

City of Paris Title VI Program



**Limited
English
Proficiency
Guidelines**

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What is Limited English Proficiency?

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. The diversity of Tennessee's population is due to this evolving change. It is critically important that the City of Paris be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other programs areas such as: Local Assistance, Aeronautics, Mass Transportation and Rail. According to the 2000 Census, the race/ethnic mix of Tennessee is White 80.2 percent, Black 16.8 percent, Hispanic 2.2 percent, Asian and Pacific Islander 1.2 percent, and American Indian 0.7 percent.

How does LEP affect the City of Paris?

The following matrix illustrates legal and policy considerations that require the City of Paris to provide LEP persons with meaningful access to programs, activities, and services.

Title VI of the Civil Rights Act of 1964
Federal law
Enacted July 2, 1964
Considers all persons
Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, or national origin
Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of sex, gender, age and disability

Division/Program Responsibility

The following chart, although not exhaustive, illustrates the City of Paris divisions/programs and Title VI Program activities and responsibilities relative to LEP services.

Activity	Responsibility	
	City of Paris Division/ Programs	Title VI Programs
1. Assessing and addressing the needs of eligible persons	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaning access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person. To accomplish effective communication, the following actions and discussions are considered appropriate at a division/program level:

1. Perform a needs assessment.
2. Provide for oral language assistance.
3. Notify LEP customers of the availability of language assistance services.
4. Translate vital documents in languages other than English into appropriate language.
5. Train staff.
6. Develop written procedures.
7. Monitor and evaluate access to language assistance.

1. ***Perform a needs assessment***

Each divisions/programs is to continuously assess language assistance needs of the population to be served by identifying the following:

1. Languages likely to be encountered and number of LEP persons in the eligible population likely to be directly affected by its program.
2. Public contact where language assistance is needed.
3. Resources needed to provide effective language assistance, including location, availability, and arrangements necessary for timely use.

2. *Provide for oral language assistance*

Each division/program is to provide LEP persons with oral language assistance at reception desks or when telephone contact is appropriate. Such assistance may take the form of bilingual staff, contracting with an outside interpreter service or the use of voluntary community interpreters who are skilled and competent in interpreting.

Employment of bilingual staff in divisions and programs is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with consideration given to available resources and in accordance with departmental policy.

3. *Notify LEP customers of the availability of language assistance services*

LEP persons have the right to language assistance at no cost to them in their spoken language. City of Paris divisions/programs are responsible for informing the public of this right. Language identification cards or posting signs in public areas are methods that can be used to provide notice of the service. (Appendix B).

4. *Translation of vital documents in languages other than English*

It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served/or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites.

Vital documents are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his or her participation in the program or activity. Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to

appeal, notices advising of the availability of language assistance and outreach and community education materials. It is recommended that divisions/programs develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community-based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

5. *Train Staff*

Training staff on policies and procedures of language assistance and how to determine whether a customer needs language assistance services is essential to bridging the gap between policies and actual practices. Training should include how to obtain language assistance services and communication with interpreters and translators. Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint. (Refer to the Complaint Handling – Appendix C.)

6. *Develop written procedures*

To implement a successful language assistance program, guidance shall be provided to all employees through written procedures that address the following:

1. Identification and assessment of language needs.
2. Oral language assistance; including vendor charges for services, procedures on how to access and to request Department translation assistance.
3. Written translation of materials and publications.
4. Oral and written notification of the availability of language assistance.
5. Staff training on language service provision.
6. Monitor access to language assistance.

7. *Monitor and evaluate access to language assistance*

Monitoring and evaluating the accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningful access programs and activities and is the responsibility of the respective divisions/programs. At a minimum, divisions/programs should conduct an annual assessment to determine: the current LEP composition of its service area; the current communication needs of LEP persons; whether existing assistance meets LEP needs; whether staff is knowledgeable about policies and procedures

and how to implement them; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from customers and advocates.

