



Office of the Attorney General of Guam

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August 30, 2016

Memorandum

To: All Employees
From: Attorney General
Subject: **Language Access Plan**

Hafa adai. Attached is the Office of the Attorney General's (OAG) Language Access Plan for compliance. The intent of this Plan is to provide timely, meaningful and equal access to all individuals who require services from the OAG.

Tony C. Aguon, Personnel Specialist IV, and I, will conduct training today to ensure demonstrate compliance with Section VI, D of this Plan.


ELIZABETH BARRETT-ANDERSON



Office of the Attorney General of Guam Language Access Plan

Issued: August 30, 2016

I. DEFINITIONS

- a. Limited English Proficient (LEP) Person – Persons with limited English proficiency. English is not their primary language, and they have a limited ability to read, write, speak, or understand English. Many LEP Persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context-specific. An individual may have sufficient English language skills to communicate basic information (such as name, address, etc.), but may not have sufficient skills to communicate detailed information in English (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.).
- b. Primary Source Language – A language of the speaker which is interpreted into a second language. An individual's native tongue or the language in which an individual most effectively communicates.
- c. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- d. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- e. Bilingual – Refers to the ability to use two languages proficiently.
- f. Bilingual Employee/Staff Interpreter and/or Translator - Government of Guam staff employees with bilingual proficiency in source and target languages.
- g. Language Assistance (LA) Coordinator – Person designated by the Attorney General to coordinate the Language Access Plan.
- h. Deaf or Hard of Hearing (DHH) Persons. Persons who are disabled because of a hearing, communication, or speech disorder, or has difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate and thus is unable to obtain due process of law.



II. POLICY STATEMENT

This Language Access Plan (LAP) is issued in compliance with Title VI of the Civil Rights Act of 1964, Office of the Governor of Guam Executive Order no. 2015-015, and U.S. Presidential Executive Orders 12250 (1980) and 13166 (2000). Copies are attached for reference.

In an effort to promote the accuracy and integrity of all services and to preserve the constitutional and fundamental principles of fairness and access to justice, the Office of the Attorney General (OAG) is committed to ensuring timely, meaningful and equal access to programs, services, and/or information to LEP/DHH Persons to ensure maximum communication between the OAG and all members of the community.

Further, this LAP is intended to ensure compliance with Title VI of the Civil Rights Act of 1964 by providing equal access to programs, services and information from the OAG. Finally, this LAP is intended to help mitigate risks that may arise from ineffective or inaccurate communications between the OAG and individuals whom the office serves.

To the greatest extent practical, the Government of Guam will strive to meet the needs of LEP/DHH Persons by ensuring the highest quality of language assistance and services. Government employees will inform the public that language assistance services are available free of charge to LEP/DHH individuals by posting a sign in public areas similar in form to the copy attached as "Exhibit A." The LA Coordinator of the OAG is tasked with monitoring the sufficiency of all signs to ensure maximum communication with the public.

All Government of Guam personnel shall coordinate language assistance services for LEP/DHH Persons through the LA Coordinator, who is authorized to activate interpreters and/or translators for this purpose.

III. BACKGROUND

The OAG recognizes the importance of accurate communications between its personnel and the communities they serve. Language barriers can impede effective and accurate communication in a variety of ways. It can put cases and lives at risk by impeding communications with LEP/DHH Persons, such as victims, witnesses, alleged perpetrators and community members, and can present safety, evidentiary, and ethical challenges to the OAG. Language barriers can inhibit or prohibit LEP/DHH Persons from accessing and/or understanding important rights, complying with the law, and receiving meaningful access to programs, services and information provided by the OAG.

Guam's population is 159,358 based on the 2010 U.S. Census of Population and Housing. Guam is the gateway to the United States from Asia and neighboring Pacific islands, and as such, is a "melting pot" of cultures. Guam has two officially recognized languages for conducting business: English and native Chamorro. Although English is the primary language on Guam, other languages spoken on Guam include Chamorro, Filipino, Korean, Japanese, Chinese, Chuukese,



Kosraean, Pohnpeian, Yapese, Palauan, Vietnamese, and Sign. The most significant population increase reported by the U.S. Census Bureau is Carolinian, from 123 in 2000 to 242 in 2010, an increase of 96.7%; Yapese, from 686 in 2000 to 1,263 in 2010, an 84.1% increase; and Chuukese, from 6,229 in 2000 to 11,230 in 2010, an 80.3% increase.

