

Model Policy Limited English Proficiency Plan¹

I. Purpose of Meaningful Access

The purpose of this plan is to ensure <Program Name> provides free meaningful access to advocacy and program services promoting the social and emotional well-being of individuals and their children who are impacted by gender based violence or other crimes and are limited in English language proficiency.

All agencies that receive federal financial assistance must take reasonable steps to ensure all individuals with limited English language proficiency and/or their children who are in need of services or benefits, or could access services or benefits receive the language assistance necessary to create meaningful access to advocacy and program services.

II. Build Capacity of Organization to Provide Language Access

A. Meaningful Collaboration with Organizations

In an effort to build the capacity of the organization to provide meaningful language access, <Program Name> will be proactive by identifying and fostering meaningful collaborations with organizations who primarily work with individuals with limited English proficiency, such as individuals from Latino, refugee, or immigrant communities.

If such organizations do not exist in the community, <Program Name> will identify community leaders who speak the identified language and will collaborate with the community leaders to create environments and initiatives focused on meaningful language access. The purpose of the collaboration is to build relationships with limited English proficient communities and strengthen the cultural competency of the organization to encourage the exchange of accurate information rather than stereotypes, interact on equal terms, to foster collaborative and supportive authority and to develop a sense of unity.

B. Racial and Ethnic Equity Impact

In providing meaningful access to services and benefits, <Program Name> understands that power, privilege and racism and other forms of oppression are deeply connected to gender based violence and are critical to understand on a relational level and subsequently the cultural competency of the organization. To that end, <Program Name> will engage staff, board and volunteers in an ongoing racial and ethnic equity work, which could include a range of options such as organizational readings on power, privilege, racism, and other forms of oppression, training for staff, board, and volunteers, an organizational self-assessment, and/or a racial equity impact assessment to examine how different racial and ethnic groups are likely to be affected by organizational policies, practices, programs, plans and budget decisions. (See VIII. Recommended Readings)

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III. Language Access Plan

A. Individuals covered by the plan

The <Program Name> will provide free meaningful access to all the services provided to persons who are not able to speak, read, write or understand the English language well enough to effectively interact and communicate with service providers:

1. Adults and children with limited English proficiency who are in need of services or benefits offered by the program; and
2. Adults and children who could access services or benefits offered by the program.

B. Commitment to Provide Meaningful Access

<Program Name>'s primary focus is to promote the social and emotional well-being of all individuals and/or their children experiencing or impacted by gender based violence.

Therefore, <Program Name> will develop and secure sustainable language resources as needed in both oral and written form so that no individual with limited English proficiency and/or their children will be denied access to information or services.

C. Affirmative Offer of Language Assistance

<Program Name> staff will be proactive by initiating an offer for language assistance to individuals who have difficulty communicating in English requesting access to <Program Name> the range of advocacy and program services, including vital documents that are critical for accessing federally funded services or benefits or are documents required by law such as:

1. Crisis information, Intake forms, confidentiality waivers, safety plans, and all brochures generated by <Program Name> for use by individuals and/or their children experiencing or impacted by gender based violence;
2. Community education materials generated by <Program Name> for distribution; and
3. Referral information to community or governmental resources.

IV. Utilizing the Language Access Plan

A. Notice of Right to Language Assistance

<Program Name> is committed to promoting the social and emotional well-being of individuals (and/or their children) limited in their English language proficiency experiencing or impacted by gender based violence. <Program Name> will compile and maintain the following resources so that individuals with limited English proficiency will be informed of their right to free and timely interpreter services:

1. **LEP Plan:** <Program Name> will utilize the LEP Plan to develop and improve plans to promote the social and emotional well-being of individuals and their children limited in their English language proficiency experiencing or impacted by gender based violence.

2. **Notice of Right to Language Assistance Flier:** <Program Name> will have fliers titled “Notice of Right to Language Assistance” available in the languages most commonly encountered in that jurisdiction.
3. **“I Speak” Cards:** <Program Name> will display laminated business-sized cards that say in both English and the principal languages “I need a (the appropriate language) interpreter.” Organizations are strongly encouraged to seek out resources to ensure that all translations and resources can be checked for correctness and accuracy. “I Speak” cards are available on LEP.gov for organizations to print out.
<http://www.lep.gov/ISpeakCards2004.pdf>
4. **Language Assistance Posters:** <Program Name> will display posters in intake areas that read “Free interpreter services are available. Please ask for assistance.” This statement will be repeated in the principle languages of the service area. Other ways to provide notice to LEP individuals include stating in outreach documents that language services are available from <Program Name>. Announcements could be in brochures, booklets, and in outreach and recruitment information. These statements should be translated into the principle languages and working with community-based organizations and other allies to inform LEP individuals of <Program Name>’s services, including the availability of language assistance services.