Data collection and record keeping are key to an effective monitoring and compliance system. Analysis of the data collected provides an overview of how services are provided. Data collection mechanisms include the following:

- Race of LEP person
- Ethnicity of LEP person
- Primary language of the population in the program service area
- Primary language of customers served
- Data upon which the division based language needs assessment
- Number of LEP persons, by language group, who received language services

LEP Criteria

The following are factors for divisions/programs to consider when determining what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities, and services.

- A factor in determining the reasonableness of a division's/program's effort is the number of proportion of people who will be excluded from the program or activity absent efforts to remove language barriers.
- Consider the frequency of contact. Obligations will differ for division/programs who have little contact with individuals who are LEP compared to a division/program who serves a large LEP population.
- Consider the available resources. A larger division/program with extensive resources may have to take greater steps than a smaller unit with limited resources. On the premises translation, access to centralized interpreter language lines or other means, may be appropriate in other situations.
- Costs must be factored into this balancing test as part of the consideration of "resources available." "Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance. A suggestion might be to prioritize so that the language services are targeted where most needed because of the nature and importance of activity involved.

The guidance documents and their resources listed below are provided to assist divisions/programs with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000 <http://www.usdoj.gov/crt/cor/>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001 <http://www.usdoj.gov/cr/lep/Oct26> **BackgroundQ&A.htm**
- To review the statewide contract:
www.state.tn.us/generalserv/purchasing/kont.htm
(Appendix E)
- United States Census 2000 Language Identification Flashcard
(Refer to sample in LEP DOT Guidance appendix)

Technical Assistance

The City of Paris Civil Rights Office Title VI Program is responsible for providing City of Paris division/programs with technical assistance. This includes advising divisions/programs of LEP requirements and implementing and assisting in developing individual program plans and mechanisms.

Compliance and Enforcement

The City of Paris Division/Program Coordinator is responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. Additionally, the designated Title VI Coordinator will continuously monitor their respective division/programs to ensure LEP requirements are fulfilled and report annually on the accomplishments and upcoming goals relating to LEP activities to the City of Paris Civil Rights Office Title VI Program.

In determining whether LEP compliance is met, the Title VI Program will assess whether the division/program's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division/program's activities and services. The division/program's appropriate use of methods and options detailed in this LEP Plan will be viewed as evidence of intent to comply with LEP requirements and the Title VI of the Civil Rights Act of 1964.

**CITY OF PARIS
CIVIL RIGHTS OFFICE
TITLE VI COMPLAINT PROCEDURES**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by City of Paris or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that **does not provide for remedies that include punitive damages or compensatory remuneration for the complaint.**

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Program Coordinator may be utilized for resolution, at any stage of the process. The Title VI Program Coordinator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with City of Paris Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.
 - a. Complaint shall be in writing and signed by the complainants.
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. **The complaint is required to mail a signed, original copy of the fax or e-mail transmittal for City of Paris to be able to process it.**

- e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
- f. Any reported complaint received by the City of Paris will be reported to TDOT within three business days.

A complainant form will be forwarded to the complainant for him/her to complete, sign, and return to City of Paris for processing.

2. Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of City of Paris's sub-recipients of Federal funds, the City of Paris will assume jurisdiction and will investigate and adjudicate the case. Complaints against the City of Paris will be referred to the appropriate Federal Agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.
 - d. The complaint must be submitted to Title VI Coordinator for the City of Paris.
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once the City of Paris decided to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into the City of Paris's records identifying its basis and alleged harm.

6. In cases where the City of Paris assumes the investigation of the complaint, the City of Paris will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of the City of Paris's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. The City of Paris's final investigative report and a copy of the complaint will be forwarded to the appropriate Federal Agency and affected parties within 60 calendar days of the acceptance of the complaint.
8. The City of Paris will notify the parties of its final decision.
9. If the complainant is not satisfied with the results of the investigation of the alleged discrimination and practices, the complainant will be advised of the right to appeal to the appropriate Federal Agency.

