































































































Appendix 4  
Guide to Providing Translation and Interpretation Services

---

## City of Portland Guide to Providing Translation and Interpretation Services

**A. Policy:** Provide timely and meaningful access to services for persons with limited English proficiency (LEP) in the language they are most comfortable communicating. LEP persons are persons that have a limited ability to speak, read, write or understand the English language at a level that permits effective interaction with City staff. This guide and a definition of LEP persons should be distributed and posted widely, as should information about how to request translation or interpretation services.

**B. Analysis:** Determination of what LEP services are necessary should be based on the needs of the community to be served and a baseline of what languages are spoken by the LEP population. Each bureau should identify what documents are vital for the public to interact with that Bureau's business model. The U.S. Department of Justice (DOJ) recommends the following "Four Factor" analysis to determine if translation of documents needs to be performed to ensure meaningful participation or understanding of the agencies programs.

1. The number or proportion of LEP persons served or encountered in the eligible service population (baseline);
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available to the recipient, and costs.

This baseline population analysis and English proficiency are key elements to determining what languages are most commonly used by LEP populations in the City and what translation services are necessary to ensure full access to City programs. The City should engage the community and seek input on the baseline population and English proficiency analysis. This will be a deliverable in the first year.

**C. Access:** Each bureau should develop a plan to provide meaningful access to its services for LEP populations. The plan should include a description of how the bureau will provide language assistance and notice and how it will train staff to access translation and interpretation services.

The following elements should be considered for inclusion in the plan:

1. Develop a list of vital documents that require translation as well as a set of criteria to determine what future documents will require translation. Vital documents generally include all documents that describe benefits, fees or penalties. Web pages that are considered vital should be identified for translation. As an interim step, features such as Google Translate may be utilized

to provide immediate translation. However this step on its own will often not be a full or sufficient solution to providing access. (Note: Newly issued business cards could contain the City's statement about access to translation.)

2. For all other web pages and publications, engage in the Four Factor DOJ analysis set forth above. Post notices in locations accessible to the public in the most common languages that translation and interpretation services are available. For example: *The City of Portland is committed to providing meaningful access to the residents of Portland. If you require translation or interpretation services please contact XXXXXX.* (The contact information should be the person responsible for the information on that page or designated by the owner of the page to address translation.
3. Develop a bureau and City-wide database of City personnel with foreign language skills. Post on the internal staff website and train staff how to use the reference. Provide instructions and billing numbers to staff who are asked to provide quality assurance or communication assistance. For translation or interpretation use the City-wide contractor.
4. For in-person contact by LEP speakers, use a language chart to help identify what languages an LEP person speaks. These should be located wherever the public has access to bureau staff to help identify what languages an LEP person speaks. This tool can provide information to City staff when in-person interpretation is necessary. Use steps laid out in the City-wide translation and interpretation service to access immediate telephone translation services as needed.
5. For telephone calls, provide interpretation services using staff, as available, or the steps laid out in the City-wide translation and interpretation service.
6. For significant public meetings, establish a system for providing translation services using the City's translation and interpretation service. Clearly notify the public about the availability of translation and interpretation. Plan for interpretation services for meetings that are expected to draw LEP speakers. Train staff on how to access translation and interpretation services. A minimum of two interpreters should be scheduled per language required for meetings that exceed two hours. Accommodate requests for interpretation in a timely manner by using the City-wide service.
7. Consider employing an email address that could be used by the public to gain information about services. Emails could be written in the native language of the sender and then translated once the email is received by the City of Portland, using the above methods or other translation options.

8. Consider images and language that conveys information for persons with low literacy.

**D. Safe Harbor Provisions:** The DOJ has developed *safe harbor* provisions that can be used to demonstrate that an agency has met the translation obligations. Essentially, if an agency provides written translation of vital documents for each eligible LEP language group that constitutes 5 percent or 1000 persons, whichever is less, of the total population to be served, then such action will be considered strong evidence of compliance with the written translation obligations.

To use the *safe harbor* provisions, the bureaus would translate vital documents into the languages most commonly used in the City. The decision to use the *safe harbor* provisions should be documented and reviewed based on subsequent information about the LEP populations.

