

Disclaimer

You are receiving this set of slides because you attended the presentation *"What is the commonality among Financial Fitness, new challenges and federal mandates?"* in Alexandria, MN, on April 20, 2010.

The intent of these slides is not to replace the live presentation and discussion about valuing diversity, financial fitness and Title VI. The intent is to complement your notes and discussion during the presentation.

Thanks for your attendance!



Financial Fitness

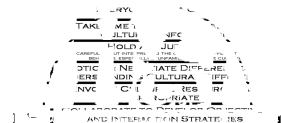
What is the commonality among Financial Fitness, new challenges and federal mandates?

Valuing Diversity, fitness and federal mandate.

April 20, 2010 -Alexandria, MN-

Alejandro Maldonado

Limited English Proficiency (LEP) Coordinator
Minnesota Department of Human Services



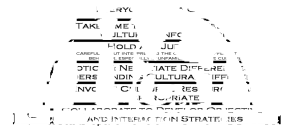
This Is Fun !

- Language
 - Brake or Break for Ten Minutes
 - Be Present or Present the Information
 - Polish or Polish the Silver Tray
 - Park in the driveway and drive on the parkway
- Mind & Parachute
 - What's Common to Both?
- Enjoy your Time with Us
- Let's Have Fun!



Fitness

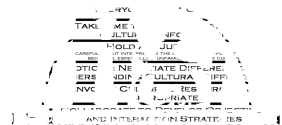
- Physical
- Financial
- Flexibility



Let's Begin with the End in Mind

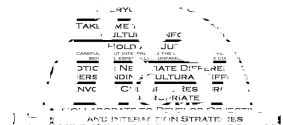
- What's Intended By "Meaningful Access"?
 - Equitable versus Meaningful
 - Communication Barriers & Effective Communication
- Who Is in Our Triad &
Why Do We Care about It?

**We Do Care Because We
Are Professionals, and It's
the Right Thing to Do!**



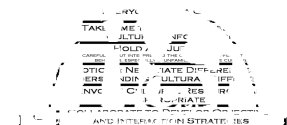
. . . And the End Result Is . . .

- People Can Communicate Effectively; Do their Job; Raise their Awareness About Other Cultures; Understand yours & theirs Better; Be Understood; Lower Levels of Stress Due to Communication Barriers; Be Aware of Potential Areas of Mistrust and Misunderstanding; Be Part of the Solution . . .



Objectives

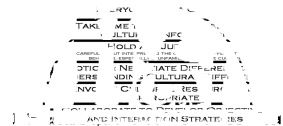
- Title VI Overview
 - Intent behind national origin prohibition
 - Language access requirements
- Understand the Role in Carrying Out Language Access Requirements
- Understand Dynamics of Communication
- Identify the Best Practices of a Professional Interpreter
- List Available Resources to You



Title VI of the Civil Rights Act of 1964

Prohibits discrimination in access to any program or activity by federally funded entities based on:

1. Race
2. Color
3. National Origin



National Origin Prohibition

Title VI seeks to prevent discrimination based on national origin by removing language barriers for people with limited English proficiency while providing meaningful access by a covered entity.



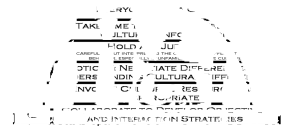
Progression of Law

Statute = Title VI of Civil Rights Act of 1964
Regulation = Regulations under Title VI
Guidance = Limited English Proficiency (LEP)
Guidance



OCR Guidance

In August 2003, OCR published policy guidance on Title VI's prohibition against national origin discrimination, and how it affects persons with limited English proficiency (LEP).



Enforcement

Who enforces Title VI in Minnesota for health and human services entities?

U.S. Dept. of Health and Human Services' (DHHS) Office for Civil Rights (OCR) is the federal civil rights enforcement agency

- Region V of OCR, Chicago



Who is a covered entity?

Public and private entities receiving "federal financial assistance."

