

Are the Services Provided by the United Way of Payne County Partner Agencies Accessible to  
Limited English Proficiency (LEP) Speakers?

An Honors Thesis

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### Abstract

A Limited English Proficient (LEP) individual is someone who does not speak English as their primary language and has limited ability to read, speak, write, or understand English. According to Executive Order (EO) 13166, LEP individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter from any organization that receives federal funding. This is applicable to nonprofit organizations who receive federal grants. The United Way of Payne County's partner agencies were surveyed over the organizations' familiarity with the terms LEP and Executive Order 13316, as well as the organizations' work experience and procedures that help LEP individuals access the services of the organization. The survey identified that not all organizations were familiar with the Executive Order and/or the term LEP. In spite of this, many organizations are taking steps to help reach individuals with a language barrier through things like translated documents, bilingual staff, or a type of translation service. The population of LEP individuals is expected to continue increasing. If accessibility of services is desired or required, it is important for organizations to assess their capability of overcoming this barrier now so it will not experience language barrier issues in the future.

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**Are the Services Provided by the United Way of Payne County Partner Agencies Accessible to Limited English Proficiency (LEP) Speakers?**

Nonprofit organizations have a specific role in every community. They often find themselves in a position to help uplift citizens and solve problems the local, state and national governments are not in a position to resolve. Their assistance is offered to all people in a community, no matter the political climate. The current political climate in the United States does not portray immigrants in a positive light even if they are citizens. Many of these individuals are Limited English Proficient (LEP) individuals and they are afraid to seek out nonprofit services for fear of judgement and discrimination. A language barrier for many people can prevent them from receiving the help they need to support themselves and/or their family. Organizations that are unable to communicate across the language barrier are not able to effectively serve all parts of the target population.

The percentage of the people in the United States from 1980 - 2009 who reported speaking a language other than English at home rose from 23.1 million speakers to 57.1 million speakers (Shin and Ortman, 2011). According to the U.S. Department of Justice - Civil Rights Division's Language Map, the total population in Oklahoma in 2012 was 3,487,773 people. Out of that number, 135,250 people in Oklahoma, or 3.9%, were considered Limited English Proficiency (U.S. Dept., 2012). The Civil Rights Division's definition of an LEP individual is: an individual five years or older who self-identifies as speaking English less than "very well" (Lep.gov, 2018g). In 2014, the population in Oklahoma increased to 3,553,984 with the number of LEP individuals increasing to 141,231 (U.S. Dept., 2014).

A study conducted by the U.S. Census Bureau identified the number of LEP speakers in Oklahoma increased by 3,169 individuals from 2014-2015 (U.S. Dept., 2015). As indicated by

the data, the number of LEP individuals across Oklahoma, and the nation, is continuing to rise. In order to provide these individuals with meaningful access to the services offered by nonprofits, the organizations will have to develop ways they can break the language barriers. See Appendix A for definitions of terms for this report.

### **History/Background**

Currently, two federal laws are applicable to language access. The first is Title VI of the Civil Rights Act of 1964. Title VI prohibits intentional discrimination, exclusion, or denial of benefits and/or services on the basis of race, color, and national origin in programs and activities that receive federal funding (The United, 2016). The second law is Executive Order (EO) 13166, "Improving Access to Services for Persons with Limited English Proficiency," which was signed into law on August 11, 2000 (Lep.gov, 2018e). According to the EO, LEP individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter from any federally conducted and/or funded programs and activities. To ensure that language assistance is offered, the EO contains two major initiatives. The first initiative, is to reinforce Title VI but specifically prohibits discrimination based on national origin by not allowing LEP individuals to have meaningful access to services. All federal agencies are required to develop guidance for their funding recipients that make sure they follow the requirements of the EO. The U.S. Department of Justice issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination against Persons with Limited English Proficiency," also known as LEP Guidance (The United, 2015). The Policy Guidance Document was issued to assist in making plans for the federal funding recipients. The LEP Guidance establishes compliance standards federal funding recipients must follow to ensure that LEP persons can access the programs and activities that are normally provided in English. This way

the federal funding recipients do not violate Title VI's prohibition against national origin discrimination. The second initiative requires all federal agencies to adopt plans similar to their federal funding recipients to make sure they are providing meaningful access for LEP individuals to federally conducted programs.

### **Title VI and Legal Support for LEP**

The 1974 Supreme Court decision in *Lau v. Nichols* protects LEP individuals from national origin discrimination under Title VI (and the EO). The Supreme Court decided that the denial of an education to a group of non-English speakers by a federal funding recipient violated Title VI and its implementing regulations. The Court explained, “[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents’ school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by” Title VI regulations,” (Lep.gov, 2018b). In order to prevent this discrimination and increase language assistance, there are four points that an organization needs to identify in the beginning of the planning process:

1. “The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
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 to people's lives; and
4. the resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits,” (Lep.gov, 2018h).

It is the responsibility of the federal agencies to ensure that their funding recipients identify these factors before a compliance plan is made. If an organization needs to increase its language access it is up to the federal agency to get the organization to agree to compliance (and that they agree to require any one who works with the organization or receives money from the organization to comply as well). This acceptance can be done in a contract and a drafted example of a language assurance document is found in the Appendix B. Within these plans, whatever process is taken to improve access, it cannot put a burden on the organization. A burden could be either financial or something that causes the organization to go against its mission statement.

Failure to comply with the LEP regulations by failing to provide meaningful access for LEP individuals will result in national origin discrimination. After the *Lau v. Nichols case*, other courts have reaffirmed that the lack of meaningful access to LEP persons constitutes national origin discrimination in the cases *Sandoval v. Hagan* and *Almendares v. Palmer*. Termination of funds, legal action, or both can take place if a federal funding recipient is found to have discriminated and they do not voluntarily comply with the EO. An organization has to offer a transparent and accessible feedback service for LEP individuals if they have been denied services because of their lack of English proficiency. The organization should keep a record of the feedback received and any resolution based on LEP individual's comments or suggestions. If an individual has been discriminated against they can file a complaint with the federal agency that provides funds to the recipient, or they can file suit for relief in federal court.

### **Other Rule Making Entities for LEP**

Individual federal programs, states, and localities can have provisions requiring language access services to help individuals with LEP. If an “English-only” law is applicable in the city/state the organization is in, it does not exempt the organization from offering assistance to

LEP individuals. “State and local laws may provide additional obligations to serve LEP individuals, but cannot compel recipients of federal financial assistance to violate Title VI,” (Lep.gov, 2018c). In 2009, Oklahoma tried to pass legislation making English the sole language used for government business. The Acting Assistant Attorney General of the United States of America sent a letter to the State Legislature informing them that this action would violate the regulations associated with LEP individuals. To view a copy of this letter, see Appendix C. In 2011, Attorney General Eric Holder sent out a memo similar to the Oklahoma Letter, reminding federal agencies of the LEP provisions. Appendix D contains a copy of this letter. The Department of Health and Human Services (DHHS) formally adopted final changes to section 1557 of the Affordable Care Act (ACA) in 2016. The changes included reinforcement of the LEP Executive Order (Hunt, 2016). They apply to all federal health programs or activities that receive federal financial assistance. A full summary of the changes the section implements can be found under, “Nondiscrimination in Health Programs and Activities,” on the Federal Register’s website (Office, 2016).

### **Literature Review**

Nonprofit organizations all across the country struggle with language barriers that come with serving LEP individuals. Most major cities are accustomed to having higher immigrant populations and therefore have experience serving LEP populations. In smaller cities and/or states with lower immigrant populations language barriers are a relatively new problem. In 2004, 25.9% of California’s population was foreign born - but Missouri only had 3% (Manos & Rollins, 2004, p. 30). While it is a small percentage, it demonstrates that in just a few years Missouri had experienced an influx of immigrants that it was unaccustomed to having in the state. This influx brought over 90 different languages and dialects (Manos & Rollins, 2004).