Appendix 5  
Environmental Justice Policy and Analysis Guidelines

---

## Environmental Justice Policy and Analysis Guidelines

The City of Portland recognizes that the question of whether a decision of any bureau or agent raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population, the particular type of environmental or human health impact, and the nature of the proposed action itself.

While there is no standard formula for how environmental justice issues should be identified or addressed, the following principles provide general guidance.

The City of Portland and its bureaus should consider who lives and works in the area affected by the decision. It is critical to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action, and if so whether there may be disproportionately adverse human health or environmental effects on people of color, low-income populations, or Indian tribes.

For each decision, certain questions should be posed:

- Does the proposed action solve a problem with the support of the affected community?
- Does this action or decision increase, compound or exacerbate exposure to human health hazards, including obesity?
- Does this action or decision increase, compound or exacerbate decline of a community or promote gentrification?

The City and its bureaus should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. The City and its bureaus must also consider opportunities for economic and social equity caused by the decision, as well as multiple or cumulative effects of current and previous decisions.

The City and its bureaus should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action. These factors should include:

- the vulnerability of the community or population to particular impacts.
- how the decision will disrupt the area's community structure and if the disruption can or should be minimized.
- how the decision will disrupt the area's social and economic structure and environment and if the disruption can or should be minimized.

Appropriate public participation strategies must be employed to address environmental justice concerns. The City must remove physical, cultural, and linguistic barriers to meaningful participation. Early engagement of diverse constituencies is critical.



Appendix 6  
Title VI Complaint Procedure and Form

---

## ADA/TITLE VI COMPLAINT FORM



The purpose of this form is to assist you in filing a complaint under the Americans With Disabilities Act (ADA), The Rehabilitation Act or Title VI of the Civil Rights Act of 1964 (Title VI). The ADA and the Rehabilitation Act prohibit discrimination based on disability. Title VI prohibits discrimination based on race, color or national origin. Other laws prohibit discrimination based on sex, age, sexual orientation, gender identity, religion and source of income.

You may file a complaint against the City, a City contractor, or a City subrecipient of federal funds. All complaints must be filed within 180 days of the occurrence of the alleged act or a waiver requested as indicated below.

Send All Complaints To:  
 ADA/Title VI Program Manager  
 1120 SW 5th Avenue, Room 1204  
 Portland, OR 97204  
[Title6complaints@portlandoregon.gov](mailto:Title6complaints@portlandoregon.gov)

### 1. Complainant's Name and Address.

Name:

Address:

City:  State:  Zip Code:

Home Phone:  Work Phone:  Cell Phone:

Today's Date:

### 2. Person(s) Discriminated Against, if Different from Above.

Name:

Address:

City:  State:  Zip Code:

Home Phone:  Work Phone:  Cell Phone:

3. City Department, Contractor, or Subrecipient that Discriminated.

Name:

Address:

City:  State:  Zip Code:

Home Phone:  Work Phone:  Cell Phone:

4. Indicate the Reasons You Believe the Discriminatory Action(s) Occurred.

Race/Color     National Origin     Disability     Other

5. When and Where did the Incident Occur?

6. Please explain as clearly as possible what occurred, who was involved, why you believe it occurred, and how you (or another) were discriminated against. (Please use additional sheets of paper, if necessary, and attach a copy of any written materials pertinent to your claim.)

7. Sign and Date the Complaint (We Cannot Accept Unsigned Complaints).

Print Name

Signature

If you are unable to sign, please type or have another acknowledge for you.

Name of Person Acknowledging on Behalf of Complainant.

## **PROCESS FOR FILING, TRACKING, INVESTIGATING AND APPEALING CIVIL RIGHTS COMPLAINTS**

### Complaint Process under Title VI of the Civil Rights Act:

Any person who believes she or he has been the object of unequal treatment or discrimination on the grounds of race, color, or national origin may file a complaint with the City of Portland's Title VI Program Manager.

This process applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service of or activity of the City of Portland or its subrecipients.

This is an administrative process that does not provide for compensatory or punitive damages.

The City's process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the discrimination.

