

Office of Equal Opportunity

Language Access Procedures: A Guide to Providing Meaningful Language Access to Persons with Limited English Proficiency (LEP) Participating in University of Rhode Island Programs and Activities

DRAFT

OVERVIEW

<p>Objective:</p>	<p>This document provides a comprehensive manual to promote meaningful language access and a shared understanding of how the University, as part of the U.S. Land Grant System, operationalizes its organizational responsibilities and commitment to serving linguistically diverse persons. The Language Access Procedures (LAP) are designed to promote meaningful access and equal opportunity in service delivery for persons with Limited English Proficiency participating in or receiving services offered by the University of Rhode Island (also, “University”). A person is said to have Limited English Proficiency (LEP) if the person has limited ability to read, write, speak, or understand English. These individuals may be entitled to language assistance per Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language) by an entity receiving federal financial assistance; Section II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities; and Executive Order 13166, which states that LEP individuals should have meaningful access to federally conducted and federally funded programs and activities.</p>
<p>Scope:</p>	<p>These procedures apply to all programs and activities carried out by the University. In accordance with 42 U.S.C. § 2000d-4a, “programs or activities” covered by Title VI encompass the entire institution and not just the part of the institution that receives federal financial assistance.</p>
<p>Policy Statement:</p>	<p>The University is committed to taking reasonable steps to promote timely and meaningful access for persons with LEP encountered through programs or activities offered by the University. Employees and affiliates operating on behalf of the University shall ensure meaningful language access in programs, activities, services, or benefits to service recipients and the public, when appropriate. University employees will provide free language assistance services to persons with LEP. Bilingual personnel, liaisons, or volunteers will inform members of the public that language assistance services are available free of charge to persons with LEP and that the University will provide these services.</p>
<p>Purpose and Authority:</p>	<p>The LAP procedures establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for employees working in the University to follow when providing services to, or interacting with, LEP individuals. Following these guidelines is essential to the success of the University, maintaining the University’s status as a land-grant institution, and complying with federal laws and regulations.</p>

THE
UNIVERSITY
OF RHODE ISLAND

<p>Rules, Regulations, Policies, and Procedures:</p>	<p>42 USC §2000d et seq. (Title VI of the Civil Rights Act of 1964 [“Title VI”], as amended)</p> <p>42 USC §12101 et seq. (The Americans with Disabilities Act (ADA) of 1990)</p> <p>42 USC § 2000d–4a (Program and Activity and Program Defined)</p> <p>Executive Order 13166</p>
<p>Department/ Function(s) Involved:</p>	<ul style="list-style-type: none"> • URI Office of Equal Opportunity • URI Disability, Access, and Inclusion • URI Research and Economic Development • URI Principal Investigators • URI Staff Engaging with Service Recipients and Program Participants • URI Affiliates Engaging with Service Recipients and Program Participants
<p>Definitions:</p>	<p>Bilingual: A person fluent in two languages.</p> <p>Discrimination: Occurs when individuals having a common characteristic such as age, ancestry, color, disability, national origin, race, religious creed, sex, sexual orientation, or veteran status are denied equal privilege or treatment.</p> <p>Interpretation: The process of managing the oral or voice communication from one source language into one or more output languages.</p> <p>Language Access: Reasonable steps taken to provide Limited English Proficient people with reasonable access to the same services as English-speaking individuals.</p> <p>Language Assistive Services: Mechanisms used to facilitate communication with individuals who do not speak English, those who have limited English proficiency, and those who are deaf or hard of hearing.</p> <p>Limited English Proficient Person: A person is said to have Limited English Proficiency (LEP) if the person has limited ability to read, write, speak, or understand English.</p> <p>Meaningful Access: Access to programs, activities, and services that are not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient persons.</p> <p>Program or Activity: Per the 42 U.S. Code § 2000d–4a, the term “program or activity” and the term “program” mean all of the operations of:</p> <p>(1)</p> <p style="padding-left: 20px;">a) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or</p>

b) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)

a) a college, university, or other postsecondary institution, or a public system of higher education;

b) a local educational agency, system of vocational education, or other school systems;

(3)

a) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

b) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4)

any other entity which is established by two or more of the entities described in paragraphs (1), (2), or (3); any part of which is extended federal financial assistance.

Qualified Interpreter: A qualified interpreter is an individual who has been assessed for professional skills, demonstrates a high level of proficiency in at least two (2) languages, and has the appropriate training and experience to interpret with skill and accuracy while adhering to industry standards.

Reasonable Efforts: Affirmative and appropriate measures and resources used to mitigate access barriers and participation in education programs.

Service: Per Section II of the Americans with Disabilities Act, this refers to a service offered by a public entity.

Translation: The communication of the meaning of a source-language text using an equivalent target-language text.

Vital Document: Documents that affect access to, retention in, or termination or exclusion from a recipient's program services or benefits. Examples include, but are not limited to: applications; consent forms; complaint forms; intake forms, letters

or notices pertaining to eligibility for benefits; letters or notices pertaining to rights, denial or termination of services or benefits or that require a response from the LEP person; written tests that test competency for a particular license, job, or skill for which knowing English is not required; documents that must be provided by law; and notices regarding the availability of free language assistance services for LEP individuals.

