

**OFFICE ON VIOLENCE AGAINST WOMEN
OF THE UNITED STATES DEPARTMENT OF JUSTICE**

LANGUAGE ACCESS POLICY AND PLAN

General Language Access Policy

a. Policy Statement

1. It is the policy of the Department of Justice (the Department)¹ and the Office on Violence Against Women (OVW) that staff shall take reasonable steps to provide limited English proficient (LEP) persons with meaningful access to all programs or activities conducted both by OVW and by entities receiving funding from OVW.
2. OVW endeavors to ensure that recipients of OVW's federal financial assistance take reasonable steps to provide effective language assistance to LEP persons whom they encounter in their programs and activities.
3. It is the responsibility of OVW, and not the LEP person, to ensure that communications between OVW and the LEP person are not impaired as a result of the limited English proficiency of the individual.

b. Purpose and Authority

The purpose of this Language Access Plan (hereafter referred to as Plan) is to make reasonable efforts to eliminate or reduce limited English proficiency as a barrier to accessing OVW programs or activities and to improve access by LEP persons to its federally conducted and federally assisted programs. This Plan establishes guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug. 16, 2000). These guidelines are designed to be consistent with the standards set forth in the Department's initial LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964— National Origin Discrimination Against Persons With Limited English Proficiency, 65 Fed. Reg. 50,123 (Aug. 16, 2000),² the Department's later LEP Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (June 18, 2002),³ and the Attorney General's memorandum to the heads of Department components, Language Access Obligations Under Executive Order 13166 (June 28, 2010).⁴ It is necessary for Department staff

¹ See Department of Justice Language Access Plan (2012), available at <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>

² This document is available at <http://www.justice.gov/crt/about/cor/Pubs/eolep.pdf>.

³ This document is available at <http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php>.

⁴ This document is available at http://www.justice.gov/crt/about/cor/language_access_memo.pdf. Further information, guidance, and technical assistance on the implementation of Executive Order 13166 can be found on the website of the Federal Coordination and Compliance Section of the Civil Rights Division, <http://www.justice.gov/crt/about/cor/>, or www.lep.gov. See also Office of Justice Programs, Office of Civil Rights, LEP information available at <https://ojp.gov/about/ocr/lep.htm>

to make reasonable efforts to provide timely language assistance services to ensure that LEP individuals have substantially equal and meaningfully effective access to Department programs or services.⁵

OVW will continue its efforts to LEP persons with meaningful access to its grant programs and activities. As part of this effort, OVW will continue to support its recipients of federal financial assistance in their efforts to provide effective language assistance services to LEP persons whom they encounter in their programs and activities. Because most OVW programs and activities are federally assisted, this plan focuses on these programs and activities. In addition, it addresses OVW's plan to identify and, as necessary, address LEP persons' access to federally conducted programs and activities.

Overview of OVW. OVW administers financial and technical assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking. Currently, OVW administers four formula-based and 15 discretionary grant programs, established under the Violence Against Women Act (VAWA) and subsequent legislation. These programs are federally assisted programs.

Effective Date. This Language Access Policy and Plan is effective upon the issuance date.

Definitions.

- a. Bilingual – Demonstrated proficiency in speaking two languages fluently and communicating directly and accurately in both languages.
- b. Effective Communication – Communication sufficient to provide the LEP individual with the same level of services received by individuals who are not LEP. Staff and recipients of federally assisted programs must take reasonable steps to ensure that communication with an LEP individual is as effective as communication with others when providing similar programs and services.
- c. Federally Assisted Program or Activity – A program or activity that is provided by a recipient of federal financial assistance, such as an OVW grantee or subgrantee.
- d. Federally Conducted Program or Activity – (1) A program or activity that involves general public contact as part of ongoing federal agency operations or (2) a federal agency's direct administration of a service or benefit that involves persons who are beneficiaries or participants.⁶

⁵ Regarding timeliness, the LEP Guidance to DOJ Recipients provides that “[w]hile there is no single definition for ‘timely’ applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.” 67 Fed. Reg. at 41,461.