In addition, Guam receives over 1 million visitors each year. The Guam Visitors Bureau reported in Fiscal Year 2015, Guam welcomed 1,372,531 tourists, a 2.3% increase over 1,341,054 tourist arrivals in FY2014; and a 2.5% increase over 1,337,665 tourist arrivals in FY2013.

Guam has a limited population base and is geographically isolated, located about eight (8) hours by air from the island state of Hawaii, and an additional five (5) hours by air from Hawaii to the continental United States (west coast). Guam is located approximately 6,600 miles from San Diego, California. Therefore, interpreters and translators may be difficult to obtain due in part to our geographic isolation as well as our time difference. Guam is on Chamorro Standard Time (ChST), which is typically a day ahead and the opposite time of day from the continental United States.

The OAG services residents, as well as visitors. The OAG in 2015 contracted 5 interpreters to provide language assistance to victims, victim witnesses and clients.

Whether a person is a resident of Guam or a temporary visitor, contact with the Government is inevitable. From the airport to the seaport, and at points in between, all Guam visitors and residents receive services from the Government. Some provide their own interpreters as an alternative to paid interpreters or bilingual Government employees. LEP/DHH Persons occasionally rely on their children to interpret for them, and on occasion, may call upon neighbors or strangers to act as interpreters or translators. However, an untrained "interpreter" may be unable to understand the concepts or terminology he or she is being asked to interpret or translate. Thus, we must minimize these instances and, if necessary, rely on trained interpreters that may be retained by the Government of Guam, as well as provide training to all employees on the proper use of interpreters and bilingual staff. Trained interpreters are professionals who are procured and compensated, as is the case with interpreters registered and used by the Judiciary of Guam and the OAG.

Federal law prohibits discrimination on the basis of race, color, or national origin and requires federally assisted agencies take reasonable steps to provide meaningful access to programs, services and information to LEP/DHH Persons.

The OAG's LAP is meant to accommodate LEP/DHH Persons consistent with Title VI of the Civil Rights Act of 1964 (Title VI Act). The Title VI Act provides:

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

After a U.S. Supreme Court ruling, Congress redefined the Title VI Act in 1997 determining that the organization receiving federal funds is responsible if a discrimination complaint is filed, and not just the specific program under which the complaint was filed.



The Title VI Act prohibits:

- a. Providing different services to individuals as it relates to race, color, and national origin.
- b. Denying the opportunity to participate as a member of a planning or advisory body, ensuring adequate representation.
- c. Selecting the location of a facility with the purpose or effect of excluding individuals based on race, color, or national origin.

The Title VI Act has been broadened by related statutes, executive orders, and regulations to prohibit discrimination such as denial of meaningful access to LEP Persons. Although DHH Persons are covered under the Americans with Disabilities Act (ADA) rather than the Title VI Act, they have been included in this LAP.

IV. INTENT

This LAP is promulgated and implemented to provide timely, meaningful and equal access to all individuals who require services from the OAG, regardless of race, color, national origin, or limited capability to speak, read or understand the English language. The OAG, as mentioned, understands the critical nature and connection between access to justice and language assistance services in courts and administrative proceedings.

To the greatest extent practical and reasonable, the OAG will strive to meet the needs of LEP/DHH Persons by ensuring the highest quality of language assistance services are made available within our office's limited resources. For instance, interpreters for certain foreign languages may not be readily available in Guam due to our limited population base and geographic isolation.

The OAG employees will inform members of the public that language assistance services are available free of charge to LEP/DHH Persons. All personnel shall coordinate language assistance services for LEP/DHH Persons through the identified LA Coordinator, Administration Division, or designated alternate(s). These individuals are authorized to activate interpreters and/or translators for this purpose.

V. FOUR-FACTOR ANALYSIS

The U.S. Department of Justice, Office of Civil Rights (OCR) recommends a four-factor analysis to determine reasonable steps in implementing a LEP/DHH Plan. These factors are as follows:

1. The number or proportion of LEP/DHH Persons served or encountered in the eligible service population.
2. The frequency with which LEP/DHH Persons come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the program. (Rank activities or services based on level of importance; reasonableness.)

