

DEPARTMENT OF YOUTH AFFAIRS

Government of Guam



Language Access Policy

Policy 2019-002

Updated: October 23, 2019

169 San Isidro Street
Mangilao, Guam 96923



MEMORANDUM

To: DYA Employees/Contracted Employees
From: Director
Subject: **Language Access Plan**

Hafa Adai!

Attached is the Department of Youth Affairs (DYA) Language Access Plan (LAP). The intent of the plan is to ensure the provision of timely, meaningful and fair access to all services, programs or information about DYA for persons who are limited English proficient (LEP) or Deaf and Hard of Hearing (DHH) in compliance with federal law.

DYA personnel will inform youth, their families and all other individuals who intersect with this agency that language assistance services, are available free of charge and signs indicating such, will be posted in Intake and at the entry outside of the main facility. These services will be coordinated by the Language Access Coordinator, the Social Services Supervisor I or his/her designee.

The overarching goal of the LAP is to ensure that the highest level of quality information about our agency and available services are made accessible to all who come into contact with this Department in the best interest of family engagement, improved outcomes and community safety.

Si Yu'os Ma'ãse'



MELANIE W. BRENNAN



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I. Introduction

This Language Access Policy (LAP) is promulgated and implemented to provide timely, meaningful access to all individuals who require services from the Department of Youth Affairs (DYA) of the Government of Guam, regardless of race, color, national origin, or limited capability to speak, read, or understand the English language. The DYA understands the nature and connection between access to critical social services and language assistance services within the department and other partner agencies and/or organizations, within Guam's juvenile justice system.

The DYA employees will inform members of the public that language assistance services are available free of charge to persons who are Limited English Proficient/ Deaf or Hard of Hearing (LEP/ DHH). All personnel shall coordinate language assistance services for persons who are LEP/ DHH through the identified Language Assistance (LA) Coordinator, the Social Services Supervisor of the Youth Development Division, or his/her designated alternate(s). These individuals are authorized to activate interpreters and/ or translators for this purpose.

II. Policy Statement

This LAP is issued in compliance with Title VI of the Civil Rights Act of 1964, Office of the Governor of Guam Executive Order no. 2015-015, U.S. Presidential Executive Orders 12250 (1980) and 13166 (2000), 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 (LEP/ DHH).

Its purpose is to guide the DYA personnel in providing timely, meaningful and equal access to programs, services, and/ or information to LEP/ DHH Persons to ensure maximum communication between the DYA and all members of the community. Further, this LAP is intended to ensure compliance with Title VI of the Civil Rights Act of 1964 by providing equal access to programs, services and information from the DYA. Finally, this LAP is intended to help mitigate risks that may arise from ineffective or inaccurate communications between the DYA and individuals whom the department serves.

To the greatest extent practical and reasonable, the DYA will strive to meet the needs of persons who are LEP/ DHH by ensuring the highest quality of language assistance and services. For instance, interpreters for certain foreign languages may not be readily available in Guam due to our limited population base and geographic location. DYA employees will



inform the public that language assistance services are available free of charge to persons who are LEP/ DHH and that the department will provide these services to them, by posting a sign in public areas similar in form to the copy attached as “Exhibit A - Signage.” The LA Coordinator of the DYA is tasked with monitoring the sufficiency of all signs to ensure maximum communication with the public.

III. Definitions

- a. Limited English Proficient (LEP) individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.
- b. Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.
- c. Primary language means the language that an individual communicates most effectively in.
- 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 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. Sign Language is a system of communication using visual gestures and signs, as used by deaf people or hard of hearing (DHH).
- j. 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.

IV. Background

The DYA recognizes the importance of accurate communications between its personnel and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. It can put cases and lives at risk by impeding communications with persons who are LEP/ DHH, such as clients, parents/ guardians/ family members, and community members, and can present safety and ethical challenges to the DYA. Language barriers can inhibit or prohibit persons who are LEP/ DHH from accessing and/ or understanding important rights, complying with court orders and the law, and receiving meaningful access to programs, services and information provided by the DYA.

