

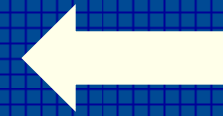


Department of Health & Human
Services
Office for Civil Rights

Policy Guidance to Federal Financial
Assistance Recipients Regarding Title VI
Prohibition Against National Origin
Discrimination Affecting “Limited English
Proficient Persons” (LEP)



Topics



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- **Background**
 - **Who must comply?**
 - **LEP defined**
 - **What must recipients do?**
 - **The Four Factor Analysis**
 - **Elements of an effective language assistance plan**
 - **Enforcement and voluntary compliance**

Title VI of the Civil Rights Act

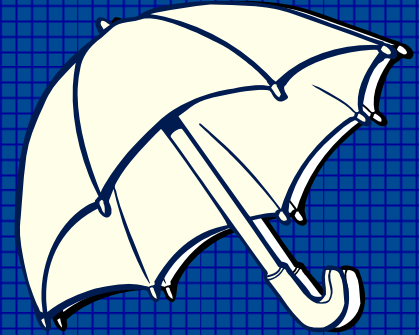
No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- Section 601 of Title VI of the Civil Rights Act of 1964
42 U.S.C. Section 2000d et. seq.

What Must Recipients Do?

Under Title VI and its implementing regulations, recipients must take reasonable steps to ensure meaningful access to their programs, activities and services for LEP persons.

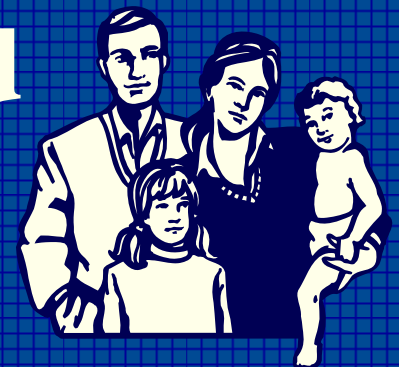
Who Is Covered?



All recipients of HHS Federal financial assistance, either directly or indirectly, through a grant, contract or subcontract.

Who Is A Limited English Proficient (LEP) Person?

An LEP individual is a person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English.



What Must Recipients Do?

- **Under Title VI and its implementing regulations, recipients must take reasonable steps to ensure meaningful access to their programs, activities and services for LEP persons.**

Using the Four-Factor Analysis to Determine the Recipient's Obligation

- *Number or Proportion of LEP Persons Eligible to be Served or Likely to be Affected by the Program or Service*
- *Frequency of Contact*
- *Nature and Importance of the Program, Activity, or Service*
- *Costs and Resources Available*

Factor 1: Number or Proportion of LEP Persons ...

- **How many LEP persons are eligible to be served, or likely to be affected, by a recipient program or activity?**
 - **Potential sources of data may include:**
 - **encounter data**
 - **Data from Census, school systems, state and local government**
 - **community organizations**

Factor 2: Frequency With Which LEP Individuals Come in Contact With Program, Activity or Service

- How often is a particular language encountered?**

Factor 3: Nature and Importance of the Program, Activity, or Service

- How important is the recipient's activity, information, service, or program?**
- What are the possible consequences if effective communication is not achieved?**
- Could denial or delay of access to services or information have serious life-threatening implications?**

Factor 4: Costs and Resources Available to the Recipient

- What are the reasonable costs of providing language assistance services?**
- What resources are available?**

Ways to Provide Cost-Effective Language Services

- Information sharing.
- Training bilingual staff.
- Telephone & video conference services.
- Pooling resources, standardizing documents.
- Using sufficiently qualified translators and interpreters to avoid errors / unnecessary costs.
- Centralizing services.
- Formalized use of qualified volunteers.

Applying the Four Factors

- **Will be based on what is both necessary and reasonable in light of the four-factor analysis**

Interpreter Competency

The recipient should take reasonable steps to assess that the interpreter is able to:

- Demonstrate proficiency in both English and in the other language**
- Demonstrate knowledge of specialized terms or concepts appropriate to the need**
- Demonstrate an understanding of the need for confidentiality and impartiality**
- Understand the role of interpreter without deviating to other roles**

Timeliness

- **When language assistance is needed and is reasonable, it should be provided in a timely manner—e.g., at a time and place that avoids the effective denial or delay of the service, benefit, or right at issue.**

Selecting Language Assistance Services

Options for Oral Language Services:

- Bilingual Staff
- Staff Interpreters
- Contractors
- Telephone Lines & Video Teleconferencing
- Community Volunteers

Use of Family Members or Friends

- When Title VI requires that language services be provided, recipients should:
 - Inform the LEP Person that interpreter can be provided at no COST
 - Not require LEP persons to provide own interpreter
 - Not plan to rely on family members or friends as interpreters
 - Evaluate whether, because of special concerns, interpreter should be provided in any case

Designing Effective Language Assistance Plans - Five Steps

- **Identifying LEP individuals**
- **Identifying methods of language assistance**
- **Training staff**
- **Providing notice of language services**
- **Monitoring and updating LEP Plan**

How Is Title VI Enforced?

