

From Best Practice to Best Practice Process: Shifting Ethical Thinking and Teaching

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Abstract

There has been a phenomenological shift in the ethical thinking of interpreting professionals from a deontological, or rule-based approach to a more teleological, or goal-based approach. Given this apparent shift, there is a need for standardization among interpreting teachers and mentors in imparting teleological decision-making skills to students. However, most interpreting professionals and educators learned to make ethical decisions based on the deontological principles outlined in the RID Code of Ethics. Later, most settled into making ethical decisions more intuitively, based on their on-the-job experience. While this approach might be sound, it makes the transfer of critical reasoning skills to students idiosyncratic and less effective. The authors' demand-control schema work teaches interpreters and interpreter educators to frame critical reasoning skills in the context of a structured decision-making process that yields a "best practice process" rather than a context that mandates best practices per se.

Introduction

Since the publication of our first article outlining the basics of what would eventually become the demand-control schema (DC-S) for interpreting work (Dean and Pollard, 2001), I (Dean) have presented over seventy DC-S trainings and workshops in 25 states, reaching approximately 2500 working interpreters, interpreting students, and interpreter preparation program (IPP) faculty. I often begin these workshops with an icebreaker that lays the groundwork for a very different type of ethical dialogue that challenges the helpfulness of the “best practices” concept frequently discussed in our field. Following a description of this icebreaker activity, the ethical challenge we will return to is this: “How can one determine what is the best practice, or what is the right/best answer, before first establishing what the question is?”

Breaking the Ice

I adapted this icebreaker from those used in other workshops where participants are required to move around the room in silence, gathering signatures on a document that lists a variety of possible life events (e.g., “once I rode in a hot air balloon”). Each participant’s task is to obtain a fellow participant’s signature next to an event that the participant has actually experienced. The “winner” is the first one to fill the entire list with signatures or to reach a pre-determined number of signatures. Each participant is only allowed to sign one line on a given sheet of paper, although they are free to change the line they are signing each time they are approached. I modify this ice breaker by listing 20 items that pertain to interpreting practice. Approximately half of these items are rather ordinary events (e.g., interpreted for a celebrity or had to turn down a job for personal reasons). The remaining half of the items are about more challenging decision-making issues that might arise while interpreting (e.g., held the hand of someone in pain, reported students for cheating on a test, made up information that could not be heard). Whenever I do this exercise, the outcome is both consistent and poignant.

Generally, participants provide signatures for both the ordinary and the challenging decision-making items without much thought – likely because they do not know what is about to happen next. I ask the “winner” of the icebreaker to tell the group who signed up for the first item. Then, I ask that individual to introduce him/herself and briefly share the story about the item they signed. When the participants realize that each of them will be expected to share the

story about the item they signed on the winner's paper, there is usually a collective gasp as they struggle to remember whether they signed an ordinary item or an item which will require them to "explain themselves" in front of their peers.

Those who signed up for the ordinary items readily introduce themselves and share the requested story (e.g., "I interpreted for the President when he came to my home state"). Their stories are usually brief and we then move on to the next item and the next person. However, those participants who signed their names next to the examples involving judgment or decision-making, often jump to a defense of why they made that decision or a detailed description of what was going on that led them to that decision. Many qualify their story by saying, "I know this is wrong but..." or "I would not do this again but..." as they explain why they did what they did. Some even suggest that they misread the item and that they did not do such a thing!

When the icebreaker activity is completed and everyone has been introduced, I ask participants to look over the list of 20 items and to think of two different categories into which the items might logically fall. Their answers are usually in the vein of: "professional versus unprofessional," "right versus wrong," "worker versus human," etc. After we discuss these views, I inform them of the two categories I had in mind when designing this exercise: "what is safe to admit at an interpreting workshop and what is not safe." There is collective agreement.

