

**THE NORTH CAROLINA
INTERPRETER & TRANSLITERATOR LICENSING BOARD
POLICIES AND PROCEDURES
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PREAMBLE

In order to provide, in one place, a comprehensive statement of the composition, powers, duties, and procedures of the Board, and the limitations on the exercise of those powers and duties, these policies and procedures set out not only those procedures that typically apply to an organization's operation and that are within the Board's power to adopt, amend, and repeal, but also relevant provisions of the North Carolina General Statutes. Readers should remember that the Board has no authority to adopt, amend, or repeal any of the provisions herein that come from the North Carolina General Statutes.

ARTICLE 1 CREATION OF THE BOARD

- 1.1 The Interpreter and Transliterators Licensure Act:** The Board was created by the enactment of the North Carolina Interpreter and Transliterators Licensure Act, which was ratified by the General Assembly on October 2, 2002, signed by Governor Michael F. Easley on October 31, 2002, and with certain exceptions became effective July 1, 2003. *See* N.C. Sess. Law 2002-182, s. 10.
- 1.2 The Purpose of the Act:** G.S. 90D-2, Declaration of Purpose, specifies that, "The practice of manual or oral interpreting and transliterating services affects the public health, safety, and welfare, and therefore the licensure of these practices is necessary to ensure minimum standards of competency and to provide the public with safe and accurate manual or oral interpreting or transliterating services. It is the purpose of this Chapter to provide for the regulation of persons offering manual or oral interpreting or transliterating services to individuals who are deaf, hard-of-hearing, or dependent on the use of manual modes of communication in this State."
- 1.3 License Required:** Subject to certain enumerated exceptions, G.S. 90D-4(a) specifies that, "[N]o person shall practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf", "Licensed Transliterator

for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator unless that person is currently licensed under this Chapter.”

1.4 Composition of the Board: G.S. 90D-5(b) describes the composition of the Board as follows.

- (a) The Board consists of nine members who serve staggered terms.
- (b) The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives appoint three members each.
- (c) The Governor’s appointees must include:
 - (1) A member of NCAD;
 - (2) A licensed interpreter who is a member of NCRID with five years’ experience in a community setting; and
 - (3) An employee of the NC Department of Health and Human Services.
- (d) The President Pro Tempore of the Senate must appoint:
 - (1) A licensed interpreter or transliterator for deaf-blind individuals or a deaf-blind individual who is a member of the North Carolina Deaf-Blind Association;
 - (2) A licensed cued speech or oral transliterator; and
 - (3) A member of Hearing Loss Association of North Carolina (HLA-NC)
- (e) The Speaker of the House of Representatives must appoint:
 - (1) A licensed interpreter who is a member of NCRID with five years’ experience in an educational setting in grades K-12;
 - (2) A faculty member of an Interpreter Training Program (ITP), an Interpreter Preparation Program (IPP), or a qualified or professional certified instructor of the American Sign Language Teachers Association (ASLTA); and
 - (3) A public member.

1.5 Occupational Licensing Board: The Board is an “Occupational Licensing Board” as that term is defined by G.S. 93B-1 and as such must comply with the requirements of Chapter 93B of the General Statutes.

1.6 Public Body: The Board is a “Public Body” as that term is defined by G.S. 143-318.10(b) and must comply with the public meetings laws and the public records laws.

ARTICLE 2 POWERS AND DUTIES OF THE BOARD

2.1 General Powers and Duties of the Board: G.S. 90D-6 specifies that the Board has the power and duty to:

- (a) Administer the Interpreter and Transliterator Licensure Act (“the Act”);
- (b) Adopt, amend, or repeal rules necessary to carry out the provisions of the Act, subject to the requirements of G.S. 150B-18 through 150B-21.28;
- (c) Employ and fix the compensation of personnel that the Board determines is necessary to carry into effect the provisions of the Act and to incur other expenses necessary to effectuate the Act;
- (d) Examine and determine the qualifications and fitness of applicants for licensure, renewal of licensure, and reciprocal licensure;
- (e) Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary actions authorized by the Act;
- (f) Set fees as authorized in the Act at G.S. 90D-10;
- (g) Conduct investigations for the purpose of determining whether violations of the Act or grounds for disciplining licensees exist;
- (h) Maintain a record of all proceedings and make available to licensees and other concerned parties an annual report of all Board action as described in G.S. 93B-2;
- (i) Keep on file in its office at all times a complete record of the names, addresses, license numbers, and renewal license numbers of all persons entitled to practice under the Act;
- (j) Adopt a seal containing the name of the Board for use on all licenses and official reports issued by the Board;
- (k) Adopt rules for continuing education requirements; and
- (l) Conduct administrative hearings in accordance with the requirements of G.S. 150B-38 through 150B-42.

2.2 Age Requirements: G.S. 93B-9 specifies that, “[N]o occupational licensing board may require that an individual be more than 18 years of age as a requirement for receiving a license.”

2.3 Authority to Discipline Interpreters and Transliterators: G.S. 90D-12 specifies that the Board may deny, suspend, revoke, or refuse to license an interpreter or transliterator or applicant for any of the following:

- (a) Giving false information to or withholding information from the Board in procuring or attempting to procure a license;
- (b) Having been convicted of or pled guilty or no contest to a crime that indicates the person is unfit or incompetent to perform interpreter or transliterator services or that indicates the person has deceived or defrauded the public;
- (c) Having been disciplined by the Registry of Interpreters for the Deaf, Inc., (RID);
- (d) Demonstrating gross negligence, incompetency, or misconduct in performing interpreter or transliterator services;
- (e) Failing to pay child support after having been ordered to do so by a court of competent jurisdiction; and
- (f) Willfully violating any provisions of the Interpreter and Transliterator Licensure Act or the rules adopted by the Board.

