



Language, Communication and Cultural Access Policy

Administrative Procedure: DEI-2

Subject: Establishes standards for the provision of culturally appropriate and effective services to people with limited English proficiency and people with disabilities.

Purpose: To ensure meaningful access to programs, activities, and services for persons with limited English proficiency and persons with disabilities, in accordance with federal, state and local laws, including Multnomah County Administrative Rule CR1.

Organization Responsible: Office of Diversity and Equity

Organizations Affected: All Departments

Legal References: Title VI of the Civil Rights Act, Title II of the Americans with Disabilities Act, Section 1557 of the Patient Protection and Affordable Care Act, and Executive Order 13166.

Establishes standards for the provision of culturally appropriate and effective services to people with limited English proficiency and people with disabilities. This policy is accompanied by a Guidance Document to assist County departments in implementing these standards.

I. Definitions

- A. **Limited English Proficient ("LEP") populations:** individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.
- B. **Translation:** The conversion of written communication from one language (source) to another language (target) in a written format.
- C. **Interpretation:** The conversion of communication of a spoken message from one language (source) to another language (target) in an oral format.
- D. **Four Factor Analysis:** applying four factors to determine what reasonable steps should be taken to ensure meaningful access for people with LEP.
 - 1. Number or proportion of people with LEP served or encountered in the eligible service population;
 - 2. Frequency with which people with LEP come into contact with, or should have come into contact with, the program/service;
 - 3. Nature and importance of the program, activity, or service; and

4. Resources available to the recipient and cost of translation or interpretation.
- E. **Commonly Encountered Group:** LEP language groups that constitute five percent (5%) of the population of persons, or 1,000 individuals, whichever is less, eligible to be served or likely to be affected or encountered.
- F. **Vital Documents:** materials that provide essential information for accessing basic county services and benefits and for which serious consequences would result if the information were not provided. Departments will define their vital documents.

Examples of vital documents include:

- Emergency messages and alerts
 - Application, consent and complaint forms
 - Notices of eligibility, rights, denial, loss or decreases in benefits or services
 - Notices of availability of free language assistance
 - Summary explanations of department's direct services.
- G. **Disability:** a mental or physical impairment that substantially limits one or more major life activities, including but not limited to vision and hearing impairments.
 - H. **Effective Communication:** the provision of auxiliary aids and services to enable someone with a disability to participate in the program, service, or activity.
 - I. **Cultural and Linguistic Competency:** a set of behaviors, attributes and policies enabling an agency or person to function effectively and appropriately in diverse and cross-cultural interactions and settings.

II. Introduction

Multnomah County is a diverse and dynamic community. Non-native English speakers and people with vision, speech or hearing impairments comprise an increasing percentage of our population, who face communication barriers to accessing important benefits or services, understanding and exercising important rights or other information, and complying with important responsibilities or obligations.

Multnomah County is committed to ensuring all residents have fair and equal access to services, benefits and opportunities for meaningful public involvement, while respecting cultural differences and norms. Multnomah County strives to meet our highest ideals for socially just and equitable service delivery and public engagement while operating responsibly within our budgetary and resource constraints.

It is the policy of Multnomah County that all programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality and reduces disparities. All Multnomah County Departments shall establish policies and

procedures consistent with the following rules and supporting guidance materials to remove language, cultural and disability-related barriers to communication and ensure our programs and services meet the communication needs of all residents.

III. Standards

All County Departments shall develop and implement policies and strategies to:

