## Office of Civil Rights Language Access Plan

### Purpose

The purpose of this Language Access Plan (LAP or Plan) is to ensure meaningful access to benefits, services, information, and other important aspects of the City of Austin and Office of Civil Rights programs and activities for individuals with LEP.

### OCR's Position Statement

### Fair Housing

All housing providers must comply with the Fair Housing Act (Title VIII of the Civil Rights Act). The Fair Housing Act prohibits discrimination against people who are of a different national origin, which includes many people who are not proficient in English. Providers of federally assisted housing and programs must also comply with Title VI of the Civil Rights Act. Title VI requires additional language assistance measures.

Limited English proficiency is not listed among the protected classes in either title of the Civil Rights Act, however, case law and a HUD Office of General Counsel guidance document equate limited English proficiency to race and national origin which are both protected classes.

It is OCR's responsibility that by providing these resources to both conventional and federally assisted housing providers that civil rights violations will decrease and that people who are limited English proficient will find a more welcoming housing environment. Simply stated, we hope everyone will do better by having this information available.

### Equal Employment Opportunity

OCR is required to assist individuals regardless of the language they speak, read, or write. Employees and job applicants with limited English proficiency must be able to understand their rights to be free from employment discrimination, the work of the EEOC, and the laws that we enforce.

OCR recognizes that it must reach out to all segments of the workforce, including the numerous workers who read and speak languages other than English and who may not be conversant in the English language. Since Title VII was enacted, immigrants, as well as women, persons of color, and older workers, have increasingly entered the workforce.

## Outreach and Education

OCR is engaging in various activities designed to extend our enforcement, education, and technical assistance to limited English proficient (LEP) communities in Austin. As critical components of the OCR's nondiscrimination efforts, these activities include conducting outreach and education to LEP communities; providing technical assistance to employers, including both employers with LEP employees and employers who are LEP; investigating, mediating, and litigating charges alleging discrimination against LEP persons; adapting reporting systems to capture information about LEP activities; and developing and maintaining relationships with LEP stakeholders.

This plan describes OCR's efforts in furtherance of its responsibility to ensure that residents and visitors who are LEP enjoy meaningful access to City of Austin programs and services.

For customers, this information may help you better understand your language assistance rights and your right to file a complaint if you feel these rights have been violated.

*This Language Access Guide does not replace education, training, implementation and or monitoring of a Language Access Plan and or compliance with Fair Housing Act, Title VI, EEOC and other local, state, and federal laws.*

## Commitment to Quality

- OCR ensures the quality and accuracy of language services by qualified and trained individuals and through the use of tools and techniques meeting industry standards.

- OCR, in compliance with Section 504 of the Rehabilitation Act of 1973, ensures that its communications with individuals who are deaf or hard of hearing (D/HOH), blind, or have speech disabilities are as effective as its communications with others. OCR ensures effective communication for individuals who are D/HOH who use American Sign Language, other sign language interpreting, or other auxiliary aids and services consistent with the requirements of Section 504 of the Rehabilitation Act of 1973.

## Authority

Pursuant to Executive Order No. 13166, each federal agency is required to "examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency."

Title VI of the Civil Rights Act of 1964, prohibits recipients of federal financial assistance from discriminating based on national origin.

**City of Austin Policy:** Language Access Policy (PDF, 96KB)

Statutes:
- Title VI | Section 601 of the Civil Rights Act of 1964.
- Sections 501, 504, and 508 of the Rehabilitation Act of 1973.

Executive Orders:
- Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 16, 2000).

## Scope

This Plan is intended to improve the internal operations and level of services for the public.

## Roles and Responsibilities

OCR Public Policy Coordinator serves as the single point of contact for any questions or concerns regarding this Plan.

## Feedback or Complaints

Any comments, feedback, questions, or complaints regarding this Language Access Plan may be directed to officeofcivilrights@austintexas.gov or by calling (512) 974-3541.

## Plan Review and Update

OCR updates its Plan annually based on relevant data and customer feedback.