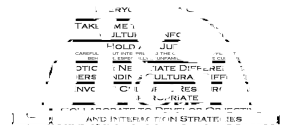
Examples of covered entities may include but not limited to:

- Hospitals and nursing homes
- Managed Health care organizations
- State, county, and local health and public assistance agencies
- Food Support programs
- Head start programs
- Contractors, vendors, and grantees of covered entities



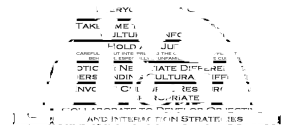
A Person with Limited English Proficiency

... is not able to speak, read, write, or understand English well enough to allow the person to interact effectively with health and social services agencies, educators, and other providers.



What's Meaningful Access?

- No "one size fits all" standard
- No "cookie cutter" model
- Equitable?



What's Meaningful Access?

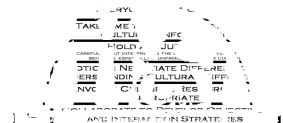
(cont'd)

Entitlement to access to:

- Information
- Services

in a way that is understood by and achieves its purpose with:

- Individuals with LEP
- Providers



Language Assistance Resources Offered

- Oral language assistance
- Translation of forms and documents
- Alternative formats
- Culturally appropriate



Appropriate Alternative Formats

- Interpretation (spoken-oral)
 - In person
 - Telephonic
 - Live video
- Translation (written)
- Video presentation
- Signage
- Flash cards
- Audio tapes
- Cartoons
- ???



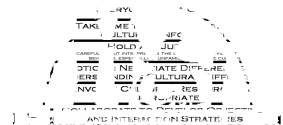
Types of Oral Language Assistance

- Bilingual staff
- Staff interpreters
- Contractors
- Multilingual Referral Lines (MRL)
- Telephonic language assistance
 - Contracts Dept. of Admin.



Consequences of Title VI Violations

- Loss of federal funds
- Federal lawsuits and money damages
- Federal intervention and oversight
- Hectic compliance reviews worse than IRS audits



Emotional Consequences of Title VI Violations

- Stressful administrative complaint investigations
- Significant emotional toll on employees named in complaint
- Embarrassment, fear, or punishment
- Low morale among staff in work unit
(who will be next?)
- Different interpretations of what happened can cause conflict among staff



About Filing a Complaint with HHS . . .

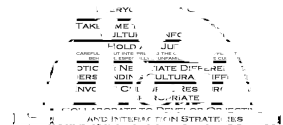
"If you believe that you have been discriminated against because of your race, color, national origin, disability, age, sex or religion by a health care or human services provider (such as a hospital, nursing home, social service agency, etc.) or by a State or local government health or human services agency, you may file a complaint with the Office for Civil Rights (OCR). You may file a complaint for yourself or for someone else."

Source: <http://www.hhs.gov/ocr/office/file/index.html>



LEP Facts

- Only 10% of the world's population speaks English as their native language
- English is the most commonly spoken foreign language in the world
- English is the predominant language in the U.S.
- 40 million people speak other language than English at home in the U.S.
- 30 million people (10%) have limited English proficiency in the U.S.
- 6% of 911 calls are from individuals with LEP
- People with Limited English Proficiency face barriers to critical health and social services in the U.S. every day.

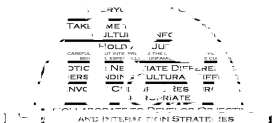


Program Participation Head of Household

December	Total Case Applicants HH	Case Appl Spoke Other than English	Case Appl Needed Interpreter
2006	361,491	59,541	32,803
2007	354,013	60,184	33,566
2008	425,080	46,720	29,509

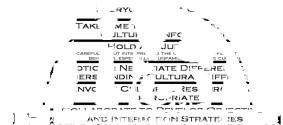
Standard of Access Required

To comply with Title VI, federally funded entities must take reasonable steps to ensure that people with limited English proficiency have meaningful access to program information, benefits, and services **free of charge** and **without undue delay**.



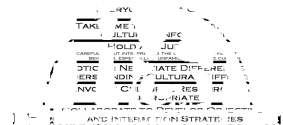
Standard of Access Required

To comply with Title VI, federally funded entities must take reasonable steps to ensure that people with limited English proficiency have **meaningful access** to program information, benefits, and services **free of charge** and **without undue delay**.