2.4 Injunctive Relief: If the Board finds that a person who does not have a license issued under this Chapter claims to be a licensed interpreter or transliterator or is engaging in practice as an interpreter or transliterator in violation of this Chapter, the Board may seek injunctive relief in the manner described in G.S. 90D-13.

2.5 Civil Penalties:

- (a) Pursuant to the provisions of G.S. 90D-13 and 21 NCAC 25 .0701 through .0703, the Board may assess a civil penalty not to exceed one thousand dollars (\$1,000) for the violation of any section of the Interpreter and Transliterator Licensure Act or any rules adopted by the Board.
- (b) Pursuant to Article IX, Section 7(b) of the North Carolina Constitution and N.C. Gen. Stat. § 115C-457.2, the Board must forward all civil penalties to the N.C. Office of State Budget and Management for deposit in the N.C. Civil Penalty and Forfeiture Fund. The penalties deposited in this Fund are used exclusively for maintaining free public schools. The Board may not retain for its use any of the funds received by it in payment of civil penalties imposed by the Board pursuant to G.S. 90D-13.

- 2.6 Use of Funds for Lobbying Prohibited:** G.S. 93B-6 specifies that, “Occupational licensing boards shall not use any funds to promote or oppose in any manner the passage by the General Assembly of any legislation.”
- 2.7 Interest from State Treasurer's Investment Program:** G.S. 93B-11 specifies that, “Any interest earned by an occupational licensing board under G.S. 147-69.3(d) may be used only for the following purposes: (1) To reduce fees; (2) Improve services offered to licensees and the public; or (3) For educational purposes to benefit licensees or the public.”
- 2.8 License Revocation For Nonpayment Of Child Support Or For Failure To Comply With Subpoena:** G.S. 93B-13 specifies that, “Upon receipt of a court order, pursuant to G.S. 50-13.12 and G.S. 110-142.1, revoking the occupational license of a licensee under its jurisdiction, an occupational licensing board shall note the revocation in its records, report the action within 30 days to the Department of Health and Human Services, and follow the normal postrevocation rules and procedures of the board as if the revocation had been ordered by the board. The revocation shall remain in effect until the board receives certification by the clerk of superior court or the Department of Health and Human Services in a IV-D case that the licensee is no longer delinquent in child support payments, or, as applicable, that the licensee is in compliance with or is no longer subject to the subpoena that was the basis for the revocation.
- 2.9 Licensing Provisions Regarding Members Of The Armed Forces And Military Spouses:** The Board shall comply with the special provisions in G.S. 93B-15 and -15.1 regarding the licensing of members of the armed forces and military spouses.
- 2.10 Contracting Services Supporting Operations of The Board:** The Board may enter into contracts with outside entities for services (such as management of board business or investigative services). The Board may use its general counsel to assist in the process of soliciting and reviewing bids and awarding contracts in accordance with State policies. The Board has the final authority with respect to its contracts’ terms and conditions, and scope of work and the awarding of contracts.

ARTICLE 3 PUBLIC RECORDS

3.1 Introduction:

- (a) G.S. 132-1(a) specifies that the term “Public Record” means “all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.”
- (b) The following sections of this Article identify some of the records that the Board is required by law to compile and maintain, addresses the issue of the confidentiality of some of those records, and describes the Board Administrator’s duty to preserve and protect the Board’s records.

3.2 Board Member Appointment Records

- (a) The Board Administrator shall create and maintain a database of the Board’s membership, which shall contain each member’s:
 - (1) Name;
 - (2) Address, telephone number, and email address;
 - (3) Appointing Authority (e.g. Governor, President Pro Tempore of the Senate, or Speaker of the House of Representatives);
 - (4) Constituency (e.g. NCAD, NCRID, DHHS, etc.);
 - (5) Dates of appointment;
 - (6) Appointment expiration date;
 - (7) Whether the member is in his or her first or second term;
 - (8) Whether the member can be reappointed;
 - (9) Dates of election to a Board office and appointment to committees; and
 - (10) Dates of excused and unexcused absences from Board meetings.
- (b) The Board Administrator shall orally report to the Board at the first Board meeting of each new calendar year, and as requested by the Board Chair, the appointment status of every Board member.
- (c) The Board Administrator shall create and maintain a list of the names, titles, mailing addresses, email addresses, and telephone numbers of the appointment

staff in the offices of the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

- (d) The Board Administrator shall, at the direction of the Board Chair, contact the foregoing appointment staff to facilitate the appointment and reappointment of qualified residents of the State as members of the Board.
- (e) The Board Administrator shall obtain and retain copies of all appointment and reappointment letters.

3.3 Licensee Records: G.S. 93B-3 specifies that the Board shall:

- (a) Prepare a register of all persons currently licensed by the Board;
- (b) Keep the register current by listing the changes made by reason of new licenses issued, licenses revoked or suspended, death, or any other cause; and
- (c) Upon request of any citizen of the State, inform the requesting person as to the licensure status of any individual.

3.4 Minutes of Meetings:

- (a) G.S. 143-318.10(e) specifies that, “Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings.”
- (b) Minutes must be kept for all Board meetings and all committee meetings.