## OCR Services

Every day, contact between OCR and the public may involve persons with LEP and/or individuals who may need language assistance.

The nature of our business is regulatory compliance, investigative, outreach education and information and referral. Many of our documents, communications, and materials are confidential and have legal enforcement implications and obligations under contracts with federal agencies.

## OCR Customers

The customers accessing our services primarily present the following issues to us:

- discrimination based on race, disability, age, sex
- disability services and resources
- veteran services and resources

## Essential Elements of the Plan

The following aspects are essential elements of this Plan.

1. Community Scan
2. Identifying Method of Communication
3. Quality Assurance and Control
4. Community Outreach and Engagement
5. Implementation

## Four-Factor Assessment

The Federal guidance outlines four factors an entity should consider determining the extent and types of language assistance that should be provided. The Department of Justice uses these factors in evaluating whether an entity or program complies with Title VI of the Civil Rights Act. OCR uses the **Four Factor Assessment** to develop its Language Access Plan.

The OCR uses multiple data sources in completing its Four Factor Assessment.

## Factor 1   Proportion of Persons

This factor relates to the proportion of persons who are limited English proficient in the legal service area. The greater the number or proportion of persons who are limited English proficient, the more likely language services are needed.

- OCR Staff anecdotal observations and experiences. OCR staff, through daily customer interactions, are continually assessing their language access services.
- City of Austin Demographer reports present local trends and analyses.
- Travis County Census Profile
- American Community Survey (ACS).
- Community Advancement Network (CAN)of Austin.

### Factor 2 Frequency

The frequency with which individuals who are limited English proficient interact with OCR services, programs, and materials. The more frequent the contact with a particular language group, the more likely interpreting or translation services in that language are needed.

OCR staff continually monitors the frequency with which customers need (or request) language assistance by collecting data through Activity Reports and usage statistics.

### Factor 3 Importance

The importance of the services, information, or interactions with customers who are limited in English proficiency. This includes the consequences of lack of language services or inadequate interpretations or translations. The more important the service, information, program, or materials, the more likely language access services are needed.

The OCR prioritizes translating and interpreter services to "critical and essential" vital information in the top three threshold languages (under Tier 1).

Language access services are most critical in effectively communicating information related the health, safety, and welfare, and policies and rights of the person.

Language access services are essential in neighborhoods with a high concentration of residents who do not speak English very well. Based on data, the eastern crescent of Austin, Rundberg Lane, and Montopolis and Dove Springs areas of Austin.

### Factor 4 Resources

The budget and resources available to the OCR are adjusted annually to meet the service needs.

Data, customer feedback, and staff observations will be used to identify budget and needs. The OCR will provide, at no cost, translations, and interpreter services to any person in their preferred language upon request.

**OCR's Community Scan**

| AUSTIN DEMOGRAPHIC TRENDS |
|:---:|

**General Population**

**Austin city, Texas**
Total Population: 961,855
Median Household Income: $89,415
Bachelor's Degree or Higher: 59.9%
Employment Rate: 73.0%
Total Housing Units: 444,426
Without Health Care Coverage: 11.6%
Total Households: 458,505
Hispanic or Latino (of any race): 312,448

**City of Austin Priority Languages**

The City of Austin Communications and Public Information Office (CPIO) **recommends** the following languages for translation for communicating city-wide programs and services:

Spanish
Simplified Chinese
Vietnamese
Arabic
Korean
French
Hindi

The City of Austin **encourages** translation into the following languages:

Nepali
Swahili
Pashto
Burmese
Tigrinya

The languages were identified based on data points from the 2021 American Community Survey (ACS), Austin Police Department (APD), Austin Public Health (APH), Austin Municipal Court, Austin Independent School District (AISD), Capital Metro, Caritas of Ausitn, Refugee Services of Texas and Casa Marinella. We prioritized languages used by larger limited English proficient (LEP) population, including immigrants and refugees. These languages are reviewed and updated every three years.

