LANGUAGE ACCESS PLAN

N.C. COOPERATIVE EXTENSION

      COUNTY CENTER

The purpose of this N.C. Cooperative Extension County Language Access Plan (LAP) is to ensure that Cooperative Extension takes reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all of its programs, activities and services. This LAP outlines the guidelines, consistent with Title VI of the Civil Rights Act of 1964, its implementing regulations and guidance documents including the USDA National Institute of Food and Agriculture Limited English Proficiency (LEP) Implementing Strategy for Federally Assisted Programs, and Executive Order 13166. Title VI prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin, including limited English proficiency, by recipients of federal financial assistance. EO 13166 requires recipients of federal financial assistance to develop and implement a plan to provide services to LEP individuals and to ensure meaningful access to programs and activities. This LAP sets forth Cooperative Extension’s expectations and requirements to ensure the County Center’s compliance with EO 13166.

This LAP was created consistent with NC State University and USDA’s policies that it is the responsibility of Cooperative Extension to take reasonable steps to ensure that communications between the County Center and a LEP individual are not impaired as a result of the individual’s limited English proficiency. As such, failure to provide timely language assistance services could result in a denial of meaningful access to Extension’s programs, activities, and services that are accessible to non-LEP individuals.

This LAP describes how the County Center will implement the USDA National Institute of Food and Agriculture Limited English Proficiency (LEP) Implementing Strategy for Federally Assisted Programs, and Executive Order 13166. This document is only intended for the internal management of the language access program. Administration of the programs discussed herein is within the sole discretion of NC State Extension and its components.

# Commitment to Meaningful Access

NC State Extension/N.C. Cooperative Extension is committed to providing meaningful access to LEP individuals and taking reasonable steps to make programs, services, and activities accessible by eligible persons with limited English proficiency. Interpreters, translators and other aids needed to comply with this commitment will be provided at no cost to the person(s) being served.

# Language Assistance Measures

NC State Extension and County Extension Centers as appropriate, have developed methods for identifying LEP individuals who contact Extension through correspondence (via U.S. mail, e-mail, or social media), telephonically or in person, and who may need language assistance. Upon determining the need for language assistance services, Extension will take reasonable steps to ensure that all communication is conducted with the use of a qualified contract interpreter or translator, through telephonic or video interpretation with qualified interpreters, or with the use of a bilingual staff member or volunteer. Extension will take reasonable steps to ensure that vital documents related to services, programs, and activities are translated into the most frequently encountered languages of those LEP individuals affected by the services, programs, and activities or are interpreted for the LEP individual(s). Extension staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services and how to identify and work with LEP individuals, interpreters, and translators.

# Applicability

The policies, procedures, and responsibilities of this LAP apply to all Extension staff, including those working on their behalf, such as volunteers and interns.

# Definitions

Bilingual Staff Member: A staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.

*Effective Communication*: Communication sufficient to provide the LEP individual with substantially the same level of access to services and information received by individuals who are not LEP.

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.

Language Access: Efforts by an organization to make its programs and services accessible to individuals who are not proficient in English.

Limited English Proficient (LEP) Person: An individual who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to Extension programs and activities.

*Primary Language*: The language in which an individual most effectively communicates.

Reasonable Steps: The affirmative and appropriate measures and resources used to mitigate access barriers to information and participation in educational programs.

Recipient: Any institution, organization, entity, or individual, in any state, to whom federal financial assistance is extended, directly or through another recipient.

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

Vital Document: Paper or electronic written material that is critical for accessing a program, activity, or service or contains information about procedures or processes required by law. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

# 4-Factor Analysis

This Language Access Plan is based on a four-factor analysis to determine the appropriate language assistance services that provide a LEP person with meaningful access to Extension outreach and engagement programs and activities.

