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**NEBRASKA COALITION**  
TO END SEXUAL AND DOMESTIC VIOLENCE

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**LIMITED ENGLISH PROFICIENCY PLAN FOR  
THE NEBRASKA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE**

I. Preamble

a. Title VI of the Civil Rights Act of 1964

- i. The Nebraska Coalition to End Sexual and Domestic Violence, hereafter the Coalition, recognizes that recipients of federal funding are prohibited from discriminating against an individual based on race, color or national origin.
- ii. The Coalition recognizes that discrimination against an individual due to national origin includes, but is not limited to discrimination based on language or a person's inability to speak, read, write or understand English as is noted in Executive Order 13166.

b. The Coalition has taken steps to eliminate discrimination against individuals seeking services by adopting the following General Policy and implementing the Suggested Practices to Ensure Services are Provided According to the General Policy.

II. General Policy

- a. The Coalition shall periodically conduct a needs assessment to determine whether it is reasonably appropriate to provide limited English proficient ("LEP") services.
- b. The Coalition delivers services to clients in their preferred language when reasonably possible to do so. The Coalition shall provide language services as needed to ensure that LEP clients have meaningful access to the Coalition services.
- c. It is the responsibility of the Coalition and not the client to ensure that communications between staff and clients are not impaired as a result of the limited English proficiency of the client.
- d. The Coalition shall not provide services to LEP clients that are restricted, delayed or inferior as compared to services provided to English proficient clients.
- e. The Coalition shall post notices in multiple languages that free bilingual or interpreting services are available, and the Coalition shall note on its website and in materials

distributed to potential clients or to those who may refer clients that the Coalition will provide bilingual help or interpreters at no cost as needed and that immigration status is not relevant to determining client eligibility.

### III. Assessing to Ensure Services are Provided According to the General Policy

#### a. Needs Assessment

- i. *Assess Community:* At least once every five years, the Coalition will review available demographic information regarding the potentially eligible client population in terms of its linguistic makeup for the Coalition's service area.

According to data provided by the U.S. Census Bureau's website, 6.7% of Nebraska's population between 2012 and 2016 were foreign-born, an increase from 6.5% during the period between 2010 and 2014. During the same time-period, 11% of Nebraska's population, age 5 years and older, reported that a language other than English was spoken at home. This is up from 10.4% from the period between 2010 and 2014.

The 2012-2016 American Community Survey identified Spanish as the primary language other than English, noting that 3% of the overall population identified that they spoke Spanish or Spanish Creole and English less than "very well."

The data from the 2012-2016 ACS survey is reflective of the 2014 data from the Language Map App at <http://www.lep.gov>. Using this same data map, one finds that of the population identifying speaking a primary language other than English, 69% spoke Spanish as their primary language. 6% of the total LEP population spoke Vietnamese and of the total LEP population spoke "African languages," presumably made up of many different languages as opposed to a single language. However, as noted in the preceding paragraph, these two language groups individually make up less than .3% of the overall population of Nebraska.

- ii. *Assess Direct Service Recipients:* The Coalition staff, led by the Legal Director, will evaluate intake statistics by primary language annually to determine the extent to which the program and its units are providing services to LEP clients. Staff should consider the frequency of contact between the Coalition and LEP community members. Findings will be reported to the Coalition's Executive Director.

Due to the nature of the organization and the purpose of the Coalition, as discussed below, the organization has limited contact with the general public.

Those served by the Coalition are generally individuals that have been referred to the Coalition by other partnering organizations. The purpose of direct services offered by the Coalition is to help these other organizations that are already providing services meet the unmet needs of individuals in their community. Approximately 80% of those seeking services through the Coalition's Rural Grant program during the preceding 12 months identified as having limited English proficiency. During the VOCA grant reporting period of January through March, 2018, approximately 36% of those assisted identified as having limited English proficiency. Of those seeking services through the Coalition, almost all speak Spanish as either a first or second language.

- iii. *Assess Disparities:* The Coalition staff will compare intake statistics with the collected demographic information to identify any disparities between those seeking services and the demographic makeup of the community. Staff should consider the number of persons who would be excluded from services due to language barriers.

