

## COMPLAINT PROCESS

### BACKGROUND/PURPOSE

To allow the CCDHH Legal Auxiliary Services Program to control the quality of auxiliary services offered in the Colorado State Courts System. It will have oversight of the roster of Legally Qualified Auxiliary Service Providers and allow for revocation of Legal Credential Authorization (LCA) and removal from roster if a complaint is upheld.

### PROCESS

#### I. Scope of this Process

Any service provider who performs sign language interpretation or CART services for the Colorado State Courts and is paid for this service by the CCDHH Legal Auxiliary Services Program. This includes individuals who hold the Legal Credential Authorization as awarded by CCDHH.

#### II. Grounds for Corrective Action

The following actions may constitute grounds for the filing of a disciplinary complaint against a service provider who is working for the CCDHH Legal Auxiliary Services Program:

- i) violation of any federal, state or local criminal code when such offense adversely affects the interpreter's ability or fitness to perform court duties;
- ii) fraud, dishonesty, or corruption related to the functions and duties of a Legal Auxiliary Service Provider;
- iii) knowing misrepresentation of roster status;
- iv) continued false or deceptive advertising after receipt of notification to discontinue;
- v) repeated failure to appear as scheduled without good cause;
- vi) noncompliance with any existing continuing education requirements;
- vii) violation of the Court Interpreter's Code of Professional Responsibility, the RID-NAD Code of Professional Conduct or the NCRA Code of Ethics and Guidelines for Professional Practice.

### PROCEDURE

#### I. Complaint Process

##### A. Who may file a complaint:

Complainants may include, but are not limited to, defendants, litigants, court personnel, judges and judicial officers, other auxiliary service providers and courtroom observers.

##### B. How a complaint must be filed:

- i) Within 90 days of the alleged incident, a complaint must be submitted to CCDHH, signed by the complainant, and mailed or delivered to the following addresses:  
Colorado Commission for the Deaf and Hard of Hearing

## Legal Auxiliary Services Program

1575 Sherman St, 2<sup>nd</sup> Fl

Denver, CO 80203;

or [cheri.davis@state.co.us](mailto:cheri.davis@state.co.us)

- ii) The complainant may fill out the CCDHH in-take form available from the CCDHH office, or may submit the complaint in any format that shall state the date, time, place (including the judicial district), case name and number of any proceeding, if applicable, and the nature of the alleged improper conduct. If possible, the complaint shall include the name(s), title(s) and contact information of potential witnesses. Finally, the complaint shall state why the complainant believes the alleged improper activity requires disciplinary action. Alternative forms of documentation, such as video or audio formats, will be accepted.
- iii) Within fourteen (14) days, a copy of the complaint will be sent to the auxiliary service provider who will be given fourteen (14) days, from the receipt of the letter, to respond to the Commission in writing. If the service provider fails to respond in writing within the allotted time, the review will still proceed without it.

## C. Review of Complaint

- i) The CCDHH staff shall review the complaint and the response with the Legal Advisory Sub-Committee within thirty (30) days of receipt of the response and shall determine whether the allegations, if true, would constitute grounds for discipline. If it is determined that the conduct would be grounds for discipline, an investigation shall proceed according to Section II below.
- ii) If it is determined that the complaint does not allege conduct that would be grounds for discipline, the complaint shall be dismissed and the complainant will be notified via first class mail. The notification shall include an explanation of the reason(s) for the determination. If the complainant disagrees with the determination, he/she must notify CCDHH within thirty (30) days.
- iii) An Ethics Review Board (ERB) will be appointed to review the complaint within thirty (30) days. The ERB will consist of three (3) members of the full Commission.
- iv) If the ERB determines that that the conduct would be grounds for discipline, an investigation shall proceed according to Section II.
- v) If the ERB determines that the complaint does not allege conduct that would be grounds for discipline, the ERB shall dismiss the complaint and notify the complainant via first class mail. The notification shall include an explanation of the reason(s) for the ERB determination.

