

ADVOCACY FOR LANGUAGE ACCESS



The educational materials that follow are supported by funding from the Washington State Department of Social and Health Services, Children's Administration, Division of Program and Policy. The points of view presented here are those of the author and do not necessarily represent the official position or policies of the Washington State Department of Social and Health Services.

How to Use this Presentation

- Read along the slides
- Follow links to learn more
- Take the quiz
- Go on to the next lesson

What's Inside?

- Limited English Proficiency (LEP) and cultural considerations in domestic violence (DV) advocacy
- How the Law protects LEP people
- How to plan so LEP survivors have access to advocacy

Limited English Proficiency Issues



LEP is a Label Used by Systems

As advocates we prefer not to put survivors into categories,

~but~

We need to know how systems define people

LEP is defined as:

People for whom English is not their primary language *and* who have a limited ability to read, speak, write, or understand English.

These people may be entitled to language assistance to access services or benefits.

Other ways LEP survivors may be defined:

- English language learners
- English as a second, third, or fourth language
- English for speakers of other languages
- English as a foreign language

Note: Each survivor has different language knowledge.

LEP issues connect to...

- **Human Rights**

DV advocates are committed to working for human rights.

- **Economic Justice**

LEP individuals may face discrimination, low wages and unstable jobs, lack of access to public and private assistance, disproportionate levels of poverty, and lack of information about U.S. financial systems.

- **Culture**

Language is a big part of culture. Service practices may not make sense to people of all cultures. Words may translate, but concepts may not translate. This is a barrier to services.

- **Immigration**

LEP people may be facing many barriers because of their immigration status. Our immigration laws make getting safe a real challenge.

- **The Law**

All systems must provide access. Under Title VI of the 1964 Civil Rights Act, federal law requires agencies to provide linguistically appropriate services to LEP individuals.

What is a Language Barrier?

It is professional jargon used to describe the difficulties people have when they need to communicate with people or systems that do not speak their language.



Illustration by K. A. Hawk for Texas Mutual Insurance Company

Language Barrier Issues

- Unlike many countries, U.S. public education is designed for people who are monolingual in English. Therefore, most of the people born in the U.S. only speak English.
- There are social attitudes that all people should only speak English.
- Language is an essential aspect of one's culture.

Misconceptions about LEP Individuals

- **They don't understand anything that has been said**
For some LEP individuals it is easier to understand English than speak it. Also, LEP individuals are often highly aware of other people's body language.
- **They don't have any education**
LEP individuals may have had access to all levels of education in their country of origin.
- **They don't care about learning English**
Economic challenges are one of the main reasons that LEP individuals are prevented from learning English.
- **They are asking for special treatment**
LEP individuals who are DV and/or SA survivors have the right to be treated fairly. They are victims who are facing specific barriers and issues that are complicated by language barriers.

Culture and Language in DV Advocacy



Culture and Language in DV Advocacy

We strive to honor culture and language. Our individual and organizational attitudes and policies come together in a system.

We must work on attitudes and policies to create space for cross-cultural advocacy.

What Is Culture?

Culture refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups.

What is Culture?

“Language is the bridge to establish communication. Cultural competency goes deeper, it enables us to develop relevant services.” –Washington State Advocate

Culturally Responsive Organizations and Advocates:

1. Connect and collaborate with people of many cultures.
2. Ask LEP communities and survivors to help create policies, procedures and advocacy programs.
3. Learn from survivors about their cultural experiences.
4. Don't just invite multiple cultures into the program, but create space for different ways of doing things.
5. Create and nurture diverse leadership that represents the people they serve.

**We will never know EVERYTHING
about ALL cultures . . .**

but... we can build our capacity to learn
and listen to survivors about their
cultures.

Culturally Responsive...

Implies having the capacity to function effectively as an individual and an organization within the context of cultural beliefs, behaviors, and needs of survivors and their communities.