B. Working with Interpreters

1. **Identify language needed:** <Program Name> will promptly determine the language for which interpreter services are needed, if necessary, with the aid of “I Speak” Flashcards or Language Identification poster, or the use of the phone language line. In addition, when records are kept of interactions with clients, the language used to communicate will be included as part of the record.
2. **Do not use minor children:** <Program Name> will not use minor children to interpret, in order to ensure confidentiality of information and accurate communication and to prevent trauma to the child and interference with the parent-child relationship.
3. **Medium of interpretations:** <Program Name> will assess which medium of interpretation (telephone or in person) is appropriate based on the presenting situation, available resources and preference of the individual.
4. **Competency Standards:** <Program Name> will use interpreters who meet the following competency standards:
 - Has a demonstrated proficiency in and ability to communicate information accurately in both English and the intended language;
 - Understands and follows confidentiality and impartiality rules and is willing to sign a confidentiality agreement;
 - Has a fundamental knowledge in both languages of any specialized terms or concepts;
 - Has sensitivity to the client’s culture. And is able to communicate concerns about care or potential resources to the service provider; and
 - Understands and adheres to their role as interpreters without deviating into other roles.

C. Interpretation Resources (by order of preference)

1. **<Insert Program Name> Bilingual Staff or Volunteers** <Program Name>'s first resource is its bilingual staff or volunteers to provide the services in the primary language of the individual for whom language assistance is necessary. Bilingual staff and volunteers will be given the opportunity to volunteer their language skills for use as interpreters to assist other staff, volunteers or others providing the services who do not speak the required language. However, due to the fact that interpretation and translation require a special skill set, all bilingual staff and volunteers agreeing to assist as interpreters will be assessed for level of competency and will receive training on interpreting skill and interpreter ethics.

2. **Telephone Interpreter Services**

Statewide Hotline and National Hotline

Example: Language Line Services (1-800-367-9559) www.language.com, formerly known as AT&T Language Line, provides telephone interpretation in over 140 languages 24 hours a day, seven days a week.

Helpful hints for using Telephone Interpreters

- Identify the purpose of your call;
- Enunciate and avoid contractions;
- Speak in short sentences;
- Speak slowly and pause frequently;
- Avoid use of double negatives;
- Speak in first person;
- Avoid colloquialisms and acronyms;
- Briefly explain technical terms;
- Check in with interpreter regarding her/his understanding, your rate and pattern of speech. Check in with caller to ensure her/his understanding; and
- Be patient.

3. **In Person Interpreter Services**

Professional Services: <Program Name> will use ____ as its professional interpreting service after determining that it meets the competency standards.

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

4. **Family and/or Friends as Interpreters**

Family members or friends of the LEP individual will not be used as interpreters unless specifically requested by that person and after the LEP individual has understood that they have the right to an interpreter at no cost to them and that the use of family or friends as interpreters may undermine the confidentiality of their communication. Whenever possible <Program Name> will accommodate the LEP individual's wishes to have family or friends serve as interpreters and with the understanding that the LEP individual can request an interpreter at any point in time rather than the family member or friend. However, <Program Name> will not use minor children as interpreters. <Program

Name> will consider issues of confidentiality, privacy, conflict of interest, and interpreter competency when family members or friends have been requested.

Things to consider:

- Was the LEP individual offered free interpreter services?
- Did the LEP individual understand her/his right to free services?
- What is the nature of information being shared?
- What is the level of safety risk for the LEP individual?

D. Translation Resources (written materials)

<Program Name> has agreed that ___% or more of persons within a non-English language group will trigger translation of vital documents or information listed below. For less frequently encountered languages, it still remains necessary to obtain oral interpretation of the content of vital documents when providing services to an individual with limited English proficiency. A current census and other demographic data about the immigrant populations living in the areas will be evaluated each year to ensure that language needs are identified.

1. What are “Vital Documents or Information”?

Vital documents or information are those that are critical for accessing federally funded services or benefits or are documents required by law. For the purposes of <Program Name>'s services to survivors and other LEP individuals, the following are deemed vital documents:

- Any and all sexual and domestic violence or related brochures generated by <Program Name> for use by survivors and/or their families or partners;
- Community education materials generated by <Program Name> for distribution;
- Materials directed at families, friends, and partners of survivors;
- Crisis information or referral information to area resources; and
- Intake forms, confidentiality waivers, etc.

2. Quality Standards for Translated Materials

<Program Name> uses <Insert Translation Service Name> for translation services. All translated materials are sent to an independent second reader, ideally a native speaker of the intended language, for proof reading, editing, and identifying terms used in ordinary or familiar every day conversation. Whenever possible, a focus group of 3 to 5 native speakers from the linguistic community will review the document for readability, accuracy and use of jargon.

3. Accessing Translated Materials Online

If <Program Name> has a website, brochures and documents in other languages will be accessed online at <Program Website>.