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| **Factor 1: The number or proportion of LEP persons eligible to be served** |

To determine the number or proportion of LEP persons eligible to be served or encountered during program delivery, Extension gathered and reviewed data on individuals who speak English less than “very well” in the county/service population. This enabled Extension to identify the prevalent languages that employees may encounter. Because a range of outreach programs and services are delivered within the county/service population, the eligible number and proportion of LEP individuals will vary by program area. Based on an assessment of the number of LEP individuals eligible to be served by Extension programs, the following language groups were identified.

|  |  |  |
| --- | --- | --- |
| **Limited English Proficient Population (5 years and older)** | **Number** | **Percent** |
| Spanish: Speak English less than "very well" |  |  |
| French, Haitian, or Cajun: Speak English less than "very well" |  |  |
| German or other West Germanic languages: Speak English less than "very well" |  |  |
| Russian, Polish, or other Slavic languages: Speak English less than "very well" |  |  |
| Korean: Speak English less than "very well" |  |  |
| Chinese (incl. Mandarin, Cantonese): Speak English less than "very well" |  |  |
| Vietnamese: Speak English less than "very well" |  |  |
| Tagalog (incl. Filipino): Speak English less than "very well" |  |  |
| Arabic: Speak English less than "very well" |  |  |

*Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates Table C16001.*

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| **Factor 2: The frequency that LEP persons come in contact with programs and services** |

To assess the frequency that individuals with limited English proficiency come into contact with Extension, employees reviewed the historical prevalence of encounters. Through this process, the following frequency of languages speakers coming into contact with Extension was estimated:

| **Language Encountered** | **Program Area** | **Number of Individuals** | **Frequency (daily, weekly, monthly, quarterly, yearly)** |
| --- | --- | --- | --- |
|  | ANR  CRD  FCS  4-H |  |  |
|  | ANR  CRD  FCS  4-H |  |  |
|  | ANR  CRD  FCS  4-H |  |  |

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| **Factor 3: The nature and importance of the programs and services provided by Extension** |

To determine the nature and importance of programs or services provided to LEP persons, the Extension County staff reviewed the current programs and services provided to identify compulsory programs and services and to identify programs or services where serious or life-threatening consequences would result if language prevented or delayed an LEP person’s access.

1. The following compulsory Extension activities, programs or services are provided:

or  No compulsory activities, programs or services are provided.

1. The following Extension activities, programs or services are provided where denial or delays in the provision of services or participation in programs and/or activities could have serious consequences for an LEP customer.(For example: health, safety, economic, environmental, food, shelter, transportation, etc.):

or No denials or delays in activities, programs or services would result in serious consequences to the LEP individual.

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| **Factor 4: The resources available and costs** |

To determine the resources available to assist LEP persons and the costs associated with those resources, the Extension Center staff explored the most cost-effective means of delivering competent and accurate language services.

The following resources are available to provide language interpretation:

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| --- | --- |
| Bilingual employees  Bilingual volunteers  Contract interpreters  X Telephone interpretation services | Interpreters from community-based organizations  Interpreters from other county departments  Assistance will be requested from Extension Administration  Other |

The following resources are available to provide document translation:

|  |  |
| --- | --- |
| Bilingual employees  Bilingual volunteers  Contract translators | Translators from community-based organizations  Translators from other county departments  Assistance will be requested from Extension Administration  Other |

The following written materials are available to the public in languages other than English:

# Providing Notice to LEP Persons

We will provide notice to the public that language services are available, and the services are free of charge. Notices will be provided by prominently displaying “I Speak” posters in the County Extension Center so LEP persons are aware of language services at initial point of contact. Additional methods of notification used by our staff may include:

* Notices on program announcements and outreach materials that language services are available.
* Working with community-based organizations, schools, faith-based organizations and other stakeholders to inform LEP individuals of available Extension programs and services, including the availability of language assistance services. Organizations and other stakeholders in the community that have been identified as routinely working with LEP individuals include:      .
* Notices in local newspapers, webpages, and social media in languages other than English that language assistance services are available and how to obtain them. Local newspapers that have been identified as routinely serving LEP individuals include:      .
* Notices on non-English language radio and television stations that language assistance services are available and how to obtain them. Local media outlets that have been identified as routinely serving LEP individuals include:      .
* Providing presentations or other forms of outreach at community events attended by LEP individuals. Local events that have been identified as being attended by LEP individuals include:      .

# Identification of LEP Persons Who Need Language Assistance

At the first point of contact with an LEP individual, Extension staff will make an initial assessment of the need for language assistance services and contact the appropriate service provider to arrange for such services to effectively communicate with the individual. To identify the individual’s primary language by telephone, staff may rely on self-identification by the LEP individual. If there is confusion about the LEP individual’s primary language, staff can use bilingual staff members or the contracted telephonic interpretation service to attempt to identify the individual’s language. To identify the individual’s primary language by e-mail, staff may rely on self-identification by the LEP individual if that was provided by the individual. During telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual. However, staff generally should not rely on these individuals to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Staff may also use the “I Speak” language identification posters displayed in the Extension Center or use the “I Speak” trifold brochures available to all employees to assist with language identification during in-person interactions. Staff when offsite will make every effort to identify potential LEP individuals with whom they may come in contact prior to the site visit, and prepare accordingly. If staff encounter LEP individuals who need interpretation services and who were not identified prior to the on-site visit, staff will ask the LEP individuals to identify their language using an “I Speak” card or other effective resources and will arrange for interpretation services either while on site or as soon as possible thereafter, for example through the use of the telephonic interpretation line.

