

Language Access Plan

# Purpose and Scope

USDA regulations require recipients of Federal financial assistance provide meaningful access to Limited English Proficient (LEP) persons. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. Thus, this Language Access Plan applies to Research and Extension projects, programs, or other outreach events or activities hosted, sponsored or provided by faculty, staff, graduate students and volunteers on behalf of CALS, NC State Extension, N.C. Cooperative Extension, or the NC Agricultural Research Service (NCARS).

# Definitions

*Federally Assisted Programs and Activities:* Programs and activities of an entity that receives Federal financial assistance.

*Interpretation:* The process by which the spoken word is used when transferring meaning between languages.

*Language Access:* Efforts by an agency or 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.

*Recipient:* Any state, political subdivision of a State, or instrumentality of any State or political subdivision, any public or private agency, institution or organization or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient.

*Translation:* The process of transferring ideas expressed in writing from one language to another language.

*Vital Document:* Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

# Four-Factor Analysis

CALS Language Access Plan is based on a four-factor analysis used to determine the appropriate language assistance services that can provide a LEP person with meaningful access to Research and Extension outreach and engagement programs and activities. The four factors on which this plan is based are:

* 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Research or Extension programs,
	2. The frequency with which LEP persons come in contact with Research or Extension programs,
	3. The nature and importance of the programs and services provided by Research or Extension to LEP persons, and
	4. The resources available for LEP services and associated costs.

*Factor 1. Determine the number or proportion of LEP persons eligible to be served or likely to be encountered by the program.*

To determine the number or proportion of LEP persons eligible to be served or encountered during program delivery, CALS gathered and reviewed demographic data for primary languages spoken in

North Carolina. This enabled CALS to determine the prevalent languages that employees may encounter.

Based on CALS’s assessment of the number of LEP individuals eligible to be served by Research or Extension programs, the following language groups were identified. Because a range of outreach programs and services are delivered in all 100 counties across the state of North Carolina and within the Qualla Boundary, the eligible number and proportion of LEP individuals will vary by program location.

|  |  |  |
| --- | --- | --- |
| **Language Spoken at Home for the Population 5 Years and Older. Total population = 9,773,018** | **# Speak English less than “very well”** | **% Speak English less than “very well”** |
| **Spanish** | 305,140 | 3.1% |
| **Chinese (incl. Mandarin, Cantonese)** | 15,899 | 0.2% |
| **Vietnamese** | 14,730 | 0.2% |
| **Arabic** | 10,633 | 0.1% |
| **French, Haitian, or Cajun** | 10,624 | 0.1% |
| **Korean** | 7,486 | 0.1% |
| **Tagalog (incl. Filipino)** | 4,195 | 0.0% |
| **German or other West Germanic languages** | 3,199 | 0.0% |
| **Other Asian and Pacific Island languages** | 25,015 | 0.3% |
| **Other Indo-European languages** | 24,422 | 0.2% |
| **Other and unspecified languages** | 9,315 | 0.1% |
| **Russian, Polish, or other Slavic languages** | 8,520 | 0.1% |

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

*Factor 2. Determine the frequency with which LEP persons come in contact with Research or Extension programs.*

To assess the frequency which Research or Extension faculty and staff encounter LEP persons, CALS conducted an employee survey asking how many limited English proficient individuals were encountered as part of their work during the past 12 months.

|  |  |  |  |
| --- | --- | --- | --- |
| **Frequency** | **County Extension** | **Campus Extension** | **Research** |
| none | 30% | 42% | 37% |
| very few (around 1-10) | 40% | 29% | 14% |
| few (around 11-25) | 12% | 19% | 5% |
| some (around 26-100) | 13% | 7% | 9% |
| a lot (over 100) | 6% | 3% | 0% |

*Factor 3. Determine the nature and importance of the programs, activities, and services provided by Research or Extension to LEP persons.*

To determine the nature and importance of programs or services provided to LEP persons, CALS used an employee survey to identify compulsory programs and services and to identify if there are any programs or services where serious or life-threatening consequences would result if language prevented or delayed an LEP person’s access.

