

Purpose

The Association of Transcribers and Speech-to-text Providers (ATSP) believes that equal access to communication is a fundamental right of all people. To promote high standards of professionalism and integrity in the delivery of speech-to-text services, ATSP has published the following Code of Professional Conduct, which encompasses the ethical delivery of TypeWell Transcription and C-Print Captioning.

The guiding tenets of this document are designed to educate and support a variety of stakeholders, as follows:

- ◆ Service providers self-employed as freelancers
- ◆ Service providers employed as independent contractors for agencies or universities
- ◆ Service providers employed as part-time or full-time staff of agencies or universities
- ◆ Service coordinators working on behalf of agencies or universities
- ◆ Speech-to-text agencies and companies
- ◆ University disability services offices
- ◆ Clients and consumers

By outlining clear and reasonable expectations with regard to confidentiality, competence, impartiality, respect, and integrity, we empower these stakeholders to make informed decisions about their services and to have rich discussions about the profession. The corresponding behaviors listed below each tenet provide illustrative (not exhaustive) examples of professional conduct in the practice of speech-to-text service provision.

When upholding these professional standards, it is imperative that all service providers think critically, employ reasoned judgement, exercise rational decision making, and draw from learned experience, and it is the responsibility of service coordinators to establish and enforce clear and consistent policies on behalf of clients and consumers who use speech-to-text services.

This Code of Professional Conduct remains a living document and is therefore subject to change over time to meet the evolving needs of the profession. Any substantial revisions will be drafted by special committee and/or the ATSP Board, and will be subject to Board approval.

Questions about the ATSP Code of Professional Conduct, and requests for clarification, should be directed to info@atspnetwork.org

Definitions

To promote clarity and consistency, the following terms used in the ATSP Code of Professional Conduct will be defined as follows:

- ◆ **Assignment:** *An occasion where speech-to-text services are delivered to consumers in real time.*
- ◆ **Consumer:** *The individual(s) who uses speech-to-text services during an assignment.*
 - This person(s) may be deaf, hard of hearing, or hearing.
- ◆ **Client:** *The person or entity that purchases speech-to-text services.*
 - Sometimes the client and the consumer are the same person. In other instances, the client may be the party responsible for arranging services on behalf of the consumer.
- ◆ **Service Coordinator:** *A person who schedules speech-to-text services, manages business transactions, and/or supervises the professionals who provide services.*
 - This person may work for a captioning agency or for a university disability services office.
- ◆ **Service Provider:** *A trained professional who provides speech-to-text services.*
 - This person may work as a self-employed freelancer, as an independent contractor employed by a captioning agency, or as a part-time or full-time employee of a university disability services office.

Illustrative Example

The Ace Company schedules a job interview with a potential employee named Jennifer. Jennifer is hard of hearing. Knowing that it is their legal responsibility to provide communication access for Jennifer's interview, the Ace Company contacts XYZ Captioning Agency and purchases speech-to-text services. Samantha, the supervisor for XYZ Captioning, contacts a trained transcriber named Lars who has provided services for XYZ Captioning in the past as an independent contractor. Samantha contracts Lars to provide speech-to-text services for Jennifer's interview with the Ace Company.

- ◆ The Ace Company is the *client*.
- ◆ Jennifer is the *consumer*.
- ◆ Samantha is the *service coordinator* working for XYZ Captioning Agency.
- ◆ Lars is the *service provider*.
- ◆ Providing speech-to-text services for the interview is the *assignment*.

Tenet I: Confidentiality

Service providers keep communication private and confidential

Clients and consumers have a right to privacy, and they expect confidentiality from service providers. This means that information disclosed to (or in the presence of) a service provider during an assignment will not be shared with outside parties. This builds trust and it protects the interests and wellbeing of clients and consumers.

Some communication settings have specific standards governing confidentiality. Service providers are expected to identify and adhere to those confidentiality standards, seeking clarification, as needed.