V. LEP Plan Administration

A. Collection of Language Preference Information

In order to provide quality services to LEP individuals, <Program Name> must periodically identify the language needs of their LEP individuals. The organization will do so by recording and gathering the following information:

1. <Program Name> will record the number of direct requests for services, training and publications in principle languages other than English from survivors and other LEP individuals.
2. <Program Name> will identify and track the language needs and the language tools used by and offered to their respective clients and community.
3. <Program Name> will use Census data, statewide crisis hotline data, school data, court data, and welfare system data or other local government data to assess and track the language needs in the area.

B. Staff Training

<Program Name> will distribute the LEP plan to all staff and will have a current electronic copy available so all staff will be knowledgeable of LEP policies and procedures. One staff may be appointed to monitor implementation of the plan and conduct staff training as needed.

1. All staff providing technical assistance, training or receiving in-bound calls will receive annual LEP training, or training upon employment followed by annual trainings thereafter.
2. LEP plan information will be incorporated into the <Program Name> employee handbook.
3. LEP training will include information on the following topics:
 - Overcoming Racism and Understanding Power, Privilege and Oppression;
 - <Program Name>'s legal obligation to provide language assistance;
 - <Program Name>'s LEP plan and procedures;
 - Responding to LEP individuals;
 - Obtaining Interpreters (phone, face-to-face, training);
 - Using and working with interpreters;
 - Translation procedures; and
 - Documenting language requests.

C. Monitoring

<Program Name> will conduct an annual evaluation of its LEP plan to determine its overall effectiveness, review the progress of stated goals and identify new goals or strategies for serving LEP individuals. The appointed staff will lead the evaluation with the assistance of other staff. The evaluation will include the following:

1. Assessment of the number of LEP individuals in our service area;
2. Assessment of the number and types of language requests collected during the past year;
3. Assessment of whether existing language assistance services are meeting the needs of LEP individuals; and
4. Assessment of whether staff members understand <Program Name>'s LEP plan and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are up-to-date and still accessible.

VI. Definitions

Effective Communication: The Limited English Proficient individual is able to receive information about and understand the range of services available. Further, the individual must be able to meaningfully communicate the circumstances and needs to the service provider. Lastly, the provider needs to be able to address needs and link individuals to services in a way that respects individual autonomy and from a framework of empowerment and social and emotional well-being.

Gender based Violence: Gender-based violence is used to describe violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society, including domestic violence, sexual violence, adolescent relationship abuse, and stalking. While women, girls, men, and boys can be victims of gender-based violence, the majority of persons affected by gender-based violence are women and girls, as a result of unequal distribution of power in society between women and men. This is not to say that gender-based violence against men does not exist. For instance, men can become targets of physical or verbal attacks for transgressing predominant concepts of masculinity. Men can also become victims of violence in the family – by partners or children. No person, group, or community is immune from violence.

Interpretation: The oral or spoken transfer of a message from one language into another.

Limited English Proficient (LEP): A person, who is not able to speak, read, write or understand the English language well enough to allow him or her to interact effectively with or communicate their own needs to service providers.

Meaningful Access: The standard of access required of federally funded entities to comply with Title VI's language access requirements, which includes the availability of free language assistance that results in accurate and effective communication in order to effectively access the services and information provided by the organization. Examples include bilingual advocates, materials in multiple languages, videos welcoming individuals impacted by violence in multiple languages to address initial questions until an interpreter is present, materials in the languages that are relevant to your community.

Primary Language: Primary languages are the languages other than English that are most commonly spoken by ___% or more persons in the service area of the Program as determined by <Program Name>'s internal survey and research process. (See page 6.) Currently there is/are (insert number of languages at or above the percentage): (insert languages).

Translation: The written transfer of a message from one language into another language.

VII. Authorities

A. Federal Authorities

1. Title VI of Civil Rights Act of 1964, 42 U.S.C. §2000 et seq.: 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
2. Office for Civil Rights Policy Guidance, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English proficient Persons, 68 FR 47311 (2003). <http://www.hhs.gov/ocr/lep/>
3. Department of Justice regulation, 28 CFR §42.405(d) (1), Department of Justice, Coordination of enforcement of Non-discrimination in Federally Assisted Programs, Requirements for Translation.

VIII. Recommended Readings on Power, Privilege and Oppression

Individual focus:

Overcoming Our Racism: The Journey to Liberation, Derald Wing Sue

Uprooting Racism, How White People Can Work for Racial Justice, Paul Kivel.

White Privilege: Unpacking the Invisible Knapsack, Peggy McIntosh (article)

<http://amptoons.com/blog/files/mcintosh.html>

Organizational focus:

Dancing on Live Embers: Challenging Racism in Organization, Tina Lopes and Barb Thomas