

Monthly Civil Rights Webinar Series for Recipients:
**Developing Language Access Policy and
Procedures**

Presented by

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U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

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Homeland
Security

Webinar Agenda

- I. Introduction and Logistics
- II. Presentation
 - The role of the DHS Office for Civil Rights and Civil Liberties
 - The DHS Civil Rights Evaluation Tool
 - Key information and Q&A
 - Section 4 Requirements:
 - Developing Language Access Policy and Procedures
- III. Technical Assistance Resources

Why am I here?

- Entities that receive grants from the Federal Government must comply with applicable civil rights authorities.
- When a recipient provides programs and services, and carries out activities, it cannot discriminate against the program beneficiaries based on race, color, national origin (including language), disability, age, sex, or religion.
- DHS is required to ensure that its recipients are carrying out their programs and activities in a nondiscriminatory manner.
- This presentation will provide information on what is needed to complete the DHS Civil Rights Evaluation Tool, which may assist recipients in meeting their administrative requirements.

DHS Office for Civil Rights and Civil Liberties (CRCL)

- As one of its functions, CRCL implements a comprehensive compliance program to ensure nondiscrimination in DHS assisted programs and activities in accordance with civil rights authorities. This program includes:
 - **Data Collection**
 - **Technical Assistance and Training**
 - **Issuing Policy, Guidance, and Resources**
 - Compliance Reviews
 - Complaint Investigations
 - Outreach to program beneficiaries and stakeholders

DHS Office for Civil Rights and Civil Liberties (CRCL)

- CRCL coordinates with FEMA and other DHS Component agencies that administer grants and other type of financial assistance to ensure that recipients understand and are able to meet their civil rights requirements.
- CRCL also coordinates with other federal agencies that may also provide grants to DHS recipients.

DHS Civil Rights Evaluation Tool

DEPARTMENT OF HOMELAND SECURITY
CIVIL RIGHTS EVALUATION TOOL

OMB Control No. 1601-0024
 Expiration Date 01/31/2021

Section 1: Instructions

Entities selected to receive a grant, cooperative agreement, or other award of Federal financial assistance from the U.S. Department of Homeland Security (DHS) or one of its Components must complete this form and submit required data within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of this form from DHS or its awarding component. Recipients are required to provide this information once every two (2) years, not every time a grant is awarded.

Submit the completed form, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This form clarifies the recipient's civil rights obligations and related reporting requirements contained in the [DHS Standard Terms and Conditions](#).

For recipients who have previously submitted this form in the last two (2) years, if the information provided in response to any of the items below has not changed since the last submission, and there are no additional updates, please indicate "no change" under each applicable item; do not re-submit information previously submitted.

Subrecipients are not required to complete and submit this form to DHS. However, subrecipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's instructions for submitting civil rights information to those recipients.

Section 2: Organization Information

Organization Name:	Unique Entity Identifier:
Address (Street, City, State, Zip code):	
Contact Person / Title:	
Email / Telephone:	
Grant Agreement Number:	Federal Award Identification Number:

Section 3: Civil Rights Requirements

As a condition of receipt of Federal financial assistance, the recipient is required to comply with applicable provisions of laws and policies prohibiting discrimination, including but not limited to:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

Section 4: Required Information

1. Provide the total number of complaints or lawsuits against the recipient during the past three (3) years alleging discrimination on the basis of race, color or national origin (including limited English proficiency), sex, age, disability, religion, or alleging retaliation. For each complaint or lawsuit, state the following:
 - a. Employment or non-employment related;
 - b. Basis (race; color; national origin, including limited English proficiency; sex; age; disability; religion); or alleging retaliation; and
 - c. Status (pending, closed with findings, closed with no findings).
 Additionally, if a court or administrative agency made a finding of discrimination in a non-employment complaint for the above three (3) years, forward a copy of the complaint and findings to DHS.

Responses should not include personally identifiable information (PII) that is outside of public record. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any information which is linked or linkable to an individual.
2. Provide a brief description of any civil rights compliance reviews regarding the recipient conducted during the two (2) year period before this award of DHS Federal financial assistance.
3. Provide a statement affirming that staff has been designated to coordinate and carry out the responsibilities for compliance with civil rights laws, and a description of the responsibilities of any such staff.
4. Provide a copy of the recipient's nondiscrimination policy statement referencing the laws and regulations in Section 3.
5. Provide a copy of the recipient's discrimination complaints process.
6. Provide a copy of the recipient's plan to ensure compliance in subrecipient programs (only applies to state administering agencies and other recipients that provide assistance to subrecipients). The plan should describe the process for conducting reviews of subrecipients.
7. Provide copies of the recipient's policy and procedures used to ensure nondiscrimination and equal opportunity for persons with disabilities to participate in and benefit from the recipient's programs and services.
8. Provide copies of the recipient's policy and procedures regarding the requirement to provide meaningful access to programs and services to individuals with limited English proficiency (LEP).

