose this tenet(s)? 3. How does the ethical tenet apply to the issue? Why do I believe it applies? 4. Consider the issue from all sides. 5. Determine the possible resolution strategies. 6. Choose the final course of action. Why is this choice the best course of action?

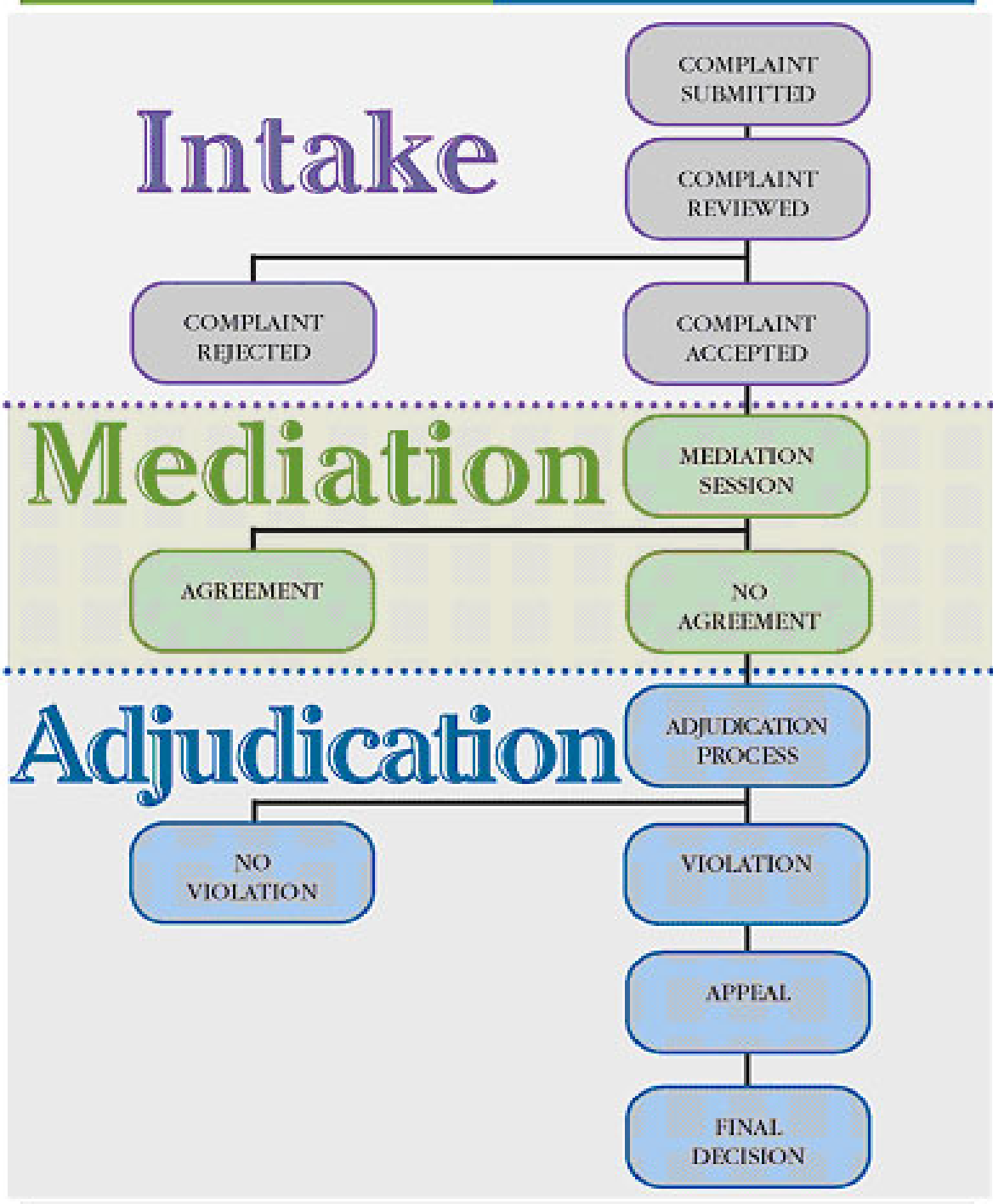
Diagnosis with the Circle of Conflict



<p style="text-align: center;"><u>Relationships</u></p> <ul style="list-style-type: none"> • negative experience in the past • stereotypes • poor or failed communications • repetitive negative behaviour 	<p style="text-align: center;"><u>Values</u></p> <ul style="list-style-type: none"> • belief systems • right and wrong • good and evil • just and unjust
<p style="text-align: center;"><u>Externals/Moods</u></p> <ul style="list-style-type: none"> • factors unrelated to substance of dispute • psychological or physiological • “bad hair day” 	<p style="text-align: center;"><u>Data</u></p> <ul style="list-style-type: none"> • lack of information • misinformation • too much information • collection problems
<p><u>Structure</u></p> <ul style="list-style-type: none"> • limited physical resources (time, money) • authority issues • geographical constraints • organizational structures 	

Adaptation of Christopher Moore’s Circle of Conflict
From *The Conflict Resolution Toolbox* by Gary Furlong
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FLOW CHART



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Appendix G
Agency and Non-deaf Complainants

Code of Ethics – Agency and Non-deaf Complainants

Code of Ethics - Tenets	Mediated Agreements (total = 3)	Grievances (total = 3)	Document Totals
1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.	0	1	1
3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.	0	2	2
4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.	0	1	1
6. Interpreters/transliterators shall function in a manner appropriate to the situation.	0	1	1
8. Interpreters/transliterators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.	0	2	2

CPC – Agency and Non-deaf Complainants

Code of Professional Conduct - Tenets	Mediated Agreements (total = 3)	Grievances (total = 3)	Document Totals
1. Interpreters adhere to standards of confidential communication. (CONFIDENTIALITY)	1	1	2
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation. (PROFESSIONALISM)	0	1	1
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation. (CONDUCT)	0	1	1
