

____ (Agency Name)
TITLE VI LANGUAGE ACCESS POLICY

Title: Title VI of the Civil Rights Act of 1964; Policy on the Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency

Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et.seq.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et. seq.* states: “No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Regulations implementing Title VI, provide in part at 45 C.F.R. Section 80.3 (b):

“(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program:
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others in the program;

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided... *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin.*” (emphasis added)

I. Purpose

The purpose of this Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the (agency name) are taking adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

II. Scope of Policy

These requirements apply to the (herein referred to as “the agency”) including subcontractors, vendors, and subrecipients.

The agency ensures that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

III. Definitions

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.
- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

IV. Providing Notice to LEP Individuals

- A. The agency takes appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification includes identification of the name, office

telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers

(Note: the agency **must** notify the DHHS compliance attorney of changes in name or contact information for the Title VI compliance officer.

- B. The agency **posts and maintains** signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs **inform** applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

Areas within the agency where these signs are posted **are** :

- C. The agency **includes** statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- D. The agency also **disseminates** information in the following manner:

*(Describe how information **is** disseminated. This may include, but not be limited to: dissemination of pamphlets explaining the rights in this policy).*

V. **Provision of Services to LEP Applicants/Recipients**

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
 - 1. The agency **assesses** the language needs of the population to be served, by identifying:
 - a. the language needs of each LEP applicant/recipient
 - b. the points of contact where language assistance is needed; and
 - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

d. Other (*describe*):

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment **includes**, but **is not** limited to the following:

- a. The non-English languages that are likely to be encountered in its program **are** identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication **is** completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files
 - vi. Other (*specify*):
- c. The points of contact in the program or activity where language assistance is likely to be needed **are** identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency **determines** the language needs of each applicant/recipient. Such assessment **includes**, but **is not** limited to the following:

- a. At the first point of contact, each applicant/recipient **is** assessed to determine the individual's primary language. Check all methods that will be used:

multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages

English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy

Other

- b. If the LEP person does not speak or read any of these languages, the agency **uses** a telephone interpreting service to identify the client's primary language
- c. Staff **do** not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter **is** provided free of charge. A declaration of the client **is** used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service **is** utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they **are** informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

- 1. The agency **ensures** that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services **is** prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement **is** met by: *(describe whether the agency has bilingual staff, and if so, how many and in what Sections/Programs/Divisions, whether the agency uses contractual services to meet this requirement, whether the agency relies on telephone interpreter services, etc.)*

- 2. The agency **provides** language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement **is** met:
(Note: The agency may use paid interpreters, qualified bilingual employees, qualified employees of other agencies or community resources. Telephone interpreter services should only be utilized as a back-up system or where other language assistance options are unavailable.)

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency **ensures** that interpreters and self-identified bilingual staff **are** screened to ensure that the following standards are met before being used for interpreter services:
 - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - ii. Can accurately and impartially interpret to and from such languages and English
 - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
 - iv. Demonstrates cultural competency
 - v. Understands the obligation to maintain confidentiality
 - vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters:

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member **must** request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. Applicants/recipients may provide their own interpreter; however the agency **cannot** require them to do so.
- b. The agency first **informs** an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's

confidentiality. The agency **monitors** these interactions and again **offers** interpreter services if it appears there are problems with this arrangement.

- c. The agency **indicates** in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
 - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency **keeps** a written record of when it has used a minor as an interpreter, and this information **is** shared with the DHHS upon request.
5. The agency **cannot** require the applicant/recipient to pay for bilingual/interpretive services
6. Use of Interpreters at Hearings
- a. An interpreter **is** provided for all hearings if a party requests an interpreter or if the Hearing Officer determines that an interpreter is necessary.
 - b. A separate oath or affirmation to translate accurately **is** administered to all interpreters.
- C. Provision of Written Translations
- 1. The agency **provides** written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
 - 2. Translation of Vital Documents
 - a. The agency **ensures** that vital documents for locally designed programs are translated into Spanish.
 - b. When state DHHS forms and other written material contain spaces in which the local entity is to insert information, this inserted information **is** also in the individual's primary language. When such forms are completed by

applicants/recipients in their primary language, the information must be accepted.

- c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency **translates and provides** vital documents in the appropriate language
 - d. The agency **keeps** a record of all vital documents translated, and **submits** this information to DHHS **upon** request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual **is** informed in their own language of the right to oral translation of written notices. The notification **includes**, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency **maintains** case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency **ensures** that case record documentation, including computerized records if appropriate, identifies the applicant's/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency:
 - a. **Documents** the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
 - b. **Documents** the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency **documents** the circumstances requiring temporary use of a minor and **provides** this information to

NC DHHS upon request.

3. Consent for the release of information **is** obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record **is** so documented.

E. Staff Development and Training

1. The agency **provides** staff training at new employee orientation and continuing training programs. The training **includes, but is not** limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency **provides** or **ensures** training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency **ensures** that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision **are** met:

4. The agency **collects and maintains** the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency **also ensures** that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

VI. Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The agency **completes** an annual compliance report and **submits** this report to the appropriate agency within the Department. (Format will be supplied by DHHS)

B. Monitoring

1. The agency **completes** a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the Department. These reports **are** maintained and stored by the Title VI compliance officer and **provided** to the Department upon request.
2. The agency will cooperate, when requested, with special review by the Department.

VII. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The agency **provides** assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint **are** filed in writing, contain the name and address of the person filing it or his/her designee and **a brief description of** the alleged violation of this policy.
2. The agency **maintains** records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency **notifies** the appropriate agency or Division within DHHS of complaints filed, the date of filing, actions taken and resolution. This information **is** provided within 30 days of resolution.

B. Investigation

1. The Title VI compliance officer **conducts** an investigation of the allegations of the complaint. The investigation **affords** all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the agency Director or his/her designee **informs** the recipient and the matter **is** resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual **is** informed of his or her right to appeal further to the Office of General Counsel within DHHS. This notice **is** provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DHHS, then complaint will be forwarded to OCR, USDHHS, Region IV.

Submitted

Director

Date: _____