**Language
Access:**

The University is legally obligated to provide accommodations to persons with LEP. Therefore, it is unlawful to deny a request for language support services to a person who is participating in or wants to participate in a University-sponsored program or activity. The Office of Equal Opportunity has developed the following procedures to help staff operating on behalf of the University identify LEP persons participating in services, programs, or activities:

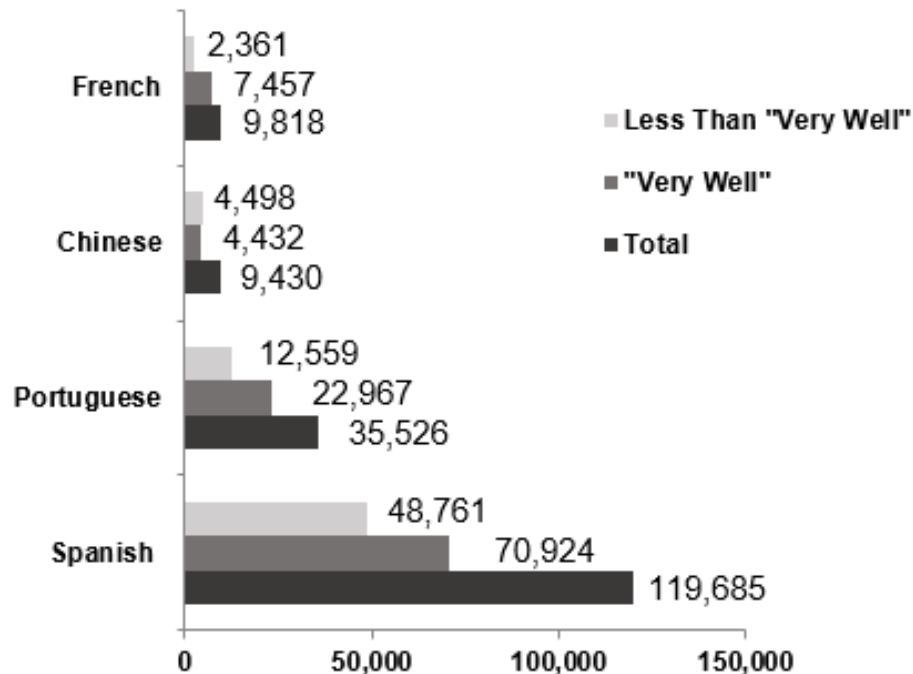
1. At the point of contact with a person with LEP, employees or affiliates (or their designee) will determine whether the individual is an LEP person, and what their primary language is.
2. When identifying the language needs of the LEP person, if necessary, staff will use "I Speak" language identification cards as the primary method to identify LEP persons (*Appendix A*).
3. All vital and written materials will be identified for translation and promptly translated. All unanticipated or individualized documents will also be individually translated or at a minimum sight translated. These materials include, but are not limited to notification letters, brochures, applications, public notices, release consent forms, outreach materials, and written materials that are routinely provided to service recipients or the public.
4. After a need for interpretation services is established, the person responsible for hosting the program, activity, or service, may provide interpretation assistance by qualified interpreters including employees, volunteers, shared state resources, contacted vendors, or telephonic interpretation services.

<p>Responsibilities</p>	<p>Principal Investigators</p> <p>Principal Investigators are responsible for implementing and administering this plan and must designate staff person(s), liaison(s), or volunteer(s), and phone number(s) of individual(s) responsible for:</p> <ol style="list-style-type: none"> 1. Notify service recipients or program participants of language assistive, interpretation, and translation services. 2. Maintain an accurate and current list showing the name, language, phone number, and hours of bilingual staff members, liaisons, or volunteers. 3. Contact the appropriate bilingual staff members, liaisons, or volunteers, to interpret, if an interpreter is needed. The person must be presently available and qualified to interpret. 4. Obtain an outside qualified interpreter to assist the service recipient if a bilingual staff, liaison, or volunteer, is not available and does not speak the needed language. Approved vendors providing translation or interpretation services are available on the state’s Master Price Agreement (<i>Appendix B</i>). AT&T USADirect is also available as a resource (<i>Appendix C</i>). 5. Maintain records of past interactions with service recipients or family members, the language used to communicate with the LEP person must be included as part of a record (<i>Appendix D</i>). <p>Some LEP persons may prefer to rely on a family member or friend as an interpreter. Family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by University staff. Such an offer and the response will be documented using Form OEOTVI01.</p> <p>If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest shall be considered. If the family member or friend is not competent or appropriate for any of these reasons, a qualified interpreter will assist the LEP person. To ensure confidentiality and accurate communication, children and other service recipients will not be used to interpret.</p> <p>Faculty, Staff, and Affiliates</p> <p>Accordingly, University faculty, staff, and Affiliates, who host programs and activities or offer services, must comply with these procedures.</p>
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Four (4) Factor Analysis: The four (4) factor analysis provides the University a framework by which it may look at all the programs and services the University provides to persons with LEP to ensure meaningful access while not imposing undue burdens on employees or affiliates, and provides a method for periodic assessment and implementation of the Language Access Program.

