

Language Access Plan

TOWN OF APEX

June 04, 2024



APEX
NORTH CAROLINA

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Introduction

Why Language Access?

The Town of Apex is committed to its mission of delivering exceptional public service that fosters opportunities for individuals and the community to live, thrive, and reach their full potential.¹To accomplish this mission and achieve the Town's stated goals²of fostering a: *Welcoming Community, High-performing Government, Environmental Leadership, Responsible Development, and Economic Vitality*, it is imperative to ensure that residents have meaningful access to Town services and programs, irrespective of their preferred language or English-language proficiency.

Background and Purpose

The Language Access Plan (LAP) of the Town of Apex represents a strategic framework and management tool aimed at providing accessible services with an intentional focus on language equity. These policies and procedures in the plan emphasize the Town of Apex's dedication to ensuring that individuals who are Limited English Proficient (LEP) have meaningful access to the Town's activities, programs, and services. While this plan is primarily intended to promote meaningful access to individuals who are LEP, many aspects of this plan also apply to ensuring that Town departments are communicating effectively with persons with disabilities, including persons who use sign language to communicate.

The development of this policy is an integral and deliberate component of the Town of Apex's active participation in the Local Government Language Access Collaborative³. This collaborative initiative is conducted in partnership with the Town's designated community partner, Fiesta Cristiana⁴, through the Institute for the Study of the Americas at the University of North Carolina at Chapel Hill. Notably, Apex stands alongside eight other local governments in North Carolina, engaging in a comprehensive year-long language access program designed to augment the Town's commitment and capacity to foster enhanced communication with residents, who speak languages other than English.

This plan ensures compliance with non-discrimination authorities, including Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and Executive Order 13166. (For more detailed information on legal compliance and requirements, please refer to Appendix A.

¹ <https://www.apexnc.org/1285/Mission-Vision-and-Values>

² <https://www.apexnc.org/1321/Strategic-Plan>

³ <https://migration.unc.edu/language-access-collaborative>

⁴ <https://fiestacristiana.org>

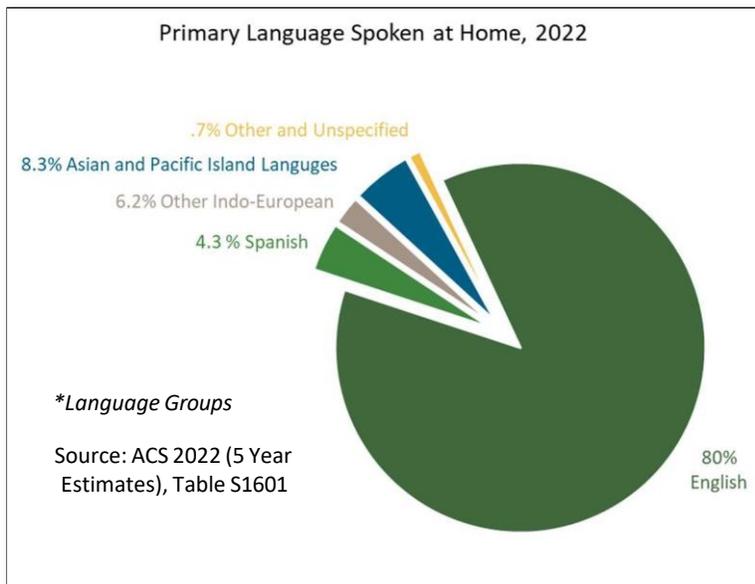
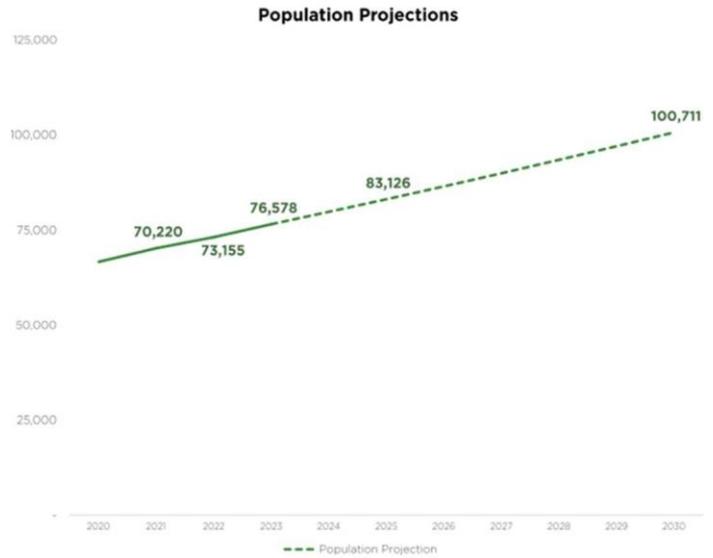
Demographics

Population and Forecasted Growth:

Over the past decade, the Town of Apex has experienced significant population growth, leading to a more diverse community. From 2013 to 2023, Apex's population nearly doubled, rising from 39,134 to an estimated 77,421, resulting in a growth rate of over 97%. This growth is not only evident in the increased diversity within the community but is also reflected in the expansion of languages spoken and present in the community.

Apex future population projections: 83,126 residents by year 2025 and over 100,000 residents by 2030.

(Estimated forecasts are derived from population estimates from the Apex Development Report of March 2024)



Language Spoken at Home in Apex:

Among residents of Apex aged 5 years and older, **19%** (11,988 individuals) reported speaking languages other than English at home.

