



Policy and Plan on Limited English Proficiency in Compliance with Federal Civil Rights Laws

SUBJECT: Policy and Plan to ensure access to all programs and services in alignment with diversity, equity, and inclusion at the San Diego Unified Port District (District), and in compliance with Federal Civil Rights Laws specifically for individuals who do not speak English as their primary language and may have a limited ability to read, write, speak, or understand English.

PURPOSE: As a recipient of Federal Financial Assistance from the U.S. Department of Homeland Security (DHS) and other applicable Federal Administrations, this Policy and Plan is to affirm that the District complies with Federal Civil Rights Laws and is committed to taking reasonable steps to ensure that individuals with Limited English Proficiency are afforded meaningful access to the information, programs, services, and activities the District provides to the public without discrimination. This Policy and Plan is specifically in accordance with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language).
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

This Policy and Plan ensures meaningful access to the information, programs, services, and activities provided by the District where a substantial number of members of the public do not speak or read English proficiently. Multilingual publications and documents, and/or interpretation at meetings or events will be provided to the degree resources permit based on current laws and regulations.

APPLICABILITY: This Policy and Plan applies to all the information, programs, services, and activities of the District, not just those receiving applicable Federal Financial Assistance.

POLICY STATEMENT: In conjunction with the District's Diversity, Equity, and Inclusion program, and other equal opportunity and nondiscrimination policies, the District firmly believes in, and is committed to, the principles and practices of diversity, equity, inclusion, and nondiscrimination. It is the policy of the District to ensure access and nondiscrimination in all its information, programs, services, and activities without regard to race, color, national origin (including language), disability, sex, age, or religion.

RESPONSIBILITY: Responsibility for developing and implementation of the Policy and Plan, including, monitoring the program, and processing discrimination complaints will be with the Manager, Diversity, Equity, and Inclusion. Accountability in achieving the objectives of the Policy and Plan will be shared by all District management.



PROGRAM IMPLEMENTATION AND MONITORING: The role of the Manager, Diversity, Equity, and Inclusion shall include the following:

- Identifying Limited English Proficient individuals who need language assistance,
- Language assistance measures and available resources,
- Distribution and training of Policy and Plan, both internally and externally,
- Providing Notice to Limited English Proficiency (LEP) persons,
- Monitoring, assessing, and updating the LEP plan,
- Consultation with community organizations,
- Receiving, addressing, and monitoring complaints,
- Reporting as required, and as needed for the overall Policy and Plan maintenance and efficacy.

Determining the Need to Provide LEP Assistance: An assessment of the following factors will be ongoing to help determine what language assistance is most probably needed:

1. The number and proportion of LEP person in the eligible service area:
 - a. Data to be reviewed to understand the pool of individuals who could participate in District programs, services, and activities, include:
 - i. U.S. Census Bureau LEP Data,
 - ii. LEP.gov Website Listing LEP Data and Map Resources,
 - iii. ESRI Report on Language Spoken by Area,
 - iv. Information from designated points of contact at the District such as the Administration Building reception desk, and
 - v. Other relevant sources identified during the course of business.
2. The frequency with which LEP persons come in contact with the District:
 - a. Initial points of contact and public events and activities will be reviewed for requests for translation and other services, and
 - b. Other relevant sources identified during the course of business.
3. The importance of the service provided by the District:
 - a. While all information, programs, services and activities are valuable, the ones that provide immediate or emergency assistance shall be considered essential,
 - b. Next-level important services would be geared towards such information, programs, or services like Board meetings where policies governing the District's jurisdiction would be determined,
 - c. Review of requests for translation and other services connected to any service will be assessed,



- d. The District will continuously assess the need for LEP services and what constitutes “vital” in consideration of the following Federal guidance:
 - i. Administrative complaints, release, or waiver forms,
 - ii. Claim or application forms,
 - iii. Letters of findings,
 - iv. Public outreach or educational materials (including web-based material),
 - v. Letters or notices pertaining to statutes of limitations, referrals to other federal agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case or matter,
 - vi. Written notices of rights, denial, loss, or decreases in benefits or services,
 - vii. Forms or written material related to individual rights,
 - viii. Notices of community meetings or other case-related community outreach,
 - ix. Notices regarding the availability of language assistance services provided by the District at no cost to LEP individuals, and
 - x. Certain consent orders, decrees, Memoranda of Agreement, or other types of pleadings or litigation materials, within the discretion of the department/division of the District.
4. The resources available to each department/division or agency and overall cost.
 - a. An analysis of available resources and overall costs to each department/division of the District to provide services in languages other than English will be monitored and tracked for future budgeting purposes as each department/division has their own annual budget to draw upon.
 - b. A list of the Bilingual employees shall be maintained and accessible for supplementing financial resources by providing translation and/or interpretation services for LEP individuals as appropriate depending on the level of services needed.
 - c. Technology will be evaluated as a resource to provide services.