Complaint/Compliance Review

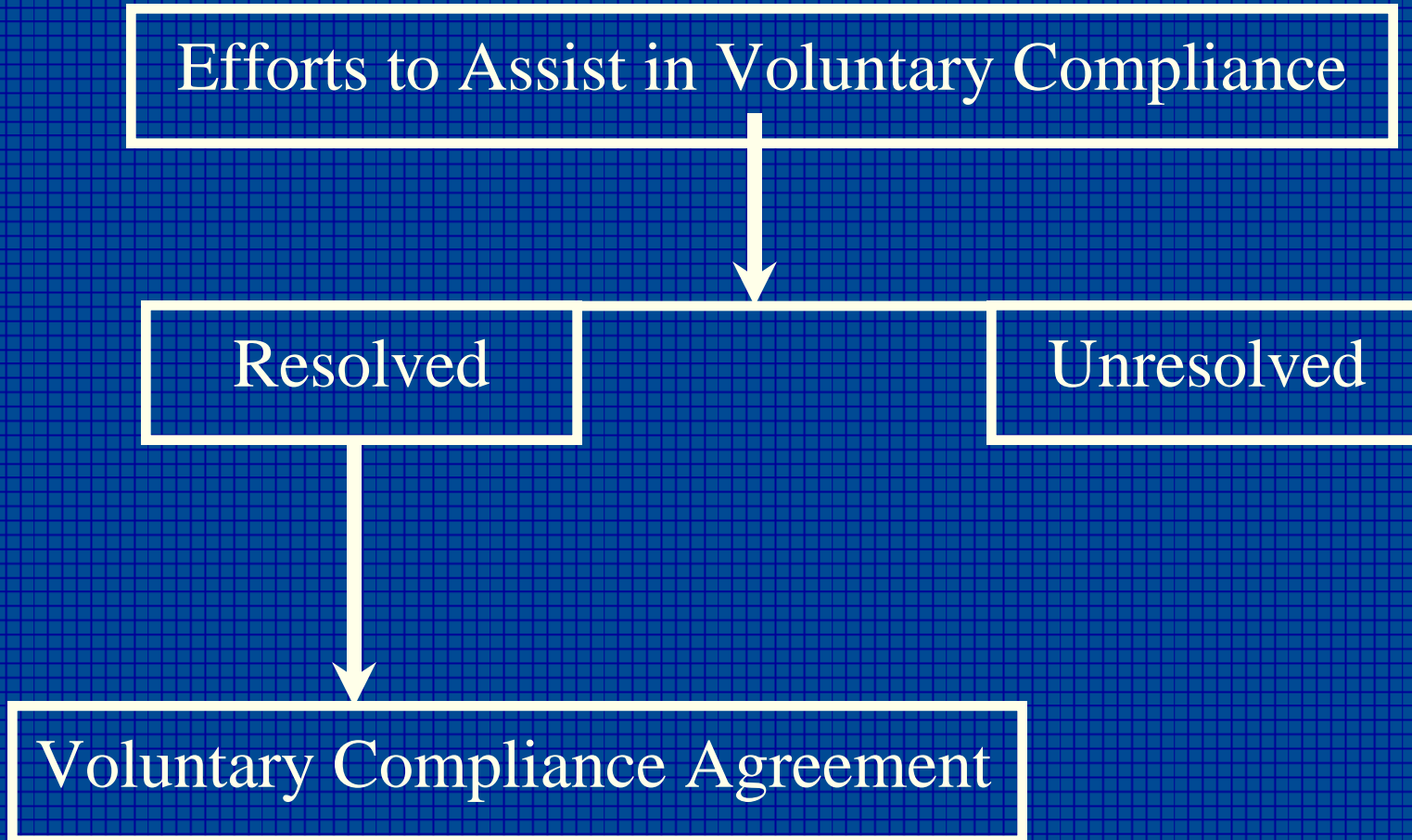
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graph TD; A[Complaint/Compliance Review] --> B[Investigation]; B --> C[Written non-compliance Finding]; B --> D[Written Compliance Finding];
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Investigation