4.2% (2,562 individuals) indicated that their speaking ability was less than “very well”, meaning that they have limited English proficiency. Over the past decade residents who reported speaking a language other than English has increased from **13.6%** (4,659) to **19.5%** (11,988).

Limited English Proficiency: Limited English Proficiency (LEP) is defined in this Language Access Plan (LAP) as individuals who identified as speaking English “less than very well” captured from the U.S. Census Bureau's American Community Survey (ACS).

Definitions

(The terms defined are consistent with the Department of Justice Language Access Plan definitions, unless noted)

Bilingual Staff: A person who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language.⁵

Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another (target language) while retaining the same meaning.

Language Access: Providing individuals with Limited English Proficiency (LEP) reasonable and meaningful access to the same services as individuals who speak English. It also refers to the laws and policies that guarantee people access to written, verbal, or visual materials or services in their preferred languages.

Language Assistance Services: Oral and written language services used to provide individuals with LEP meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Town of Apex.

Individuals with Limited English Proficiency (LEP): Individuals who:

- Do not speak English as their primary language; and
- Have a limited ability to read, write, speak or understand English.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

Preferred/ Primary Language: The language in which an individual most effectively communicates when interacting with Town, including sign language or tactile sign language. An individual's preferred language may be a language variant.

Translation: The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone and intent of the text, while in light of differences of culture and dialect

Vital Document: Paper or electronic written material that contains information that is critical for assessing the Town's programs, services or is required by law.

PUMA: Public Use Microdata Areas (PUMAs) are non-overlapping, statistical geographic areas that partition each state or equivalent entity into geographic areas containing no fewer than 100,000 people each. They cover the entirety of the United States, Puerto Rico, and Guam. The Census Bureau defines PUMAs for the tabulation and dissemination of decennial census and American Community Survey (ACS) Public Use Microdata Sample (PUMS) data. Additionally, the ACS and Puerto Rico Community Survey use them to disseminate their respective period estimates.⁶

⁵ www.lep.gov- (U.S Equal Employment Opportunity Commission Language Access Plan)

⁶ <https://www.census.gov/en.html>

Assessment

Language Data Collection

To assess language assistance requirements and identify Limited English Proficient (LEP) communities and stakeholders, the Town of Apex examined language trends within its jurisdiction and the Southwest Wake County PUMA designation. This analysis also included an internal agency language capacity survey, a review of demographic data from the U.S. Census Bureau's American Community Survey (ACS), and consultations with diverse stakeholder community groups. Appendix B provides a detailed breakdown of additional demographics, and Appendix C provides a link to the agency survey, the response rate and results.

The Town of Apex is currently undergoing a census resolution to reflect a more accurate population estimate. For this analysis, data from 2022, utilizing 5-Year Estimates from the ACS, were employed (*unless otherwise noted*).

Strategic Language & Service Identification

To initiate the development of a Language Access Plan, the U.S. Department of Justice recommends conducting a Four-Factor Analysis. This analysis helps identify the necessary language support services needed to ensure that individuals with limited English proficiency (LEP) or non-English speaking individuals can access the Town's programs, services, and activities equitably. The four factors include:

Four-factor Analysis⁷

1. Number or proportion of persons with limited English proficiency (LEP) served or encountered in the eligible service populations;
2. Frequency with which individuals with LEP come in contact with the recipient's program, activity, or service;
3. Nature and importance of the recipient's program, activity, or service;
4. Resources available to the recipient and costs.

The Safe Harbor guideline⁸ is another tool that can help select strategic language groups for translation of vital documents. Safe Harbor includes the following parameters:

- 1) 5 % or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered
- 2) If there are fewer than 50 people in a language group that meets the 5% trigger above, the recipient instead can provide translated written notice of the right to receive competent oral interpretation of vital documents, free of cost.

⁷ www.lep.gov

⁸ <https://www.justice.gov/crt/doj-final-lep-guidance-signed-6-12-02>

Factor 1: *Number or proportion of persons with limited English proficiency (LEP) served or encountered in the eligible service populations;*

The Town of Apex examined the most recent U.S Census Bureau data, American Community Survey 5- Year Estimates, to evaluate:

- 1) Languages Spoken at Home by Apex residents and PUMA designation of Southwest Wake County
- 2) Languages spoken by individuals who self-identified as speaking English less than “very well”

LEP Individuals: Among residents of Apex aged 5 years and older, **19.5%** (11,988 individuals) reported speaking languages other than English. Among those who reported speaking a language other than English at home, **4.2%** (2562 individuals) indicated that their speaking ability was "less than very well," based on the most comprehensive data available from the U.S. Census 5-Year estimate from 2022. In this Limited English Proficiency (LEP) analysis, individuals with English-speaking ability described as "less than very well" are identified as LEP.

