

# Example Communication Access Policy for Persons Who Are Deaf, Hard of Hearing, DeafBlind, or Deaf-Disabled

## **OVERVIEW:**

The following is an example of a policy and procedure for providing auxiliary aids for persons who are Deaf, Hard of Hearing, DeafBlind, or Deaf-Disabled produced by the Idaho Council for the Deaf and Hard of Hearing. Duplication and amendment of this document to meet the needs of specific organizations is encouraged. Implementation of a policy and procedure of how to handle accommodation requests from Deaf\* consumers can assist in adherence to federal, local, and/or state laws regarding nondiscrimination and communication access. This document is intended to provide guidance and does not guarantee mitigation from legal action. For further information on communication access for employees, see additional materials.

## **POLICY:**

[\[Insert name of your facility\]](#) will take appropriate steps to ensure that persons with disabilities, including persons who are Deaf, Hard of Hearing, DeafBlind, or Deaf-Disabled have an equal opportunity to access effective communication while participating in our services, activities, programs and other benefits. This includes the individual seeking service or their companion(s). The procedures outlined below are intended to ensure effective communication with individuals who may require accommodations. All necessary auxiliary aids and services, including interpreters, shall be provided without cost to the person being served in accordance with the federal and state laws outlined in this document.

All staff will be provided written notice of this policy and procedure. Staff that may have direct contact with individuals with disabilities will be trained in effective communication techniques, including the effective use of interpreters and the procurement of interpretive services.

[\[Insert name of your facility\]](#) will conduct a regular review of the language access needs of our consumer population, as well as update and monitor the implementation of this policy and these procedures as necessary.

## **PURPOSE AND AUTHORITY:**

It is the policy of [\[Insert name of your facility\]](#) to ensure a consistently high level of service to all community members, including those who are Deaf\*. [\[Insert name of your facility\]](#) has specific legal obligations regarding the provision of services to individuals with disabilities under federal, state, and local laws.

Examples of laws that may apply to your organization are outlined below:

Law	Covered Entities	What does it say?
<b>Rehabilitation Act of 1973 Section 504</b>	Applies to employers and organizations that receive financial assistance from any Federal department or agency.	Forbids public and private entities that receive financial assistance from any federal department or agency (“covered entities”) from excluding qualified individuals with disabilities or denying them an equal opportunity to receive program benefits and services.
<b>Americans with Disabilities Act: Title II</b>	Applies to any state and local government entities.	All state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others, including when the person with a disability is the companion of someone receiving a service. When an auxiliary aid or service is requested by someone with a disability, the service provider is required to procure the necessary accommodation. State/local governments must give primary consideration to the person with a disability’s choice of communication aid.
<b>Americans with Disabilities Act: Title III</b>	Applies to private businesses (also known as public accommodations).	In places of public accommodation, Title III entities are required to provide reasonable accommodations for individuals with disabilities that ensure equal and effective communication. Private businesses are <i>encouraged</i> to consult with the person with a disability to discuss what aid or service is appropriate.
<b>Title VI Civil Rights Act of 1964</b>	Applies to public accommodations and federally funded programs.	Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to federally

		funded programs for which such persons qualify.
<b>Affordable Care Act: Section 1557</b>	Applies to any health care provider that receives funding from the Federal government.	Section 1557 makes it unlawful for any health care provider that receives Federal government funding to refuse to treat an individual - or to otherwise discriminate against the individual - based on race, color, national origin, sex, age or disability. Requires covered entities to make all programs and activities provided through electronic and information technology accessible; and to provide appropriate auxiliary aids and services for individuals with disabilities. Covered entities are also prohibited from using marketing practices or benefit designs that discriminate on the basis of disability and other prohibited bases. Covered entities must take reasonable steps to provide meaningful access to each eligible individual with limited English proficiency served or likely to be encountered in their health programs and activities. In addition, covered entities are encouraged to develop and implement a language access plan.
<b>Idaho Interpreter License Law: Idaho Code 54-29</b>	Applies to all settings with the exception of religious settings, court settings, and K-12 education settings. Note that K-12 education and court settings each have their own guiding laws.	Except as otherwise provided, any person practicing or offering to practice sign language interpreting must be professionally licensed to do so through the State of Idaho.
<b>Idaho Senate Concurrent Resolution 102</b>	Applies to any public setting.	Urges the activation of closed captioning on television monitors located in public venues during hours when the venue is open to the general public and the monitors are in use.