**Languages Spoken at Home**

| Populations and People | Income and Poverty | Education | Employment | Housing | Health |
|---|---|---|---|---|---|

**Language Spoken at Home**

**29.6%** ± 1.3%
Language Other Than English Spoken at Home in Austin city, Texas

**35.1%** ± 0.2%
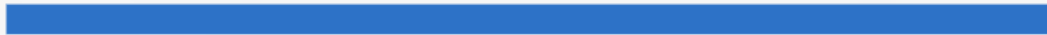Language Other Than English Spoken at Home in Texas

*S1601 | 2022 American Community Survey 1-Year Estimates*

**Types of Language Spoken at Home**
in Austin city, Texas

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English only - 70.4%

Spanish - 20.5%

Other Indo-European languages - 3.5%

Asian and Pacific Islander languages - 4.2%

Other languages - 1.4%

**OCR Customers**

Based on general inquiries and complaint data, this section describes the characteristics of residents and area communities likely to interact with and access OCR services as compared to the general Austin population.

**S1810** Disability Characteristics

American Community Survey | 2022: ACS 1-Year Estimates Subject Tables

About 10.5% of our residents in the City of Austin have a disability. People with disabilities face additional barriers to employment and housing.

| | Austin city, Texas | | |
|---|---|---|---|
| | Total | With a disability | Percent with a disability |
| | Estimate | Estimate | Estimate |
| Total civilian population | 970,398 | 102,219 | 10.5% |
| **SEX** | | | |
| Male | 494,395 | 48,726 | 9.9% |
| Female | 476,003 | 53,493 | 11.2% |
| **RACE AND HISPANIC OR LATINO ORIGIN** | | | |
| White alone | 529,603 | 54,449 | 10.3% |
| Black or African American alone | 73,872 | 13,302 | 18.0% |
| American Indian and Alaska Native alone | 6,408 | 962 | 15.0% |
| Asian alone | 81,073 | 5,096 | 6.3% |
| Some other race alone | 89,882 | 9,309 | 10.4% |
| Two or more races | 189,031 | 18,947 | 10.0% |
| White alone, not Hispanic or Latino | 453,548 | 46,249 | 10.2% |
| Hispanic or Latino (of any race) | 321,705 | 33,831 | 10.5% |
| **AGE** | | | |
| 18 to 34 years | 328,552 | 29,885 | 9.1% |
| 35 to 64 years | 369,881 | 36,672 | 9.9% |
| 65 to 74 years | 64,357 | 11,817 | 18.4% |
| **DISABILITY TYPE BY AGE** | | | |
| With a **hearing** difficulty | (X) | 22,728 | 2.3% |
| Population 35 to 64 years | 369,881 | 8,522 | 2.3% |
| Population 65 years and over | 103,347 | 10,554 | 10.2% |
| With a **vision** difficulty | (X) | 15,719 | 1.6% |
| Population 35 to 64 years | 369,881 | 5,515 | 1.5% |
| With a **cognitive** difficulty | (X) | 46,736 | 5.1% |
| Population 35 to 64 years | 369,881 | 14,396 | 3.9% |

## Veteran Status

**S2101** | Veteran Status

American Community Survey | 2022: ACS 1-Year Estimates Subject Tables

According to the most recent U.S. Census data, Veterans comprise 4% of the civilian population 18 years and over in the City of Austin. About 3,477 residents report a Veteran status.

| | Austin, Texas | |
| --- | --- | --- |
| | **Veterans** | **Percent Veterans** |
| | **Estimate** | **Estimate** |
| Civilian population 18 years and over | **32,556** | 4.0% of the overall City of Austin Pop. |
| | | **Of the 32,556** |
| **SEX** | | |
| Male | 29,520 | 90.7% |
| Female | 3,036 | 9.3% |
| **RACE AND HISPANIC OR LATINO ORIGIN** | | |
| White alone | 21,588 | 66.3% |
| Black or African American alone | 5,238 | 16.1% |
| Asian alone | 1,835 | 5.6% |
| Two or more races | 3,108 | 9.5% |
| Hispanic or Latino (of any race) | 5,785 | 17.8% |
| White alone, not Hispanic or Latino | 18,901 | 58.1% |
| **DISABILITY STATUS** | | |
| With any disability | 10,069 | 31.4% |
| Without a disability | 22,049 | 68.6% |

