



University of Hawaii System Plan for Language Access

July 2019-July 2021

I. Purpose

In 2006, the State of Hawai‘i’s Language Access Law¹ was enacted to affirmatively address the language access needs (on account of national origin) of limited English proficient (LEP) persons. The law seeks to address language barriers to:

- accessing important benefits or services,
- understanding and exercising important rights,
- complying with applicable responsibilities,
- or understanding other information provided by state-funded programs and activities.

It was the intent of the legislature that the provision of language accessible services be guided by Executive Order 13166 (2000), Title VI of the Civil Rights Act (1964), and succeeding provisions of federal law, regulation, or guidance. [L 2006, c 290, pt of §1] Title VI protects people from discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. The University of Hawai‘i (hereinafter referred to as “UH” or “University”) receives federal funds and complies with Title VI.

II. Language Access Plans

The Hawai‘i Language Access Law requires State agencies receiving federal financial assistance to file a language access plan by July 1, of every odd numbered year, with the Office of Language Access (OLA), within the State of Hawai‘i, Department of Health. The updated UH System Plan covers the period July 2019-July 2021. During this phase, the EEO/AA Director for UH Mānoa & UH System Office will continue to serve as the University’s contact person for consultation with OLA. [HRS 321C-4(c)]

The goal of the UH System Plan is for each campus to establish its own Language Access Procedures. The campus procedures will serve to inform University employees and LEP persons how each campus will provide language access services as required by HRS 321C-3 to 321C-4. The procedures will follow the guidelines provided in the Hawai‘i Language Access Law and may include other applicable guidelines or factors, such as federal laws and regulations (e.g., Title VI of the Civil Rights Act of 1964 and implementing regulations issued by the U.S. Department of Education).

III. Action Steps

A. The UH System has completed the following action steps identified in previous plans:

¹ HRS Sections 371-31 to 371-37 (2006 Haw. Sess. L. Act 290)



1. Language Access Coordinators have been designated for each campus. These individuals are responsible for developing, updating and coordinating the overall implementation of their respective campus procedures.
2. A Working Group was organized to recommend appropriate steps campuses should take to implement the Language Access Law. The working group includes representatives from the University's Office of the President, the EEO/AA Office for Community Colleges, and the EEO/AA Office for UH Mānoa and UH System Offices. The working group works with and receives information and guidance from the Office of the State Director for Career and Technical Education, the Office of the University General Counsel, and others as needed.
3. Campus Surveys have been conducted to identify vital documents, priority programs, and language access needs.

B. The current and future action steps will include:

1. Follow up on Campus Surveys to clarify issues related to:
 - a. Priority programs where a need for language access services may be indicated

Programs that receive priority consideration will be identified using the four factors below and applicable federal guidelines (Title VI of the Civil Rights Act).²

Oral and Written Language Services [§321C-3]

- i. The number or proportion of LEP persons served or encountered in the eligible service population;
 - ii. The frequency with which LEP persons come in contact with the services, programs, or activities;
 - iii. The nature and importance of the services, programs, or activities; and
 - iv. The resources available to the State or covered entity and the costs.
- b. "Vital documents"³

² Employment is covered by Title VII of the Civil Rights Act (e.g., nondiscrimination on the basis of national origin) and the Hawai'i Fair Employment Practices law (nondiscrimination on the basis of ancestry, including language, accent, dialect). Employment does not constitute a "program, service, or activity" under Title VI or the Hawai'i Language Access Law. However, career and job placement services funded under the Workforce Investment Act (WIA) are "services" covered under Title VI. Community Colleges involved with the WIA and One Stop centers already comply with the language access requirements of Title VI.

³ Vital Documents are defined as printed documents that provide important information necessary to access or participate in services, programs, or activities of a state agency or covered entity, including, but are not limited to,



Several vital documents were identified that need to be reviewed for possible translation in light of the eligible population.⁴

c. Offices where language access notices may need to be posted⁵

The assessment has determined that English language fluency is an essential aspect of the University's educational programs and activities (e.g., undergraduate or graduate education).⁶ Most of the University's "clients" or "customers" are students who must have sufficient English language fluency to qualify for higher educational programs. However, language access notices are recommended in certain offices (e.g., student judicial affairs, student health services, counseling, campus safety), and all requests for language access services should be considered on a case-by-case basis by the program or campus.

