

# Plans for Improving Access to Programs for Persons with Limited English Proficiency



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Preserving America's cultural history and heritage is core to the mission of the National Endowment for the Humanities (NEH), and the agency strongly supports efforts to reach people from many different cultures and language backgrounds. NEH believes that federal and federally funded programs must reach populations with limited English proficiency in two ways. First, they must provide appropriate services to the populations that they reach. Second, they must reach out to underserved populations, including persons with limited English proficiency.

NEH is committed to extending its own services and outreach to LEP populations at the same time that it steps up its efforts to assist grantees with LEP issues. NEH conducts relatively few programs directly; by far the bulk of its efforts are devoted to federally assisted programs. However, additional attention to language access issues would benefit both NEH and its administration of federally assisted programs.

NEH's strategy for improving language accessibility of both its programs and the programs it funds is fourfold. First, the agency will adhere to internal mechanisms for handling any translation requests. Second, the agency will encourage outreach to LEP populations in all NEH grant programs. Third, the agency will enhance technical assistance for LEP applicants and improve LEP application review. Finally, NEH will enhance technical assistance for all grant recipients on LEP issues.

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## 1. Procedures for Handling Translation Requests

NEH has not received any requests for written translation of any of its publications. However, as outreach programs to LEP populations are increased, the agency anticipates that such requests may increase, and has established procedures in place to accommodate them. NEH has

identified a centralized contact, the Office of General Counsel, which will coordinate staff training and the development of resources on language issues for grantees, supervise the provision of technical assistance, and receive, evaluate, monitor, and coordinate requests for written translation.

Although NEH rarely receives phone calls from individuals with limited English skills, the diversity of languages spoken by agency staff would allow certain requests for oral translation to be fulfilled in-house. Thus, the agency has established a standard practice for these circumstances through which a bilingual staff member will first attempt to handle these calls. NEH has established a database of staff language skills in order to quickly facilitate identification of potential interpreters. In addition, the Office of General Counsel will serve as the staff contact for handling requests which require more formal translation or interpretation.

## Assessment of Translation Requests

NEH will assess translation requests for its publications and services according to the four factors: (1) number and proportion of eligible LEP recipients; (2) frequency of contact; (3) nature and importance of the benefit/service/program; and (4) available resources.

### A. Number and proportion of eligible LEP recipients

First, NEH will assess the language assistance needs of its direct constituents. The agency's preliminary assessment, based on experience, is that NEH has a very small direct LEP constituency. However, NEH will continue to refine this assessment, as the agency anticipates that its LEP constituency may grow as LEP services improve.

- **Organizations**

The vast majority of NEH applicants and grantees are cultural institutions, such as museums, archives, libraries, colleges, universities, public television, and radio stations. While some of these organizations are culturally specific, virtually all have English-speaking staff and very few would be described as having limited English proficiency. NEH also supports 56 State Humanities Councils located in U.S. states and territories. At present, the only known non-English-speaking constituent bloc is Spanish-speaking grantees, primarily in Puerto Rico. As with other culturally specific organizations, virtually all of the organizations in Puerto Rico have English-speaking staff. NEH has developed mechanisms for working with non-English speaking applicants and grantees, including the use of bilingual staff.

- **Individuals**

In addition to awarding grants to cultural institutions, NEH also awards grants to individuals. NEH has not received any requests for language assistance from LEP individuals applying for grants. However, if requests for language assistance were received, the agency would assist prospective applicants with bilingual staff or interpreters.

NEH also receives inquiries from individual members of the public, by telephone, by e-mail, and in writing. To date, these requests have been almost exclusively in English. If inquiries in other languages are received, the NEH Office of General Counsel will coordinate resources

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to help respond to the inquiry. NEH would first use bilingual staff members to assist members of the public. If bilingual staff members were unable to assist, NEH would then use interpreters to assist these individual members of the public.

## **B. Frequency of contact**

As NEH is not currently receiving any requests for translation or language assistance, frequency of contact is not presently an issue. However, NEH will continue to analyze the frequency of contact to determine how to best fulfill translation requests.

## **C. Nature and importance of the benefit/service/program**

Access to NEH programs, while important, does not typically present life or death issues. Nevertheless, an organization's access to NEH funding may have implications for its access to other funding sources. Accordingly, NEH's general inclination will be to translate, at least in part, "vital" documents. A document will be considered vital if it conveys or collects information that is essential for accessing NEH services. Vital documents will be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program, needs services or information in a language other than English to communicate effectively. For longer documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety. It seems likely that the only NEH documents that might be considered "vital" enough to be translated in part are the grant guidelines. At present, guidelines are available only in English. NEH will apply the other three factors to determine what portion, if any, of the guidelines or other forms should be translated, and into which language. For example, we may determine that only the actual application forms and instructions, and not the detailed guidelines on the application review process, are "vital." As it develops a plan for potential translation of guidelines, NEH will look both at requests for translation and at the nature of the grant programs. Documents which are deemed "non-vital" need not be translated. However, NEH will look to the nature of the specific document in making the determination on translation.