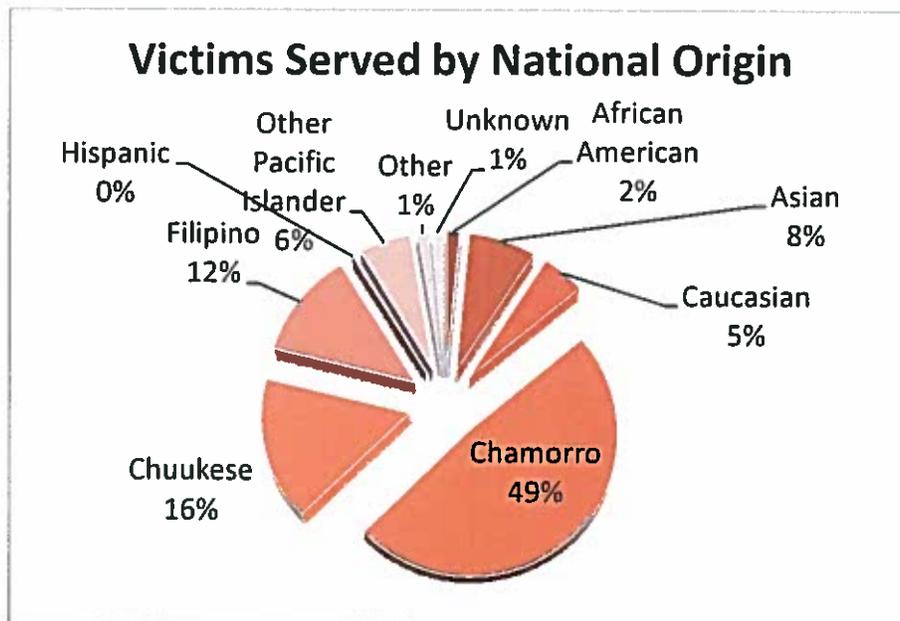


4. The resources available to the recipient.

The data being captured for LEP/DHH Persons is mainly derived from victims served by the Victim Service Center. Statistics from 2015 reflect an estimated 1,350 victims were served in Guam by the Victim Service Center. The following were the top 3 ethnicities served:

- a. Chamorro, 49%
- b. Chuukese, 16%
- c. Filipino, 12%

A majority of victims (780 total) are within the 25-59 years of age category, followed by 18-24 years of age (212 total), and 13-17 years of age (100 total). Victims between the ages of 0 to 12 totaled 80; and a recorded 70 victims in the 60 and over age range.



VI. PROCEDURES

The following procedures are established to guide personnel in providing services to LEP/DHH Persons.

- A. Identification of LEP/DHH Persons in need of language assistance.** To the greatest extent possible, employees should attempt to ascertain what language a LEP/DHH Persons are speaking in order to provide adequate services. If there is uncertainty about the language spoken or translation needed, please contact the supervisor or division deputy. The supervisor or division deputy can coordinate with the LA Coordinator to obtain language assistance services as quickly as possible.



The following **protocols** are established in order of priority:

1. Employee providing a service should contact the LA Coordinator to obtain LEP language assistance needs for the consumer.
2. In the event language assistance is not available, the LA Coordinator shall seek assistance from the Judiciary of Guam. The Judiciary of Guam maintains a list of interpreters/translators for judicial matters. In this instance, the individual may have been referred by the court to our office, may be a victim, or may have a pending case with the court.
3. In the event an interpreter is not available after steps 1 and 2 have been attempted, bilingual employees will be sought to provide assistance by the LA Coordinator. At this time, the OAG has bilingual staff who speak the following languages:
 - i. Chamorro
 - ii. Tagalog/Filipino
 - iii. Chuukese
 - iv. Palauan
 - v. Mandarin
 - vi. Taiwanese

The Personnel Specialist IV, Human Resources Section, shall maintain a bilingual employee listing and ensure periodic semi-annual updates. Any changes to this listing shall be made as an addendum to this Plan and disseminated internally for employee information.

4. After protocols 1-3 have been exhausted and language assistance is still necessary, the LA Coordinator may seek assistance with other organizations available in our community such as the Guam Coalition Against Sexual Assault & Family Violence (GCASAFV), Foreign Consulates, ethnic organizations, or the Guam Visitors Bureau. A listing is available with the LA Coordinator.

During an emergency, such as threatening phone calls or during emergencies, employees who are unable to determine the language spoken by LEP/DHH Persons should refer customers and/or phone calls to their immediate supervisor and/or division deputy. If it is a phone call, the employee should remain on the line until the supervisor or division deputy answers the call. In the event the employee's supervisor cannot determine the language of LEP/DHH Persons, he or she shall immediately request language assistance services from the LA Coordinator. If an interpreter is not available with the office, all reasonable attempts will be made to contact an interpreter via telephone in order to effectively respond to the emergency.