The assessment process has also determined that most nonacademic programs open to the general public involve nonessential services, entertainment, or commercial activities (e.g., sports events, bookstores, food vendors, concerts). Based on the four prong "Oral and Written Language Services" factors set forth in HRS § 321C-3, multilingual notices are not required for these types of programs; however, requests for language services should be considered on a case-by-case basis.

2. Ensure each campus has developed and implemented Language Access Procedures

Campus procedures should address the following:

applications, outreach materials, and written notices of rights, denials, losses or decreases in benefits or services. (HRS 321C-2)

⁴ Written translations of vital documents need to be done for LEP groups that constitute 5% or 1000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. (HRS § 321C-3(4)(c)(1))

⁵ If there are fewer than 50 persons in a limited English proficient group that reaches the 5% threshold, the agency must provide written notice in the primary language to the limited English proficient language group of the right to receive competent oral interpretation of vital documents, free of cost (HRS § 321C-3(4)(c)(2)).

⁶ The Hawai'i Language Access Law is modeled after Title VI. Title VI does not require recipients to remove language barriers when English is an essential aspect of the program (such as providing civil service examinations in English when the job requires a person to communicate in English, see Frontera v. Sindell, 522 F.2d 1215 (6th Cir. 1975)), or when there is another non-pretextual "substantial legitimate justification for the challenged practice" and there is no comparably effective alternative practice with less discriminatory affects. Elston v. Talladega County Bd. of Educ., 997 F.2d 1394, 1407 (11th Cir. 1993); New York City Environmental Alliance v. Giuliani, 214 F.3d 65, 72 (2nd Cir. 2000)



a. Language Access Resources and Services

Based on the campus assessment, each campus should develop procedures and identify appropriate resources, both internal and external, in order to provide language access services free of charge to eligible LEP individuals, including:

- competent, timely language services (such as on-site, video remote, or phone interpreting)
- written translations of vital documents

Examples of language access resources include multilingual University employees, qualified interpreters, and telephone interpreters. Each campus will have the flexibility to determine what resources to use and the procedures for implementing the interpreter and translation services.

If the campus decides to include University employees as interpreters, the campus will conduct a survey or recruit volunteers and develop a resource list of employees who are able to provide competent oral interpretation.

Campus Language Access Coordinators and other personnel will also use the four-factors (refer to B.1.a in this document) to identify the appropriate interpreter skill level for the particular situation, and when a qualified interpreter is recommended or necessary.

b. Hiring Bilingual Personnel

If the program or campus determines a need for additional bilingual personnel, they should include the relevant language skills as a desirable qualification when filling vacant state funded public contact positions. [L 2012, c 201, pt of §2]

c. Multilingual Signage

Programs that need multilingual signage [per HRS § 321C-3(4)(c)(2), see footnote 4] may prepare their own signage or use materials from OLA or their Campus Language Access Coordinator.

d. Language ID Cards

Following a plan of action similar to the "I speak..." language assistance request cards used by agencies in Hawai'i as well as across the country, assistance cards should be made available for prospective LEP students and family members. These language assistance cards will be prepared, printed, and placed in key locations on campus, such as Admissions & Records or other offices identified by the Coordinators. The cards will be in languages identified as most frequently spoken by the LEP population served by UH, and may include, but are not limited to, traditional and simplified Chinese, Japanese, Korean, Ilokano, Tagalog, Samoan, Vietnamese, Marshallese, Tongan, and Spanish.

Examples of the "I Speak" cards can be found at these sites:



<https://www.lep.gov/sites/lep/files/media/document/2020-02/crci-i-speak-booklet.pdf>

<https://www.courts.state.hi.us/docs/services/english.pdf>

e. Dissemination and Training

Administrators and staff, particularly those who are in contact with the public, shall be trained on the campus language access procedures. The campuses' Language Access Coordinator (or any designated person) shall be responsible for providing the training. The primary purpose of the training shall be to impart the necessary background and understanding to implement the objectives of the procedures. The training will cover: (a) the procedure; (b) the application of the developed information and statistical forms; and (c) the reporting requirements of the staff to the Language Access Coordinator.

IV. Updating and Revising the Plan [HRS § 321C4(b)]

The next update is due to OLA by July 1, 2021.