Nonprofits started experiencing language barriers with little-to-no experience on how to overcome them. Since they had an increase in LEP individuals, they had to comply with the LEP Executive Order but were not prepared. Organizations don't necessarily want to be noncompliant. In order to avoid this, they need to find a way to make compliance not burdensome (in time and money) on the organization while being beneficial to the LEP population they serve.

An example of language barriers affecting both the organization and the LEP individual is observed in the medical field with the term “language-barrier premium”. The American Journal of Managed Care published an article called, “Providing Linguistically Appropriate Services to Persons with Limited English Proficiency: A Needs and Resources Investigation,” (Carter-Pokras et al, 2004, p. SP30). The article discusses the identification of the term “language-barrier premium”. This means if a physician is not able to understand their patient, they cannot receive all the information they need to make a decision. In turn, the physician is more cautious, sometimes ordering more tests or hospital visits than the patient really needs which results in costlier treatment for LEP patients. This lack of understanding by the LEP individual also goes against the Western Medical practice of the right of a patient being fully informed of their condition and their treatment. Without any form of translation, a patient will never be fully informed because they can never fully understand the situation. Having any type of assistance with the language barrier not only helps overcome this issue but it can help reduce the risk of medical malpractice for the physician and high medical costs for the patient.

It is important for a nonprofit to break this barrier not only to help reach the population they want to serve, but to ensure people can receive the help that they need. This idea is discussed in the article, “As Climate Disasters Accelerate, Immigrants Are Often Most at Risk,”

by Nonprofit Quarterly (Bailey, 2017). LEP individuals are put at a higher risk of danger during times of natural disasters because of the language barrier. In order to stay safe, these people need to understand warning signals; this means communicating warnings in a language LEP individuals can understand. They also need to know where and how to get assistance if they need help. Lack of adequate communication can cost an LEP individual's life. This is why nonprofits play a pivotal role in their communities, especially in dangerous or crisis situations. Nonprofits can help provide assistance to these individuals by communicating in different languages when government instructions are only in English.

Even if an organization has a program or process to help LEP individuals receive services, it does not mean they are effective in delivering the service. A study was published in 2009 that evaluated the work of 26 bilingual social workers in San Diego County, California (Engstrom, Piedra, & Won Min, 2009). This area has historically high immigrant and LEP populations. Most nonprofit organizations in San Diego County have experience working with LEP individuals and have implemented programs to comply with the LEP Executive Order. The results of this study show that sometimes an organization relied on self-reporting without actually testing individuals to evaluate their language skills. The organizations that hire translators or interpreters without assessing language skills are technically compliant to the EO. They have filled a position that is established to overcome the language barrier and reach the LEP individuals. However, this may cause the organization to be ineffective, because the worker in reality may not communicate properly.

The lack of adequate language communication skills is present in various fields. For example, NPR Health published a story in 2014 about an incident with the word, "intoxicado," (Foden-Vencil, 2014). In Spanish, intoxicado means "to poison" in some regions and in others it

means to ingest something, like a food, a drug, or anything that makes you sick. The interpreter working with this family told the doctors that the boy was intoxicated - when actually the family was trying to communicate that they thought he had eaten something that made him sick. He received the wrong treatment and the real issue (bleeding in the brain) wasn't identified until days later - all because something was not translated correctly. The 18-year-old suffered severe brain damage and is now a quadriplegic (Foden-Vencil, 2014).

Effectively reaching an LEP individual requires more than just being able to speak their language. The article, "Bilingual Social Workers in Mental Health Service Provision: Cultural Competence, Language, and Work Experience," identified that knowing the culture of the individual is just as important as knowing their language (Liu, 2013). In high-context cultures, fewer words are used in communication and the point is generally not stated - the listener is expected to understand. Tone and gestures play a more pivotal role within a situation in high-context cultures requiring the listener to be paying attention to more than just the words being used. (Korac-Kakabadse, Kouzmin, Korac-Kakabadse, & Savery, 2001, p. 7). With LEP individuals from high context cultures, ideas can be quickly and easily lost in translation if the person assisting the LEP individual doesn't know they have to interpret with all these aspects in mind. This causes a big problem when organizations choose to use translation services over the phone, because no one is present in the situation to understand the cultural context behind the words.

There is still very little literature for nonprofits to utilize concerning communication issues with LEP individuals and what research that has been done is highly concentrated in medical and social work organizations. In order to properly help nonprofits, more research needs

to be done, especially outside of these fields. The results will be applicable to both the organizations and the LEP populations they serve.

### **Problem Statement**

If a nonprofit organization receives any type of federal funding they are required to provide services that overcome a language barrier for LEP individuals according to Executive Order 13166. The partner agencies of the United Way of Payne County were polled: to identify if organizations are aware of these terms, to gain a better understanding of the problems of languages barriers and to assess how organizations approach the issues from language barriers. The results of this survey will contribute to and augment the literature regarding nonprofits and their services for LEP individuals.

### **Purpose, Potential Benefits, and Importance of the Study**

In 2015, the most common languages spoken other than English in Payne County, OK were Spanish, Chinese, and Arabic with also a relatively high number of Other Pacific Island, Other Native North American, and Thai speakers (Data USA, 2018). Payne County has one of the highest percentages of LEP individuals in Oklahoma. As of July 1<sup>st</sup>, 2017 the estimated population of Payne County was 81,575 with 7.4% of people ages five years or older speaking a language other than English at home (United, 2018).

The United Way of Payne County's partner agencies offer a variety of services that can appeal to this diverse language population in the Payne County community. This diversity allows the survey responses of the partner agencies to be extrapolated to a national level representing the diversity of other nonprofit organizations and the populations they serve. The partner agencies also qualify for the study because some of the organizations are either recipients or sub-recipients of federal funds. This means they fall under the regulations of EO 13166. For some

nonprofits, it is not a question of whether they offer services that will bridge the language barrier, but do they have the capability to do it? Some of the United Way of Payne County's partner agencies responded to the survey stating they have experienced a language barrier while working with their service population. Not all of them were able to offer LEP assistance because it would be a burden on the organization.

The results of this study can benefit other nonprofits by providing ideas on how to respond to a LEP situation without burdening the organization. Given the increasing trend of LEP individuals not just in Payne County, but across the United States, offering services without language barriers is something that should be implemented according to EO 13166. This report also provides recommendations and brings attention to the lack of research on the interaction between LEPs and nonprofit organizations. Previous research that has been conducted is concentrated primarily on medically associated organizations. However, language barriers in other types of nonprofit organizations are evident in the different types of partner agencies. The more this area is studied, the easier it will be for nonprofits to identify the best ways to serve their communities.

### **Methodology**

The population sample selected for the survey was The United Way of Payne County's 22 partner agencies. See Table 1 for a list of the partner agencies. Payne County was selected because it has one of the higher LEP populations in the State of Oklahoma. The United Way of Payne County's partner agencies provided a nonprofit population sample within the county that had a diverse background in services offered and funding received. The researcher requested of and was granted permission by the executive director of the United Way of Payne County to use

the organization and its partner agencies as the sample for the survey. To view a copy of this correspondence, see Appendix E.

The survey was created and distributed using Qualtrics Survey Software. The survey consisted of 18 total questions. The first six questions were the same for each respondent, but after that, each respondent viewed different questions based on their responses given to the previous questions. Using Qualtrics Survey Software allowed the survey to be sent using a dedicated online link so only the organizations who received the link could respond.