## DEFINITIONS:

- **Auxiliary Aids:** accommodations that provide alternate methods to communicate with people who have communication disabilities.
- **Companion:** includes any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.
- **Deaf\*:** for the purpose of the document, any person who is Deaf, hard of hearing, DeafBlind, Deaf-Disabled, or has any degree of hearing loss.
- **Deaf Interpreter:** a native visual language user and cultural specialist utilized when a deaf person has diverse linguistic needs, when nuance is critical, or in situations of high stress, often teamed with interpreters who can hear.
- **Effective Communication:** communication that allows a Deaf\* individual the opportunity to participate in, and enjoy the benefits of, a service, program, or activity that is equally effective to the communication with people without disabilities.
- **Internet Protocol Captioned Telephone Service (IP CTS):** a form of telecommunications relay service (TRS) that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying.
- **Interpretation:** to spontaneously render one spoken or signed language into another. This can also include tactile interpretation for individuals with visual impairments.
- **Qualified ASL Interpreter:** an interpreter who holds a valid license issued through the Idaho Division of Occupational and Professional Licenses (DOPL), and is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- **Sight Translation:** a written or recorded message spontaneously rendered into another spoken/signed language.
- **Translation:** a written or recorded message rendered into another written or recorded spoken/signed language.
- **Telecommunications Relay Service (TRS):** Telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.
- **TTY/TTD ("Text Telephone"):** a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf," and TT.
- **Vital Documents:** any materials that are essential to an individual's ability to access services provided by an organization or are required by law.
- **Video Relay Service (VRS):** a telecommunications service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows a communication assistant (CA) to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

- **Video Remote Interpreting (VRI):** an interpreting service conveyed via videoconferencing where at least one person, typically the interpreter, is at a separate location.

## **PROCEDURES:**

### **I. Identification and Assessment of Need**

- [\[Insert name of your facility\]](#) provides notice of the availability of and procedure for requesting auxiliary aids and services through notices in our [\[brochures, website, handbooks, letters, print/radio /television advertisements, etc.\]](#) and through notices posted [\[in waiting rooms, lobbies, website, etc.\]](#).
- At initial point of contact and/or when an individual self-identifies as a Deaf\* person, staff will ask if the person requires any accommodations.
- Staff will consult with the individual to determine what aids or services are necessary to ensure effective communication in particular situations.
- Primary consideration shall be given to the individual's choice of accommodation(s).
- If the Deaf\* person identifies ASL interpretation as their choice of accommodation, the staff member will also ask if they:
  - a. Would like a Deaf Interpreter to be provided.
  - b. Need someone able to provide tactile interpretation.
  - c. Will need a trilingual (ASL/Spanish/English) interpreter, or an additional interpreter to provide interpretation between English and Spanish.
  - d. Prefer on-site or VRI interpreting services.
- Staff member contacts appropriate staff coordinator.

In addition, when records are kept of past interactions with Deaf\* individuals, the language and auxiliary aids and services used to communicate will be included as part of the record.

### **II. Provision of Accommodations:**

[\[Insert name of your facility\]](#) shall provide the following services or aids to achieve effective communication with persons with disabilities.

#### **A. Interpreting Services**

For persons who are Deaf\* and use sign language as their primary means of communication, [\[identify responsible staff person or position with a telephone number\]](#) is responsible for arranging for interpretive services.

1. Contact interpreters on an internally managed direct-hire list [\[if applicable, insert list and contact information here\]](#)
2. If a direct-hire interpreter is not available, contact [\[Identify the interpreting agency\(s\) name with whom you have contracted or made arrangements to provide interpreting services\]](#). The agency's/agencies' telephone number(s) is/are [\[insert number\(s\) and the hours of availability\]](#).

3. Provide interpreter(s) with the date, time, location, name of the Deaf\* individual, and a brief description of the nature of the assignment.
4. Update the Deaf\* individual on the status of their request at least 24 hours in advance.

If no on-site interpreter is available, or at the request of the Deaf\* individual, proceed with VRI services unless this will be ineffective for the Deaf\* person.