**Older Adults**

**Older Population**

**10.8%** ± 0.4%
65 Years and Older in Austin city, Texas

**13.4%** ± 0.1%
65 Years and Older in Texas

*DP05* | *2022 American Community Survey 1-Year Estimates*

**Older Population by Age**
in Austin city, Texas

↪ Share / Embed

65 to 74 years - 6.7%

75 to 84 years - 3.1%

85 years and over - 1.0%

| 0% | 0.5% | 1% | 1.5% | 2% | 2.5% | 3% | 3.5% | 4% | 4.5% | 5% | 5.5% | 6% | 6.5% | 7% |

🗎 Show Table    ⬤ Display Margin of Error      *DP05* | *2022 American Community Survey 1-Year Estimates*

**OCR Implementation**

### 1. Identifying a Person's Method of Communication

At the point of first contact, OCR will make reasonable efforts to assess the need for language assistance services in several ways:

- Voluntary self-identification by the individual or their companion.
- Use of [iSpeak Austin language identification cards (austintexas.gov)](austintexas.gov) or poster.

In determining a person's preferred method of communication, we allow the individual to convey the language in which they "most effectively communicate," particularly in consideration of any potential sensitivity or trauma relating to a situation or subject matter discussed.

### 2. Quality Assurance and Control

As available, qualified multilingual staff or contracted personnel who serve as translators and interpreters will meet OCR requirements. Use of individuals who are not competent could result in a breach of confidentiality; a conflict of interest; or inaccurate, impartial, or incorrect interpretation, and is therefore discouraged.

OCR does not use the following individuals to provide language assistance services, unless in an emergency:
- Family members (including children)
- Neighbors
- Friends
- Acquaintances or bystanders
- Opposing parties
- Adverse witnesses or victims

### 3. Community Outreach and Engagement

Effective outreach and engagement with limited English proficient communities, and entities that represent their interests, are critical to OCR—both to increase access to component programs and activities for these communities, and to receive feedback.

OCR may use Community Engagement Facilitators through the City of Austin's Master Agreement to ensure culturally competent experienced translators from the Austin community are supporting OCR engagements.

**Intent:**

- Increase participation of these communities for consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives.
- Conduct culturally appropriate outreach efforts designed for the community.
- Communicate clearly through written, video, and/or audio means.
- Disseminate information in non-English languages.
- Establish a formal mechanism to receive feedback about participant's experience.

## 4. Procurement of Resources

OCR participates in resource-sharing and cost-saving initiatives across City departments for language assistance services. Language services, under the City's Master Agreements, are leveraged to ensure quality and consistent standards of service for community outreach and individual needs. We will consult the City's Language Access Coordinator to help identify resource-sharing possibilities and learn about currently available resources.

## 5. Public Notice of Non-Discrimination / Language Access Services

Individuals may not seek out OCR services and or may not file complaints because they are unaware of their right to language services.

Where applicable OCR provides public notice of how to obtain free language assistance services. This notice will be offered in different mediums (for example, signage, printed and electronic material, correspondence, social media, radio, etc.). Notice is offered in at least the top language(s) spoken by individuals with limited English proficiency based on the program objective, constituency and/or geographic area.

Spanish (DOCX, 13KB)
Chinese Simplified (DOCX, 13KB)
Chinese Traditional (DOCX, 13KB)
Vietnamese (DOCX, 13KB)

OCR posts its procedures on its website in languages understood by individuals with limited English proficiency. Similarly, multilingual, and accessible copies of the OCR's Language Access Plan are available on its website.

## 6. Accessible Digital Content

OCR takes reasonable steps to ensure digital content produced OCR, are accessible:

- Contact information, including how to communicate with OCR.
- How to file a complaint (including forms and instructions to fill out those forms).
- Education material for individuals or communities about their rights under the law.

