

The RID Code of Ethics, Confidentiality, and Supervision Steven Fritsch Rudser

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Introduction

Since its publication in 1979, the "Revised Registry of Interpreters for the Deaf Code of Ethics" has stimulated considerable discussion, as well as a certain amount of confusion. There are two common misconceptions which interfere with a realistic view of the code. The first of these, voiced with alarming frequency, is that the code merely reflects "common sense."

Webster defines common sense as "the unreflective views of ordinary men [*sic.*]." Common sense provides blanket answers to everyday problems, but it does not provide solutions to complex situations. It is for the purpose of providing guidance to professionals working in complicated and sensitive areas that codes of ethics are created. "Ethics" is the study of the moral implications of actions; ethical behavior requires thoughtful consideration, the opposite of those "unreflective views" which make up common sense. On occasion, common sense and ethical reflection may arrive at the same conclusion, but this is merely coincidence; they will have taken nearly opposite paths to get there. An individual who espouses the belief that the Code of Ethics is merely common sense has a wonderful excuse not to study it. In reality, relying on "common sense" in professional situations simply means the avoidance of the thinking and reflection necessary for any professional endeavor.

The second misconception is that the Code of Ethics can be applied effortlessly to any situation. Though it is true that a short legal or moral code which is finely crafted may contain an amazingly sophisticated philosophy, interpretation of such a code will always be necessary. Behind each of the individual articles in the Code stand values. The practitioner who understands only the literal level of the Code, and who is ignorant of the moral constructs which the Code embodies, will seldom find it as helpful as it might be. At times, such an interpreter's behavior may even be in conflict with the Code on a deeper level. In contrast, the individual who understands the Code on this deeper level will find it a source of support in facing ethical dilemmas.

These two misconceptions seem to be almost opposites: one discounts the Code's value, while the other over-exaggerates it (at least on the literal level). But they are similar in that each of these notions absolves the interpreter from thinking. If the Code merely represents common sense, and common sense is "unconsidered opinion," then there is no need for thought. Contrariwise, if the Code of Ethics is sufficient on the literal level, then the interpreter can blithely follow "the rules," once again without thought. Any code of ethics may do many things, but it certainly does not relieve professionals of the responsibility to think. Any approach to the Code which

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attempts this is erroneous, and is potentially damaging to professionals and clients alike.

The RID Code of Ethics

The Code has three distinct layers. Confusion of these layers is the source of much of the uncertainty presently surrounding the Code. The first layer is comprised of the eight articles dealing with the topics of confidentiality, accuracy of interpretation, impartiality, discretion regarding skill level and remuneration, professional decorum and continuing education. The second layer consists of guidelines which are intended to clarify individual entries. Guidelines exist for six of the eight. The third and final layer is made up of all the things which people believe to be part of the Code of Ethics, but which are in reality either conventions of role or misconceptions.

A code of ethics is a legalistic document, and is by nature brief and compact. The actual entries must attempt to be all-encompassing. The first and most important level of the Code is only eight short statements which attempt to cover all situations the interpreter might face. It is at this level that the interpreter must search for the values which the Code is trying to communicate.

Let us look, for example, at the third statement: "The interpreter/transliterator shall not counsel, advise, or interject personal opinions." This implies that the interpreting profession values self-determination for its clients. The profession recognizes that it would be easy to take advantage of the interpreter's function to become involved in clients' interactions, and seeks to prevent this from happening.

At the second level, the guidelines exist to assist people in applying the Code to situations which arise in the course of their work. It is important to remember that the guidelines are not the rules; rather they are attempts at interpreting and applying the principles embodied in the Code. The introduction to the Code itself makes this clear. The guidelines assist in understanding how to apply the Code of Ethics to real-life situations. (Remember, however, that guidelines do not exist for all of the eight articles.) The guidelines that are provided are not all-inclusive; rather they highlight one or two issues related to the statement to which they are attached. We will discuss this distinction again, later in this paper.

To illustrate the third layer, that of ideas mistakenly connected with the Code of Ethics, let us examine an actual situation. An interpreter was working in a formal situation, before a mixed hearing and deaf audience. The hearing presenter had no experience working with interpreters or interacting with deaf people. After introducing the key participants, the presenter wanted to introduce the interpreter, but had forgotten his name. She apologized to him and asked him to introduce himself. The interpreter relayed this request in sign and did not respond. The presenter, thinking that the interpreter had misunderstood, repeated her request. This continued for several minutes with mounting tension and embarrassment for all, until someone in the audience called out the interpreter's name.

The interpreter in this situation believed that he was complying with the Code of Ethics, indeed that the

Code allowed him no other option. Of course, there is nothing even remotely related to this in the Code. The idea that the interpreter should never initiate any communication or even respond to direct questions may have begun at any of the larger post-secondary programs employing interpreters. Regardless of how the idea developed, it has no basis in the Code of Ethics, nor could it, since it has nothing to do with ethics. Simultaneous interpretation, speaking in the first person, and the interpreter functioning as a "machine" are all examples of concepts popularly, but incorrectly, associated with the Code.

Before any discussion about modifying the Code or our interpretation of it, we must know at what level we are operating. Is the problem actually with the Code, or is it a difficulty in the interpretation as presented in the guidelines? Or perhaps the difficulty is actually not with the Code at all, but something mistakenly identified with the Code? With this information, we can much more easily proceed with analysis of a particular problem.