No programs or services were identified that would have serious or life-threatening consequences if language prevented or delayed an LEP person’s access, and no compulsory programs and services were identified. However, so that individuals who are LEP have meaningful access to Research or Extension programs and services, outreach materials may require translation depending on the identified program

audience and composition of the geographic area where the program is to be held. The decision to translate outreach materials and applications or provide interpretation services will be made on a case- by-case basis.

*Factor 4. Determine the resources available for LEP services and associated cost.*

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

As a result, CALS will use state approved interpretation and translation vendors for its interpretation and translation needs. Resources and costs may also be reduced by hiring bilingual staff, contracting with local interpreters and translators, sharing language assistance materials, and collaboration with state and local government or community organizations.

# Services to LEP Persons

The four-factor analysis necessarily implicates a mix of language access services required. Timely language access services will be provided to program participants free of charge. CALS has two main ways to provide language services: 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 important.

# Identification of LEP Persons who need Language Assistance

At the point of contact with an LEP person, employees determine whether the person has limited English proficiency, determine his or her primary language and implement or procure the appropriate language assistance service. The primary methods to identify LEP persons who require language assistance services are using “I Speak” language identification cards or posters and self-identification during program registration. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance may be used to encourage self-identification.

# Selecting Language Assistance Services

Oral language services consist of interpretation by listening to something in one language and orally translating 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. Contracts with interpreters are available if County Center or Departmental resources are not available. CALS has two sets of one-way microphones for use during programs, activities and services 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, who are to be selected by the program providing the event or service, should

* 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 recipient 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.

When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. Telephone interpreter service lines often offer speedy interpreting assistance in many different languages and may be particularly appropriate where the mode of communication would be over the phone. To ensure meaningful access by LEP persons, use of community volunteers may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. Programs should use volunteers who are trained in the information, services, or benefits of the program or activity and can communicate directly with LEP persons in their language and should be competent in the skill of interpreting.

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 of their choosing) in place of or as a supplement to the free language services expressly offered by CALS. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by

CALS 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.

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. The translation of vital documents into languages other than English is particularly important. Examples of vital documents 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, documents that ask for information that is sensitive in nature, notices advising of the availability of language assistance and outreach and community education materials. Identified vital documents will be translated and made available to LEP individuals. Other written materials that are routinely provided to applicants, customers and the general public may be translated into languages that are regularly encountered upon request.

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 should 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. The extent of the program’s obligation to provide written translations of documents should be determined on a case-by- case basis, looking at the totality of the circumstances in light of the four-factor analysis.

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 eligible LEP language group that constitutes 5% of or 1,000 people, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered are provided. Translation of other documents, if needed, can be provided orally. Or, if there are fewer than 50 persons in a language group that reaches the 5

percent trigger set forth above, vital written materials are not translated but written notice is provided in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

To meet the needs of LEP individuals, the state of North Carolina has established contracts for interpretation (oral) and translation (written) services. CALS has also contracted with a telephone interpretation line. Programs with anticipated language access needs should include funding for translation and/or interpretation services in their budget. Additional funding for services may be requested from individual departmental or Extension administration funds.

# Providing Notice to LEP Persons

Notice will be provided to the public that language services are available and the services are free of charge. Notice can be provided using the following methods:

* Posting “I Speak” posters at program locations so LEP persons can learn how to access language services at initial point of contact.
* Stating in outreach documents that language services are available.
* Working with community-based organizations and other stakeholders to inform LEP individuals of programs and services, including the availability of language assistance.

# Training

Faculty and staff members responsible for contact with the general public will be knowledgeable about our LAP and how to provide services to persons that are limited English proficient in the languages identified through the 4-factor analysis. Refresher information will be provided when updates are made to the LAP to ensure consistency. An overview of the LAP will be provided during Title VI training. Staff 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.