## **D. Resources available**

For a discretionary grantmaking agency such as NEH, language accessibility can involve three layers: translation of guidelines, translation of applications, and translation of the panel process. When multiple languages are involved, the complications are exponential. If translation requests increase, the agency will need to address serious issues of resource allocation. If translation and interpretation requests increase, NEH will review its administrative budget to determine what portion of funds can be reallocated towards translation and interpretation services.

## **Mechanisms for Translation**

Once the need for translation has been determined, NEH will assess what technique is appropriate: written, oral, or use of bilingual staff or interpreter.

## **A. Written Translation**

If written translation is deemed appropriate, NEH will first determine whether the written translation request can be fulfilled in-house. If the translation requires skills beyond those offered by staff members, then the agency will contract with translators as needed.

## **B. Oral Translation services**

NEH will also establish a mechanism to contract for oral translations, such as a telephone language interpretation service, when bilingual staff are unavailable.

## **C. Volunteer Translation Assistance**

NEH will continue to investigate mechanisms to work with other agencies, humanities-focused organizations, LEP-serving organizations, and grantees to enhance the agency's capacity for translation and interpretation and to develop technical assistance materials.

## **D. Language Skills Database**

NEH has established a database of staff members who are fluent in languages other than English. This language skills database will allow requests for language assistance to be filled in a timely and efficient manner.

## **2. Encourage Outreach to LEP Populations**

Federally funded programs must make their day-to-day programs accessible to LEP populations. At the same time, they also need to increase outreach to all underserved populations, including persons with limited English proficiency. NEH will continue to give high priority to these outreach activities, by encouraging grantee outreach programs, by funding programs in other languages, and by funding programs that increase access by non-English speakers to the humanities or increase access of the general population to the humanities.

NEH will also ensure that its leadership initiatives and outreach programs are extended and, where appropriate, targeted to populations with limited English proficiency, and will ensure that all grant programs encourage such outreach.

Finally, NEH's General Grant Terms and Conditions, which govern all grants and cooperative agreements, have been revised to specifically reference LEP in the description of Title VI.

## **3. Improve LEP Application Review and Enhance Technical Assistance for LEP Applicants**

### **Improve LEP Application Review**

At present, NEH does not generally receive applications in languages other than English. However, if portions of an application or support materials are in a language other than English, NEH will have at least one bilingual panelist who serves as the lead reader on that application and assists other panelists in evaluating it. As an alternative (for example, when a language is relatively rare), an application would be sent to a bilingual reader.

We do not anticipate having resources available to translate applicant support materials into English. Staff will continue to work to ensure that LEP applicants are not disadvantaged.

### **Enhance Technical Assistance for LEP Applicants**

NEH will establish a mechanism to provide technical assistance in other languages to the same degree that we provide it in English, and to publicize this assistance. At present, most technical assistance would be provided through informal oral assistance, by telephone, at the pre-application phase. This could be provided to LEP applicants through the use of bilingual staff or contract interpreters.

A second key form of technical assistance is the provision of summaries of panel comments, on request, to rejected applicants who apply to certain programs. Typically this feedback is provided in written form via e-mail. NEH will investigate the possibility of providing such feedback in other languages, on reasonable request, to LEP applicants.

## **4. Provide LEP Technical Assistance to Grant Recipients**

NEH will focus its technical assistance efforts on helping recipients find creative ways to increase language accessibility without jeopardizing their programs. The [www.lep.gov](http://www.lep.gov) website is a key resource for both applicants and grantees. NEH anticipates that our grantees may experience difficulties with resource allocation. Many of our grantee organizations and the grants received are quite small. Thus, our technical assistance efforts will take into account the size and resources of recipients.

Technical assistance will need to be tailored not only by size, nature, and location of organization, but also by the field. Some humanities disciplines, like literature, are quite language-dependent. Except when a program is specifically designed to be multilingual, these programs probably have minimal accessibility. Other humanities projects, such as art collections, films, and photography, transcend language and are likely extremely accessible. Some projects have long experience with translation issues; for example, larger museums often have exhibit labels and tours in multiple languages, and media addresses language issues through subtitling and dubbing. NEH will focus on identifying "best practices" for different types of organizations.

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Like translation requests, technical assistance will be handled by the relevant office. The NEH Office of General Counsel will serve as the identified centralized staff contact, will coordinate staff training and the development of resources on language issues for grantees, and will supervise the provision of technical assistance.

Complaints of language discrimination will be handled by the Office of General Counsel. Language discrimination complaints will be handled on a case-by-case basis, by fact-intensive inquiry into the actual effects of the recipient's actions and inactions on persons with limited English proficiency. Balancing the factors in the policy statement - the number or proportion of people with limited English skills served, the frequency of their contact with the program, the importance and nature of the program, and the resources available - NEH grantees are typically in a very different situation than public education or health care. In most instances, NEH grantees' Title VI obligations will be satisfied by making available oral assistance or commissioning translations under appropriate circumstances.

For more information see: [Executive Order 13166, Improving Access to Service for Persons with Limited English Proficiency \(August 11, 2000\)](#)