# Language Access Services

The four-factor analysis necessarily implicates a mix of available language access services. Timely language access services will be provided to program participants *free of charge*. The two main ways language services will be provided are *oral interpretation* either in person or via telephone interpretation service and *written translation*. Oral interpretation can range from on-site interpreters for services provided to a high volume of LEP persons to use of the telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. The correct mix will be based on what is both necessary and reasonable. Regardless of the type of language service provided, quality and accuracy of those services is a priority. Determination of language services will be made on a case-by-case basis.

All County Centers will take reasonable steps to respond in a timely and effective manner to LEP individuals who need assistance or information. LEP individuals will be advised that they may choose to either: use the services of an interpreter provided by Extension at no cost to them, or, at their own expense secure the assistance of an interpreter of their own choosing. To ensure that the language assistance services are accurate, meaningful, and effective, each County Center will, on a case-by-case basis, determine which services (interpretation and translation) should be provided. To accomplish this, each office will make reasonable efforts to ensure that:

* LEP individuals who call or visit a County Center will receive prompt interpretation or translation from a staff member who has been identified as having the ability to provide language assistance in the language of the customer or through a telephonic interpretation service; and if the County Center staff member encounters LEP individuals during a site visit, staff will arrange for a contracted interpreter, an available bilingual staff member or use the telephonic interpretation service.
* LEP individuals who are unable to access documents written in English may receive a translation or oral interpretation depending on the determination of the importance of the document and the needs of the LEP individual.

## Oral Language Interpretation Services

Oral language services consist of interpretation by listening to something in one language and orally transforming it into another language. In response to the needs of LEP persons, interpretation assistance may be provided by qualified interpreters including bilingual staff, volunteers, shared university or county resources, contracted vendors, or telephonic interpretation services.

Although programs should not plan to rely on an LEP person’s family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they shall be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, friend, or other person) in place of or as a supplement to the free language services expressly offered by Extension. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by Extension may be necessary. In many circumstances, family members (especially children), friends, or others identified by LEP persons, are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise.

NC State Extension provides telephone interpretation services through a contract with *Linguistica International* with all costs paid by Extension Administration. All employees have access to the telephone interpretation service for phone calls or in-person interactions. Wallet cards and trifold “I Speak” brochures with instructions on how to access the telephone interpretation service are provided to all employees.

NC State Extension has two sets of one-way microphones that can be borrowed and used during programs, activities and events that need simultaneous interpretation. To request use of the simultaneous interpretation equipment or for assistance in hiring an interpreter, contact the *NC State Extension Latino Programs Manager*.

Interpreters are identified and selected by the activity or event organizer. Interpreters shall: demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation); have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person who is being assisted; understand and follow confidentiality and impartiality rules to the same extent as the LEP person for whom he or she is interpreting; and understand and adhere to their role as interpreters, without deviating into a role as counselor, advisor, or other inappropriate roles.

Funding for fee-based interpretation services may be secured from various sources. Grant sponsored programs should include provisions for interpretation written into and paid by the grant when possible. Funds may be secured from the Extension Center budget, district budget, or other local funds. Funds may be secured from Extension Administration when other sources of funding are not available. Requests for funding assistance shall be made to the *Executive Assistant to the NC State Extension Director*. Funding requests must be made early in the process to ensure the availability of funding and so procurement procedures are followed (N.C. A&T employees make requests to N.C. A&T Administration).

To provide oral interpretation services:

We have the following positions with bilingual employees or volunteers working in the Extension Center:

We have access to interpretation services through the following fee-for-service providers or agreements with local government agencies and community organizations:

In addition, we may request additional assistance in securing interpretation services through Extension Administration. State contracts with interpreters are available if local services cannot be to be secured.