# Monitoring and Evaluation

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 reviewed so that LAP procedures remain current and result in effective language services and meaningful access. Monitoring and evaluation of this LAP is a component of the CALS internal civil rights monitoring program. Monitoring and updating reviews shall evaluate changes in:

* Current LEP populations in the service area or population affected or encountered;
* 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;
* Whether existing assistance is meeting the needs of LEP persons;
* Staff awareness of and understanding of the LAP and how to implement; and
* Availability and viability of identified sources for assistance.

# Language Access Complaints

A complaint or charge 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/

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](http://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer)

1. **Available Language Services**

*Telephone interpretation service*

To provide interpretation service via telephone all employees have access to services provided by Linguistica International. Instructions on using the service are [available](https://evaluation.ces.ncsu.edu/wp-content/uploads/2021/04/cardsample.pdf) and the account number can be obtained by contacting Evaluation & Accountability. I Speak brochures with instructions are also [available](https://evaluation.ces.ncsu.edu/wp-content/uploads/2021/04/Ispeak.pdf). This service is currently being funded by NC State Extension.

*In-person interpretation service*

To provide in-person interpretation services preference should be given to using vendors identified in [Statewide Term Contract 961C](http://www.doa.nc.gov/961c-translation-interpretation-services/open) – Translation & Interpretation Services. If the selected contractor is not identified in the term contract, it is recommended that a qualified interpreter that accepts p-cards is used. If the vendor does not accept credit cards for payment the vendor MUST complete the [Vendor Onboarding process](https://procurement.ofa.ncsu.edu/supplier-center/vendor-onboarding/) to become an approved NC State vendor. In addition, an [Independent Contractor Agreement](https://generalcounsel.ncsu.edu/files/2020/12/Independent-Contractor-Agreement-N0001026-3xC1D49-12-14-2020.pdf) MUST be completed and signed by the vendor and approved by NC State Procurement and Business Services before the contractor can be used. Services should be funded by (1) grant funds; (2) departmental or county center operating budgets; (3) requests made to the NC State Extension Director or NCARS Director. It is the responsibility of the employee receiving the language service request to arrange for language services and secure funding.

*Audio and video transcription*

Rev.com offers services that include transcribing existing Spanish audio / video resources, as well as translating and transcribing English audio / video content into Spanish. In addition to the telephone interpretation services, Linguistica International provides voiceovers, subtitles and multilingual voice talent (costs are not covered by our telephone interpretation contract). Services should be funded by (1) grant funds; (2) departmental or county center operating budgets; (3) requests made to the NC State Extension Director or NCARS Director. It is the responsibility of the employee receiving the language service request to arrange for language services and secure funding.

*Written translation services*

To provide written translation services preference should be given to using vendors identified in [Statewide Term Contract 961C](http://www.doa.nc.gov/961c-translation-interpretation-services/open) – Translation & Interpretation Services. If the selected contractor is not identified in the term contract, it is recommended that a qualified translator that accepts p-cards is used. If the vendor does not accept credit cards for payment the vendor MUST complete the [Vendor Onboarding process](https://procurement.ofa.ncsu.edu/supplier-center/vendor-onboarding/) to become an approved NC State vendor. In addition, an [Independent Contractor Agreement](https://generalcounsel.ncsu.edu/files/2020/12/Independent-Contractor-Agreement-N0001026-3xC1D49-12-14-2020.pdf) MUST be completed and signed by the vendor and approved by NC State Procurement and Business Services before the contractor can be used. The Department of Foreign Languages and Literatures at NC State maintains a list of faculty who offer translation services in select languages.  That list can be found on [their website](https://fll.chass.ncsu.edu/think_do/translators.php). Services should be funded by (1) grant funds; (2) departmental or county center operating budgets; (3) requests made to the NC State Extension Director or NCARS Director. It is the responsibility of the employee receiving the language service request to arrange for language services and secure funding.