

ACKNOWLEDGMENT OF RESPONSIBILITY
For Proceeding Without Qualified Interpreter
Pursuant to Deaf Persons' Interpreters Act (DPIA), MCL 393.501-393.509
and Michigan Rules of Administrative Procedure, MRAP 393.5001-383.5095

(Name of d/db/hh person) _____ has requested and is entitled to an American Sign Language (ASL) interpreter as an accommodation required by applicable state and/or federal disability laws. Michigan law, at 393.503a, provides that "the interpreter shall be a qualified interpreter" as defined by the administrative rules.

(Appointing Authority – accommodation provider) _____ acknowledges having a legal duty as an appointing authority to provide this accommodation, and asserts it has made appropriate attempts to do so, but no fully qualified interpreter is available. The appointing authority has determined that the most effective communication possible under the circumstances is the use of an ASL interpreter who lacks otherwise necessary certification.

(Name of interpreter) _____ who holds valid certification as (e.g., BEI-I) _____ is the interpreter the appointing authority is providing pursuant to a limited waiver and/or otherwise in variance of the Deaf Persons' Interpreters Act and applicable administrative rules. (MCL 393.501, MRAP 393.5001).

"If an interpreter is required as an accommodation for a deaf or deaf-blind person under state or federal law, the interpreter shall be a qualified interpreter." (MCL 393.503a).

"Variance" means any failure by an appointing authority to provide a qualified interpreter and establish effective communication that does not take place pursuant to a "waiver" or "exception" and which is not otherwise prohibited by law or these rules." (MRAP 393.5053(nn)). A "Limited Waiver" means to agree to accept an underqualified interpreter for a particular proceeding. (MRAP 393.5053(qq)).

"A qualified interpreter shall interpret for a proceeding within his or her standard level, unless otherwise provided in these rules and the act." (MRAP 393.5051(1)).

An interpreter is subject to possible discipline for a "failure to decline or offer to withdraw" if not fully qualified or "when effective communication is not substantially achieved or when notified by D/DB/HH or hearing person of inability to consistently understand." (MRAP 393.5070).

Thus, an interpreter may interpret for a proceeding for which he or she is not fully qualified ONLY when the appointing authority asserts that no qualified interpreter is available, all parties to the communication are aware of the interpreter's actual qualifications, AND the interpreter has made an offer to withdraw at any time if requested to do so based upon ineffective communication. An interpreter cannot determine whether an appointing authority properly met its duty to attempt to secure a fully qualified interpreter, or whether that authority also properly considered other options that may have offered more effective communication, and the appointing authority is at all times responsible for meeting its legal obligations in these respects. However, an interpreter should not agree to interpret at a proceeding for which he or she is not fully qualified without verifying that the appointing authority acknowledges this responsibility, asserts that it has been met, and confirms that it is fully aware of the interpreter's actual qualifications.

The above appointing authority acknowledges that it is responsible for the determination that no fully qualified interpreter can be provided, and for determining that the above interpreter will provide the most effective communication reasonably possible under the circumstances. The above d/db/hh person has been informed of the interpreter's qualifications and the interpreter has agreed to withdraw if communication is not effective.

Date Signature of Appointing Authority

Date Signature of interpreter

Use note: This is an agreement between an interpreter and an Appointing Authority. A d/db/hh person's signature is not required, however he or she should be provided a copy as they must be fully informed and the parties' signatures attest that this has occurred. Original copy should be retained by interpreter.