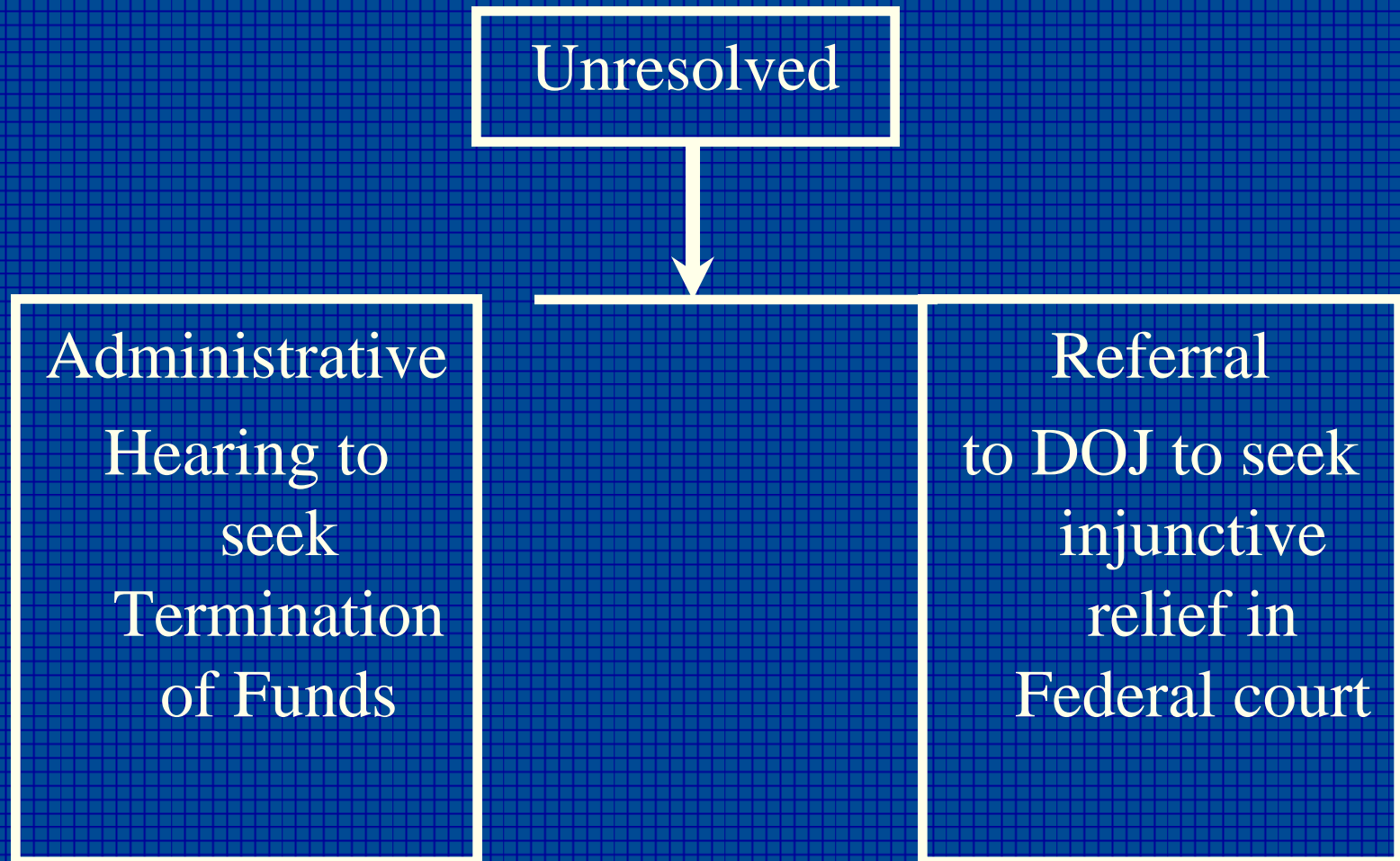
Written
non-compliance
Finding

Written
Compliance
Finding

How is Title VI enforced after noncompliance is found?



How Are Laws Enforced?



Website Information

www.hhs.gov/ocr/

www.lep.gov

OCR Region VIII

Velveta Howell, Regional Manager

Office for Civil Rights

U.S. Department of Health and Human Services

1961 Stout Street -- Room 1426 FOB

Denver, CO 80294-3538

Velveta.Howell@hhs.gov

Phone: (303)844-2024

800 #: (800) 368-1019

TDD: (303)844-3439