

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES LANGUAGE ACCESS
POLICY (Revised)**

STATEMENT OF COMMITMENT

The Ohio Department of Job and Family Services (ODJFS), together with its county partners and contractors, are committed to full compliance with Title VI of the Civil Rights Act of 1964 (Title VI). One important element of the Title VI is non-discrimination on the basis of national origin, including provision of language access services to persons with Limited English Proficiency (LEP).

LEP customers will receive timely and effective oral interpreter and written translation services at no cost.

ODJFS's Bureau of Civil Rights (ODJFS/BCR) is charged with monitoring compliance with Title VI and language access in Ohio by ODJFS and its county partners supervised by ODJFS. ODJFS/BCR also operates as the clearinghouse for all language access initiatives within ODJFS.

ASSESSMENT AND PLANNING

On a bi-annual basis, ODJFS will assess the LEP population to be served in Ohio. Following the assessment, ODJFS will develop a plan to meet the needs of the eligible populations.

TRAINING

ODJFS staff, its county partners' staff and contractors will receive training on how to provide language access services. ODJFS and its county partners' staff will be offered training annually and will be required to attend LEP training once every three years.

ORAL INTERPRETERS

LEP customers who access services provided by ODJFS, its county partners and contractors, will be offered interpreting services in a timely manner and at no cost to the customer. ODJFS and its county partners' staff will be provided resources to locate and utilize interpreters.

WRITTEN NOTICE

ODJFS, its county partners and contractors commit to providing written notification about language access rights by the following means:

- Posting signs in lobbies and waiting areas.
- Customer orientations.
- Statements in appeal notices.
- Statements about the services available and the right to free language assistance services in qualified non-English languages in brochures, booklets, outreach, recruitment information and other materials that are routinely disseminated to the public.

Each written notice shall address:

- Rights to free qualified interpreter services.

- Discourage agency or contractor from using a minor child, friend or relative as an interpreter.
- Right to file a civil rights complaint.

DOCUMENT TRANSLATION

Except when federal law or federal guidance provides otherwise, ODJFS will provide translated written vital documents for each eligible LEP language group that constitutes 5% or 1,000 individuals, whichever is less, for populations of persons eligible to be served or likely to be directly affected by ODJFS programs. Translated materials will be written in a culturally sensitive and understandable manner.

When feasible, ODJFS will provide translated outreach documents, for each eligible LEP language group that constitutes 10% or 3,000 individuals, whichever is less, for the populations of persons eligible to be served or likely to be directly affected by ODJFS program. Each ODJFS program office shall make a good faith effort to publish all new or revised vital documents simultaneously in English and Spanish. If time constraints do not allow this to be done, the ODJFS program office will ensure that the translation into Spanish is expedited as close to the publishing date of the English version as possible. Translated materials will be written in a culturally sensitive and understandable manner.

COMPETENCY OF INTERPRETERS AND TRANSLATORS

ODJFS and its county partners will only use qualified interpreters and translators.

ODJFS and its county partners will use their best efforts to utilize interpreters who understand the role of the social services interpreter and comply with the professional conduct and ethical standards contained within the ODJFS Interpreter Standards attached to this policy as exhibit A. ODJFS and its county partners will supply a copy of the attached Interpreter Standards to all qualified interpreters or entities that provide interpreters. ODJFS and its county partners shall receive written assurances from the interpreter or entities that provide interpreters that the interpreters will comply with the provisions of the Interpreter Standards.

Each county entity shall amend its LEP Plan to include an assurance that interpreters utilized by the county entity were made aware of the ODJFS Interpreter Standards and agreed to abide by them.

CIVIL RIGHTS POLICY AND DISCRIMINATION COMPLAINT FILING PROCESS

ODJFS's Civil Rights Policy and Discrimination Complaint filing process will be posted in plain view and in the major language groups in each office.

COMPUTER SYSTEMS AND COMPUTER NOTICES

All ODJFS supplied computer systems will have indicators for identification of LEP customers. All computer generated notices to applicant/recipients of benefits/services supervised or administered by ODJFS or county partner will, at a minimum, have a statement in the applicant/recipient's language regarding the content of the notice and how to obtain translation of the entire notice.

ODJFS shall include in any planning of new computer systems that will affect applicant/recipients of benefits/services supervised or administered by ODJFS or county entities; an indicator for identification of LEP customers and the ability to, at a minimum, generate a statement in the applicant/recipient's language regarding the content of the notice and how to obtain translation of the entire notice.

OTHER COMMUNICATION METHODS

ODJFS will make Interactive Voice Response Systems, voice mail, web pages, posters, videos/DVD's and media use (television, radio and newspapers) in the major (10% or 3,000 individuals, whichever is less) language groups served in Ohio.

