

# Plan for Improving Access to Agency Programs for Persons with Limited English Proficiency

## I. Background and Purpose

The National Endowment for the Humanities (NEH) serves the American public by promoting advanced research, deeply informed teaching in schools and colleges, lifelong learning, and the preservation of cultural collections. NEH also supports the fundamental building blocks of American civil society, helping Americans of all backgrounds to examine the human condition, understand our cultural heritage, and foster mutual respect for diverse beliefs and cultures.

NEH strives to embed equity across its programs, thereby ensuring that the agency fulfills its [statutory mission](#) to expand access to the humanities to “people of all backgrounds,” including individuals with limited English proficiency, for decades to come. More information about NEH’s equity efforts is available at the agency’s [Equity page](#).

To achieve these objectives, the agency strongly supports efforts to reach people from many different cultures and language backgrounds. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” Executive Order 13166 and Title VI of the Civil Rights Act of 1964 require NEH to ensure that individuals with limited English proficiency are afforded meaningful access to NEH’s federally funded programs and activities. The purpose of this Language Access Plan (LAP) is to outline the reasonable efforts that NEH will make to reduce limited English proficiency as a barrier to accessing NEH services, programs, and activities.

This plan sets forth standards, operating principles, and guidelines to help NEH management and staff understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. NEH has also issued guidance for organizations that receive federal financial assistance from NEH to assist people with limited English skills, which is available at the agency’s [Title VI Guidance for Recipients page](#).

## II. Language Access Coordinator

The director of NEH’s Office of Diversity, Equity, Inclusion, and Accessibility, whom NEH is in the process of hiring, will serve as the Language Access Coordinator within NEH. In the interim, the NEH General Counsel will serve as the Acting Language Access Coordinator and may be reached at [gencounsel@neh.gov](mailto:gencounsel@neh.gov). The Language Access Coordinator will:

- Administer NEH’s LAP;
- Assess the language assistance needs of NEH’s direct constituents;
- Serve as a resource to NEH staff and grantees who have questions about the LAP;
- Coordinate the development of resources on language issues for grantees, supervise the provision of technical assistance, and receive requests for written translation;
- Review, as needed, NEH’s programs and activities for language accessibility; and periodically reassess and, where appropriate, update NEH’s LAP to ensure that the scope

and nature of language assistance services reflect updated information on relevant LEP populations, language assistance needs, and changes in technology; and

- Serve as the point of contact for complaints about NEH's LAP (see Section IV., below).

The agency's preliminary assessment is that NEH has a very small direct LEP constituency. However, NEH will continue to refine this assessment, as the agency's LEP services improve.

### **III. Strategies and Procedures**

NEH has determined to provide meaningful access to its programs to LEP individuals; accordingly, this LEP focuses on proactive strategies to ensure such access, including the provision of necessary language assistance services, staff training on policies and procedures, and notice to external stakeholders - in a language they understand - of the availability of no-cost language assistance services.

According to the American Community Survey, the top five languages spoken in the United States by individuals with LEP are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino). NEH staff are encouraged to review the mapping resources on LEP.gov and consult with stakeholders to ensure its funding adequately reaches all groups regardless of language spoken. NEH staff will make reasonable efforts to notify the public about its LEP policies and how to access language assistance services.

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 procedures for handling any language access 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.

#### **A. Internal Procedures for Handling Language Assistance Requests**

##### **i. Identifying Individuals with LEP**

At the point of first contact with an individual with LEP, NEH staff will make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services. Staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual with LEP;
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services;
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language.

## **ii. Identifying Types of Language Assistance Services**

There are two primary types of language assistance services: oral and written. Oral language assistance service may come in the form of "in-language" communication (communicating directly in an LEP person's language) or through interpretation. . Translation is the replacement of written text from one language into another.

Any NEH staff member who receives a request for language access services, or who determines language assistance services may be necessary, will notify the Language Access Coordinator so that they can assist with the request and/or update the agency's records. Once NEH has determined the need for language assistance, it will assess which technique is appropriate.

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 and partner organizations located in U.S. states and jurisdictions.

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 staff of organizational applicants and grantees, including the use of bilingual NEH staff.

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 received such a request, the agency will assist prospective applicants with bilingual staff or interpreters.

NEH also receives inquiries from individual members of the public. To date, these requests have been almost exclusively in English. If inquiries in other languages are received, the Language Access Coordinator will coordinate resources 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 contract interpreters to assist these individuals.

Written translation matters are addressed in Section III.A.iv, below.

## **iii. Mechanisms for Providing Oral Language Assistance Services**

### **1. Oral Interpretation Services**

Although NEH rarely receives requests from individuals with limited English skills, the diversity of languages spoken by agency staff would allow certain requests for

oral language assistance 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 by communicating “in-language” with LEP individuals. See Section III.A.iii.3, below.

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

NEH will ensure that all staff or contracted personnel who serve as translators, interpreters or who communicate directly in-language with LEP persons:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language;
- Identify and employ the appropriate mode of interpreting, translating, or can communicate fluently in the target language;
- Have knowledge in both languages of any specialized terms peculiar to the program or activity and of any particularized vocabulary used by the LEP person; and
- Understand and follow confidentiality, impartiality, and ethical rules to the same extent as NEH staff.

## **2. 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.

## **3. 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 the agency to address requests for language assistance in a timely and efficient manner.

