

Language Access Policy Template¹

Prepared by the Interpretation Technical Assistance & Resource Center of the Asian Pacific Institute on Gender-Based Violence www.api-gbv.org, 2015

General Language Access Policy

1. Policy Statement

Sample statement²

“It is the policy of this agency to provide timely meaningful access for LEP persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the agency will provide these services to them.”

2. Purpose and Authority

In accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, this policy establishes guidelines for providing language accessible services to individuals that are limited English Proficient and/or Deaf or Hard of Hearing.

3. Definitions

- a. Limited English Proficient individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.*
- b. Primary language is the language that an individual communicates most effectively in.*
- c. Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*
- d. Translation is converting written text from one language into written text in another language. (‘Translation’ is often misused to mean interpretation, but it is a written medium.)*
- e. A qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation*

¹ This template is based on the Department of Justice’s Language Access plan. The original document is available at www.justice.gov/open/language-access-plan.pdf.

² Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice. 16. May 2011

techniques, and knowledgeable in specialized content areas and technical terminology in order to effectively facilitate communication between two or more parties who do not share a common language.

- f. Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.*
- g. Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*
- h. Sight translation is the rendering of material written in one language, completely and accurately into spoken speech in another language.*
- i. Vital documents are any materials that are essential to an individual's ability to access services provided by the organization, or are required by law.*

4. Language Data

Organization shall conduct an annual/biennial review of language uses and needs of the organization and its service population. (TIP: List the sources of information you will include in your review. Sources can include: intake, Census, American Community Survey, Department of Education, or the Office of Refugee Resettlement.)

Language Assistance Procedures

1. How to determine the need for language assistance

- a. Staff at the initial point of contact will conduct an assessment of the need for language assistance, and notify the individual of the right to an interpreter at no cost. Staff members who have subsequent contact will continue to assess the need for language assistance.*
- To assess the need for language assessment, staff should ask open ended questions, and avoid asking questions that would allow for yes or no responses. For example, asking: "how may I be of assistance?" instead of "do you need help?"*
- The LEP individual may speak more than one language, or may have limited proficiency in a secondary language. Staff shall identify the primary language of the LEP individual, and work to provide language assistance in the primary language of the individual.*
- A Deaf individual may also be limited English proficient and not be proficient in American Sign Language. Staff shall work to identify the primary sign language of the Deaf*

individual, and provide sign language assistance in the primary sign language of the individual.

b. Request for language assistance from the LEP individual or companion.

2. Identifying Language

a. Staff shall request the individual or companion identify the language of the LEP or Deaf individual.

b. Staff may request bilingual/multilingual staff or volunteers to identify the primary language.

c. Use in-person, video remote interpreters, or telephonic interpreters to identify the language.

d. Use an "I speak" card or poster to identify the primary language.

e. Staff should determine if the preferred mode of communication for a Deaf or Hard of Hearing individual is interpretation or Communication Access Realtime Translation (CART).

3. Procedures for language services (TIP: Provide step by step guidance on how staff can access language services adopted by the organization. The following are examples of different ways to provide language services.)

a. Bilingual/multilingual staff

- (QUESTION: Who should staff contact?)
- (QUESTIONS: What services will the bilingual/multilingual staff person provide? Interpretation or services in the primary language of the individual?)

b. In-person Interpreters

- (Detail procedures for obtaining an in-person interpretation services.)
- (QUESTION: Do you have staff interpreters? Do you contract with an interpretation agency or independent contractor?)

c. Telephonic/video remote Interpreters

- (Detail procedures for obtaining services through your telephonic or video remote interpretation company.)

d. Video Relay Services

- (Detail procedures for using video relay services.)

4. Translation of Vital Documents

- Organizations will make available vital forms and materials in the most frequently encountered languages. (QUESTIONS: What forms and materials will you translate? How about outreach materials? If you have translated outreach materials, do you have the capacity to provide services in the languages you are translating your materials?)*
- For other languages, staff should use an interpreter to sight translate the document into the individuals primary language.*
- Written communication to the LEP individual should be translated into the primary language of the LEP individual.*

5. Notice of Language Services

- Signage will be placed in visible locations notifying individuals of the right to request an interpreter at no cost to the individual. Signage will be translated into the languages most frequently encountered by the organization.*
- Staff at the initial point of contact, will notify individuals of their right to an interpreter at no cost.*

6. Prohibition against using children as interpreters

Staff are prohibited from using minor children to interpret, absent emergency circumstances.

Interpreter and Translator Code of Ethics³

1. Accuracy

Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-

³ National Association of Judiciary Interpreters & Translators, Code of Ethics and Professional Responsibilities. Available at www.najit.org/about/NAJITCodeofEthicsFINAL.pdf.

bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected as soon as possible.

2. Impartiality and Conflicts of Interest

Interpreters and translators are to remain impartial and neutral in proceedings where they serve, and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties. Interpreters and translators shall abstain from comment on matters in which they serve. Any real or potential conflict of interest shall be immediately disclosed to _____ [position title/name of agency's language access coordinator] and all parties; as soon as the interpreter or translator becomes aware of such conflict of interest.

3. Confidentiality

Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization.

4. Limitations of Practice

Interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating, and shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law.

5. Protocol and Demeanor

Interpreters shall conduct themselves in a manner consistent with the standards and protocols of the Interpreter Code of Conduct for _____ [name of the State], and shall perform their duties as unobtrusively as possible. Interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.

6. Maintenance and Improvement of Skills and Knowledge

Interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

7. Accurate Representation of Credentials

Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.

8. Impediments to Compliance

Interpreters and translators shall bring to the advocate or attorney's attention any circumstance or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance patently impossible.

Staff Compliance

1. Training

Staff will receive training on: the content of the language access policy; how to identify the need for language access services; working with LEP and Deaf individuals; providing language accessible services in a culturally sensitive manner; working with an interpreter; and interpretation best practices.

(TIP: Contact the Interpretation Technical Assistance Resource Center for resources and assistance in training your staff.)

Internal Language Access Contacts

1. (Identify the Language Access Coordinator for your organization)

Monitoring and Assessment

1. *Staff shall be responsible for monitoring compliance with the organization's language access policy.*
2. *Organization shall collect information on language use and need, including: primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with LEP or Deaf individuals seeking services; and referrals of LEP or Deaf individuals and the language of the referred LEP or Deaf individual.*
3. *Organization shall conduct an annual review on ___/___/___ [date] on the effectiveness of the language access policy and make changes as needed.*

Complaint Process

1. *A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person, or in writing.*

2. *The complaint should specify the date, individuals involved, and the nature of the problem (e.g., the interpreter was summarizing, or an LEP individual or Deaf individual was denied services because they did not bring their own interpreter).*
3. *All complaints will be directed to the Language Access Coordinator.*
4. *The Language Access Coordinator will notify the parties within 30 days upon receipt of the complaint of the outcome.*
5. *Staff will notify individuals of the complaint process.*
6. *The complaint process will be included in the posted notification of the right to an interpreter.*

Signatures & Date

Agency's Executive Director and Language Access Coordinator