

## **Institute of Museum and Library Services' Plan for Ensuring Access for Persons with Limited English Proficiency**

November 2023

The Institute of Museum and Library Services (IMLS, the Institute, or the Agency) is an independent Federal agency that provides museum, library, and information services to meet the needs of the public. In addition to carrying out programs of financial assistance, the Agency conducts research and data collection, and helps shape national policies that support the development of museum, library, and information services across communities.

To improve language accessibility, IMLS has designed this Limited English Proficiency Plan (LEP Plan), which contains guidelines for IMLS staff and contractors to follow when providing services or engaging with individuals with limited English proficiency (LEP). In updating this plan, IMLS has utilized the “four-factor” analysis<sup>1</sup> to determine the reasonable steps it needs to take to provide meaningful access. The LEP Plan is consistent with Title VI of the Civil Rights Act of 1964, its implementing regulations, guidance documents, Executive Order 13166, and Executive Order 14091.

Through its Federally funded programs and activities, IMLS aims to inclusively serve individuals with LEP. IMLS will undertake additional measures, such as identifying and assessing LEP needs, with the goal of further reducing or eliminating limited English proficiency as a barrier to accessing the Agency’s programs and activities. It is the policy of IMLS to seek ways to provide persons with LEP meaningful access to all IMLS programs and activities at no cost to those individuals. The Agency remains committed to extending outreach to LEP populations and increasing its efforts to assist LEP grant recipients. \*

\* Recipients of IMLS grants and cooperative agreements are subject to the IMLS Policy Guidance entitled “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.” (IMLS’s Title VI LEP Policy Guidance)

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<sup>1</sup> The “four-factor” analysis is set out in the U.S. Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455, 41459-61 (June 18, 2002).

## I. Definitions

- A. **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.
- B. **Individuals with 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., accessing grant funding).<sup>2</sup>
- C. **Language Assistance Services** | Oral, written, and technical 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.
- D. **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.
- E. **Recipient** | An entity (e.g., an awardee or cooperator) that receives financial assistance from IMLS. One of the many goals of this Plan is to enhance meaningful access not only to recipients but also to individuals with LEP who access our recipients' services and resources.
- F. **Translation** | The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.

## II. Roles and Responsibilities

### *Language Access Coordinator*

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<sup>2</sup> Individuals with LEP who also have a disability will be provided assistance in accordance with Section 508.

The Director of IMLS has designated the following individual to serve as Coordinator to carry out this Plan and help ensure that the Agency adheres to policy directives and procedures to provide meaningful access to individuals with LEP:

Joy Doyle  
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202-653-4620

#### *Language Access Working Group*

To ensure implementation of the LEP Plan, IMLS will establish a Language Access Working Group (Working Group) led by the Language Access Coordinator and comprised of individuals from different departments within the Agency. The Working Group will identify any obstacles to meaningful language access and devise effective strategies and responses to overcome them.

The Working Group will seek to establish a timeline for implementing the LEP Plan as soon as practicable. Additionally, the Working Group will establish a schedule to regularly evaluate and update the Agency's LEP services, policies, plans, and protocols. The schedule should at a minimum require the Working Group to evaluate and update the Agency's LEP services at least biennially.

### **III. IMLS's Procedures to Provide Meaningful Access**

IMLS advances its mission primarily through programs of financial assistance. In addition to grantmaking, IMLS prepares publications to support its programs and conducts other types of activities, such as convenings for the museum and library communities. To further expand access to its publications, programs, and activities, the Agency has utilized the "four-factor" analysis to determine which reasonable steps it needs to take to provide meaningful access to individuals with LEP. The proactive steps the Agency must take to help ensure meaningful access are as follows:

#### **A. Language Assistance Services**

##### **i. Tracking Language Assistance Needs**

IMLS will establish a system for employees to document the frequency and nature of language assistance needs of its constituents. This system will catalogue an inventory of languages encountered and the mode of contact with the constituent with LEP (telephonic, in-person, e-mail, web-based, etc.).

IMLS's applicants and awardees are **organizations**, such as museums, libraries, and State and local library agencies. While many of these organizations have culturally specific missions or target audiences, virtually all have English-speaking staff. Currently, IMLS's primary non-English constituency is Spanish-speaking, as the Agency awards

grants to organizations in Puerto Rico and Spanish-speaking communities throughout the United States.

