

Sitting Bull College

Language Access Plan

2024

Introduction

Language can be a barrier for accessing important services, understanding and exercising important rights, complying with applicable responsibilities or understanding information provided by federally funded programs. This Language Access Plan (LAP) establishes the policies and procedures for ensuring that persons with limited English proficiency (LEP) have meaningful access to Extension programs and activities that receive Federal financial assistance and are conducted by the Sitting Bull College (SBC). The purpose of this document is to determine the extent and needs of the limited English proficient population in our service area and identify actions to ensure discrimination does not occur to persons who receive our services and who do not speak English very well. This plan is available to SBC employees to be used as a guide with respect to interactions with LEP customers.

Legal Authority

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, being denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Under this law, federally assisted programs must take reasonable steps to ensure that LEP person receive the language assistance necessary to afford them meaningful access to programs and activities, free of charge to avoid discrimination on the grounds of national origin. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 453 (1974), interpreted Title VI regulations to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000), states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the US Department of Justice's 2002 policy guidance document. Consistent with this guidance, USDA published its Final "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency" (2014) which effectuates the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity of a recipient receiving Federal financial assistance.

Commitment

SBC is committed to providing meaningful access to its Extension programs and services to persons who, as a result of their national origin, are limited in English proficiency. SBC will ensure no person is subjected to prohibited discrimination based on national origin in any program receiving Federal financial assistance.

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.

Qualified Interpreter: An individual who is competent in providing interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type and purpose of the information an issue.

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 State, to who 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.

Scope

USDA regulations require all recipients of Federal financial assistance provide meaningful access to LEP persons. Coverage extends to a recipient's entire program or activity, to all parts of a recipient's operations. This Language Access Plan applies to Extension Projects, programs, events or other outreach activities hosted, sponsored or provided by faculty, staff, graduate students and volunteers on behalf of SBC.

Four-Factor Analysis

SBC's Language Access Plan is based on a four-factor analysis used to determine the appropriate language assistance services that ensure an LEP person has meaningful access to Extension's 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 Extension programs,

3. The nature and importance of the programs and services provided by 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, Extension Program gathered and reviewed demographic data for languages primarily spoken in North Dakota. This *will* enable the SBC's Extension Program to determine the top languages that employees may encounter.

Based on its assessment of the number of LEP individuals eligible to be served by Extension programs, the following language groups were identified. As seen in the table below, the primary LEP group in North Dakota is Spanish. Data indicated that Sitting Bull College which is located in Sioux County, has less than or equal to 1K LEP population.

Table Total LEP (LVW): 11,356

Language	Spanish	African	German	Other Indic	Chinese	All Other Languages
Raw Count LEP LVW	2,448	1,661	1,314	854	784	4,295
% LEP LVW	21	15	12	7	7	38

https://www.lep.gov/sites/lep/files/resources/ND_cnty_LEP.ACS_5yr.2015.pdf

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

To assess the frequency with which LEP persons from different language groups have or should have contact with Extension to seek assistance. SBC will utilize information on the frequency of number of staff requests for translation or interpretation funding assistance.

In the past 12 months, there have been no request for translation of documents or curriculum or to provide an interpreter at an event, no requests for translated materials from visitors to our website and there were not known requests for services from LEP populations to attend outreach events/programs/activities.

Factor3. Determine the nature and importance of the programs, activities, and services provided by Extension to LEP persons.

To determine the nature and importance of programs, activities, or services provided to LEP persons, SBC identified programs and services that would have serious or life-threatening consequences if language prevented or delayed an LEP person's access to outreach event/programs/activities.

In the past 12 months, 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, to ensure individuals who are LEP have meaningful access to 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 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, SBC will explore the most cost-effective means of delivering competent and accurate language services.

As a result, SBC will use state approved interpretation and translation vendor contracts for its interpretation and translation needs. Resources and costs may also be reduced by hiring bilingual staff, contracting with local government or community organizations.

Services to LEP Persons

The four-factor analysis necessarily implicates a mix of language access services required. Identified language access services will be provided to program participants free of charge. SBC will explore various ways to deliver and provide effective languages services to the persons in the counties and areas that are served. The services can range from oral to written translation based on request and availability of services. 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 to critical to avoid serious consequences to LEP persons.

Identification of LEP Persons who need Language Assistance

At the point of contact with an LEP person, employees will 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

SBC Extension programs will explore language assistance to LEP persons when the need arises. The quality and accuracy of the language service is critical to avoid serious consequences to LEP persons. When language services are needed, they will be provided in a timely manner and at no cost to the LEP individual.

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 SBC based on their request.

Providing Notice to LEP Persons

To ensure that members of LEP communities are aware of the free language assistance services provided to them, the following marketing and outreach steps will be taken. Notice will be provided to the public that language services are available, and the services are free of charge. Notices will 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

All staff will receive training on the importance of providing meaningful information and services to LEP communities in a way that they can understand. This training will be included as part of New Employee orientation and refresher training will be provided periodically at staff meetings. After completion of the training, staff should understand:

- Their obligation to provide meaningful access to information and services to LEP individuals;
- The protocol for handling various encounters with LEP individuals, as established by this plan;
- How to use the Staff Directory to identify approved bilingual staff members;
- How to access translated materials and interpretation services for provision to LEP individuals.

Additional training may be provided to bilingual staff members on specific terminology, ethics, and regionalisms to ensure effective communication with LEP individuals. In order for a staff member to be approved as bilingual, they must pass a standardized language proficiency exam (or some other assessment of proficiency).

Monitoring and Evaluation

As part of their responsibilities, the Land Grant Office director, with the assistance of the Civil Rights Coordinator at SBC will monitor and evaluate the effectiveness of this plan and make updates accordingly. To do this, they will make use of the following mechanisms (choose at least one, may include other not listed here:

- Survey staff on how often language assistance services are used and how they could be improved;
- Conduct customer satisfaction surveys of LEP individuals;
- Observe and evaluate agency interactions with LEP individuals;
- Solicit feedback from community-based organizations and other stakeholders;
- Keep current on community demographics by engaging with local resources;

- Consider new resources such as external funding sources, collaboration with other organizations, technological innovations, etc.;
- Monitor the agency's response rate to suggestions or requests by LEP individuals;
- Maintain a record of available services for LEP individuals and the frequency of their use;
- Maintain a record of funds and staff time spent on language assistance services.

Language Access Complaints

A complaint to charge of discrimination or harassment can be registered with the Civil Rights Coordinator 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 in a federally assisted Extension or Research outreach program or activity. For specific questions or to file a discrimination complaint, please contact:

Complaints, inquiries, or specific requests regarding Title IX or Civil Rights should be made to:

TITLE IX AND 504 COORDINATORS

For Student Information

Jerl Thompson, Vice President of Operations
9299 Highway 24
Fort Yates, ND 58538
(701) 854-8055

For Employee Information

Elisabeth Hertel, Human Resources Manager
9299 Highway 24
Fort Yates, ND 58538
(701) 854-8004

U.S. Department of Agriculture

Director, Center for Civil Rights Enforcement

1400 Independence Avenue, SW

Washington, DC 20250-9410

Fax: (202) 690-7442

Email: program.intake@usda.gov

Filing a Program Discrimination Complaint as a USDA Customer | USDA