

The following information is provided by the Civil Rights Division at the U.S. Department of Justice (DOJ) to the Houston Interpreters and Translators Association (HITA) on March 15, 2019.

1) What do translators and interpreters need to know about Title VI and Language Access?

Title VI of the Civil Rights Act of 1964 and its regulations (Title VI) prohibit recipients of federal financial assistance (recipients) from discriminating in their programs or activities based on race, color, or national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP). 42 U.S.C. §§ 2000d to 2000d-7; 28 C.F.R. §§ 42.101-112, 42.401-415. LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

In 1974, the United States Supreme Court decided that the denial of “a meaningful opportunity to participate” in education to a group of non-English speakers by a recipient violated Title VI and its implementing regulations. *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974). Federal agencies have also consistently explained that Title VI requires recipients to take reasonable steps to provide meaningful access to LEP persons. *See e.g.*, DOJ LEP Guidance to Recipients, 67 Fed. Reg. 41455 (June 18, 2002) (DOJ LEP Guidance).

Title VI regulations require that where a significant number or proportion of the population needs service or information in a language other than English to be informed of or to participate, “the recipient shall take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons.” 28 C.F.R. § 42.405(d)(1); *See also*, 28 C.F.R. §§ 42.104 (prohibiting many types of national origin discrimination that can occur when LEP individuals are denied meaningful access); DOJ LEP Guidance. This includes reasonable steps to translate paper documents, websites, and electronic content that contain vital information about programs and activities into frequently encountered languages. A recipient’s failure to provide an LEP individual oral language services, such as through interpreters or competent bilingual staff, can also violate Title VI. Oral communication, in the form of in-person or remote interpretation, is often a necessary part of the exchange of information between a recipient and an LEP individual.

While Title VI does not apply to the federal government, Executive Order 13166 requires federal agencies to provide LEP individuals meaningful access to federal programs and activities. All federal agencies subject to Executive Order 13166 must design and implement plans to ensure access for LEP individuals to all of their federally conducted programs and activities. Exec. Order 13166, Improving Access to Servs. for Persons with Limited English Proficiency, Sec. 2, 65 Fed. Reg. 50,121 (Aug. 16, 2000).

2) What is the role of language professionals in enforcement of Title VI? What are their rights and responsibilities?

Language professionals who believe that they or someone that they know has been subject to discrimination because of their race, color, or national origin, including limited English proficiency (LEP), by recipient programs or activities, may contact the Federal Coordination and Compliance Section (FCS) or file a Title VI complaint at www.justice.gov/crt/filing-complaint.

Title VI also prohibits retaliation by recipients, which includes any actions to “intimidate, threaten, coerce, or discriminate against *any individual*...[who] has made a complaint, testified, assisted, or participated in any manner in an investigation...” 28 C.F.R. § 42.107(e) (emphasis added). Title VI includes a prohibition on retaliation against those who oppose the prohibited discrimination, even if they are not within the class of individuals protected by Title VI. *See* 28 C.F.R. § 42.107(e). Individuals who believe that they have been a target of retaliation, may file a complaint.

3) What are some common examples of situations when Language Access requirements are not met? What can translators and interpreters do if they observe these situations?

Federal agencies assess each situation on a case-by-case basis, but the DOJ Title VI [resolutions and agreements page](#) provides some examples. If translators or interpreters observe a situation that they believe violates Title VI, they can file a Title VI complaint with FCS at www.justice.gov/crt/filing-complaint

4) What resources are available for more information on this topic?

LEP.gov

- [Frequently Asked Questions](#)
- [Interpretation and Translation Resources](#)

LEP.gov Videos:

- [How to Better Serve Your LEP Audience by Meeting the Federal Requirements](#)
- [Interagency Video Training Series on Communicating Effectively with Limited English Proficient Members of the Public](#)
- [Breaking Down the Barriers: Translating Limited English Proficiency Policy into Practice](#) (English, Spanish, Chinese, Vietnamese, and Korean)
- [Overcoming Language Barriers, Department of Justice](#)
- [Executive Order 12250](#) authorizes the Department of Justice (the Department) to issue guidance and technical assistance to individuals and entities that have rights or responsibilities under Title VI of the Civil Rights Act of 1964. The Federal Coordination and Compliance Section is responsible for government wide coordination with respect to [Executive Order 13166](#). The Department of Justice-issued guidance documents on this website provide informal non-binding guidance to assist you in understanding the language access requirements of the Act, the Department’s regulations, and Executive Order 13166.

- The guidance documents and this Q&A are not intended to be a final agency action, have no legally binding effect, and have no force or effect of law. The documents may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see [“Memorandum for All Components: Prohibition of Improper Guidance Documents,”](#) from Attorney General Jefferson B. Sessions III, November 16, 2017.