

Civil Rights and Other Federal Regulations

Tara Muir, J.D.
Public Policy Director,
WCADVSA

Katie Hughes
Rural Program Capacity Specialist,
WCADVSA

WCADVS
Wyoming Coalition Against
Domestic Violence and Sexual Ass

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HELLO!

I am Tara Muir

I am here because I believe in the role each of us has to play in moving our world forward to eliminate violence and discrimination. And I am here to feed my retired thoroughbred racehorse, Ian.

Hi!

I am Katie Hughes

I am here because I know we can do better, and I feel responsible to try.



Today's Goals

- To learn how we can embody dignity in our everyday lives, and prevent civil rights violations.
- Increase our general understanding of civil rights and other federal obligations
- Provide education of applicable Civil Right Statutes and mandates and how to apply them to our work

1.

Dignity: the paradigm

*We are all born with dignity,
we're just not born knowing how to act like it.*

"We exist in a circle of time and space.
Live as if everything has a story to tell."
-Strong Oak

Our Circle

Vulnerability is the
core, the heart, the
center, of meaningful
human experience.
-Brene Brown



2.

Human Rights: The legal framework

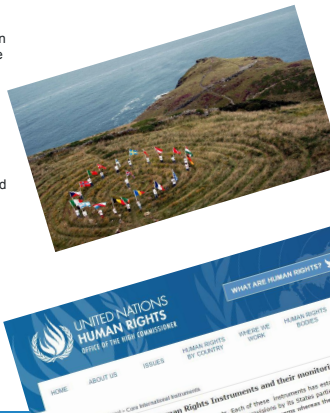
Understanding your responsibilities



*“All human beings are born free
and equal in dignity and in
rights.”- Article 1 of the Universal
Declaration of Human Rights*

1. We Are All Born Free & Equal. We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
2. Don't Discriminate. These rights belong to everybody, whatever our differences.
3. The Right to Life. We all have the right to life, and to live in freedom and safety.
4. No Slavery. Nobody has any right to make us a **slave**. We cannot make anyone our slave.
5. No Torture. Nobody has any right to hurt us or to torture us.
6. You Have Rights No Matter Where You Go. I am a person just like you!

And 24 more!



The
Justice
System
generally...

International Treaties - Human Rights Declarations

U.S. Federal

- U.S. Constitution & Bill of Rights
- Federal laws:
 - "Major crimes" (U.S. Attorney)
 - civil - commerce
- Federal protections against discrimination in employment, education, services, housing ...

State Criminal

- State Constitution
- Violent crimes
- Drug crimes
- Elder abuse
- Vulnerable adult abuse
- Hate crimes (not in WY)

State Civil

- State Constitution
- Tort - negligence
- Family Law - marriage, divorce, custody
- Protection Orders
- State protections against discrimination in employment, education, services, housing ...

Civil Rights Act 1964 - Title VII

No person shall "on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

42 USC 2000d Sec. 601



Civil Rights Act 1964 - Title VII

SEC. 2000e-2. [Section 703] (a) Employer practices. It shall be an unlawful employment practice for an employer

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

DISCRIMINATION
Of Any Kind
IS WRONG

3. The Ugly Details

Understanding your responsibilities - continued

Attention all sub-contractors!

Wyoming Division of Victim Services (DVS) must assure that your agency enforces civil rights and federal assurances too.

Your program or agency signs a contract with us with this language. Your funding depends on it!

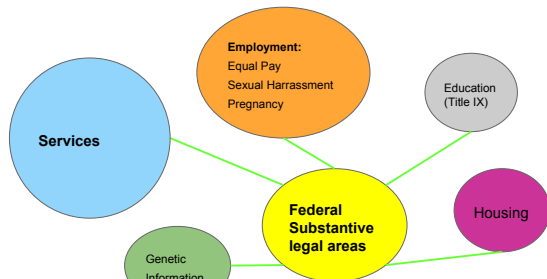


FY2018 AG DVS Contract

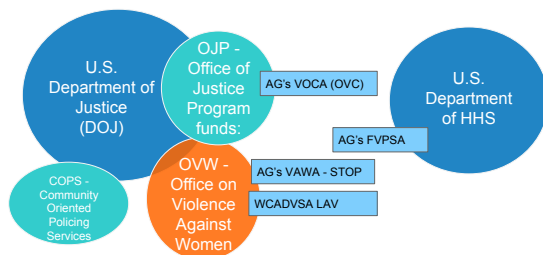
7.H. Nondiscrimination. The Contractor shall comply with

- the Civil Rights Act of 1964,
- the Wyoming Fair Employment Practices Act,
- the Americans with Disability Act (ADA) 42 USC 12101
- Age Discrimination Act of 1975
- And/or any properly promulgated rules and regulations thereto
- And shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin, or disability in connection with the performance under this agreement.

