

Limited English Proficiency (LEP) Plan

International Institute of Minnesota (IIM)

1. Purpose

The purpose of this plan is to document the policies and procedures as it applies to providing meaningful access (language access) to individuals with Limited English Proficiency (LEP) while accessing services and information at **International Institute of Minnesota** in St. Paul, MN.

2. Authorities

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
- Section 1557 of the Affordable Care Act (ACA) (Section 1557).
<https://www.gpo.gov/fdsys/pkg/FR-2016-05-18/pdf/2016-11458.pdf>
- Office for Civil Rights Policy Guidance, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68FR 47311 (2003).
<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/policyguidancedocument.html>
- Department of Justice regulation, 28 CFR §42.405(d) (1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, Requirements for Translation. http://www.justice.gov/crt/grants_statutes/corregt6.txt
- Bilingual requirements in the Food Stamp program, 7 CFR §272.4 U.S. Department of Agriculture, Food and Consumer Service. <http://www.gpo.gov/fdsys/pkg/CFR-1998-title7-vol4/pdf/CFR-1998-title7-vol4-sec272-4.pdf>
- Communications Services, Minnesota Status § 15.441, subd (1), (2), (3), (4).
<https://www.revisor.leg.state.mn.us/statutes/?id=15.441&format=pdf>
- Information for persons with limited English language proficiency, Minnesota Status §256.01 subd 16. <https://www.revisor.mn.gov/statutes/?id=256.01>

3. Definitions

- **Bilingual staff** - Is the person who has met and demonstrated the minimum linguistic proficiency and fluency requirements in both languages (target and source languages), AND has demonstrated cultural responsiveness, AND **International Institute of Minnesota** has documented the above.

If the bilingual staff is going to act as interpreter for others, the above criteria are required in addition to at least one of the following:

- i. the bilingual staff is a Healthcare Certified Interpreter (CHI, CoreCHI), Certified Medical Interpreter (CMI), Federal or State Court certified interpreter
- ii. have received healthcare interpreting training (minimum of 40 hours)
- iii. have received community interpreting training (minimum of 40 hours)

- iv. have developed skills and abilities as an interpreter
 - v. understand boundaries and roles as an interpreter
 - vi. abide to the National Code of Ethics and Standards of Practice for Healthcare Interpreters by NCIHC, or Canons and professional code of ethics
 - vii. maintain skills by receiving interpreting continuing education of at least 8 hours annually, AND
 - viii. **International Institute of Minnesota** keeps records and documentation of the above
- **Culturally appropriate services** – Is the utilization or application of services, testing, and any other methodology that does not have the effect of subjecting individuals with LEP, and/or their families to discrimination because of their race, color, or national origin, or do not have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin. 45 CFR 80.3(b) (2).
 - **Effective communication** - In a program delivery setting such as immigration, employment, and social services, effective communication occurs when provider staff have taken the necessary steps to make sure that a person with Limited English Proficiency is given adequate information to understand the services and benefits available and receives the information and services for which they are eligible. Effective communication also means that a person with Limited English Proficiency (LEP) is able to communicate the relevant circumstances of their situation to the provider, and for the provider has access to the adequate information to do their job.
 - **I Speak Cards** - “I Speak” Cards say both in English and target language “I need a (target language) interpreter.”
 - **Individual with Limited English Proficiency (LEP)** – A person with Limited English Proficiency or “LEP” is not able to speak, read, write or understand the English language well enough to allow them to interact effectively with healthcare, social services agencies, and other providers.
 - **Interpreting** - Interpreting means the oral, verbal or spoken transfer of a message from the source language into the target language. There are different modes of interpreting such as consecutive, simultaneous, sight-translation, and summarization.
 - **Language Block** – Is a block of text that informs readers, in ten different languages, how they can get free help interpreting the information on a particular document or included as an insert in appropriate documents.
 - **LEP Implementation Team** - Individuals appointed by the Executive Director, currently Jane Graupman, to review LEP Implementation activities within International Institute of Minnesota.
 - **Meaningful access** - Meaningful access to programs, information, and services is the standard of access required of federally funded entities to comply with language access

requirements of Title VI of the Civil Rights Act of 1964. To ensure meaningful access for individuals with Limited English Proficiency, service providers must make available to clients, patients and their families language assistance that is free of charge and without undue delay resulting in accurate and effective communication.

