

MARTIN COUNTY DEPARTMENT OF SOCIAL SERVICES

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 Right Act of 1964, 42 U.S.C. 2000et.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 arrangement on ground of race, or color, or national origin:
 - Deny an individual any service, financial aid, or other benefit provided under the program;
 - 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.*

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 Martin County Department of Social Services is 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 Martin County Department of Social Services (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

- Limited English Proficient (LEP) individual: Any prospective, potential, or actual recipients 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 services agencies.
- 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.
- Title VI Compliance Officer: The person or persons responsible for 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.

IV. Providing Notice to LEP Individuals

- 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 officers. The compliance officers are:

Carolyn Matthews, Income Maintenance Supervisor II, 305 E. Main Street, Williamston, N.C. 27892 Phone: 252-789-4432

Frank Halsey, Social Work Supervisor II, 222 E. Main Street, Williamston, N.C. 27892 Phone: 252-789-4471

- 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. These signs are posted in the four waiting areas that clients use in the agency. These areas are the main entrance for Child Support, Adult Medicaid, Children and Family Medicaid, North Carolina Health Choice, Work First Family Assistance, and Administration. The second area at 305 E. Main Street houses the Food and Nutrition Unit. At the 222 E. Main Street site are housed the Children's Services Unit, Adult Services Unit, Child Care, and Work First Employment Services.
- The agency includes the statements of the right to free language assistance in Spanish in all outreach material that is routinely disseminated to the public.
- The agency also disseminates information by having posters/flyers explaining this policy.

V. Provision of Services to LEP Applicants/Recipients

A. Assessing Linguistic Needs of Potential Applicants and Recipients

- The agency assesses the language needs of the population to be served, by identifying:
 - ❖ The language needs of each LEP applicant/recipient
 - ❖ The points of contact where language assistance is needed; and
 - ❖ The resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
- 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 assistance includes, but is not limited to the following:

- ❖ The non-English languages that are likely to be encountered in its program are identified.
- ❖ 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 language and number of LEP individuals the agency will review the following:

- ✚ Census data
- ✚ School system data
- ✚ Reports from federal, state, and local governments
- ✚ Community agencies' information, and
- ✚ Data from client files.

The points of contact in the agency where language assistance is likely to be needed are identified.

- Determining the Language Needs of Each Applicant/Recipient
 - ✚ The agency determines the language needs of each applicant/recipient. At the first point of contact, each applicant/recipient is assessed to determine the individual's primary language. This is done with the use of multi-language identification cards. Since the primary second language spoken in Martin County is Spanish, this area is usually easy to assess.
 - ✚ If the LEP person does not speak or read a language other than English and Spanish, the agency uses a telephone interpreting services to identify the client's primary language.
 - ✚ If a client requests an interpreter, an interpreter is provided free of charge. A declaration of the client is used to establish the client's primary language.
 - ✚ 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.
 - ✚ If any client 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 their native language.

B. Provision of Bilingual/Interpretive Services

- 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. Language services are available during all operating hours. This includes after hours for those employees performing protective services functions. The agency has two staff members that speak Spanish. One is an Income Maintenance Caseworker in the Food and Nutrition Unit and the other is a clerical worker in the Adult Services Section. The agency is housed in two separate buildings; each building has an employee that speaks Spanish.

- The agency provides language assistance at all levels of interaction with LEP individuals, including telephone interaction. These same two employees are called upon to assist in this area.

- Interpreter Standards
 - ❖ Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency ensures that bilingual staff are screened to ensure that the following standards are met before being used for interpreter services:
 - ✚ Can fluently and effectively communicate in both English and Spanish
 - ✚ Can accurately and impartially interpret to and from Spanish to English
 - ✚ Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
 - ✚ Demonstrates cultural competency
 - ✚ Understands the obligation to maintain confidentiality
 - ✚ Understands the roles of interpreters and the ethics associated with being an interpreter. Each interpreter has attended the appropriate training offered through AHEC.

 - ❖ 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.

- Using Family Members or Friends as Interpreters
 - ❖ Applicants/recipients may provide their own interpreter; however, the agency cannot require them to do so.
 - ❖ The agency first informs an LEP client, in the primary language of the 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

- ❖ The agency indicates in the LEP client'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 client's request.
 - ❖ 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.
- The agency does not require the applicant/recipient to pay for bilingual/interpreter services.
 - Use of Interpreters at Hearing
 - ❖ An interpreter is provided for all hearings if a party requests an interpreter or if the Hearing Officer determines that an interpreter is necessary.
 - ❖ A separate oath or affirmation to translate accurately is administered to all interpreters.

C. Provision of Written Translations

- The agency provides written materials in Spanish because a large number of the population that the agency serves needs information in this language. There are no other significant populations in the county that speak other languages.
- Translation of Vital Documents
 - ❖ The agency ensures that vital documents for locally designed programs are translated into Spanish.
 - ❖ When state 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 clients in their primary language, the information must be accepted.
 - ❖ 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. At this time, the only language that the agency has encountered (other than English) is Spanish.

- ❖ The agency keeps a record of all vital documents translated, and will submit this information to DHHS upon request.

- 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, the following language: **IMPORTANT: IF YO NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Case Records

- The agency maintains case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
- The agency ensures that case record documentation, including computerized records if appropriate, identifies the client's ethnic origin and primary language. In those cases where the client is non-English speaking, the agency:
 - ❖ Documents the individual's acceptance or refusal of forms or other written materials offered in the client's primary language.
 - ❖ 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.
 - Consent for the release of information is obtained from clients when individuals other than agency employees are used as interpreters and the case record is so documented.

E. Staff Development and Training

- The agency provides staff training at new employee orientation and continuing training programs. The training includes, but is not limited to:
 - ❖ Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - ❖ 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.
- 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.
- The agency ensures that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirement of this policy. This is accomplished by sharing our policy with them, along with our expectations.
- The agency collects and maintains the following information about training provided to staff: the dates of training, the content, the number and types of credit hours, 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

- Reporting: The agency completes an annual compliance report and submits this report to the appropriate agency with DHHS.
- Monitoring: The agency completes a self-monitoring report on a quarterly basis, using a standardized reporting system provided by the department. These reports

are maintained and stored by the Title VI compliance officer and provided to the Department upon request.

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

VII. Applicant/Recipient Complaints of Discriminatory Treatment

- Complaints
 - ❖ 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 is filed in writing and contains the name and address of the person filing it or his/her designee and a brief description of the alleged violation of this policy.
 - ❖ The agency maintains records of any complaints filed, the date of filing, actions taken and resolution.
 - ❖ 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.
- Investigation
 - ❖ The Title VI compliance officer conducts an investigation of the allegations of the complaint. The investigation affords all interested persons and their representative, 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.
- Resolution of Matters
 - ❖ 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 day.
 - ❖ 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.
 - ❖ If not resolved by DHHS, then complaint will be forwarded to OCR, USDHHS, Region IV.

Submitted,

Susan L. Davenport, Director

May 9, 2008

Date