

LOWER BRULE COMMUNITY DEVELOPMENT ENTERPRISE LLC

Language Assistance Plan

Introduction

Lower Brule Community Development Enterprise (LBCDE) is a federally-certified Community Development Financial Institution (CDFI) and Community Development Entity (CDE), wholly-owned by the Lower Brule Sioux Tribe (LBST) in South Dakota. LBCDE's mission is to drive economic development on tribal lands by providing innovative financing solutions.

LBCDE offers comprehensive financial advisory services to tribal businesses, helping them navigate the complexities of financing tools like New Markets Tax Credits (NMTC). Our goal is to support sustainable economic development and self-sufficiency for tribal communities.

LBCDE provides loans and investment opportunities to both real estate and non-real estate businesses on tribal lands. Our programs are designed to stimulate job creation, encourage private investment, and promote community development. LBCDE does NOT offer consumer loans or other credit union-type services.

LBCDE is committed to initiating and supporting community development projects that enhance the economic opportunities for Native American businesses. Our initiatives aim to maximize the impact of economic development by supporting businesses on tribal lands.

This Language Assistance Plan (LAP) has been prepared to address LBCDE's responsibilities as a recipient of federal financial assistance as it relates to the needs of Native American businesses whose principals and staff might have limited English language skills. The LAP has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

General Language Assistance Policy

1. Policy Statement

In furtherance of LBCDE's efforts to advance equity through identifying and addressing barriers to equal opportunity that underserved communities may face due to government policies and programs, the goal of this LAP is to make reasonable efforts to eliminate or reduce language as a barrier to accessing LBCDE services, programs, and activities for Native American-owned businesses with Limited English Proficiency (LEP).

It is the policy of LBCDE to provide timely, meaningful access for Limited English Proficiency (LEP) persons to all LBCDE programs and activities. All personnel shall follow the procedures contained in the LAP to facilitate free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that LBCDE will provide these services to them.

2. Purpose and Authority

In accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, this policy establishes guidelines for providing language accessible services to individuals that are LEP and/or Deaf or Hard of Hearing.

This LAP describes LBCDE's policies and practices to provide language assistance services to individuals with LEP. The LAP also outlines anticipated future actions to assist LEP individuals. Pursuant to this LAP, LBCDE seeks to continue to eliminate or reduce – to the maximum extent practicable – limited English proficiency as a barrier to accessing LBCDE programs or activities.

3. 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. 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.

Language Assistance Procedures

1. How to determine the need for language assistance

- a. Staff at the initial point of contact will conduct an assessment for the need for language assistance and notify the individual of the right to an interpreter at no cost. Staff members who have subsequent contact will continue to assess the need for language assistance.
 - To assess the need for language assessment, staff will ask open-ended questions, and avoid asking questions that would allow for yes or no responses. For example, asking: "how may I be of assistance?" instead of "do you need help?"
 - The LEP individual may speak more than one language or may have limited proficiency in a secondary language. Staff will identify the primary language of the LEP individual, and work to provide language assistance in the primary language of the individual.
 - A Deaf individual may also be limited English proficient and not be proficient in American Sign Language. Staff will work to identify the primary language of the Deaf individual, and provide language assistance in the primary language of the individual.
- b. Request for language assistance from the LEP individual or companion.

2. Identifying Language

- a. Staff will request the individual or companion identify the language of the LEP or Deaf individual.
- b. Staff may request bilingual/multilingual staff or volunteers to identify the primary language.
- c. Use in-person, video remote interpreters, or telephonic interpreters to identify the language.
- d. Use an “I speak” card or poster to identify the primary language.
- e. Staff should determine the preferred mode of communication for a Deaf or Hard of Hearing individuals is interpretation or Communication Access Realtime Translation (CART).

3. Procedures for language services

LBCDE will contract with an independent contractor and/or with an interpretation agency to provide the following language services:

- a. Bilingual/multilingual staff;
- b. In-person Interpreters;
- c. Telephonic/video remote Interpreters; and
- d. Video Relay Services.

4. Translation of Vital Documents

- a. LBCDE will make available vital forms, materials and information on LBCDE’s website in the most frequently encountered languages.
- b. For other language, LBCDE will contract with an independent contractor and/or with an interpretation agency to sight translate the vital forms, materials and information on LBCDE’s website into the individual’s primary language.
- c. Written communication to the LEP individual will be translated into the primary language of the LEP individual.

5. Notice of Language Services

- a. Notice will be placed on LBCDE’s website and on vital forms and materials notifying individuals of the right to request an interpreter at no cost to the

individual. Such notices will be translated into the languages most frequently encountered by LBCDE.

- b. Staff at the initial point of contact will notify individuals of their right to an interpreter at no cost.

Interpreter and Translator 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 LBCDE 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 reasonable business standards and protocol and shall perform their duties as unobtrusively as possible.

Interpreters and translators 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 LBCDE'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.

Internal Language Access Contact

Boyd Gourneau, Chairman of LBCDE, 187 Oyate Circle, Lower Brule, SD 57548, (605) 473-5561.

Monitoring and Assessment

1. LBCDE staff shall be responsible for monitoring compliance with the LBCDE's LAP.
2. LBCDE shall collect information on language use and need, including: primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with LEP or Deaf individuals seeking services; and referrals of LEP or Deaf individuals and the language of the referred LEP or Deaf individual.
3. LBCDE shall conduct an annual review on the effectiveness of the LAP and make changes as needed.

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 thirty (30) days upon receipt of the complaint of the outcome.
5. LBCDE will notify individuals of the complaint process.
6. The complaint process will be included in the posted notification of the right to an interpreter.