- B. Notice.** Signs posted within the OAG’s main entrance must inform potential LEP/DHH Persons that language assistance services are available in various languages. Posted signs provide detailed information such as point of contacts within the OAG, office number and alternate telephone number, website information, and how to acquire services.
- C. Staff Training.** The LA Coordinator, in conjunction with the Human Resources Section, Administration Division, will develop a training program for key staff to review the LAP, identify LEP/DHH Persons, differentiate various languages being spoken, be aware of cultural differences, and proper service delivery to LEP/DHH Persons. As new employees are hired, information on the LAP shall be provided in their orientation packets and training.
- D. Compliance Monitoring and Updating of Plan.** This Plan is monitored for compliance and updated every year from the date of issuance. The Chief of Staff is responsible for implementing this Plan and ensuring annual updates occur. The LA Coordinator and Personnel Specialist IV are responsible for drafting annual updates to the Plan, analyzing data and trends, ensuring brochures and signs are translated, mitigating problems, training personnel on procedures, and making adjustments to procedures as needed in consultation with the Chief of Staff. Any OAG Language Access Plan modifications, revisions or updates will be posted on our website at <http://www.guamag.org/>.



VII. CONTACTS

The OAG Human Resources Section contacts are:

Primary

Tony C. Aguon
 Personnel Specialist IV
 Tel: (671) 475-3324 ext. 5105
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Alternate

Terry T. Ascura
 Management Analyst IV
 Tel: (671) 475-3324 x 5110
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Alternate

Anicia Agulto
 Management Analyst II
 Tel: (671) 475-3324 ext. 5115
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The OAG primary and alternate Language Assistance (LA) Coordinators are:

Primary

Pauline I. Untalan
 Special Assistant to the Attorney General
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puntalan@guamag.org

Alternate

Lynnette M. Cruz
 Program Coordinator III
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If any questions arise or require clarification, please contact the LA Coordinator of the Office of the Attorney General. This Language Access Plan is issued for compliance.

ELIZABETH BARRETT-ANDERSON
 Attorney General of Guam

Date: 8/29/16



EXHIBIT A - SIGNAGE

Office of the Attorney General of Guam Notice to Individuals with Limited English Proficiency

ENGLISH

Welcome to the Office of the Attorney General.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 475-3324, extension 5015. Thank you.

CHAMORRO

Saludu para I fanatto-mu guini gi Ufisinin Hinirat Abugao.

Put fabot, na'tungo'ham yanggen un nisisita ayuda gi trinansladan lengguahi.
Bai in espiha empenu na u guaha entetpeti para u inasiste hao.
Para mas na ayudu, agang ham put fabot gi: 475-3324, 5015. Si Yu'os ma'ase.

TAGALOG

Maligayang dating sa sangay ng pamahalaan ng Guam.

Ipagbigay alam lamang kung kayo ay nangangailangan ng tulong ng tagapagsalin.
Sisikapin naming maghanap ng tagapagsalin para tumulong sa inyo.
Maari lamang tawagan ang 475-3324, 5015 kung kina kailangan. Salamatpo.

CHUUKESE

Ran annim. Kase mochen kpwe afata kich ika pwe en
mei osupwangen weweiti fosun Merika.

Kich sipwe achocho kutta emon chon Chiakuu epwe enisuuk.
Ka tongeni kokori ei nampa: 475-3324, 5015. Kinosou chapur.

Executive Order 12250—Leadership and Coordination of Nondiscrimination Laws

Source: The provisions of Executive Order 12250 of Nov. 2, 1980, appear at 45 FR 72995, 3 CFR, 1980 Comp., p. 298, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1-1. Delegation of Function.

1-101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-2. Coordination of Nondiscrimination Provisions.

1-201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1-202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1-203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1-204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1-205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1-206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1-207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1-3. Implementation by the Attorney General.