TOWN OF APEX LANGUAGE DATA

Table. 1 Language Spoken at home by Apex residents

Languages	Population Estimate	Percent
Total Population 2022 (5 years of age and older)	61, 462	
Speak only English	49, 474	80.5%
Speak languages other than English	11, 988	19.5%
Speak English less than “very well” (LEP)	2562	4.2%

Source: ACS 2022(5 Year Estimates), Table S1601

According to the 2022 American Community Survey (ACS), residents speaking Asian and Pacific Islander languages make up Apex’s largest LEP language group (Table 2). The US Census groups languages into four major language groups: Spanish, Other Indo-European languages, Asian and Pacific Island languages, and Other languages

Table 2. Language Spoken at home by Apex residents, Language groups

Language groups other than English	Total Speakers	Percent of Total Population	Speaks English less than “very well” LEP (number of specified language speakers)	Speaks English less than “very well” LEP (percent of specified language speakers)
Spanish	2,648	4.3%	592	22.4%
Other Indo-European languages	3,791	6.2%	516	13.6%
Asian and Pacific Island languages	5,110	8.3%	1,411	27.6%
Other Languages	439	.7%	43	9.8%

Source: ACS 2022 (5 Year Estimates), Table S1601

SOUTHWEST WAKE COUNTY LANGUAGE DATA

Because the Apex-specific data in the ACS table above does not list individual languages beyond Spanish, the PUMA geographic destination of Southwest Wake County was identified as the most applicable to Apex. To identify the individualized languages within the aggregated language groups from the US Census Data, Household Language Analysis was conducted using Public Use Micro Data, in conjunction with Individual Analysis. *The highlighted rows identify the languages spoken by individuals who identify as LEP that meet the Safe Harbor threshold.*

Table 3. Top 5 non-English languages and percent of LEP population in Southwest Wake County

Language and English-Speaking Ability	Population Estimate	Percent
Spanish	5445	9.99%
Speaks English “very well”	3786	6.95%
(LEP) Speaks English less than “very well”	1659	3.04%
Chinese (including Mandarin)	3215	5.90%
Speaks English “very well”	2039	3.74%
(LEP) Speaks English less than “very well”	1176	2.15%
Telugu	2869	5.27%
Speaks English “very well”	2477	4.49%
(LEP) Speaks English less than “very well”	392	.72%
Russian	1027	1.88%
Speaks English “very well”	735	1.34%
(LEP) Speaks English less than “very well”	292	.53%
Hindi	1998	3.66%
Speaks English “very well”	1736	3.19%
(LEP) Speaks English less than “very well”	262	.48%

Source: ACS 5- Year Estimates Public Use Microdata Sample 2021

Factor 2: *Frequency with which individuals with LEP come in contact with the recipient’s program, activity, or service;*

1. The Town conducted an Internal Language Capacity Assessment to examine the frequency of interactions between Town departments and LEP residents, as well as the methods employed for communication. The following findings were revealed:
 - Eight departments reported “often” interactions with LEP residents who have the preferred languages of: Spanish, Hindi, Chinese and Russian
 - Seventeen departments reported “occasional” interactions with the previously identified preferred languages in addition to Vietnamese
 - Seven departments mentioned using bilingual employees to translate and interpret materials which is not required by their job responsibility and they are currently not compensated for this added responsibility

2. The Language telephonic interpretation assistance line of the Police Department was also examined, revealing the following insights:
 - Over the past decade, Spanish was the dominate language request, accounting for 82.6% of all calls seeking language assistance.
 - Analyzing the trends in language requests from 2020 to the present, it was observed that Spanish has consistently been the most requested language every month, with the number of requests ranging from 1 to 16.
 - The most requested languages are Spanish, Mandarin and Romanian. (Police Language Assistance Data in Appendix B)

Factor3: *Nature and importance of the recipient’s program, activity or service;*

The Town of Apex delivers vital services and programs to residents, including: essential utilities, public safety, and transportation, among others. It is imperative that residents can readily access these services and programs, as well as obtain comprehensive information concerning service details and associated financial obligations. Therefore, essential documents and messaging within those 3 areas (public safety, transportation and utility) need to be prioritized when translating vital documents into the strategic languages.

Factor 4: *Resources available to the recipient and costs.*

To ascertain the available resources for language assistance, the Town evaluated its internal assets. These encompass bilingual staff, interpreter and translation services, and the current funding designated for language services.

- Several departments receive funding specifically allocated for language assistance, which includes the use of telephonic interpretation services.
- Noteworthy challenges have been reported regarding the accuracy of digital translations, along with potential technological barriers

To evaluate the cost, the Town conducted research to identify the elements necessary for the delivery of proficient and accurate language assistance services, which include but not limited to:

- Language Assistance Education and Training
- Hiring, training and compensating bilingual staff where bilingual skills are needed
- Providing contracted third-party interpretation and translation services
- Providing contracted written translation services to produce non-English language materials

Spring 2024

The Town will implement translation platform on the Town's website using Recite Me.

- "Recite Me provides a variety of on-demand accessibility solutions to assist with ADA and WCAG (Web Content Accessibility Guidelines) standards while ensuring user-friendly for individuals with disabilities, situational challenges, and language needs, through customization and translation options."
- Community partner Fiesta Cristiana has reviewed the platform and provided feedback and suggestions in regards to the accuracy and usability of this platform. Feedback was obtained May 2024.

July 2024

The Town will receive \$25,000 from the UNC Language Collaborative Grant to support the language initiatives that have been outlined in the plan.

Identified Strategic Languages

The Town of Apex has employed the Department of Justice's safe harbor threshold, which is defined as 5% or 1,000 individuals, whichever is less, to determine the requirement for translation services. Upon reviewing the data, the Town of Apex is committed to translating essential documents into both **Spanish** and **Chinese**. *Further assessment is required to determine whether documents should undergo translation into Traditional Chinese or Simplified Chinese. The Town will continue to monitor emerging languages of: Hindi, Russian, Romanian and Telugu based on population growth and needs.*

Stakeholder Engagement

The Language Access Planning process has proven immensely helpful for the Town of Apex through our collaboration with Community Partner, Fiesta Cristiana. This partnership has enabled the Town of Apex to strategically identify languages for translation and interpretation, while also uncovering avenues for more effective community impact. As a united team, we identified gaps and opportunities for growth in response to the swiftly increasing population and demographics of Apex.