4. Interpreters demonstrate respect for consumers. (RESPECT FOR CONSUMERS)	0	2	2
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession. (RESPECT FOR COLLEAGUES)	2	1	3
6. Interpreters maintain ethical business practices. (BUSINESS PRACTICES)	2	0	2

Appendix H
Interpreter Complainants

Code of Ethics – Interpreter Complainants

Code of Ethics - Tenets	Mediated Agreements (total = 3)	Grievances (total = 2)	Document Totals
1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.	2	2	4
5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.	1	0	1
6. Interpreters/transliterators shall function in a manner appropriate to the situation.	1	0	1

CPC – Interpreter Complainants

Code of Professional Conduct - Tenets	Mediated Agreements (total = 3)	Grievances (total = 2)	Document Totals
1. Interpreters adhere to standards of confidential communication. (CONFIDENTIALITY)	1	2	3
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation. (CONDUCT)	1	0	1
4. Interpreters demonstrate respect for consumers. (RESPECT FOR CONSUMERS)	1	0	1
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession. (RESPECT FOR COLLEAGUES)	2	1	3
6. Interpreters maintain ethical business practices. (BUSINESS PRACTICES)	1	0	1

Interview Questions and Responses Addressing
Interpreter Complainant Disputes²⁹

How do interpreters generally respond to the mediation process and the complainant when they meet an interpreting colleague in mediation?

Each of the mediators who chose to respond to this question had different terms they used to describe the interpreters. While fear and defensive were mentioned twice, other descriptors that were used included revenge, retribution, and intimidation.

What do you believe are the top three reasons interpreters file grievances against interpreters?



What one thing would you recommend interpreters do (or stop doing) in order to stop making interpreter colleagues mad?

In addition to advice suggesting interpreters show respect for each other, the mediators offered several other suggestions. They encouraged interpreters to adopt an “abundance mentality”³⁰. Instead of thinking you are the best, just be helpful and respectful. Just do the job.” They also suggested interpreters stop being self-absorbed

²⁹ Three of the five mediators did not have experience facilitating this type of dispute. Two of the three mediators chose not to offer an opinion or response to these questions; one offered thoughts based upon observations and experience in the field.

