

# **Title VI & LEP Guidelines**

## **SUBJECT:**

Providing Language Assistance to Limited English Proficient (LEP) Persons

## **PURPOSE:**

To provide guidance regarding the obligation to provide language assistance to limited English proficient (LEP) persons

## **AUTHORITY:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons.

## **SCOPE:**

These guidelines apply to UDOT Complex, Regions our recipients, sub-recipients and other Department agents who receive federal financial assistance for their programs and services.

## **I. SUMMARY**

As recipients of federal financial assistance, we have a responsibility to assure nondiscrimination in service delivery to persons who are limited-English proficient. Effective plans include clear goals, management accountability and opportunities for community input and planning throughout our processes.

### **A. Assessment**

The Title VI Coordinator will make periodic assessments (but no period shall be longer than one year) of the languages spoken by LEP persons within our service area and the number of LEP persons who are eligible for the services, and then supply appropriate language assistance according to these guidelines.

## **B. Language Assistance**

The Title VI Coordinator will take reasonable steps to assure that LEP persons receive the language assistance necessary to afford them meaningful access to our programs and services.

- ~ We will identify the initial point of contact, as well as any subsequent points of contact, with LEP persons where language assistance is likely to be needed.
- ~ We will provide a method or methods at the initial point of contact to notify LEP persons that:
  - a. upon request, they are offered language assistance;
  - b. language assistance will be provided at no cost to them; and
  - c. vital documents translated.
- ~ Based on its assessments, we will make arrangements, based on these guidelines, for appropriate interpreter and translation services. The language needs, the resources to provide effective language, and the arrangements to access these resources in a timely fashion shall be promptly determined and prominently displayed for future reference.

## **C. Monitoring**

Periodically (but no period shall be longer than one year), everyone will monitor its language assistance program to assess its effectiveness.

Monitoring shall include, but is not limited to:

1. determining whether existing language assistance is meeting LEP person's needs;
2. determining whether staff is trained in current LEP policies; and,
3. determining whether resources and arrangements for assisting LEP persons is still current and viable.

## **II. DISCUSSION**

### **1. Who is an LEP person?**

A person who, due to national origin, does not have or has limited ability to read, write, speak, or understand English to the extent that he or she cannot have meaningful access to a the Department's services. Limited English proficient persons are entitled to language assistance with respect to a particular type of service, benefit, or encounter.

#### **A. Assessment**

Assessment involves estimating the number of LEP persons in each language group that are likely to be encountered within our service area, identifying the LEP language needs within the service area, identifying the language resources available to meet the LEP language needs and making arrangements to supply effective and timely language assistance.

#### **B. Determining the Extent of the Obligation to Provide LEP Services**

The intent is to achieve a balance that assures meaningful access to critical services while not imposing undue burdens on the Department, its recipients and sub-recipients. The starting point is an analysis that considers four factors:

- ~ The number or proportion of LEP persons served or encountered in the eligible service population;
- ~ The frequency with which LEP persons come in contact with the program;
- ~ The nature and importance of the program, activity or services; and,
- ~ The translation and interpreter resources available and the costs to the District for such services.

### **C. Providing Meaningful Access to Services**

The key to assuring “meaningful access” to services and benefits for LEP persons is to provide language assistance that results in accurate and effective communication between the District and our communities by considering the types of services and/or benefits, and the person’s circumstances.

Effective programs for LEP services usually consist of the following:

1. Annual assessment of the language needs of the population to be served through, for example:
  - a. Identification of the languages other than English that are likely to be encountered in the service area and by estimating the number of LEP persons in each language group who are likely to be directly affected by our programs or activities;
  - b. Review of census and county labor-market data; or
  - c. Review of statistics from school systems, community agencies and organizations; and,
  - d. Comparison to demographic data.
2. Maintaining LEP status for certain communities in files to assure consistent communication in the appropriate language.
3. Identifying the stages or contact points in the program or service area where language assistance is likely to be needed.
4. Reviewing delivery processes to determine whether any program process denies or limits participation by LEP persons.
5. Understanding circumstances in which there may be a need for third-party communication (for example, communicating with the limited English proficient parent’s children regarding their property which is involved with ROW).

6. Identifying and locating the translation and interpreter resources that are needed to provide the language assistance.

#### **D. Language Assistance**

At a minimum, LEP persons shall be notified that:

1. upon request, they are offered language assistance; and
2. language assistance will be provided at no cost to the person; and,
3. vital documents translated.

There are two major components to a language-assistance program:

1. oral language interpretation and
2. translation of written materials.

#### **2. Discrimination-Complaint Procedures**

LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral translation of vital information we will provide upon request.