

# INTERCULTURAL COMMUNICATION



# TITLE VI of 1964 CIVIL RIGHTS ACT

- Prohibited Practices under Title VI
  - denying an individual any service, financial aid, or other benefit provided under the program;
  - Providing services/benefits which are different or provided in a different manner from that provided to others’
  - Subject an individual to segregation or separate treatment in the receipt of service;
  - Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others;
  - Using methods of administration which have the effect of subjecting individuals to discrimination or have the effect of defeating or impairing their participation.

# Executive Order 13166: “Improving Access to Services for Persons with Limited English Proficiency”

- Aug. 11, 2000-Executive Order “...recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”
- Oct. 26, 2001- Memo from DOJ- Subject EO 13166 “Department of Justice regulations enacted to effectuate this prohibition bar recipients of federal financial assistance from ‘utilizing criteria or subjecting individuals to discrimination’ because of their race, color, or national origin. These regulations thus prohibit unjustified disparate impact on the basis of national origin.”

# LEP POLICY GUIDANCE

- Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP individuals.
- An LEP individual is a person who is unable to speak, read, write or understand the English language at a level that permits him or her to interact effectively with health and social services agencies and providers.

# EO 13166 and Persons With LEP

- EO requires federal fund recipients to ensure meaningful access by LEP persons
- To ensure meaningful access, language assistance should result in:
  - Accurate and effective communication
  - At no cost to the LEP person

# Determining Your obligation to Provide Language Assistance to LEP Persons

- 1-The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;
- 2-The frequency with which LEP individuals come in to contact with the program;
- 3-The nature and importance of the services provided by the program to people's lives;
- 4-The resources available to the recipient and costs

# How Frequent Do They Come?

- This is important because the more frequent LEP individuals come the greater your obligation and the less frequent they come the less your obligation.
- Take into consideration that if your programs are language friendly, frequency may increase.
- The reasonable steps that you take should be strongly influenced by the frequency of contact.

# Nature of your Program or Service

- Determine the impact your programs/services have on the lives of the individuals participating in them.
- The more important the program, the greater the obligation.
- Carefully weigh the negative impact of a denial or delay in health or social services.

# Available Resources and the Cost

- Determine the local agency resources.
- Determine the local community resources.
- Determine the state, national and larger community resources.
- Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services. One size does not fit all and nor will one solution be applied to all.

# Federal Interagency LEP Work Group

- Created by DOJ, 12/2001
- 3 working subcommittees:
  - Outreach, Training and Uniform Standards
  - Clearinghouse-  
[www.LEP.gov](http://www.LEP.gov)
  - Competent, Consistent, and Cost-Effective Federal Language Services