³⁰ Based on the work of Stephen Covey. Abundance Mentality is believing there is plenty for everybody. It is the opposite of the scarcity mentality.

Appendix H Interpreter Complainants

and simply “be nice” and “play nice!” One final suggestion they made was for interpreters to take responsibility for their own actions and to consider the long-term consequences of those actions.

Mediator Interview Questions

- How many years have you been an RID mediator?
- Overall, what are your impressions of the RID mediation process as a way for resolving disputes?
- How do interpreters generally respond to a complaint brought against them by a **Deaf consumer**?
- How do Deaf people generally respond to the mediation process and filing a complaint **against an interpreter**?
- How do interpreters generally respond to the mediation process and the complainant when they meet an **interpreting colleague** in mediation?
- What do you believe are the top three reasons Deaf Consumers file grievances against interpreters? When interpreters file grievances against other interpreters?
- Several terms surface when looking at disputes and disagreements between Deaf consumers and interpreters – please tell me what you believe the terms mean from a Deaf consumer’s perspective? Interpreter’s perspective?
 - Attitude
 - Boundaries
 - “Professional” behavior
- Recall a mediation you facilitated that you thought went extremely well. What do you think were the key factors involved in that mediation that made it go so well?
 - What do you believe the parties learned about each other that they didn’t know when the mediation began?
 - What did the parties do or say to each other that made it a success?
- In a mediation, what behaviors or topics tend to escalate a conflict?

Appendix I
Research Instrument - Interview Questions

- In a mediation, what behaviors or topics tend to diffuse or deescalate a conflict?
- What is your sense about the agreements that parties come to with regard to resolving their conflict?
- In the mediations you have facilitated since 2005 under the “new” CPC, what differences have you noticed in the disputes between parties? In the parties?
- What one thing would you recommend interpreters do (or stop doing) to stop making Deaf people mad?
- What one thing would you recommend interpreters do (or stop doing) to stop making interpreter colleagues mad?
- What one thing do you wish Deaf people understood about interpreters that might help mitigate conflicts?
- What other thoughts do you have regarding (or what else do you think I should know about) conflict resolution within the interpreting and Deaf communities?

The Mediation System

Mediators were asked to share their overall impressions of the RID mediation process as a way to resolve disputes. The themes in their responses, which highlighted both strengths and weaknesses in the system, are seen in Table A.1.

Table A.1 Overall Impressions of the RID Mediation Process

<u>Strengths</u>	<u>Weaknesses</u>
<ul style="list-style-type: none"> • It’s a good process and system. • Mediation is more Deaf-friendly and interpreter-friendly than the previous grievance system. • The process is fair. • Mediation “makes sense” – it brings people together to sit down and talk to each other. • Less intimidating. 	<ul style="list-style-type: none"> • Logistics <ul style="list-style-type: none"> – Not enough training for mediators – Scheduling mediations is difficult and not efficient. Parties often wait many months before the mediations are scheduled. • People don’t know about the system and how it works. There is a serious lack of knowledge amongst Deaf consumers and interpreters about the mediation system and how to utilize it. • Intercultural challenges – mediation based on a majority-culture (non-deaf) system. • Current mediation system does not serve “grassroots” Deaf people well. It’s not accessible to them.

Generally, the mediators spoke very highly of the process and the work they do within it. They identified the mediation process as one that fits the interpreting field well, bringing people in conflict together to talk with each other. One mediator compared this mediation process to the old grievance system, which was “based on the legal system. The old system was much more frightening to the people involved.” The mediation process, by contrast, is much more “interpreter- and Deaf-friendly.”

The weaknesses in the system that were identified related to logistics: a need for more mediator training and for a more efficient way of scheduling mediations. Two mediators expressed concerns that the current mediation model used does not address all of the cross-cultural issues that are inherent in a mediation between non-deaf and Deaf parties. One person also mentioned that the current system did not serve “grass-roots” Deaf people very well, noting that it is not a system that is accessible to them.