The executive director of the United Way of Payne County emailed the survey link to the partner agencies requesting the executive director of each organization to respond. Participants could reply via computer or phone. The survey had to be completed in one sitting but could be completed in less than ten minutes. There was no back button or go back option. Respondents were allowed to skip questions in the survey if the organization did not feel comfortable giving or did not have a response. The survey included an introduction slide listing contact information if they had any questions about the survey. The organizations were also informed in the introduction that the survey results would be analyzed and the name of the nonprofit along with its responses would be published in the thesis report. See Appendix F for a copy of the survey questions.

### **Survey Responses**

15 of the 22 partner agencies as well as the United Way itself replied to the survey, as well as one unknown respondent (there was no organization name on the survey response). See Table 1 for a list of the respondents and their federal funding status.

<b>Table 1: United Way of Payne County and its Partner Agencies</b>			
	<b>Organization</b>	<b>Did the organization respond to the survey?</b>	<b>Does the organization receive federal funding?</b>
1	United Way of Payne County	Yes	No
2	4 Kids and Community	Yes	No
3	American Red Cross	Yes	No
4	Big Brothers Big Sisters	Yes	Yes
5	CASA for Kids, Inc.	Yes	Yes
6	Edwin Fair Community Mental Health Center	Yes	Yes
7	Girl Scouts of Eastern Oklahoma	Yes	Yes
8	Legal Aid Services of Oklahoma*	Yes	Yes
9	Life Adult Day Center	Yes	Yes
10	Mission of Hope Homeless Shelter	Yes	Yes
11	Mobile Meals of Stillwater	Yes	No
12	Stillwater Community Health Center	Yes	No
13	Stillwater Group Homes, Inc.	Yes	Yes
14	The Salvation Army*	Yes	Yes
15	Wings of Hope Family Crisis Services	Yes	Yes
16	YMCA	Yes	No
17	Unknown respondent (did not submit name)	Yes	Yes
18	Mpower	No	Yes
19	Payne County Drug Court	No	No
20	Payne County Youth Services	No	Yes
21	Stillwater Cares	No	Not reported
22	Stillwater Interfaith Counseling	No	Not reported
23	Stillwater Literacy Council	No	Not reported
24	The Saville Center	No	Yes

\*These organizations submitted two survey responses - the longer response was chosen for analysis in the study.

### **Recipients of Federal Funding**

11 of the 17 respondents are recipients of federal funding which means they are required to comply with Executive Order 13166 and provide language assistance for Limited English Proficient individuals. Four of these respondents were not familiar with the Executive Order. Only one of the recipients of federal funding was not familiar with the term Limited English Proficient or LEP - but they were familiar with the EO. All but one participant has or currently does serve LEP individuals. Three of the respondents do not currently provide assistance to help LEP individuals access their services. Two of these three said they do not have the capability to provide services to overcome language barriers; the services would be a burden on the organization since they would have to hire and train staff.

The eight organizations that do currently provide assistance do so by offering translation assistance in the following ways: bilingual staff and volunteers, translated documents and websites, pictures of services offered, phone and other technology translation services (see Table 2). These eight organizations have also provided services without the assistance of a translation service. They overcame the language barrier by using personal interaction, family members of the client translating, writing things down, pictures of things/services, and printing materials in multiple languages. All federal funding organizations responded yes (eight *Definitely Yes* and four *Probably Yes*), they would use a free translation service if it was provided. When asked if the organization has been unable to provide services to potential clients because of a language barrier, nine of the participants disagreed to some extent (five *Somewhat disagree*, four *Disagree* and one *Strongly disagree*). The two remaining respondents did not strongly agree - one said they *Somewhat agree* while the other said they *Neither agree nor disagree*.

**Table 2: Recipients of Federal Funding Respondents that Currently Provide LEP Assistance**

What is the name of the organization?	Does or has the organization serve(d) Limited English Proficient (LEP) individuals?	Does the organization currently provide assistance to help LEP individuals access the organization's services?	Please explain how the organization currently provides assistance to help LEP individuals access the organizations services.
Big Brothers Big Sisters	Yes	Yes	Bi-lingual staff, promotional materials, and processing paperwork.
CASA for Kids, Inc.	Yes	Yes	When possible, we match volunteers who speak the same language with the families we serve. If that is not possible, we use other community resources to promote communication.
Edwin Fair Community Mental Health Center	Yes	Yes	We have a translator service. We have some staff that speak other languages.
Girl Scouts of Eastern Oklahoma	Yes	Yes	We proud bi-lingual staff or volunteers as well as some translated materials
Legal Aid Services of Oklahoma	Yes	Yes	language line services and employees with 2nd language skills, forms in multiple languages
Stillwater Group Homes, Inc.	No	Yes	We have an LEP plan in place to provide pictures of services. We also have several individuals proficient in sign language which is the major need we encounter.
The Salvation Army	Yes	Yes	We have printed materials in several languages, we have numbers to call to assist with those who speak other languages, we don't turn anyone away due to lack of understanding, we always find a way to understand each other and offer assistance. We have multiple websites in different languages that tell about what we do and our services. We have people we can call to help in extenuating circumstances when we can't seem to understand someone - on-call translators. We always find a way to help, regardless the communication technique.
Wings of Hope Family Crisis Services	Yes	Yes	We provide language assistance through use of competent bilingual staff, trained volunteer translators, contract workers as needed, technology and telephonic interpretation services. We currently have several bilingual individuals on staff and we keep a list of translators who come from the Oklahoma State University Foreign Languages Department. We have had our client forms and informational materials translated into Spanish.

When asked if there are populations that the organization wants to serve but cannot serve because of a language barrier, six respondents disagreed on some level, three agreed on some level and two organizations said they *Neither agree nor disagree*. Connecting with clients in their first language is vital to success of the organization according to six of the participants. Three organizations disagree on some level with the statement while two *Neither Agree nor Disagree* that it is vital.

**Non-recipients of Federal Funding**

Six of the 17 respondents do not receive federal funding; therefore, they do not have to comply with the EO. In spite of this, only one of the six respondents were unfamiliar with the term LEP and two were unfamiliar with the EO. All respondents were at least familiar with one of these terms. All six respondents are currently serving, or have in the past served, LEP individuals. Five organizations responded that they currently offer assistance to help LEP individuals access the organization’s services. These organizations provide assistance by utilizing bilingual volunteers, financial stipends and technology translation services (see Table 3).

<b>Table 3: Non-recipients of Federal Funding Respondents that Currently Provide LEP Assistance</b>			
<b>What is the name of the organization?</b>	<b>Does or has the organization serve(d) Limited English Proficient (LEP) individuals?</b>	<b>Does the organization currently provide assistance to help LEP individuals access the organization's services?</b>	<b>Please explain how the organization currently provides assistance to help LEP individuals access the organizations services.</b>
4 Kids and Community	Yes	Yes	
American Red Cross	Yes	Yes	With volunteers and our 1-800 number.
Stillwater Community Health Center	Yes	Yes	We currently have three bilingual volunteers who assist patients as needed.
Stillwater Mobile Meals	Yes		
United Way of Payne County	Yes	Yes	We fund over 20 local helping agencies and several serve LEP individuals. United Way also serves as a referral source for those needing help finding services.
YMCA	Yes	Yes	PROVIDE SCHOLARSHIPS BASED ON INCOME

Four of the participants have provided assistance without the help of a translation service. They achieved this through personal interaction, translation booklets with pictures and technology like a computer. When asked if they would use a free translation service, three said *Probably Yes*, one said *Definitely Yes* and another said *Definitely Not*. All six organizations disagreed that they have been unable to provide their services to a client because of a language barrier. Five respondents disagreed that there are populations the organization wants to serve but they are not able to because of a language barrier. All respondents agreed that connecting with clients in their first language is vital to the success of the organization.

