Title VI of the 1964 Civil Rights Act
Training for LFUCG ARPA Recipients and Sub-recipients

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No person 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.'
KENTUCKY TITLE VI

KRS 344.015(2) states agencies shall
Submit a Title VI implementation plan
Submit annual Title VI compliance reports
Submit both to the Auditor of Public Accounts and the Human Rights Commission

45 KAR standards and information that must be included in the plans:
Record keeping and reporting, training, public notice and outreach, complaint procedures, and enforcement of corrective actions
DOJ’s Four Factor Analysis:

1. ID the number/proportion of foreign language speakers in your area. (Provided by an annual report by the Title VI Coordinator)

2. **Frequency of LEP Contact with your service or program.** (provided by Division or program level, note red flag to DOJ)

3. Nature and Importance of the service or program (Safety Divisions held to a higher standard by DOJ)

4. Resources Available (funding & budget reasonable test)
LIMITS OF TITLE VI

1. Applies to those “receiving federal financial assistance”

2. Applies to entire agency if one part of it is funded

3. Applies to sub-recipients of federal funds
US Treasury requirements include:
“ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352...”
“US Treasury expects evidence based Reporting: Generally, recipients must submit one initial interim report, quarterly or annual Project and Expenditure reports which include sub-award reporting, and in some cases annual Recovery Plan reports.”

“Civil Rights Compliance. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds.”
“f. Civil Rights Compliance: Treasury will request information on recipients’ compliance with Title VI of the Civil Rights Act of 1964 on an annual basis. 
This information may include a narrative describing the recipient’s compliance with Title VI, along with other questions and assurances”. 
The Supreme Court has ruled that a person’s language is so closely connected to national origin that *denial of service due to language barriers* is a violation of the Civil Rights Act of 1964.

National origin discrimination can also be due to someone’s country of birth. A "national origin group," or an "ethnic group" is a group of people sharing a common culture, ancestry, race, and/or other social characteristics, such as dress, religion, features, etc. They can be American or foreign born.
“Meaningful access” for the Limited English proficient (LEP) public means language assistance to your information or programs through:

- **Timely language assistance**, without unreasonable delay
  - Bilingual or multilingual staff, and/or
  - **A trained interpreter**, and/or
  - Telephone interpreting service

- Translations of important written material
- At no cost to the individual
COMPLIANCE: How does LFUCG achieve it?

- Written Title VI Policy
- Title VI Plan Program available online
- Designation of Title VI Compliance Coordinator and TVI Liaisons for each Division
- Notice to the public in lobbies and on the website
  - Posters
  - “I Speak posters/cards”
- *Training all staff who work with the public*
- Record keeping/tracking that tabulates all languages encountered
  - 4 part analysis is impossible without tracking LEP
  - Know the demographic: FCPS ELL student and foreign languages and numbers & E911 calls
US Treasury will look for LFUCG’s:

- Policy & Plan
- Knowledge of Lexington’s LEP communities
- Record keeping (tracking encounters) and reporting,
- Training for all staff
- Public notice and outreach to LEP
- Complaint procedures (most language access)
- Enforcement of corrective actions
COMPLAINT PROCEDURES & COMPLIANCE

• **Complaint process** for reporting, investigating and corrective measures meant to *provide LFUCG employees with the tools they need to do their job.*

• **Your written Language Access Plan/Protocol shows supervisors and staff**
  - How to ID the LEP communities in Lexington to recognize probable language needs & outreach goals
  - How to ID the LEP individual
  - How to access a qualified interpreter
  - *How to access a translator (written material)*
  - Quality control
  - Complaint protocol: (comments, suggestions)
"I SPEAK" POSTERS & CARDS

Title VI of the 1964 Civil Rights

LEXINGTON

Arabic
أشر إلى لغتك. وسوف يتم جلب مترجم فوري لك.

French
Pointez vers votre langue et on appellera un interprète qui vous sera fourni gratuitement.

German
Zeigen Sie auf Ihre Sprache. Ein Dolmetscher wird gerufen. Der Dolmetscher ist für Sie kostenlos.

Hindi
अपनी भाषा पर इश्तेषु करें और एक दुभाषिया बुलाया जाएगा।

Italian
Puntare sulla propria lingua. Un interprete sarà chiamato. Il servizio è gratuito.

Japanese
あなたの話す言語を指して下さい。
無料で通訳を提供します。

Korean
귀하께서 사용하는 언어를 지정하시면 해당 언어 통역 서비스를 무료로 제공해 드립니다.

Mandarin
請指認您的語言，
以便為您提供免費的口譯服務。

Russian
Укажите язык, на котором вы говорите. Вам вызовут переводчика. Услуги переводчика предоставляются бесплатно.

Spanish
Señale su idioma y llamaremos a un intérprete.
El servicio es gratuito.

Swahili
Onyeshya lugha yako. Ataitishwa mkalimani.
Utapewa mkalimani bila ya gharama yoyote kwako.

Vietnamese
Hãy chỉ vào ngôn ngữ của quý vị. Một thông dịch viên sẽ được gọi đến, quý vị sẽ không phải trả tiền cho thông dịch viên.
LFUCG’S Language Access Goals

- *Trained* multilingual/bilingual staff (includes Vistas, interns, volunteers, etc.)
- Telephone **interpreter** service accessible to all staff that interact routinely with the public
  - “Language Line” Codes: E-911, 311, Police, Fire, Global Lex & Mayor’s Office, DSS Divisions, with “I speak posters” & tutorial on how to use Language Line.
  - Global Lex Interpreter lists for Police, DEM, & general staff, all include Sign Language Services

- **Annual Language Group Report** by IGT helps identify top area languages and critical material translations

- **Budget**: Routinely include language access costs to checklist of expenses in budgets & **in grant applications**
Notice:
https://www.lexingtonky.gov/notice-title-vi

Plan:
https://intranet.lexingtonky.gov/home/showpublisheddocument/1204/637745627237970000

Above links serve as guides for sub-recipients to achieve the objective of non-discriminatory practices in all areas of service-delivery.
QUESTIONS?