Mediators were asked to recall the mediations they have facilitated since 2005, “are there any differences in the disputes between parties and/or in the parties under the Code of Professional Conduct?”

Four of the five mediators emphatically said no, they have not noticed a difference in the complaints or the parties they are working with in mediation since 2005, when the Code of Professional Conduct was ratified by RID. One of the mediators, however, mentioned that the issues she has worked with in mediations since 2005 are more nebulous and “unprofessional.” This mediator noted that the new policies and procedures manual for the Ethical Practices System was released at the same time as the Code of Professional Conduct. So while the issues raised seem to be more unprofessional, the manual helps clarify what gets to mediation, which is helpful for the entire system.

Mediators were asked to share their sense on the effectiveness of having a team of mediators, particularly Deaf/hearing teams. Themes captured in their responses, which offered both positive and negative views, are seen in Table A.2.

Table A.2 Effectiveness of Team Mediation (Deaf/Non-deaf Teams)

<u>Pros</u>	<u>Cons</u>
<ul style="list-style-type: none"> • Supports mediators in their work • Deaf and non-deaf mediation teams reflect the Deaf and non-deaf parties. 	<ul style="list-style-type: none"> • Mediators do not always share the same views regarding the issues presented during mediation. • Party misperceptions regarding the role of the mediators in the process.

All agreed that the team approach is an effective way to conduct mediations with Deaf and non-Deaf interpreting parties. Mediators who have worked with two non-deaf parties mentioned that the team approach is less effective in those mediations where the parties share a common language and culture.

Two themes surfaced in all of the mediators' responses identifying positive elements of the concept of mediator teams. All agreed that when one of the parties is Deaf, a Deaf mediator on the team is a must. Many identified personal and systemic desires for the mediation teams to reflect the parties present, e.g. Deaf and non-deaf mediators facilitating discussions for Deaf and non-deaf interpreting parties. Additionally, mediators noted a serious lack of training beyond the initial mediation seminar held in 2000, and saw that working with in a mediation team offered support and an opportunity to share ideas with others doing similar work.

Two points were raised that questioned the value of mediation teams and warranted further exploration. A team of mediators offer different perspectives on the issues presented during the mediation which can create challenges when determining what mediation strategy the team will utilize when working with the parties. Another challenge the team approach presents is in regard to the misperceptions parties have when

they mistakenly believe that the “mediator like me” is their ally in the process.

Difficulties occur when the Deaf parties assume the Deaf mediator is an ally and expect them to behave in a certain way during the mediation. This is true, to a lesser degree, with the interpreter parties as well.

Appendix K
Attitude – All Comments

Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • You're not a nice person. • It's always negative, like the sentiment behind "don't give me attitude." • It implies something is inappropriate or wrong. It can be very negative and can be the basis on which a decision is made about the whole interpreter. If a skilled interpreter has an attitude, they will be deemed "not good." • What they see visually with facial expression and body language. • Attitude is negative. • I believe most Deaf people feel that an interpreter with a good attitude – <ul style="list-style-type: none"> ○ Takes their job seriously ○ Is professional ○ Does not seek attention or recognition for their work by everyone around them ○ Shows up on time ○ Leaves when the Deaf person is done • Respects Deaf Culture norms such as the right to look away for a second, need to use/check pagers, etc... and doesn't get offended when this is done. • When an interpreter puts a Deaf person down; oppresses them. It has to do with respect (or lack of respect) for who the consumers are. • A good attitude includes respect with no prejudice. 	<ul style="list-style-type: none"> • They think they're better than me – they have a bad attitude. • You are approaching the job in an appropriate way. You bring to the job an appropriate attitude – what it is could reflect on the success of the job. So if you come with an appropriate attitude, the Deaf consumer believes you are here as a professional, not as someone to oppress and/or take care of me. • If an interpreter (respondent) doesn't have a clue what it means they may be in serious denial. • If an interpreter "gets it" – what attitude means, they know it means humility, remembering why we're here in this profession – not to be a caretaker, a helper or in it for the money. They understand how we dress, how we speak to the Deaf and hearing consumers, how we present ourselves and the language we use. Not just ASL and English, but also the register we use. • Varying degrees of attitude can be shown. Interpreters can see the variations in attitude. When a Deaf person shows "attitude" interpreters are able to see if that is simply their personality, or if they are having a bad day. So they can identify the variations in the term. • It depends on the interpreter. About half of the interpreters I know and work with – they expect a good attitude from the consumer. They are a bit conceited in a way. Others see attitude showing respect to all Deaf persons and interpreters too. • I think it often means – <ul style="list-style-type: none"> • Signing well • Having friends in the Deaf Community • Following the Code of Professional Conduct strictly (to their interpretation) • Paying their RID dues and going to meetings • Appearing to be all for Deaf people.