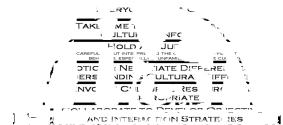
Communication

... is defined as a process by which we assign and convey meaning (*information*) in an attempt to create *shared understanding*. This process requires a vast repertoire of skills in intrapersonal and interpersonal processing, listening, observing, speaking, questioning, analyzing, and evaluating.



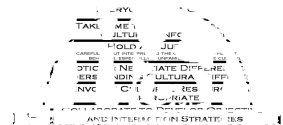
Communication

... is defined as a process by which we assign and **convey** meaning (*information*) in an attempt **to create shared understanding**. This process requires a vast repertoire of skills in intrapersonal and interpersonal processing, listening, observing, speaking, questioning, analyzing, and evaluating.



Communication Elements

- Process to convey information
 - Info understood the same way
 - Sender
 - Receiver
 - Medium
 - Common language exchange

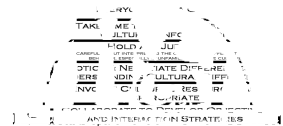
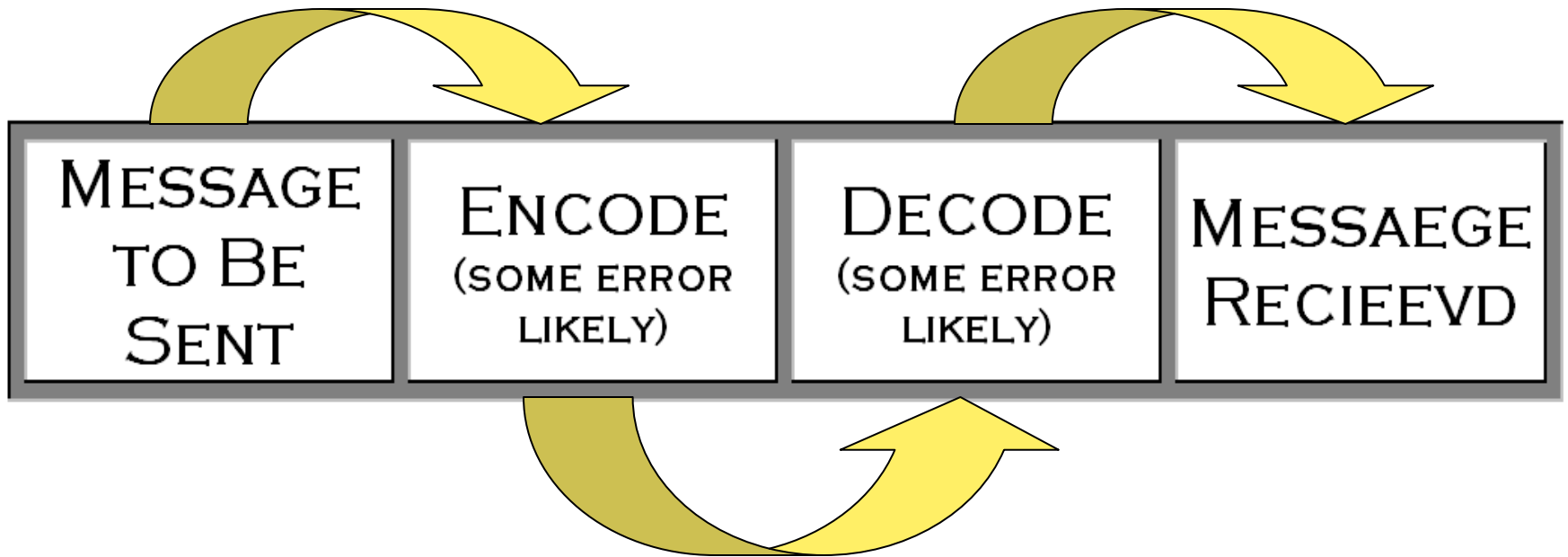


Benefits of Communication

- If communication is the articulation of sending a message, through different media,
- and if it is verbal or nonverbal, so long as a being transmits a thought provoking idea, gesture, action, etc., then:
- It is through communication that collaboration and cooperation occur.