### **Interpretation of Data**

Between the two groups (Recipients Federal Funding and Non-recipients of Federal Funding), there were more recipients of federal funding who were not familiar with the EO than the non-recipients of federal funding. This is concerning because the recipients of federal funding are the organizations who have to comply with the EO. All of those who were unfamiliar with the EO, have served or currently serve LEP individuals. Those who do not currently provide assistance stated that it would burden the organization to do so because they would have to hire another staff member. Therefore, the availability of a free or shared translation service among nonprofits would be helpful because then organizations would not have to worry about the burden of hiring, training, staffing another person. All the organizations who receive federal funding said yes (eight *Definitely yes* and four *Probably yes*), they would use a free translation service if it was provided to the organization. The non-recipients of federal funding participants did not have the same consensus. These organizations are not legally required to offer language assistance because they do not receive any federal financial support therefore having a free translation service would not be as interesting to them. This can be an issue however when it

comes to fulfilling the mission of the organization or serving its target population (if it includes LEP individuals.) The organization may not be able to overcome a language barrier and provide their services.

No clear consensus emerged among all the survey participants if they have been unable to provide services or reach a certain population of people because of a language barrier. In the, “Memorandum for Heads of Federal Agencies regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166,” the United States Attorney General asked each federal agency to take steps to inform the public, specifically the LEP communities it wants to serve, about the LEP assistance the agency provides (refer to Appendix D for a copy of this letter). If nonprofits implement outreach programs, then they will be able to say they have overcome the language barrier to reach the LEP population because they are making the population aware of the services available.

When asked if connecting with a client in their first language is vital to the success of the organization, there was also not a clear consensus. For example, there could be a program within an organization that is not as successful because it is specifically targeted to the LEP population and the organization could be struggling to reach these individuals and/or overcome the language barrier. Even though this work of the organization is not as strong, that does not mean that the organization as a whole is unsuccessful. Success of an organization as a whole is dependent on fulfilling the purpose of the organization or its mission statement, which varies for each organization.

Success is also dependent on the perspectives of the workers within the organization - each person may have a different opinion. Two organizations had multiple survey submissions that differed dramatically in response to key areas. For example, one submission says

organization A strongly agrees there are populations the organization wants to serve but cannot serve because of a language barrier, while the other submission from the same organization disagrees with the statement. Another participating organization responded first that the organization is familiar with the EO, and the other respondent from the same organization said the organization is not familiar with the EO. This is an issue for nonprofit organizations, especially if they are receiving federal funding and have to comply with the EO. Everyone needs to be on the same page on how to handle the LEP population.

### **Conclusion**

Some of the United Way of Payne County's partner agencies have services accessible to Limited English Proficiency speakers. This survey highlights the need for organizations to have access to a free or low cost translation service. This would reduce the burden of offering language assistance, so that all partner agencies can serve LEP individuals. Other nonprofits can look at this data to identify similar organizations and how they are overcoming a language barrier or what is hindering them from providing assistance. It can also bring awareness to nonprofit communities that not everyone is aware of the EO or the issues that can arise from serving LEP individuals. Further research would assist in better understanding the quality of service provided to LEPs, and its effect on helping them access the services of nonprofits.

### **Study Limitations**

The premise that services provided by the United Way of Payne County Partner Agencies were not accessible to Limited English Proficiency speakers framed the study and survey design. The survey disproved this hypothesis because the organizations are actually offering services that bridge the language barrier with LEP individuals. Both recipients of federal funding and non-recipients of federal funding organizations are providing these services because they feel it is

necessary to help their communities. None of the survey respondents stated that they are offering services because the government requires them to be accessible to LEP individuals.

Payne County was selected because it has a higher percentage of LEP individuals. This high number could be affected by Oklahoma State University which is located within the County. The University attracts students from all over the world. International students could be LEP individuals or they could bring their families who could be LEP individuals. This situation could cause Payne County to have a higher LEP percentage in comparison to other counties in the State of Oklahoma.

Practical and academic sources are limited on this research topic. The Federal Government's website, Lep.gov, was the source of the majority of information over the topic of LEP and Executive Order 13166. This is one of the few sources available on this topic, which could create a bias among researchers. In theory, the government is for all people. In reality today, in the United States' current political climate, immigrants and LEP individuals are portrayed in a negative light. This could influence the government website and the information displayed.

The definition of translation service was open to interpretation. This allowed respondents to choose what they felt defined this term when explaining what their organization offered. Some organizations used pictures to bridge the language barrier while others used an actual translator. If the term, translation service, would have been defined, some organizations would not have been able to say they are currently offering assistance. The difference in interpreters and translators was also not defined. A complete definition offered by Lep.gov is included in Appendix G. In the future, these terms would need to be further defined to better understand what an organization is offering and how to compare it across nonprofit sectors.

### **Recommendations**

It is important for nonprofit organizations to assist each other in guiding people to the services they need. The United Way of Payne County's partner agencies offer a variety of services. If each organization is aware of the other, then they can direct individuals to the appropriate place for help. Organizations could also reach out to schools, churches, and other community organizations to identify if there is a population that needs assistance but has not been connected with a nonprofit. It would be beneficial if a nonprofit community shared their resources. For example, purchasing a translation service that is accessible by all the organizations, or having paid translators and interpreters that can help all organizations. It is important to note that hiring a translator does not always prove to be 100% effective as noted in the literature review; it has been identified to be more effective to have someone in person communicating with an LEP individual. Appendix H lists ways to offer services as suggested by the government. Brochures are provided that give correct and incorrect examples of what an organization should be doing when working with LEP individuals. There are tips on hiring translators, as well as using different types of services. Assistance is also available to help organizations identify what languages they should focus on when offering assistance.

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## **Appendix A - Definitions**

### **First language**

First language is also defined as a person's primary language - in the case of an LEP individual it is the language they knew before English and they are fluent in reading, speaking, writing, and understanding that language (Lep.gov, 2018a).

### **Executive Order (EO)**

In the United States an order given to federal agencies by the President is called an Executive Order (Lep.gov, 2018e).

### **Federal activities**

“The definition of federally conducted programs is the same under Executive Order 13166 as the definition used under the regulations for application of Section 504 of the Rehabilitation Act of 1973 to federally conducted programs. 28 C.F.R. Pt. 39, Editorial Note, Section 39.102 Application. That definition states:

Under this section, a federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving general public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the Department's facilities (cafeteria, library). Activities in the second category include programs that provide Federal services or benefits (immigration activities, operation of the Federal prison system). Id. (Lep.gov, 2018d)

**Federal funding**

Grants, training, use of equipment, donations of surplus property, and other assistance are types of federal funding an organization can receive. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. “A list of the types of recipients and the agencies funding them can be found at Executive Order 12250 Coordination of Grant-Related Civil Rights Statutes,” (Lep.gov, 2018f).

**Limited English Proficiency**

A Limited English Proficient (LEP) individual is someone who does not speak English as their primary language and has limited ability to read, speak, write, or understand English (Lep.gov, 2018a)

**Sub-recipient**

A sub-recipient is an entity that receives money from another entity that has received federal funds.

**Partner agencies**

The United Way of Payne County considers the nonprofit organizations that it supports in the Payne County community as partner agencies.

## Appendix B - Drafted Example of a Language Assurance Document

4/10/2018

Example of a Policy and Procedure | HHS.gov

**HHS.gov**

U.S. Department of Health &amp; Human Services

**Civil Rights**

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### Example of a Policy and Procedure for Providing Meaningful Communication with Persons with Limited English Proficiency

#### **POLICY AND PROCEDURES FOR COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY**

##### **POLICY:**

*(Insert name of your facility)* will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of *(Insert name of your facility)* is to ensure meaningful communication with LEP patients/clients and their authorized representatives involving their medical conditions and treatment. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consent to treatment forms, financial and insurance benefit forms, etc. *(include those documents applicable to your facility)*. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and patients/clients and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

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

##### **PROCEDURES:**

#### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

*(Insert name of your facility)* will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards," available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with patients (clients/residents) or family members, the language used to communicate with the LEP person will be included as part of the record.

