

## **Providing Meaningful Communication with Persons with Limited English Proficiency**

*Town of Carrboro  
Grant No.: 20-V-3525  
NC CDBG-CV Program  
January 2021 – June 2023*

***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.***

### **POLICY:**

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by Orange County for the Town of Carrboro will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

***The language below is from the Orange County Language Access Policy, approved by the Orange County Board of Commissioners on June 16, 2020. Orange County has been selected as grant administrator for the Town of Carrboro; therefore the additional steps apply:***

***<https://www.orangecountync.gov/DocumentCenter/View/11565/>***

### **I. Policy Statement**

It is the policy of Orange County to provide timely meaningful access for Limited English Proficiency (“LEP”) persons to all Orange County government services, programs and activities. All language assistance services are free to all LEP individuals who requests language assistance services.

### **II. Purpose and Authority**

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for Orange County employees to follow when providing services to, or interacting with, individuals who have limited English proficiency (“LEP”). Following this Policy is essential to the success of our mission to provide meaningful access to the LEP community to all Orange County services, programs and activities.

### **III. Staff Compliance**

Orange County personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. Each County Department Director is responsible to ensure their respective departments have a Language Access Plan, LEP persons have access to the services their department provides, and to ensuring department staff receives training on providing language access services to the LEP community.

#### **IV. Definitions**

- A. Bi-lingual staff – A staff person employed by Orange County who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her department.
- B. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. C.
- C. Language Assistance Services – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
- D. Limited English Proficient (LEP) Individuals – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
- E. Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
- F. Primary Language – An individual's primary language is the language in which an individual most effectively communicates.
- G. Program or Activity – The term "program or activity" and the term "program" mean all of the operations of the Department.
- H. Qualified Translator or Interpreter – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through testing by the Department of Human Rights and Relations, Certification by a qualified entity, or is authorized to do so by contract with the Department and if a County employee approved by his or her department.
- I. Sight Translation – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
- J. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- K. Vital Document – Paper or electronic written material that contains information that is critical for accessing a component's program or activities, or is required by law.

#### **V. Language Assistance Measures**

Ensuring the quality and accuracy of language assistance services provided by each Department is critical to providing LEP individuals with meaningful access to department programs and activities.

- A. Identification of LEP Communities. Orange County shall assess the number or proportion of LEP persons from each language group in The County to determine appropriate language assistance services. The analysis shall include persons in Orange County with whom your departments comes into contact while carrying out service functions. The assessment shall include all communities who are eligible for services or are likely directly affected by programs or activities. Departments may determine the linguistic characteristics of an LEP population in their Orange County service area by reviewing available data from federal,

state, and local government agencies, community, and faith based organizations. A department should also identifying and tracking the primary language of LEP individuals that seek and receive programs and services. By regularly collecting and updating this data, departments will be able to accurately identify and efficiently address the changing needs of their LEP communities.

- B. Quality of Language Access Services. The Department of Human Rights and Relations is delegated with the authority to ensure that the County will take reasonable steps to ensure that all staff or contracted personnel who serve as translators, interpreters or who communicate “in-language” with LEP persons are competent to do so. Considerations of competency in light of particular tasks may include:
1. Demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
  2. Identifying and employing the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
  3. Knowledge in both languages of any specialized terms or concepts particular to the component’s program or activity and of any particularized vocabulary used by the LEP person;
  4. Understanding and following confidentiality, impartiality, and ethical rules to the same extent as Department staff;
  5. Understanding and adhering to their role as interpreters, translators, or bi-lingual staff. Department liaisons shall also take reasonable steps to ensure that when translating text, all staff or contracted personnel who serve as translators are briefed by department staff on the context and intended audience.
  6. Absent exigent circumstances, Departments shall avoid using family members (including children), neighbors, friends, acquaintances, and bystanders to provide language assistance services. Departments shall also avoid using individual opposing parties, adverse witnesses, or victims to a dispute as interpreters. Using family, friends, bystanders, or parties to a dispute to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation.
- C. Types of Language Assistance Services. There are two primary types of language assistance services: oral and written.
1. Interpretation Services. Oral language assistance service may come in the form of “in-language” communication (a qualified bi-lingual staff member communicating directly in an LEP person’s language) or interpreting. An interpreter renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. Departments shall ensure the Department of Human Rights and Relations has designated interpreters as “qualified” prior to engaging them for services.
  2. Translation of Vital Documents. Departments should proactively translate vital written documents into the frequently encountered languages of LEP groups served or likely to be affected by the benefit, program or service in Orange County. When Department staff have reason to believe that an individual is LEP, the department must respond to that LEP individual in a language he or she understands. For example, a letter sent to a specific