Ethics as Taking Responsibility

In his book, *The Responsible Self*, H. Richard Niebuhr (1963), a well-known ethicist in the field of theology, defines ethics in terms of *being responsible*. The word *responsibility* is a derivative of the verb "to respond." Logically then, in order for one to "be responsible," one must first be in a position to respond to something. For Niebuhr, an ethical response cannot be determined absent of knowledge regarding what it is that one is attempting to respond to, that is, what the situation or question is that has predicated the opportunity for a response. Aristotle similarly emphasizes this need to understand the stimulus situation in his equating of ethics with "a fitting response." In this context, before the interpreting field can provide an answer to what constitutes a best practice – including what is ethical – we must first ask, "What is the question?"

At first blush, one might suggest that the question posed to interpreters is predicated by the event of two or more people who do not speak the same language coming together in an attempt to communicate. That is, the act of interpreting is a response to the "questions" manifest

in the interlocutors' utterances. It is this "question – response" interplay (Q: "What was said/signed?" A: "Then this is what I said/signed/did in response") that determines what is ethical or unethical or, at least, more versus less effective. Indeed, in IPPs, analysis of this type of question – answer interplay is how one's interpreting skills are typically assessed. However, it is also well known in the interpreting field (not only in relation to signed and spoken languages but also in the field of biblical translation) that it is the *context* of the communication event that first must be established before one can determine the effectiveness of the translation work and/or behavioral decisions the interpreter makes (Cokely, 1992, Gish, 1987, Humphrey and Alcorn, 1995, Metzger and Bahan, 2001, Namy, 1977, Roy, 2000, Wadensjo, 1998, Winston, 1989). Therefore, in our demand-control schema work, we do not talk about how an interpreter should respond (the interpreter's control options) before knowing what is being asked of the interpreter by the context of the communication situation (the job's demands).

This idea, determining how to respond only after due consideration of the context, can challenge even the most commonly accepted "best practices" that the interpreting field has recommended since the original Registry of Interpreters for the Deaf (RID) code of ethics was published (Quigley, 1965). For example, interpreters have been admonished to "match the spirit of the speaker." However, one could readily construe a constellation of job demands that would make "matching the spirit of the speaker" not only undesirable, but potentially unethical. Consider the context (determined in our DC-S work by analyzing the environmental, interpersonal, paralinguistic, and intrapersonal, or EIPI demands) of interpreting in a group psychotherapy session, where group cohesion and emotional safety are significant aspects of the goal of the environment. Imagine that one of the hearing group members begins to divulge painful information and is talking through her sobs. Would "matching the spirit of the speaker" be effective in this situation? Should the interpreter "copy" the intensity of the speaker's emotions or might that appear as if the interpreter were mocking the speaker? Given the goal of this environment, adhering to this particular best practice principle would likely be inappropriate.

Another example of a long-standing "best practice" exhortation in our field is that communication information that is "missed" by the interpreter should be pursued and recovered so that the deaf consumer has equal access to all that was said. However, if in the same group therapy situation described above, the crying participant's story was not fully understood by the interpreter, would asking this person to repeat or speak up, or offering visual cues that the

interpreter is struggling to hear (leaning in, cupping one's ear, etc.), or peering at the person in an attempt to speech read, be effective and ethical decisions? Again, given the goal of this environment, likely not. And yet, if one element of this situation were altered – the same group, same participant talking but, this time, the conversation is emotionally neutral, then the above control options for recovering missed information would be fitting, as would matching the spirit of the speaker. Context is everything and, further, is too unpredictable to yield the drafting of de-contextualized “best practice” recommendations, in our opinion.

After being employed for a period of time, many interpreters come to the conclusion that the tenets of the 1979 Code of Ethics (Cokely, 2000) and more recent best practice recommendations are best construed as guidelines and not as strict behavioral mandates. Cokely (2000) even calls such rigid, rule-based perspectives on any code or established precepts “the very antithesis of ethics” (page 28). In teaching interpreters about ethical and effective decision-making via the demand-control schema, we agree that ethics should not be thought of as a “code” but, rather, as a *process* – a process that Niebuhr (1963) states also requires “staying with one's action.” That is, in addition to determining “the question” (understanding contextually what is going on) and subsequently determining a fitting response, Niebuhr (1963) further emphasizes that “responsibility lies in the agent who stays with his action, who accepts the consequences in the form of reactions and looks forward in a present deed to continued interaction” (page 64). Similarly, in our DC-S pedagogy, we teach interpreters not to think in terms of employing a given best practice but, instead, employing a “best practice process.” That is, a process by which ethical and effective practice decisions are made within an EIPI contextual framework that does not have its end point when a “fitting response” has been chosen and executed. The best practice process we teach continues even after a given decision has been made and employed.