Federal Discrimination:



Governing Agencies and grantees- to which conditions apply



VAWA **Mandate** Language

- The Violence Against Women Act of 2013 amendments added a grant condition that prohibits discrimination by recipients. "No person in the US shall, on the basis of:
 - actual or perceived race,
 - color,
 - religion,
 - national origin,
 - sex,
 - gender identity,**
 - sexual orientation,**
 - or disability,
 - be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under VAWA, and any other program or activity funded in whole or in part with funds appropriated for grants."



Victims of Crime Act 28 CFR Part 94 VOCA Mandate Language



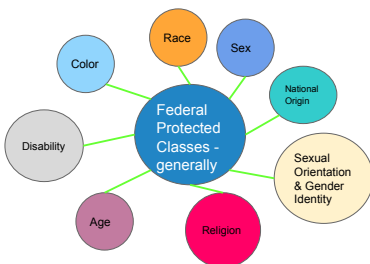
In complying with VOCA, recipients shall comply with such guidance as may be issued from time to time by the Office for Civil Rights within the Office of Justice Programs. Sec. 94.114.

FVPSA Mandate Language 45 CFR Part 1370 U.S. Dept. of HHS



- The needs of lesbian, gay, bisexual, transgender, and questioning people are taken into consideration in the applicant's programming. The applicant has considered how its programming will be inclusive of and non-stigmatizing toward such individuals. If not already in place, awardees must establish and publicize policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion and national origin.
- The submission of an application for this funding opportunity constitutes an assurance that awardee has or will put such policies in place within twelve months of the award.
- Awardees should ensure that all staff members are trained to prevent and respond to harassment or bullying in all forms during the award period.
- Within twelve months of the awardee, awardee must be prepared to monitor claims, address them seriously, and document their corrective actions(s) so all programming beneficiaries are assured that the applicant organization and its programming is safe, inclusive, and non-stigmatizing by design and in operation.

Federal Discrimination:



Disparate *Treatment*: Law is facially discriminatory



A member of a
protected class.

Qualified to
participate in services
or employment.

Denied services or
employment based
on the protected
class.

4. Trust the process

Filing a complaint

6 Steps: Employer/ Program Responsibilities and strategies



ONE

Complete an Internal analysis:

- Is every person's identity being affirmed?
- Is there a hostile environment for people of a protected class?
- What are your own biases?
- Is your complaint process transparent.

6 Steps: Employer/ Program Responsibilities and strategies



TWO

Provide Proper notice.

Available at the program, including rights and responsibilities.

All programs which receive federal funding must have a non-discrimination statement in their hiring and employment process and in their delivery of service process.

6 Steps: Employer/ Program Responsibilities and strategies



THREE

Designate people to oversee these responsibilities

1. Implement grievance procedures
2. Notify beneficiaries of non-discrimination information and post in public areas, translated into appropriate languages.
3. Identification and data collection (language access)
4. Services review

You can amend procedures you already have:

- to include gender identity and sexual orientation,
- to include language access,
- update on people with disability needs

6 Steps: Employer/ Program Responsibilities and strategies



FOUR

Establish a complaint procedure:

- How to file a complaint - How agency investigates a complaint
- How the agency ensures impartiality -Who conducts the investigation
- Who is responsible for making findings
- What the legal standards and time-tables are for issuing findings
- Duty the agency has to keep complainant informed during the process
- Agency's obligation when the investigation shows action is warranted.

6 Steps: Employer/ Program Responsibilities and strategies



FIVE

Equal Employment Opportunity Plan -

Provide annual staff training

Recipients subject to the Safe Streets Act (as well as recipients of VOCA funds) are exempt from the EEO requirement, if the recipient:

- is a nonprofit organization, a medical or educational institution or an Indian Tribe; OR
- has less than 50 employees; OR
- received a single award for less than \$25,000.

To claim the exemption from developing an EEO Plan, the recipient must complete Section A of the [Certification Form](#) and send it to OCR.

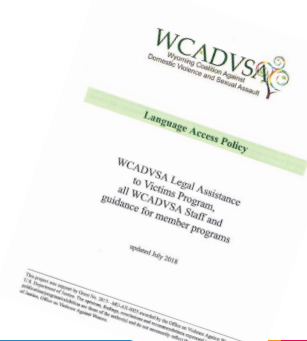
(https://ojp.gov/about/ocr/faq_eoop.htm)

6 Steps: Employer/ Program Responsibilities and strategies



SIX

Language Access Analysis



Where does a complaint start? 180 days

- | | |
|---|--|
| 1. Your agency | 6. State Court |
| 2. Civil Rights Division, US Dept of Justice (DOJ) | 7. State or local Human Relations or Civil Rights Commission |
| 3. Office for Civil Rights (OCR) Office of Justice Programs | 8. State Law Enforcement Planning Agency |
| 4. U.S. Equal Employment Opportunity Commission (EEOC) | 9. Attorney |
| 5. Other federal court | 10. Other |
| | 11. OMG!!! |

ONE

Most complaints about federally funded victim SERVICES in Wyoming are directed to me.