Federal Register

Wednesday,
August 16, 2000

Part V

The President

Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency

Department of Justice

Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Notice

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,



OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2015-015

RELATIVE TO REQUIRING ALL GOVERNMENT OF GUAM AGENCIES AUTONOMOUS INSTRUMENTALITIES, COMMISSIONS AND BOARDS TO DEVELOP AND IMPLEMENT A LANGUAGE ACCESS PLAN (LAP) TO ADDRESS THE COMMUNICATION NEEDS OF PERSONS OF LIMITED ENGLISH PROFICIENCY (LEP), THOSE WHO HAVE LITERACY CHALLENGES, INDIVIDUALS WITH DISABILITIES, AND THOSE WHO ARE DEAF OR HAVE HARD OF HEARING (DHH) IMPAIRMENTS, IN COMPLIANCE WITH U.S. PRESIDENTIAL EXECUTIVE ORDER 13166 AND RELEVANT U.S. DEPARTMENT OF JUSTICE AND TERRITORIAL REGULATORY AND ACCREDITATION MANDATES

WHEREAS, the Civil Rights Act of 1964 prohibits discrimination on the basis of race, national origin, gender and religion; and

WHEREAS, the United States Supreme Court in 1974 interpreted discrimination on the basis of language as a proxy for discrimination on the basis of national origin, and further held that under Title VI of the Civil Rights Act of 1964, federal financial aid recipients must provide non-English language assistance to persons of limited English proficiency (LEP) [*see, Lau v. Nichols*, 414 U.S. 563]; and

WHEREAS, Presidential Executive Orders 12250 (1980) and 13166 (2000) recommit the federal government to improve the accessibility of government-funded services to individuals with LEP; and

WHEREAS, President William J. Clinton, on August 11, 2000, signed EO 13166 entitled *Improving Access to Services for Persons with Limited English Proficiency* mandating that "recipients of Federal financial assistance provide meaningful access to applicants and beneficiaries with LEP" through the

establishment of a Language Access Plan (LAP) that meets the needs of clients with LEP; and

WHEREAS, the U.S. Department of Justice (U.S. DOJ) is empowered under EO 13166 to enforce, investigate, and sanction agencies that engage in national origin discrimination in federally-funded programs, and in 2002 adopted that certain *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (U.S. DOJ LEP Guidance 2002) to assist federal agencies and any federally-funded recipients to establish and implement LAPs that are in compliance with federal standards, EO 13166, and Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); and

WHEREAS, consistent with Title VI, and in compliance with EO 13166, there also exists other federal mandates that reinforce the appropriate and adequate redress of communication needs by the populations served by our organizations, including the Rehabilitation Act of 1973; the Individuals with Disabilities Education Act (IDEA); the No Child Left Behind Act (NCLB); the Americans with Disabilities Act (ADA); and the Assistive Technology Act; and

WHEREAS, accreditation entities such as the Joint Commission on the Accreditation of Healthcare Organizations, which accredits hospitals and other health care institutions, and the National Committee for Quality Assurance, which accredits managed care organizations and behavioral health managed care organizations, support standards requiring cultural and linguistic competence in health care; and

WHEREAS, the U.S. Department of Health and Human Services (HHS), developed and disseminated *The Department of Health and Human Services Language Access Strategic Plan 2013* to provide guidance to health service organizations in complying with EO 13166 and U.S. DOJ LEP Guidance 2002; and

WHEREAS, the Federal Office of Minority Health under HHS, developed the *National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care* "intended to advance health equity, improve quality and help eliminate health care disparities by establishing a blueprint for health and health care organizations."; and

WHEREAS, improvement and delivery of quality services that are accessible, effective and cost efficient requires the Government of Guam to incorporate cultural competence into organizational policy of which linguistic competence is an important vehicle towards attaining better access to information and hence, better outcomes for those served; and

WHEREAS, the Government of Guam is heavily burdened with federal assistance mandates that include a requirement of non-discrimination based on national origin stemming from a person's limited ability to speak or understand English; and

WHEREAS, in order to meet these federal mandates, address disparities in access and outcomes and improve overall services, it is incumbent upon all line agencies and autonomous instrumentalities to adopt, promulgate and implement a Language Access Plan that meets the specific needs of the diverse populations who require support, services and assistance from our community.

NOW, THEREFORE, I, EDDIE BAZA CALVO, Governor of Guam, by virtue of the authority vested in me by the Organic Act and laws of Guam, do hereby order and direct as follows:

1. The attached *Language Access Plan (LAP) for Persons who are Limited English Proficient (LEP) and/or Deaf or Hard of Hearing (DHH) ("LEP/DHH Plan")* is hereby adopted generally for the Executive Branch of the Government of Guam. The LEP/DHH Plan shall apply to all Executive Branch departments, line agencies, bureaus, autonomous and semi-autonomous agencies, instrumentalities, boards, commissions, councils, divisions, entities or sub-entities thereof.
2. All Directors, Boards, and Commissions of every Government of Guam or autonomous agency identify a Language Assistance (LA) Coordinator within their respective organizations and further, shall customize and tailor the attached LEP/DHH Plan as necessary in order to address the entity-specific needs of their organizations in order to comply with federal mandates and standards in order to ensure that programs and activities normally provided in English are accessible to LEP/DHH persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964.