Appendix K
Boundaries – All Comments

Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • You're on <u>my</u> side of whatever fence there is here today. • How much you take over for me. It relates to what was mentioned earlier about not understanding what I ask them to do. If an interpreter adds to or holds back part of the interpreted conversation, takes over the conversation or speaks to the hearing consumer(s) without signing all of that indicates problems with boundaries. • Boundaries have their place, but there is also a time when they need to be set aside and the interpreter needs to help. To move into a helper model. When the boundaries are set aside, the interpreter can be human and friendly. • The Deaf person identifies the boundaries and takes the lead when interpreting them. For example- if the Deaf person is at an event that includes a meal at a buffet, the interpreter will not just assume that its okay to help him/herself to a plate full of food. The interpreter would be professional and "on the job." However, if the Deaf person says "go ahead, have a plate of food" its okay. • Many Deaf people don't know or understand the role of the interpreter or the profession. So they are very lenient with the COE / CPC. • I think this means – • interpreting when the Deaf person wants, • not interpreting when the Deaf person doesn't want, • lets the Deaf person be in charge of the situation. 	<ul style="list-style-type: none"> • I have to put a professional line between us. I have been taught to draw that line – whether or not I did so is questionable. • How much the DC expects of me. Do they expect me to give them a ride? Does the DC get the role of the interpreter and let the interpreter follow the role? Is the interpreter clearly not adding opinion and able to facilitate the conversation between the DC and hearing parties? • A way to keep the job "clean." • Not to become too involved. • Remain neutral • Boundaries can keep the interpreter safe and out of trouble. • More seasoned interpreters understand the nuances here. Some interpreters see things as black and white, which is a developmental thing and that is fine. But later, as the interpreter matures in the field, they are able to see the gray areas. With time, you know what can be adjusted. • Seasoned interpreters can see the line between professional boundaries and personal boundaries, and know how to accommodate them on the job. • From a hearing perspective I believe it means that they <ul style="list-style-type: none"> – don't add extra information – are neutral – don't help too much or too little – don't get too involved. • They "know" it and know when they shouldn't be involved. Sometimes an interpreter will just know when they've crossed the "line" and they can't let go if it's an emergency or something – they are involved.