DIRECTOR

Cara Chambers

TWO

Wyoming Workforce Services.
180 days to file.
Must "cross-file" with EEOC to insure it can go "federal".

THREE

Civil Rights Division.
1 year to file

Wyoming Attorney General Office website

- Tab - Division Victim Services
- Tab - Resources
- Tab - Civil Rights Complaint Procedure

Wyoming Office of the Attorney General Division of Victim Services

Civil Rights Complaint Procedure

CIVIL RIGHTS COMPLAINT PROCEDURE

As a recipient of federal financial assistance from the U.S. Department of Justice (DOJ), the Division of Victim Services (DVS) is committed, as a matter of principle, and in compliance with applicable federal laws, to prohibiting discrimination and behaviors, which, if repeated, could constitute discrimination. Accordingly, this service establishes written procedures for (1) individuals to follow in filing an employment or service discrimination complaint with DVS, and (2) DVS employees to follow when they receive complaints alleging employment or service discrimination from employees, clients, customers, program participants, applicants, or consumers of DVS or of DVS grantees receiving federal financial assistance from DOJ.

DVS directs that all transactions and the operation of all DVS-funded grantee programs, activities, and services shall not discriminate or retaliate on the basis of race, color, religion, national origin, sex, age, disability. Harassment on any of the above-stated grounds is a form of prohibited discrimination. This applies to all employees of DVS and all its contractors and grantees.

DVS directs that all transactions and the operation of all DVS-funded grantee programs, activities, and services shall not discriminate or retaliate on the basis of race, color, or disability. Harassment on any of the above-stated grounds is a form of prohibited discrimination. This applies to all employees of DVS and all its contractors and grantees.

Wyoming Department of Workforce Services

Home Job Seekers/Workers Employers/Businesses Medical Providers Data News/Resource Contact Us About Us

Looking for a Job?

wyomingatwork.com

877-WORK-WYO

Job Seekers & Workers

- Looking for a Job?
- Employment & Training
- Labor Standards
- Wages Inspection & Safety
- Wyoming OSHA
- Unemployment Insurance
- Disability Determination Services
- Vocational Rehabilitation
- Workers' Compensation
- Eligible Training Provider List
- More >>

Employers & Businesses

- Employment & Training
- Labor Standards
- Wages Inspection & Safety
- Wyoming OSHA
- Safety Improvement Fund
- Unemployment Insurance
- Workers' Compensation
- Workforce Development
- Training Fund
- Safety Discount Program
- Free Labor Law Posters
- More >>

Medical Providers

- Overview
- Fee Schedule
- Forms & Documents
- Frequently Asked Questions
- Surgeon/Procedural
- Reauthorization Program
- Provider Bulletin
- Treatment Guidelines
- HDR System
- Office Locations & Contacts
- More >>

SEEN FRAUD? REPORT IT!

Report a Fraud

What's a Fraud? (PDF)

View your comments

Quick Questions

Have questions or issues regarding Workers' Comp or Unemployment?

How are we doing?

Seen an OSHA emergency?

Need help with your business?

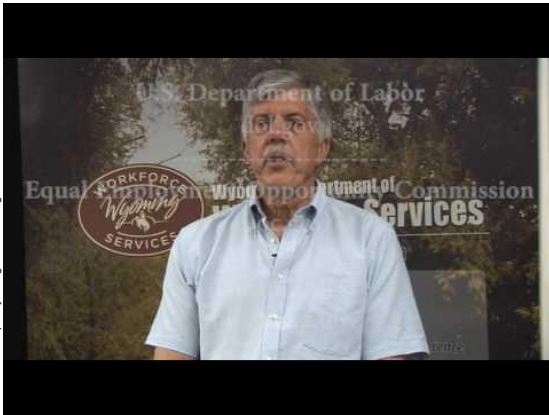
Want your FREE Labor Law Poster?

