

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Office for the Prevention of Domestic Violence

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	<p>The Limited English Proficient (“LEP”) population in our service area.</p>
	<p>How we notify the public about language access services.</p>
	<p>Our resources and methods for providing language access services.</p>
	<p>How we train our staff to provide language access services to the public.</p>
	<p>How we monitor language access services and respond to complaints.</p>

Table of Contents

PART 1 – Our Agency’s Services3
PART 2 – The Limited English Proficient Population in Our Service Area.....3
PART 3 – Public Outreach About the Availability of Language Access Services ...4
PART 4 – Provision of Language Access Services.....5
PART 5 – Staff Training.....11
PART 6 – Monitoring the Plan and Responding to Complaints11
PART 7 – Signatures.....13

PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The New York State Office for the Prevention of Domestic Violence’s (OPDV) mission is to improve New York State’s response to and prevention of domestic violence with the goal of enhancing the safety of all New Yorkers in their intimate and family relationships. OPDV does not offer direct services to the public. However, the name of our agency leads some people to assume that we do. As a result, we have one Community Resources Specialist who handles calls and communications from the public. The Community Resources Specialist makes referrals to other State and local agencies that do provide direct services to victims of domestic violence. Our Community Resources Specialist refers callers to the Statewide Hotline number, which provides services in all languages. OPDV achieves its public awareness efforts mostly by utilizing digital media.

PART 2 – The Limited English Proficient Population in Our Service Area


The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740

5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

OPDV's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. OPDV, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. OPDV will continue to reassess the need for additional languages of translation on an ongoing basis.

Our agency tracks encounters with LEP individuals in the following ways:

OPDV’s Community Resources Specialist maintains a database that includes tracking occasions when callers are LEP individuals. Our language assistance service vendor provides an ongoing summary of frequency of use, type of service provided and usage costs. The agency we contract with to provide the statewide domestic and sexual violence hotline tracks encounters with LEP individuals and reports that information to OPDV. Additionally, OPDV will record the number of requests for language access at events.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff
 - In which ways?** Utilizing telephonic interpretation and registration for events
- Signs posted about language assistance services
 - In areas operated by the agency and open to the public

Other (describe)

Information is published on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State

Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted?

Local, non-English language media directed at LEP individuals in their languages

What are the LEP populations targeted?

Social media posts directed at LEP individuals in their languages

What are the LEP populations targeted?

Telephonic voice menu providing information in non-English languages

In which languages?

Other (describe)

The Text/Chat line associated with the NYS Hotline is available in most languages. This is promoted in all social media containing information on the NYS Hotline.



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

“I Speak” posters or visual aids that provide information about free interpreting services in multiple languages

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying LEP individual’s language

Other (describe)

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

Reception staff make those determinations based on training and experience

- Bilingual staff members, where available, assist in identifying an LEP individual's language
- Telephonic interpreting service
- Other (describe)

Our agency's protocols for assessing whether an individual needs *oral interpreting services* in different service situations is as follows:

During office in-person encounters: Although OPDV does not have in-office contacts with the public, in the event that LEP individuals come into contact with our agency, they will be informed of the availability of free interpreting services.

At initial contact in the field:

When speaking on the telephone: If the person cannot speak English, or seems unable to communicate their needs, staff will utilize telephonic interpreting services and/or refer the caller to the Statewide Hotline for direct crisis intervention and referrals services.

For pre-planned appointments with LEP individuals:

Other (describe):

Our agency records and maintains documentation of each LEP individual's language assistance needs as follows:

OPDV currently maintains a database of calls received and languages spoken by each caller. Our language assistance provider documents frequency of use and type of service provided. OPDV documents LEP individuals' language assistance needs provided through the NYS domestic violence and sexual violence hotline.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken: OPDV has three bilingual staff members. The different languages spoken by these bilingual staff members are Spanish and Farsi.

Telephonic interpreting service

Vendors: Potentially any telephonic vendor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: OPDV does not provide in-person services, but we are prepared to provide language access services to LEP individuals who visit our offices. We use “I Speak” posters to indicate accessibility and identify primary language, and then bring in an OGS approved vendor on either a three-way call or speaker phone.