Guam's population is estimated at 167,294 in 2019, compared to the official census figure of 159,000 in 2010, based on Guam Demographics Profile as researched on Google. Guam is the gateway to the United States from Asia and neighboring Pacific islands, and as such, is considered a "melting pot" of cultures. Guam has two officially recognized languages for conducting business: English and native CHamoru. Although English is the primary language on Guam, other languages spoken on Guam include CHamoru, Filipino, Korean, Japanese, Chinese, Chuukese, Kosraen, Pohnpeian, Palauan, Vietnamese, and Sign. The most significant population increase reported between 2000 and 2010 by the U.S. Census Bureau was Carolinian (96.7% increase); Yapese (84.1% increase); and Chuukese (80.3% increase). As another count will be conducted in 2020 by the U.S. Census Bureau, it will be interesting to see if the population increase rank by ethnic population remains the same or not.

In addition, Guam receives over 1 million visitors each year. In FY2018, Guam welcomed 1.52 million visitors. The Guam Visitors Bureau Research Department has verified that 147,507 visitors traveled to Guam as of February 2019, a 9.5% increase when compared to the same time in the previous year.

Guam has a limited population base and is geographically isolated, located about eight (8) hours by air from Hawaii, and additional five (5) hours by air from Hawaii to the continental United States (west coast). Guam is located approximately 6,600 miles from San Diego,



California. Therefore interpreters and translators may be difficult to obtain due in part to our geographic isolation as well as our time difference. Guam is on CHamoru Standard Time (ChST), which is typically a day ahead and the opposite time of day from the continental United States.

In past years, the DYA accessed interpreters via the Judiciary of Guam whenever the need arose and for the most part, the most prevalent need was to provide language assistance to clients, parents/ guardians, and families in the following languages:

1. Chuukese
2. CHamoru
3. American Sign Language

Unfortunately, the DYA has never officially captured data that will merit these specific findings relative to the need for interpreters/ translators as evidence-based findings, except for the fact that based on our current database, and the most recent compact/ impact reports for the last three (3) consecutive years, 90+% of juveniles remanded to DYA are Chuukese, with the next highest percentage being CHamorus. Consistent with these results are from informal data surveys from personnel who provide direct services to the clients and families that the department serves.

Whether a person is a resident of Guam or a temporary visitor, contact with the Government of Guam is inevitable. From the airport to the seaport, and at junctures in between, all Guam visitors and residents receive services from the Government. Some provide their own interpreters as an alternative to paid interpreters or bilingual Government employees. Persons who are LEP/ DHH occasionally rely on their children or family members to interpret for them, and on occasion, may call upon neighbors or acquaintances to act as interpreters or translators. However, an untrained “interpreter” may be unable to understand the concepts or terminology he or she is being asked to interpret or translate. Thus, we must minimize these instances and, if necessary, rely on trained interpreters that may be retained by the Government of Guam, as well as provide training to all employees on the proper use of interpreters and bilingual staff. Trained interpreters are professionals who are procured and compensated, as is the case with interpreters registered and used by the Judiciary of Guam.

Federal law prohibits discrimination on the basis of race, color, or national origin and requires federally assisted agencies take reasonable steps to provide meaningful access to programs, services and information to persons who are LEP/ DHH.

The DYA LAP is meant to accommodate persons who are LEP/ DHH consistent with Title VI of the Civil Rights Act of 1964 (Title VI Act). The Title VI Act provides:



“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

After a U.S. Supreme Court ruling, Congress redefined the Title VI Act in 1997 determining that the organization receiving federal funds is responsible if a discrimination complaint is filed, and not just the specific program under which the complaint was filed.

The Title VI Act prohibits:

- a. Providing different services to individuals as it relates to race, color, and national origin.
- b. Denying the opportunity to participate as a member of a planning or advisory body, ensuring adequate representation.
- c. Selecting the location of a facility with the purpose or effect of excluding individuals based on race, color, or national origin.