- **Office for Civil Rights (OCR)** - The Office for Civil Rights is the civil rights enforcement agency of the U.S. Department of Health and Human Services. OCR Region V is the regional office that enforces Title VI in Minnesota for health and human services agencies and providers.
- **Primary languages** - Primary languages are the languages other than English that are most commonly spoken by clientele as identified by International Institute of Minnesota's collection of demographic data. Currently there are seven (8) primary languages: Arabic, French, Hmong, Karen, Kiswahili, Oromo, Spanish, and Somali.
- **Qualified Interpreter** - A person who either has met training and competency requirements or who is a certified healthcare, certified federal or state court interpreter and in good standing before their certifying body, AND adheres to the interpreter National Code of Ethics and Standards of Practice for Interpreters in Health Care (National Council on Interpreting in Health Care –NCIHC), the canons of ethics and conduct for court interpreters, etc.
- **Sight translation** - The verbal translation (transfer) of a written document from the source language into the target language.
- **Translation** - Translation means the written transfer of a message from the source language into the target language.

4. **Methods of Providing Services to individuals with LEP**

The primary methods used are: in-person interpreting or telephonic interpreting

Contracted Qualified Interpreters: Arch Language Network

Telephone Interpreter Services: Language Line

Video Remote Interpreting (VRI) Services: not applicable

The International Institute of Minnesota has 27 qualified and competent bilingual staff who speak the following languages: Amharic, Arabic, Burmese, Dutch, French, German, Japanese, Karen, Kiswahili, Oromo, Russian, Somali, Spanish, and Tigrinya.

LEP Liaison & Coordinator:

Associate Director, currently Michael Donahue, for IIM with program managers who are responsible for implementing this LEP plan in each program area. IIM has an existing grievance procedure used to resolve grievances and complaints. This procedure will be used to resolve any LEP related disputes or complaints. The grievance procedure is available on our website and in the office upon request.

LEP Liaison Back-up: Director of Refugee Services, currently Micaela Schuneman

5. Interpreter Services

International Institute of Minnesota, without undue delay and at no cost to individuals with LEP and/or their families, provides meaningful access to information and service to all individuals with LEP and/or their families receiving services.

IIM Limited English Proficiency plan has been developed to serve its participants, prospective participants, family members of participants or prospective participants, or other interested members of the public (hereafter called "participants") who do not speak English or who speak limited English.

A participant has limited English Language proficiency (LEP) when he/she is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with IIM staff.

Sometimes it is not this easy to identify a person with LEP. Some participants may know enough English to manage basic life skills, but may not speak, read or understand English well enough to understand in a meaningful way some of the more complicated concepts they may encounter within the human services systems (i.e., legal, medical or program language). These participants may also fit the description of a person with LEP.

2. Statement of commitment to Meaningful Access

No person will be denied access to IIM programs or program information because he/she does not speak English or speaks limited English. IIM will provide for effective communication between participants with LEP and IIM staff by making appropriate language assistance services available when participants need these services. Participants will be provided with meaningful access to programs and services in a timely manner and at no cost to the participant.

3. Offering Language Assistance Services

Staff will initiate an offer for language assistance to participants who have difficulty communicating in English, or when a participant asks for language assistance. Whenever possible, staff are encouraged to follow the participant's preferences. For example, if a participant wants a family member or friend to interpret rather than an IIM provided interpreter, staff should allow this if doing so will not violate the participant's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret. Staff must offer free interpreting and/or translation services to persons with LEP in a language they understand, in a way that preserves confidentiality, and in a timely manner and free of charge. [See rule for working with family and friends as interpreters]

4. Uncommon Languages; In-Person Interpreter Services

When interpreter services are needed in a language not commonly used, the participant with LEP will be connected with an interpreting service IIM contracts.

If an interpreter is needed in-person, rather than over the telephone, arrangements will be made to have an interpreter available. Arrangements for in-person interpreting should be made by contacting vendors directly.

5. Emergency Situations

When programs require access to services within short time frames, IIM will take whatever steps necessary to ensure that all participants, including participants with LEP, have access to services within the appropriate time frames. For example, when a participant needs an interpreter or other language assistance services to obtain expedited program services, IIM's goal is to make the services accessible within the required time frame, whether that means working with an interpreter or any other appropriate type of language assistance.

7. Assisting participants That Do Not Read Their Language

IIM staff must assist a participant with LEP who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

8. Assigning participants with LEP to Bilingual Staff

Where applicable, and as a program practice, IIM will use its best efforts to assign participants with LEP to bilingual staff who speak their language and who are competent in both languages.

Procedure for working with Interpretive Services

1. Verification of Participant's Identity

IIM staff should continue the existing practice of verifying the identity of the participant before releasing case-specific information. Bilingual staff, independent contractors, or other private companies providing interpreting or translation services through contracts with the IIM (hereafter "contractors"), may be used in making verifications.