## **iv. Written Translation**

If NEH determines written translation is appropriate, NEH will first decide whether it can fulfill the request in-house. If the translation requires skills beyond those offered by staff members, the agency will contract with translators as needed.

NEH receives few, if any, requests for written translation of its publications. However, as NEH increases its outreach programs to LEP populations, it anticipates that such requests may also increase, and has established procedures to accommodate them.

Access to NEH programs, while important, are not matters of life and death. 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. NEH considers a document vital if it conveys or collects information that is essential for accessing NEH services. NEH will consider translating vital documents 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, and when it has the resources to do so. For longer documents, NEH may translate only portions of the document containing vital information.

At present, NEH notices of funding opportunities (NOFOs) are available only in English. NEH will apply relevant LEP guidance to determine what portion, if any, of the NOFOs or other application forms it should translate, and into which language. For example, NEH 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.

NEH will not translate documents it deems to be "non-vital." In each case, NEH will look to the nature of the specific document to determine whether to translate it. NEH will begin the translation of vital documents and information, as it deems appropriate and in line with its available resources, into languages based on the needs of the target population with LEP.

For a discretionary grantmaking agency such as NEH, language accessibility can involve multiple layers: translation of NOFOs, 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.

## **B. 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, and by considering funding programs in other languages and programs that increase access by non-English speakers to the humanities or increase access of the general public to the humanities.

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

As noted above, NEH guidance for organizations that receive federal financial assistance from NEH to assist people with limited English skills is available at the agency's [Title VI Guidance for Recipients page](#).

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

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

#### **i. 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 (if the NOFO allows it), NEH will make its best efforts to 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), NEH might send an application to a bilingual reader.

Staff will continue to work to ensure that LEP applicants are not disadvantaged, and NEH may consider translation options if the agency begins to allow and receive non-English grant applications on a regular basis.

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

NEH will consider establishing a mechanism to provide technical assistance in other languages upon reasonable request, to the same degree that NEH provides it in English, if the agency has the resources to do so. At present, NEH would anticipate providing technical assistance to LEP applicants through informal oral assistance, by telephone, at the pre-application phase using bilingual staff or contract interpreters.

NEH also provides technical assistance by giving summaries of panel comments, on request, to rejected applicants who apply to certain programs. Typically, NEH provides this feedback in writing by e-mail. NEH will investigate the possibility of providing such feedback in other languages, on reasonable request, to LEP applicants.

### **D. 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 [LEP.gov](http://LEP.gov) website is a key resource for both applicants and grantees. NEH anticipates that its grantees may experience difficulties with resource allocation. Many of NEH's grantee organizations are quite small as are the grants they receive. Thus, NEH's technical assistance efforts will consider the size and resources of recipients.

NEH will also need to tailor technical assistance by the size, nature, and location of the organization, and 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, are likely quite 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.

As with requests for translation, NEH office staff will work with the Language Access Coordinator to address requests for technical assistance. The NEH Language Access Coordinator will serve as the centralized NEH staff contact, will coordinate staff training and the development of resources on language issues for grantees, and will supervise the provision of technical assistance.

Training for staff who interact with individuals with LEP may include:

- The content of the language access policy;
- Identifying the language needs of an LEP individual;
- Working with an interpreter in person or on the telephone;
- Requesting documents for translation;
- Accessing and providing language assistance services through multilingual employees, in-house interpreters and translators, or contracted personnel;
- Duties of professional responsibility with respect to LEP individuals;
- Interpreter ethics;
- Tracking the use of language assistance services; and
- Tips on providing effective assistance to LEP individuals.

#### **IV. Complaints**

Complaints of language discrimination will be handled by the Language Access Coordinator in consultation with the NEH Office of General Counsel. The Language Access Coordinator will address complaints 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 recipients of federal public education or health care financial assistance. In most instances, NEH grantees’ Title VI obligations will be satisfied by making available oral assistance or commissioning translations under appropriate circumstances.

#### **V. Definitions**

Direct “In-Language” Communication. Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).

Interpretation. The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning.

Limited English Proficiency (LEP). Describes individuals who:

- do not speak English as their primary language; and
- have a limited ability to read, write, speak, or understand English.
- Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is deaf or hard of hearing may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

Language Assistance Services. Oral and written language services used to provide individuals with LEP meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the agency.

Meaningful Access. Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

Primary Language. The language in which an individual most effectively communicates with the agency. An individual's primary language may be a language variant.

Sight Translation. Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text.

Translation. The process of converting written text from a source language into an equivalent written text in a target language as accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.

Vital Document. Paper or electronic written material that contains information that is critical for accessing an agency's programs or activities or is required by law.

## **VI. Additional Resources:**

- [Executive Order 13166, Improving Access to Service for Persons with Limited English Proficiency \(August 11, 2000\)](#);
- Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021) (Persons with LEP could be considered "underserved communities" and this Order asks agencies to consider "[p]otential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in Federal programs."), available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.
- Executive Order 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders, 86 Fed. Reg. 105, 29675 (June 3,



2021)(“Linguistic isolation and lack of access to language assistance services continue to lock many AA and NHPI individuals out of opportunity”) available at

- <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>; or
- Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 88 Fed. Reg. 35, 10825 (Feb. 22, 2023)(“[I]mprove language access services to ensure that all communities can engage with agencies’ respective civil rights offices, including by fully implementing Executive Order 13166”) available at <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.