The Coalition's programs that involve direct contact with the general public are primarily focused on serving populations that would identify English as a second or even third language if it is spoken at all. It is expected that a small portion of those served would speak English. Because the overall population speaking languages other than either English or Spanish is so small, it is not unreasonable that the Coalition has had little or no contact with anyone speaking other languages. As such the Coalition has rarely had to access language services through a company offering phone interpretation.

- iv. *Nature of Service:* The Coalition staff will consider the nature and importance of the service being provided. Federal guidance states, "More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence."

The Coalition primarily provides support services through training and technical assistance to governmental agencies and non-profit organizations having direct contact with the general public. The Coalition's limited contact with the general public is through two federally funded programs, both providing legal assistance to those qualifying for services based exclusively on victimization. Neither of these programs provide services that have a life or death implication to the recipient. These services are not crucial to the client's day-to-day existence.

The Coalition does provide a Spanish crisis line. This service was designed to meet a service gap identified by other non-profit organizations providing direct

services to the general public. Crisis line services are generally provided by local programs and those having language needs other than Spanish or English are assisted through resources of the non-profit organization providing the crisis line.

- v. *Resources Available to Reasonably Provide Assistance:* The Coalition staff will consider the resources that are available to the Coalition when determining the reasonableness of LEP services.

The Coalition currently employs two full-time staff who are fluent in Spanish and who are bilingual in English and Spanish. Two other staff, while not fluent, are bilingual in English and Spanish. The Coalition currently has funding to provide interpretative services through a language hotline if an individual is seeking assistance from the Coalition and has a primary language other than Spanish or English.

All individuals seeking services through one of the Coalition's programs providing direct contact with the general public are referred to the Coalition by another entity. As previously discussed these organizations providing referrals to the Coalition identify the primary language of the individual referred and provide that information to the Coalition. The Coalition does not accept clients not referred to them by these specific programs.

In the unlikely event that a member of the general public walks through the door, the Coalition has a laminated "I speak" chart prepared by the Department of Homeland Security readily available to help identify a spoken language. In addition, each staff member that is working directly with individuals from the general public have the same chart to identify languages spoken by potential clients. Once the language is identified, the use of appropriate interpretation services will be utilized.

As previously stated, the Coalition has not had to utilize interpreter services for any language because of the makeup of the population of Nebraska described above. If an interpreter service is needed for a language other than Spanish, the Coalition staff would access a phone interpreter service such as, but not limited to, LanguageLine Solutions. Staff would access the service by dialing their phone number, which for LanguageLine Solutions is currently

1-800-752-6096.

If the individual needing assistance from Coalition staff speaks Spanish and bilingual staff are not currently available, Coalition staff will use the Spanish

Crisis line to provide the interpretation necessary. The Nebraska Spanish Hotline is currently reached by calling

1-877-215-0167.

b. Immigration and Citizenship Status

- i. A client's presence as a citizen, immigrant, refugee or other status, whether documented or not, should not be relevant to determine eligibility for service.
  1. Nebraska law prohibits the provision of public benefits to any person not lawfully present in the United States. An exception to this rule applies to programs, services, or assistance necessary for the protection of life or safety, which deliver in-kind services at the community level and which do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the recipient. Verification of lawful presence in the United States is not required. (Neb. Rev. Stat. 4-106, et seq.)
  2. Federal law prohibits the use of public funds to provide assistance to any person not lawfully present in the United States. An exception to this rule applies to funds used "for the protection of life or safety." (66 Fed. Reg. 3613 at 3616, 2001)
- ii. Staff shall not inquire as to the citizenship or immigration status of a client unless it is directly relevant to the needs of the client (e.g. questions about immigration status may be relevant to an individual seeking assistance with a U Visa or Self-Petition).

Coalition staff do not inquire as to the citizenship or immigration status of persons being served except when doing so is required in order to provide the service. It should be noted, however, that a significant portion of the services provided to the general public by the Coalition are directed at those individuals who are seeking immigration relief because they are undocumented and a victim of a crime. As such, the service itself is dependent in part on the lack of immigration status and as such inquiry is necessary to provide the service.