Factor I: The number or proportion of LEP persons eligible or like to be encountered

The United States Census Bureau, 2015 American Community Survey, 1-year estimates, has identified Spanish, Portuguese, Chinese, and French as the most spoken languages, other than English, in Rhode Island. Therefore, these are the four (4) languages most likely to be encountered.



Factor II: The frequency with which LEP persons come in contact with the program or activity

The U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates show 77.6% of the Rhode Island population only speaks English, while 22.4% speaks a language other than English, and 8.4% of the population speaks English less than very well. Those who speak English less than very well will require language assistive services.

Rhode Island		
Label	Estimate	Percent
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	1,003,110	1,003,110
English only	778,623	77.6%
Estimated Number of LEP Speakers		
Language other than English	224,487	22.4%
Speak English less than "very well"	83,804	8.4%
Spanish	123,763	12.3%
Speak English less than "very well"	51,894	5.2%
Other Indo-European languages	68,205	6.8%
Speak English less than "very well"	19,944	2.0%
Asian and Pacific Islander languages	22,803	2.3%
Speak English less than "very well"	9,522	0.9%
Other languages	9,716	1.0%
Speak English less than "very well"	2,444	0.2%

Factor III: The nature and importance of the program, activity, or service

University employees and affiliates (or their designees) are required to provide free language assistance services to LEP persons and must inform the public about available language assistance services. The word designee refers to but is not limited to, program leaders, specialists, teams, and volunteers who come into regular contact with service recipients or program participants and act on behalf of a University employee or affiliate.

Factor IV: The Resources available to the recipient and costs

University employees and affiliates must explore cost-effective means of delivering competent and accurate language services. Examples of cost-effective resources include:

- "I Speak" Cards
- Sharing of language assistive materials and services
- Formalized use of qualified interpreter volunteers
- External vendors
- Relevant Sections of the University of Rhode Island Accessibility Toolkit

Externally funded programs are highly encouraged to build language support services into the program budget and are encouraged to utilize resources on Appendixes B, C, and D when necessary.

<p>Training and Communications Plan:</p>	<p>The Language Access Coordinator will conduct training for URI employees and affiliates who could potentially interact with persons of LEP. Training will include procedures for requesting translation and interpretation services, and resources to help faculty, Principal Investigators, and their teams meet language needs and access goals. The Language Access Policy will be included in the orientation process for new employees. Copies of the policy will be published online on the University’s website (https://web.uri.edu/policies/) and shall be made available to the public upon request.</p> <p>Dorca Paulino-Smalley, Language Access Coordinator Director of the Office of Equal Opportunity University of Rhode Island 75 Lower College Road Kingston, Rhode Island 02881 Dorca_paulino@uri.edu</p>
<p>Monitoring and Evaluation:</p>	<p>The Language Access Coordinator will periodically review the language access policy and procedures and assess the need to make revisions. The Coordinator will discuss the policy’s implementation with University staff on an annual basis and will conduct periodic reviews of access to programs and activities to ensure compliance with federal regulations. Relevant campus stakeholders will be engaged during the monitoring and evaluation process. See Appendix E.</p>
<p>Language Access Complaint Procedures</p>	<p>The University’s Nondiscrimination Policy prohibits students, employees, contractors, affiliates, volunteers, visitors, service recipients, and program participants from engaging in discrimination and harassment based on an individual’s race, color, creed, national or ethnic origin, gender, gender identity, or expression, religion, disability, age, sexual orientation, genetic information, marital status, citizenship status, veteran status, and any other legally protected characteristic. This prohibition applies to all programs and activities—including admissions and all employment actions, such as hiring and recruitment, promotion, demotion, compensation, transfers, and benefits.</p> <p>The Office of Equal Opportunity will investigate all complaints made under the Nondiscrimination Policy, and if necessary, take action to prevent the recurrence of prohibited discrimination, harassment, or retaliation and remedy its effects. These procedures, as amended from time to time, have been established to ensure compliance with the Nondiscrimination Policy and are intended to be consistent and compliant with the procedural and substantive provisions of appropriate state and federal law and regulations.</p>

For specific questions regarding the language access policy and procedures or to file a complaint of discrimination, please contact:

Dorca Paulino-Smalley, Language Access Coordinator
Director of the Office of Equal Opportunity
University of Rhode Island
75 Lower College Road
Kingston, Rhode Island 02881
Dorca_paulino@uri.edu

External reinforcement agencies include:

Office of Civil Rights, Region I
United States Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
(617) 289-0111

United States Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, Rhode Island 02903
401-222-2661 or 401-222-2664

U.S. Department of Agriculture
Director, Center for Civil Rights Enforcement
1400 Independence Avenue, SW
Washington, DC 20250-9410
(866) 632-9992