

Reporting Language Access Violations When Interpreters Are Not Provided

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Introduction

The accelerated growth of immigrant communities over the past thirty years has drastically altered the demographic landscape of the United States. The Census Bureau's latest 5-year estimates indicate that nearly 40 million people living in the United States are foreign-born.¹ Additionally, over 50 million people – approximately 1 in 6 individuals - speak languages other than English at home.² With roughly a half of these speakers possessing only a limited ability to speak, read, write or understand English, nearly 25 million people residing in the United States today qualify as limited English proficient (“LEP”).

These statistics establish the potential number of immigrants who are in need of access to critical services provided by agencies that are funded by the Department of Justice (“DOJ”) and Department of Health and Human Services (“HHS”).³ Accordingly, it is important for grantees⁴ who receive federal funding to ensure that LEP members of the populations they serve are not precluded from accessing vital programs and services because of language barriers.

This publication:

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¹ *A Description of the Foreign Population – 2013 Update*, Congressional Budget Office (May 8, 2013), available at <http://www.cbo.gov/publication/44134>.

² Camille Ryan, *Language Use in the United States: 2011*, U.S. Census Bureau (Aug. 2013), available at <https://www.census.gov/prod/2013pubs/acs-22.pdf>.

³ This publication highlights the positions taken by DOJ and HHS on language access because these agencies provide the vast majority of funding to governmental and nongovernmental agencies that interact with and serve immigrant crime victims. The requirements discussed here are also applicable to agencies receiving a combination of funding from federal sources including, block grants, and when funding comes solely from another federal government agency (e.g. FEMA at the Department of Homeland Security).

⁴ The terms “grantee” and “recipient” are used interchangeably throughout this publication and refer equally to government grantees, sub grantees, recipients and sub recipients. Under federal language access laws, federal funds distributed to the states for distribution by the states to sub grantees or sub recipients remain federally funded grants despite the fact that they are distributed through state governments. Examples most relevant to victim services include: STOP grants under the Violence Against Women Act (VAWA); Family Violence Prevention and Services Act Funds (FVPSA) and Victims’ of Crime Act funding (VOCA). *See also* U.S. DEP’T OF JUSTICE, GUIDANCE TO FEDERAL FINANCIAL ASSISTANCE RECIPIENTS REGARDING TITLE VI PROHIBITION AGAINST NATIONAL ORIGIN DISCRIMINATION AFFECTING LIMITED ENGLISH PROFICIENT PERSONS, 67 Fed. Reg. 41455, 41459 (June 18, 2002) [hereinafter “DOJ LEP Recipient Guidance”], available at <http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFJun182002.pdf>.

- Focuses on promoting grantees', attorneys', advocates', and interested persons' understanding of the circumstances under which grantees or agencies may be required to provide interpreters for the local LEP population.⁵
- Includes a step-by-step guide on how to submit a complaint to DOJ when interpreters are not provided.

Entitlement to Language Access

LEP individuals' access to federally-funded programs and services is safeguarded by statute and DOJ regulations.⁶ In particular, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, national origin or religion in any federally-funded program or activity.⁷ The DOJ regulations promulgated under Title VI forbid grantees from "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."⁸ Accordingly, these regulations prohibit all practices that have unjustified disparate impact grounded in national origin.

Court rulings, a Presidential Executive Order, and federal agency regulations and policy guidance confirm the inextricable link between language and national origin, holding that discrimination based on national origin includes discrimination against LEP individuals.⁹ Executive Order 13,166 established the foundation of the current regulatory framework in place to protect LEP individuals' access to critical federally-funded programs and services by requiring that all federal agencies that provide financial assistance to non-federal entities to "develop and implement a system by which LEP persons can meaningfully access" those agencies' programs and services.¹⁰ The Executive Order also mandated that federal agencies develop guidance materials that outline ways in which their grantees could guarantee that LEP individuals could

⁵ For an outline of when grantees may need to translate documents into other languages and a step-by-step guide to finding out language data and translation requirements using census data, see Benish Anver, Leslye Orloff, Jelena Kolic & David Stauffer, *Translation Requirements for Vital Documents, Intake and Notice of LEP Assistance for DOJ and HHS Grantees I Serving Immigrant Crime Victims*, NIWAP (March 9 2014), available at <http://niwaplibrary.wcl.american.edu/language-access/language-identification-tools-1/vital-documents-information-and-determining-translation-needs-for-service-providers>.