## Written Language Translation Services

Written language services consist of translation by replacing written text from one language into equivalent written text in another language. It may range from translation of an entire document to translation of a short descriptive summary of the document. In response to the needs of LEP persons, translation of documents will be provided by qualified translators including bilingual staff, volunteers, shared university or county resources, or contracted vendors. Machine translation is not recognized as an acceptable form of translation. The extent of the program’s obligation to provide written translations of documents will be determined on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Written materials that are routinely provided to applicants, customers and the general public may be translated into languages that are regularly encountered upon request.

The translation of vital documents into languages other than English is particularly important. Examples of vital documents may include but are not limited to applications, public notices, release or consent forms, letters containing important information regarding participation in a program, eligibility rules, documents related to a participant’s medical history, emergency information, notices advising of the availability of language assistance and outreach and community education materials. Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures. Awareness of services is an important part of meaningful access. Lack of awareness that a particular program, right, or service exists may effectively deny LEP persons meaningful access. Thus, where a program is engaged in community outreach activities in furtherance of its activities, it will regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Identified vital documents will be translated and made available to LEP individuals based on safe harbor provisions.

N.C. Cooperative Extension abides by the “Safe Harbor” provision for translation of vital written materials. The provision outlines the circumstances that can provide a safe harbor for compliance with LEP requirements (meaning no translation is required). Safe harbor provisions provide for the following actions to be considered strong evidence of compliance with written-translation obligations: written translations of vital documents for each language where the eligible LEP population constitutes 5 percent of the population of persons eligible to be served or 1,000 people, whichever is less or if there are fewer than 50 persons in a language group that reaches the 5 percent trigger set forth above, written notice will be provided in the primary language of the LEP language group, of the right to receive free oral interpretation of the identified vital documents. In cases where the LEP population constitutes less than 5% of the eligible population and less than 1,000 in number, written translation of vital documents is not required.

The following documents have been identified as vital documents and will be translated into the language groups identified using the safe harbor provisions. We will translate the following locally developed vital documents: and we request that Extension Administration translate the following statewide documents:      .

or

In accordance with the Safe Harbor Provisions, the size of our language group is less than 5% of the eligible population and less than 1,000 in number, no written translation is required.

Based on the four-factor analysis, translation of identified county outreach materials, program announcements, newsletters, etc. will be translated on a case-by-case basis and upon request. Locally focused materials will be translated locally using an employee, volunteer or translation service. If local resources are not available, assistance may be requested from NC State Extension Administration to secure vendors or funding. All requests for translation of statewide publications, curriculums and documents will be submitted to NC State Extension Administration (NC A&T publication translation requests will be submitted to NC A&T).

# Staff Training

All new employees will be provided with an overview of the requirement to provide language access services during new employee onboarding. Employees who are likely to interact with or communicate with LEP persons will receive training on language access policies and procedures, including how staff can identify the language needs of an LEP individual and how to access and provide the necessary language assistance services, work with interpreters, request document translations, and track the use of language assistance services. A review of Extension language access responsibilities will be provided annually during a staff meeting. Refresher training will be provided when updates are made to the LAP to ensure consistency.

# Monitoring and Updating

Monitoring and evaluation of this LAP is a component of the internal civil rights monitoring program so that procedures remain current and result in effective language services and meaningful access. On an annual basis a review will evaluate changes in current LEP populations in the service area, frequency of encounters with LEP language groups, nature and importance of activities to LEP persons, availability of resources including technological advances and sources of additional resources, and the costs imposed, and whether existing assistance is meeting the needs of LEP persons. Every five years or any time new census data reveals a significant increase in LEP persons in our service area or if a significant increase in contacts or inquiries with LEP persons is evidenced, the LAP will be updated.

# Language Access Complaints

A complaint of discrimination or harassment can be registered with either NC State University or the US Department of Agriculture by any person (employee, program or activity participant, job applicant, visitor, volunteer, etc.) who has reason to believe that they have been subjected to or witnessed unlawful discrimination, harassment, or retaliation including national origin discrimination. For specific questions or to file a discrimination complaint, please contact:

NC State University

Office for Institutional Equity and Diversity

Campus Box 7530

Raleigh, NC 27695-7530

919-515-3148

<https://diversity.ncsu.edu/report-a-concern/>

or

U.S. Department of Agriculture

Director, Center for Civil Rights Enforcement

1400 Independence Avenue, SW

Washington, DC 20250-9410

(866) 632-9992

<https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>