3.5 Social Security Numbers: G.S. 93B-14 specifies that, “Every occupational licensing board shall require applicants for licensure to provide to the Board the applicant's social security number. This information shall be treated as confidential and may be released only as follows: (1) To the State Child Support Enforcement Program of the Department of Health and Human Services upon its request and for the purpose of enforcing a child support order; and (2) To the Department of Revenue for the purpose of administering the State's tax laws.”

3.6 Confidentiality of Identifying Information: G.S. 14-113.20 and 132-1.10 make the following “identifying information” confidential:

- (a) Social security or employer taxpayer identification numbers;
- (b) Driver’s license, State identification card, or passport numbers;
- (c) Checking account numbers;

- (d) Savings account numbers;
- (e) Credit card numbers;
- (f) Debit card numbers;
- (g) Personal Identification (PIN) Code as defined in G.S. 14-113.8(6);
- (h) Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names;
- (i) Digital signatures;
- (j) Any other numbers or information that can be used to access a person's financial resources;
- (k) Biometric data;
- (l) Fingerprints;
- (m) Passwords; and
- (n) Parent's legal surname prior to marriage.

3.7 Confidentiality of FBI Criminal Record Checks

- (a) Criminal record checks received from the FBI through the SBI **are confidential and are not public records** and may only be disclosed to those Board staff, legal counsel, and Licensure Review Committee members who have been listed with the SBI as authorized persons. NOTE: Criminal records obtained from a local clerk of court **are not confidential and are public records**.
- (b) Disclosure of FBI criminal record checks to anyone else constitutes grounds for immediate revocation of the Board's right to receive FBI Criminal Record Checks notwithstanding the provisions of G.S. 90D-7(c).
- (c) The Board Administrator shall:
 - (1) Store all FBI criminal record checks in a secure, locked filing cabinet;
 - (2) Shred old FBI criminal record checks pursuant to the schedule specified by the SBI;
 - (3) Notify the SBI of changes in the identity of the persons who need to see and handle FBI criminal record checks so that the SBI's list of authorized persons can be kept up to date;
 - (4) Disclose FBI criminal record checks only to authorized persons;

- (5) Password protect all FBI criminal record checks emailed to authorized persons;
- (d) LRC members shall delete from their computer hard drives and email files all electronic versions of each criminal record check, and shall shred all paper copies of those records, as soon as the LRC has made a licensure decision.

3.8 Preservation and Protection of Records: The Board Administrator shall:

- (a) Be designated as the custodian of the Board's records pursuant to G.S. 132-2;
- (b) Create and maintain a filing system that ensures the preservation and prompt retrieval of the Board's records as needed;
- (c) Routinely purge the Board's records pursuant to the record retention schedule adopted by the Board;
- (d) Appear at contested cases as needed to authenticate the Board's records;
- (e) Prepare and issue responses to public record requests following consultation with the Board's Chair and legal counsel.
- (f) When making copies of the Board's records in response to a public records request, redact all confidential identifying information that may be contained in the copies following consultation with the Board's legal counsel and before delivering the copies to the person making the request.
- (g) Board members communicating via email are to copy the Board Administrator every time as a means for the Board to maintain a record of said communication for easy retrieval.

ARTICLE 4 REPORTS AND AUDITS

4.1 Annual Reports:

- (a) No later than October 31 of each year the Board must file with the Secretary of State, the Attorney General, and the Joint Regulatory Reform Committee the annual report described in G.S. 93B-2(a).
- (b) No later than October 31 of each year the Board must file with the Secretary of State, the Attorney General, the Office of State Budget and Management, and the Joint Regulatory Reform Committee, the annual financial report described in G.S. 93B-2(b).

- (c) Pursuant to G.S. 93B-2(c), the foregoing reports shall be open to public inspection.
- (d) Pursuant to G.S. 93B-2(d), the Board's failure to timely file the foregoing reports by October 31 of each year shall result in a suspension of the Board's authority to expend any funds until such time as the Board files the required reports. However, the suspension of the Board's authority to expend funds shall not affect the Board's duty to issue and renew licenses or the validity of any application or license for which fees have been tendered in accordance with law.

4.2 Annual Financial Audits:

- (a) G.S. 93B-4(a) specifies that, "The books, records, and operations of each occupational licensing board shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."
- (b) G.S. 93B-4(b) specifies that, "Each occupational licensing board with a budget of at least fifty thousand dollars (\$50,000) shall conduct an annual financial audit of its operations and provide a copy to the State Auditor."
- (c) The Board Administrator, in consultation with the Board Treasurer, shall retain the services of a qualified CPA to perform the required annual audit.

ARTICLE 5 MEMBERS

- 5.1 Term Limits:** G.S. 90D-5(b) specifies that, "No member may serve more than two consecutive full terms."
- 5.2 Qualifications:** G.S. 90D-5(c) specifies that, "All members of the Board who are required to be licensed under this Chapter shall reside or be employed in North Carolina and shall remain in active practice and in good standing with the Board as a licensee during their terms."
- 5.3 Vacancies:** G.S. 90D-5(d) specifies that, "A vacancy shall be filled in the same manner as the original appointment. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified."
- 5.4 Service Following Expiration of Term Of Appointment:** Pursuant to G.S. 93B-10, "A board member serving on an occupational and professional licensing board whose term of appointment has expired shall continue to serve until a successor is appointed and qualified."

5.5 Removal: G.S. 90D-5(e) specifies that, “The Board may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a licensee shall be disqualified from participating in the official business of the Board until the charges have been resolved.”

5.6 Resignation: Members who wish to resign before the end of their term shall submit a letter of resignation to the current chair. The chair will then notify the full board of this resignation, and the board chair shall notify the appointing authority of the open position on the board.