Deontological versus Teleological Ethics

Before we describe our DC-S best practice process, we must first describe two very different approaches to making or justifying ethical decisions – the *deontological* approach versus the *teleological* approach. A deontological approach to ethics focuses on adherence to rules. A teleological approach to ethics focuses not on rules, but on outcomes. One who makes or justifies ethical decisions deontologically does so through “binding” her/himself to a rule or a

principle (δεο, from the Greek meaning *to bind*). One who makes or justifies ethical decisions teleologically does so through evaluating the likely consequences of their decisions and the impact of those consequences on the end goal (τελος, from the Greek meaning *the end*).

The RID Code of Ethics of 1979 is deontological in nature (Cokely, 2000). That is, it consists of a list of rules that interpreters are expected to follow. Taken together, the eight tenets of the 1979 Code convey an ethos that the interpreter, optimally, should be “invisible” to the consumers. If an interpreter were facing an ethical decision that the eight tenets did not directly address, it was generally understood that she should fall back on the ethos behind the tenets, that is, make the choice that maximizes interpreter invisibility or otherwise parallels what would occur if the interpreter was not there. In this manner, an interpreter could justify her actions, or more often her *lack of an action*, deontologically, relying on the ethos that the interpreter is, ideally, not there. This “interpreter as invisible” ethical approach, at times, may lead to ethical and effective decisions, but we would argue that responding in this rule-based manner fails to encourage interpreters to take into consideration critical contextual elements prior to making a decision to act in some way or to refrain from acting in some way. In other words, deontological reasoning creates a mandate to act (or not act) prior to answering the question “What is going on?” Niebuhr (1965) and Mandelbaum (1955) would argue that rule-based decision-making, disconnected from an analysis of the specific situation at hand is, ipso facto, unethical.

Teleological ethical reasoning is instead focused on the consequences of one’s decisions, as these consequences contribute to, or detract from, a *conscious* end goal. The consequences to be considered are those that may result from the interaction between the context of the situation (in our DC-S work, the EIPI demands) and the individual’s proposed response (in our work, the interpreter’s controls), including when the proposed response is “to not respond.” It is not enough to choose a control option simply because it appears to respond to the demands presented by the situation. Control options also must be evaluated in light of the consequences, both positive and negative, that may result from that particular demand-control interaction. What distinguishes this ethical approach from deontological or best practice approaches in the field of interpreting is that it more overtly acknowledges that the constellation of demands present in a given interpreting assignment – most importantly the demand we call “the goal of the environment” – will continually change from one assignment to the next. An ethical and effective control option that is fitting in one assignment may potentially be ineffective, even

unethical, in the next assignment – even if only one EIPI element has changed. Teleological ethical perspectives are arguably the norm, rather than the exception, in other practice professions such as medicine and law enforcement (Dean and Pollard, 2004a, 2005).

D-C-C-RD Sequence

Our phrase, “the demand-control-consequence-resulting demand sequence” (D-C-C-RD) is what we have previously referred to as DC-S “dialogic work analysis” (Dean et al., 2004b). In the demand-control schema, *demands* pertain exclusively to the interpreting job while *controls* pertain exclusively to the interpreter. (Controls include not only the interpreters’ translation and behavioral decisions but even their personal characteristics such as age, gender, appearance, background, etc.) If you have Job A and bring in interpreter A, this will yield a particular set of demand-control interactions with its unique set of consequences. Job A with Interpreter B will yield a different set of demand-control consequences, as would Job B with Interpreter A.