Tweets by @workforce

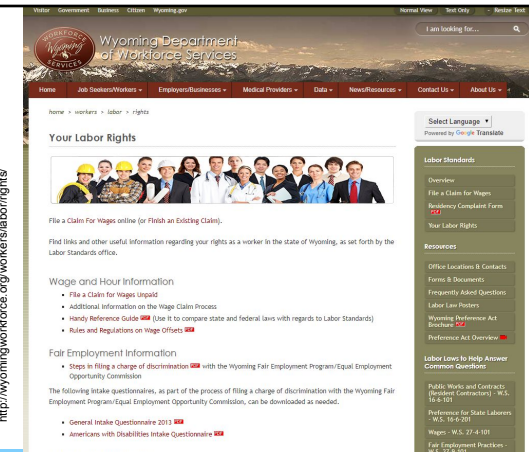
Wyoming Workforce

Don't forget the Hospitality Job Fair in Cheyenne on Tuesday, Oct 30! Please note the corrected date! Register your business by emailing Tom.Wells@wy-gov or calling 307-777-2711.

http://wyomingworkforce.org/workerslabor/



http://wyomingworkforce.org/workerslabor/rights/




Wyoming Fair Employment Practices Act

"Employer" shall mean ... every other person employing **two (2) or more employees** within the state; but it does not mean religious organizations or associations. 27-9-102(b).

It is discriminatory or unfair employment practices: For an employer to refuse to hire, to discharge, to promote or demote, or to discriminate in matters of compensation or the terms, conditions or privileges of employment against, **a qualified disabled person or any person otherwise qualified, because of age, sex, race, creed, color, national origin, ancestry or pregnancy**; 27-9-105 (a)(i).

For a person, an employment agency, **a labor organization**, or its employees or members, to discriminate in matters of employment or membership against any person, otherwise qualified, because of age, sex, race, creed, color, national origin, ancestry or pregnancy, or a qualified disabled person; 27-9-105 (b)(i).



THE UNITED STATES

DEPARTMENT OF JUSTICE

<https://www.justice.gov/crt/how-file-complaint>

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Civil Rights DivisionHome

División de Derechos Civiles en español

About the Division

How to File a Complaint

Press Room

Cases and Matters

Publications

Employment Opportunities

Civil Rights FOIA

Contact the Division

HOW TO FILE A COMPLAINT

The Civil Rights Division enforces civil rights laws in a wide variety of contexts. You may use the information on this page to find the appropriate way to submit a complaint or report of a potential civil rights violation. If you are not sure which Section is the appropriate one to receive your complaint, you may contact the Civil Rights Division at toll-free 855-856-1247 or (202) 514-3847.

Criminal Section	Housing and Civil Enforcement Section
Disability Rights Section	Immigrant and Employee Rights Section
Educational Opportunities Section	Special Litigation Section
Employment Litigation Section	Voting Section
Federal Coordination and Compliance	

Please let us know if you have trouble understanding English or need help communicating with the Civil Rights Division. Ask for an interpreter or if translated material is available when you contact us. If you can, please tell us your language (or dialect).

FEDERAL COORDINATION AND COMPLIANCE

If you believe you or an individual that you or your organization represents has been discriminated against because of your race, color, or national origin, including limited English proficiency (LEP), by programs or activities receiving federal financial assistance, you may contact the Federal Coordination and Compliance Section. If you believe that you or an individual that you or your organization represents has been excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of your sex by any education program or activity receiving federal financial assistance, you may contact the Federal Coordination and Compliance Section.

For information on language assistance services available, click [here](#).

To file a complaint alleging discrimination in programs or activities of entities that receive federal assistance, please print and fill out the appropriate complaint form:

English: Complaint and Consent/Release Form - English (PDF)
Español: Formulario de Demanda / Formulario de Consentimiento (PDF)
Chinese: 投诉表 / 投诉人同意书 附赔偿承诺
Korean: 민원 제기 양식 / 민원 제기자 정보 공개 동의서
Vietnamese: MẪU ĐƠN KHÉ U NẠI / MẪU CHẤ P THƯẢN/THIỆ T LỎ THÔNG TIN CỦA NGƯỜI KHÉ U NẠI

Please mail the complaint to the following address:

Federal Coordination and Compliance Section - NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Should you need assistance, our phone numbers are:
(888) 838-3306 - English and Spanish (ingles y español)
(202) 307-2223 (voice)
(202) 307-2678 (TDD)

<https://www.justice.gov/crt/how-file-complaint>

Office of Civil Rights

1. Technical Assistance

2. Investigation

3. Compliance Reviews

4. Review Adverse Discrimination Findings

5. Review EEO plans

5 methods of enforcement

Retaliation Against a Complainant

A retaliation claim can stand on its own, regardless of the merits of the underlying discrimination claim.



Individuals have the right to:

- Bring a discrimination claim
- Participate in the investigation of the claim, or the opposing discriminatory practices.
- Not be retaliated against for filing a complaint.