3. Every entity-specific LAP must include Policies and Procedures on how the LAP will be utilized within the organization and must assure that training of personnel on the LAP be instituted. LAPs must be in compliance with DOJ LEP Guidance 2002 standards which set forth a four-factor analysis to include:
 - a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
 - b. The frequency with which LEP persons come in contact with the program;
 - c. The nature and importance of the program, activity, or service provided by the program to people's lives; and
 - d. The resources available to the grantee/recipient and costs.

4. The Clearing House, Office of the Lt. Governor, shall be designated as the depository of this Plan and all agency-specific LAPs to assure government-wide compliance so as not to jeopardize federal territorial funding.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 31st day of December, 2015.



EDDIE BAZA CALVO

I Maga'Láhen Guåhan
Governor of Guam

Executive Order No. 2015-15

**GOVERNMENT OF GUAM
LANGUAGE ACCESS PLAN (LAP)
FOR PERSONS WHO ARE
LIMITED ENGLISH PROFICIENT (LEP)
AND/OR
DEAF OR HARD OF HEARING (DHH)**

I. DEFINITIONS.

A. *Limited English Proficiency* - A person with limited English proficiency (LEP) does not speak English as his or her primary language, and has a limited ability to read, write, speak, or understand English. Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context-specific. An individual may have sufficient English language skills to communicate basic information (such as name, address, etc.), but may not have sufficient skills to communicate detailed information in English (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.).

B. *Primary Source Language* - A language of the speaker which is interpreted into a second language. An individual's native tongue or the language in which an individual most effectively communicates.

C. *Interpretation* - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

D. *Translation* - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

E. *Bilingual* - Refers to the ability to use two languages proficiently.

F. *Bilingual Employee/Staff Interpreter and/or Translator* - Government of Guam staff employees with bilingual proficiency in source and target languages.

G. *LA Coordinator - Language Assistance Coordinator* is appointed by the head of an agency to oversee implementation and annual updates of the LEP/DHH plan.

H. *DHH - Deaf or Hard of Hearing*. A person who is disabled because of a hearing, communication, or speech disorder, or has difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate and thus is unable to obtain due process of law.

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II. POLICY STATEMENT.

This Language Access Plan (LAP) for Persons who are Limited English Proficiency (LEP) and/or Deaf or Hard of Hearing ("LEP/DHH Plan") was developed to provide timely, meaningful and equal access to programs, services, and/or information to persons who are limited English proficient (LEP) or Deaf and Hard of Hearing (DHH) in compliance with federal law.¹ The overarching goal is to ensure maximum communication between the Government of Guam Executive Branch and all members of our community with whom the Government interacts.

To the greatest extent practical, the Government of Guam will strive to meet the needs of LEP/DHH persons by ensuring the highest quality of language assistance and services.

Government employees will inform the public that language assistance services are available free of charge to LEP/DHH individuals by posting a sign in public areas similar in form to the copy attached as "Exhibit A." The LA Coordinator of each agency is tasked with monitoring the sufficiency of all signs to ensure maximum communication with the public.

All Government of Guam personnel shall coordinate language assistance services for individuals who are LEP/DHH through the LA Coordinator, who is authorized to activate interpreters and/or translators for this purpose.

III. BACKGROUND.

In an effort to promote the efficiency, accuracy, and integrity of Government services and to preserve constitutional and fundamental principles of fairness and access to services, the Government of Guam is committed to continuing to provide language access services to LEP/DHH persons who come in contact with the Government of Guam.

Language barriers can inhibit or prohibit individuals who are LEP/DHH from accessing and/or understanding and receiving meaningful access to programs, services and information.

Guam's population is 159,358 based on the 2010 U.S. Census of Population and Housing, and is the gateway to the United States from Asia and neighboring Pacific islands. Guam is a "melting pot" of cultures with two official recognized languages for conducting business: English and native Chamorro. Although English is the primary language in Guam, other languages spoken in Guam include Chamorro, various Filipino dialects (e.g., Tagalog, etc.), Korean, Japanese, Chinese, Chuukese, Kosraean, Pohnpeian, Yapese, Palauan, Vietnamese and sign. The most significant population increases in Guam

¹ Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et. seq.; and 28 C.F.R. § 42 et. seq.

reported by the U.S. Census Bureau is Carolinian, from 123 in 2000 to 242 in 2010, an increase of 96.7%; Yapese, from 686 in 2000 to 1,263 in 2010, an 84.1% increase; and Chuukese, from 6,229 in 2000 to 11,230 in 2010, an 80.3% increase.