- vi) If the complainant disagrees with the ERB determination the complainant may file a petition for review with the full Commission within thirty (30) days. The Commission will hold a hearing to review the facts and make a determination. The Commission decision is final.

## II. PROCEDURE FOR INVESTIGATION AND DECISION

### A. Investigation

- i) Except for good cause shown, the investigation shall be completed by CCDHH staff in a timely manner not to exceed sixty (60) days from the receipt of the complaint or from the receipt of the request to investigate by the ERB, whichever is later.
- ii) If deemed appropriate, the Auxiliary Service Provider shall be suspended from working for the CCDHH Legal Auxiliary Services Program during the investigation and until further notice. If the service provider is an employee of the state, he/she falls under the Department of Human Services Personnel Rules and may be placed on administrative leave pending investigation.
- iii) The investigation will include statements from witnesses, court personnel and others named in the original complaint and the response from the service provider. If additional information is required from the service provider prior to making a determination, a written request shall be sent, by first class mail, with specific questions posed. All questions must be answered and mailed back to the within no more than fourteen (14) days. If the service provider fails to respond in writing within the allotted time, CCDHH will still proceed with the disciplinary review.
- iv) At the conclusion of the investigation and review of statements, it determined that conduct occurred that would be grounds for discipline, a report of findings and a recommendation for disciplinary action will be submitted and the parties will be notified by first class mail. The notification shall include an explanation of the reason(s) for the determination. If either party disagrees with the determination, he/she may file a petition for review, within thirty (30) days, under the procedure as outlined in Section I(C)(iii) above.
- v) If at the conclusion of the investigation and review of statements, it is determined that no conduct occurred that would be grounds for discipline, the complaint shall be

dismissed and the parties will be notified the by first class mail. CCDHH The notification shall include an explanation of the reason(s) for the determination. If either party disagrees with the determination, he/she may file a petition for review, within thirty (30) days, under the procedure as outlined in Section I(C)(iii) above.

### III. Corrective Action

A. If it is found that there is clear and convincing evidence that there are grounds for corrective action under Section II, CCDHH shall impose such action as deemed appropriate. In determining what action is appropriate, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court system and/or the complainant, the amount of experience, and any other mitigating or aggravating information presented shall be considered. Actions that may be imposed include, but are not limited to:

- i) issuing a private reprimand;
- ii) issuing a public reprimand;
- iii) issuing a corrective action with which the interpreter must comply in order to remain on the roster;
- iv) requiring that certain education courses be taken;
- v) requiring that the interpreter work with a mentor, or that the interpreter's work be supervised;
- vi) limiting the type of legal assignments;
- vii) suspension of Legal Credential Authorization and removal from roster for a specific period of time;
- viii) revocation of Legal Credential Authorization and removal from roster.

B. If the corrective action includes suspension or revocation of the service provider's Legal Credential Authorization or roster status, CCDHH shall specify the conditions and timeframe, if any, within which the interpreter may apply for reinstatement of his or her Legal Credential Authorization or roster status. If the service provider disagrees with the determination, a petition for review can be filed within thirty (30) days under the procedure as outlined in I(C)(iii).

### IV. REINSTATEMENT

A service provider whose Legal Credential Authorization or roster status has been suspended or revoked may apply in writing to CCDHH Legal Auxiliary Services Program for reinstatement, within the timeframe established in the suspension/revocation decision shall have sole discretion in determining whether the conditions for reinstatement have been satisfied.

### V. CONFIDENTIALITY

A. All complaints and investigations shall be confidential, except that when a final determination is reached to impose any of the sanctions listed in Section III above (including a determination to suspend or revoke a service providers Legal Credential Authorization or roster status), the final disposition, including the grounds for the

disciplinary actions and the facts cited in support of the disposition, shall be an open record available to the public upon request

B. CCDHH shall develop a protocol for disseminating public information to judicial officers, district administrators, managing interpreters and interpreter agencies concerning disciplinary actions taken against service providers.