4/10/2018

Example of a Policy and Procedure | HHS.gov

## 2. OBTAINING A QUALIFIED INTERPRETER

***(Identify responsible staff person(s), and phone number(s))*** is/are responsible for:

- (a) Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff ***(provide the list)***;
- (b) Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- (c) Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

***(Identify the agency(s) name(s) with whom you have contracted or made arrangements)*** have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are ***(insert number (s))***, and the hours of availability are ***(insert hours)***.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and ***after*** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other clients/patients/residents will ***not*** be used to interpret, in order to ensure confidentiality of information and accurate communication.

## 3. PROVIDING WRITTEN TRANSLATIONS

- (a) When translation of vital documents is needed, each unit in ***(insert name of your facility)*** will submit documents for translation into frequently-encountered languages to ***(identify responsible staff person)***. Original documents being submitted for translation will be in final, approved form with updated and accurate legal and medical information.
- (b) Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.
- (c) ***(Insert name of your facility)*** will set benchmarks for translation of vital documents into additional languages over time.

## 4. PROVIDING NOTICE TO LEP PERSONS

4/10/2018

Example of a Policy and Procedure | HHS.gov

***(Insert name of your facility)*** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the emergency room, outpatient areas, etc. ***(include those areas applicable to your facility)***. Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations ***(include those areas applicable to your facility)***.

## 5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, ***(insert name of your facility)*** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, ***(insert name of your facility)*** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from patients and community organizations, etc. ***(include those areas applicable to your facility)***.

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Content created by Office for Civil Rights (OCR)

Content last reviewed on July 26, 2013

## Appendix C – Letter to Oklahoma Legislature



U.S. Department of Justice  
Civil Rights Division

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Assistant Attorney General  
950 Pennsylvania Avenue, NW - RFK  
Washington, DC 20530

APR 14 2009

CERTIFIED, RETURN-RECEIPT REQUESTED

The Honorable W.A. Drew Edmondson  
Attorney General of Oklahoma  
313 NE 21st Street  
Oklahoma City, OK 73105

Dear Mr. Edmondson:

Our office is aware that legislators in Oklahoma are seeking to send an English-only constitutional amendment to voters for ratification. If enacted, the amendment generally would seek to require that “[o]fficial actions of the state government be taken only in the English language.” We are writing to advise you that implementation of this amendment may conflict with Oklahoma’s obligations to protect the civil rights of limited English proficient (LEP) persons.

Many state, county, and local jurisdictions receive, either directly or indirectly, federal financial assistance from the Department of Justice (DOJ) or other federal agencies. As you know, recipients of federal financial assistance must comply with various civil rights statutes, including Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.* (Title VI), which prohibits discrimination on the basis of race, color, and national origin. Specifically, Title VI states that no person 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.” Title VI further provides that each federal department and agency empowered to extend federal financial assistance must promulgate regulations that effectuate the purpose of Title VI and obtain assurances of nondiscrimination from the recipients of its financial assistance.

Under DOJ regulations implementing Title VI, recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons. *See* 28 C.F.R. § 42.104(b)(2). As the Department noted in our *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455, 41,457 (June 18, 2002) (*LEP Guidance*):

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from Federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C.

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2000d and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law.

The proposed amendment that passed the Oklahoma House in mid-March (HJR 1042) acknowledges that government use of languages other than English may be required by federal law and would permit use of other languages in such situations. The House proposal further defines “federal law” to exclude, among other things, Executive Order 13166, “unless and until federal or state courts have held [it] to be mandatory and binding on the state.” *Id.* As the *LEP Guidance* noted, the Executive Order, reprinted at 65 Fed. Reg. 50,121 (August 16, 2000), did not create new obligations on recipients of federal financial assistance to ensure meaningful access to their programs or activities; that is, the state’s obligation to abide by Title VI’s bar to discrimination on the basis of national origin against LEP individuals is not dependent on the Executive Order. This Title VI obligation to LEP individuals is long-standing. In *Lau v. Nichols*, 414 U.S. 563 (1974), which addressed the obligation of a school system receiving federal financial assistance to provide language-based assistance to an LEP community, the U.S. Supreme Court held that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. For this reason, the proposed exclusion of the Executive Order from the definition of “federal law” has no practical effect. As *Lau* makes clear, the obligation to provide meaningful access to LEP individuals is mandatory and binding on the state.

The bill, which is now pending in the state Senate, includes a definition of “federal law” that includes only the “express language of the Constitution of the United States, federal laws, or binding and statutorily authorized federal regulations requires the use of a language other than the American dialect of English.” OK HJR 1042 § 1.B.3 (Floor Substitute, Mar. 11, 2009). As discussed above, Title VI, federal regulations implementing Title VI, and the *LEP Guidance* require Oklahoma agencies and other recipients of federal financial assistance to take reasonable steps to provide meaningful access to the LEP individuals they encounter or who are in the eligible service area (including LEP parents and guardians of any minor, whether the minor is LEP or not).

Moreover, the President issued the Executive Order in large part to underscore and provide renewed emphasis on the importance of providing “access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency.” The Executive Order further sets forth an obligation that federal agencies “draft title VI guidance” describing how each will make certain that their recipients provide for such access to LEP individuals. The *LEP Guidance* makes clear that the criteria for use in determining when to provide LEP individuals with meaningful access to federally-supported programs and services “are the same criteria DOJ will use in evaluating whether recipients are in compliance with Title VI and Title VI regulations.” 67 Fed. Reg. at 41,457.

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In order to assist agencies in determining the extent and type of language services needed to meet the legal standard of providing meaningful access to LEP individuals, the *LEP Guidance* recommends considering four factors. These factors take into account that recipients are asked to make increasingly difficult decisions on how to allocate scarce resources. The factors are:

- (1) The number or proportion of LEP persons in the eligible service population;
- (2) The frequency with which LEP individuals come into contact with the program;
- (3) The importance of the program or activity to the LEP person (including the consequences of lack of language services or inadequate interpretation and/or translation); and
- (4) The resources available to the recipient and the costs.

Moreover, this nondiscrimination requirement – including rules applicable to the provision of services to the LEP population – applies notwithstanding state adoption of English-only constitutional amendments or English-only laws or ordinances. The *LEP Guidance* addresses this issue specifically, noting that “some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of Federally assisted services to persons with limited English proficiency.” *Id.* at 41,459. State agencies and other entities in Oklahoma that receive federal financial assistance thus would be precluded by federal law from abiding by an English-only requirement where it conflicts with their obligations under Title VI.

For your convenience, we have enclosed the *LEP Guidance*. We also direct your attention to the Federal Interagency website on limited English proficiency, [www.lep.gov](http://www.lep.gov), to find useful information on language access issues.

The Justice Department has an abiding interest in securing full compliance with the language access requirements of Title VI. The Civil Rights Division welcomes requests for technical assistance from its recipients of federal financial assistance, and works with recipients to create language assistance plans and cost-effective strategies to ensure meaningful access for LEP individuals. Please feel free to contact Merrily A. Friedlander, Chief, Coordination and Review Section, Civil Rights Division, at (202) 307-2222 for more information or assistance on this matter.