A significant advantage of this Language Access Plan effort lies in our enhanced ability to better serve the needs of Apex residents. Nevertheless, our exploration demonstrated that translation alone falls short. Following a community meeting with Fiesta Cristiana, it became apparent that addressing the language barrier must be coupled with community building and engagement strategies. It is crucial that communities have information available in their preferred language and also access to information. During this process, it has become evident that both language and technology have served as barriers within the community.

Below is a sample of the ongoing collaborative efforts between the Town of Apex and Fiesta Cristiana the Town's Community Partner for the Language Access Collaborative and other Town initiatives:

- Home Repair Fair
- Faith Action ID⁹ in collaboration: Fiesta Cristiana, El Centro Hispano¹⁰ & Apex Police Department
- Hispanic Heritage Month Programming
- Latino Arts Festival
- Fiesta Cristiana Family Resource Center Open House:
 - Town of Apex participated by attending and provided resources
 - Departments present included: DEI, HR and Police Department representatives

Feedback & Recommendations from Fiesta Cristiana

Community Insights:

- Interpretation:
 - No language services are available to facilitate the initiation essential utilities and services.
- Digital Access:
 - Setting up an online account poses challenges, involving both language and technological barriers.
- Translation:

⁹ Faith Action ID: Initiative that provides community residents with reliable form of identification (for those that do not have the necessary requirements to receive a state issued ID card or driver's license) that can be used as a tool by law enforcement, city departments, health centers, schools.

¹⁰ El Centro Hispano: <https://elcentronc.org/>

- Inconsistencies exist regarding which resources from the Town of Apex have been translated.
- Impact:
 - Accessibility Gaps:
 - Insight regarding stress and the emotional hardships that these particular barriers place on the community – not only towards essential services and utilities but also health and wellness
 - There are deficiencies in helping address overdue service payments. While information is accessible in Spanish, there are gaps in its effective delivery. The majority of the information is digitally translated, and it is recommended to consider a thoughtful and strategic approach to disseminating information, especially for community members without computer access.
 - Public Meetings: Council Meetings
 - From the community perspective, residents have expressed feelings of exclusion, believing they cannot attend or won't understand the meetings due to language barriers. Although reasonable accommodations can presently be arranged, this information is not widely known within the community.

Suggestions from Fiesta Cristiana:

- The Community would be more responsive if there was a person that could assist with past due concerns that spoke Spanish, and could be accessible by phone to help resolve these issues.
- Providing resources in other languages at Town Hall and other Town of Apex department buildings that offer essential services for residents, such as guidance on creating accounts or starting and shutting off services, would be beneficial.
- Additionally, offering information on translation and interpretation services would further support community needs.

Policies

Using the language data, agency survey, community stake holder input and analysis above, the following policies, procedures and plans have been developed.

Policy for Notice of Availability for Language Assistance Services

The Town will ensure reasonable actions to notify Individuals who are LEP of their right to language assistance services

Notice will include:

- Information regarding the eligibility and availability of language services,
- Assurance to secure language services at no charge to the resident requesting assistance
- Instructions on requesting services
- Notices will be translated in to the Town’s identified strategic languages

Notices will be provided in a variety of ways, which may include but not limited to:

- Flyers or posters in appropriate Town approved locations and other points of entry
- Notice of language services on Town website and other digital platforms
- Standard translated notice in Town outreach documents for public meetings
- Including notices in local news papers in languages other than English
- Working with community partners organizations and stakeholders to inform Apex residents of their right to language assistance services
- Delivering presentations at community meetings, schools and other organizations

Policies for Interpretation & Translation

The Town will offer interpretation and translation services to residents free of charge

- The Town will provide interpretation services to residents requesting interpretation for Town services or programs
- The Town will provide written translation of the Town’s vital documents
- The Town will notify residents of their right to request interpretation services for public meetings, with clear guidance that, should be made at least 48 hours in advance ensure adequate time to secure arrangements

The Town will use qualified interpreters and translators that are competent, trained and culturally sensitive

- Interpreters are trained professionals who abide by a code of ethics and professional practice standards.
- Contracted interpreters and Town employees providing interpretation services must exhibit the competence necessary for delivering Town services effectively.
- Demonstrate proficiency in both English and the relevant language.

- Display the ability to convey information accurately and comprehensively in both languages, as evidenced through simulated interpreting scenarios.
- Possess foundational knowledge in both languages of any specialized terms or concepts pertinent to the organization's programs or activities.
- Exhibit cultural sensitivity towards Limited English Proficiency (LEP) individuals.
- Town will not use children, family or friends as interpreters

Vital documents

The Town will identify and translate vital documents into identified strategic languages and when requested, provide sight translation into other languages.

