

Title VI Complaint against New Mexico Environment Department

Subject who experienced the discriminatory act:

Name: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

Telephone number: (b) (6), (b) (7)(C)

Entity that performed the alleged discriminatory act:

Name: New Mexico Environment Department (NMED) Office Public Facilitation Gregory Chakalian, Hearing Officer

Address: 1190 St. Francis Drive, Santa Fe NM 87502

Phone number: (505) 660-4305

Email: gregory.chakalian@state.nm.gov

My complaint

I, (b) (6), (b) (7)(C) of Spanish nationality, would like to present a formal complaint against the NMED based on discrimination, more specifically, discrimination against my nationality and mother tongue. **Said discrimination took place between March 22 and March 23 of 2021, during a virtual public hearing regarding the construction of an asphalt plant in the south zone of Santa Fe, when I was denied a Spanish interpreter and discriminated against due to my nationality and my limited fluency in English.**

On March 22, at the beginning of the first session of the virtual public hearing, it was briefly mentioned that a simultaneous English-Spanish interpreting system would be made available and an information sheet on how to accomplish this was drafted, but all of the instructions were provided in English, and as demonstrated later in the hearing, there was no actual knowledge on how it works. Also, there was no practice demonstration to know if the public had understood the translation system, and there was no opportunity to ask the assistants if the translation system was operating correctly. It was assumed that these brief explanations would be sufficient for the mostly Spanish-speaking audience to understand how it works. In addition to this last fact, I would like to point out that the asphalt plant construction directly affects the community of southern Santa Fe, where most have Spanish as their native language and many do not have advanced knowledge of the English language, let alone a level of English that would allow the understanding or handling of the technical jargon used in this hearing.

Not without difficulties, I was able to make the simultaneous translation system work. While this took place, I was in contact with other Spanish language assistants over the phone, who also did not know how to use the system.

When time came for the public to speak, I was the first person to speak in Spanish. There was a moment of confusion once my intervention began, since Mr. Gregory Chakalian, the hearing officer, who I will call Your Honor from now on, interrupted me speech because he did not understand Spanish. His Honor asked where the interpreter was because he could not understand me. A number of minutes had passed by and no one seemed to know how to explain to His Honor how the translation system worked. In the end I got some courage together and tried to explain, in English, to His Honor and the other attendees who did not understand Spanish what they had to do to understand me, despite saying that I did not consider myself the right person to give them these explanations.

When seeing that His Honor was unable to make the translation system work, and when they heard me speaking English, it was unilaterally considered that I had a level of English that was sufficient to make my intervention in this language without asking me explicitly if I agreed with this decision or if I would rather use the interpreting system. There were also no questions asked to determine my mastery of English.

It was a difficult moment for me because in addition to the nervousness brought on by an argumentative intervention of this type, I was going to have to express myself in a language in which I do not feel comfortable and in which I know I cannot defend my point of view with the same conviction and argumentative force with which I would in my mother tongue.

In the time I have lived in Santa Fe I have experienced many situations where I have been judged or discriminated against because of my English to the point of having to excuse myself because of my native language and accent. With time, I developed a certain fear and aversion from speaking in English in public, these situations have also damaged my self-esteem and question my value as a person.

The event at the public hearing affected others besides me. Several people among the Spanish speaking public, like (b) (6), (b) (7)(C) [REDACTED], included as a witness in this complaint, when seeing the hard time I had and for fearing they would be mandated to participate in English decided not to participate in the public pleadings. I want to reiterate that the larger part of the audience that watched the virtual hearing has Spanish as their mother tongue and that, as known through statistic studies, the southern zone of Santa Fe has a large Spanish speaking population.

On the day after the public hearing, on March 23, 2021, when I made a new intervention, His Honor repeated that I could proceed with my intervention in English

that was good enough to proceed without an interpreter. Therefore, I was denied the use of the interpretation system again, repeating the discriminatory act several times.

Based on the Constitution of New Mexico, Title VI and the rules of the NMED itself, I claim that by not allowing me to speak in Spanish, my native tongue, and denying me the use of the interpreting system, NMED violated my right to fully participate in a public hearing in a discriminatory way, given I have the right to not be discriminated as a limited English speaker. Furthermore, I claim that NMED and the office of public facilitation is a recipient of federal funds, and as such, Title VI applies to this complaint.

Witnesses of the aforementioned:

(b) (6), (b) (7)(C)

Additional Information:

I am also aware that the NMED has been investigated recently for similar violations to Title VI of the EPA and additional measures to protect members of the public with limited English have been required. This has not been complied by the NMED.

This petition is submitted by certified letter and regular posting within the 180 days necessary for these types of complaints, on September 15, 2021.

Santa Fe, September 15 of 2021

Signed:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)