⁶ Title VI of the Civil Rights Act is the foundation of the legal framework created to protect LEP individuals' access to federally-funded programs and services.

⁷ 42. U.S.C. § 2000d *et seq.*

⁸ 28 C.F.R. 42.104(b)(2).

⁹ *Lau v. Nichols*, 414 U.S. 563 (1974) (The Court held that the school district's policy of providing instruction in English only in programs run by the district for students violated the Title VI prohibition against discrimination based on national origin because the policy had a disproportionately negative effect on the school district's LEP student population).

¹⁰ Exec. Order No. 13,166, 65 Fed. Reg. 50,121 (Aug. 16, 2000); see also U.S. DEPARTMENT OF JUSTICE, FEDERAL COORDINATION AND COMPLIANCE SECTION, COMMONLY ASKED QUESTIONS AND ANSWERS REGARDING EXECUTIVE ORDER 13166 (April 2011), available at http://niwaplibrary.wcl.american.edu/language-access/government-materials/042511_Q-A_EO_13166.pdf (DOJ explanation of the goals of the Executive Order and guidance for federal agencies in providing access to services for LEP individuals in compliance with the Executive Order).

access grantees' programs and services in a meaningful way.¹¹ DOJ has issued guidance and policies that establish guidelines for federal agencies and grantees to develop practices that ensured reasonable availability of programs and services to LEP immigrants.¹²

Specifically, the DOJ LEP Recipient Guidance recommends a four-factor analysis to evaluate an agency or grantee's compliance with language access obligations:

1. The number or proportion of LEP persons in the eligible service population;
2. The frequency with which these LEP persons come into contact with the program;
3. The importance of the benefit or service to the LEP person; and
4. The resources available and costs to the recipient of federal financial assistance.

The guidance and policies issued by DOJ have been used as a model by other federal agencies that provide federal funding to programs and services that serve LEP individuals and has served as a catalyst for expanded training and coordination within the DOJ to ensure that DOJ funds grantees are "taking reasonable steps to provide meaningful access to LEP individuals."¹³ DOJ has since trained hundreds of grantees at the federal, state, and local level on the development of best practices to ensure access to critical programs and services by the local LEP population and has conducted compliance reviews of the language services provided by grantees. Finally, this dedication to the language access obligations established by Executive Order 13,166 was reiterated in a memorandum issued by the Office of the Attorney General on February 17, 2011, asking each federal agency to renew its commitment to implementing Executive Order 13166 and outlining specific steps agencies should take to improve language access.¹⁴

In sum, all grantees, whether they receive full or partial funding for their programs or are in jurisdictions where English has been designated as the official language, are subject to the obligations outlined in the DOJ LEP Recipient Guidance, which covers a wide range of grantees, including police and sheriffs' offices, courts, prisons, correctional and detention facilities, and numerous nonprofit agencies working in the fields of law enforcement, public safety, emergency assistance and victims' services.¹⁵

The distinction between interpretation and translation

¹¹ Exec. Order No. 13,166, 65 Fed. Reg. 50,121 (Aug. 16, 2000).

¹² The first DOJ Guidance was issued on the same day as the Executive Order (August 11, 2000). The next Guidance was issued on January 16, 2001, for DOJ grantees. The final version of its LEP Recipient Guidance was issued on June 18, 2002, *see* DOJ LEP Recipient Guidance.