Vital information or content are in formats such as notices, brochures, fliers, meeting agenda and minutes, request for proposals, contracts and websites. Vital documents include, but are not limited to:

- Notices advising LEP persons of language assistance
- Written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services
- Consent and complaint forms
- Intake forms with the potential for financial consequences or service delivery changes
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required
- Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Policies for Staff & Training

The Town will develop and establish Staff and training policies that shall include:

- Training and Education for Town of Apex employees
 - Interpretation and other select language access policies and procedures,
 - Best practices when working with LEP individuals
- Determine how bilingual/multilingual staff may provide support across the organization while ensuring equitable distribution of work.
 - Developing and establishing Department-wide standards for the appropriate use of bilingual employees, with respect to the recruitment, assessment, training, and compensation

Procedures

Procedures for Determining the Need for Language Assistance

At point of First Contact with LEP Individuals

Staff will exert reasonable efforts to evaluate the necessity for language assistance. Staff members can identify language assistance needs through various means, such as:

- Self-identification by the LEP individual
- Inquiring as to the preferred language of the individual if they have self-identified as needing language assistance services
- Using “I Speak” language identification cards or posters
- Staff should notify the individual of the right to services that are at no cost to the individual

Procedures for Identification of Preferred Language & Language Services Data Collection

How to identify LEP individuals and measure usage

Establish and develop a procedure to collect information about LEP individuals served by the Town by:

- Analyzing existing data sets, such as census figures or information from public agencies
- Asking LEP individuals to indicate their preferred language, using “I Speak” cards or other mechanisms and recording their preference in their file, if this is an option.
- Adapting current databases used by the Town to track languages spoken by residents
- Incorporating “preferred language” fields in resident intake forms and tracking responses
- Counting website “hits” directed to translated content
- Conducting resident or customer satisfaction surveys
- Tracking telephone interpreting service usage
- Tracking the number of translated materials requested and distributed
- Tracking the number of interpretation services requested and used
- Tracking the number of department requests for language assistance

Procedures for Interpretation & Translation

These procedures aim to streamline the process of requesting interpretation and translation services, ensuring a timely and effective response to the language needs of the community.

How to request Language Assistance Services

Develop and establish a protocol for urgent or immediate interpretation/ translation needs

Types of interpretation/translation services:

- Contract or professional interpreters
- Telephonic/ technological resources
 - Establish best practices for on-demand language assistance
- Bilingual Town staff trained in interpretation and or translation
 - Develop a system for coordinating language assistance for bilingual staff
 - Maintain a roster of qualified bilingual staff available for assistance

Procedures for Staff Training & Education

Develop and provide training for Town of Apex employees which shall include:

- Identifying the language needs of an LEP individual
- Working with an interpreter in person or on the telephone
- Requesting documents for translation; accessing and providing language assistance services via employees, telephonic and digital resources, and or contracted interpreters personnel
- Tracking the use of language assistance services
- Best practice on providing effective assistance for LEP individuals
- Ensure compliance with federal regulations related to language access

Develop and implement centralized Language Assistance Resources:

- Vetting language translation tools and platforms, and advising on best practices
- Implementing tracking mechanisms to monitor resource usage and effectiveness
- Establishing a repository for language resources, encompassing vital documents, translation materials, interpretation services, and multilingual guides
- Managing departmental contracts to ensure availability of translation and interpretation services

Procedure for Monitoring and Updating the Plan

The Town of Apex Language Access Plan will be assessed and updated annually.

The evaluation will include:

- Annual Language Access Progress Reports
 - Departmental Annual Reports that include demographic information should incorporate metrics relating to language assistance services (if appropriate)
- Identification of the number of Apex residents with LEP and possible recalculation of the Town's strategic languages
- Assessment of the current level of services delivered to LEP individuals by Town departments
- Reporting of training levels of Town staff regarding multilingual services
- Reporting of progress made by individual departments
- Review of Town language contract use, engagement strategies and communication mediums
- Feedback and comments from LEP communities, including community organizations and advocacy groups, on the effectiveness of the Town multilingual services

Resolving Complaints about Language Based Services

For the Town's complete Title VI policy statement, resources for filing a Title VI complaint, and contact details for the Town's Title VI coordinator, refer to Appendix B. This appendix includes the Grievance Procedure, Complainant Consent Releases, and the Discrimination Complaint Form.

Implementation Outline and Proposed Action Items

The policies and procedures outlined above will guide the Town's efforts in FY 2024-25. This plan aims to align with identified priorities, comply with federal, state and applicable regulations, enhance capacity, and effectively respond to both staff and community stakeholder feedback.

1. Build Capacity for Language Services
 - Establish a cross-departmental Language Access Subcommittee within the DEI Committee that will review Town policies and procedures through an equity lens. Invite additional community outreach positions from various departments.
 - Departmental appointed language access liaisons to advocate for language access within their respective departments and aid in coordinating language services as needed.
 - Assign Language Access responsibilities to oversee the management and implementation of the language access plan, and coordinate language resources and trainings
 - Strengthen language services by securing and finalizing language service contracts, (which will include ASL interpretation and other ADA related communication services).
 - Develop staff training programs on language services and resources, to be included in both new staff orientation and annual training sessions.

- Consult and Collaborate with Human Resources on development of a language proficiency assessment and language skills pay stipend for bilingual/multilingual staff who would frequently be able to use their language skills in the workplace.

2. Respond to specific requests from community
 - Develop more clear messaging and processes to enhance language access at public meetings and to utilities department with support from Community Partner Fiesta Cristiana
 - Begin to do outreach to Chinese-speaking community to gather Stakeholder input on vital document translation priorities and other language access priorities.
3. Respond to specific requests from staff
 - Develop clear resources and processes beyond telephonic interpretation to assist with interpretation
 - Work with Subcommittee to identify vital documents and coordinate translation into strategic languages
4. Respond to compliance and management needs
 - Develop notices in strategic languages that inform of right to free interpretation services and right to submit a complaint
 - Work with Subcommittee to identify data measures and tracking processes to assist with annual analysis, improved services, and to assist with future budget projections.
 - Respond to complaints and work with community partner to evaluate improvements after 1 year.