Resources



- Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act Memo <http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>
- Youth for Human Rights - Making Human Rights a Global Reality: <https://www.youthforhumanrights.org/>
- Equal Rights Amendment <http://www.equalrightsamendment.org/>
- Violence Against Women Act VAWA regulation <https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act>
- Victims of Crime Act Victim Assistance Program regulation <https://www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program>
- FVPSA Family Violence Prevention & Services Program <https://www.federalregister.gov/documents/2016/11/02/2016-26063/family-violence-prevention-and-services-program>
- Wyoming Attorney General Division of Victim Services Complaint Form <https://drive.google.com/file/d/0B9exxCDY3ksnaJVFMTAvUJFVaYlQ/view>
- Office for Civil Rights at the U.S. Office of Justice Programs <https://oio.gov/about/offices/ocr.htm>
- U.S. Department of Justice Civil Rights Division <https://www.justice.gov/crt>
- U.S. Department of Health & Human Services Office for Civil Rights <https://www.hhs.gov/ocr/index.html>

5.

Gender and Sexual Orientation

“Why is it that, as a culture, we are more comfortable seeing two men holding guns than holding hands?”
-Earnest J. Gaines

The lived realities of people who are LGBTQ

➡ **44 % and 61%**

Lesbian and bisexual women experience rape, physical violence, or stalking by an intimate partner, compared to 35 percent of heterosexual women

➡ **26% and 37%**

Gay men and bisexual men experience rape, physical violence, or stalking by an intimate partner, compared to 29% of heterosexual men.

➡ **46 %**

Bisexual women have been raped, compared to 17 percent of heterosexual women and 13 percent of lesbians

Ref: National Intimate Partner and Sexual Violence Survey - 2010 Findings

The lived realities of people who are LGBTQ



- 85% of victim advocates surveyed by the NCAVP reported having worked with an LGBTQ survivor who was denied services because of their sexual orientation or gender identity.
- The [National Transgender Discrimination Survey](#) found that among black transgender people, 15% reported physical assault and 7% reported sexual assault by police.
- Additionally, 22 % of those transgender people who had attempted to access shelters reported being sexually assaulted by either another person in the shelter or by shelter staff.

Human Rights Campaign, 2017

PROTECTIONS BASED ON "SEX"

Includes "Gender Stereotyping"

Title VII protections *based on sex* includes "not just discrimination because of biological sex, but also gender stereotyping—*failing to act and appear according to expectations defined by gender.*"

Price Waterhouse v. Hopkins – 1989

The EEOC has held that discrimination against an individual because that person is transgender (also known as transgender discrimination) is discrimination because of sex and therefore covered under Title VII of the Civil Rights Act.

Are employers allowed to fire workers if they are LBTGQ?



WYOMING LAWS

- Wyoming does not have any state laws against discrimination based on sexual orientation or gender identity, nor any "hate crimes". (Cities of Jackson, Laramie, Cheyenne ... do)
- 21 states outlaw discrimination based on sexual orientation.
- 17 states outlaw discrimination based on gender identity or expression.
- There is no federal statute addressing employment discrimination based on sexual orientation or gender identity, only an EEOC position.

It's not just about bathrooms...



What discrimination looks like:

- A shelter employee hanging up immediately after caller reveals she is transgender.
- A shelter employee making references to genitalia or to surgery as requirements for appropriate housing.
- A shelter employee refusing to enroll a participant "because they would make other participants uncomfortable or feel unsafe."
- Management of housing failing to address complaints from LGBT individuals regarding harassment by other residents.
- Project staff excluding individuals based on family composition i.e. having same-sex partner
- A SANE nurse unable to start or complete a forensic exam due to inability to accommodate male victim

Resources



- Open Minds Open Doors: Transforming Domestic Violence Programs to Include LGBTQ Survivors http://www.ncdsv.org/images/TheNetworkLaRed_OpenMindsOpenDoors_2010.pdf
- Injustice at Every Turn: A Report of the National Transgendered Survey http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf
- National Intimate Partner and Sexual Violence Survey: 2010 Findings on Victimization by Sexual Orientation http://www.cdc.gov/ViolencePrevention/pdf/NISVS_SOfindings.pdf
- Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgendered Youth Who are Homeless or at Risk of Becoming Homeless <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf>
- FORGE <http://forge-forward.org/>
- The National Coalition of Anti-Violence Programs <http://www.ncavp.org/about/default.aspx>
- The Northwest Network <http://nwnetwork.org/>
- FVPSA regulations and serving LGBTQ survivors https://www.communitysolutionsva.org/files/LGBTQ_Institute_Highlights_FVPSA_regs_April_2018.pdf
- U.S. HUD's Equal Access and Gender Identity Rules <https://www.hudexchange.info/course-content/equal-access-and-gender-identity-rules-training/implementing-HUDs-Equal-Acc-ess-and-Gender-Identity-Rules-Slides-2016-11-17.pdf>

6.

