

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Office for the Prevention of Domestic Violence

Effective Date of Plan: 5/30/2019

Language Access Coordinator (LAC): Ellen C. Schell, General Counsel

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The New York State Office for the Prevention of Domestic Violence’s (OPDV) mission is to provide training to professionals; policy advice to the Governor, legislature and other governmental entities; and public awareness and education on the issue of domestic violence. 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 Victim Service Coordinator who handles any calls from the public.

The Victim Service Coordinator makes referrals to other State and local agencies that do provide direct services to domestic violence victims. Our Victim Service Coordinator refers callers to the Statewide Hotline number, which provides services in all languages.

Due to limited funding and printing restrictions, OPDV achieves its public awareness efforts mostly by utilizing our websites and Facebook page. Through our website, utilizing a publication order form, we distribute a printed victim safety guide to help professionals and victims. However, these documents do not confer access to State services, but instead raise awareness about the issue of domestic violence. All OPDV’s materials make reference to the Statewide Hotline number, where callers can get access to telephonic translation 24 hours a day, seven days a week.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: Approximately 19,798,228, the New York State population in 2017.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Bengali	63,615
Haitian Creole	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 American Community Survey

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

- Other Click here to enter text.

We have determined the frequency of our contacts with LEP individuals as follows:

Our main office has infrequent contact directly with LEP individuals- fewer than ten per year. Our hotline, which is administered by a community organization through a local assistance contract, has regular, frequent contact with LEP individuals, and provides telephonic interpretation as those calls come in. In 2017-18, we had three LEP individuals call our agency's Victim Service Coordinator for assistance. In 2017-18 the NYS Domestic & Sexual Violence Hotline responded to 394 calls in the following languages: Spanish, Mandarin, Russian, Arabic, Haitian Creole, Cantonese, Urdu, Bengali, Korean, Hindi, Portuguese, Japanese, Thai, Pashto, Punjabi, Nepali, Serbian, Turkish, Farsi, and Hungarian.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? Utilizing telephonic interpretation.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

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

What are the LEP populations targeted? Click here to enter text.

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

- Telephonic voice menu providing information in non-English languages

In which languages: Click here to enter text.

- Other (describe) Click here to enter text.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids

Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Other [Click here to enter text.](#)

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other [Click here to enter text.](#)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

OPDV currently maintains a database of referrals made by our Victim Services Coordinator, which includes information on the language spoken by each caller. The language assistance service provider will provide OPDV with an ongoing summary of frequency of use, type of service provided and usage costs.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: We do not provide in-person services.

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

At initial contact in the field: [Click here to enter text.](#)

For pre-planned appointments with LEP individuals: [Click here to enter text.](#)

Other (describe): [Click here to enter text.](#)

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

For in-person encounters: We do not provide in-person services.

By telephone: Staff, using the telephonic interpreter service, verbally informs LEP individuals that interpreter services are free of charge to the individual.

At initial contact in the field: Click here to enter text.

For pre-planned appointments with LEP individuals: Click here to enter text.

Other (describe): Click here to enter text.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining 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 family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an 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 his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

We access our Office of General Services (OGS) approved vendor, using our established protocol, which is as follows: Caller is asked to hold to be connected with the telephonic interpretation service. Service is called, agency identification information is provided, and request is made for appropriate language. Interpreter is conferenced in with caller. Caller is informed that the interpretation service is free, and then asked what they are calling about. Information requested is provided, and caller is asked if there is anything else needed. When call is completed, caller is disconnected as well as the interpretation service.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

OPDV currently maintains a database of referrals made by our Victim Services Coordinator, which includes information on the language spoken by each caller. The language assistance service provider will provide OPDV with an ongoing summary of frequency of use, type of service provided and usage costs.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

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. OPDV reports to the Office of General Services on any deficiencies that become evident in use of any interpreting service.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

Confidentiality for victims of domestic and sexual violence may, quite literally, be a matter of life or death. The Language Access training provided to staff addresses the importance of confidentiality, which is already something 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 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.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: Click here to enter text.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Click here to enter text.

- Telephonic interpreting service

Names of vendors: Potentially any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: Click here to enter text.

- Other Click here to enter text.

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which 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 the LEP individual's primary language

Languages in which each interpreter or service is qualified

Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

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

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

The OPDV Public Information Officer, Counsel (LAC) and the Victim Service Coordinator meet on an annual and ongoing basis to review existing vital documents, if any, and to identify any new vital documents (including website content) that should be translated pursuant to the Executive Order.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

LEP individuals do not submit documents to OPDV, as we do not provide direct services. In an effort to make informational documents more accessible, when cost allows, OPDV will have those translated into appropriate languages by working with the selected vendor to provide such translation.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

OPDV currently has a very strong emphasis on providing all of our public education materials in plain language. OPDV will ensure that plain language is used in materials produced, before translation, to ensure that information is accessible to readers with a range of literacy levels

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

OPDV does not have any vital documents currently identified. Any documents determined to be vital during the course of this plan will be timely translated.

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

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

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Potentially any vendor under the NYS Office of General Services Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: Click here to enter text.

- Oral translations of written documents by bilingual staff members

- Oral translations of written documents by other individuals or community organizations

- Other [Click here to enter text.](#)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources

- Names and locations of staff members who are available to provide oral translations of written documents

- Languages in which each translation service is qualified

- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Ellen C Schell, General Counsel & Language Access Coordinator.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals

- How to access language assistance services

- How to work with interpreters

- Cultural competence and cultural sensitivity

- Documenting the language needs of LEP individuals and the language services provided to them by the agency

- How to obtain written translation services

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 training as it may relate to a specific issue, as needed.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

- Ensure that all staff are trained regarding the Language Access Plan
- Require and review periodic reports from the Victim Service Coordinator 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 & Sexual Violence Hotline regarding language access, and address any deficiencies identified
- Complete and timely file all required reports to the Statewide Language Access Coordinator.

Complaints

We provide information to the public in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

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

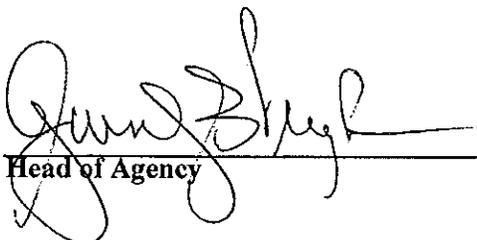
Standardized complaint forms are available to the public in the top six languages by request and through our website. Information about their right to file a complaint is also posted on our website in the top six languages.

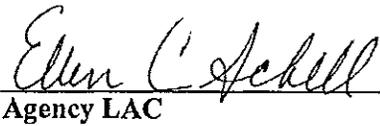
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

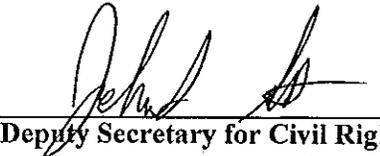
Any complaints received are addressed by the OPDV Language Access Coordinator as necessary, so that appropriate remediation of an identified problem can be made.

All complaints must be forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES

 Executive Director 5/21/19
Head of Agency Title Date

 General Counsel 5/21/2019
Agency LAC Title Date

 5/30/19
Deputy Secretary for Civil Rights Date