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Appendix A: Legal Information

Title VI Civil Rights Act of 1964

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

Executive Order 13166

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency" (LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

Non- Discrimination Policy Statement

It is the policy of the Town of Apex to ensure that no person shall, on the grounds of race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to

discrimination under any Town of Apex program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities

Appendix B: Resolving Language Based Complaints



Town of Apex Title VI Nondiscrimination Policy Statement

It is the policy of the Town of Apex to ensure that no person shall, on the grounds of race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town of Apex program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Apex in compliance with Title VI and related requirements:

- Denying an individual any standard service, financial aid, or other program benefit without just cause;
- Providing any service, financial aid, or other benefit to a person that is different in quality or quantity from that provided to others under the same program;
- Subjecting a person to segregation or separate treatment in any Town facility or during any Town program;
- Administering Town services through contractual relationships in a manner inconsistent with non-discrimination laws, goals, and objectives;
- Failing to provide equal opportunity to all vendors and contractors in the Town's procurement of goods and services, including making good faith efforts to recruit minority and women owned business enterprises for purchasing and contracting opportunities;
- Enforcing different standards or requirements for admission, enrollment, or participation in any Town program or citizen engagement opportunity, including, but not limited to, public hearings, citizen advisory boards, and citizens' academies;
- Committing acts of intimidation or retaliation, including threatening or coercing any individual because the individual has cited protection by a non-discrimination law or made a complaint or participated in any manner in an investigation, proceeding, or hearing;
- Discriminating in any way against an individual during the hiring process or employment period for any Town position.



Town of Apex External Discrimination Complaint Instructions

INTRODUCTION

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Note: Religion is only covered under NCDOT's Right of Way program (Fair Housing) and programs funded by the Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to Town of Apex programs, activities, and services. Note: Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
2. **Eligibility** – Any person or class of persons who believes they have been subjected to discrimination based on race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability (and religion, where applicable) may file a written complaint with the Town of Apex's Title VI Coordinator. The law also prohibits intimidation or retaliation against anyone who files a complaint.
3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and should be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to the following entities:

- **Town of Apex**, Title VI Program Coordinator, P.O. Box 250 Apex, NC 27502, 919-249-3400
- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights, 1511 Mail Service Center, Raleigh, NC 27699-1511, 919-508-1808 or toll-free 800-522-0453.
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590, 202-366-4070
 - **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC, 20590, 202-366-0693/202-366-0752
 - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810

- **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, SC 2591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll-free 877-218-5228

4. **Format for Complaints** – Complaints must be in writing, using the Town of Apex Discrimination Complaint Form, and signed by the complainant(s) or a representative, and include the complainant’s name, address, and telephone number. Complaints may be submitted by mail or fax. Complaints will be accepted in other languages, including Braille. Electronic copies of this form are available on the Town website, and physical copies can be collected at Town Hall. (See Discrimination Complaint Form included below.)

5. **Complaint Basis** - Allegations must involve issues of discrimination based on race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability (and religion, where applicable). Note: Religion (or creed) is only protected under Right of Way, Public Transportation, and Aviation programs.

Protected Categories	Definition	Examples (non-exhaustive)	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latinx, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White, etc.	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; (Executive Order 13166)	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; (Executive Order 13166)
Color	Color of skin, including shade of skin within a racial group	Black, white, brown, yellow, etc.		
National Origin (Limited English Proficiency)	Place of birth. Citizenship is not a factor. (Discrimination based on language or a person’s accent is also covered.)	Mexican, Cuban, Japanese, Vietnamese, Chinese, Russian, French, etc.		
Income level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	
Sex	The biological sex of an individual. Note: Sex under this program does not include sexual orientation.	Women and men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Sexual Orientation	A person’s identity in relation to the gender or genders to which they are sexually attracted; the fact of being gay, lesbian, bisexual, etc.	Lesbian, gay, bisexual, asexual, queer, polysexual, pansexual, etc.	Title VII of the Civil Rights Act of 1964 Federal Transit Laws (49 U.S.C. § 5332)	
Gender Identity or expression	One’s self-identification and/or expression as male, female, or gender non-conforming, which may or may not correspond to the sex assigned at birth	Male, female, genderqueer, non-binary, etc.	Title VII of the Civil Rights Act of 1964 (see <i>Bostock v. Clayton County, Georgia</i>)	
Pregnancy	A person in whose womb or uterus a fetus is developing, encompassing the period from implantation through childbirth	Pregnant person	Governor’s 2017 EO 24	

National Guard or Veteran Status	A person who has served in the military, naval, or air service, and who was discharged or released under honorable conditions (U.S.C. § 101(2))	U.S. Air Force veteran, former U.S. Marine, etc.	Governor's 2017 EO 24
Age	A person of any age	21 year old person, 60 year old person, etc.	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, real or perceived	Blindness, deafness, mobility impairment, cancer, epilepsy, diabetes, arthritis, etc.	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332 (FTA)

COMPLAINT RECEIPT AND RESPONSE

1. The Town of Apex's Title VI Coordinator will provide written acknowledgement via registered mail of your complaint within ten (10) calendar days.
2. The Town of Apex will review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
 - a. If the complaint is complete and no additional information is needed, the Town of Apex's Title VI Coordinator will send you a letter of acceptance as well as a Complainant Consent/Release Form.
 - b. If the complaint is incomplete, you will be contacted in writing to obtain the needed information. Note: Failure to respond and/or provide the requested information within 15 calendar days may be considered good cause for a determination of no investigative merit.
3. Within fifteen (15) calendar days of receiving your complaint, the Town of Apex will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Town of Apex will notify you and Respondent (the person(s) against whom you have filed the complaint) via registered mail, stating the decision.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reasons for the decision.
 - b. If the decision is to investigate the complaint, the notification shall state the grounds of the Town's jurisdiction and require your and the Respondent's full cooperation in assisting the investigator.
 - c. Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.
4. The Town of Apex will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and Town of Apex staff may be utilized for resolution.