LEP person should be translated into the appropriate language for that individual to ensure effective communication. Departments should also have a language access plans in place for handling written communication with LEP individuals in less frequently encountered languages.

- a. Departments shall prioritize translation of vital documents. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of individual department, which are in the best position to evaluate their circumstances and services within their language access planning materials.
- b. Types of vital documents – There are two types of Vital Documents, those meant for the general public or a broad audience, and those that are specific communications regarding a case or matter between an individual and the Department. Each department should exercise its discretion in creating a process for identifying and prioritizing vital documents or texts to translate. Departments should ensure all translations are completed by translators who are designated as “qualified” by the Department of Human Rights and Relations.
- c. Documents that may be considered “vital” may include, but are not limited to, certain:
  - i. Administrative complaints, release, or waiver forms;
  - ii. Claim or application forms;
  - iii. Public outreach or educational materials (including web-based material);
  - iv. Letters or notices pertaining to policies changes or updates;
  - v. Written notices of rights, denial, loss, or decreases in benefits or services, or hearings;
  - vi. Forms or written material related to individual rights;
  - vii. Notices of community meetings or other community outreach;
  - viii. Notices regarding the availability of language assistance services provided by the component at no cost to LEP individuals;
- D. Notice of Language Assistance Services. Departments must inform LEP individuals of their eligibility for benefits, programs, and services in a language they understand. Departments should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services. A Department should not only provide oral and written language access services, but also must explain how LEP individuals can access available language assistance services.

## **VI. Staff Training**

- A. Language Access Training is mandatory for department directors, supervisors, interpreters, translators, or frontline staff who encounter LEP individuals. Staff shall receive training on identifying LEP customers and the procedures for accessing language assistance services provided by the County. New employees will receive training at new employee orientation on

available language access resources. Yearly training will be available to existing staff to ensure effective implementation of the policies and procedures.

- B. Supervisors will be responsible for department level training on the department's language access plan. They will provide training for all staff before this new plan is implemented. Included in the training will be a review of the Language Access Policy and Procedures; training on utilizing translation services for written materials, and utilizing currently used language and sign language interpreter services. Subsequent training of new or existing staff will be the responsibility of the manager/supervisor.
- C. Training for language access services will include training on LEP services, cultural sensitivity, and customer service to help staff deliver effective and efficient language access services to our LEP clients. The training will be delivered via a blended approach, using a variety of tools, such as in-person classroom style training, and on-line webinars designed to enhance skills, including the language skills of our employees.

## **VII. Bilingual Staff**

Orange County has a multi-lingual hiring preference for positions that provide direct, critical services to LEP clients, these position are advertised to attract bi-lingual candidates. Positions, the County Manager determines provide direct critical services to the LEP community, may require that bi-lingual persons serve in those positions. Prior to becoming an Orange County employee, a candidate shall be tested to ensure that are competent in each required language. Bi-lingual employees may receive additional remuneration.

## **VIII. Performance Measurement**

Orange County shall conduct an audit of language assistance services on an annual basis. An audit consists of monitoring, evaluating and updating the Language Access Policy, plan and procedures as needed.