Appendix K
Professional Behavior – All Comments

Deaf Consumer Perspective	Interpreter Perspective
<ul style="list-style-type: none"> • Deaf consumers expect the interpreter to be an ally. If you are professional you are <u>my</u> professional. • It depends on if you are more articulate or grass roots. For a person who is grass roots, professional behavior means helping. For a person who is more articulate – more of the hearing culture, they have stronger boundaries with regard to interpreters. • Depends on what the interpreter is there to do, who is involved, and why. Interpreters in legal settings, for example, are more serious and uninvolved with regard to the chatting that goes on. More robotic. Consumers then know what to expect in different settings. • This includes: <ul style="list-style-type: none"> ▪ Friendliness ▪ Being on time ▪ Not having strict boundaries like only talking to the Deaf consumer when going into the job ▪ Confidentiality ▪ Taking/understanding hints. It's hard for Deaf consumers to tell interpreters stuff. They often say "I don't want to hurt the interpreter's feelings." So interpreters should just know when the DC offers hints about not working well together, not taking work with that DC, etc. Professional behavior also includes the interpreter knowing when the DC is talking directly to them and not wanting that information voiced out loud. • It means that the interpreter <ul style="list-style-type: none"> ▪ appreciates having the assignment ▪ takes it seriously ▪ interprets as if his/her entire career is on the line ▪ lets the Deaf person have a positive, integrated experience 	<ul style="list-style-type: none"> • Its behavior based more on linguistics or business influences. • I'm supposed to be balanced and neutral. • Showing up on time • Billing appropriately • Confidentiality • Teaming appropriately with other interpreters • Keeping up with RID and the CPC • Being knowledgeable about the profession and the topic(s) they are interpreting for at the moment. • Etiquette; how to behave in the world. They consider how hearing people define professional and see that Deaf people may have a different view on professional behavior. And then the interpreter also has a view on that, so the interpreter ends up considering all three views when they make their decisions. • For some, this means following the CPC. For seasoned interpreters, it means following the CPC, and much more. • For interpreters, I feel professional behavior means <ul style="list-style-type: none"> ▪ dressing well ▪ showing up on time ▪ doing a "good job" ▪ getting along with the people involved ▪ being treated well. • The seasoned interpreters "know" this stuff. Younger (more inexperienced) interpreters don't quite get the subtleties. • Deaf consumers need to remember that we are all human and will make mistakes.

Consent Form**Grievances: Issues and Interests that Drive Complaints
Against American Sign Language (ASL) / English Interpreters****Introduction:**

You are invited to participate in a research study investigating the underlying interests and sources of conflict within complaints filed against ASL / English interpreters. This study is being conducted by Paula Gajewski Mickelson, a graduate student at the College of St. Catherine under the supervision of James Coben, a faculty member in the Hamline University School of Law and director of the Dispute Resolution Institute. You were selected as a possible participant in this research because you are actively providing mediation services within the Ethical Practices System of the Registry of Interpreters for the Deaf (RID). Please read this form and ask questions before you agree to be in the study.

Background Information:

The purpose of this study is to identify common themes and patterns in the sources of conflicts that drive complaints against ASL / English interpreters. Approximately 6 - 8 people are expected to participate in this research.

Procedures:

If you decide to participate, you will be asked a series of questions and your responses will be recorded on paper. The interview will take approximately one hour over one session. Once my interview notes are drafted, you will be asked to review your comments for accuracy.

Risks and Benefits of being in the study:

This study has minimal risks. You will not be asked to disclose confidential information regarding any of the mediations you have facilitated nor will you be asked identifying information about any of the participants. However, you may terminate the interview at any time for any reason.

There are no direct benefits to you for participating in this research.

Confidentiality:

Any information obtained in connection with this research study that can be identified with you will be disclosed only with your permission; your results will be kept confidential. In any written reports or publications, no one will be identified or identifiable and only group data will be presented.

I will keep the research results in a locked file cabinet in my home office in Apple Valley, MN and only I and my advisor will have access to the records while I work on this thesis. I will finish analyzing the data by December, 2007. I will then destroy all original reports and identifying information that can be linked back to you.

Voluntary nature of the study:

Participation in this research study is voluntary. Your decision whether or not to participate will not affect your future relations with Hamline University or the College of St. Catherine in any way. If you decide to participate, you are free to stop at any time without affecting these relationships.

New Information:

If during course of this research study I learn about new findings that might influence your willingness to continue participating in the study, I will inform you of these findings.

Contacts and questions:

If you have any questions, please feel free to contact me, Paula Gajewski Mickelson at 952.891.2658 or paulagm@charter.net. You may ask questions now, or if you have any additional questions later, the faculty advisor, James Coben, 651-523-2137, will be happy to answer them. If you have other questions or concerns regarding the study and would like to talk to someone other than the researcher(s), you may also contact the faculty advisor.

You may keep a copy of this form for your records.

Statement of Consent:

You are making a decision whether or not to participate. Your signature indicates that you have read this information and your questions have been answered. Even after signing this form, please know that you may withdraw from the study at any time.

I consent to participate in the study.

Signature of Participant

Date