COMMUNITY OUTREACH

ODJFS will conduct outreach to the major language groups served (10% or 3,000 individuals, whichever is less).

MONITORING AND COMPLAINT INVESTIGATION

Monitoring of Language Access Compliance will be done by or in conjunction with the ODJFS Bureau of Civil Rights a part of its federally mandated responsibilities to review state and county compliance with Title VI. This monitoring may include, but is not limited to, a desk review of LEP Plans, data, surveys and/or site reviews, that may include interviews with customers, county entity staff and community based organizations.

The ODJFS Bureau of Civil Rights will also investigate complaints of discrimination based on national origin due to language access.

 4/3/08
Date

Helen E. Jones-Kelley
Director, ODJFS

Ohio Department of Job and Family Services
Office of Employee and Business Services
Bureau of Civil Rights
30 East Broad Street, 37th Floor
Columbus, Ohio 43215
(614) 644-2703 or Toll Free 1-866-227-6353
TTY (614) 995-9961 or Toll Free 1-866-221-6700
Fax: (614) 752-6381

Civil Rights Assurances

Ohio Department of Job and Family Services Standards for Social Service Interpreters

Introduction:

Pursuant to the Civil Rights Act of 1964, (Title VI), no person shall be discriminated against based on race, color or national origin. "Under Title VI, discrimination against individuals based upon the individual's Limited English Proficiency (LEP) is considered discrimination based on national origin."

An LEP individual is a person who is unable to speak, read, write or understand the English language at a level that permits him or her to interact effectively with health and social service providers. To comply with Title VI federally-funded entities must ensure that LEP persons have meaningful access to all services. One way of ensuring this happens, is through the use of qualified and trained interpreters.

At the present time there are no interpreter standards from an Ohio regulatory body or professional association establishing standards for interpreters in social services. Therefore, these standards are currently not enforceable by any governmental or regulatory body. However, these standards are intended to move social service providers toward best practices in the provision of interpreter services to Limited English Proficiency (LEP) customers.

Civil Rights Assurances

Table of Contents

| | |
|---|----------|
| Role of the Social Service Interpreter | 3 |
| Overall role | |
| 1. Basic "conduit" role | |
| 2. Clarifier | |
| 3. Cultural bridging | |
| 4. Advocate | |
| | |
| Professional Conduct Standards for Social Service Interpreters | 5 |
| 1. Regulatory standards | |
| 2. Continuing professional education | |
| 3. Agency records of qualified interpreters | |
| 4. Effective date | |
| 5. Comment period | |
| | |
| Ethics Standards for Social Service Interpreters in Ohio | 9 |
| 1. Confidentiality | |
| 2. Accuracy: Conveying the content and spirit of what is said | |
| 3. Completeness: Conveying everything that is said | |
| 4. Impartiality | |
| 5. Conflict of interest | |
| 6. Conveying cultural frameworks | |
| 7. Customer self-determination | |
| 8. Professional distance | |
| 9. Attitude toward customers | |
| 10. Compensation | |
| 11. Professional competence and integrity | |
| 12. Respect for privacy | |
| 13. Professionalism | |
| 14. Professional development | |
| 15. Duty to withdraw | |

Civil Rights Assurances

Role of the Social Service Interpreter

Overall Role: the basic purpose of the interpreter is to facilitate understanding in communication between people who are utilizing different languages. This role contains four elements: (1) the basic "conduit," who translates literally; (2) "clarifier," who explains terms, when necessary; (3) "cultural broker" and, when necessary, (4) addressing concerns (advocacy).²

1. Basic "Conduit" Role

Beforehand

- When possible, the interpreter obtains information from provider, clarifies what language the customer uses, the provider's goals for the encounter, and other relevant background information.
- When possible, the interpreter communicates with the customer to assess the customer's dialect, communication style, and register (level of formality) of speech.

Introduces self and explains role

- Introduces self to customer.
- Clarifies the interpreter role to both parties, which includes:
 - a. His/her role to facilitate communication
 - b. His/her job to interpret everything that is said accurately
 - c. That confidentiality within the session will be maintained
- Explains that he/she will use the "first person" when interpreting (for example, "I feel" instead of "She said that she feels")
- Encourages parties to communicate directly with each other.
- Asks if there are any questions about the interpreter's role and answers questions

2. Clarifier

Ensuring Communication

- Arranges the appropriate physical location of the interpreter to ensure hearing, seeing, and, when necessary, the physical privacy and comfort of the customer.
- Checks that both parties understand what is said.
- Requests clarification when he/she does not fully hear or understand the message.
- Ensures that he/she can be seen and heard by both parties.
- Informs and explains to both parties if cultural or linguistic differences require clarification.