5.76 Compensation: G.S. 90D-5(f) specifies that, “Each member of the Board shall receive per diem and reimbursement for travel and subsistence as provided in G.S. 93B-5,” which provides that:

- (a) “Board members shall receive as compensation for their services per diem not to exceed one hundred dollars (\$100.00) for each day during which they are engaged in the official business of the board.”
- (b) “Board members shall be reimbursed for all necessary travel expenses in an amount not to exceed that authorized under G.S. 138-6(a) for officers and employees of State departments. Actual expenditures of board members in excess of the maximum amounts set forth in G.S. 138-6(a) for travel and subsistence may be reimbursed if the prior approval of the State Director of Budget is obtained and such approved expenditures are within the established and published uniform standards and criteria of the State Director of Budget authorized under G.S. 138-7 for extraordinary charges for hotels, meals, and convention registration for State officers and employees, whenever such charges are the result of required official business of the Board.”
- (c) “Except as provided herein board members shall not be paid a salary or receive any additional compensation for services rendered as members of the board.”
- (d) “Board members shall not be permanent, salaried employees of said board.”

5.8 New Member Orientation:

- (a) The Board Chair will assign current members of the Board to serve as a mentors for new members.
- (b) All assigned parties will complete their assigned duties listed on the New Member Orientation Checklist within their specified timeframes.

5.9 Training: G.S. 93B-5(g) specifies that, “Within six months of a board member's initial appointment to the board, and at least once within every two calendar years thereafter, a board member shall receive training, either from the board's staff, including its legal advisor, or from an outside educational institution such as the School of Government of the University of North Carolina, on the statutes governing the board and rules adopted by the board, as well as the following State laws, in order to better understand the obligations and limitations of a State agency:

- (a) Chapter 150B, The Administrative Procedure Act;
- (b) Chapter 132, The Public Records Law;
- (c) Article 33C of Chapter 143, The Open Meetings Act;
- (d) Articles 31 and 31A of Chapter 143, The State Tort Claims Act and The Defense of State Employees Law;
- (e) Chapter 138A, The State Government Ethics Act; and
- (f) Chapter 120C, Lobbying.

5.10 Duties: Board members have a duty to:

- (a) Know and understand the Board’s purpose and duties;
- (b) Attend Board meetings as specified in these Policies and Procedures.
- (c) Participate in the work of the committees to which they have been appointed;
- (d) Present to the Board the needs and concerns of the interest group they were appointed to represent;
- (e) Educate consumers of interpreting and transliterating services about the purposes and requirements of the licensure law; and
- (f) Forward the public’s oral and written questions about the requirements of the licensure law to the Board Administrator, who will forward them to the Board Chair for discussion at the next Board meeting.

5.11 Attendance Standard:

- (a) Pursuant to Executive Order 34, signed by Governor Perdue on December 9, 2009, all Board members appointed by the Governor shall attend at least 75 percent of all regularly scheduled meetings of the Board during any single licensure year, i.e. from October of one year through September of the next.
- (b) The attendance standard set out in Executive Order 34 is hereby applied to the Board members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.
- (c) The failure of any board member to meet this attendance standard shall constitute grounds for that member's removal from the Board for misfeasance, malfeasance, or nonfeasance pursuant to G.S. 143B-13(d), G.S. 143B-16, or other applicable statutes or regulations.
- (d) No member shall be disqualified for excused absences. An excused absence is an absence that has been excused in advance by email by the Board Chair.

ARTICLE 6 OFFICERS

6.1 Statutory Officers: G.S. 90D-5(g) specifies that, "The officers of the Board shall be a chair, a vice-chair, and other officers deemed necessary by the Board to carry out the purposes of this Chapter. All officers shall be elected by the Board for two-year terms and shall serve until their successors are elected and qualified."

6.2 Additional Officers: The Board shall also elect a Secretary and a Treasurer.

6.3 Elections:

- (a) The election of officers shall be the first order of business at the beginning of the first Board meeting held after October 1 in even years.
- (b) No member of the Board may be nominated for any position unless the member is present and consents to the nomination unless the member, though absent, gives consent by teleconference.
- (c) Any one member may be elected to more than one position, provided that the positions of chair and vice-chair must be filled by separate members.
- (d) It is recommended but not required that the Board Chair have previous experience in serving on the Licensure Review Committee.

- (e) The newly elected Chair or Vice-Chair shall assume control of the Board meeting immediately upon election.

6.4 The Chair: The Chair shall:

- (a) Preside at all meetings of the Board;
- (b) Develop the agenda for each Board meeting in consultation with the other members of the Board and the Board Administrator;
- (c) Appoint Board members to serve on the Board's standing and ad hoc committees;
- (d) Monitor the activities of all committees other than the Licensure Review Committee;
- (e) Orient new members and facilitate their full participation in Board meetings;
- (f) Facilitate effective communication among Board members, Board committees, members of the public and the Board's management company.
- (g) Assign a Board member the responsibility for securing interpreters/transliterators and/or other communication accommodations as needed for Board meetings.

6.5 The Vice-Chair: The Vice-Chair shall exercise the Chair's powers in the absence of the Chair or at the Chair's request; e.g., when the Chair recuses himself or herself because of a real or potential conflict of interest.