OCR works with the City's internal web team and the City's Public Information Office for assistance in digital content.  City of Austin web team also ensures OCR's website complies with Section 508 of the Rehabilitation Act of 1973 (Section 508), to ensure that their electronic and information technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities.

## 7. Staff Training

For effective implementation OCR members receive language access-related training. OCR seeks training that covers the following:

- iSpeak materials.
- Language access legal requirements for individuals with LEP.
- Use of plain language.
- Cultural competency.

## 8. Reporting and Performance Goals.

OCR monitors and adjusts its Plan to be responsive to continuous changes in our services.
As such, gathering and using the following data is essential to maintain relevancy.
- Conduct an inventory of languages most frequently encountered.
- Identify the primary channels of contact with community members (whether telephonic, in person, correspondence, web-based, etc.).
- Identify the extent to which language assistance services were requested.
- Review the annual cost of translation and interpreter services.

Monthly, OCR reports data to the City's Public Information Office, Language Access Coordinator.

### Performance Measures

1. 100% of staff complete Language Access Services training within 90 days of onboarding.
2. 100% of critical and essential information is translated in Spanish by end of FY.
3. The number of community outreach/educational workshops that include language access services increase by 10% each year.

## OCR Language Services

**Direct In-language Services**

City employees and contractors formally assessed for their multilingual skills provide direct services in-language.

**Interpretation**

OCR provides qualified interpreters, free of charge, either in-person, over-the-phone, or through video remote technology.

Individuals have the right to refuse language assistance services, staff are encouraged in these situations to reiterate City policy to ensure meaningful access and provide services at no cost. Such refusals are documented using the Waiver of Rights.

**Waiver of Rights** to free Interpretation Services Form (PDF, 179KB)

Primary consideration is given to the method of communication preferred by an individual. Consistent with that approach there may be a need to utilize a Deaf interpreter, Certified Deaf Interpreter (CDI), Communication Access Real-Time Translation (CART), or another auxiliary aid or service requested by the individual.

City of Austin has contracts with vendors to provide interpretation in multiple languages. OCR will consult with the Language Access Coordinator regarding these services.

On-Site(PDF, 178KB)
Over-the-Phone(PDF, 176KB)
Video Remote(PDF, 152KB)
American Sign Language(PDF, 27KB)

**Translation**

OCR prioritizes the translation of vital, essential, and critical documents. A document is regarded as such depending upon the importance of the information and the consequence to the individual if the information is not provided accurately or in a timely manner.

Vital documents intended for the public, or a broad audience may include, but are not limited to:

- Notices, forms, or written material related to rights of rights and responsibilities.
- Policies, procedures, requirements.
- Public outreach or educational materials.

- Forms or applications including their instructions.
- Instructions and directions to access OCR services.
- Notices of outreach or community meetings or training.
- Press releases announcing activities or matters that affect communities with LEP.
- Notices regarding the availability of language assistance services provided by the component at no cost to individuals.
- Certain orders, Memoranda of Agreement, or other types of pleadings or litigation materials.

OCR translates vital documents for the general public into the top languages, as needed, and to consider translating into other languages as appropriate based on the program objective, constituency, and/or geographic region.

### Information having implications to a person's rights are vital documents.

Vital documents are any information developed or used that is necessary for obtaining access to services or benefits that are federally funded or required by law. Examples include applications; consent and complaint forms; notices of rights; notices of activities; and notices advising persons of the availability of free language assistance.

Information specific to a complaints, investigations, conciliation or matter between an individual and the OCR may include, but are not limited to:

- Administrative complaints, release, or waiver forms.
- Investigative correspondence.
- Letters or notices pertaining to statutes of limitations, referrals to other federal agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case, or matter.
- Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings.

OCR will necessarily be guided by Law Department in making decisions as to translation of legal documents. This Plan is not intended to supersede or alter those requirements.

### Translations are completed by qualified translators.

♦ **Machine translation** OCR machine translations receive human review for quality control.