For illustrative purposes, imagine that Job A is a case management appointment at a senior center and Interpreter A is a highly linguistically skilled, young male interpreter. Now imagine the same Job A, but, instead, with Interpreter B. Interpreter B is a middle-aged female with adequate, but less well-developed linguistic skills. The interaction of Job A with Interpreter A versus Interpreter B will bring about different demand-control consequences. Both interpreters might be fitting for this job; at this point, we are only pointing out that the resulting demand-control interaction is likely to be different. Which interpreter-job pairing is optimal or which of myriad decisions either interpreter might optimally make cannot be determined without a further analysis of the situation’s EIPI factors. However, it should *not* automatically be assumed that the person with the more advanced linguistic (“technical”) skills is automatically the better choice. As we have argued (Dean and Pollard, 2004a, 2005), interpreting is not a technical profession; it is a practice profession. If all that mattered were the interpreter’s technical skills, then Interpreter A would likely be the preferred candidate for this job, or any other interpreting job, in comparison to Interpreter B. Yet, depending on the particular interplay of demand-control factors, it would be easy to create scenarios where Interpreter B, perhaps as a result of differing practice profession decisions or even characteristics of the interpreter herself, would yield the preferred set of demand-control consequences.

The D-C-C-RD sequence is the specific way we teach our teleological approach to formulating a best practice process. We teach interpreters and interpreting students to first analyze interpreting situations for the EIPI demands that are present. After a thorough consideration of the demands present in each of these four categories, we begin discussions of potential control responses. We take care to “cast a wide net” in the consideration of potential control responses, encouraging the consideration of responses from several points along the “ethical and effective” range of potential responses, that is, from the conservative side of that range to the liberal side of that range. (See Dean and Pollard, 2004a or 2005 for details of this model.)

As each potential control option is considered, we require interpreters to speculate about the positive *and* negative consequences that may result from employing that particular control option (noting always that deciding not to do something is itself a decision that has consequences). We caution that just because a decision may yield a negative consequence, it does not necessarily mean the decision was a poor one. Many optimal decisions will have one or more negative consequences in addition to positive consequences. Minor side effects from an appropriately prescribed medication would be an analogous example. When such side effects are moderate or greater in degree, doctors may prescribe additional medication(s) to ameliorate the side effects rather than discontinue the original medication that is yielding desired positive consequences. In this same way, we discuss the “resulting demands” (i.e., what might result from negative consequences) that are created by some control decisions.

For example, in educational interpreting settings, asking the teacher before class for a copy of her notes always has the negative consequence of “taking the teacher’s time.”¹ The potential for negative consequences does not mean that the control option of asking for the teacher’s notes (in response to the environmental demand of dense or complex instructional content) is a poor choice. Instead, Niebuhr would suggest that the ethical response is to “stand by” the decision by following it through to its next stage. In the D-C-C-RD sequence, this next stage is the “resulting demand” stage. If the interpreter, by acting responsibly with his control decision to ask for preparatory materials, anticipates a negative consequence to this control, which he chose as the best one to respond to the *original* demand, he can use the resulting

¹ Note that control decision consequences do not refer to whether or not a request such as this was responded to favorably by the consumer. In this case, we are not labeling as a positive consequence when the teacher says, “Yes, you can have my notes” and a negative consequence as when her response is, “No, you cannot have my notes.”

demand concept to prepare a new control that will respond adequately to that resulting demand (e.g., the teacher's annoyance at the request or the teacher's perception that the interpreter must not be adequately skilled).