## **IX. Language Access Plan**

The Department of Human Rights shall develop a Language Access Plan and procedures under the direction and with the approval of the County Manager. The Language Access Plan and any procedures shall assist County departments in defining tasks, setting deadlines and priorities, assigning responsibility, and allocating the resources necessary to come into or maintaining compliance with language access requirements. It will also describes how departments will meet the service delivery standards.

## **ADDITIONAL DEFINITIONS:**

**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.

**Vital Documents** – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, 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.

**Title VI Compliance Officer:** The person or persons responsible for administering compliance with the Title VI LEP policies.

**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.

## **PROCEDURES:**

**The Town of Carrboro and the Towns of Chapel Hill and Hillsborough follow the Orange County procedures outlined below, establishing a unified system for all residents located within Orange County:**

### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

On behalf of the grant recipient, Orange County will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,”) provided by the Rural Economic Development Division (REDD) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

### **2. OBTAINING A QUALIFIED INTEPRETER**

List the current name, office telephone number, office address and email address of the Title VI compliance officer:

**Marlyn Valeiko, LEP Specialist**  
Orange County Human Rights and Relations Department  
Phone: 919-245-2498  
Email: [mvaleiko@orangecountync.gov](mailto:mvaleiko@orangecountync.gov)  
Office Address: 1000 Corporate Dr, Suite 400  
Hillsborough, NC 27278

***(Note: The agency must notify the REDD Compliance Office immediately of changes in name or contact information for the Title VI compliance officer.)***

**Check all methods that will be used:**

- ☐ Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):
- ☒ Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- ☒ Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

***(Identify the agency(s) name(s) with whom you have contracted or made arrangements)***

- **American Sign Language:** Communication Services for Deaf and Hard of Hearing
- **Arabic:** Samar Shawa
- **Chinese (Mandarin):**
  - Cindy Chen
  - Daniel Qiao
- **Karen:** Margaret Toe
- **Burmese:** Margaret Toe
- **Spanish:**
  - Benjamin Beaton
  - Lissette Saca
  - Lucia Centeno
  - Patricia Nadabar
  - Spanish Without Borders
  - TILDE Language Justice Cooperative
- **Various Languages:**
  - CHICLE Language Institute
  - FLUENT Language Solutions
  - Telelanguage
  - Refugee Community Partnership (Chin, Karen, Burmese, Kinyamulenge, Kinyarwanda, Kirundi, Lingala, Swahili, French)
  - United Language Group

☐ Have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are (*insert number (s)*), and the hours of availability are (*insert hours*).

☐ Other (*describe*):

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### 3. PROVIDING WRITTEN TRANSLATIONS



- i. On behalf of the Town of Carrboro, Orange County will set benchmarks for translation of vital documents into additional languages. *(please ensure to keep records of those documents that apply to your agency)*
- ii. When translation of vital documents is needed, on behalf of the Town of Carrboro, Orange County will submit documents for translation into frequently-encountered languages.
- iii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

#### **4. PROVIDING NOTICE TO LEP PERSONS**

On behalf of the Town of Carrboro, Orange County will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, 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.

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

**x** *(Including the Carrboro Town Hall & Century Center entrances).*

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

**x** *(Including social media, newsflashes, website, and outreach documents to local community based organizations).*

#### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, on behalf of the Town of Carrboro, Orange County will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, on behalf of the Town of Carrboro, Orange County will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

##### **I. Compliance Procedures, Reporting and Monitoring**

###### **A. Reporting**

The agency will complete an annual compliance report and send this report to REDD. (Format will be supplied by REDD)

###### **B. Monitoring**



The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the REDD upon request.

The agency will cooperate, when requested, with special review by the REDD.

## **II. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

The agency will provide 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 will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <https://www.nccommerce.com/documents/cdbg-compliance-plans>.

The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The agency will notify the appropriate section within REDD of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

### **B. Resolution of Matter**

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to REDD. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The REDD Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by REDD, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

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Name of Chief Elected Official

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Signature of Chief Elected Official

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Date