Illustrative Behavior

- ◆ Share information about the assignment and/or the consumer only when there is a legitimate “need to know” (e.g. service coordinators, support staff, clients, members of the educational team)
- ◆ Obtain consent before bringing a mentee or trainee to an assignment
- ◆ Manage calendars, invoices, emails, transcripts, and other information about the assignment and/or the consumer in a secure and confidential manner (e.g. password protecting online files, using locked files, shredding documents, taking reasonable precautions in public spaces when it comes to computer screens and phone conversations)
- ◆ Ensure that electronic delivery of services is private and confidential
 - Most speech-to-text services involve linking to a web page, so it is important that each assignment has a unique web address to avoid cross-contamination and breaches in confidentiality
 - Linking URLs should not be shared with anyone who is not directly involved with the assignment or pre-approved by the client
- ◆ Notify your service coordinator immediately if there has been an accidental breach of consumer confidentiality (e.g. personally identifiable information, sensitive personal information)
 - It is the service coordinator’s responsibility to relay this information to the client in a timely manner
 - Freelance service providers who serve as their own service coordinators should notify the client accordingly

- ◆ Remove names and other personally identifiable information from transcripts if this is the client's site policy
- ◆ After an assignment is complete, distribute a saved copy of the transcript only to the client
 - Transcripts may also be sent to the service coordinator for quality control purposes, training, documentation, client distribution
 - It is the client's responsibility to distribute saved transcripts to consumers
- ◆ Refer all unauthorized requests for transcripts to the service coordinator
 - It is the service coordinator's responsibility to relay these requests to the client
 - Freelance service providers who serve as their own service coordinators should notify the client accordingly
 - The decision to share or withhold a transcript with other parties is entirely up to the client

Exceptions

- ◆ When a transcript is subpoenaed as evidence in a legal case, then it is the obligation of the service provider (or service coordinator) to produce that document for the court, at which point it will be subject to discovery under the law of the United States
- ◆ When service providers suspect physical abuse, psychological abuse, sexual abuse, or neglect of a minor or vulnerable adult, they should report this maltreatment to an appropriate authority. Some states require this by law (mandatory reporters). All states permit this action in good faith (permissive reporters)
- ◆ When service providers are ethically or legally obligated to report a crime, they should do so, especially in cases where an individual's health or well-being is or has been endangered (e.g. abuse, assault, threats of suicide, etc.)

Tenet II: Competence

Service providers cultivate necessary skills, knowledge, and competence

Clients and consumers place their trust in the speech-to-text profession because of the effective communication access that these services provide. This means that consumers expect their real-time transcripts to convey the essential meaning of a speaker's message accurately and articulately. This allows consumers to quickly assimilate content and participate in the discussion as it happens.

Service providers must be able to render services consistently in a manner that is efficient and effective. To ensure high-quality services, service providers should only accept assignments for which they are qualified.

Illustrative Behavior

- ◆ Only accept assignments for which you possess the required knowledge and skill
- ◆ Provide services effectively by consistently meeting the following standards:
 - Keep pace with the normal rate of spoken speech
 - Convey the essential meaning of a speaker's message without glaring omission
 - Accurately represent the speaker's tone and formality
 - Accurately convey the speaker's message without introducing errors or mistakes
 - Refrain from correcting factual errors made by the speaker
 - Do not guess at a speaker's intended meaning in instances where the speaker becomes inaudible or unclear
 - Produce a professional transcript that is easy to read (e.g. clear formatting, proper use of Standard English, grammatical competency)
- ◆ Voice consumer comments and questions accurately, completely, and as they are written
- ◆ Maintain a working knowledge of employer policies, site policies, disability law, and governmental regulations that impact the speech-to-text profession

- ◆ Do not attempt to provide speech-to-text services when you are unable to meet the technical standards of the profession. The following factors can impede competency:
 - Insufficient skill or training
 - Insufficient knowledge or education
 - Substance-induced impairment
 - Fatigue
 - Short-term or long-term illness
 - Permanent or temporary injury or disability
 - Psychological or emotional distress