6.6 The Secretary: The Secretary shall:

- (a) Review and approve notes taken by the Board Administrator during Board meetings;
- (b) Draft meeting minutes for the Board's review and approval;
- (c) Email draft minutes to the Board within one week after each meeting;
- (d) Revise the draft minutes as directed by the Board;
- (e) Sign the minutes as approved by the Board;
- (f) Forward a signed copy of the minutes to the Board Administrator for posting on the Board's website;
- (g) Update the Board's Action List after each Board meeting; and
- (h) Email the updated action item list to the Board within one week after each Board meeting.

6.7 The Treasurer: The Treasurer shall:

- (a) Draft an annual budget for the Board's review and approval;

- (b) Countersign all checks issued by the Board.
- (c) Review and approve the monthly financial reports submitted by the Board's management company;
- (d) Report on the Board's financial standing at each quarterly meeting and as requested by the Chair; and
- (e) Approve the selection of an external auditor by the Board Administrator.

ARTICLE 7 MEETINGS

7.1 Official Meetings: G.S. 143-318.10(d) specifies that, “‘Official meeting’ means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.” There are three types of official meetings: (a) regular meetings; (b) special meetings; and (3) emergency meetings.

7.2 Open to the Public: G.S. 143-318.10(a) specifies that each official meeting of the Board and its committees, other than the Licensure Review Committee, is open to the public and any person is entitled to attend the meeting.

7.3 Sound and Video Recordings: G.S. 143-318.14 specifies that, “any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.”

7.4 Closed Sessions:

- (a) G.S. 143-318.11(a) specifies that the Board “may hold a closed session and exclude the public during a meeting of the Board only when a closed session is required:
 - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or

not considered a public record within the meaning of Chapter 132 of the General Statutes.

- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other

material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
 - (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 - (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
 - (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.”
- (b) G.S. 143-318.11(c) specifies that, “A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed [above].”
- (c) G.S. 143-318.10(e) specifies that, “When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes

and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.”

7.5 Regular Meetings:

- (a) G.S. 90D-5(h) specifies that, “The Board shall hold at least two meetings each year.” However, the Board has determined that it is desirable to schedule and conduct a total of four regular meetings each licensure year. At the last quarterly meeting of the Board before October 1 each year, the Board shall schedule four regular quarterly meetings for the next licensure year.
- (b) If feasible, the Board shall schedule a quarterly Board meeting in conjunction with the North Carolina Registry of Interpreters for the Deaf (NCRID) annual conference.
- (c) If feasible, the Board shall conduct a public forum during a conference of the NCRID.

7.6 Special Meetings: Special meetings are meetings that are scheduled on short notice in addition to the Board’s regular quarterly meetings. Special meetings of the Board may be scheduled by the Chair:

- (a) At Chair’s discretion; or
- (b) Upon the written request of six members of the Board.

7.7 Emergency Meetings: G.S. 143-318.12(f) specifies that “an ‘emergency meeting’ is one called because of generally unexpected circumstances that require immediate consideration by the public body.” Special meetings of the Board may be scheduled by the Chair:

- (a) At Chair’s discretion; or
- (b) Upon the written request of six members of the Board.

7.8 Public Notice of Official Meetings:

- (a) The giving of public notice of official meetings of public bodies is governed by the provisions G.S. 143-318.12. Those provisions are summarized below.

- (1) The Board must post the times, dates, and places of its regular quarterly meetings on its website pursuant to G.S. 143-318.12(d).
 - (2) The Board Administrator must provide a written copy of the schedule to any member of the public upon request.
 - (3) If the Board amends the schedule, it must post the revised schedule to its web page at least seven calendar days before the day of the first meeting held pursuant to the revised schedule. *See* G.S. 143-318.12(a).
 - (4) Notice for additional non-emergency meetings must be given at least 48 hours before the time of the meeting. *See* G.S. 143-318.12(b)(2).
 - (5) Notice for emergency meetings must be given to the public as soon as notice has been given to Board members. *See* G.S. 143-318.12(b)(3).
 - (6) If the Board or one of its committees recesses a regular, special, or emergency meeting, the date, time, and place at which the meeting will be continued should be announced in open session and must also be posted on the Board's web page. *See* G.S. 143-318.12(e).
- (b) Public notice of Board meetings shall be given to the following persons:
- (1) **Board Members:** Written notice of the date, time and place of all non-emergency meetings of the Board will be e-mailed to each member not less than seven days before the date of the meeting, provided that emergency meetings may be held as soon as all members have been informed of the time, date, and place of the emergency meeting.
 - (c) **Licensees:** Written notice of the date, time and place of all meetings of the Board shall be posted to the Board's web page.
 - (d) **The Press:** Written notice of the date, time and place of all meetings of the Board shall be e-mailed to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the Board Administrator. *See* G.S. 143-318.12(b)(2)-(3).
 - (e) **Other Persons:** Written notice shall be mailed, e-mailed, or delivered to any other person who has filed a written request for notice with the Board Administrator. *See* G.S. 143-318.12(b)(2)-(3).

- 7.9 Quorum:** G.S. 90D-5(h) specifies that, “A majority of the Board shall constitute a quorum.”
- 7.10 Electronic Meetings:** G.S. 143-318.13(a) specifies that, “If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location.”
- 7.11 Written Ballots:** G.S. 143-318.13(b) specifies that, “Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.”
- 7.12 Acting by Reference:** G.S. 143-318.13(c) specifies that, “The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.”
- 7.13 Order of Business:**
- (a) The order of business of regular meetings shall be as follows:
 - (1) Call To Order;
 - (2) Introduction Of Guests;
 - (3) Ethics Reminder;
 - (4) Approval Of Minutes Of Previous Meeting;
 - (5) Reports;
 - (6) Review Of Outstanding Action Items;

- (7) Old Business;
 - (8) New Business;
 - (9) Adjournment.
- (b) The written agenda prepared by the Chair shall incorporate the Board's Action Item List by reference and shall itemize the old business and new business to be addressed at the meeting.
 - (c) The Chair may add additional items of new business to the agenda during the course of a regular meeting if the Chair determines in his or her discretion that the item cannot wait until the next meeting.
 - (d) If an emergency meeting is called, only business related to that emergency may be discussed at that emergency meeting. *See* G.S. 143-318.12(b)(3).