The Americans with Disabilities Act

"No disability or dictionary out there,
is capable of clearly defining who we are as a person."

Robert M Hensel

Questioning what you know:

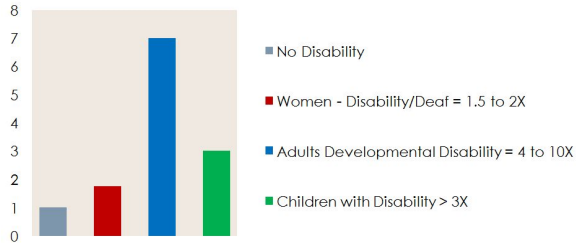
- ❖ Stereotypes
- ❖ Adverse impact
 - Discrimination
 - Accessibility
 - Communication



Disability and Domestic Violence

•19% of the U.S. population (54 million) have a disability

•**People with disabilities are much more likely to be victims of abuse, physical/sexual assault.**



History: Rehabilitation Act

Sec. 504 Rehabilitation Act of 1973 - **1st acknowledgement of discrimination against people with disabilities in government.**

Mass sit-in forced good regulations in 1977, laying groundwork for Americans with Disabilities Act (1990).

ADA broadened the agencies and businesses that must comply with the non-discrimination and accessibility provisions of the law.



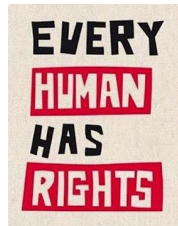
Americans with Disabilities Act 1990 (ADA), 42 USC §§ 12101 et seq.

Prohibits discrimination against people with disabilities in:

- employment,
- transportation,
- public accommodation,
- communications (telecommunications relay services), and
- governmental activities.

ADA Disability definition - 3 prongs

1. Physical or mental impairment that substantially limits one or more major life activities.
2. a person who has a history or record of such an impairment, OR
3. a person who is perceived by others as having such an impairment.



The ADA does not specifically name all of the impairments that are covered.

ADA Employment Requirements

- Person meets the definition of disabled.
- If an employee or prospective employee, that person must also be qualified to perform the essential functions of the job with or without reasonable accommodations.
- You must address reasonable accommodations with any change or adjustment to a job or work environment that permits a qualified applicant or employee to participate in:
 - Application process
 - Perform the job
 - Enjoy benefits of employment like everyone else.

ADA TITLE III – Public Accommodations

1. Same opportunity to participate. Make reasonable modifications in policies, practices, and procedures (unless a fundamental alteration in programming results or safe operation is affected).
2. Effective communication. Provide auxiliary aids and services to ensure communication is equally effective for all (unless an undue burden or fundamental alteration would result).
3. Provide accessibility in facilities.
 - a. Removing barriers
 - b. Providing alternatives
 - c. New construction and alterations



Federal ADA & Service Animals

Any animal that is individually trained to do work or perform tasks

- for the benefit of an individual
- with a disability
- including a physical, sensory, psychiatric, intellectual, or other mental disability.



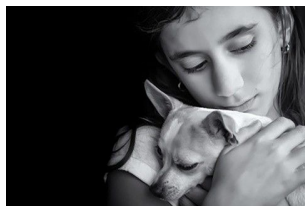
Miniature horses (24-34 inches tall)

- Housebroken
- Under the owner's control
- Facility can accommodate horse's type, size and weight
- Presence won't compromise legitimate safety for safe operation of a facility.



Identifying service animals

- Service Animal owners are not required to carry proof of certification or other documentation... even though some do.
- Staff cannot ask for medical documentation or training documentation.
- Staff can ask:
 - Is this service animal required because of a disability? (Can't ask about the disability)
 - **What tasks has the animal been trained to perform?**