From "Bridging the Gap," prepared by Cross Cultural Health Care Program. ² Id.

Civil Rights Assurances

- Acknowledges when there is conflict and does not take sides in the conflict.
- Makes sure the customer is clear about next steps and has asked any questions he or she may still have.

3. Cultural Bridging

- Behaves in a culturally appropriate manner, observing the rules of cultural etiquette; adjusts behavior to observe appropriate rules of cultural etiquette.
- Explores whether factors such as age, gender, or socio-economic status will affect the communication process.
- Is proficient at understanding verbal and nonverbal communication styles and cues that may indicate culturally based misunderstanding or miscommunication.
 - a. When appropriate, calls attention of parties to what the problem might be.
 - b. Assists the parties in searching for clarity.
- Shares relevant cultural information of either party's culture needed for understanding a message and which may help clarify the problem.
- Informs either party when a concept or term is untranslatable and assists the speaker in developing an acceptable definition or explanation.

4. Advocate

- Although it is estimated that only 5 % of their life time as interpreters will be spent on this role, on occasions where the interpreter feels strongly that either party's behavior is affecting access to or quality of service or is compromising either party's dignity, the interpreter follows the social services provider and interpreter's agency policies and procedures for addressing concerns (*Also part of the Standards*).

³ Adapted from *Medical Interpreting Standards of Practice*, developed by Massachusetts Medical Interpreters Association and Education Development Center, Inc., October 1995, Mass. Medical Interpreters Association, pps. 28-29.

Civil Rights Assurances

Professional Conduct Standards for Social Service Interpreters

The interpreter does all of the following:

- Is punctual for all assignments
- Provides an explanation of the role of the interpreter
- Explains potential consequences of inaccurate interpreting, if necessary
- Acknowledges and corrects own mistakes
- Completes any required documentation on the interpreting session
- Dresses appropriately
- Communicates empathy
- Demonstrates patience
- Behaves in a respectful, courteous and culturally competent manner
- Adheres to Interpreter Code of Ethics at all times
- Provides agency with reasonable notice, in the event the interpreter must cancel the assignment.

Civil Rights Assurances

Ethical Standards for Social Service Interpreters in Ohio

Note: Throughout these standards, the term "customer" is used to refer to the actual customer, in the case of a competent adult; or, in the case of a minor or incapacitated or incompetent adult, the term "customer" applies to the customer's parent, guardian, or other legal representative; the term "interpreter" refers to a professionally trained social service interpreter, as further described in these standards.

A social service interpreter is a specially trained professional who has proficient knowledge and skills in English and at least one other language and employs that training in a social service or related setting in order to make possible communication among parties using different languages.

The skills of an interpreter include cultural competency and awareness and respect for all parties involved, as well as mastery of the social service and colloquial terminology, which makes possible conditions of mutual trust and accurate communication leading to effective provision of social services and benefits. ⁴

1. Impartiality

Interpreters shall be impartial and unbiased. The interpreter is a neutral 3rd party who does not counsel or advise either party or give personal opinions. An interpreter shall not accept an assignment and shall withdraw from a situation where his or her strongly held personal values and beliefs may interfere with impartiality. In such situation, the interpreter shall inform both parties prior to withdrawing

2. Confidentiality

Interpreters must treat all information learned during the interpretation as confidential, divulging nothing, except where the law requires disclosure.

3. Accuracy: Conveying the Content and Spirit of what is said

Interpreters must transmit the message in a thorough, accurate, faithful and objective manner, giving consideration to linguistic variations in both languages and conveying the tone and spirit of the original message.

A word-for-word interpretation may not convey the intended idea. The interpreter must determine the relevant concept and say it in language that is readily understandable and taking the cultural and social context into account. When appropriate, the interpreter will explain cultural differences or practices to both, social service providers and customers.

⁴ From AMITAS, American medical Interpreters Translators Association, Stanford, CA.

Civil Rights Assurances

In addition, the interpreter will attempt to assure that the customer has understood questions, instructions and other information transmitted by the social service provider.

Makes sure the customer is clear about next steps and has asked any questions he or she may still have.

4. **Completeness: Conveying everything that is said**

Interpreters must interpret everything that is said by all people in the interaction and they must not add or omit anything, no matter how uncomfortable it may be to the interpreter.

An interpreter's function is to facilitate communication. Interpreters are not responsible for **what** is said by anyone for whom they are interpreting. Even if the interpreter disagrees with what is said, thinks it is wrong or even immoral, the interpreter must suspend judgment, make no comments, and interpret everything accurately. The interpreter shall make every effort to assure that the customer has understood all written documents, oral explanations, questions and instructions.⁵

5. **Conflict of Interest**

If personal involvement makes it difficult to abide by any of the above conditions, the interpreter shall decline or withdraw from the assignment. Interpreters must **disclose any existing or potential, whether real or perceived conflict of interest** that would affect their objectivity in the delivery of their service.