Based on all of the above considerations, the District has identified the LEP population to be approximately 16% of the total population in San Diego County with Spanish as the most probable language of our LEP community representing 67% of the LEP community and Tagalog being the next highest at 7% of the LEP community. The District has experienced sufficient resources to provide information and programs, services, and activities to meet the current needs of LEP individuals. Continuing tracking and evaluation of contact and requests from LEP individuals will be conducted to make modifications to the Policy and Plan.



Meeting the Need to Provide LEP Services: Resources needed to provide our LEP community with services may include, but not be limited to:

- Assistance from staff who speak the language requested and are available at the time needed, or by appointment if feasible;
- Translation applications/programs available on-line, or on tablets or “smart phones”;
- “I speak” flash-cards as used by the Census Bureau; and
- “Language Line” type telephonic or internet-based translation services.

The appropriateness of using any of the above resources will depend upon the context and importance of the information, program, service, or activity the LEP individual seeks from the District.

FILING A COMPLAINT: The District provides a procedure for filing of complaints of alleged discrimination by aggrieved parties, including employees and members of the public. Any aggrieved party who feels subjected to discrimination by the District or representatives of the District, can file a discrimination complaint in person, by phone, mail, fax, or email to:

Shirley Hirai
Manager, Diversity, Equity, and Inclusion
shirai@portofsandiego.org
(619) 686-7245
(619) 686-6408 FAX
P.O. Box 120488
San Diego, CA 92112-0488

Complaints can also be filed with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties at e-mail: CRCLCompliance@hq.dhs.gov, which is the fastest method, or FAX: 202 401-4708, or mail: U.S. Dept. of Homeland Security, Office for Civil Rights and Civil Liberties Compliance Branch, 245 Murray Lane, SW, Building 410, Mail Stop #0190, Washington, D.C. 20528. For additional information visit: www.dhs.gov/crci or call 202-401-1474 or toll-free 1-866-644-8360.

CONFIDENTIALITY: The District recognizes that confidentiality is important to all parties involved in a discrimination investigation. Confidentiality will be maintained to the extent possible; however, it cannot be guaranteed. Only those individuals with a legitimate right to know or who are necessary for resolution of a complaint will be involved in the investigatory process.



NO RETALIATION: The District will not tolerate retaliation for initiating, pursuing, or assisting with a complaint of alleged discrimination to the District or to any government agency.

COMPLAINT PROCESS: The details of the complaint process can be reviewed by accessing the Policy of Nondiscrimination and Compliance with Federal Civil Rights Laws.

DISTRIBUTION: Copies of this Policy and Plan will be provided as part of the New Hire Experience and posted on internal and external websites. When significant changes are made, the updated Policy and Plan will be redistributed and noticed on internal and external websites.

This Policy and Plan shall be reviewed and updated biennially, or as required by law.

TRAINING: As a preventative and proactive step, all employees of the District will receive training on preventing discrimination and knowledge and utilization of this Policy and Plan and the complaint process.

DISABILITIES: The District will make every reasonable effort to ensure access to its programs and services to all. For Persons with Disabilities, services are made available in accordance with the Board of Port Commissioners (BPC) Policy No. 362: Americans with Disabilities Act, and the District's Policies on Diversity, Equity, Inclusion and Nondiscrimination, which includes, but is not limited to addressing the following:

- Auxiliary aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.
- Language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

If these services are needed, please contact: Shirley Hirai, Manager, Diversity Equity and Inclusion, shirai@portofsandiego.org, (619) 686-7245, or FAX (619) 686-6408. Requests should be made at least 48 hours prior to the need of the services.

Related Documents:

- Notice of Policy of Nondiscrimination and Compliance with Federal Civil Rights Laws
- BPC Policy No. 358: Service Providers', Vendors', Contractors', and Lessees' Compliance with Equal Employment Opportunity and Nondiscrimination



- BPC Policy No. 359: Equal Opportunity Contracting Policy
- BPC Policy No. 361: Equal Employment Opportunity and Nondiscrimination Policy
- BPC Policy No. 362
- DBE Policy Statement
- Policy and Complaint Procedure Against Harassment, Discrimination and Retaliation
- Policy of Nondiscrimination and Compliance with Federal Civil Rights Laws

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