IMLS does not award grants to **individuals**. However, the Agency receives public inquiries from individuals, by telephone, by e-mail, and in writing. These requests, to date, have been almost exclusively in English.

IMLS will use the following Template for Recording Contact with Individuals with LEP (Template) for internal documentation and tracking of LEP requests (e.g., written translation, interpretation, and technical assistance):

Date	IMLS Employee Name	Language of Individual with LEP	Type of Language Assistance Provided	Mode of Communication

Once an employee fills out the Template, they will send it to the Language Access Coordinator. The Language Access Coordinator will review and assist the LEP individual, coordinating with the Working Group as necessary. Based on experience, IMLS has a small direct LEP constituency. However, the Institute will continue to monitor language access needs through this Template, recognizing that its LEP constituency may grow as the Institute’s services and programs improve and expand.

**ii. Language Assistance Mechanisms**

IMLS will take all reasonable steps to respond promptly and effectively to individuals with LEP who need assistance or information. Once an employee fills out the Template (see above), the Language Access Coordinator will determine the need for assistance and select the appropriate services. Possible services include written translation, interpretation and/or the use of bilingual IMLS staff, and technical assistance, as discussed below.

*1. Written Translation*

IMLS will seek to enter arrangement(s) with translators through the General Services Administration, the National Language Service Corps, another Federal agency, or a private company to establish a mechanism for the Agency to translate vital documents, described below, or other information as is needed. The Agency will try to ensure that whomever it contracts with for translation services has the capacity and expertise to translate documents into numerous languages in an accurate, timely, and effective manner. When required portions of a grant application or its supporting material(s) are in a language other than English, IMLS may use the same provider to

translate the materials into English. We may also use that provider to assist the Agency in translating portions of our website or digital communications.

## *2. Interpretation Services*

IMLS will arrange for interpretation services through qualified bilingual employees and contract interpretation services, likely through the same provider mentioned in the section above, as needed.

### *a. Interpretation Standards*

IMLS shall seek to ensure that all bilingual staff members and contracted personnel who serve as translators or interpreters, or who communicate directly with LEP individuals: demonstrate proficiency in and ability to communicate information accurately in both English and the target language; identify and employ the appropriate mode of interpreting, translating, or fluent communication in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary used by the LEP individual; understand and follow confidentiality, impartiality, and ethical rules to the same extent as IMLS staff, as appropriate; and understand and adhere to their role as interpreters, translators, or multilingual staff.

### *b. Bilingual Staff and Language Skills Databases*

IMLS will establish a database of IMLS employees who are fluent or nearly fluent in languages other than English. IMLS will also establish a system to assess bilingual employees to help ensure they are qualified to be part of the language skills database. IMLS employees will serve as interpreters only when they can effectively deliver the information to the constituent with LEP.

## *3. Technical Assistance*

IMLS will establish a mechanism to provide technical assistance to awardees, as needed and as is feasible, in other languages to the same degree supplied in English and to publicize the availability of this assistance. At present, IMLS provides most technical assistance in the form of informal oral communication.

IMLS's primary technical assistance efforts will focus on helping awardees find creative ways to increase language accessibility. IMLS anticipates that some awardees may experience difficulties with resource allocation, because most awardee organizations, as well as the grants and cooperative agreements they receive, tend to be relatively small.

Technical assistance must be tailored not only by the size, nature, and location of a recipient organization but also by the field in which a recipient organization specializes.

Most libraries, for example, have experience responding to the needs of LEP constituents through collections of non-English books, journals, and other works. Also, some museums have exhibit labels and tours in multiple languages and may utilize media producers to address language issues through subtitling and/or dubbing.

IMLS will continue to encourage increased language accessibility as an expense allowed with grant funding from the Agency. Some examples of previous awards that IMLS has funded related to language access and reducing language as a barrier to accessing resources and programs include: a museum providing refugees and immigrants access to their space in order to practice language and creative expression in support of their participation in community dialogues; a zoo creating learning activities translated into four languages to help parents and caregivers support children's nature play at home or in outdoor spaces; and a museum exhibition organized in partnership with a community of knowledge-holders to highlight rarely seen cultural and oceanic objects that used native speakers of their respective languages as content experts in preparing bilingual text panels and other educational materials.