Section 5: Additional Information

Resources for recipients related to the above requirements: <http://dhs.gov/resources-recipients-dhs-financial-assistance>

For questions and assistance with this form, please contact:

DHS Office for Civil Rights and Civil Liberties
 Email: CivilRightsEvaluation@hq.dhs.gov
 Phone: 202-401-1474
 Toll Free: 1-866-644-8360
 TTY: 202-401-0470
 Toll Free TTY: 1-866-644-8361

Federal Emergency Management Agency, Office of Equal Rights (for FEMA recipients):
 Email: fema-civil-rights-form@fema.dhs.gov
 Phone: 202-646-3535

Paperwork Reduction Act

The public reporting burden to complete this information collection is estimated at 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and the completing and reviewing the collected information. The collection of information is mandatory. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number and expiration date. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

ATTN: PRA [OMB Control No. 1601-NEW]
 Office for Civil Rights and Civil Liberties
 U.S. Department of Homeland Security
 Building 410, Mail Stop #0190
 Washington, D.C. 20528

DHS Civil Rights Evaluation Tool – Key Information

The DHS Civil Rights Evaluation Tool is a technical assistance tool to assist recipients in understanding and being able to meet their civil rights requirements.

Objectives:

- To remind recipients of important civil rights requirements
- To assist recipients in meeting their obligations
- To connect recipients with resources and technical assistance

DHS Civil Rights Evaluation Tool – Key Information

- DHS began implementation of the tool in April 2018.
- Recipients are required to complete and submit this tool within thirty days of receipt of the Notice of Award (for the first award under which this term applies).
- Recipients of multiple awards of financial assistance from DHS or its component agencies should only submit one completed tool on behalf of their organization, not per award.

DHS Civil Rights Evaluation Tool – Key Information

- Recipients are required to complete the tool once every two years from the date they last submitted the tool (if DHS assistance is continuing).
- After the initial submission, recipients are only required to submit updates every two years. If there are no updates since the initial submission, the recipient can indicate “no change” for each item. Recipients should not resubmit information previously submitted.

DHS Civil Rights Evaluation Tool – Key Information

- Sub-recipients are not required to complete or submit the tool.
- However, sub-recipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's procedures regarding the submission of civil rights information.

DHS Civil Rights Evaluation Tool – Key Information

2020 DHS Standard Terms and Conditions, ver. 10.1

(<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>)

Text from Terms and Conditions:

DHS Specific Acknowledgments and Assurances (pg. 1-2)

5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Section 4 – Required Information

This presentation covers what is needed to complete the DHS Civil Rights Evaluation Tool (as it pertains to **language access polices and procedures**), which may assist recipients in meeting their administrative requirements.

Section 4 – Language Access Policy and Procedures

Section 4, Item 8:

Provide copies of the recipient's policy and procedures regarding the requirement to provide meaningful access to programs and services to individuals with limited English proficiency (LEP)

Section 4 – Language Access Obligations

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin (including limited English proficiency) in programs and activities that receive federal financial assistance.

Language Access: National origin discrimination includes discrimination on the basis of limited English proficiency (LEP).

A person who is limited English proficient (LEP) is someone who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.

Section 4 – Language Access Obligations

Overarching requirement:

- Recipients must take reasonable steps to ensure that LEP persons have **meaningful access** to their programs and activities.
 - Meaningful access is language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual.

Video “Communicating Effectively with Limited English Proficient Individuals”

Section 4 – Developing a Language Access Policy

The policy statement should include:

- A statement prohibiting discrimination on the basis of national origin (including limited English proficiency) in accordance with Title VI of the Civil Rights Act of 1964
- A statement of the recipient's commitment to take reasonable steps to provide meaningful access for individuals with limited English proficiency to the organization's programs and services

Note: the recipient can incorporate the language access policy into their nondiscrimination policy as required in Section, Item 4 of the Tool.