Sincerely,



Loretta King  
Acting Assistant Attorney General

Enclosure

**Appendix D – Federal Memorandum by Attorney General Eric Holder****Office of the Attorney General**

Washington, D.C. 20530

February 17, 2011

MEMORANDUM FOR: HEADS OF FEDERAL AGENCIES, GENERAL COUNSELS,  
AND CIVIL RIGHTS HEADS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Federal Government's Renewed Commitment to Language Access  
Obligations Under Executive Order 13166

Executive Order 13166<sup>1</sup> was issued in August of 2000 and this memorandum reaffirms its mandate. The Executive Order has two primary parts. First, it directs each federal agency to develop and implement a system by which limited English proficient (LEP) persons can meaningfully access the agency's services. Second, it directs each agency providing federal financial assistance to issue guidance to recipients of such assistance on their legal obligations to take reasonable steps to ensure meaningful access for LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and implementing regulations.

Whether in an emergency or in the course of routine business matters, the success of government efforts to effectively communicate with members of the public depends on the widespread and nondiscriminatory availability of accurate, timely, and vital information. Events such as the H1N1 influenza pandemic, Hurricanes Katrina and Rita, the Gulf oil spill, and the 2010 Decennial Census highlight the need for federal agencies to ensure language access both in their own activities, as well as in those of the recipients of federal financial assistance.

Despite the legal and public service obligations that compel federal agencies and recipients to ensure language access, a 2006 language access survey of the federal government revealed significant variations in the extent to which federal agencies are aware of, and in compliance with, principles of language access. This conclusion is buttressed by an April 2010 Government Accountability Office (GAO) report on language access at federal agencies. That report offers concrete suggestions, some of which are incorporated in this memorandum, for improving our efforts to comply with Executive Order 13166. Further, federal interagency language access conferences held over the last few years reveal that, while the federal government as a whole has taken commendable strides toward providing language access in

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<sup>1</sup> 65 Fed. Reg. 50,121 (Aug. 16, 2000).

Memorandum from the Attorney General

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SUBJECT: Federal Government's Renewed Commitment to Language Access  
Obligations Under Executive Order 13166

certain areas, the implementation of comprehensive language access programs remains uneven throughout the federal government and among recipients of federal financial assistance, especially in the face of limited resources and personnel.

In an effort to secure the federal government's full compliance with Executive Order 13166, and under the Department of Justice's (DOJ's) coordination authority conferred by Executive Order 12250, I request that your agency join DOJ in recommitting to the implementation of Executive Order 13166 by undertaking the following action items:

- (1) Establish a Language Access Working Group that reflects your agency's organizational structure and is responsible for implementing the federally conducted and federally assisted provisions of the Executive Order.
- (2) Evaluate and/or update your current response to LEP needs by, among other things, conducting an inventory of languages most frequently encountered, identifying the primary channels of contact with LEP community members (whether telephonic, in person, correspondence, web-based, etc.), and reviewing agency programs and activities for language accessibility.
- (3) Establish a schedule to periodically evaluate and update federal agency LEP services and LEP policies, plans, and protocols. As an initial step, within six months after the date of this memorandum, submit updated LEP plans and an anticipated time frame for periodic reevaluation of LEP plans and related documents to the Federal Coordination and Compliance Section (previously named the Coordination and Review Section) of DOJ's Civil Rights Division.
- (4) Ensure that agency staff can competently identify LEP contact situations and take the necessary steps to provide meaningful access.
- (5) Notify the public, through mechanisms that will reach the LEP communities you serve, of your LEP policies, plans, and procedures, and LEP access-related developments. Provide a link to materials posted on your website to the Federal Coordination and Compliance Section so that it can be posted on LEP.gov.
- (6) When considering hiring criteria, assess the extent to which non-English language proficiency would be necessary for particular positions or to fulfill your agency's mission.
- (7) For written translations, collaborate with other agencies to share resources, improve efficiency, standardize federal terminology, and streamline processes for obtaining community feedback on the accuracy and quality of professional translations intended for mass distribution.
- (8) For agencies providing federal financial assistance, draft recipient guidance. Note that such assistance is broadly defined to include not only financial grants, but also equipment, property, rental below fair market value, training, and other forms of assistance. Agencies that have not already done so should issue recipient guidance on compliance with language access obligations, and submit that guidance to the Federal Coordination and Compliance Section of DOJ's Civil Rights Division within six months after the date of this memorandum. Agencies that have determined that they do not provide federal financial assistance and, therefore, do

Memorandum from the Attorney General

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Obligations Under Executive Order 13166

not need to issue recipient guidance, should include a statement of this determination when transmitting the federally conducted language access plan.<sup>2</sup> Federal funding agencies should also regularly review recipient compliance, and provide vigorous technical assistance and enforcement action in appropriate cases.

DOJ's Civil Rights Division, in cooperation with the Federally Conducted Committee of the Interagency Working Group on Limited English Proficiency, will undertake periodic monitoring of these action items through follow-up language access surveys of the type distributed in 2006. Agencies should expect the first of these follow-up surveys in 2011.

For your convenience, the addendum to this memorandum contains a variety of useful information, including links to resources and further guidance on some of the action items outlined above. Should you require further technical assistance or support in implementing the goals of Executive Order 13166, please do not hesitate to contact Christine Stoneman, Special Legal Counsel, or Bharathi Venkatraman, Attorney, at the Federal Coordination and Compliance Section, at (202) 307-2222. Thank you for your continued commitment to ensuring that federal resources and services are available and accessible to the LEP community and the public as a whole.

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<sup>2</sup> Agencies disputing coverage under the Executive Order's provision relating to federally conducted programs and activities should file with the Department a report indicating the basis for disputing coverage, the number of contacts they have had with LEP individuals, the frequency of such contacts, and the nature and importance of such contacts. The report should capture phone contacts, in person contacts, correspondence, and any other interactions with LEP individuals (including via agency websites). Finally, the report should describe the standards such agencies are using to determine LEP status.

**SUPPLEMENT TO THE ATTORNEY GENERAL'S MEMORANDUM  
TO FEDERAL AGENCIES ON EXECUTIVE ORDER 13166 COMPLIANCE**

*SPECIFICS OF IMPLEMENTATION FOR THE ACTION ITEMS:*

- (1) *Action Item:* Each agency should establish a Language Access Working Group that reflects its organizational structure and is responsible for implementing the federally conducted and federally assisted provisions of the Executive Order.

*Specifics:* The Working Group should be chaired by an LEP Coordinator who reports to a designee of the Secretary (or to a designee of a Secretary-level official in charge of the agency). The Working Group should be comprised of individuals from multiple components or operational subdivisions of the agency, and should include members from field offices, as appropriate. Members of the Working Group should be responsible for identifying barriers to language access, consulting with stakeholders, formulating strategies and responses to overcome the barriers to meaningful language access, ensuring consistency within the agency on its federally assisted enforcement activities. They also should be accountable for implementation. Staff should also be apprised of the agency's Language Access Working Group and its mission.

- (2) *Action Item:* Each agency should evaluate and/or update its current response to LEP needs by, among other things, conducting an inventory of languages most frequently encountered, identifying the primary channels of contact with LEP community members (whether telephonic, in person, correspondence, web-based, etc.), and reviewing agency programs and activities for language accessibility.

*Specifics:* Agencies may need to update program operations, services provided, outreach activities, and other mission-specific activities to reflect current language needs. Further, each agency should ensure that its in-house and contract language services, directory of translated documents, signs, and web-based services meet current language needs.

- (3) *Action Item:* Each agency should establish a schedule to periodically evaluate and update agency LEP services and LEP policies, plans, and protocols. As an initial step, updated LEP plans and an anticipated time frame for periodic reevaluation of LEP plans and related documents should be submitted within six months after the date of this memorandum to the Federal Coordination and Compliance Section of the Department of Justice's (DOJ's) Civil Rights Division.