Conflicts with confidentiality

The area of confidentiality is the first addressed by the RID Code. This is undoubtedly no accident: the clients' right to privacy is one of the most important considerations when an interpreter is involved in interactions between deaf and hearing people. A recent study of stress among sign language interpreters includes descriptions of stress-producing situations generated by the interpreters (Heller, *et al.* 1986). The remainder of this paper will focus on an analysis of two of these stressors and a possible solution to them, guid-

ed by the considerations of the Code discussed up to this point.

The first issue relates to the difficulty which results from frequently working in isolation. Interpreters seldom receive extensive feedback from clients, and it is even more rare for them to benefit from the critique of peers. Though it may be possible to get feedback on technical skills by simulating interpreting experiences, it is far more difficult to simulate the complex interactions which occur when people of different cultural and linguistic backgrounds meet. Isolated practitioners must deal with the frustration of working in a vacuum. Interpreters often feel the need to discuss their experiences with a colleague, to get ideas for difficult situations or to get feedback on the appropriateness of their own solutions to problems.

The second issue which interpreters express is the need to discuss emotionally upsetting situations that occur while interpreting. An individual most likely has no problems with confidentiality while interpreting in most settings. The stress of an extraordinary, emotionally charged situation may test the interpreter's ability to keep confidentiality, however. Increasingly, interpreters are working in high pressure situations such as courtrooms, hospitals and psychiatric wards. An interpreter may have to relay the information that a patient has a terminal disease, or interpret for a mentally disturbed patient who becomes mentally or even physically abusive. In this case, the interpreter may need to seek validation and support from another person. Of course, besides being examples of situations in which the interpreter can be highly stressed, these are also

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examples in which the clients' need for confidentiality is most obvious.

The first entry in the Code states: "The interpreter/transliterators shall keep all assignment-related information strictly confidential." The guidelines make it clear that discussing a case with another professional -- either for the purpose of helpful feedback or emotional support -- would not be allowed. This discussion would be a breach of the Code in the interpretation of the guidelines published with the Code. The interpreters involved in Heller *et al.*'s study reported that they did in fact talk with someone else about their interpreting experiences, both to get feedback and to lessen the impact of emotional experiences. Obviously, there is a conflict between the Code and the actual practice of interpreters. It would be possible for the profession to deal with this conflict in any of several ways.

The first possibility would be to ignore the discrepancy between the code and common practice. The implication of this would be that the Code is unrealistic, and that the profession in fact sanctions behavior which it officially proscribes. A second possibility would be to reaffirm our support for the Code and condemn the behavior, but this denies the validity of interpreters' need for feedback. A third possibility would be to change the Code itself, establishing the comfort of the interpreter as a higher priority than clients' right to privacy. Of course none of these solutions is satisfactory. The Code of Ethics must be taken seriously, nor should the fact that there is a problem in interpreters following the Code be taken lightly. And finally, the right of

clients to confidentiality cannot be tampered with.

A solution does exist which respects the right to privacy as well as the interpreter's need for feedback. Formal supervision, modeled after mental health professionals' supervision could provide the support that interpreters are seeking, without endangering confidentiality. In such a system, an interpreter could engage the services of a colleague on a regular basis, perhaps one hour a month. In this time the interpreter could discuss any facet of the workload for which guidance is necessary. Supervisors, in accepting this role, would be pledging to use their expertise to assist the supervisee in developing as a professional, including technical, theoretical and ethical aspects of the field. It is possible that supervision would provide a boost to our standards.

Would such a change require a change in the Code of Ethics? The supervisor-supervisee relationship is confidential, and all information gleaned in such a situation would necessarily be treated as such. In the majority of instances, the interpreter would not need to give enough information to make it possible to identify the parties involved. If it was impossible to describe a situation without giving information that might make it possible to identify the parties, the interpreter would be free to do so. This would apply only to formal supervision. Thus, the requirement to keep all assignment-related information strictly confidential would not be changed.

There are a number of other groups of professionals for whom confidentiality is an important

consideration, psychologists and lawyers being notable examples. In both of these cases, the professional's confidentiality extends to other workers who assist in the carrying out of the professional function. Secretaries who type up reports and supervisors who monitor cases share information when necessary, and are equally bound by confidentiality. In like manner, the interpreter would be free to communicate with the supervisor about anything deemed necessary, with the supervisor assuming an equal burden for confidentiality.

Since, according to Heller *et al.*'s study, discussion of cases does occur at the present time, it is important for us [the field] to acknowledge this, and to find a way to structure it into a positive rather than a negative force. The individuals with whom interpreters are currently discussing their cases are not bound by confidentiality. This informal discussion about cases is a real threat to clients' privacy. Instituting formal supervision recognizes the problem and provides a constructive solution which may also have other positive effects on our profession.

Though this innovation would not require a change in the relevant section of the Code, the relevant guideline could be expanded to discuss supervision. It is worth repeating here that the guidelines are not the Code itself; rather, they are an interpretation of the Code. And this interpretation is sure to change and develop as our field progresses. And though supervision would be a significant change, it would not diminish the significance of the value that this part of the Code was designed to uphold. It would have a positive effect on interpreters' ability to keep confidences,

since there would be more appropriate outlets provided for them, and confidentiality could be more rigorously enforced.

The RID would have to approve formal supervision of interpreters for it to become a reality. I hope this paper will provide the impetus for discussion within our organization and profession to make that possible.

References

Heller, B., M. Stansfield, G. Stark, and D. Langholtz. (in press.) Sign language interpreter stress: An exploratory study. In: Proceedings of the 1985 Convention of the American Deafness and Rehabilitation Association.