¹³ The Coordination and Review Section (COR) of the Civil Rights Division of the DOJ is an entity that is tasked with "coordinating enforcement and implementation" of laws that require grantees to take these steps. *See* U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION [HEREINAFTER "CIVIL RIGHTS DIVISION"], EXECUTIVE ORDER 13166: LIMITED ENGLISH PROFICIENCY RESOURCE DOCUMENT: TIPS AND TOOLS FROM THE FIELD (Sept. 21, 2004) [hereinafter "Tips and Tools"], *available at* http://www.lep.gov/guidance/tips_and_tools-9-21-04.htm.

¹⁴ Memorandum from the Attorney General, Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166, 2 (Feb. 17, 2011), *available at* http://www.justice.gov/crt/about/cor/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf.

¹⁵ *See* DOJ LEP Recipient Guidance at 41459.

While both interpretation and translation constitute critical components of any plan designed to safeguard LEP persons' access to federally funded programs and services. The DOJ LEP Recipient Guidance clearly distinguishes translation from interpretation. In particular, interpretation is defined as "the act of listening to something in one language [source language] and orally translating it into another language [target language]."16 Translation, by contrast, "is the replacement of a written text from one language [source language] into an equivalent written text in another language [target language]."17 The Supreme Court has distinguished interpretation from translation as well, noting that "the ordinary or common meaning of 'interpreter' does not include those who translate writings. Instead, we find that an interpreter is normally understood as one who translates orally from one language to another."18

Effective interpretation¹⁹

Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. Consequently, extreme care must be exercised in hiring interpreters and interpreting duties should be assigned to individuals within their performance level. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions or embellishments on the part of the interpreter. Professional interpreters and translators are subject to specific codes of conduct and should be well-trained in the skills, ethics, and subject-matter language. Those utilizing the services of interpreters and translators should request information about certification, assessments taken, qualifications, experience, and training. Quality of interpretation should be a focus of concern for all recipients. Professional interpreters are trained to convey meanings accurately, avoid conflicts of interest, and maintain confidentiality, impartiality, and accuracy in the course of performing their professional duties.

Circumstances under which grantees or agencies may be required to provide interpreters for LEP individuals

Interpretation plays a critical role in enabling real-time verbal exchanges between LEP speakers and the grantee's or agency's staff. Numerous LEP speakers are likely to need swift and comprehensive access to many of the services provided by the agencies funded by the DOJ,

¹⁶ *Id.* at 41461.

¹⁷ *Id.* at 41463.

¹⁸ *Kouichi Tamagachi v. Kan Pacific Saipan, Ltd.*, 132 S. Ct. 1997, 2003-04 (May 21, 2012) (holding that the reimbursement for interpretation costs provided under the Court Interpreters Act, codified as 28 U.S.C. § 1827, did not encompass translation costs).

¹⁹ See generally *Finding, Qualifying & Working with Interpreters*, Asian & Pacific Islander Institute on Domestic Violence (APIIDV), available at <http://www.apiidv.org/organizing/interpretation-finding-qualifying-working-with-interpreters.php>; Chic Dabby, Cannon Han & Isabel Framer, *Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence Victims*, APIIDV (Aug. 2009), available at <http://www.apiidv.org/files/Interpretation.Resource.Guide-APIIDV-7.2010.pdf>.

HHS, and other government agencies. Immigrant victims of domestic violence,²⁰ sexual assault²¹ and human trafficking need who are non-English speaking need to be able to seek and receive help from government agencies and government funded victim services providers in a wide variety of contexts where accurate communication is critical. Governmental and non-governmental programs who work with immigrant crime victims, but have not prepared for serving LEP victims will find it extremely challenging to effectively communicate with, assist, and avoid harming LEP victims.

a. Emergency call centers

By virtue of the context in which emergencies arise, accessing emergency services takes place in a stressful environment ripe for mis-communication. Therefore having bilingual 911 call-takers and dispatchers and/or telephonic interpretation services is crucial in order to respond to LEP individuals' emergency in a timely fashion.