2. Language Assistance Resources --Order of Preference for Use

As much as possible, staff should use these language assistance services in the order set out below.

a. Bilingual Staff

A list of bilingual staff is available at the front desk. It will be updated once a year to coincide with the Directory updates. Bilingual staff listed speak several different languages as indicated in the Directory. IIM staff should use the Directory to connect existing bilingual staff to participants with LEP for the purpose of providing interpreter assistance. These bilingual staff members are considered competent to provide interpreter assistance. They have been screened for competency and trained in ethics, interpreter skills, and standard program terminology. This training must take place at least once a year or upon hiring.

b. Contract Interpreting and Translation Services

IIM staff and programs can contract on an individual basis to set up short/long term arrangements with independent contractors to provide interpreting and translation services.

c. Working with Family and/or Friends as Interpreters

Staff are asked to accommodate participants' wishes to have family or friends serve as interpreters whenever possible. However, staff must keep in mind participant confidentiality and interpreter competency and should also follow the roles set out below.

IIM may expose itself to liability under Title VI if it requires, suggests, or encourages a participant with LEP to use friends, minor children, or family members as interpreters because family, friends, or minor children may not be competent to serve as interpreters.

Working with family or friends could result in a breach of confidentiality or reluctance on the part of participants to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpreting, and/or have little familiarity with specialized program terminology.

If a participant still prefers a family member or friend to interpret after IIM offers free interpreter services, IIM may work with the family member or friend if doing so will not compromise the effectiveness of the interpreting and/or violate the participant's confidentiality. IIM staff should document in the participant's case file their offer of interpreter assistance and the fact that the participant declined the offer. Even if a participant elects to work with a family member or friend as an interpreter, IIM staff must make arrangements to have a qualified interpreter listen in on the interview to ensure accurate interpreting.

d. Rule for Minor Children

IIM staff should never work with minor children as interpreters.

6. Translation of Documents

International Institute of Minnesota contracts qualified translators or translating agencies to assist individuals with LEP in translating all vital documents, or documents needed to perform services. IIM will use ARCH for translating.

7. Dissemination and Mandatory Training to Agency Staff, Volunteers, and Others

International Institute of Minnesota is committed to providing LEP training to:

- All staff at new employee orientation, AND
- At least once a year to all staff, volunteers, and contractors.

International Institute of Minnesota will keep record of those training sessions and individual record of attendance to training will be part of personnel files. Record of this training will be kept for a minimum of five years and readily available during DHS audits, investigations, or any proceeding and as required by the law.

This training is to include at least the following:

- Title VI of the Civil Rights Act of 1964
- How to work effectively with interpreters, and
- Any other cultural issues related to delivery of information and services to individuals with LEP served by International Institute of Minnesota.

This policy is added to the listing of Policies and Procedures on the International Institute of Minnesota website.

Dissemination of Language Access Information in Public Areas

International Institute of Minnesota makes available to individuals with LEP:

- Notice of language access services by posting in public areas the “[Language Poster](#)”, available through DHS public Web site (<https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4739-ENG>)
- “[I need an interpreter](#)” card available in ten languages and from DHS public Web site (<https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4374-ENG>)

8. Annual Review of LEP Plan

International Institute of Minnesota reviews annually its LEP plan to adjust or modify its contingencies based on demographic data collected by International Institute of Minnesota during its delivery of information and services to individuals with LEP throughout the year.

International Institute of Minnesota upon DHS request will complete and submit DHS LEP Plan review on an annual basis or as often as requested by DHS.

9. Collection of Data & Its Analysis

IIM is committed to monitor and make reasonable adjustments to comply with Title VI requirements. IIM will collect:

- We ask for DOB, gender, preferred spoken language, preferred written language, needs interpreter (Yes, No), cultural background, ethnicity, upon a person’s enrollment in our programs.
- This data is being gathered in order to better serve our communities, and to ensure effective communication with participants.

10. Complaint Process:

Individuals with LEP have the right to file a formal complaint with:

- International Institute of Minnesota:
 - Michael Donahue, Associate Director
 - 651-647-0191 ext. 318
1694 Como Avenue, St. Paul, MN 55108
mdonahue@iimn.org
- Minnesota Department of Human Services (DHS), Limited English Proficiency (LEP) Coordinator:
 - Alejandro Maldonado
651-431-4018
P.O. Box 64997
Saint Paul, MN
55164-0997
alejandro.maldonado@state.mn.us
Fax 651-431-7444
MN Relay 711 or 1-800-627-3529
- Office for Civil Rights (OCR), Region V – Chicago, IL
 - Celeste Davis, Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (800) 368-1019
FAX 312-886-1807
TDD 800- 537-7697
 - <http://www.hhs.gov/ocr/civilrights/complaints/index.html>

This LEP Plan is available in public areas of International Institute of Minnesota, to all staff, volunteer, and contractors, and to members of the community.

Revisions to this LEP Plan

Creation May 2017 By Micaela Schuneman

No changes made at this time as this is the creation of the LEP plan.

First Revision

Second Revision

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