In addition, Guam receives over 1.3 million tourists each year. According to the Guam Visitors Bureau, in FY2015, Guam welcomed 1,372,531 tourists, a 2.3% increase over 1,341,054 tourist arrivals in FY2014; and a 2.5% increase over 1,337,665 tourist arrivals in FY2013.

Guam has a limited population base and is geographically isolated, located about 8 hours by air from the island state of Hawaii, and about an additional 5 hours by air from Hawaii to the continental United States (West coast). Guam is located approximately 6,600 miles from San Diego, California. Therefore, interpreters and translators for certain languages may be unavailable or extremely limited on island. Compounding the geographic isolation is Guam's time zone. Guam falls under Chamorro Standard Time (ChST), which is typically a day ahead and the opposite time of day from the continental United States.

Whether a person is a resident of Guam or a temporary visitor, contact with the Government is inevitable. From the airport to the seaport, and at points in between, all Guam visitors and residents receive services from the Government. Some provide their own interpreters as an alternative to paid interpreters or bilingual Government employees. LEP/DHH persons occasionally rely on their children to interpret for them, and on occasion, may call upon neighbors or strangers to act as interpreters or translators. However, an untrained "interpreter" may be unable to understand the concepts or terminology he or she is being asked to interpret or translate. Thus, we must minimize these instances and, if necessary, rely on trained interpreters that may be retained by the Government of Guam, as well as provide training to all employees on the proper use of interpreters and bilingual staff. Trained interpreters are professionals who are procured and compensated, as is the case with interpreters registered and used by the Judiciary of Guam.

Federal law prohibits national origin discrimination and requires federally assisted law enforcement entities such as the Government of Guam to take reasonable steps to provide meaningful access to programs, services and information to individuals who are LEP/DHH. The Government of Guam's LEP/DHH Plan is consistent with Title VI of the Civil Rights Act of 1964, which states: *"No person in the United States 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."*

After a U.S. Supreme Court ruling in 1997, Congress redefined the Title VI Act that holds responsible the entire organization who is a recipient of federal funds if a discrimination complaint is filed, and not just the specific program under which the complaint was filed.

Title VI of the Civil Rights Act of 1964 prohibits:

- A. Providing different services to individuals as it relates to race, color, and national origin.
- B. Denying the opportunity to participate as a member of a planning or advisory body, ensuring adequate representation.
- C. Selecting the location of a facility with the purpose or effect of excluding individuals to avoid excluding individuals based on race, color, or national origin

IV. FOUR-FACTOR ANALYSIS.

The Office of Civil Rights (OCR) recommended a four-factor analysis be conducted to determine reasonable steps in implementing a LEP/DHH policy and plan. These factors are:

- 1. The number or proportion of LEP/DHH persons served or encountered in the eligible service population.
- 2. The frequency with which LEP/DHH persons come in contact with the program.
- 3. The nature and importance of the program, activity, or service provided by the program. (Rank activities or services based on level of importance; reasonableness.)
- 4. The resources available to the recipient.

V. PROCEDURES.

The following procedures are established to guide personnel in providing services to LEP/DHH persons:

A. Determining the Need for an Interpreter.

To the greatest extent possible, whether in person or over the telephone, Government of Guam employees should attempt to ascertain what language a LEP/DHH individual is speaking in order to provide adequate services. If an employee is unsure about the language being spoken, the supervisor or division head should be contacted. The supervisor or divisions head can coordinate with the LA Coordinator to obtain language assistance services as quickly as possible in order to effectively communicate with the individual.

In an emergency situation, employees who are unable to determine the language being spoken by a LEP/DHH person should refer the customer, client, and/or phone call to the LA Coordinator. If it is a phone call, the employee shall remain on the line until either a supervisor or division head or the LA Coordinator answers the call, whichever can be done in the shortest amount of time. Bilingual employees can also be contacted to assist.