7.14 Rules of Order

- (a) The course and conduct of the Board's meetings shall be controlled by the Board Chair as the Board's presiding officer.
- (b) The Chair may refer to Roberts Rules of Order for guidance but shall not be required to do so.
- (c) The Chair shall ordinarily follow the written agenda but may address agenda items out of order to accommodate the schedule of members or guests who are critical to the discussion but may have to arrive late or leave early.
- (d) Members who wish to speak must raise their hand and wait to be recognized by the Chair.
- (e) The Chair shall generally recognize members in the order in which they raise their hands but may, in his or her discretion, recognize members out of order.
- (f) Speakers shall begin their comments by giving their names.
- (g) Side bar discussions are discouraged.
- (h) Any member may make a motion on a topic under discussion whenever the member believes that the topic has been thoroughly discussed, the issue has been clearly defined, and every member has had a reasonable opportunity to speak.
- (i) All motions must be made in writing and must be seconded.
- (j) After a motion has been made, seconded, and read aloud, the Chair shall open the floor for discussion on the motion.

- (k) Each member shall be given an opportunity to express his or her opinion on the motion.
- (l) Any member may call for a vote on the motion under discussion (i.e. “call the question”) whenever the member believes that the motion has been thoroughly discussed and every member has had a reasonable opportunity to speak. If the motion to call the question is seconded and receives an affirmative vote of two-thirds of the members present, the Chair shall immediately call for a vote on the underlying motion. A motion to call the question does not have to be made in writing and is not debatable.
- (m) Except when these Policies and Procedures provide otherwise, a motion passes if it receives an affirmative vote from a simple majority of the members present.
- (n) All votes shall be taken by a show of hands and the division of the vote shall be recorded in the minutes.
- (o) Proxy voting shall not be permitted. A member must be physically present at a meeting or in attendance via teleconference in order to vote.
- (p) Any member may challenge a procedural ruling made by the Chair by motion. If the motion is seconded, each person who wishes to be heard on the motion shall be given one opportunity to speak. After each such member has spoken, the question shall be called to a vote. The motion shall pass only if it receives an affirmative vote of two-thirds of the members present.

ARTICLE 8 LICENSURE REVIEW COMMITTEE

8.1 Status: The Licensure Review Committee (LRC) shall be a standing committee.

8.2 Composition:

- (a) At the first quarterly meeting of the Board after October 1 each year, the Board Chair shall appoint three Board members to serve as the Board’s Licensure Review Committee (LRC).
- (b) The Board chair shall designate one of the three to serve as the LRC Chair. Whenever possible, the LRC Chair should have prior LRC experience.
- (c) All appointments shall be for a term of one year.
- (d) An appointee may serve no more than three consecutive one-year terms on the LRC.

- (e) The Board chair shall attempt to reappoint at least one incumbent member each year so there is at least one experienced member on the LRC at all times.
- (f) At least two of the three members of the LRC shall be practicing licensed interpreters or a faculty member of an ITP or an IPP.
- (g) The Board Chair shall not be a member of the LRC.
- (h) Any two of the three members of the LRC shall constitute a quorum.
- (i) If any member of the LRC determines for any reason that he or she cannot participate in the LRC's deliberations on any subject, that member shall inform the other LRC members and shall not participate any further in the investigation, discussion, or resolution of the matter.
- (j) If the remaining two members of the LRC reach an impasse on the issue that caused the third member to recuse himself or herself, they shall ask the Board chair to appoint another member of the Board to take the recused member's place temporarily during the LRC's deliberation on that particular subject. The temporary appointment shall end as soon as a decision is rendered on the issue that caused the LRC member to recuse himself or herself.

8.3 Duties: The LRC shall:

- (a) Review any license application referred to it by the Board Administrator, decide whether the application should be approved or disapproved, and make appropriate written findings and conclusions when it decides that the application should be denied;
- (b) Investigate complaints against interpreters and transliterators subject to the licensure law, decide whether the complaints should be substantiated, and make appropriate findings and conclusions when it substantiates a complaint;
- (c) Investigate any other potential violations of the licensure law that come to its attention, decide whether a violation has occurred, and make appropriate written findings and conclusions when it determines that the law has been violated;
- (d) Decide whether and how to sanction an interpreter or transliterator when it determines that the interpreter or transliterator has violated the licensure law, applying any one or more of the sanctions available to it under the licensure statutes and rules.

- (e) Forward written copies of its decisions and findings and conclusions to the Board Administrator for service upon the subject interpreter or transliterator by first class mail, return receipt requested. All adverse decisions shall contain a statement of the interpreter or transliterator's appeal rights.
- (f) Design forms and procedures to standardize the collection of information during investigations.

