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Office of Diversity and Equal Opportunity  
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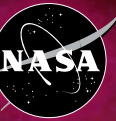
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Office of Diversity and Equal Opportunity

National Aeronautics and Space Administration

**www.nasa.gov**

National Aeronautics and Space Administration



## Affirming Access to LEP Persons in Programs Assisted and Conducted by NASA

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# access

### Nondiscrimination on the Basis of National Origin/Limited English Proficiency (LEP)



## Limited English Proficiency (LEP)

In the United States, there is an ever-growing population of individuals whose primary language is not English. The Federal Government and entities receiving Federal financial assistance must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require Federal agencies and private-sector organizations alike to think “outside the box” for creative solutions to address the needs of those individuals.

### Who Is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are considered LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or activity provided by the Federal Government or private-sector recipients of Federal financial assistance.

### Who Must Comply and Who Can Be Found in Violation?

All programs and operations of entities that receive assistance from the Federal Government (i.e., recipients), including state agencies, local agencies, and private and nonprofit entities.

- Subrecipients (entities that receive Federal funding from one of the recipients listed above) also must comply.
- All programs and operations of the Federal Government itself (both federally conducted and federally assisted programs) must comply.

## Legal Authority

### Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the grounds 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 U.S.C.5 2000d*

In the case of *Lau v. Nichols* (1974), 414 U.S. 563, the United States Supreme Court found that national origin discrimination encompasses discrimination based on a person’s limited or complete inability to speak, read, write, or understand English, where English is not that person’s native language.

## Recipients and the Federal Government

Executive Order 13166:

(Improving Access to Persons with Limited English Proficiency)

This order was issued on August 11, 2000, directing Federal agencies to do the following:

- Publish guidance on how their recipients can provide access to LEP persons.
- Break down language barriers by implementing consistent standards of language assistance across Federal agencies and amongst all recipients of Federal financial assistance.
- Improve the language accessibility of federally conducted programs and activities.

## Recipient Obligations

### Four-Factor Analysis

Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important Government services. (The same obligations apply to Federal Government agencies based on Executive Order 13166.) The starting point for determining whether there has been a denial of meaningful access is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. The resources available to the grantee/recipient and costs.

### Elements of an Effective LEP Policy

- Identify LEP persons who need language assistance.
- Identify ways in which language assistance will be provided.
- Train staff.
- Provide notice to LEP persons.
- Monitor and update LEP policy.

### Language Assistance Services

- Oral interpretation services
- Bilingual staff
- Telephone interpreter lines
- Written language services
- Community volunteers

## Filing a Complaint Under Title VI of the Civil Rights Act of 1964, as Amended

Any LEP person who believes he/she has been denied meaningful access to a NASA recipient’s program or activity as a result of the recipient’s failure to provide language assistance may file a complaint of discrimination pursuant to Title VI of the Civil Rights Act of 1964. A complaint must be filed within 90 days of the alleged discrimination, unless the time for filing is extended by NASA’s Office of Diversity and Equal Opportunity (ODEO) for good cause.

### What To Include In Your Complaint

Any person wishing to file a complaint should submit in writing the following information:

- Your name and address (a telephone number where you can be reached during business hours is helpful, but not required);
- A general description of the person(s) or class of persons injured by the alleged failure to provide language services (names of the injured persons are not required);
- The name and location of the recipient of NASA financial assistance that failed to provide language assistance; and
- A description of the alleged failure to provide language assistance in sufficient detail to enable the ODEO to understand what occurred.

### Retaliation Is Illegal

It should be noted that NASA recipients may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI of the Civil Rights Act of 1964, as amended.

## Where To Send Your Complaint

Office of Diversity and Equal Opportunity  
300 E Street SW  
6th Floor  
Washington, DC 20546

Telephone: 202-358-2180  
TDD: 202-358-3748  
Fax: 202-358-3336  
E-mail: [civilrightsinfo@nasa.gov](mailto:civilrightsinfo@nasa.gov)

## Seeking Meaningful Access to NASA-Conducted Programs and/or Activities

Any person with LEP wishing to participate in a NASA-conducted program and/or activity who needs other-than-English language assistance may request such language services in writing, by tele-phone, personally, or through a personal interpreter. It is recommended that the request be made prior to the beginning of the NASA-conducted program and/or activity in order to ensure that the language services requested can be provided in an efficient and timely manner. In order to ensure that NASA will be able to comply with your request, please give the Agency as much notice as possible. Language assistance services are free of charge.

### Where To Send Your Request for Language Assistance in Order To Access and or Participate in a NASA-Conducted Program and/or Activity

Any person with LEP wishing to participate in a NASA-conducted program and/or activity may request language assistance under Executive Order 13166 by contacting any of the following NASA installations:

Ames Research Center  
Office of Diversity and Equal Opportunity  
Mail Stop 19-5  
Moffett Field, CA 94035-1000  
650-604-6510