B. Notice.

Signs will be posted in the various public areas of an agency to inform potential LEP/DHH persons that language assistance services can be made available in various languages. Posted signs should provide detailed information such as points of contacts in the agency, telephone numbers, website information, and how to acquire services. A sample form copy of a sign is attached as "Exhibit A." In addition, LEP/DHH information will be posted on the individual agency's website. Government employees will inform the public that language assistance services are available free of charge to LEP/DHH individuals. The LA Coordinator is tasked with monitoring the sufficiency of all signs to ensure maximum communication with the public.

C. Staff Training.

The LA Coordinator will work with the Department of Administration or appropriate Human Resources Division to provide training to key staff on how to properly identify LEP/DHH persons, differentiate various languages being spoken, understand cultural differences and issues, and deliver services to LEP/DHH persons. Training of staff will be periodic and documented by the LA Coordinator with copies to DOA or the appropriate Human Resources Division. As new employees are hired, information on the LEP/DHH Plan will be provided in their orientation.

Prospectively, the Government of Guam will explore recruitment opportunities of bilingual staff (e.g., bona fide qualifications) to maximize communication among employees and the public, especially for public service counters and information. The LA Coordinator will develop protocols and provide training to bilingual employees and will inform all employees of the availability and appropriateness of when bilingual employees can be contacted.

Bilingual assistance provided by bilingual employees who are fluent in the source language of a LEP/DHH person is informal and limited to providing basic information related to the particular services of a department or agency where the employee is assigned in order to better assist a LEP/DHH person to receive access to government services, procedures, and documents. There is no additional compensation for language assistance services provided by a bilingual employee.

VI. COMPLIANCE MONITORING AND UPDATING OF PLAN AND POLICY.

The LA Coordinator for each Government of Guam agency, in conjunction with the Department of Administration or applicable agency Human Resources Division, will review and update this plan annually on a calendar year basis and make recommendations for improvements based on the review. The evaluation should include problem areas or gaps in services, and a corrective action plan to address and resolve those problem areas. Evaluation criteria may include, among other data:

- assessing the number of LEP/DHH persons requesting interpreter services from the particular Government of Guam agency;
- Assessing current language needs to determine if additional services and/or translated materials should be provided (e.g., agency forms, informational brochures, etc.); and
- Assessing the knowledge agency employees possess of LEP/DHH policies and how to provide language assistance services to LEP/DHH persons.

The director or head of an agency is responsible for implementing this LEP/DHH Plan and ensuring that annual updates occur. The LA Coordinator is responsible for drafting annual updates to the LEP/DHH Plan, analyzing data and trends, ensuring brochures and signs are translated, mitigating problems, training personnel on procedures, and making adjustments to procedures as needed in consultation with the director or head of an agency. Any agency-specific modifications, revisions or updates to this plan will be posted on the particular Government of Guam's agency website.

Additional LEP resources can be found at www.lep.gov, a federal interagency website.

EXHIBIT A

Government of Guam Notice to Individuals with Limited English Proficiency

Welcome to the Government of Guam
Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.

For further assistance, please call this number: _____. Thank you.

CHAMORRO

Saludu para I fanatto-mu guini gi gobietnu Guåhan.
Put fabot, na'tungo'ham yanggen un nisisita ayuda gi trinanslâdan lengguåhi.
Bai in espiha empeñu na u guaha entetpeti para u inasiste hão.
Para mãs na ayudu, ågang ham put fabot gi: _____. Si Yu'os ma'ásé

TAGALOG

Maligayang dating sa sangay ng pamahalaan ng Guam.
Ipagbigay alam lamang kung kayo ay nangangailangan ng tulong ng tagapagsalin.
Sisikapin naming maghanap ng tagapagsalin para tumulong sa inyo.
Maari lamang tawagan ang _____ kung kina kailangan. Salamatpo.

CHUUKESÉ

Ran anim. Kose mochen kpwe afata kich ika pwe en
mei osupwangen weweiti fosun Merika.
Kich sipwe achocho kutta emon chon Chiakuu epwe enisuuk.
Ka tongeni kokori ei nampa: _____. Kinosou chapur.

CHINESE (Simplified)

欢迎。如果你需要语言协助服务请通知我们。
我们将尽一切努力找到一个翻译来帮助你。

如需进一步帮助，请拨打此号码 _____. 谢谢。

KOREAN

환영. 당신이 언어 지원 서비스를 필요로 하는 경우 우리에게 알려 주시기 바랍니다.
우리는 당신을 돕기 위해 통역을 찾기 위해 모든 노력을 다할 것입니다.

추가 지원, 전화: _____. 고맙습니다.