⁶ As stated in the DOJ language access plan, for the purposes of this Plan, the definition of “program or activity” is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: “[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

- e. Grantee – An entity receiving federal financial assistance from the U.S. Department of Justice (DOJ), OVW.
- f. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- g. Language Access Coordinator – an employee designated by the Director of OVW to serve as the language access coordinator and ensure that OVW adheres to its language access plan.
- h. Language Assistance Services – Services that encompass all oral and written language services needed to assist LEP individuals to communicate effectively with staff and recipients of federally assisted programs, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the agency or federally assisted program
- i. Limited English Proficient (LEP) Persons – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP persons for other purposes (e.g., reading or writing).⁷
- j. Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
- k. Multilingual staff or employee – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component.
- l. Primary Language – An individual’s primary language is the language in which an individual most effectively communicates. Staff and recipients of OVW federally assisted programs should avoid assumptions about an individual's primary language. For example, LEP persons from Latin American countries may speak an indigenous or non-Spanish language as their primary language. Some countries have multiple distinct languages, which are often misperceived as different dialects with only a slight variance. Staff and recipients of OVW federally assisted programs should make every effort to ascertain an individual's primary language to ensure effective communication.

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).” 28 C.F.R. § 39.102.

⁷ The Department has determined that Executive Order 13166 applies only to persons who are located within the United States and its territories, and does not apply extraterritorially. *See* DOJ Language Access Plan.

- m. Qualified Translator or Interpreter – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Department or by approval of his or her component.
- n. Recipient – Entity receiving federal financial assistance from OVW.
- o. Sight Translation – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
- j. Subgrantee – Entity (person or agency) that has a formal financial arrangement with the grantee to provide an integral part of the grant project.
- k. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- p. Vital Document – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.

OVW Language Access Working Group. OVW has convened an internal OVW Language Access Working Group (LAWG) that has developed this OVW Language Access Policy and Plan. The LAWG consists of senior management, program specialists, and an attorney advisor. The LAWG will continue to coordinate OVW’s language access activities, including the implementation of this OVW Language Access Policy and Plan and periodic updates to the Plan.

OVW Language Access Coordinator. The OVW LAWG Chair will serve as the Language Access Coordinator and will coordinate the activities of the working group and oversee the implementation of this LEP language access and policy plan. The Chair will also represent OVW in meetings with other DOJ components regarding language access. The OVW LAWG Chair will report to OVW senior management staff overseeing the OVW LAWG, such as the Principal Deputy Director or an Associate Director. (Regarding language access complaints, please see Complaints Section below.)

Monitoring and Updating the Language Access Policy and Plan. It is important to monitor the effectiveness of OVW’s Language Access Policy and Plan. Every year, on or before the anniversary of the effective date of the OVW Language Access Policy and Plan, the OVW LAWG will assess whether modifications to the Language Access Policy and Plan are necessary and refine it as appropriate. Assessment will periodically include getting stakeholder input regarding implementation of the Plan and ways to improve language access by entities receiving OVW federal financial assistance. Proposed revisions to the OVW Language Access Policy and Plan will be submitted to the OVW Director for review and approval.

Complaints. OVW seeks to provide meaningful access for LEP persons to all of its federally assisted programs and activities. Any program beneficiary, program participant, or member of the public who believes that he or she has not received adequate oral or written language assistance from an OVW funded entity may file a complaint with the Office for Civil Rights (OCR), Office of Justice Programs (OJP). Currently, OVW has a reimbursement agreement with OJP OCR to investigate and respond to

the above-described complaints involving OVW federally assisted programs and activities.

In addition, any individuals who allege that they have been denied employment in or services from programs or activities receiving federal financial assistance from OVW on the basis of being a member of a federally protected class may file a complaint directly with OJP OCR.

OJP OCR provides translated complaint information for LEP persons on its website (<http://www.ojp.usdoj.gov/about/ocr/complaint/htm>). A person may submit such a complaint, in writing, to the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

If a person has questions about the complaint process, he or she can contact OJP OCR by telephone at 202-307-0690 (TDD/TTY: 202-307-2027) or by e-mail at askOCR@ojp.usdoj.gov.

If any OVW employee receives a complaint, he or she shall promptly forward the complaint to the LAWG Chair and an OVW Attorney Advisor. The OVW Attorney Advisor will refer the complaint to OJP OCR and notify the OVW Director and other appropriate OVW staff.

OJP OCR will advise the OVW Attorney Advisor as to the outcome of its complaint investigation. The OVW Attorney Advisor will then advise the Chair of the LAWG, the OVW Director, and other appropriate OVW staff of OJP OCR's communication on the complaint's resolution.