The Title VI Act has been broadened by related statutes, executive orders, and regulations to prohibit discrimination such as denial of meaningful access to LEP Persons. Although DHH Persons are covered under the American with Disabilities Act (ADA) rather than the Title VI Act, they have been included in this LAP.

V. Language Assistance Procedures

The following procedures are established to guide personnel in providing services to LEP/DHH Persons.

A. Identification of persons who are LEP/ DHH and in need of language assistance.

To the greatest extent possible, employees at the initial point of contact should attempt to conduct an assessment in order to better ascertain what language a LEP/DHH person is communicating in, so as to provide adequate services. If there is uncertainty about the language communicated or translation needed, please contact the supervisor on duty or manager on duty. The supervisor or manager can coordinate with the LA Coordinator to obtain language assistance services as quickly as possible. At which time, the individual should be informed of the right to an interpreter at no cost.

The following **procedures** are established in order of priority of steps to be taken:

- 1) Employees providing a service should contact the LA Coordinator to obtain LEP language assistance needs for the client.



- 2) In the event an interpreter is not available, bilingual employees will be sought to provide assistance by the LA Coordinator. At this time, the DYA has bilingual staff who speak the following languages:
 - i. Chuukese
 - ii. CHamoru
 - iii. Filipino/ Tagalog
 - iv. Pohnepaian
 - v. Yapese
 - vi. Palauan
 - vii. Korean
- 3) In the event language assistance is not available, after steps 1 and 2 have been attempted, the LA Coordinator shall seek assistance from the Judiciary of Guam. The Judiciary of Guam maintains a list of interpreters/translators for judicial matters. In this instance, the individual may be a client or have been referred via court order to receive services from DYA.
- 4) After protocols 1-3 have been exhausted and language assistance is still necessary, the LA Coordinator may seek assistance from other agencies or organizations available in our community such as the Guam Department of Education or Guam Community College. A listing is available with the LA Coordinator.

During an emergency, such as threatening telephone calls or during emergencies, employees who are unable to determine the language spoken by LEP/ DHH Persons should refer callers to their immediate supervisor and/ or Director. If it is a telephone call, the employee should remain on the line until the supervisor or Director answers the call. In the event the employee's supervisor cannot determine the language of the LEP/ DHH Persons, he or she shall immediately request language assistance services from the LA Coordinator. If an interpreter is not readily available in the office, all reasonable attempts will be made to contact an interpreter via telephone in order to effectively respond to the emergency.

B. Notice.

Signs posted within the DYA's Intake Office, Administration Bldgs., and Youth Resource Centers, must inform persons who are LEP/ DHH that language assistance



services are available in various languages. Posted signs provide detailed information such as point of contacts within the DYA, office number and alternate telephone number, website information, and how to acquire services.

C. Tracking and Reporting.

In order to assess the effectiveness of the DYA's language assistance services, each Division will collect data regarding its provision of language assistance services and provide this data to the DYA Youth Development Division at the end of each month. The DYA will identify data collected, inclusive or but not limited to, the number of assistance requests, the primary languages of communication for the LEP/ DHH person(s), the cost of any language assistance services, and the type of assistance provided.

D. Staff Training.

The LA Coordinator, in conjunction with all the Divisions, will develop a training program for existing staff to review the LA, identify LEP/ DHH Persons, differentiate various languages being spoken, be aware of cultural differences, and deliver adequate services to persons who are LEP/ DHH. As new employees are hired, information on the LAP shall be provided in their orientation packets and training.

E. Compliance Monitoring and Updating of Policy.

This Policy is monitored for compliance and updated every year from the date of issuance. The Director is responsible for implementing this plan and ensuring annual updates occur. The LA Coordinator and the Director or his/her designee are responsible for drafting annual updates to the Policy, analyzing data and trends, ensuring brochures and signs are translated, mitigating problems, training personnel on procedures, and making adjustments to procedures as needed in consultation with the Division Heads. Any DYA Language Access Policy modifications, revisions or updates will be posted on our website at www.dya.guam.gov

VI. 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 client (i.e. 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.