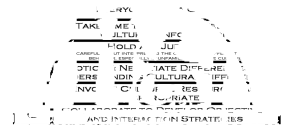
Communication



Effective Communication

- Perhaps the greatest single stumbling block to real communication is the one-sided nature of speaking. Most of us think of "communicating" as a one-way process.
- Two monologues do not make a dialogue.
- Exchange or conveying of information between you and your targeted prospect (*both ways*) is the key to effective communication.

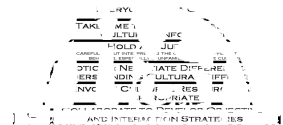
Adapted from "The 7 Habits of Highly Effective People" By Stephen Covey.



Effective Listening

Captain Scherz from Boeing says:

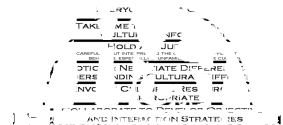
"To be an exceptional listener we must be SILENT when the other person is speaking."



Effective Listening

- The secret is in "LISTEN"

- SILENT -



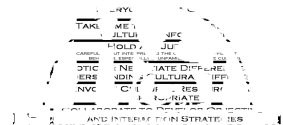
Effective Listening

- Often we have too much difficulty listening to other people because:
 - we know what we are going to hear
 - we are seeking confirmation, not information
 - what's being said is getting in the way of what *needs* be said



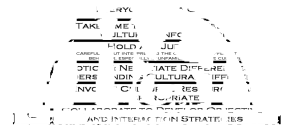
Barriers to Effective Communication

- One-sided nature of speaking -thinking comm. one-way process-
- Language
- Defensiveness
- Misreading of body language
- Noisy transmission-biases, filters, thinking about tonight's dinner
- Receiver distortion: selective hearing, ignoring non-verbal cues
- Power struggles
- Self-fulfilling assumptions
- Language - different level of meaning
- Managers hesitation to be candid
- Assumptions
- Distrusted source, erroneous translation, value judgment, state of mind of two people
- Perceptual biases
- Interpersonal relationships
- Cultural differences



Barriers to Effective Communication

- One-sided nature of speaking -thinking comm. one-way process-
- Language
- Defensiveness
- Misreading of body language
- Noisy transmission-biases, filters, thinking about tonight's dinner
- Receiver distortion: selective hearing, ignoring non-verbal cues
- Power struggles
- Self-fulfilling assumptions
- Language - different level of meaning
- Managers hesitation to be candid
- Assumptions
- Distrusted source, erroneous translation, value judgment, state of mind of two people
- Perceptual biases
- Interpersonal relationships
- Cultural differences



Barriers to Effective Communication

- Language: The choice of words or language in which a sender encodes a message will influence the quality of a communication. Because language is a symbolic representation of a phenomenon, room for interpretation and distortion of the meaning exists.



Barriers to Effective Communication

- Language & Culture:

"Parking Ramp"

"Parking Garage"

"What kind of coke do you want?"



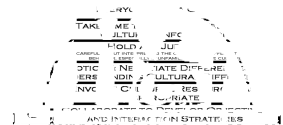
Non-verbal Communication Cues

- 35%
- 45%
- 53.55%
- 65%
- 75%
- 90%
- **93%**
- 100%



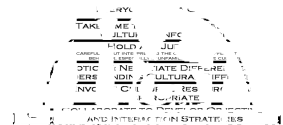
Non-verbal Communication Cues

- One study at UCLA indicated that up to 93 percent of communication effectiveness is determined by non-verbal cues.
- Another study indicated that the impact of a performance was determined:
 - 7 percent by the words used (verbal)
 - 38 percent by voice quality, and (tonality)
 - 55 percent by the non-verbal communication (physiology)



Non-verbal Communication Cues

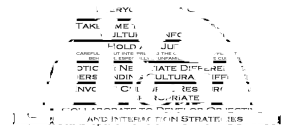
- Visual
- Tactile
- Vocal
- Use of:
 - Time
 - Space
 - Image