Fulfilling Requests

- ◆ Consumers receiving services through an agency, company, or disability services office may prefer to work with a specific service provider. These requests cannot always be granted due to scheduling, availability, and other factors. When coordinators cannot grant a specific request, they should solicit additional information about the consumer's preferences to see if reasonable adjustments can improve the consumer's experience
- ◆ Clients and consumers who have concerns about the competence or effectiveness of a specific service provider, should address those concerns to the service coordinator or agency representative in charge of staffing and scheduling. Service coordinators should carefully consider all feedback concerning the effectiveness of speech-to-text services and actively seek resolution where warranted

Further Reading

The forthcoming "ATSP Best Practices Guide" will serve as a companion piece to the Code of Professional Conduct, providing recommendations for day-to-day service activities, including on-site service provision, remote service provision, teaming, preparation, editing, captioning, ergonomics, and professional development.

Tenet III: Impartiality

Service providers remain neutral and impartial

Consumers have the right to full inclusion. This means that consumers expect service providers to provide unfiltered access to communication, without censoring parts of the message or selectively omitting information. This requires professional neutrality on the part of the service provider whose job it is to facilitate communication without introducing bias, opinion, or personal comment.

Service providers must maintain appropriate professional boundaries in their role as transcriber or captionist. They should only accept assignments where there are no conflicts of interest, and they should avoid performing dual roles while providing services for consumers.

Illustrative Behavior

- ◆ Deliver effective services regardless of the participants' race, color, national origin, gender, religion, age, disability, sexual orientation, or other factors
- ◆ Relay the meaning and intent of spoken content completely, accurately, and faithfully, without elaboration, omission, or comment
 - Except when correcting or clarifying a typo in your transcript, refer all content questions back to the original speaker
- ◆ When voicing for a consumer, deliver the message completely, accurately, faithfully, and in a manner that is tonally consistent with the consumer's intent
 - Avoid misguided altruism—do not attempt to “improve” a consumer's communication by altering tone or style, selecting different words, or filling in gaps
- ◆ Avoid performing **dual roles** (see below)
- ◆ Avoid real or perceived **conflicts of interest** (see below)
 - Disclose any actual or perceived conflicts of interest to the service coordinator
 - Freelance service providers who serve as their own service coordinators should communicate any conflicts of interest to the client before finalizing a service contract or agreement
 - If unexpected conflicts of interest arise during an assignment, disclose them to the consumer or client

- ◆ Be mindful of power dynamics between yourself and consumers (especially those who may see you as an authority)
- ◆ Support consumer independence and self-advocacy by facilitating communication access (e.g. avoid speaking on the consumer's behalf, have the consumer raise a hand to ask questions, etc.)
 - When not in your role as a service provider, you may advocate for accessibility and support it as a personal or political cause, but avoid speaking on behalf of consumers (or appearing to do so)

What constitutes a conflict of interest?

A conflict of interest is any external relationship that would potentially impact a service provider's ability to remain impartial or to appear impartial to others (i.e. perceived conflicts of interest). When the personal, political, professional, or financial interests of the service provider conflict or interfere with his or her duties as a service provider, a conflict of interest occurs.

What does it mean for a service provider to be in his or her "role?"

Service providers are considered to be "in their role" when working an assignment and engaged in the act of providing communication access. During a teamed assignment, service providers are still considered to be in their role while awaiting their turn to transcribe, and should follow the guiding principles of this tenet.

What are "dual roles?"