- At initial contact in the field:**

When speaking on the telephone: If the person cannot speak English, or seems unable to communicate their needs, staff will utilize telephonic interpreting services and/or refer caller to the Statewide Hotline for direct crisis intervention and referrals services. Staff, using telephonic contracted interpreters, verbally informs LEP individuals that interpreter services are free of charge to the individual.

- For pre-planned appointments with LEP individuals:**

- Other (describe):**

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

We access our OGS approved vendor, using our established protocol, which is as follows: Caller is invited to hold the line while we connect with the telephonic interpretation vendor. The vendor is called, agency identification information is provided, and a request is made for the appropriate language. An interpreter is then conferenced in with the caller. The caller is informed that the interpretation service is free, and through the interpreter the purpose of their call is determined. Information and referrals are provided as appropriate.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

Although OPDV does not have in-office contacts with the public, in the event that LEP individuals come into contact with our agency, they will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a minor, a family member or a friend as an interpreter. However, during emergencies an LEP individual will be able to use a minor, a family member or a friend as an interpreter. Upon request, an LEP individual may also

be permitted to use a minor, a family member or friend as interpreter for routine matters such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office and an individual is permitted to use an interpreter of their choosing, they must fill out a written consent/waiver form.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

OPDV's staff who answer phones are trained regarding how to connect to the selected telephonic interpreting vendor in a timely manner.

The agency's Language Access Coordinator ("LAC") maintains a list of oral interpreting resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

OPDV's Community Resources Specialist maintains a database that includes information on the language spoken by each caller. Our language assistance service vendor provides an ongoing summary of frequency of use, type of service provided and usage costs.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

Where OPDV utilizes independent interpreting services, vendors will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

The Language Access training provided to staff addresses the importance of confidentiality, which is already taken very seriously by OPDV staff. Interpreter services will enforce standards of confidentiality in accordance with NYS law. Our contract with the organization that runs the

¹ Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from:
https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

NYS Domestic & Sexual Violence Hotline also stresses the importance of confidentiality. Since that is an organization that provides domestic and sexual violence advocacy services, the staff are very aware of the importance of confidentiality in providing hotline services. OPDV reports to the Office of Language Access on any deficiencies that become evident during the use of any interpreting service.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

The Assistant Director of OPDV’s Equity and Inclusion and the Director of External Affairs meet on an annual and ongoing basis to review existing any vital documents and to identify any new vital documents (including website content) that should be translated pursuant to Executive Law Section 202-a.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

OPDV has a very strong emphasis on providing all of our public education materials in plain language. OPDV will review documents for plain language usage in materials produced, before translations, to promote accessibility for readers with a range of literacy levels.

Our agency has the following resources available for translation of documents:

Contracts with vendors for translation services

Vendors: Potentially any vendor under the NYS Office of General Services contract.

Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

Translation of documents by bilingual staff members

Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

² Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

LEP individuals do not ordinarily submit documents to OPDV, as we do not provide direct services. However, if an LEP individual were to submit a document or information in a non-English language, OPDV would have those translated by working with the selected vendor to provide such translation.

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *UR: Urdu*
- *YI: Yiddish*

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	“When Your Home Isn’t Safe”	x	x	x	x	x	x	x	x	x	x	x	x	
	SA Tear off & Hotline info	x	x	x	x	x	x	x	x	x	x	x	x	

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

OPDV, through its vendor, will ensure that proofing/editing for correctness and cultural relevance are a component of the translation services provided by any vendor under contract as part of the publication process. OPDV will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Katherine Grant, Assistant Director of Equity and Inclusion

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

All frontline staff take the mandatory annual statewide Language Access online training on the Statewide Learning Management System. Periodically, staff are provided additional training as it may relate to a specific issue, as needed.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

- Ensure that all staff are trained regarding the Language Access Plan
- Require and review periodic reports from the Community Resources Specialist and selected language assistance vendors
- Ensure that all language access-related complaints are addressed promptly
- Review and evaluate data acquired from OPDV’s website

- Review and evaluate data acquired from the NYS Domestic Violence & Sexual Violence Hotline regarding language access, and address any deficiencies identified
- Complete and timely file all required reports to the Office of Language Access

B. Complaints

We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top 12 languages on our website.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Any complaints received are addressed by the OPDV Language Access Coordinator as necessary, so that appropriate remediation of an identified problem can be made. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

All complaints must be forwarded to the Office of Language Access.