*Specifics:* Requested information can be sent to the Federal Coordination and Compliance Section at 950 Pennsylvania Avenue, NW (NW Bldg), Washington, D.C. 20530, Attention: Christine Stoneman and Bharathi Venkatraman. You may also email information to [christine.stoneman@usdoj.gov](mailto:christine.stoneman@usdoj.gov) or [bharathi.a.venkatraman@usdoj.gov](mailto:bharathi.a.venkatraman@usdoj.gov). Note that an agency's contemplated schedule should not serve to bar the agency from conducting more frequent

inventories/reinventories of languages encountered to ensure that agency services are meeting current language needs and demands.

- (4) *Action Item:* Agencies should ensure that staff can competently identify LEP contact situations and take the necessary steps to provide meaningful access.

*Specifics:* Agency staff should be able to, among other tasks, identify LEP contact situations, determine primary language of LEP individuals, and effectively utilize available options to assist in interpersonal, electronic, print, and other methods of communication between the agency and LEP individuals.

- (5) *Action Item:* Agencies should notify the public, through mechanisms that will reach the LEP communities it serves, of its LEP policies and LEP access-related developments.

*Specifics:* Examples of methods for publicizing LEP access information include, but are not limited to, posting on agency websites, issuing print and broadcast notifications, providing relevant information at “town hall” style meetings, and issuing press releases. Agencies should consult with their information technology specialists, civil rights personnel, and public affairs personnel to develop a multi-pronged strategy to achieve maximum and effective notification to LEP communities.

- (6) *Action Item:* When considering hiring criteria, agencies should assess the extent to which non-English language proficiency would be necessary for particular positions or to fulfill an agency’s mission.

*Specifics:* Determine whether the agency would benefit from including non-English language skills and competence thresholds in certain job vacancy announcements and position descriptions.

- (7) *Action Item:* For written translations, collaborate with other agencies to share resources, improve efficiency, standardize federal terminology, and streamline processes for obtaining community feedback on the accuracy and quality of professional translations intended for mass distribution.

*Specifics:* Agencies should actively participate in the Interagency Working Group’s efforts to develop collaborations and clearinghouse options to produce high quality and effective translations. While improving efficiency is a priority, ensuring the quality of translations is equally, if not more, important. As such, agencies should avoid pursuing free translations from community groups. Rather, community input can serve to ensure that professional translations meet community needs and are appropriate to the audience.

- (8) *Action Item:* For agencies providing federal financial assistance, draft recipient guidance.

*Specifics:* Agencies should refer to the DOJ Recipient Guidance document and LEP.gov, both of which are referenced in the Resources section below, for templates. Agencies should submit their recipient guidance documents for review and approval to the Federal Coordination and Compliance Section of DOJ's Civil Rights Division, at 950 Pennsylvania Avenue, NW (NW Bldg), Washington, D.C. 20530, Attention: Christine Stoneman and Bharathi Venkatraman. You may also email agency recipient guidance to [christine.stoneman@usdoj.gov](mailto:christine.stoneman@usdoj.gov) or [bharathi.a.venkatraman@usdoj.gov](mailto:bharathi.a.venkatraman@usdoj.gov).

*RESOURCES:*

Executive Order 13166:

<http://www.justice.gov/crt/cor/Pubs/eolep.pdf>

DOJ LEP Guidance:

<http://www.justice.gov/crt/cor/lep/DOJFinLEPFRJun182002.php>

Website of the Federal Interagency Working Group on LEP:

<http://www.lep.gov>

Top Tips from responses to the 2006 language access survey of federal agencies:

[http://www.lep.gov/resources/2008\\_Conference\\_Materials/TopTips.pdf](http://www.lep.gov/resources/2008_Conference_Materials/TopTips.pdf)

The 2006 Language Access Survey:

[http://www.lep.gov/resources/2008\\_Conference\\_Materials/FedLangAccessSurvey.pdf](http://www.lep.gov/resources/2008_Conference_Materials/FedLangAccessSurvey.pdf)

GSA Language Services Schedule:

<http://www.gsa.gov/portal/content/104610>

I Speak Language Identification flashcards:

<http://www.lep.gov/ISpeakCards2004.pdf>

LEP rights brochure:

[http://www.lep.gov/resources/lep\\_aug2005.pdf](http://www.lep.gov/resources/lep_aug2005.pdf)

## Appendix E – Email Communication With United Way Executive Director, Sheri Carter

8/5/2018

Oklahoma State University Mail - Please respond: OSU Honors Thesis Survey



Carey, Mekaila &lt;mekaila@ostateemail.okstate.edu&gt;

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### Please respond: OSU Honors Thesis Survey

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Sheri Carter &lt;sheri@unitedwaypaynecounty.org&gt;

Tue, Jun 12, 2018 at 10:04 AM

UWPC Partner Agencies Executive Directors,

Would you please take 10 minutes to complete the survey found in the link below. This will help an OSU Honors Student in Non Profit Management. This is the department that has provided the WONDERFUL training on Impact Measurement to our partner agencies in the past. Thank you for your time!

Sheri Carter  
Executive Director  
United Way of Payne County Inc.  
*65 years of Living United*  
109 East 9th Avenue  
Post Office Box 308  
Stillwater, OK 74076-0308  
405-377-2161 Phone  
405-372-6122 Fax  
[sheri@unitedwaypaynecounty.org](mailto:sheri@unitedwaypaynecounty.org)  
[www.unitedwaypaynecounty.org](http://www.unitedwaypaynecounty.org)



This survey is being conducted by Mekaila Carey, a Senior Business Honors Student focusing on Nonprofit Management at Oklahoma State University. She is under the direction of Professors Dr. Julie Tikalsky and Dr. Scott Johnson. The survey is a part of research being conducted for a Senior Honors Thesis titled: *Are the services provided by the United Way of Payne County Partner Agencies accessible to Limited English Proficiency (LEP) speakers?*

The Executive Director of the organization should respond to the survey. The survey can be answered on a computer or a phone. It has to be taken in one sitting but can be completed in about 10 minutes. There is no back button. Questions can be left unanswered if the organization does not feel comfortable giving a response. The survey results will be analyzed and the name of the organization along with its responses will be published in the thesis report.

The survey closes Monday, June 25th. If you have any questions about the survey, Mekaila can be contacted by email at [mekaila.carey@okstate.edu](mailto:mekaila.carey@okstate.edu) or by telephone at (405) 831-6922.

Thank you for your participation!

**Survey link:** [http://okstatebusiness.az1.qualtrics.com/jfe/form/SV\\_cMd8OkwWGRlywLP](http://okstatebusiness.az1.qualtrics.com/jfe/form/SV_cMd8OkwWGRlywLP)

## Appendix F – Copy of Survey Questions

# Honors Thesis Survey

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### Start of Block: Introduction

This survey is being conducted by Mekaila Carey, a Senior Business Honors Student focusing on Nonprofit Management at Oklahoma State University. She is under the direction of Professors Dr. Julie Tikalsky and Dr. Scott Johnson. The survey is a part of research being conducted for a Senior Honors Thesis titled: *Are the services provided by the United Way of Payne County Partner Agencies accessible to Limited English Proficiency (LEP) speakers?* The Executive Director of the organization should respond to the survey. The survey can be answered on a computer or a phone. It has to be taken in one sitting but can be completed in about 10 minutes. There is no back button. Questions can be left unanswered if the organization does not feel comfortable giving a response. The survey results will be analyzed and the name of the organization along with its responses will be published in the thesis report.

The survey closes Monday, June 25th. If you have any questions about the survey, Mekaila can be contacted by email at [mekaila.carey@okstate.edu](mailto:mekaila.carey@okstate.edu) or by telephone at (405) 831-6922.

Thank you for your participation!

### End of Block: Introduction

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### Start of Block: Block 1

What is the name of the organization?