Section 4 – Assessing Language Access Responsibilities

Before developing a language access procedure or plan, determine the extent to which language services, such as **oral interpretation and written translation**, should be provided, the recipient can conduct an individualized assessment that examines the following **four factors**:

- The **number or proportion of LEP persons** eligible to be served or likely to be encountered
- The **frequency with which LEP individuals** are encountered (and what languages they speak)
- The **nature and importance** of the program, activity, or service provided
- The **resources** available to the recipient and the costs of providing language services

Section 4 – Assessing Language Access Responsibilities

Applies to encounters with LEP persons such as through:

- In-person or telephonic contact
- Written correspondence, including email
- Use of websites, newsletters, and social media
- Meetings, investigations and interviews
- Community engagement events and activities
- Documents explaining recipient programs
- All recipient employees and contractors

Section 4 – Developing a Language Access Procedure or Plan

The following **five elements** may be helpful in designing a Language Access Plan (or “LAP Plan”):

1. Identifying Limited English Proficient (LEP) Individuals who Need Language Assistance
2. Language Assistance Measures and Available Resources
3. Distribution of Plan and Training For Staff
4. Providing Notice to LEP Persons
5. Monitoring, Assessing, and Updating the LAP Plan*

*Consultation with Community Based Organizations

Section 4 – Developing a Language Access Procedure or Plan

1. Identifying Limited English Proficient (LEP) Individuals who Need Language Assistance

Considerations

- Describe the results of the four factor analysis

- **Example:**

Service Area: City of XYZ

1. Number or Proportion of LEP persons: 80% of LEP persons speak Spanish, 10% Amharic, 5% Chinese, less than 5%: French, Hindi, Japanese, Korean, Punjabi, Russian, Somali, Tagalog, Vietnamese, and Ukrainian

2. Languages Encountered Most Frequently at Points of contact: call center, reception, documenting a grievance, public meetings, filling out paperwork: Spanish, Chinese, and Vietnamese

3. Nature and importance of program/activity/service: Call center and documenting a grievance are critical to accessing services

4. Resources available: County language services contract, 2 bilingual staff

Section 4 – Developing a Language Access Procedure or Plan

2. Language Assistance Measures and Available Resources

Considerations

Describe the following:

- Types of language services available (e.g., telephonic interpretation, in-person interpretation, translation of written materials);
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with recipient staff; and
- How to ensure competency of interpreters and translation services.

Section 4 – Developing a Language Access Procedure or Plan

3. Distribution of Plan and Training for Staff

Considerations

An effective LAP plan would also likely include a discussion of training to ensure that:

- Staff knows about LEP policies and procedures; and
- Staff having contact with the public, or with individuals in the recipient's custody, is trained to work effectively with in-person and telephone interpreters.

Section 4 – Developing a Language Access Procedure or Plan

4. Providing Notice to LEP Persons

Considerations

- Describe the methods used to inform LEP persons and populations of the availability of free language services
 - **Examples of notification methods** may include, but are not limited to, public notices, flyers, websites, discussions within the community, and advertisements in foreign language newspapers, radios, or television channels
- Notice in languages LEP persons will understand
- Notice should include recipient complaint procedures, including how to file complaints with the recipient or DHS

Section 4 – Developing a Language Access Procedure or Plan

5. Monitoring, Assessing, and Updating the LAP Plan

Considerations

- Describe how the recipient will monitor and evaluate the effectiveness of the LAP
- Describe the process for updating the LAP
- Describe how the recipient will provide notice of any changes to the LEP public and to employees
- Describe how the recipient will consult with community based organizations

Section 4 – Language Access Policy and Procedures Examples

Language Access Policy and Procedures Examples:

- [Maricopa County Air Quality District](#)
- [City of Jacksonville](#)

Section 4 – Language Access Resources

- [Guidance for Department-Supported Organizations to Provide Meaningful Access to People with Limited English Proficiency](#)
- [Developing a Language Access Plan](#)

Technical Assistance Resources

- Online Resource Guides:
 - Sample Policy and Notice of Nondiscrimination
 - Developing a Discrimination Complaints Process
 - Reasonable Accommodation Guidance, Sample Notice and FAQs
 - **Developing a Language Access Plan**
 - Civil Rights Evaluation Tool Frequently Asked Questions
 - Civil Rights Tool Overview

Recipient Resource Webpage:

<https://www.dhs.gov/resources-recipients-dhs-financial-assistance>

Click on “Recipient Resources”

Contact Us

For questions or technical assistance on meeting your civil rights obligations, please contact:

DHS Office for Civil Rights and Civil Liberties (CRCL)

Email: CivilRightsEvaluation@hq.dhs.gov

Website: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>