VII. Internal Language Access Contacts

The DYA Division Section contacts are:

DSS

David T. Afaisen
 Superintendent
 Tel: (671) 735-5007/22
david.afaisen@dya.guam.gov

YD

Corrine T. Buendicho
 YD Administrator
 Tel: (671) 735-5035/10
corrine.buendicho@dya.guam.gov

ASU

Jeannette C. Toves
 ASO
 Tel: (671) 735-5009
jeannette.toves@dya.guam.gov

The DYA primary and alternate Language Assistance (LA) Coordinators are:

Primary

Robinette S. Balajadia
 Social Services Supervisor I, Acting
 Tel: (671) 735-5033/10
robinette.balajadia@dya.guam.gov

Alternate

Tisha T. Flores
 Social Worker
 Tel: (671) 635-4392/3
tisha.flores@dya.guam.gov



If there are any questions that present themselves or for further clarification, please contact the LA Coordinator of the DYA. This LAP is issued for compliance.

MELANIE W. BRENNAN

Director

Date: 3 Jan 2020

KRISINDA C. AGUON

Deputy Director

Date: 1/3/2020



EXHIBIT A – SIGNAGE

Department of Youth Affairs

Notice to Individuals with Limited English Proficiency

ENGLISH

Welcome to the Department of Youth Affairs.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 735-5010. Thank you.

CHUUKESE

Welcome to the Department of Youth Affairs.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 735-5010. Thank you.

CHAMORU

Saluda para I fanatto-mu gi Dipattamenton Asunton Manhoben.

Put fabot, na'tungo'ham yanggen un nisisita ayuda gi trinanslanan lengguahi.
Bai in espiha empenu na u guaha entetpeti para u inasiste hao.
Para mas na ayudu, agana ham put fabot gi: 735-5010. Si Yu'os ma'ase.

FILIPINO/ TAGALOG

Welcome to the Department of Youth Affairs.

Ipagbigay alam lamang kung kayo ay nangangailangan ng tulong ng tagapagsalin..
Sisikapin naming maghanap ng tagapagsalin para tumulong sa inyo.
Maari lamang tawagan ang 735-5010. Salamat po.



POHNEPAIAN

Welcome to the Department of Youth Affairs.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 735-5010. Thank you.

YAPESE

Welcome to the Department of Youth Affairs.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 735-5010. Thank you.

PALAUAN

Saluda para I fanatto-mu gi Dipattamenton Asunton Manhoben.

Put fabot, na'tungo'ham yanggen un nisisita ayuda gi trinansladan lengguahi.
Bai in espiha empenu na u guaha entetpeti para u inasiste hao.
Para mas na ayudu, agana ham put fabot gi: 735-5010. Si Yu'os ma'ase.

KOREAN

Welcome to the Department of Youth Affairs.

Ipagbigay alam lamang kung kayo ay nanganggailangan ng tulong ng tagapagsalin..
Sisikapin naming maghanap ng tagapagsalin para tumulong sa inyo.
Maari lamang tawagan ang 735-5010. Salamat po.



Translator and Interpreter Code of Ethics

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-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 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 protocol of the DYA Language Access Policy, 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 Language Access Coordinator'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.

Filename: DYA.Language Access Policy
Directory: C:\Users\angelica.pereira\Documents\2020 Directors Memo. Office
Incoming
Template: C:\Users\angelica.pereira\AppData\Roaming\Microsoft\Templates\Nor
mal.dotm
Title:
Subject:
Author: Cannon Han
Keywords:
Comments:
Creation Date: 7/13/2020 12:16:00 PM
Change Number: 2
Last Saved On: 7/13/2020 12:16:00 PM
Last Saved By: Angelica Pereira
Total Editing Time: 1 Minute
Last Printed On: 7/13/2020 12:16:00 PM
As of Last Complete Printing
Number of Pages: 16
Number of Words: 3,726 (approx.)
Number of Characters: 21,244 (approx.)