b. Health care setting

In the health care setting, language access is crucial when health care professionals gather information about a LEP patient's symptoms in the emergency room to determine appropriate treatment. Real-life examples indeed show that the absence of the appropriate language services in this context can lead to devastating outcomes. In one case, emergency medical responders treated an injured LEP victim for a gunshot wound because the language barrier prevented them from realizing that the victim had been stabbed rather than shot.²²

c. Justice system context

There are many points in victims' interactions with a range of systems at which accurate communication is essential. In the justice system context this would include when police take formal statements, make police reports, conduct custodial interrogations, and interview LEP

²⁰ Immigrant women's heightened vulnerability to experiencing domestic violence has been documented by a number of studies. *See, e.g.*, Giselle Aguilar Hass, Nawal Ammar & Leslye Orloff, *Battered Immigrants and U.S. Citizen Spouses*, K (Apr. 24, 2006), available at http://www.academia.edu/2236701/Battered_Immigrants_and_U.S._Citizen_Spouses; Edna Erez & Nawal Ammar, *Violence Against Immigrant Women and Systemic Responses: An Exploratory Study* (2003), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/202561.pdf>; Anita Raj & Jay Silverman, *Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence*, 8 *Violence Against Women* 367 (2002). Congress has particularly focused on the plight of the undocumented immigrant women, finding that "abusers of undocumented immigrants often exploit the victim's immigration status, leaving the victim afraid to report the abuse to law enforcement and fearful of assisting with the investigation and prosecution of associated crimes." S. REP. NO. 112-153 at 12 (2012).

²¹ See generally, Jessica Mindlin, Leslye E. Orloff, Sameera Pochiraju, Amanda Baran, and Ericka Echavarria, *Dynamics of Sexual Assault and the Implications for Immigrant Women in Empowering Survivors: Legal Rights of Victims of Sexual Assault*. 3 (2013); Decker, M., Raj, A. and Silverman, J., *Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation*, 13 *Violence Against Women* 498, 507 (2007); Kalof, L., *Ethnic Differences in Female Sexual Victimization*, 4 *Sexuality and Culture* 75-97 (2000).

²² Bharathi A. Venkatraman, *Lost in Translation: Limited English Proficient Populations and the Police*, Civil Rights Division Coordination and Review Section, U.S. Department of Justice, 3 (Apr. 2006), available at http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=861&issue_id=42006.

victims and witnesses. It would also include victim's interactions with prosecutors prior to trial and testifying in court.

Too often, when law enforcement agencies fail to secure the assistance from neutral qualified interpreters on the scene when responding to a 911 call for help from a domestic violence, sexual assault, or human trafficking victim who is LEP, receive faulty information translated by the perpetrator, a child or a family member.²³ For example, in one case, police officers returned a trafficking victim who had attempted to flee for safety to the custody of her traffickers because the language barrier prevented her from explaining to them that she was a crime victim.²⁴ In many cases the 911 call from an LEP victim results in the police taking no action. Victims are harmed when lack of language access results in police reports not being taken²⁵ and when failure to communicate effectively with an LEP victim and LEP witnesses results in the victim being arrested either together with or instead of the perpetrator.

Likewise, court interactions are amongst the most important interactions an LEP person may have. In situations with legal implications in general, and criminal implications in particular, the stakes can be very high. For example, the terms of a temporary restraining order in a domestic violence case should be accurately conveyed, both to an accused batterer and to the alleged victim. Failure to do so may result in unintended consequences, e.g., compromised safety and/or misunderstandings leading to criminal liability.²⁶ In these settings, charging LEP persons for interpreter costs or failing to provide interpreters can implicate national origin discrimination concerns.²⁷ The DOJ LEP Recipient Guidance specifically states: "when oral language services are necessary, recipients [of any federal funds] should generally offer competent interpreter services free of cost to the LEP person."²⁸ DOJ's LEP Recipient Guidance goes on to note that: "at a minimum, every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or

²³ Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, *National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access*, NIWAP, 25-26(Apr. 16, 2013) (Survey reporting on over 6,000 calls to police by immigrant domestic violence, sexual assault and human trafficking victims nationally found that police used the following unqualified "interpreters": perpetrators (8.34%), children of the victim or the perpetrator (24.3%), adult family members 17.8%), available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/u-visa/research-reports-and-data/Police-Response-Survey-Report-FINAL-bja.pdf>.