Resources

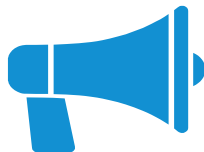
- U.S. Department of Justice – “ADA Home Page” <http://www.ada.gov>
- American Association of People with Disabilities <http://www.aapd.com>
- Disability.gov <http://disability.gov>
- National Association of the Deaf <http://www.nad.org>
- American Foundation for the Blind <http://www.afb.org>
- ADA National Network <https://adata.org/>
- Rocky Mountain ADA Center <http://adainformation.org/>
- Directory of Independent Living Centers <http://www.ilusa.com>
- U.S. Equal Employment Opportunity Commission <http://www.eeoc.gov>
- National Law Center on Homelessness & Poverty. *Questions & Answers: Domestic Violence Shelters and Civil Rights Statutes* http://www.nlchp.org/content/pubs/Q&A_DV_CivilRightsJuly%2020091.pdf
- Disability Law Handbook <https://adata.org/lawhandbook>
- A Guide to Disability Rights Laws <http://www.ada.gov/cruide.htm#anchor5610>
- Renewing the Commitment - An ADA Compliance Guide for Nonprofits <http://www.cct.org/impact/partnerships-initiatives/strengthening-communities/persons-with-disabilities/renewing>
- Model Protocol on Service Animals in Domestic Violence Shelters http://www.wscadv.org/docs/Model_Protocol_Service_Animals.pdf
- Washington State Coalition Against Domestic Violence – Model Safety Planning Protocol http://www.wscadv.org/docs/protocol_disability_safety_planning.pdf
- Safety First Initiative, Kansas City – Advocate Guide to Safety Planning for People with Disabilities <http://www.accessingsafety.org/index.php/1021>

7. Language Access as a Civil Right

“Words are our most inexhaustible source of magic.
Capable of both inflicting injury, and remedying it.”-Dumbledore

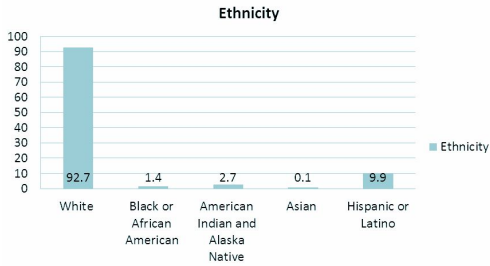
The Power of words:

- ❖ Culture
- ❖ Actions
- ❖ Value
- ❖ Understanding
- ❖ Communicate
- ❖ Connect



In the world today, a language dies every 2 weeks.
40% of the world's languages are at
risk of being eradicated.

Wyoming Demographics, Wyoming Immigrant Demographics, US Census 2015



Limited English Proficiency (LEP)

- ❖ Label -> assigns value
- ❖ Are often subjected to unequal access to policies, programs and services
- ❖ May be entitled to language assistance for specific services or benefits

Civil Rights Act 1964 - Title VI

No person shall "on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

42 USC 2000d Sec. 601

National Origin discrimination

Illegal to discriminate because of a person's birthplace, ancestry, culture or language.

- name associated with a national origin group
- accent associated with a national origin group
- Participate in certain customs
- Married to or associate with people of a certain national origin

Executive Order 13166, 2000

Limited English Proficiency (LEP)
LEP.gov

A Federal Interagency Website

Search LEP

LEP Resources and Information

Executive Order 13166

Resources by Subject

Recipients of Federal Assistance

Interpretation and Translation

LEP and Title VI Videos

Demographic Data

LEP Mapping Tools

LEP Compliance

Federal Agency LEP Plans

LEP Guidance for Recipients

LEP Guidance for DOJ Recipients

File a Complaint

LEP Links

Suggest LEP Resources

Report Broken Links on LEP.gov

Privacy and Security Notice

Last Updated: March 9, 2017

Executive Order 13166

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (PDF). The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (2000 LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

Executive Order 13166 Resources

General Information

Commonly Asked Questions and Answers Regarding Executive Order 13166 (HTML) (PDF)

Overview of Executive Order 13166, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice

What is Meaningful Access

- "Meaningful access" is defined in the US Department of Justice's own Language Access Plan as:

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

Scenario 1

An agency is on a city wide contract to use Language Line to speak with limited English individuals. Only managers are given the number and access code to Language Line. Occasionally, Language Line will come to give training on how to work with telephonic interpreters. On 7/18, a Mongolian speaker, Mr. M, comes to the agency seeking assistance from Ms. E. Upon approaching Ms. E's desk, the Mr. M points to "Mongolian" on the I SPEAK card on the desk. She tries to reach her manager. Her manager cannot be reached.

She writes a piece of paper "7/19 - come back at 3:30pm" and gestures her hand toward the door.

Is this agency in compliance with Title VI?

Signs You Need a Policy

1. Relying on relatives, children, or friends to interpret for clients.
2. Only bilingual staff are used as interpreters, in addition to their job responsibilities.
3. Staff do not know how to identify language
4. No formal arrangements are in place to hire competent interpreters.
5. Staff does not know how to contract for interpretation services.
6. Staff are turning away individuals that are LEP
7. Long wait times for individuals that are LEP
8. No translated materials.

LEP Plan Self Assessment

1. How does the LEP population come into contact with your organization?
2. Who is your LEP population?
3. How are you serving LEP populations?
4. What trainings for staff do you have in place?
5. How do you reach your LEP populations?