8.4 The LRC Chair:

- (a) The LRC Chair shall be a voting member of the LRC and shall preside at all LRC meetings.
- (b) If the Chair determines for any reason that he or she cannot participate in the LRC's deliberations on any subject, the Chair shall appoint one of the other members of the LRC to preside in his or her place.
- (c) The LRC Chair shall schedule LRC meetings as needed following consultation with the Board's Administrator, the other LRC members, and the Board's legal counsel.
- (d) The LRC Chair shall assign LRC members:
 - (1) to interview applicants, licensees, complainants, and other witnesses;
 - (2) to obtain and review relevant documents;
 - (3) to report their findings to the LRC; and
 - (4) to draft the LRC's findings and conclusions in individual cases.
- (e) When the LRC concludes its investigation of an allegation against an interpreter or transliterator, the LRC Chair shall:
 - (1) Sign the LRC's decision letter;
 - (2) Sign the LRC's written findings and conclusions, if any; and
 - (3) Sign the written notice that informs the complainant of the results of the Board's investigation and whether any sanctions were imposed against the interpreter or transliterator.
- (f) The LRC Chair shall periodically report to the Board the number of applications reviewed and the number of applications approved and disapproved. The LRC Chair shall not disclose to the Board the facts of any case that could be appealed to the full Board.

8.5 The Board Administrator: The Board Administrator shall:

- (a) Forward license applications to the LRC when the applications do not clearly demonstrate whether the applicants are eligible for a license;
- (b) Always forward a license application to the LRC when the application indicates that the applicant may have one or more criminal convictions;
- (c) Obtain a certified true copy of an applicant's criminal record from the local clerk of court when an FBI criminal record check indicates an applicant may have one or more criminal convictions and forward the certified true copy to the members of the LRC;
- (d) Attend the meetings of the LRC;
- (e) Serve as the LRC's secretary;
- (f) Draft and circulate the minutes of each meeting; and
- (g) Be the official custodian of the LRC's records.

8.6 Legal Counsel: The Board's legal counsel shall:

- (a) Advise the LRC during its deliberations; and
- (b) Review all draft decision letters and findings and conclusions before they are served upon the subject interpreter or transliterator.

8.7 Appeals:

- (a) Any interpreter or transliterator affected by an LRC decision may appeal the decision to the full Board.
- (b) LRC members shall not sit with the Board or participate in the Board's deliberations or vote when the Board hears appeals from LRC decisions.

8.8 New Member Orientation:

- (a) The LRC shall create and periodically update an orientation package that shall be given to new LRC members upon their appointment.
- (b) On or before the date of their first LRC meeting, new members shall attend an orientation meeting conducted by the LRC chair or the Chair's designee, who shall be a current or recent past member of the LRC.
- (c) New LRC members shall not participate in an LRC meeting until they have attended an orientation session and have received the orientation package.

8.9 Records:

- (a) The Board's Administrator shall be the official custodian of the LRC's records, which shall consist of:
 - (1) All complaints filed against interpreters and transliterators;
 - (2) All documents submitted with each complaint;
 - (3) All records compiled by the LRC during an investigation;
 - (4) All criminal records reviewed by the LRC;
 - (5) All written communications sent or received by the members of the LRC or the Board Administrator regarding any matter being reviewed by the LRC; and
 - (6) All of the LRC's written decisions and findings and conclusions.
- (b) The LRC's records are public records pursuant to G.S. 132-1 and must be preserved and disclosed in response to public records requests pursuant to G.S. 132-6, provided that the Board's attorney shall review all records requests and shall ensure that confidential information is redacted from the subject records before copies of the records are distributed to the public.
- (c) All email messages sent or received by any member of the LRC regarding any matter being reviewed by the LRC shall be copied to the Board's email address to facilitate compliance with the Public Record Law.

8.10 Meetings: The LRC shall meet after each quarterly Board meeting, if there are pending issues to be discussed, and as often as needed between quarterly meetings, as determined by the LRC Chair.

8.11 Meeting Notice: G.S. 143-318.18(6) specifies that the public meetings law does not apply to "[a] public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates . . . while meeting with respect to an individual applicant for or holder of such a license or certificate." Consequently, the LRC is not required to give public notice of LRC meetings held solely for these purposes.

8.12 Public Access to Disciplinary Actions:

- (a) If a member of the public calls the NCITLB office and asks about complaints against a licensee, staff shall inform the caller that:
 - (1) no complaint has been received;
 - (2) a complaint has been received and is being investigated;
 - (3) a complaint was received and was not substantiated; or
 - (4) a complaint was received and was substantiated.
- (b) If a member of the public asks for a copy of a complaint, staff shall provide a copy of the complaint to the caller after all information that might identify consumers of interpreting services has been removed from the document.
- (c) If a member of the public asks for a copy of a substantiation letter, staff shall provide a copy of the letter to the caller after all information that might identify consumers of interpreting services has been removed from the document.

8.13 Posting Disciplinary Actions On The Board's Website

ARTICLE 9 OTHER COMMITTEES

- 9.1 Additional Standing Committees:** The Board may create additional standing committees as the need arises by amending these Policies and Procedures.
- 9.2 Ad Hoc Committees:** An ad hoc committee is a committee that is created for a specific purpose and is disbanded when the purpose is achieved. The Board may create ad hoc committees as the need arises without amending these Policies and Procedures.
- 9.3 Duties and Duration:** The duties of an ad hoc committee shall be specified by the Board at the time of its creation and the committee shall be dissolved when it has completed its assigned task.
- 9.4 Committee Membership:** The members of an ad hoc committee shall be appointed by the Board Chair, who shall take into consideration the recommendations of the Board and the interests and abilities of the persons appointed.
- 9.5 Committee Chair:** The Chair of an ad hoc committee shall be appointed by the Board Chair, who shall take into consideration the recommendations of the Board and the interests and abilities of the person appointed.
- 9.6 Committee Meetings:** Ad hoc committees shall meet at any time and place agreed to by the members, provided that written notice of the meeting is given in the manner specified

by these Policies and Procedures and in Article 33C of Chapter 143 of the North Carolina General Statutes (the Open Meetings Law) and that the meetings are open to the public.