OCR prefers human translations when information communicated is vital to a person's rights or benefits; when accuracy is essential; or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

**Low Literacy Accommodations:** Individuals who are limited in English proficiency may not be literate in their country of origin's prevalent written language, or their languages might not have a written form such that translated material will not be an effective way of communicating with them.

OCR may use sight translation, interpretation, or audio/video communication for individuals with low literacy. OCR will inquire about the preferred method to deliver information that is typically available in written form.
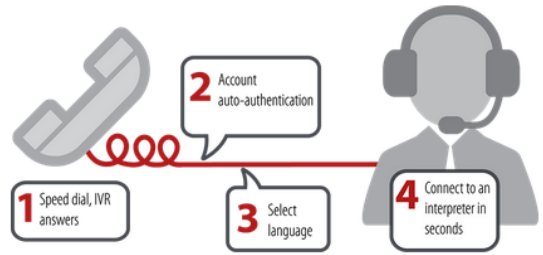
## RESOURCES

Current language access resources and learning opportunities for staff includes: Phone interpreters, Texas Relay 711, and in- person sign language interpreters.

Phone interpretation is a three-way phone conversation with a human interpreter. The interpreter facilitates communication, meaning-for-meaning, between a Limited English Proficient person and your staff.

2 Account auto-authentication

1 Speed dial, IVR answers

3 Select language

4 Connect to an interpreter in seconds

**VIDEO INTERPRETATION**

Voiance delivers translation and localization projects in final formats, ready to be dropped off, published, or posted online without additional development.

**Texas Relay 711** provides telephone access for people with **speech or hearing loss.**
http://www.relaytexas.com/711.html

800-662-4954 (Spanish-to-Spanish)
888-777-5861 (Spanish/English Translation)

Relay Operator

TTY User

Voice Caller

# Reference Guide: Types of Interpretation

There are several methods of oral interpretation. Know what method works best in which setting.

**Simultaneous.** Simultaneous interpretation works best for events in which attendees do not usually speak, such as lectures or panel discussions. In this type of interpretation, a speaker talks continuously as the interpreter repeats the speaker's message in another language. The interpreter uses special equipment, including a microphone that transmits to headsets or earphones worn by attendees. Simultaneous interpretation can accommodate multiple languages at once, though it is limited by the availability of interpreters and equipment.

**Consecutive.** In consecutive interpretation, the speaker and the interpreter take turns talking. The speaker delivers a message in short segments, pausing between each one to allow the interpreter to relay the segment in another language. This method takes about twice as much time as simultaneous interpretation, but does not require any specialized equipment. It is appropriate for small-scale interactions, such as client meetings.

**Whispered.** Whispered interpretation is like simultaneous interpretation without specialized equipment. The interpreter sits or stands next to the person who needs language assistance and conveys what a speaker is saying in real time. The interpreter does not actually whisper, which can cause hoarseness, but rather uses normal speech at a low volume. So as not to disturb other attendees, the interpreter's mouth must be in close proximity to the listener's ear, limiting the number of people that a single interpreter can assist.

**Telephonic.** Telephonic interpretation consists of a three-way call between two people who do not share a language, and an interpreter. The individuals who do not share a language may be in the same place (e.g., a walk-in customer and a help desk representative) or in different locations (e.g., a customer and a call center representative). The interpreter uses consecutive interpretation to relay messages between the two parties.

**Sight Translation.** Sight translation combines interpretation and translation (translation refers to converting written text from one language to another, while interpretation refers to converting speech). For sight translation, an interpreter reads text out loud, converting the text from one language to another in the process. Sight translation does not usually occur on its own, but rather is part of a consecutive or simultaneous interpretation session. For instance, an interpreter may provide sight translation for text on presentation slides.

[Forms City of Austin (austintexas.gov)](austintexas.gov)

Translation Request

Simultaneous Interpretation Equipment Request Form

Interpretation Services Request Form

American Sign Language (PDF, 275KB)

American Sign Language interpretation requests are handled by the City of Austin ADA Office. For questions or support email ADA@austintexas.gov or call (512) 974-3256.