Coalition staff do not inquire as to the citizenship or immigration status of those individuals seeking assistance from other programs offered by the Coalition. It is noted that while the provision of service is not impacted by citizenship or immigration status, these issues may be disclosed and failure to address the issue could be considered legal malpractice. As an example, an individual may apply for and receive legal assistance

with a protection order. While citizenship or legal status are not required to obtain a protection order, the lack of status may cause someone involved with the case in other offices to notify ICE in an effort to deport the individual. Disclosure of this possibility to a client may impact the client's decisions to move forward with a case, but the issue must be addressed to avoid legal malpractice.

c. Determining an Individual's Need for Language Services

i. Language services include, but are not limited to the following:

1. Assignment of bilingual advocates to LEP clients
2. Interpreting by staff, contracted professional in-person and telephone based interpreters
3. Volunteer community based interpreters
4. Translation services

Family members and children are not used as interpreters except in exceptional circumstances. When using volunteer community based interpreters, staff should be aware of immigrant community cultures including communal cultures.

The Coalition has bilingual staff, fluent in English and Spanish, that are utilized when necessary. The Coalition also has access to language hotline services, such as but not limited to LanguageLine Solutions, and the Nebraska Spanish Helpline, both described above, to assist with communication.

ii. At the time of first contact with a client, the Coalition staff make an initial assessment of the need for language services and make reasonable efforts to have language services available if they are needed to effectively communicate with the client. Staff who have subsequent contact with LEP clients review language needs when providing services.

1. The Coalition staff ask open-ended questions, which require complete or near complete sentences to be answered.
2. The Coalition staff ask opinion questions, or questions where the answer would be unique to the person responding.
3. The Coalition staff do not ask questions which allow a "yes" or "no" answer.

4. The Coalition staff do not ask questions which can be answered with one or two words.
5. The Coalition staff do not ask questions that someone would already be exposed to over and over again by virtue of being in this country (Where do you work? What is your name? What is your address?)

Staff consider an individual's ability to provide answers to these and similar questions when determining whether language services are necessary.

As noted above, the primary language of an individual is identified at the time a referral is made to the Coalition by an outside organization. This occurs prior to the Coalition staff ever having contact with a client. The Coalition staff then determines whether other staff can provide interpretive services or if an outside interpreter is necessary to communicate with the client.

- iii. Language services are provided to any client upon request at no cost, unless it is apparent that the request is wholly unfounded or unreasonable to do so.

The Coalition utilizes bilingual staff, the Spanish Crisis Line, or other language access lines to provide language access to non-English-speaking clients.

#### d. Providing Language Services

- i. Bilingual staff providing services in the client's language must be fluent in that language, with the exception of occasional, emergency or minor communications such as making an appointment. While staff may speak a language, staff must be aware of differences in dialects when determining if an outside interpreter is required.
- ii. Interpreting service should be provided in the following preferential order:
  1. Bilingual staff
  2. Contracted professional in person or telephone based interpreters
  3. Community based organization or referring agency staff
  4. Client friends and relatives

The use of child interpreters is prohibited absent exceptional or emergency circumstances or at the insistence of the client. Staff attempt to determine the relationship between a client's friend or other relative to the client and to an abuser when applicable. Friends and relatives of the client who have ongoing ties to the abuser are not used as interpreters.

An exception to these procedures is when a client is ordered to appear for an interview with USCIS officials in Omaha. Regulations prohibit an attorney or representative from serving as an interpreter between USCIS officials and an individual being interviewed by the official. In those instances, an individual with such a hearing is required by USCIS regulations to provide an uninterested interpreter, in other words, someone who is not a family member of the applicant.

The use of programs such as, but not limited to, LanguageLine Solutions and the Nebraska Spanish Hotline is described above.

e. Translations

- i. Vital forms, for example intake forms or confidentiality waivers, should be provided in English and the client's primary language whenever reasonably possible.

The Coalition has identified Spanish is the primary language of individuals with limited English proficiency. The Coalition has translated its intake forms into Spanish based on the demographic data identified above. However, regardless of whether an applicant's primary language is Spanish or any other language, Coalition staff review intakes and other documents with a client as many are unable to read or write in their native language.

- ii. Letters and other documents to the client should generally be translated. The Coalition staff translate letters and other correspondence into Spanish. When a client's primary language is something other than Spanish, the Coalition finds other resources in the community to translate documents to and from the client.
- iii. Brochures and other material used for community education should be translated into additional languages when it is reasonable to do so as determined by reviewing the demographics of the Coalition's service area.

All brochures that have been created specifically for the services provided to the general public have been translated into Spanish as it is the primary language for those with limited English proficiency. Most other brochures not specific to these projects have been translated into Spanish as well.