**Town of Apex
Discrimination Complaint Form**

Any person who believes that they have been subjected to discrimination based upon race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, disability, or limited English proficiency may file a written complaint with the Town of Apex's Title VI Coordinator within 180 days after the discrimination occurred.

Last Name:	First Name:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-binary
Mailing Address:	Town:	State: Zip:
Home Telephone:	Work/Cell Phone:	Email Address:
Category of Discrimination: <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY <input type="checkbox"/> SEX <input type="checkbox"/> SEXUAL ORIENTATION <input type="checkbox"/> GENDER IDENTITY or EXPRESSION <input type="checkbox"/> AGE <input type="checkbox"/> INCOME LEVEL <input type="checkbox"/> NATIONAL GUARD OR VETERAN STATUS <input type="checkbox"/> PREGNANCY		
NOTE: Religion is covered as a basis only under NCDOT's Right of Way Unit (Fair Housing) and Public Transportation and Aviation Division.		
Date and place of discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination:		
Names of individuals responsible for the discriminatory action(s):		
How were you discriminated against? Describe the nature of the action, decision, or conditions of the discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. Attach additional page(s) if necessary.		

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.	
<i>AN UNSIGNED COMPLAINT WILL NOT BE ACCEPTED. PLEASE SIGN AND DATE THE FORM BELOW.</i>	
COMPLAINANT'S SIGNATURE:	DATE:
MAIL COMPLAINT FORM TO: Town of Apex ATTN: Title VI Program Coordinator P.O. Box 250 Apex, NC 27502 919-249-3400 919-249-3305 (fax)	
FOR OFFICE USE ONLY	
Date Complaint Received: _____	
Processed by: _____	
Referred to: _____	Date Referred: _____

The law prohibits intimidation or retaliation against anyone because the person either has taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took that you believe was the cause for the alleged retaliation. Attach additional page(s) if necessary.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support to clarify your complaint: *Attach additional page(s) if necessary.

Name	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- _____ Federal Highway Administration _____
- _____ Federal Transit Administration _____
- _____ Federal Motor Carrier Safety Administration _____
- _____ US Department of Transportation _____
- _____ Federal or State Court _____
- _____ NC Department of Transportation _____
- _____ Other _____

Have you discussed the complaint with any Town of Apex Town representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.



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Pregnancy	A person in whose womb or uterus a fetus is developing, encompassing the period from implantation through childbirth	Pregnant person	Governor’s 2017 EO 24	

National Guard or Veteran Status	A person who has served in the military, naval, or air service, and who was discharged or released under honorable conditions (U.S.C. § 101(2))	U.S. Air Force veteran, former U.S. Marine, etc.	Governor's 2017 EO 24
Age	A person of any age	21 year old person, 60 year old person, etc.	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, real or perceived	Blindness, deafness, mobility impairment, cancer, epilepsy, diabetes, arthritis, etc.	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332 (FTA)

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Appendix C: Additional Demographics

Police Department Language Assistance Request

Annual Language Trend 2021-2023

Language	Jan 21	Feb 21	Mar 21	Apr 21	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21
FARSI	0	0	0	0	0	0	0	0	0	0	0	1
MANDARIN	1	0	1	1	1	4	0	0	0	0	0	0
RUSSIAN	0	0	0	0	0	0	1	0	1	0	0	1
SPANISH	4	2	2	7	6	10	7	11	1	10	3	8
Language	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22
ARABIC	0	0	0	0	0	0	0	0	0	0	4	0
HINDI	0	0	0	0	0	0	0	0	0	0	1	0
MANDARIN	0	0	1	0	0	0	0	0	0	0	0	2
PORTUGUESE	1	0	0	0	0	0	0	0	0	0	0	1
ROMANIAN	0	0	1	0	6	1	0	0	3	0	0	0
SPANISH	3	4	2	5	0	10	6	7	12	4	7	9
TOISHANESE	0	0	0	0	0	0	0	0	0	1	0	0

Language	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Oct 23
ARABIC	4	0	0	0	0	0	0	0	1	0	3	0
CANTONESE	0	0	0	0	0	1	0	0	0	0	0	0
GUJARATI	0	0	0	0	0	0	0	0	1	0	0	0
HINDI	1	0	0	0	0	0	0	0	0	0	0	0
MANDARIN	0	2	0	1	5	1	0	1	0	2	1	0
PORTUGUESE	0	1	0	0	0	0	0	0	0	0	0	0
ROMANIAN	0	0	0	2	0	1	1	1	0	0	0	0
SPANISH	7	9	3	8	7	9	2	11	15	12	7	16