Federally Assisted Programs and Activities

OVW directs recipients of OVW federal financial assistance (OVW grantees and subgrantees) that they are prohibited from engaging in prohibited national-origin discrimination. To achieve this objective, OVW relies on the following tools:

Solicitation language. In OVW solicitations announcing the availability of grant funds, applicants are advised that as a condition of receipt of federal financial assistance, the applicant must acknowledge and agree that they will not discriminate on the grounds of national origin, among other protected classes, in the delivery of services. Applicants are informed that this includes taking reasonable steps to ensure that persons with LEP have meaningful access to recipients' programs and activities. More information on these obligations is made available to applicants in the Solicitation Companion Guide.

OVW informs applicants in the solicitation that they must allocate grant funds to support activities that help to ensure meaningful and full access to their programs. OVW strongly

encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations.

Standard assurances of nondiscrimination. As a condition of receiving federal financial assistance, OVW ensures that recipients acknowledge and agree that they will comply with applicable provisions of federal laws prohibiting discrimination, including Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, which prohibit recipients from discriminating on the basis of national origin, among other protected classes, in the delivery of services or benefits.

Letter to recipients addressing language access requirements. As part of the grant award package that every recipient receives, and on behalf of OVW, the Director of OJP OCR sends a letter notifying the recipient of its federal civil rights obligations. The letter notifies the recipient of prohibited national-origin discrimination and discusses a recipient's obligation to ensure that it takes reasonable steps to provide meaningful access to its programs and activities for LEP persons.

Findings of discrimination. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of national origin against a recipient of funds, the recipient must forward a copy of the finding to OJP OCR.

Compliance reviews/Complaint investigations. On behalf of OVW, OJP OCR conducts language access compliance reviews of organizations funded by OVW. In addition, OJP OCR investigates complaints against OVW recipients.

Onsite visits and desk reviews. The OVW onsite monitoring tool includes questions regarding how grantees, their partners, or subrecipients use interpreters and/or translated materials in providing grant funded services. Asking such questions during onsite visits assists OVW staff in determining the steps the grantees, their partners, or subrecipients have taken to provide LEP persons with meaningful access to programs and activities. As part of this process, OVW staff will document promising practices and recipient needs for further assistance.

To the extent possible, OVW staff will provide grantees, their partners, or subrecipients with information on available technical assistance resources during site visits to assist them in addressing barriers to serving LEP clients. These resources may include providing contact information for specific OVW technical assistance providers with expertise in serving LEP clients and sharing information on how to access DOJ and OVW technical assistance providers' LEP materials.

OVW staff conducting desk reviews will review materials, including progress reports, recipient language access policies and procedures, correspondence, and past onsite visit reports to identify LEP issues that should be addressed with grantees, their partners, or subrecipients. OVW staff will document pertinent issues during the desk review and will address them with grantees, their partners, or subrecipients.

OVW staff conducting onsite visits and desk reviews will share pertinent information from these site visits and reviews with the OVW LAWG to inform this plan's implementation.

OVW Grantee Orientations. OVW includes in grant program orientations segments on ensuring language access. It invites the OJP OCR to present information regarding language access and Title VI. OVW will continue to include information at grantee orientations on OVW's commitment to serving LEP clients and resources that are available to OVW grantees, their partners, or subrecipients. Additionally, as appropriate, OVW will invite OVW technical assistance providers to present at grantee orientations on providing services to LEP clients (e.g., the use of interpreters in legal services and court systems or how to develop an organizational language access plan).

OVW is also committed to ensuring that LEP attendees at OVW grantee orientations or other grantee conferences are able to fully participate in the orientations or conferences. OVW requires that the OVW technical assistance provider or contracted organization responsible for organizing the logistics of the OVW orientations or conferences ensures that instructions are provided to all individuals invited as to how to request an interpreter if one will be needed. The OVW technical assistance providers or contracted organizations will be required to identify LEP attendees in a timely manner and confirm qualified interpreters for orientations or grantee conferences well in advance of orientation or conference dates.

OVW Technical Assistance Providers. OVW is committed to ensuring that grantees, their partners, or subrecipients who attend OVW technical assistance events, including onsite conferences, trainings, and webinars, are able to access these events through interpreters. The OVW technical assistance provider should ensure that instructions are provided to all individuals invited as to how to request an interpreter if one will be needed. The OVW technical assistance providers and contractors should take reasonable steps to identify LEP attendees in a timely manner and confirm qualified interpreters for technical assistance events well in advance of the event dates.