Children or youth should never be used to interpret. Family and friends of the customer, including interpreters, should not be used to interpret in a social service or any other setting, as this could compromise the effectiveness of the services. Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations. In a social service setting, this reluctance could have serious consequences, even denial of eligible services or benefits.

6. **Customer Self-Determination**

The interpreter may be asked by the customer for his or her opinion. When this happens, the interpreter needs to restate the role of the interpreter to clarify that no personal opinion may be given. The interpreter should not influence the opinion of customers by telling them what action to take, or interfere with the customer's ability to make his or her decision.

⁵ From AMITAS, supra.

Civil Rights Assurances

7. **Professional Distance**

The interpreter always maintains necessary professional distance. The interpreter refrains from becoming personally involved in problems or issues related to the customer and/or the interpreting session. The interpreter refrains from becoming personally involved with customer or provider.

8. **Attitude toward Customers**

The interpreter should strive to develop a relationship of trust and respect at all times with each customer by adopting a caring, attentive, yet discreet and impartial attitude toward the customer, toward his or her questions, concerns and needs. The interpreter shall treat each customer equally with dignity and respect regardless of race, ethnicity, sex, religion, age, disability, nationality, political affiliations, or sexual orientation.

9. **Compensation**

The fee agreed upon by the agency and the interpreter is the only compensation that the interpreter should accept. Interpreters may not accept additional money, considerations, gifts or favors from participants, either directly or on their behalf for services reimbursed by the contracting agency. Interpreters shall not use the agency's time, facilities, equipment or supplies for private gain or advantage, nor should they use their positions to secure privileges or exemptions.

10. **Professional Competence and Integrity**

Interpreters should represent their qualifications, training and experience accurately and completely. Interpreters shall only accept assignments for which they are qualified, except in emergency situations, in which the interpreter's limitations are made known to all parties and only until a qualified interpreter becomes available.

11. **Respect for Privacy**

The interpreter refrains from contact with either the provider or client outside the interpreter situation. The interpreter refrains from asking personal questions of either party outside the interpreting situation.

12. **Professionalism**

Interpreters shall be punctual, prepared and dressed in an appropriate manner. The trained interpreter is a professional who maintains professional behavior at all times while assisting clients.

13. **Professional Development**

The interpreter shall be committed to maintaining and enhancing professional skills by pursuing additional education in his/her working languages, as well as other relevant subjects, through any available opportunities. The interpreter shall maintain professional development according to prevailing regulatory and professional standards and job requirements as stated by the employing agency or provider.

Civil Rights Assurances

14. Duty to Report

On rare occasions where the interpreter feels strongly that either party's behavior is affecting access to or quality of service or is compromising either party's dignity, the interpreter follows the social services provider and interpreter's agency policies and procedures for addressing concerns

15. Duty to Withdraw

Interpreters shall withdraw immediately from encounters that they perceive to be in violation of the Code of Ethics.

16. Acknowledgment by Interpreter

Each Interpreter utilized by ODJFS or a county agency or business supplying interpreters to ODJFS or a county agency shall acknowledge review of these ethical standards and provide assurances that they will be followe

Ted Strickland
Governor



Helen E. Jones-Kelley
Director

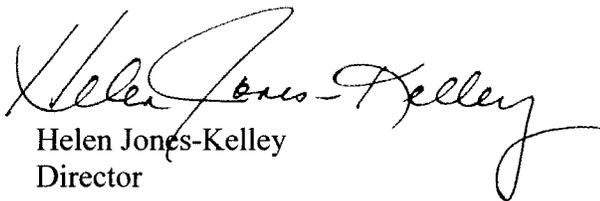
30 East Broad Street Columbus, Ohio 43215-3414
jfs.ohio.gov

March 21, 2008

Thank you for the opportunity to review the Interpreter Standards developed by the Workgroup. I've reviewed the short and long term recommendations made by the Workgroup. While I embrace the idea of interpreter certification, I don't believe it is the right time to mandate certification requirements for the State at large. I would like to move forward on the short term recommendations. I am confident that the counties will respond in a manner that assures use of quality interpreters without the creation of rules and certifications.

Please accept this communication as my approval and acceptance of the Workgroups short term recommendations which are as follows:

1. Adopt the Draft Interpreter Standards Promulgated by the Statewide Workgroup
2. Incorporate the Interpreter Standards into the ODJFS LEP Policy that applies to ODJFS and County Agencies
3. Require each county agency's LEP Plan to include assurances that the county agency will have any interpreters utilized by the county agency, adhere to the Interpreter Standards.



Helen Jones-Kelley
Director