- A. Provide clients with effective and respectful service in a manner compatible with their cultural beliefs, practices, and preferred language, including but not limited to providing education and training to staff on culturally and linguistically appropriate service delivery.
- B. Identify, translate and disseminate vital County documents and public communication materials in the languages of the commonly encountered LEP groups in the service area using the four-factor analysis.
- C. Prohibit the use of low-quality video remote interpretation services or unqualified interpreters (including County staff) when providing language access services.
- D. Maintain appropriate nondiscrimination signage at all health services facilities with required taglines translated in top-fifteen languages providing notice of interpretation upon request.
- E. Ensure that individuals with vision or hearing impairments have an opportunity to request auxiliary aids, giving primary consideration to and supplying the requested aid unless (1) there is an equally effective alternative means of communication; or (2) it would fundamentally alter the nature of the program, service or activity.
- F. Ensure that interested persons can readily obtain information as to the existence and location of accessible services, activities, and facilities, in part by providing signage at all facility entrances directing users to the availability and location of such accessible services.
- G. Ensure that all websites and internet communications are accessible to individuals with vision or hearing impairments.
- H. Collect, integrate and periodically update (at least every five years) individual client demographic data on race, ethnicity, national origin, English language proficiency, gender, and visual or hearing impairment, and create a community profile from such data.
- I. Provide training for staff on community profile data and service-delivery planning that respond to the specific cultural, linguistic and accessibility needs of the service area, ensuring all materials supporting such programs and services are culturally appropriate.
- J. Develop and maintain partnerships with appropriate community-based organizations to facilitate client involvement in designing and implementing language access and

effective communication plans to ensure that departments are prepared to take reasonable steps to provide meaningful access to all individuals requiring assistance.

- K. Work with the Civil Rights Administrator in the Office of Diversity and Equity to ensure complaint and resolution processes are culturally and linguistically sensitive and consistent with applicable state and federal Civil Rights laws and regulations. .
- L. Work with the Civil Rights Administrator in the Office of Diversity and Equity to conduct periodic departmental assessments to evaluate compliance with these standards and the effectiveness of implementing strategies, based in part on client satisfaction surveys, including but not limited to the quality, consistency and accessibility of translation and interpretation, auxiliary aids for effective communication, and cultural appropriateness of program services and materials.

IV. Compliance with Applicable Legal Requirements

This policy is intended to further compliance efforts with federal and state Civil Rights and non-discrimination laws and policies, as enumerated in Administrative Procedure DEI-1. These legal requirements include the following:

- A. **Title VI of the Civil Rights Act of 1964:** Title VI of the Civil Rights Act of 1964 ("Title VI") prohibits discrimination on the basis of race, color, and national origin in programs and activities of any agency receiving federal funds. Multnomah County receives funding through several federal grant programs, and as such, has adopted a Title VI Program Plan to ensure compliance. This Title VI plan includes procedures to monitor County and subrecipients' compliance and address disproportionate impacts, if any, as appropriate. This policy incorporates and supplements the County's existing Title VI plan by ensuring policies and practices to identify, engage and provide meaningful opportunities for participation to people with LEP, consistent with the guidance in Executive Order 13166.
- B. **Title 11 of the Americans with Disabilities Act of 1990:** Title II of the Americans with Disabilities Act ("ADA") requires State and local governments to ensure that all programs, services and activities are accessible for individuals with disabilities. Multnomah County maintains and enforces nondiscrimination policies ensuring accessibility for all people with disabilities. This policy incorporates and supplements the County's ADA compliance by ensuring policies and practices to ensure effective communication for all individuals with vision or hearing impairments.
- C. **Section 1557 of the Patient Protection and Affordable Care Act of 2010:** Section 1557 of the Patient Protection and Affordable Care Act ("ACA") builds on longstanding civil rights laws in prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability in certain federally-funded health programs and activities. This policy incorporates and supplements the County's ACA compliance by providing notice of language interpretation services in all health service clinics and related program locations.

V. Compliance and Enforcement

Multnomah County's Office of Diversity and Equity will maintain this policy and conduct periodic assessments in partnership with departments as directed, including the development of any necessary training and support for program staff to successfully implement these policy goals.

Complaints under this policy will be addressed pursuant to the process delineated pursuant to DEI-1, which formalizes existing processes for Title VI, ADA and ACA complaints. Individuals who believe their access to or participation in any County program, service or activity due to language access or ineffective communication may file a complaint with the Office of Diversity and Equity Civil Rights Administrator, and/or avail themselves of any and all rights otherwise provided by law.