Non-verbal Communication Cues



Limited English Proficiency



Concepts Related to Bridging Cultural Differences

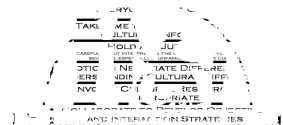
E	EVERYONE HAS A CULTURE
T	TAKE TIME TO COLLECT RELEVANT CULTURAL INFORMATION
H	HOLD ALL JUDGMENTS BE CAREFUL ABOUT INTERPRETING THE CULTURALLY DIFFERENT CLIENT'S BEHAVIOR, ESPECIALLY IF UNFAMILIAR WITH THE CULTURE
N	NOTICE & NEGOTIATE DIFFERENCES IN UNDERSTANDING CULTURAL DIFFERENCES
I	INVOLVE CULTURAL RESOURCES AS APPROPRIATE
C	COLLABORATE TO DEVELOP OBJECTIVES AND INTERACTION STRATEGIES

"Effective Communication"

Leads to Meaningful Access

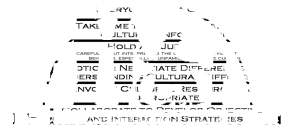
Covered institutions must take reasonable steps to ensure that a person with limited English proficiency:

- Receives adequate information to apply for services
- Understands the services and benefits available
- Receives benefits for which the person is eligible
- Communicates relevant circumstances of that person's situation to the agency



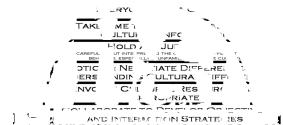
Why do People . . . ?

- Talk too slowly...
- Talk very LOUDLY!!!
- Make way too many weird gestures



“Ways to Achieve Effective Communication”

- Organizations may use interpreters
 - Staff
 - Contract
 - Volunteers
- Organizations may hire bilingual workers
- Organizations may use alternative formats



When to Document Work with Interpreter

- Interpreter offer, client declines
- Client requests interpreter
- Worker has difficulty understanding client
- Record of scheduled appointments with interpreter
- Return of phone calls (conference call with interpreter)



Where to Document Work with Interpreter

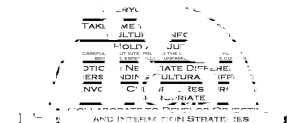
- Case management records
- MAXIS and its Interfaces
 - MEMB
 - CASE/NOTE
 - WRKR/CMNT
- Physical case files
- Office use (applications)
- Other



What's the Role of the Interpreter?

To make it possible for two or more individuals who do not share a *common language* to communicate (*exchange*) directly with each other as if they did.

Minnesota Interpreter Standards Advisory Committee, *Bridging the Language Gap: How to Meet the Need for Interpreters in Minnesota*, 1998.



Interpreting vs. Translating

- Interpreting (oral)
 - The conversion of spoken messages from one language into another
- Translating (written)
 - The conversion of written messages from one language into another



Modes of Interpretation

- Consecutive
- Simultaneous
- Summarization
- Sight Translation



Competency Standards for Interpreters

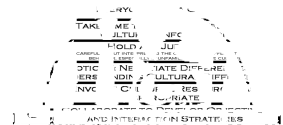
- More than self identification as bilingual
- Must be proficient in both languages
- Know program terminology
- Are sensitive to client's culture
- Have had interpreter training
- Understand and follow their role as interpreters without deviating into other roles
- Understand & comply with code of ethics



Key Ethical Principles from the Interpreter's Code of Ethics

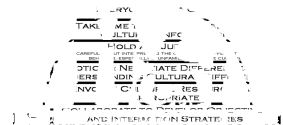
- Confidentiality
- Accuracy
- Impartiality
- Respect
- Cultural Awareness
- Role Boundaries
- Professionalism
- Professional Development
- Advocacy

National Council on Interpreting in Health Care (NCIHC), National Standards of Practice for Interpreters in Health Care, 2005.