---

Does the organization receive federal funding?

Yes (1)

No (2)

Page Break 

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Is the organization familiar with the term LEP?

"Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP."

<https://www.lep.gov/faqs/faqs.html#OneQ7>

Yes (1)

No (2)

---

Page Break

Is the organization familiar with Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"?

"On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries."

<https://www.lep.gov/faqs/faqs.html#OneQ7>

Yes (1)

No (2)

---

Page Break

Does or has the organization serve(d) Limited English Proficient (LEP) individuals?

Yes (1)

No (2)

---

Does the organization currently provide assistance to help LEP individuals access the organization's services?

- Yes (1)
- No (2)

---

*Display This Question:*

*If Does the organization currently provide assistance to help LEP individuals access the organizatio... = Yes*

Please explain how the organization currently provides assistance to help LEP individuals access the organization's services.

---

---

Page Break

*Display This Question:*

*If Does the organization currently provide assistance to help LEP individuals access the organizatio... = No*

Does the organization have the capability to provide services to overcome language barriers?

- Yes (1)
- No (2)

---

Page Break

*Display This Question:*

*If Does the organization have the capability to provide services to overcome language barriers? = No*

Would offering these LEP services be a burden on the organization?

- Yes (1)
- No (2)
-

Page Break

---

*Display This Question:*

*If Would offering these LEP services be a burden on the organization? = Yes*

Please explain the burden offering LEP services would put on the organization.

---

Page Break

---

*Display This Question:*

*If Does the organization currently provide assistance to help LEP individuals access the organizatio...  
= Yes*

Has the organization provided assistance without a translation service?

Yes (1)

No (2)

---

Page Break

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*Display This Question:*

*If Has the organization provided assistance without a translation service? = Yes*

Please explain how staff members overcame language barriers without translation services.

---

Page Break

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Would the organization use a free translation service if it was provided?

- Definitely yes (32)
- Probably yes (33)
- Probably not (34)
- Definitely not (35)

---

Page Break

*Display This Question:*

*If Would the organization use a free translation service if it was provided? = Probably not  
Or Would the organization use a free translation service if it was provided? = Definitely not*

Please explain why the organization would not use a free translation service.

---

---

Page Break

The organization has been unable to provide services to potential clients because of a language barrier.

- Strongly agree (1)
- Agree (2)
- Somewhat agree (3)
- Neither agree nor disagree (4)
- Somewhat disagree (5)
- Disagree (6)
- Strongly disagree (7)

There are populations the organization wants to serve but cannot serve because of a language barrier.

- Strongly agree (1)
  - Agree (2)
  - Somewhat agree (3)
  - Neither agree nor disagree (4)
  - Somewhat disagree (5)
  - Disagree (6)
  - Strongly disagree (7)
- 

Connecting with clients in their first language is vital to success of the organization.

- Strongly agree (1)
- Agree (2)
- Somewhat agree (3)
- Neither agree nor disagree (4)
- Somewhat disagree (5)
- Disagree (6)
- Strongly disagree (7)

End of Block: Block 1

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## Appendix G – Difference in Translator and Interpreter

*The following definition is found on the LEP.gov website under the section, Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP), Question 11 <https://www.lep.gov/faqs/faqs.html#OneQ11>*

### **11. Q. What is the difference between a bilingual staff person and an interpreter or translator?**

A. People who are completely bilingual are fluent in two languages. They are able to conduct the business of the workplace in either of those languages. Bilingual staff can assist in meeting the Title VI and Executive Order 13166 requirement for federally conducted and federally assisted programs and activities to ensure meaningful access to LEP persons.

One of the primary ways that bilingual staff can be used as part of a broader effort to ensure meaningful access is to have them conduct business with the agencies' LEP clients directly in the clients' primary language. For instance, 911 call centers and a variety of hotlines frequently employ bilingual operators who can communicate directly with LEP callers in a particular language.

Social service workers, police, corrections, and probation officers, and others frequently are also called upon to communicate directly with the public in languages other than English. This is sometimes called "monolingual communication in a language other than English." It does not involve interpretation or the translation between languages. However, it does require fluency in the non-English language, including fluency in agency terminology. Such fluency should be assessed prior to relying on the bilingual employee for the provision of services.

Many individuals have some proficiency in more than one language, but are not completely bilingual. They may be able to greet a limited English proficient individual in his or her language, but not conduct agency business, for instance, in that language. The distinction is critical in order to ensure meaningful communication and appropriate allocation of resources. As valuable as bilingualism and ability to conduct monolingual communication in a language other than English can be, interpretation and translation require additional specific skills in addition to being fully fluent in two or more languages.

### **Interpretation**

Interpretation involves the immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text. As a result, interpretation requires skills different from those needed for translation.

Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting.

Consequently, extreme care must be exercised in hiring interpreters and interpreting duties should be assigned to individuals within their performance level. Command of at least two languages is prerequisite to any interpreting task. The interpreter must be able to (1) comprehend two languages as spoken and written (if the language has a script), (2) speak both of these languages, and (3) choose an expression in the target language that fully conveys and best matches the meaning of the source language.

From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions or embellishments on the part of the interpreter.

Professional interpreters and translators are subject to specific codes of conduct and should be well-trained in the skills, ethics, and subject-matter language. Those utilizing the services of interpreters and translators should request information about certification, assessments taken, qualifications, experience, and training. Quality of interpretation should be a focus of concern for all recipients.

Many court systems have adopted assessments, certification or other qualification procedures to ensure quality, so when hiring an interpreter, whether for courtroom or other assignments, such competency measures should be taken into consideration. Interpreters can be physically present, or, if appropriate, may appear via videoconferencing or telephonically. When videoconferencing or telephonic interpretation are used, options include connecting directly to a specific professional interpreter with known qualifications, or opting to use a company providing telephonic interpretation services, preferably one with quality control safeguards in place. In many circumstances, using a professional interpreter or translator will be both necessary and preferred. However, if bilingual staff are asked to interpret or translate, they should be qualified to do so. Assessment of ability, training on interpreter ethics and standards, and clear policies that delineate appropriate use of bilingual staff, staff or contract interpreters and translators, will help ensure quality and effective use of resources.

Several resources are available on this topic, just a few of which include: [DOJ Guidance \(PDF\)](#) 67 FR 41455, 41461 - 41464 (June 18, 2002). [DOJ Tips and Tools document](#):Chapter 1B. [Interpretation and Translation](#) page on [www.lep.gov](http://www.lep.gov).

## Appendix H – Additional Assistance on Offering LEP Services

- View federal agency plans, DOJ guidance documents, LEP demographic data, and other resources at [www.lep.gov](http://www.lep.gov)
- Consult with the Civil Rights Division, Federal Coordination and Compliance Section, <http://www.justice.gov/crt/about/cor/>
- Contact the National Virtual Translation Center for help in obtaining translations, <http://www.nvtc.gov/>
- Obtain help in constructing multilingual websites at <https://www.digitalgov.gov/2014/07/01/multilingual-digital-content/>
- Participate in the Federal Interagency Working Group on Limited English Proficiency by visiting <http://www.lep.gov/iwglep.htm>
- Participate in the Interagency Language Roundtable, <http://www.govtilr.org/>
- U.S. Department of Justice Civil Rights Division’s Document on Tips and Tools from the Field for Executive Order 13166  
<https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/Final%20Tips%20and%20Tools%20Document.%209%2021%2004.pdf>
- The United States Department of Justice - FCS PUBLICATIONS OF MAJOR INTEREST <https://www.justice.gov/crt/fcs/fcs-publications-major-interest>
- To request a training session on LEP, brochures, a copy of the video, or for other technical assistance, please call COR at (202) 307-2222. TDD: (202) 307-2678.