9.7 Minutes of Meetings: The Chair of an ad hoc committee shall ensure that minutes are kept of each committee meeting and that copies of the minutes are sent to the Board Administrator within one week after each committee meeting. Minutes will be taken using the Boards approved Ad Hoc Committee report form.

9.8 Participation by Non-Members: Persons who are not members of the Board may participate in ad hoc committee meetings to the extent permitted by the committee chair, provided that non-members may not make, or vote upon, committee motions. The Chair of an ad hoc committee may specifically invite subject matter experts to attend committee meetings to share their knowledge and expertise.

ARTICLE 10 MANAGEMENT

10.1 Business Functions: The day-to-day business functions of the Board shall be performed by a management company hired by the Board. The obligations of the management company and the Board, respectively, are described in detail in the parties' management contract.

10.2 Standard Operating Procedures: The specific procedures followed by the management company in the performance of its contractual obligations shall be described in a set of Standard Operating Procedures (SOP) developed by the management company, subject to review by the Board.

ARTICLE 11 LEGAL COUNSEL

11.1 Representation by the Attorney General: G.S. 114-2 specifies that it is the duty of the Attorney General to represent all state agencies.

11.2 Charges for Legal Services: G.S. 114-8.2 specifies that the Department of Justice shall charge State boards that are totally supported by receipts from fees for legal services rendered by the Department.

11.32 Employment of Private Counsel: G.S. 114-2.3 specifies every State Board authorized by law to retain private counsel shall obtain written permission from the Attorney General before employing private counsel.

ARTICLE 12 ETHICS

- 12.1 Avoidance of Conflicts of Interest:** Any Board member who has a personal or financial interest in an item on the Board’s agenda should declare that he or she has a conflict of interest when the Chair queries the members about conflicts. Subsequently, when the Chair reaches the agenda item that presents the conflict, the member should step down and take a seat with the members of the public until the Board moves on to the next agenda item. The member should not participate in the Board’s discussion of the item that presents the conflict and should not participate in any votes on the subject. The member should request that the minutes document that the member did not participate in the discussion or the vote.
- 12.2 Advisory Opinions:** G.S. 138A-13 specifies that any Board member who is concerned about the possible existence of a conflict of interest may request a formal advisory opinion from the State Ethics Commission or informal advice from Commission staff. The Board member may also consult the Board’s Ethics liaison or the Board’s legal counsel.
- 12.3 Statements of Economic Interest:** G.S. 138A-22(a) specifies that every Board Member shall file a statement of economic interest with the State Ethics Commission prior to the member's initial appointment and by no later than April 15 of every year thereafter until the expiration of the members appointment.
- 12.4 Ethics Training:** G.S. 138A-14(b1) specifies that, “A public servant appointed to a board determined and designated as non-advisory under G.S. 138A-10(a)(3) shall attend an ethics presentation approved by the Commission within six months of notification of the designation by the Commission and at least every two years thereafter in a manner as the Commission deems appropriate.”
- 12.5 Ethics Liaison:** G.S. 138A-14(e) specifies that the Board Chair shall designate a Board member to serve as the Board’s ethics liaison “who shall maintain active communication with the [State Ethics] Commission on all agency ethical issues. The ethics liaison shall attend ethics education and awareness programs as provided under [G.S. 138A-14] and lobbying education and awareness programs as provided under G.S. 120C-103 and continuously assess and advise the Commission of any issues or conduct which might reasonably be expected to result in a conflict of interest and seek advice and rulings from the Commission as to their appropriate resolution.”

ARTICLE 13 COMMUNICATION WITH THE PUBLIC

13.1 Communication with the Public:

- (a) The “public” includes any licensed or unlicensed interpreter or transliterator, any student interpreter or transliterator, any consumer of interpreting or transliterating services, or any interested party, whether or not the person is a resident of the State of North Carolina.
- (b) Any inquiry posed to any member of the Board regarding Chapter 90D, the administrative rules, or the application process shall be directed to the Board Administrator so as to ensure consistency and accuracy in the Board’s responses.
- (c) The day-to-day maintenance of the Board’s website shall be the responsibility of the Board Administrator.
- (d) The Board’s website shall be reviewed and updated at least annually and more often as needed.
- (e) Substantive changes to the Board’s website (such as new FAQ’s) must be approved by the Board before they are posted.
- (f) The Board shall retain in perpetuity its post office box number and telephone number(s).

ARTICLE 14 AMENDMENTS

14.1 Motion to Amend Policies and Procedures: A motion to amend these Policies and Procedures must be made and seconded at a regularly scheduled quarterly meeting of the Board.

14.2 The Vote Upon A Motion to Amend the Policies And Procedures: A vote upon a motion to amend these Policies and Procedures may not be held any sooner than the next regularly scheduled quarterly meeting of the Board.

14.3 ~~Simple Majority Required:~~ A motion to amend these Policies and Procedures shall be approved upon an affirmative vote of a simple majority of the members present.

14.4 Effective Date of Amendment: An amendment to these Policies and Procedures shall become effective as soon as the motion was passed.

14.5 Citations to Authority: Whenever these Policies and Procedures are amended, citations to the relevant statutory authority should be provided if there is a statutory basis for the amendment.