OVW technical assistance providers are strongly encouraged to allocate funding within their OVW budget for interpreters if the technical assistance provider will be delivering technical assistance events, and will be required to make every reasonable effort to acquire interpreters when necessary.

OVW highly encourages OVW technical assistance providers who have proposed to develop deliverables using their OVW grant funds to assess if deliverables need to be translated and, if so, to allocate funding in their budgets for the translation of materials. OVW will work with the OVW technical assistance provider in identifying OVW materials that should be considered for translation and will determine together into which languages to translate the identified materials.

With the assistance of the Federal Coordination and Compliance Section of USDOJ's Civil Rights Division and national OVW technical assistance providers, OVW will also provide information on language access to OVW technical assistance providers at OVW technical assistance meetings and will provide this information to STOP Administrators and state coalitions at the annual conferences of STOP Administrators and coalitions.

Federally Conducted Programs and Activities

Staff Compliance - All OVW staff will be responsible for ensuring that OVW takes reasonable steps to provide meaningful access for LEP persons to all federally conducted programs and activities. OVW staff will coordinate with the OVW Language Access Coordinator to advise of any LEP individual seeking translation or interpretation assistance from OVW. OVW personnel, including contract staff, will report every interaction with an LEP individual to the Coordinator and include the primary language and the method of language services provided.

The extent of OVW's obligation to provide language assistance services for federally conducted programs will be determined on a case-by-case basis, under the totality of the circumstances, based on the following 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 service or benefits provided by the program; and
- the resources available to the agency.

In developing this Language Access Policy and Plan, OVW surveyed its operations based on the above-referenced factors and determined that, as a general matter, OVW does not directly administer federally conducted programs or activities to LEP persons on an ongoing basis. However, OVW will take reasonable steps to provide meaningful access to LEP individuals who contact OVW or those who attend OVW roundtables, conferrals, or stakeholder meetings. Additionally, OVW will conduct annual assessments of the implementation of the OVW Language Access Policy and Plan to identify federally conducted programs. Upon the identification of specific OVW federally conducted programs and activities, this plan will be modified as necessary.

OVW will enter into a contract and allocate funding in the annual budget for staff usage of a DOJ-approved language access service to provide access to interpretation and translation services for staff to assist LEP individuals who contact OVW or attend an OVW-sponsored event. OVW will provide information and training for staff so that they know how to access and use this service.

OVW will examine its website and publications to identify vital documents for the purpose of translating this information into those languages that will enhance LEP persons' access to OVW's programs and activities.

OVW Staff Development on Language Access

In order to ensure that OVW staff is equipped to address language access issues related to federally assisted and conducted programs, OVW will engage in the following activities:

Staff training on LEP. Within one year of the effective date of this Language Access Policy and Plan, and periodically thereafter, OVW will develop and implement an educational program on language access for pertinent OVW staff, including appropriate Federal employees, contractors,

and interns. In developing this educational program, the LAWG will work with the Federal Coordination and Compliance Section of the USDOJ Civil Rights Division, OJP OCR, and nongovernmental national leaders with expertise on language access and violence against women. The educational program will inform OVW staff on the following topics: DOJ and OVW Language Access Policy and Plan; identifying language access needs when working with grantees and technical assistance providers; providing language assistance resources to grantees and LEP persons; working with interpreters; requesting document translations; and responding to LEP callers. OVW will consider the feasibility of using an electronic self-paced training tool to facilitate the above-described educational program.

On-going skill and knowledge building program. Upon implementation of the OVW educational program on language access, the OVW LAWG will continue to identify topics that may be appropriate for future educational programs and inclusion in the OVW Grants Managers Manual. Additional educational programs will be implemented as necessary. OVW will provide its staff with access to appropriate training and other resources to assist with their ongoing LEP education.

New OVW staff training. OVW new staff orientations will include training on language access, including the DOJ and OVW Language Access Policy and Implementation Plan.

Availability of Language Access Policy and Plan

The OVW Language Access Policy and Plan will be made publicly available upon issuance, which is the effective date of the policy and plan.



Bea Hanson
Principal Deputy Director

1/19/17
Date

Original document: October 28, 2011
Revised: January 18, 2017