### Complaint Process for Other Claims of Discrimination:

The Title VI complaint process does not cover complaints based on protections afforded under other civil rights statutes, such as sex, sexual orientation, gender identity, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will review complaints of discrimination based on sex, sexual orientation, gender identity, age or source of income to determine if they can be informally resolved.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint process which is substantially similar to this Title VI complaint process.

To be accepted, a Title VI complaint must:

- a) involve discrimination on the basis of race, color or national origin;
- b) allege that the discrimination was committed by the City of Portland, a City of Portland employee or a subrecipient of the City of Portland; and
- c) be filed within 180 days of the alleged discrimination (or within 180 days of when the complainant knew, or should have known, of it).

Filing a Title VI Complaint:

Complaints should be filed with Title VI Program Manager, in the Office of Management and Finance.

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Program Manager or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- a) the name, address and phone number of the person who experienced the discriminatory action;
- b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and
- c) a brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including city employees or contractors.

Allegations may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint have been established.

The complaint form must be signed or acknowledged, and returned to the Program Manager for processing.

The original copy may be sent, faxed or emailed to:

Title VI Program Manager  
1120 SW 5<sup>th</sup> Avenue, Room 1204  
Portland, Oregon 97204  
Fax 503-823-6924  
[title6complaints@portlandoregon.gov](mailto:title6complaints@portlandoregon.gov)

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

Processing A Title VI Complaint:

Upon receipt of the complaint, the Title VI Program Manager will determine:

- a) If the complaint is complete;
- b) If additional information is needed;
- c) If the City has jurisdiction; and
- d) If the complaint is timely.

The Program Manager will notify the complainant in writing within **5 working days either** that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Program Manager will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the Complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible.

Complaints submitted directly to City bureaus will be forwarded to the Title VI Program Manager for intake.

In cases where the complaint is against one of the City of Portland's subrecipients, the City will assume jurisdiction and will investigate the complaint.

In some instances the City will have a legal obligation to notify a state or federal agency of a Title VI complaint, and in such instances that agency may investigate the complaint.

Dismissal of Complaints:

The City of Portland may dismiss a complaint for any of the following reasons:

- The complainant withdraws the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complaint is untimely.
- The complainant cannot be located.
- The complaint is determined to be legally insufficient.

Investigating and Tracking Title VI Complaints:

The Program Manager will notify the complainant in **writing** within **5 working days** of the decision to accept or reject the complaint. Notification will include a case number.

In cases in which the complaint is against the City, the Title VI Program Manager will work with the involved Bureau and the complainant to attempt to resolve the complaint. The option of informal mediation meetings may be used at any stage.

If the parties are unable to resolve the complaint, the Title VI Program Manager will investigate the complaint. The Complainant will be provided a written decision on the complaint within **60 working days** of the acceptance of the complaint for investigation.

Appealing the Program Manager's Written Decision:

The Title VI Program Manager will only re-consider a complaint if new facts come to light.

If the complainant is not satisfied with the written decision of the Program Manager, the complainant has **14 working days** from the date of the decision to provide the Program Manager with written notice of intent to appeal.

The appeal shall be to the Director of the involved City Bureau.

The involved Bureau Director shall issue a decision on the appeal within **30 working days** of the notice of intent to appeal, which shall be the final decision of the City.

A copy of these procedures and a complaint form are included in Appendix 6.

Appendix 7  
Title VI Contracting Language

---



## Compliance with Non-Discrimination Laws and Regulations

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

**(1) Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs as set forth in Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as "the Regulations"), which are herein incorporated by reference and made a part of this contract.

**(2) Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, sexual orientation, age, religion, disability, marital status, or family relationships in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, , sex, sexual orientation, age, religion, disability, marital status, or family relationships.

**(4) Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *City of Portland* or any state or federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *City of Portland* or the any state or federal agency as appropriate, and shall set forth what efforts it has made to obtain the information.

**(5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *City of Portland* shall impose such contract sanctions as it or any state or federal agency may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the *City of Portland* or any state or federal agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *City of Portland* to enter into such litigation to protect the interests of the *City of Portland*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The contractor shall have the responsibility to inquire as to which agencies, if any, have a regulatory interest in the contract and comply with any resulting regulations or requirements.