### **iii. Resources Available**

IMLS will try to make language assistance services available, subject to the availability of funds and resources. For a discretionary grantmaking agency such as IMLS, language accessibility efforts involve four aspects:

1. Access to Notices of Funding Opportunities,
2. Access to applications,
3. Access to the panel/review process, and
4. Access to grant administration documents.

Language assistance service costs can grow exponentially when multiple languages are involved in a grant or program. If translation, interpretation, and technical assistance requests made to IMLS increase, the Agency will seek out cost-effective options to provide them.

## **B. Outreach to LEP Populations and Feedback from LEP Populations**

### **i. Outreach**

Federally funded programs are required by Title VI of the Civil Rights Act of 1964 to ensure access to their day-to-day programs by LEP populations. Agencies have also been directed to assess how they may more effectively conduct outreach to all underserved populations, including individuals with LEP. IMLS will strive to translate our outreach materials into multiple languages and to strengthen our outreach efforts to populations with LEP.

### **ii. Feedback**

IMLS will establish a transparent and accessible process for constituents and stakeholders to provide the Institute with feedback on how we can better provide language access. Our stakeholders and constituents are well-positioned to provide important input into the language access planning process, identifying populations for whom outreach is needed and which materials IMLS should translate. These groups will also be crucial in helping the Agency identify which language assistance services and translated vital documents are effective. A record of this feedback will be maintained, including any action taken by the Institute.

### **C. Notification of Availability of Language Assistance Services**

IMLS's website will seek to include information on the availability of language assistance services at no cost to the constituent and in a language the constituent understands. IMLS will also create a form on that same website landing page that individuals with LEP can use to request translation services. The Language Access Coordinator will work with IMLS's web content staff to periodically assess and monitor translated digital content to improve meaningful access for persons with LEP.

IMLS will also post its updated Language Access Plan on LEP.gov to promote awareness to individuals with LEP of our language-access-related developments and updates.

### **D. Translation of Vital Documents**

To ensure meaningful access, IMLS will seek to translate "vital" documents. IMLS considers documents that contain essential information for accessing IMLS's services or is required by law as "vital." Non-vital information includes documents that are not critical to accessing services. Translation of vital documents will occur when a considerable number of the population eligible to be served, or likely to be directly affected by a program, needs services or information in a language other than English to effectively access IMLS's services. For lengthier documents, the translation of vital information contained within the document will suffice for the purposes of providing meaningful access and will not require translation of the entire document.

Some examples of potential vital documents are notices of funding opportunities, applications, grant administration documents, notices regarding the availability of language assistance services provided by the Agency at no cost to the individual with LEP, press releases announcing activities or the availability of funding that affect communities with LEP, and public outreach or education materials. The Agency will determine what portion, if any, of these documents should be translated, and into which language(s). As it develops a plan for the potential translation of notices of funding opportunities, IMLS will also seek to ensure that notices of funding opportunities clarify that grant funding may be used to provide language assistance services to their community members with LEP.

### **E. Staff Training**

IMLS's Working Group will develop training materials and standards that incorporate the main components of the LEP Plan and highlight the main portions of IMLS's Title VI LEP Policy Guidance. IMLS will seek to ensure that all employees and contractors with potential contact with individuals with LEP receive training on this LEP Plan. The Agency will also publish this LEP Plan on our intranet to ensure that all staff understand the necessary procedures and actions to take when interacting with an individual with LEP.

IMLS staff members are also encouraged to review the mapping resources on LEP.gov. 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).

#### **IV. Human Resources**

When considering employment criteria, IMLS will seek to assess the extent to which non-English proficiency or designating a position as bilingual is necessary for a particular position or to fulfill the Institute's mission. IMLS will also consider language needs and inclusion of multiple language skills in recruitment, hiring, and retention.

#### **V. Enforcement of Title VI LEP Requirements**

IMLS's Office of General Counsel manages language or other discrimination complaints on a case-by-case basis. This process may include fact-intensive inquiry into the actual effects of a recipient's actions and inactions on persons with limited English proficiency. The facts surrounding each complaint will be assessed by balancing the "four-factor" analysis. In most instances, IMLS awardees' Title VI obligations will be satisfied by making available oral assistance or commissioning translations under appropriate circumstances. However, each recipient organization are required to adhere to the procedures and considerations outlined in IMLS's Title VI LEP Policy Guidance.