Dual roles occur when service providers who are in their role as communication access facilitators step outside of that role and take on another role (officially or unofficially). For instance, when a service provider crosses the line between providing communication access and performing duties or responsibilities such as the following:

- ◆ Teaching information to the consumer (i.e. tutoring)
- ◆ Offering personal or professional counsel to the consumer (i.e. job coaching, life coaching)
- ◆ Providing legal or medical guidance to a consumer
- ◆ Acting as a personal assistant, teacher's assistant, or paraprofessional aide
- ◆ Speaking on behalf of the consumer (regardless of whether the consumer is present or absent)

- ◆ Providing advance notice or forewarning to a consumer (e.g. giving a consumer a “heads up” that he or she is about to be fired based on knowledge received during assignment prep or during a previous assignment)

Exceptions

Service providers must rely on sound judgment and common sense in the course of their duties. While maintaining appropriate professional boundaries is an important part of providing impartial communication access, there are uncommon occasions when it would be reasonable for a service provider to step outside of his or her role (e.g. providing voluntary assistance during an emergency, helping someone who is injured, ill, or in peril).

Tenet IV: Respect

Service providers conduct themselves in a respectful, professional manner

Consumers and clients who rely on speech-to-text services expect service providers to conduct themselves in a professional manner. However, professionalism is more than just competence; it's about behavior.

Right or wrong, a service provider's behavior can reflect not only on the individual providing the services but on the individual receiving services, as well as the profession in general. Service providers demonstrate respect for consumers, clients, speakers, colleagues, interns, and students of the profession, by presenting themselves appropriately in demeanor, speech, and appearance.

Illustrative Behavior

- ◆ Behave courteously toward consumers and colleagues
- ◆ Show up punctually so as not to delay or disrupt assignments
 - Immediately inform the consumer and the service coordinator of any unforeseen or unavoidable delays in service provision
- ◆ Adhere to individual site policies and established workplace codes of conduct
 - Notify your service coordinator if there is a conflict with ATSP's Code of Professional Conduct and a client's site policy so that a resolution may be determined
 - Freelance service providers who serve as their own service coordinators should notify the client accordingly and actively seek resolution
- ◆ Avoid distracting behavior—service providers are most effective when they do not call attention to themselves
- ◆ Choose attire that is appropriate to the service environment
 - Under normal circumstances, clothing should give a professional and businesslike impression while still allowing for full range of motion in the torso and arms
 - Special circumstances may require other forms of attire
 - Contact your service coordinator if you have questions about the appropriateness of your attire

- ◆ Do not use alcohol or recreational drugs before or during the performance of duties
 - Please be aware that some prescription medications can also have psychoactive effects that alter perception, mood, alertness, and behavior.
- ◆ Maintain poise in the face of difficult situations and challenging assignments
- ◆ Approach colleagues privately to express concerns about unprofessional conduct
 - If the problem persists, report the inappropriate conduct to your service coordinator
 - Report inappropriate conduct immediately when the behavior is grievous or poses a danger to others

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Tenet V: Integrity

Service providers maintain ethical business practices

Consumers and clients expect service providers and service coordinators to conduct business in an honest, transparent, principled, and fair-minded manner. This means that prices will be determined impartially and independently, and that policies regulating the provision of services will be clearly established and adhered to consistently by service coordinators, agency representatives, and service providers alike.

Business integrity also denotes that qualified speech-to-text service providers working on behalf of agencies, companies, or disability services offices, are entitled to professional wages, prompt compensation, and safe working conditions conducive to the effective delivery of services.

Illustrative Behavior

- ◆ Represent yourself truthfully and accurately, providing authentic credentials upon request (including your educational background, training, experience, and other relevant qualifications)
 - Speech-to-text providers are trained professionals who have successfully completed TypeWell training or C-Print training, and have met all of the requisite conditions and qualifications of the profession. Clients should not hire anyone without first requesting to see proof of training, and should not hire any person who cannot provide (or refuses to provide) valid educational credentials
 - Service providers should not misrepresent or embellish their employment history on résumés and other documents by listing schools and organizations that they served while contracted by an agency (i.e. “I was employed by Harvard University,” “I worked for Microsoft for 5 years”)
- ◆ Do not “fill in” for a colleague without first going through the proper channels to be officially hired as a replacement. (This includes stepping in temporarily on someone else’s behalf)
- ◆ Do not accept remote transcribing assignments if you do not have an adequate technical setup, connectivity, and the capability to provide effective communication access—tech requirements exist to ensure that quality services are delivered to the client and consumer
- ◆ If an employer purchases or provides you with resources (e.g. speech-to-text software, a software license, equipment, internet access, electricity), do not use those resources to

provide services for other assignments (i.e. moonlighting) without the employer's explicit permission