Responsive Advocacy

Builds collaborative communities that help us create excellent advocacy programs that are informed by survivors and LEP people.



How Does the Law Protect LEP People?

Laws

- Title VI of the 1964 Civil Rights Act
- Executive Order 13166



Title VI of the 1964 Civil Rights Act

“No Person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance”

Executive Order 13166

In August 2000, this Order – “Improving Access to Services for Persons with Limited English Proficiency” – was issued and directed federal agencies to:

- Publish guidance on how the programs and activities they fund can provide access to LEP persons.
- Improve the language accessibility of their own programs.
- Break down language barriers by implementing consistent standards of language assistance across federal agencies and among all recipients of federal financial assistance.

This order covers all federal and federally assisted programs and activities.

Who Must Comply

All programs and operations of entities that receive assistance from the federal government (i.e., recipients), including:

- State agencies
- Local agencies
- Private and non-profit entities
- Sub-recipients (entities that receive federal funding from one of the recipients listed above)
- All programs and operations of the federal government must also comply

Who Must Comply

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP individuals to important services. (The federal government has the same obligations as a result of Executive Order 13166.)

Recipients include a broad range of providers, **INCLUDING** the courts.

Obligations for Courts

1. “Courts are required to provide interpreters for LEP persons in all court and court-annexed proceedings, including: civil; criminal; or administrative, including those presided over by non-judges.”
2. “Courts will provide interpreters at no cost to the LEP persons.”
3. “Courts must provide meaningful access to LEP persons to court functions that are conducted outside the courtroom. This includes, but is not limited to: information counters; intake or filing offices; cashiers; records rooms; sheriffs offices; probation and parole offices; alternative dispute resolution programs; pro se clinics; criminal diversion programs; anger management classes; and detention facilities.”
4. “Courts must provide interpreters or bilingual staff to ensure that LEP persons are able to communicate effectively with court appointed or court supervised personnel. Court appointed or court supervised personnel includes: criminal defense counsel, child advocates or guardians ad litem, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts.”

For more information, visit www.lep.gov

Violations

The following four factors are considered to determine if an agency or organization is in violation.

Four Factors:

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

What Must be Provided?

- Oral interpretation
- Bilingual staff
- Telephonic interpretation
- Written language services

Quick Quiz:

What to do if these things are NOT provided?

- a) Nothing. Forget about it. It's just the way it is.
- b) Nothing. The judge, doctor, or DSHS worker just doesn't "get it."
- c) Go talk to the judge, doctor, or DSHS worker about why language access is critical for victim safety.
- d) Ask my Executive Director or Coalition for help.
- e) Let the service provider know about their obligations under the Law.

Answer:

c, d, and e will help you do great advocacy for LEP persons!

More Options....

If survivors are not getting access to services because of language access issues, you can advocate to make changes in your community.

<http://www.lep.gov/> offers information and links to federal agencies charged with enforcing laws relating to language access.



How to Plan so LEP Survivors Have Access to Advocacy

What is a Language Assistance Plan?

- It is planning ahead of time so that you and everyone at your organization knows what to do when someone needs language assistance.
- It is also helping systems like courts, medical providers, and DSHS understand their obligations under the Law.

What You Need to Plan for:

- 1) Who needs language assistance? What languages do they speak?
- 2) How will they get assistance in all types of advocacy your organization offers (e.g., hotline, shelter, legal)?
- 3) How will everyone at your organization know about language access procedures?
- 4) Who inside and outside your organization will help them if advocates have questions or a procedure is not working?

What You Need to Plan for:

5. How will LEP people know their rights and know how to get assistance?
6. Who will review policies and procedures and update them? When? Will survivors help with these processes?
7. What mode of communication is best for whom (e.g., oral, written, pictures)?

Who Needs Language Assistance? What Languages do they Speak?

The *Inside Out* guide can help you find out who is living in your community:

<http://www.wscadv.org/docs/CrossingBordersSelfAssessmentGuide.pdf>

How Will They Get Assistance?