1. Contact [Insert your contracted company's name and contact information, including procedure for accessing on-demand VRI services]
2. Brief the interpreter with any pertinent background information.
3. Document the license number of the interpreter issued through Idaho DOPL (SIGN-\_\_\_\_, or SIGNT-\_\_\_\_). If they do not have a license, they are not qualified to interpret for services within the State of Idaho.

[Identify staff responsible] shall routinely ensure that all devices used for accessing VRI services are appropriately charged, in their designated place, and in proper working condition.

*TIP: For a list of local agencies specializing in sign language interpretation, direct-hire or freelance interpreters, and VRI on-demand companies visit the Idaho Council for the Deaf and Hard of Hearing (CDHH) website: [cdhh.idaho.gov](http://cdhh.idaho.gov)*

*Guidance on use of VRI services can be found at [nad.org](http://nad.org) and [rid.org](http://rid.org)*

**NOTE: Friends, family members, or ASL fluent staff may NOT be used to interpret unless they hold a valid license issued through the Idaho Division of Occupational and Professional Licenses (DOPL) and are capable and willing to interpret in the setting. Minor children are NOT to be used to interpret in any situation.**

## **B. Additional Auxiliary Aids**

For the following auxiliary aids and services, staff will contact [insert responsible staff person(s) or position(s) and contact information], who is responsible to coordinate the aids and services in a timely manner.

Examples of potential auxiliary aids include: note-takers; computer-aided transcription services; telephone handset amplifiers; written copies of oral announcements (including large print and braille options); assistive listening devices; assistive listening systems; telephones compatible with hearing aids; open and closed captioning; videotext

displays; visual aids; emerging technology; or other effective methods that help make aurally delivered materials available to individuals who are Deaf\*.

1. Identify any contracts you may have with outside providers regarding auxiliary aids; include contact information and their procedure to access service.
2. [\[Insert staff position\(s\) responsible\]](#) shall routinely ensure that all devices are appropriately charged, in their designated place, and in proper working condition.
3. Additional documentation [\[Insert where copies of documents can be found, including large print and braille copies\]](#)

**NOTE: multiple services and/or auxiliary aids may be requested in conjunction with one another. Individuals who are Deaf\* with additional disabilities may require other additional services.**

### C. Communicating by Telephone

Deaf\* individuals may call through a variety of telecommunication relay services that may include calling through an interpreter (VRS), a text telephone (TTY), an internet protocol captioned telephone service, etc. All such services are monitored by the Federal Communications Commission (FCC) and meet the same privacy requirements of standard telephone calls. Calls made through a relay service may have more delays than a standard call, staff will undergo training in how to work with consumers through relay-based phone calls.

Additional clauses to include in your facility's policy if necessary:

- [\[Insert name of your facility\]](#) provides direct service through an ASL fluent staff member(s) who can be reached directly at [\[insert video phone number\]](#).
- [\[Insert name of your facility\]](#) provides text (SMS) communication [\[insert phone number for text communication\]](#).

**NOTE: All calls made through a relay service can and must be handled in the same way as any other telephone call.**

### D. Translation of Vital Documents

Vital documents may be delivered to a Deaf\* individual through an accessible printed language (either standard, large print, or braille as needed), a sight translation rendered by a qualified ASL interpreter, or an ASL video translation at the request of the Deaf\* individual.

Translation:

1. [\[insert list of documents already translated including location of the files\].](#)
2. [\[insert company\(s\) contracted to provide video translation, and procedure for requesting translation of a document\].](#)
3. [\[insert company\(s\) contracted to provide embossing services\].](#)

Sight Translation:

1. Give interpreter a copy of the document to make notes on (the document may be disposed of afterwards) and time to render the document accurately.
2. If the nature of the document requires the Deaf\* person to sign consent or understanding of the content, note that they accessed the document through an interpreter.
3. Have the interpreter sign that they rendered the sight translation, include their license number.

**NOTE: an interpreter may not serve as a witness to the signature of a document.**

### **III. Waiving of Accommodations by Deaf\* Consumer**

If a Deaf\* consumer declines the provision of accommodations by the covered entity, the following steps shall be taken:

1. Staff member must clearly communicate that the interpreter and/or auxiliary aids will be provided at no cost to the individual and that the Deaf\* individual may request services at any time after they have signed the waiver.
2. Staff member will document the date of waiver, what accommodations were offered, and the situation for which accommodations were waived [\[insert facility's log/form for reference\].](#)
3. If an individual requests accommodations after they have signed the waiver, document the date and time of the request, proceed with services once appropriate accommodations are in place.
4. If an individual rejects accommodations, but a staff member is unable to communicate effectively, the staff member may request communication accommodations.