²⁴ Bharathi A. Venkatraman, *Lost in Translation: Limited English Proficient Populations and the Police*, Civil Rights Division Coordination and Review Section, U.S. Department of Justice, 3 (Apr. 2006), available at http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=861&issue_id=42006.

²⁵ Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, *National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access*, NIWAP, at 26(Apr. 16, 2013) (Survey reporting on over 6,000 calls to police by immigrant domestic violence, sexual assault and human trafficking victims nationally found that police used the following unqualified "interpreters": perpetrators (8.34%), children of the victim or the perpetrator (24.3%), adult family members 17.8%), available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/u-visa/research-reports-and-data/Police-Response-Survey-Report-FINAL-bja.pdf>.

²⁶ LIMITED ENGLISH PROFICIENCY RESOURCE DOCUMENT: TIPS AND TOOLS FROM THE FIELD, 1:B (Sept. 21, 2004) [hereinafter "Tips and Tools"], available at http://www.lep.gov/guidance/tips_and_tools-9-21-04.htm.

²⁷ *Question 12: What impact does Title VI have on court interpretation?* Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals, available at <http://www.lep.gov/faqs/faqs.html>.

²⁸ DOJ LEP Recipient Guidance at 41462.

may be present.”²⁹ Examples of Title VI compliance can be found in states in which courts are providing interpretation free of cost to all LEP persons encountering the system (including parents of non-LEP minors), whether it be in a criminal or civil setting, and in important interactions with court personnel, as well as providing translations of vital documents and signage.³⁰

The situations mentioned above and countless other similar circumstances demonstrate how crucial to LEP victims’ life, health, and safety it can be for governmental and nongovernmental agencies to provide language accessible services, information and assistance to LEP victims. Agencies’ and grantees’ language access obligations are triggered in all situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual’s rights and access to important services. Immigrant victims of domestic violence, sexual assault, dating violence, stalking and human trafficking need agencies and grantees to provide meaningful access to qualified interpreters for oral communication and to provide translation of written legal rights information generally provided to crime victims seeking services and assistance from the government grantee program.

Reporting language access violations

As the primary agency charged with the enforcement of the laws of the United States, DOJ is also charged with enforcement of the obligations of recipients of federal assistance in developing access to LEP persons. Specifically, the Federal Coordination and Compliance Section (FCCS) of the Civil Rights Division of the DOJ is tasked with investigating allegations of national origin discrimination, such as denial of language access. If an LEP individual has been discriminated against because of his or her national origin, including limited English proficiency (LEP), by programs or activities receiving federal financial assistance, he or she may contact the FCCS to make a formal complaint.³¹ It is important to note that a victim’s advocate or agency can assist in the filing of the complaint.

When making a complaint, the LEP individual or advocate may use the FCCS’ complaint and consent/release form (available in five languages: English, Spanish, Chinese, Korean, and Vietnamese) to make a complaint or may send a letter that contains the same information solicited by the form.³² According to the complaint form, the necessary information for effective investigation of Title VI violations include:

- Name and contact information of the LEP individual

²⁹ Id. at 41471.

³⁰ *Question 12: What impact does Title VI have on court interpretation?* Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals, available at <http://www.lep.gov/faqs/faqs.html>.

³¹ “If you believe that you or an individual that you or your organization represents has been excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of your sex by any education program or activity receiving federal financial assistance, you may contact the Federal Coordination and Compliance Section.” Filing a Complaint, Federal Coordination and Compliance, DEP’T OF JUSTICE (last updated Jan. 8, 2013), available at <http://www.justice.gov/crt/about/cor/complaint.php>.

³² The complaint and consent/release forms are available at: <http://www.justice.gov/crt/complaint/#five>.