In all program areas (e.g., hotline, shelter, legal):

- With clear policies and procedures.
- Signs, art, and posters that are multi-cultural and multi-lingual in common areas of your program.
- Voicemail messages, brochures, and publications in all of the common languages spoken in your community. Using culturally relative imagery reinforces this.
- Giving presentations and posting notices at schools and religious organizations.
- Building collaborative relations with community organizations.

The goal: for everyone at your organization to know about language access procedures

This includes:

- Who speaks what languages within the organization
- How to find interpreters
- How billing and payment will happen for interpretation and translation services
- How to work effectively with in-person and telephone interpreters
- Identifying LEP individuals' unique issues
- Providing services to LEP individuals at the same quality level as English-speaking individuals
- Building collaborative relationships with the LEP community

Who Will Help?

- Plan for who inside and outside your organization is the “go-to” person if advocates have questions or a procedure is not working.
- If you don’t know, ask your supervisor who you can go to with questions or ideas.

How will LEP people know their rights and know to get assistance?

- Advocates can help people understand their rights so that they can ask for what they need
- Advocates can work to make sure systems know what they need to do
- Advocates can file a complaint with the U.S. Department of Justice Civil Rights Division (<http://www.justice.gov/crt/cor/complaint.php>)

Who will review policies and procedures and update them? When? Will survivors help with this process?

- Ask your supervisor about your policies and procedures review process. Take survivors' feedback on how these procedures and policies are or are not working for them.
- If you are someone who helps update your policies and procedures, some things to consider include:
 - Current LEP populations in your service area, or the population encountered or affected
 - The cost involved in providing additional resources and writing it into the agency budget
 - Whether existing assistance is meeting the needs of LEP individuals
 - Whether staff understands the language access procedure and how to implement it
 - Whether identified sources for assistance are still available and viable

What Mode of Communication is Best for Whom?

- Ask survivors what is best for them. Do not assume that written communication (e.g., chore charts, rules, intakes, forms) can just be read and understood because it is translated.
- Sometimes advocates need to translate concepts as well as words.
- Please read the following articles:
 - <http://www.wikihow.com/Communicate-with-a-Non-Native-English-Speaker>
 - http://dvam.vawnet.org/docs/materials/09-resource-packet/Issue_Articles_Newsletters/GraceLanguageAccess.pdf
 - <http://data.ipharos.com/bwjp/documents/REDUCING%20LANGUA GE%20BARRIERS%20TO%20COMBATING%20DOMESTIC%20VIOLENCE.pdf>

More Tips...

- Consider language and culture when creating or updating grievance procedures.
- Provide easily understood and language-appropriate written materials.
- Display quality non-English signage and art/imagery associated with cultures in your community.
- Design a collaboration plan for working with diverse communities.
- Assess how staff and board members reflect the community in which the agency is providing advocacy.

Resources

- Language Identification Flash Cards:
<http://www.lep.gov/ISpeakCards2004.pdf>
- For more information about LEP and detailed agency-specific guidance, go to [LEP.gov](http://www.lep.gov)
- *Culture Handbook* by Sujata Warriar. Free copy at:
fvpfstore.stores.yahoo.net/culturalhandbook.html
- Washington State Coalition for Language Access:
<http://www.lawhelp.org/Program/4192/index.cfm?pagename=homepage>
- WSCADV Crossing Borders Project Publications:
<http://www.wscadv.org/projects.cfm?ald=3922EB5B-C298-58F6-0B7A85F0A4CF0364>

Congratulations! You Made it!

- You've completed this portion of the course! Let's see how much you can remember.
- Click the link below to test yourself and to signal us that you have completed this section, so we can record your training hours.
- No worries – we're not grading the quiz!
- Take the quiz
(if this link doesn't work, go to the Advocacy for Language Access online training page at wscadv.org to find the quiz)