In our experience, when first introducing DC-S dialogic work analysis to interpreters, we have observed that many will initially reject some ethical and very effective control options simply because they perceive a risk of one or more negative consequences. Nearly all control options – from throughout the liberal to conservative spectrum of ethical and effective decisions – will have some negative consequence that might stimulate a resulting demand. The challenge is to thoroughly assess the situation (EIPI), consider a range of potential responses (not just blindly follow a rule), anticipate both positive and negative consequences to these potential decisions, and implement those decisions that are likely to have the optimal positive impact on the goal you are striving for, understanding that “side effects” will stimulate additional demands that must also be addressed via new controls. Niebuhr puts it thusly: “The idea of pattern of responsibility, then, may summarily and abstractly be defined as the idea of an agent's action (the controls they employ or refrain from employing) as response to an action upon him in accordance with his interpretation of the latter action (the EIPI demands) and with his expectation of a response to his response (positive consequences, negative consequences, and resulting demands)” (page 65, parenthetical notations ours).

Evaluating Critical Reasoning Skills by Employing the D-C-C-RD Sequence

We teach critical reasoning (and ethics) through the structured use of the D-C-C-RD sequence, which can also be used to document, facilitate, and evaluate an individual's critical reasoning skills. For illustration, consider the following interpreting assignment. A deaf student is taking a CPR certification class at the Red Cross. She is a 20 year old female. The instructor is a 40 year old female. During the actual demonstration of CPR techniques, the deaf student and the teacher work together 1:1. Consider the following D-C-C-RD sequence that happens as the teacher instructs (the goal of the environment being “education”):

Demand	Control Option	Consequence	Resulting Demand	New Control
Teacher points to show directions of a medical procedure saying “this and that”	1) Interpreter allows teacher to show visuals and does not interpret the language	<u>Positive:</u> Interpreter does not distract student from the visual information <u>Negative:</u> Deaf student sees the teacher talking but interpreter is not signing	Deaf person perceives that information was missed	Interpreter assures deaf person at the end of the instruction that the information was all represented visually
	2) Interpreter interprets “this and that” by using the names of the referenced equipment, body parts, etc.	<u>Positive:</u> Names of equipment, etc., are reinforced <u>Negative:</u> Deaf student is pulled to look at interpreter signing instead of the visuals	Deaf person misses important visual information	Interpreter explains to teacher and student that the visuals may have been missed
	3) Interpreter signs what is spoken while shadowing the pointing of the teacher	<u>Positive:</u> This conveys the greatest amount of verbal and visual information <u>Negative:</u> The interpreter gets in the way of the teacher’s instructions	Teacher and deaf person experience the intrusion of the interpreter	Interpreter explains the reason behind the choice and asks for guidance on less intrusive but equally effective controls

We are not suggesting that any of the above three control decisions constitutes a “best practice” nor are we recommending one of these decisions over another. Any of these decisions, and others that might be hypothesized, may be an ethical, effective, and appropriate one. The choice between them should be made in light of the mitigating demands that are present in that situation

(which are not shown in the above chart), in addition to the constellation of positive and negative consequences created by the particular demand-control pairing under consideration.

This very brief example hopefully illustrates how the D-C-C-RD sequence can be used in both teaching and evaluating critical reasoning skills. It first taps the interpreter's ability to effectively identify job demands or answer the question, "What is going on?" Then, the interpreter must formulate *several* potential responses to that job demand. Next, they must consider the interaction between the demand and the control options they have proposed by identifying both positive and negative consequences likely to result from each control choice. Potential resulting demands arising out of negative consequences are then identified. Finally, as Niebuhr encourages, in this "resulting demand" stage, the interpreter considers optimal ways to "stay with the decision" (when appropriate) by formulating follow-up control responses.

Learning this new way of ethical and effective decision-making is not easy for interpreters or interpreter educators. Some feel challenged by this different way of thinking and struggle to learn and apply it. Others, while making decisions in this way instinctually, still struggle to slow down their thought processes to consider and critique them on a conscious level, in an effort to identify the most salient and effective aspects of their critical decision-making thought processes. We believe the demand-control schema and the D-C-C-RD sequence in particular offer a useful framework for this practice-profession challenge. Notably, the NAD-RID's new Code of Professional Conduct (RID, 2005) and the interview portion of the NAD-RID National Interpreter Certification test reflect a more teleological approach to interpreting practice that is entirely consistent with the demand-control schema for interpreting work.

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