- Name and contact information of the person, agency, or organization assisting the LEP individual in making the complaint
- Name and contact information of the agency and department or program that discriminated against the LEP individual
- Approximate date(s) and time(s) when the alleged discrimination(s) took place
- Location(s) of the violation(s)
- Detailed description of what happened and how the LEP individual was discriminated against. It is important to name the involved parties or state their role (e.g. police officer, 911 dispatcher, etc.) It is also important to note how other persons were treated differently from the LEP individual
- Names and contact information of any witnesses present
- Dated signature of the person making the complaint
- Signed and dated consent/release form indicating whether the complainant allows DOJ to share and receive material and information about the complainant in the course of investigating the language access violation

LEP individuals, advocates, or attorneys are encouraged include important facts surrounding names, dates, locations, and other relevant details of the violation. The higher the level of detail, the more informed the FCCS will be and it will be better able to appropriately respond to any violations. Therefore, providing detailed information to DOJ will facilitate a more effective investigation of the complaint. Similarly, filling out the consent/release form that is attached to the complaint form and granting consent is not mandatory, but it greatly helps language access investigation and enforcement. A sample complaint with a consent/release form is included at the end of this document for reference.

Once the complaint is finished, LEP individuals, advocates, or attorneys should make a copy to retain before sending original complaint and consent/release form to the FCCS. The FCCS does not accept complaints submitted electronically; therefore all complaints and consent/release forms must be mailed to the following postal address:

Federal Coordination and Compliance Section - NWB
 Civil Rights Division
 U.S. Department of Justice
 950 Pennsylvania Avenue, N.W.
 Washington, D.C. 20530

The FCCS's phone numbers, in case of needing assistance, are:

(888) 848-5306 - English and Spanish
 (202) 307-2222 (voice)
 (202) 307-2678 (TDD)

Upon receiving complaints of language access violations, the DOJ will assess it and may seek enforcement remedies for the violations. Specifically, the FCCS will investigate complaints and conduct compliance reviews of the agency or grantee at issue. If there is a finding of noncompliance, the FCCS will give the agency or grantee the opportunity to become compliant

through informal means,³³ but will act more aggressively, or terminate federal assistance, if compliance is not met by voluntary means. Finally, the complaint may be referred to DOJ to achieve compliance through other legal means.³⁴

For assistance with urgent advocacy to help immigrant victims subjected to language access violations, help developing protocols, or filing formal complaints, please contact the National Immigrant Women’s Advocacy Project (NIWAP), American University Washington College of Law (202) 274-4457 or niwap@wcl.american.edu. NIWAP provides technical assistance and sample materials. Further information regarding language access is available at <http://niwaplibrary.wcl.american.edu/> and lep.gov, the website maintained by the federal government.

[Attach sample complaint form as Appendix]

³³ “Title VI requires that a concerted effort be made to persuade any noncomplying applicant or recipient voluntarily to comply with title VI. Efforts to secure voluntary compliance should be undertaken at the outset in every noncompliance situation and should be pursued through each stage of enforcement action. Similarly, where an applicant fails to file an adequate assurance or apparently breaches its terms, notice should be promptly given of the nature of the noncompliance problem and of the possible consequences thereof, and an immediate effort made to secure voluntary compliance.” 28 C.F.R. 50.3 at 34.

³⁴ “Compliance with the nondiscrimination mandate of title VI may often be obtained more promptly by appropriate court action than by hearings and termination of assistance. Possibilities of judicial enforcement include (1) a suit to obtain specific enforcement of assurances, covenants running with federally provided property, statements or compliance or desegregation plans filed pursuant to agency regulations, (2) a suit to enforce compliance with other titles of the 1964 Act, other Civil Rights Acts, or constitutional or statutory provisions requiring nondiscrimination, and (3) initiation of, or intervention or other participation in, a suit for other relief designed to secure compliance. The possibility of court enforcement should not be rejected without consulting the Department of Justice. Once litigation has been begun, the affected agency should consult with the Department of Justice before taking any further action with respect to the noncomplying party.” *Id.*