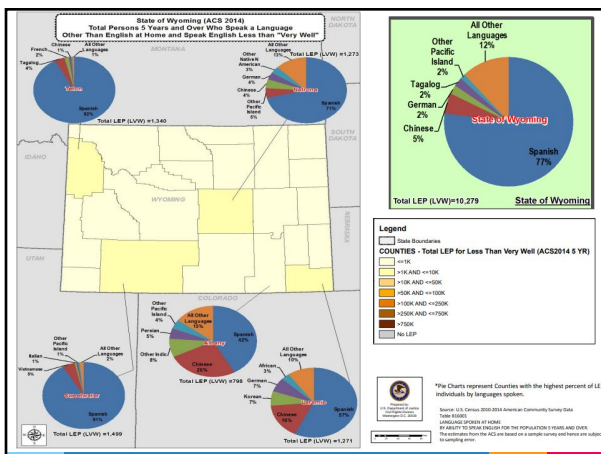
Policy Guidance 4 factors to determine compliance -

update at least every 2 years! 67 Fed. Ref. 41455

1. The number or proportion of non-English speakers served or encountered in the eligible service population. (The greater the # the greater need for language services)
2. The frequency with which non-English speakers come into contact with the program. (The greater the frequency=greater need)
3. The nature and importance of the benefit, service, or information to non-English speakers. (Greater importance= greater need). Create vital documents.
4. The resources available to the recipient and the costs of service. (Cost)

Vital Documents - LAP plan

- (Safe Harbor provision - regulations)
- WCADVSA will translate vital documents in all the languages that are spoken by the lesser of **1,000 people or 5% of members of the population** of persons 'eligible to be served or likely to be encountered or affected' by the WCADVSA's activities and
- When there are fewer than 50 persons in the language group that constitutes 5% of the eligible population, WCADVSA may, instead of translating vital documents, provide written notice in that language of the group members' right to receive competent oral interpretation free of charge.





Resources

General Information:

- Overview of Title VI / Language Access: <http://www.justice.gov/crt/about/cor/13166.php>
- Clearinghouse for Federal Language Access Issues & Compliance: <http://www.lep.gov/> <http://www.justice.gov/crt/about/cor/coord/titlevi.php> <http://www.justice.gov/crt/about/cor/bvagency/28cfr421.php>
- Guidelines for Enforcement of Title VI: <http://www.justice.gov/crt/about/cor/bvagency/28cfr421.php>

Language Data / Identification:

- Sources for Demographic Data: http://www.lep.gov/demog_data/demog_data.html
- Migration Policy Institute Data Hub: <http://www.migrationinformation.org/datahub/>
- I Speak Cards: <http://www.justice.gov/crt/about/cor/pubs.php>
- I Speak Posters: <https://www.masslegalservices.org/content/interpreter-poster-editable>

Other Resources

- A Translation and Interpretation Digital Library: http://www.migrationinformation.org/interation/language_portal/
- Know Your Rights brochure: (English, Spanish, Korean, Russian, Vietnamese, Russian, Cambodian, Arabic, Haitian-Creole, and Hmong) www.lep.gov/LEP_beneficiary_brochure.pdf
- Language Access Services by Topic: Resources by Subject: LEP.gov: <http://www.lep.gov/resources/resources.html#LAP>

- U.S. Department of Justice
- Civil Rights Division
- Federal Coordination & Compliance Section (FCS)
www.justice.gov/crt/cor
www.lep.gov
- Interpretation Technical Assistance Resource Center
Wendy Lau - wlu@api-gbv.org | 415-568-3338
Ana Paula Noguez Mercado - anoguez@api-gbv.org | 415.354.9704 ext. 344
- Casa de Esperanza/ National Latin@ Network LEP Toolkit:
<http://nationallatinonetwork.org/lep-toolkit-home>
- NIWAP Translations for Immigrant Legal Rights
<http://niwaplibrary.wcl.american.edu/cultural-competency/multilingual-materials-for-victims-are-you-safe-at-home>
- Deafhope : <http://www.deaf-hope.org/videos/>



We can do better.

10 elements of Dignity

- Acceptance of Identity
- Recognition- validation
- Acknowledgement- attention
- Inclusion- belonging
- Safety- without retribution
- Fairness- equality
- Independence- Empowerment
- Understanding- deep listening
- Benefit of the doubt- start by believing
- Accountability- take responsibility, commit to change

“Put on the guts ...”

Any questions?
Thank you!

Please complete our evaluation!

<https://www.wyomingdvsa.org/forms/feedback@jtwendy/>

You can connect with **Tara** at: tmuir@wyomingdvsa.org,
307-755-5481

You can connect with **Katie** at: khughes@wyomindvsa.org
307-460-1121