- ◆ Do not work two unrelated assignments at the same chronological time and be paid twice (i.e. double dipping). For instance, an employee who is on the clock for one employer may not accept a second assignment and moonlight on company time
- ◆ Design service documents (e.g. contracts, policies, invoices) so that they are plainspoken and transparent, and deliver them expediently to the client
 - Service prices and policies should be made accessible to clients and consumers in print copy or on the web
 - Service coordinators should communicate policies clearly with clients prior to every assignment, especially as they pertain to billing, teaming protocol, event cancellations, consumer no shows, and assignments that run beyond their scheduled completion time
- ◆ Charge fair, lawful, reasonable, and competitive rates for the delivery of services
 - Many factors can influence the cost of services. Therefore, it is important that the client understands and agrees to all rates and fees prior to the delivery of services
 - The cost of service provision should not change once a contract has been signed by a client unless the nature of the assignment changes as spelled out in the initial agreement or contract (i.e. bait-and-switch)
 - Prices should not be raised based on the income (or perceived income) of the potential client or consumer, nor should they be based on the scarcity of competition in a given region (i.e. price gouging). This does not prohibit volunteer or pro bono work
 - Billing practices should be determined independently and without collusion (i.e. price fixing)
 - Professional service provider compensation should be established fairly, commensurate with an individual's qualifications, performance, and experience, and may vary regionally depending on prevailing geographic wage rates
 - At no point should a service provider be denied compensation for work they have completed in good faith (this includes unreasonable delays in payment)
- ◆ Establish well-defined customer service policies to promote client and customer satisfaction and to resolve disputes in a fair and equitable manner

- ◆ Never harass, badger, or pressure a client into scheduling, purchasing, or using services from a specific service provider or agency/company
- ◆ Never coerce a client or consumer into providing positive feedback about services
 - Client testimonials should not be published without consent or when doing so violates client confidentiality (see Tenet I)
- ◆ Do not attempt to profit off private information obtained during an assignment
- ◆ Do not break your contracts with consumers who have hired you to provide services
 - If unexpected or emergency conditions require you to delay, postpone, discontinue, or terminate an assignment, notify the client, consumer, and service coordinator as appropriate, providing as much advance notice as reasonably possible under the circumstances
- ◆ Promote working conditions that are safe and conducive to the effective delivery of services
 - If an assignment becomes dangerous or unsafe, and you are unable to resolve these working conditions satisfactorily, you may notify the consumer and your service coordinator before judiciously exercising your right to discontinue services
 - Freelance service providers who serve as their own service coordinators should notify the client accordingly

If I hire a service provider for an event/meeting/appointment/program that I am hosting, may I charge the participant who is deaf or hard of hearing for the cost of speech-to-text services?

The short answer is: No.

According to the Americans with Disabilities Act of 1990, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.” This means that consumers have a right to equal access when they go to restaurants, hotels, theaters, doctors’ offices, hospitals, pharmacies, dentists’ offices, retail stores, malls, museums, libraries, parks, public and private schools, day care centers, courthouses, job interviews, public lectures, government offices (such as the DMV)—pretty much any business or institution that you can think of. This definition of “public accommodation” even extends to many websites.

When defining discrimination, the ADA specifically references “failure [of a place of public accommodation] to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals **because of the absence of auxiliary aids and services.**”

By definition, auxiliary aids and services include “methods of making aurally delivered materials available” to individuals who are deaf or hard of hearing, such as speech-to-text services.

Therefore, with very few exceptions, it is the responsibility of the business, organization, or institution to provide and pay for speech-to-text services in order to ensure effective communication for individuals who are deaf or hard of hearing.

For more information, please refer to the Americans with Disabilities Act of 1990.

Questions and Consultation? [Working Draft]

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