### **IV. Staff Training**

1. Upon hire, staff will receive training on: the content of the language access policy; how to identify the need for communication access services; working with Deaf\* individuals in a culturally sensitive manner; working with an interpreter; placing and receiving relay calls; procurement of interpretive services; and interpretation best practices.
2. Staff that may have direct contact with Deaf\* individuals will complete a refresher course annually.

*TIP: Contact the Idaho Council for the Deaf and Hard of Hearing for resources and assistance in training staff.*



## **V. Complaint Process**

A complaint regarding inaccessible services or ineffective communication, including quality of interpretive services or translated materials, may be made in person, over the phone, or in writing.

1. The complaint should specify the date, individuals involved, and the nature of the complaint.
2. All complaints will be directed to the [*identify responsible staff person(s), include contact information for both written and verbal complaints*].
3. Staff will be responsible for notifying individual that the complaint was received and send a digital copy of the complaint filed.
4. Within 30 days [*identify responsible staff person(s)*] will notify the party(s) of the outcome.
5. The complaint process will be included in the posted notification regarding consumers' right to effective communication.

## **VI. Monitoring and Assessment**

1. [*insert name of staff position(s) responsible*] shall be responsible for monitoring compliance with [*Insert name of organization/facility*] communication access policy through: (observation, surveys, etc.).
2. [*Insert name of staff position(s) responsible*] shall be responsible for annual audits to ensure assigned interpreters, both on site and VRI, hold valid licenses issued through the Idaho Division of Occupational and Professional Licenses.
3. [*Insert name of organization/facility*] shall conduct periodic reviews on the effectiveness of the communication access policy and make changes as needed.

## **INTERNAL LANGUAGE ACCESS CONTACTS**

*Attach a digital and/or printable form including the names and contact information for all organization or facility coordinators and contractors referenced in the procedure.*

## **DOCUMENTS**

*Attach digital and/or printable forms referenced throughout procedures including accommodation request forms; waiver of accommodations form/log; notice of availability of auxiliary aids and services; flow chart showing interpreter use; etc.*

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## **ADDITIONAL RESOURCES**

While this template has been developed to be as inclusive as possible, it is not comprehensive. For more information on how to ensure effective communication for consumers, please consult with additional resources, including the Idaho Council for the Deaf and Hard of Hearing. Other agencies that can provide additional insight are also listed below.

### **Idaho Council for the Deaf and Hard of Hearing**

Website [cdhh.idaho.gov](http://cdhh.idaho.gov)  
Email [info@cdhh.idaho.gov](mailto:info@cdhh.idaho.gov)  
Phone (208) 334-0897  
Address 1950 W King St.  
Suite #101  
Boise, ID 83704

### **Idaho Commission for the Blind and Visually Impaired**

Website [icbvi.idaho.gov](http://icbvi.idaho.gov)  
Email [bcunningham@icbvi.idaho.gov](mailto:bcunningham@icbvi.idaho.gov)  
Phone (208) 334-3220  
Address 341 W Washington St.  
Boise, ID 83702

### **Idaho Council on Developmental Disabilities**

Website [icdd.idaho.gov](http://icdd.idaho.gov)  
Email [info@icdd.idaho.gov](mailto:info@icdd.idaho.gov)  
Phone (208) 334-2178  
Address 700 W State St.  
Suite 119  
Boise, ID 83702

### **Northwest ADA Center - Idaho**

Website [nwadacenter.org](http://nwadacenter.org)  
Email [nwadactr@uw.edu](mailto:nwadactr@uw.edu)  
Phone (208) 841-9422  
Address 6912 220th St. SW  
Suite 105  
Mountlake Terrace, WA 98043

### **Idaho Assistive Technology Project**

Website [idahoat.org](http://idahoat.org)  
Email [idahoat@uidaho.edu](mailto:idahoat@uidaho.edu)  
Phone 1-800-432-8324  
Address 1187 Alturas Dr.  
Moscow, ID 83784