Language Review: 10 Year Summary

Language	Calls	Minutes	Charges	Avg. Connect Time	Avg. Minutes	% of Total
SPANISH	323	2831	7362.25	8.50	8.8	82.61
MANDARIN	25	344	1056.60	46.96	13.8	6.39
ROMANIAN	16	173	641.45	30.94	10.8	4.09
ARABIC	9	101	396.75	2.11	11.2	2.3
PORTUGUESE	4	26	80.60	1.75	6.5	1.02
RUSSIAN	3	47	155.15	27.00	15.7	0.77
KINYARWANDA	2	83	402.55	9.50	41.5	0.51
MOROCCAN ARABIC	2	26	126.10	2.50	13	0.51
BULGARIAN	1	35	103.25	7.00	35	0.26
CANTONESE	1	6	16.50	3.00	6	0.26
FARSI	1	56	165.20	119.00	56	0.26
FRENCH	1	14	38.50	36.00	14	0.26
GUJARATI	1	4	11.80	6.00	4	0.26
HINDI	1	5	14.75	2.00	5	0.26
TOISHANESE	1	31	91.45	1.00	31	0.26

Appendix D: Departmental Language Survey

Survey Reflections

Report: Language Access Survey- Town of Apex

1. Team:

Town of Apex	Fiesta Cristiana
Linda Jones	Claudia Oviedo
Stacie Galloway	Jeannette Casellas
Allen Coleman	
Steffee Bowden	
Celeste Sherer	

2. **Survey:** <https://www.cognitoforms.com/TownOfApex1/languageaccesssurvey>
3. **The number of Town Departments:** 18 formal departments
4. **Number departments that completed the Survey:** 21 departments participated. Due to the complexity of the Parks and Recreation Department they submitted 4 surveys.
5. If not all the departments have responded to the survey, do you anticipate getting a response from the rest by June 1, 2023
 - We have received all of the surveys from applicable departments, and no further submissions are expected.
 - Majority of the Departments completed the survey on the day that it was disseminated, however there were a few departments that needed individual follow up.
6. **Briefly share any interesting responses or patterns that you've noticed in the surveys so far.**

Within the team, there were diverse perspectives in responds to the interpretation of the survey results. Particularly noteworthy were the reflections pertaining to federal funding, language diversity representation, and the necessity for language resources. The following departments have been identified as recipients of federal funding: Apex Police Department, Water Resources, Transportation, and Parks and Recreation. The responses varied, with some expressing surprise at the limited number of departments receiving federal funding, while others were previously unaware of any departments receiving such funding.

Apex has had a significant shift in population over the last five years, a team member eloquently reflected that she was surprised by the survey results but highlighted the fact that Apex is a multi-linguistic town and that speaks/resembles cultural diversity beyond what she could imagine. When it comes to the languages encountered within the Town of Apex, different departments have reported encountering various languages, with varying frequencies, in addition to English. A team member's reflection stood out as they expressed surprise not by the departments that reported encounters with certain languages, but rather by departments that claimed to have "never" come into contact with specific languages. An example cited was the certain department's lack of encounters with Russian, which was unexpected.

The survey distributed to the departments of the Town of Apex included a selection of 15 languages to indicate language interactions and frequency. Based on the survey results, 13 departments reported encounters with Spanish, 10 departments reported encounters with Chinese, 5 departments reported

interactions with Hindi, and 4 departments reported interactions with Russian (*these are but a sample of the survey results*). These findings aligned with the expectations of the majority of the team. The frequency of these interactions varied significantly among the departments, ranging from very frequent to rare occurrences.

Upon reviewing the survey results, the team expressed profound reflections concerning language resources, particularly in relation to the availability and accessibility of resources across different departments. The responses clearly indicate a need for a standardized approach to address language barriers. It is evident that there is a heavy reliance on bilingual staff who, despite lacking interpreter training, are tasked with default language services. It is crucial to acknowledge that these staff members are not adequately compensated for this additional job responsibility.

The survey has brought attention to several areas that require immediate attention, such as the provision of certified interpreters and the assessment of bilingual staff along with compensation for their additional responsibilities. While many departments rely on technology to overcome translation barriers, there have been notable challenges with the accuracy of digital translations, such as Google Translate, as well as technical barriers associated with specific technologies. Furthermore, the absence of a formal language resource and the differing approaches taken by departments to address these challenges have led to a lack of a unified approach. Consequently, implementing "best practices" becomes challenging when departments handle this issue independently.

Appendix D: Language Access Plans

Local NC Jurisdiction Plans

City of Chapel Hill Language Access Plan:

<https://www.townofchapelhill.org/home/showpublisheddocument/44433/637093323620030000>

City of Durham Language Access Plan:

<https://www.durhamnc.gov/DocumentCenter/View/41347/PA-7-1---Language-Access-Plan-Policy>

City of Fayetteville

<https://www.fayettevillenc.gov/city-services/transit/accessibility/language-assistance>

Orange County, NC Language Access Policy

<https://www.orangecountync.gov/DocumentCenter/View/11565/Language-Access-Policy-Final-BOCC-Approved-6-16-2020>

Local Government Language Access Collaborative

<https://isa.unc.edu/isapost/language-access-program/>

Other Plans

U.S Department of Justice Language Access Plan:

<https://www.dol.gov/sites/dolgov/files/OASAM/crc/files/FY2023-LAP.pdf>

Minneapolis 2015 Language Access Plan:

<https://www2.minneapolismn.gov/media/content-assets/www2-documents/departments/2015-Language-Access-Plan..pdf>

Dallas Limited English Proficiency Plan:

https://www.dallascounty.org/Assets/uploads/docs/human-resources/title-vi/ATTACHMENT-E_LEP-PlanforPublicWorks.pdf

Equal Employment Opportunity Commission Language Access Plan in Accordance with Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency:

<https://www.eeoc.gov/equal-employment-opportunity-commission-language-access-plan-accordance-executive-order-13166>