Working Effectively with an Interpreter

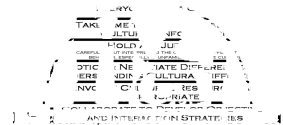
- Regular practice
 - brief with interpreter
- Use the first and second person of the singular:
 - I & You
- Address the person with LEP directly
 - Visual contact
 - Body language
 - Ask questions directly to the individual to clarify their answers
 - Position of provider, interpreter, & person with LEP
 - Normal speech speed
 - Avoid "chain questions"
- Everything said will be interpreted -both ways-
- Debrief if necessary -about communication-



The Interpreter Is NOT

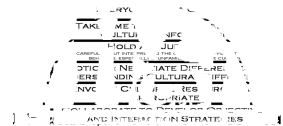
The Client's or Provider's:

- Messenger
- Cultural broker
- Advocate
- A short-cut of anyone's duties and responsibilities
- Confident



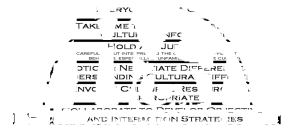
The Interpreter Is

- The most popular professional involved in the communication process to help remove the language barrier while information and services are provided in a meaningful way to individuals with limited English proficiency and their providers.

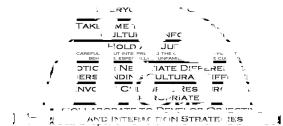


iAhy Caramba!

-Hang'n for just a sec.-
I'll be right back with ya'
as I'm trying to get
someone to help me out.

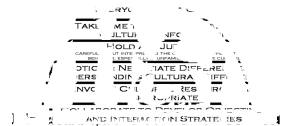


Hints and Techniques



Key Elements while Communicating with Clients with LEP

- Use simple language
- Avoid compound verbs
- Use one or two statements at a time
- Use normal tone of voice
- Enunciate and pronounce
- Be conscientious about your speech speed



I don't know what language they speak. . .

- Ask:
 - "what language?"
 - "what country?"
- Listen (SILENT)
 - Effectively
- Say:
 - "Repeat"; "again"
 - "One moment"; "hold"; "wait"



Affirmative ~~Action~~ Offer of Language Assistance

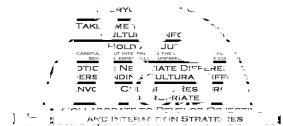
Initiate an offer of language assistance when:

- Individual with LEP has difficulty communicating in English
- Staff person has difficulty understanding the individual with LEP
- Individual with LEP asks for language assistance



Use of Family and Friends as Interpreters

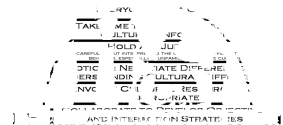
- Interpreter offer has been documented
- Individual with LEP insists
- Data privacy will not be violated
- Person is proficient in both languages
- Person is familiar with program terms (brief)
- Person understands how to interpret
- Agency's interpreter may sit in on session
- **Never suggest, require, or encourage someone to use family or friends as interpreters**



Use of Minors as Interpreters

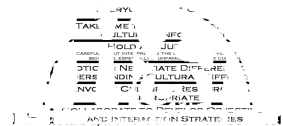
Minor Children must **not** be used as interpreters

- person under the age of 18



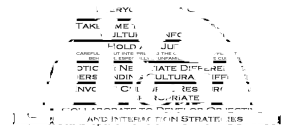
Assisting Individuals Who Do Not Read Their Own Language

Staff must assist persons with LEP who do not read their own primary language to the same extent as staff would assist English speakers who do not read English.



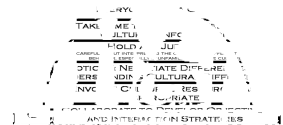
Your Role in Title VI Compliance

- You represent your agency
- Compliance is your responsibility
- Know the law and how to apply it
- Know your LEP Plan
- Your agency's success begins with you!



DHS Contact Information

- Alejandro Maldonado, LEP Coordinator
alejandro.maldonado@state.mn.us
- Joann daSilva, Civil Rights Coordinator
joann.dasilva@state.mn.us



Sources

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000 et.seq.; 45CFR Part 80
- Office for Civil Rights LEP Guidance, 68 Fed. Reg. 47311 (2003)
- Some materials adapted from OCR's and EO's PowerPoint presentations



Resources

- <http://edocs.dhs.state.mn.us>
 - DHS LEP Plan
 - I Speak Cards
 - Master Contract Registered Vendors (T & I)
- www.hhs.gov/ocr (search for LEP)
- www.ncsl.org
- www.LEP.gov

